



Australian Government
Australian Maritime Safety Authority

INDEPENDENT REVIEW OF DOMESTIC COMMERCIAL VESSEL SAFETY LEGISLATION

**Australian Maritime Safety Authority
submission**

MARCH 2022



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Executive Summary

1. The Australian Maritime Safety Authority (AMSA) welcomes the Independent Review of Domestic Commercial Vessel Safety (the Independent Review) and is pleased to provide this submission. This submission addresses the major questions raised in the consultation aid provided by the review panel—see Attachment 1 for a quick reference between the questions contained in the consultation aid and the content of this submission.
2. The [Marine Safety \(Domestic Commercial Vessel\) National Law Act 2012](#) (National Law Act) commenced on 1 July 2013 and established the National System for Domestic Commercial Vessel Safety (the national system). The key objectives of the national system were set out in the [COAG Intergovernmental Agreement on Commercial Vessel Safety Reform](#) (IGA) and included:
 - improved safety and decreased risk to the public, commercial vessel owners, operators, crew and the environment
 - reduced complexity and increased certainty for commercial vessel owners, operators, surveyors and suppliers regarding the requirements applying to design, construction, equipment, operation and qualifications/crew certification for commercial vessels across Australia, and
 - a more efficient national market and reduced costs for business and labour through eliminating barriers to the transfer of labour and commercial vessels between jurisdictions.
3. The National Law Act was developed as a cooperative scheme. State and Territory marine safety agencies were responsible for delivering services under the national system until 2018.
4. The national system is a significant achievement in domestic maritime safety regulation. It enables all operators of domestic commercial vessels to operate under a single maritime safety law and regulator, and is underpinned by a national database. The national system provides industry with consistent services and standards, greater mobility for labour and vessels, consistent fees and application processing times, and increased certainty.
5. Despite these significant achievements, there are inherent challenges with the national system, including unnecessary complexity and overlap with other legislations, such as WHS. There is scope to deliver a more efficient and effective national system by addressing issues with the National Law Act. Many of these issues are not new and have been identified in numerous reviews and inquiries¹ conducted since the commencement of the National Law Act. AMSA has embraced the outcomes of these reviews and sought to address issues within

¹ These include the 2014 Streamlining Review: Blueprint for the Future Regulatory Arrangements under the National System for Commercial Vessel Safety, the Productivity Commission Inquiry into National Transport Regulatory Reform, and Senate Inquiry into the Performance of AMSA.

the existing framework. However, several issues can only be addressed—or can most effectively be addressed—through amendments to the National Law Act. Further, because the National Law Act was developed as a cooperate scheme with the states and territories as delegates, some provisions of the law are now defunct due to AMSA assuming full service delivery of the national system on 1 July 2018. The IGA underpinning the national system has also been repealed, with no clear policy statement on matters such as ongoing grandfathering.

6. This submission details the complexities associated with delivering the national system and provides AMSA’s position on legislative and regulatory reforms needed to deliver a more efficient and effective national system. In summary, the current barriers to a more efficient and safer national system are:
 - the scope of the National Law is too broad and not risk based
 - the certification arrangements are inflexible and not risk based
 - the scope of the general safety duties is ambiguous, too broad and overlaps with work health and safety (WHS) law
 - some of the grandfathering arrangements are a risk to safety
 - the penalty and offence provisions do not meet community expectations, and
 - the current scheme for accrediting marine surveyors is not fit for purpose and is inflexible.
7. In addition to the above challenges, the national system is further complicated by having two Acts for commercial vessels—the National Law Act and the *Navigation Act 2012* (Navigation Act)—and multiple state and territory Acts for recreational vessels. Internationally, jurisdictions generally have a single marine safety Act covering all commercial and recreational vessels. However, in establishing the national system, the Commonwealth, states and territories agreed the simplest means for improving the regulation of domestic commercial vessels was to create a separate National Law Act. Now that the cooperative service delivery arrangements have ended and the IGA is no longer in effect, two Acts may not be necessary. The Navigation Act could be expanded to cover domestic commercial vessels; however, the cost to do so is likely to outweigh any benefits.
8. Instead, AMSA recommends reforms to the National Law Act and to the arrangements of the national system. Each of AMSA’s recommendations are designed to more effectively achieve the objectives of the National Law Act, including:
 - improving safety and decreasing risk
 - reducing complexity and increasing certainty
 - delivering a more efficient national market and reducing costs.

Table 1 summarises AMSA’s recommendations.

Table 1: Summary of recommendations

<p><u>Recommendation 1:</u> Align the scope of the National Law Act with risk</p>	<p>(A) Amend the National Law Act to exclude the following from the scope:</p> <ul style="list-style-type: none"> i. vessels under 7.5 metres in length that are low risk ii. human powered vessels iii. government vessels not used for a commercial purpose, research vessels and volunteer marine rescue vessels, and iv. domestic commercial vessels used for higher-risk operations (such as vessels carrying hazardous and noxious substances) to ensure that these vessels are only subject to requirements under the Navigation Act. <p>(B) Review and amend, as appropriate, the list of included and excluded vessels so that it is flexible enough to cater for new and emerging vessel types.</p> <p>(C) Assess where recreational vessels that would fall into the National Law because of their participation in the “share economy” would best be regulated for safety.</p>
<p><u>Recommendation 2:</u> Establish a flexible and risk-based certification framework</p>	<p>(A) Amend the National Law Act so that it provides for simplified certification requirements for a vessel and operator (such as one ‘safety certificate’) established in the marine orders.</p>
<p><u>Recommendation 3:</u> Reduce the overlap with WHS laws and ensure clear general safety duties are placed on owners, masters, designers, builders and surveyors</p>	<p>(A) Amend the National Law Act so general safety duties owed by the owner and master focus on ensuring that an ‘unsafe vessel’ is not operated.</p> <p>(B) Amend the National Law Act to ensure a general safety duty is owed by persons who survey domestic commercial vessels. Further amend the National Law Act to clarify the duty with respect to persons who are involved in designing, installing, and maintaining systems supporting the autonomous or remote control of a domestic commercial vessel.</p> <p>(C) If the National Law is intended to cover recreational vessels that participate in the share economy, general safety duties should be amended to capture relevant parties.</p>

<p><u>Recommendation 4:</u> Develop policy to wind back grandfathering arrangements that are a risk to safety</p>	<p>(A) Require all 'survey type' existing vessels to undergo regular survey and obtain a certificate of survey or other vessel approval, such as a vessel registration certificate.</p> <p>(B) Require all existing vessels to meet an acceptable baseline set of design and construction standards.</p> <p>(C) Phase out grandfathered crewing and crew competency arrangements.</p>
<p><u>Recommendation 5:</u> Amend the penalty and offence provisions of the National Law Act</p>	<p>(A) Amend the National Law Act penalty and offence provisions so that:</p> <p>i. penalties are commensurate with the gravity of offending and meet community expectations, and</p> <p>ii. AMSA has available a fit for purpose suite of compliance and enforcement tools.</p>
<p><u>Recommendation 6:</u> Enable a fit for purpose marine surveyor accreditation scheme to be established in the marine orders</p>	<p>(A) Review the marine surveyor accreditation scheme to ensure it is fit for purpose.</p> <p>(B) Amend the National Law Act to apply a more flexible approach to prescribing the marine surveyor accreditation scheme through marine orders.</p>

9. The above recommendations could be achieved through a new legislative approach which aligns with the responsive regulation pyramid, whereby the:

- first tier of the pyramid (low risk) is subject to WHS laws and state waterways laws (for example of speed limits) only. AMSA could, if required, provide education and simple, non-mandatory guidance to assist this sector of the fleet.
- second tier of the pyramid (medium risk) is subject to the general safety duties and AMSA's National Standards for Commercial Vessels (NSCV).
- third tier of the pyramid (high risk) is subject to the general safety duties, NSCV and certification.
- fourth tier of the pyramid (domestic commercial vessels undertaking defined higher-risk operations) is subject to requirements under the Navigation Act only.

10. To effectively implement the responsive regulation pyramid, a risk assessment would need to be undertaken to clearly define the parameters for categorising vessels under each tier.

The current fleet and the current regulatory framework

Demographics of the fleet

11. The National Law Act applies to 'domestic commercial vessels', being vessels that are for use in connection with a commercial, governmental or research activity.² There are approximately 31,000³ domestic commercial vessels. Of the estimated 31,000 vessels in the fleet, approximately:

- 6.8 percent are passenger vessels (class 1)
- 51.5 percent are non-passenger vessels (class 2)
- 21 percent are fishing vessels (class 3), and
- 18.9 percent are hire and drive vessels⁴ (class 4).

12. Of the domestic commercial vessel fleet:

- 67.6 percent are less than 7.5 meters in length
 - of the total vessels that are less than 7.5 metres in length, approximately 27 percent are human powered
- less than 1 percent are greater than 35 metres in length
- a total of 8.6 percent are owned by state, territory or Commonwealth agency
- a very small number (0.02 percent) are certified to operate in A waters (unlimited) – this relates to grandfathered vessels that were issued a Navigation Act Section 19 Declaration in perpetuity. The Section 19 Declaration allows these vessels to operate in international waters as a domestic commercial vessel
- 0.1 percent are certified to operate in B extended waters (within Australia's Exclusive Economic Zone)
- 6.4 percent are certified to operate in B waters (within 200nm of shore).
- 93.5 percent operate only in sheltered waters ('D' and 'E' waters) or within 30nm of shore ('C' and 'C restricted' waters).⁵

13. In addition—of the 31,000 vessels—AMSA estimates that around 16,500 entered into commercial service prior to the commencement of the national system in July 2013, and have

² The National Law Regulations excludes certain kinds of vessels used in connection with a commercial, research or governmental activity based on the vessel use and/or ownership of the vessel. Examples include vessels owned by prescribed community groups and schools. The National Law Regulations also exclude certain kinds of objects from the meaning of 'vessel'. Examples include a surfboard and a surf ski.

³ This is an estimate based on the number of vessels that AMSA has uniquely identified through certification activities and an estimate of vessels that are not required to hold a National Law certificate. Since AMSA took responsibility for direct service delivery, AMSA continues to improve the data quality.

⁴ 'Hire and drive vessel' is a vessel that is let for hire or reward or for any other consideration, including vessels provided in conjunction with holiday establishments or hotels for the use of guests or tenants.

⁵ Sheltered waters have lower average wave heights and generally comprise of harbours and other inland waterways—these are 'lower risk' areas of operation for vessels. Given the greater potential for rescue or return to safe haven, operations within 30nm of shore are also classed as lower risk compared to operating beyond the 30nm mark.

not been modified or changed operations since that time. As a result, these vessels may be subject to some form of grandfathering arrangement.

The National Law regulatory framework

14. The National Law Act establishes AMSA as the national regulator, empowers AMSA to regulate domestic commercial vessels in Australia, and creates duties and offences for all owners, masters, crew, passengers and other persons whose actions impact on the safety of domestic commercial vessels. It also identifies three certificates to be issued to all vessels as part of the administration of marine safety for commercial vessels.
15. In addition to the National Law Act, the National Law comprises of the [Marine Safety \(Domestic Commercial Vessel\) National Law Regulation 2013](#)⁶ (National Law Regulation), six marine orders, 33 general exemptions and national standards, in particular the [National Standard for Commercial Vessels](#) (NSCV) and the [Marine Surveyors Accreditation Guidance Manual](#). The National Law Act and National Law Regulations, including any amendments to these instruments, are administered by the Department of Infrastructure, Transport, Regional Development, and Communications. The National Law Regulations contain regulations on the following matters and, in general, amendment requires unanimous agreement from states and the Northern Territory⁷:
 - the scope of vessels captured
 - the accreditation framework for marine surveyors
 - fees for service, and
 - transitional provisions.
16. As the national regulator, AMSA administers all functions involved in the operation of the national system, including making marine orders⁸, developing and maintaining standards⁹, accrediting marine surveyors, performing all operational and enforcement functions, and maintaining a national database of domestic commercial vessels.
17. Marine orders and standards are developed following stakeholder consultation processes in line with the Regulator Performance Guide and *Legislation Act 2003*. Marine orders are used to set out details of the standards, certification obligations and other technical and operational requirements that must be complied with. Using marine orders for this purpose ensures that these more technical requirements are set out in a consistent and familiar way that is easily and freely accessible to industry. In addition, the relative agility of marine orders enables the

⁶ The National Law Regulations contain provisions on the scope of the National Law (including objects that are or are not a 'vessel' and vessels that are or are not 'domestic commercial vessels'). The National Law Regulations also establish the accredited marine surveyor scheme and prescribe National Law fees for service. These requirements must receive unanimous agreement from COAG Council and contained in the Regulations rather than marine orders due to the operation of subsection 163(1) of Schedule 1 of the National Law Act.

⁷ See subsection 159(6) of Schedule 1 of the National Law Act.

⁸ See subsection 163(1) of the National Law Act. Marine orders are legislative instruments for the purposes of the *Legislation Act 2003* and are subject to scrutiny and disallowance processes.

⁹ The NSCV is adopted by the COAG Council.

legislation to keep up to date with technical and operational advances in maritime safety and environmental protection, ensuring that the legislative framework remains current. Marine orders are legislative instruments for the purposes of the *Legislation Act 2003* and are subject to scrutiny and disallowance processes.

Challenges and opportunities

Challenge 1: The scope of the National Law Act is too broad, is not risk based and does not accommodate new vessel types

18. The National Law Act captures a diverse range of vessels, from large passenger carrying vessels, to fishing vessels, and small human or sail powered craft hired for recreational purposes in 'hire and drive' operations.
19. AMSA's observations in administering the national system is that the broad scope of the law has resulted in the capture of lower risk vessels, which do not require the same level of safety standard as other vessels; as well as larger, higher risk vessels that are involved in more complex operations akin to regulated Australian vessels operating near coastal under the Navigation Act. In addition, the scope of the National Law Act as currently drafted creates arbitrary distinctions between vessel types and does not allow for the appropriate classification or treatment of new types and uses of vessels. Finally, recreational vessels that become domestic commercial vessels through participation in the share economy (such as through being infrequently hired out for static accommodation purposes while they are docked) are captured and remain within the scope of the National Law Act even when not used for this purpose.

Small vessels

20. Human-powered vessels are lower risk, due to their size, speed, operational area and use. They are predominately used for hire and drive activities, meaning the end use is the same as if the vessel was a recreational vessel – that is, for a recreational activity. Human powered vessels usually only operate close to shore and within one jurisdictional boundary, meaning nationally consistent requirements are less likely to benefit operators and hirers of these vessels. Importantly, like all domestic commercial vessels, they are already subject to state and territory waterways laws (including around speed limits and drug and alcohol limits) and are potentially also subject to state and territory WHS laws. Additional regulation through the National Law Act is not required due to the low-risk nature of the vessels, and the coverage already provided under existing state laws. Similar risk considerations may also apply with respect to some smaller, non human-powered vessels (<7.5 metres) that operate close to shore, such as bait gatherers or simple, speed limited vessels.

21. With respect to hire and drive vessels, the Productivity Commission¹⁰ recommended that hire and drive vessels only be regulated by state and territory government agencies, on the basis that they are similar to recreational vessels in risk. Vessels that would be captured under this recommendation include not only human powered vessels but also houseboats and recreational vessels occasionally hired out for providing static accommodation while docked.
22. While AMSA supports the Productivity Commission's recommendation for some hire and drive vessels, AMSA notes there may be some problems with a blanket removal of all hire and drive vessels. Recreational vessels that participate in the "share economy" need to be assessed to determine where they are best regulated for safety. For example, some hire and drive vessels are also used for other purposes (such as charter), these may have an additional service category and may need to meet additional requirements. For these operators, it would be more complex and administratively burdensome if a vessel was subject to different legislation depending on the way in which the vessel was being used at a given point in time. However, this issue is only likely to apply to a very small number of hire and drive vessels, approximately 900. For the large lower risk portion of the hire and drive fleet, especially human powered vessels and static accommodation vessels, recreational requirements coupled with WHS requirements likely provide an appropriate level of regulation.

Government, rescue, and research vessels

23. The National Law Act applies to:

- government vessels, including those operated by water police, fisheries, customs, and other agencies
- volunteer marine rescue vessels, and
- vessels operated by governments and universities for research purposes.

24. These vessels represent 8.6 percent of the fleet. They were specifically captured under the National Law to ensure that a minimum safety standard applies to vessels used for these activities. However, vessels owned by government agencies, including state agencies, will generally be subject to existing agency-specific state laws. These vessels, as well as vessels used for research and by volunteers for marine rescue, may also have specialised training for crew, which can be tailored to the organisation's vessels and operations. For these reasons, it is often not appropriate to subject government, volunteer and research vessels to the same requirements that apply to commercial vessels. AMSA has implemented exemptions to appropriately regulate vessels that are not operated for a purely commercial objective. As identified in Challenge 2, using exemptions of this type are an inefficient way to regulate, and is indicative of the inflexible nature of the National Law Act.

¹⁰ Productivity Commission National Transport Regulatory Reform Review 2020.

Larger and specialised vessels

25. At the other end of the spectrum there is no 'ceiling' on the size and type of vessel that can be a domestic commercial vessel, and the size and type of vessel that must be a regulated Australian vessel subject to the Navigation Act. Approximately 0.7 percent of the domestic commercial vessel fleet is greater than 35 metres in length. As the National Law Act and National Standards for Domestic Commercial Vessels were not developed with these larger, higher risk vessels in mind, and do not account for vessels that may carry dangerous goods, hazardous and noxious substances or other pollutants, there are gaps in the law's requirements. The Senate Inquiry into shipping¹¹ recommended amending the Navigation Act to restore an appropriate balance in ships that are covered by the Navigation Act (as regulated Australian vessels) and those covered by the National Law Act (as domestic commercial vessels).

Arbitrary distinctions between vessel types

26. The National Law Regulation¹² provides a list of objects which are vessels (for example canoes and kayaks) and a list of objects which are not vessels (for example surf skis and surf boards). Objects that are excluded from being a 'vessel' cannot be a domestic commercial vessel subject to the National Law Act, even if it is being used for a commercial, research or Governmental activity. The main problem with using a list of inclusions and exclusions is that it can never be exhaustive and will not cater to new and emerging vessel types. An object that is not listed may share characteristics and risk profile with both an object that is listed as a 'vessel' and one that is listed as 'not a vessel', in which case it is difficult to characterise it as one or the other. For example, a 'sit on top kayak' may be a vessel under the National Law Act but a 'surf ski' is not, despite their obvious similarities. This can create uncertainty for industry (and other regulators) as to whether or not a vessel is a domestic commercial vessel subject to National Law Act requirements.

27. In addition, items that should be captured may not be, while items that should not be captured may be. For example, small autonomous aquatic equipment used for survey purposes are likely captured, but arguably should not be because they are more appropriately characterised as equipment. This approach will continue to become more challenging as innovation and technology continue to evolve.

¹¹ Senate Inquiry into the policy, regulatory, taxation, administrative and funding priorities for Australian shipping.

¹² See sections 11 and 12 of the National Law Regulations.

Recommendation 1: Align the scope of the National Law Act with risk

- (A) Amend the National Law Act to exclude the following from the scope:
- i. vessels under 7.5 metres in length that are low risk
 - ii. human powered vessels
 - iii. government vessels not used for a commercial purpose, research vessels and volunteer marine rescue vessels, and
 - iv. domestic commercial vessels used for higher-risk operations (such as vessels carrying hazardous and noxious substances) to ensure that these vessels are only subject to requirements under the Navigation Act.
- (B) Review and amend, as appropriate, the list of included and excluded vessels so that it is flexible enough to cater for new and emerging vessel types.
- (C) Assess where recreational vessels that would fall into the National Law because of their participation in the “share economy” would best be regulated for safety.

28. It is noted the National Law Act currently requires any changes to its scope to have unanimous agreement from all states and the Northern Territory.¹³ If the smaller vessels and government vessels remain within the scope of the National Law Act, the recommended reforms to the certification requirements (Recommendation 2) will be critical to ensure AMSA can apply regulatory requirements that are reflective of risk without relying on exemptions (as is currently the case), and there are clear general safety duties (see challenge 2 and challenge 3).

Challenge 2: The certification requirements are inflexible and not risk based

29. The National Law Act currently requires all vessels to be covered by a certificate of survey and certificate of operation. However, these certification requirements do not reflect a risk-based approach to the regulation of the domestic commercial vessel fleet—in particular, during development of the national system it was never intended that small, low risk vessels, such as canoes and kayaks, would be required to have a certificate of survey. As a result, AMSA has had to rely on general exemptions in order to implement a risk-based approach to certification. Further, grandfathering requirements under the original IGA also meant that vessels in the fleet, which had never held certificates, need to be exempted from these requirements. This means that operators and other stakeholders must read multiple instruments together to identify and understand the requirements that apply to the lowest risk sector of the fleet. This has made the regulatory framework complex and confusing, reduces the transparency of the arrangements, and potentially departs from the arrangements put in place by Parliament.

¹³ See subsection 159(6) of schedule 1 of the National Law Act.

30. A further problem is that the National Law Act ‘hard-wires’ in the kinds of certificates that must be held. This is out of step with the approach taken in other maritime and/or safety regimes, including the Navigation Act¹⁴ and model WHS laws¹⁵, which create flexibility by allowing subordinate legislation (marine orders) to determine the kinds of certificates or approvals that must be held. Marine safety legislation in place in international jurisdictions, such the UK, Canada and New Zealand, also have certification requirements set out in regulations rather than being embedded in the primary Act. Due to this high level of prescription in the National Law Act, more cost-effective authorisation frameworks—such as a registration scheme similar to motor vehicle registration—cannot be implemented under the national system. This contributes to the ‘red tape’ burden on commercial operators. Operators themselves have voiced their concerns to AMSA regarding the duplication involved in the current certification arrangements, particularly the need for many vessels to be covered by both a certificate of survey and operation. The value of a separate certificate of operation for many domestic commercial vessels—particularly those covered by a certificate of survey—is questionable, when all the relevant conditions and requirements could feasibly be included on the one certificate.

31. Looking forward, both the domestic commercial vessel fleet, and the technology applied in government administration are evolving rapidly. The most effective certification system for domestic commercial vessels 10 years ago may be very different to the one that will be most effective five or 10 years from now. Accordingly, it is essential the certification requirements of the National Law Act are flexible enough to evolve alongside the industry and the changing technological landscape.

Recommendation 2: Establish a flexible and risk-based certification framework

(A) Amend the National Law Act so that it provides for simplified certification requirements for a vessel and operator (such as one ‘safety certificate’) established in the marine orders.

32. This change would allow the:

- certification requirements of the national system to be simplified. For example, the current suite of certifications could be replaced with a single registration requirement which automatically remains in place provided all conditions are met, and
- the regulatory framework to be simplified, as general exemptions would no longer be required to establish a risk-based certification scheme. This would improve the transparency of the regulatory framework as a whole.

¹⁴ See section 98 of the Navigation Act as an example.

¹⁵ See Part 4 of the model WHS Act as an example.

Challenge 3: The scope of the general safety duties is ambiguous, too broad and overlaps with WHS law

33. The general safety duties require that each person who is engaged with a domestic commercial vessel and its operations does what is reasonably practicable¹⁶ to ensure the safety of the vessel and the people on board. They are imposed on owners/operators, boat designers and builders, masters, crew and passengers and other persons whose actions could impact on the safety of the vessel.

Ambiguity around scope of general safety duties and overlap with work health and safety duties

34. The IGA was clear that OHS/WHS laws would be excluded from the scope of the national system. Yet, the National Law Act general safety duties and WHS Act primary duties of care are very similar. In most cases where there is a serious injury to a crew member, or the fatality of a crew member, on board a domestic commercial vessel, both duties will apply and both regulators can investigate, but the penalties will be different.

35. Requirements that are unique to the National Law Act (and may not be currently covered by WHS laws) are the design, construction, equipping and crewing of a vessel, and ensuring the operation is safe. This is distinct from WHS laws that focus on the safety of workers generally, the safety of other persons as a result of the work being carried out, and ensuring a safe working environment. Because WHS already provides a broad primary duty of care—coupled with prescriptive requirements around managing risks in the workplace¹⁷, general workplace requirements¹⁸ and particular hazardous environments¹⁹—the most value the National Law Act can provide is with respect to prescribing requirements for maritime-specific matters, such as for design, construction, equipping and crewing.

36. AMSA considers that the existing overlap is best addressed by amending the National Law Act to more clearly delineate that general safety duties only apply in the circumstances of:

- owner and master ensuring that an 'unsafe vessel' is not operated, and
- persons who survey domestic commercial vessels, and
- persons who are involved in designing, installing, and maintaining systems supporting the autonomous or remote control of a domestic commercial vessel.

37. WHS laws would apply in all other circumstances where there is a serious injury to a crew member, or the fatality of a crew member, on board a domestic commercial vessel.

38. All marine safety laws in place prior to the National Law Act had some form of general safety duties which 'co-existed' with state and territory occupational health and safety laws. However,

¹⁶ See section 27 of the National Law for the meaning of reasonably practicable.

¹⁷ See part 3.1 of the model WHS Regulations.

¹⁸ See part 3.2 of the model WHS Regulations.

¹⁹ See in particular chapters 4, 5, 7 and 8 of the model WHS Regulations.

most of these pre-National Law duties in the maritime laws were much more specific in terms of what the duties entailed and more closely linked to marine safety matters, such as the construction, equipping and crewing arrangements for the vessel. These more direct requirements created a clearer distinction between the obligations imposed by marine safety laws and work health and safety duties. It is noted that the definition of 'unsafe vessel' in the National Law Act provides a similar list of circumstances to those that existed in laws prior to the national system. Under subsections 12(3) and 16(3) of the National Law Act, the vessel owner and master commit an offence if an 'unsafe vessel' is operated.

Potential gaps in the general safety duties – designers, builders, and accredited marine surveyors

39. It is not clear that the current duty under section 14, which applies to designers, manufacturers and builders of domestic commercial vessels and equipment, extends to persons who are involved in designing, installing, and maintaining systems supporting the autonomous or remote control of a domestic commercial vessel. The use of autonomous and remotely operated domestic commercial vessels is rapidly increasing, and persons involved in the production of the technology supporting these operations should have a duty under the National Law Act. Further, there may also be some ambiguity regarding whether or not accredited marine surveyors and recognised organisations (classification societies) performing surveys on domestic commercial vessels have a duty under section 14.

Share economy

40. As noted above, recreational vessels can become domestic commercial vessels through participation in the share economy. If the law is intended to capture these vessels then the general safety duties should be amended to put these duties on the service providers that facilitate such commercial activities and, if required, the owners of these vessels.

Recommendation 3: Reduce the overlap with WHS laws and ensure clear general safety duties are placed on owners, masters, designers, builders and surveyors

- (A) Amend the National Law Act so general safety duties owed by the owner and master focus on ensuring that an 'unsafe vessel' is not operated.
- (B) Amend the National Law Act to ensure a general safety duty is owed by persons who survey domestic commercial vessels. Further amend the National Law Act to clarify the duty with respect to persons who are involved in designing, installing, and maintaining systems supporting the autonomous or remote control of a domestic commercial vessel.
- (C) If the National Law is intended to cover recreational vessels that participate in the share economy, general safety duties should be amended to capture relevant parties.

41. These changes would make it easier for stakeholders and regulators to understand and comply with the general safety duties. It would also provide greater delineation between where one piece of legislation starts and ends and the roles of AMSA and the WHS Regulators. They would also support the government's deregulation agenda which includes removing and reducing unnecessarily duplicative regulations.²⁰

Challenge 4: Some grandfathering arrangements which maintain pre-national system state and territory requirements are a risk to safety

42. Grandfathering means maintaining a pre-existing standard or requirement rather than applying the current standards or requirements to vessels that existed at a point in time. In summary, the national system preserved all arrangements that were in place in relation to vessels that existed on 30 June 2013. This means that the standard that applies to each 'grandfathered' vessel may vary, depending upon the standards applicable to it. Some level of preserving previous standards is apparent in all safety regimes—buildings, cars and boats generally do not have to be upgraded or modified each time the standard changes. The introduction of the national system in July 2013 was not considered to be the appropriate time or mechanism through which to apply a suite of new standards to the existing domestic commercial vessel fleet. In addition, the grandfathering arrangements of the national system are similar to those in place under the previous state and territory laws, and preserve those arrangements.

43. AMSA has made changes to the grandfathering arrangements since the commencement of the national system, including by mandating the carriage of emergency position-indicating radio beacons (EPIRBs) for a significant proportion of the fleet and moving all vessels to contemporary safety equipment standards. However, other aspects of grandfathering are able to continue through AMSA's marine orders and exemptions for vessels which operated prior to the commencement of the National Law Act, and which continue to operate in the same manner and without significant modification. These vessels comply with pre-National Law:

- survey exemptions²¹
- design and construction standards²², and
- minimum crewing²³ and crew competency requirements.

44. AMSA estimates that around 16,500 domestic commercial vessels currently operating—more than half of the fleet—are subject to some form of grandfathering arrangement.

²⁰ [Streamlining overlapping regulations | Deregulation \(pmc.gov.au\)](#)

²¹ See division 5 of schedule 1 of Marine Safety (Certificates of survey) Exemption 2021.

²² See subsection 7(2) of Marine Order 503 (certificates of survey – national law) 2018 and division 5 of schedule 1 of Marine Safety (Certificates of survey) Exemption 2021.

²³ See item 6(8) of schedule 1 of Marine Order 504 (Certificates of operation – national law) 2018.

Safety implications of some grandfathering arrangements

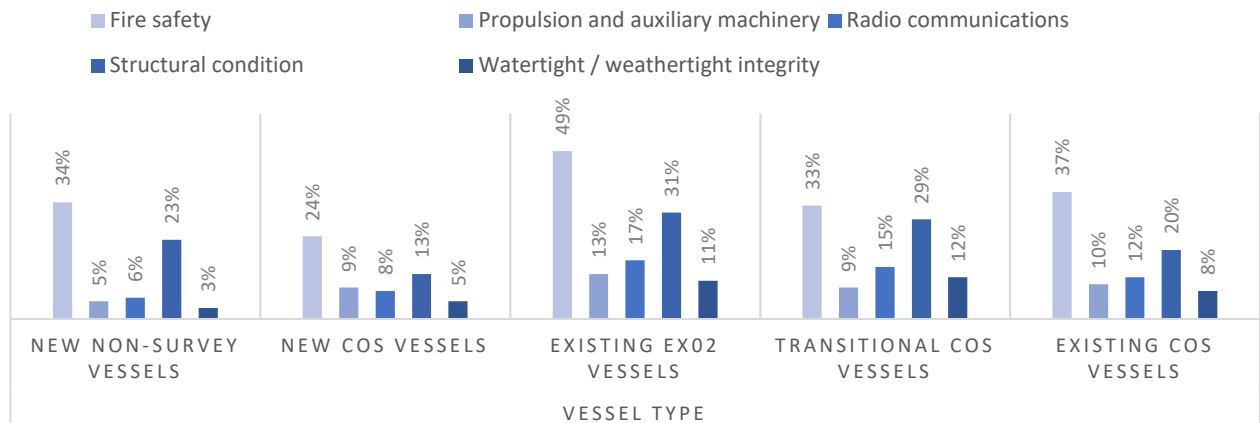
45. The requirements that apply to new domestic commercial vessels are based on the risk of the vessel and its operations. Where the grandfathering arrangements depart significantly from the requirements that apply to new vessels, there may be safety implications. This can be seen with regards to the grandfathering of exemptions from survey. In Queensland, commercial vessels were not required to hold a certificate of survey or to undergo periodic surveys prior to the national system. Provided the vessels are not modified or upgraded, and that they continue to operate in the same manner and jurisdiction, they remain survey-exempt under the national system. As a result, some larger, passenger-carrying vessels are exempt from periodic survey requirements, as are some fishing vessels operating offshore in higher-risk operations such as trawling.
46. A key benefit of regular, periodic surveys is to identify any deficiencies in the vessel, and its equipment, and to ensure that these are addressed in a timely manner. Another key benefit of periodic surveys is to ensure that any modifications of the vessel are reported to AMSA (as required under the National Law Act). This allows AMSA to confirm that the modifications meet the required standard and do not compromise the stability of the vessel or create other risks. Where vessels are exempt from periodic survey, deficiencies, defects and modifications can go unreported and unchecked, which can have safety implications. Where the vessels operate offshore or in higher risk operations, such as trawling, the outcomes of an incident resulting from an unchecked defect or modification may be serious.

Inspection data

47. Figure 1 (below) compares inspection data over the period 1 July 2019 to 27 August 2021 to demonstrate the likelihood of deficiency for the following vessels:
- New non-survey vessels – a vessel that was not in operation prior to the commencement of the national system on 1 July 2013 and is not required to hold a certificate of survey (COS) under Exemption 02. Eligible vessels include some types of tenders, vessels operating in sheltered waters, sailing vessels, human powered vessels, personal watercraft, volunteer marine rescue vessels and fire service vessels.
 - New COS vessels – a vessel that was not in operation prior to the commencement of the national system and is not otherwise exempt from the requirement to hold a COS.
 - Existing EX02 vessels – a vessel that was exempt from the requirement to hold a COS prior to the commencement of the national system. This includes a large number of ‘survey type’ existing vessels which operated in Queensland prior to 1 July 2013.
 - Transitional COS vessels – a vessel that was in operation prior to the commencement of the national system, which has been modified, altered or changed operations from 1 July 2013.

- Existing COS vessels – a vessel that was required to have a COS prior to the commencement of the national system.

Figure 1: Likelihood of deficiency (all vessels) - 1 July 2019 and 27 August 2021²⁴



48. Analysis of inspections undertaken since 1 July 2019 shows that vessels which were in the fleet on 30 June 2013 are more likely to have a deficiency in an area of the vessel that may be affected by grandfathering arrangements, as compared to vessels which entered the fleet from 1 July 2013 (Figure 1). Importantly, existing Exemption 02 vessels are more likely to have a deficiency in all five areas than any other category of vessel.

49. Figure 1 illustrates that existing COS vessels were generally likely to receive a deficiency at rates similar to new and transitional vessels. This indicates that ongoing, periodic vessel surveys play an important role in ensuring continued vessel compliance to the required standard.

50. Figure 1 indicates very high fire safety deficiency rates. The majority of fire safety deficiencies are for overdue fire extinguisher servicing. For larger vessels, a number of fire safety deficiencies are also issued for defective portable fire pumps (resulting from a lack of maintenance of the pumps).

Incident data

51. AMSA notes that its records of incident data include only reported incidents, and there is significant degree of under-reporting in the fleet. This is a particular issue where the incidents involve only vessels without passengers or by-standers. Incident data can also be 'skewed' if an incident occurs that involves a large passenger vessel, or if passenger vessels are not

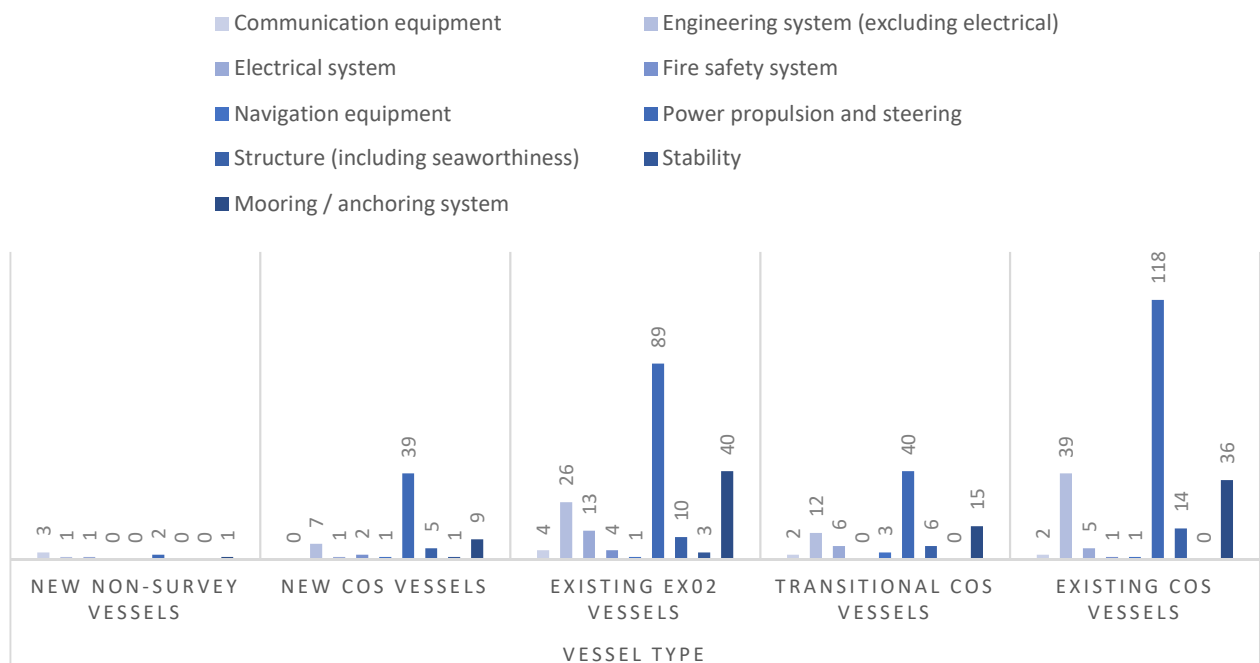
²⁴ In Figure 1, the fleet is divided into a number of categories which reflect the different segments of the fleet (survey and non-survey), as well as the vessel's status as either an existing (grandfathered) vessel, a transitional vessel (a grandfathered vessel that has been modified or changed operations or operational area, and its compliance with specified newer national standards has been verified) or a new vessel (a vessel which entered into commercial service after the national system commenced, and is required to meet current standards). The figure provides an overview of the likelihood that a deficiency was issued to a vessel in the areas of fire safety, propulsion and machinery, radio communications, structural conditions and watertight/weathertight integrity. These are the areas of the vessel which are most likely to be subject to grandfathered standards, if the vessel is a grandfathered vessel. For the purposes of the Figure 1, 'COS vessels' means vessels with a Certificate of Survey, and 'EX02 vessels' means vessels not required to have a certificate of survey under state or territory law prior to 1 July 2013.

involved in any incidents over the relevant period. For these reasons, incident data can only be seen as one indicator of vessel and fleet safety.

52. Based on incident data reported to AMSA since 1 July 2018, existing vessels are also more likely to have been involved in an incident where one or more of the safety issues leading to the incident may have related to a grandfathering arrangement. This includes incidents relating to the failure of stability, structural integrity, the engineering and propulsion system, and the electrical system (Figure 2).

53. Figure 2 includes only those incidents with occurrences most likely affected by the grandfathering arrangements, if the vessel is a grandfathered vessel. These incidents were reported to AMSA between 1 July 2018 and 27 August 2021, with a relevant occurrence.

Figure 2: Breakdown of incidents (grandfathered vessels) by occurrence type – 1 July 2018 to 27 August 2021



Fatalities

54. A number of fatal incidents since the commencement of the national system have highlighted safety issues with some of the grandfathering arrangements. In three fatal incidents, involving the vessels *Returner*²⁵, *Norlaus*²⁶ and *Cassandra*²⁷, grandfathered standards and/or survey requirements were found to have been a contributing factor. Five lives were lost in these incidents, all of whom were fishermen. A number of other Coronial Inquests conducted prior to the commencement of the national system also recommended a review of arrangements

²⁵ [Inquest into the death of Mason Laurence Carter and Murray Allan Turner and Chad Alan Fairley.](#)

²⁶ [Inquest into the death of Glenn Anthony Wilson.](#)

²⁷ [Joint Inquest into the presumed deaths of David Barry Chivers and Matthew Neil Roberts from the *FV Cassandra* and Adam Jeffrey Bidner and Zachary John Feeney and Christopher David Sammut and Eli Davey Tonks from the *FV Dianne* and the deaths of Adam Ross Hoffman and Benjamin Patrick Leahy from *FV Dianne*.](#)

permitting vessels to meet older standards. These include fatal incidents involving the vessel *Gulf Stream*,²⁸ *Lauryn G*,²⁹ and *Dynasty*³⁰.

Other problems with the grandfathering arrangements

55. In addition to the direct safety implications of the grandfathering arrangements outlined above, the grandfathering arrangements also provide some operators of grandfathered vessels with a competitive advantage over new entrants. In particular, the grandfathering arrangements exempting survey-type vessels from periodic survey and allowing vessels to be operated by persons who do not hold a certificate of competency significantly reduce the compliance and operational costs for operators of grandfathered vessels. These cost savings inflate the value of grandfathered vessels and may create an incentive to extend the working life of the vessels (particularly activities with marginal commercial return) because of their lower operating costs and the higher cost of new vessels. This means that the safety implications of the grandfathering arrangements will increase overtime as the vessels age. Older vessels subject to less onerous survey requirements can pose a safety risk to people onboard the vessel and the marine environment.

Recommendations of other Reviews

56. Issues with the grandfathering arrangements were also recently considered in a number of public inquiries, including the Productivity Commission National Transport Regulatory Reform Review. The Productivity Commission recommended that the 'Council of Australian Governments and the Australian Maritime Safety Authority should wind up the grandfathering of safety regulations under the Marine Safety National Law. Priority should be given to ending grandfathering arrangements that relate to vessel survey requirements and fire detection and smoke detection systems.' The 2020 Senate Inquiry into the Performance of the AMSA also raised concerns with the grandfathering arrangements of the national system and recommended that the grandfathering of survey and crewing requirements be phased out.

²⁸ [Inquest into the suspected death of Rodney John Barker.](#)

²⁹ [Inquest into the suspected death of Ross Frederick Irwin.](#)

³⁰ [Inquest into the death of Nathan Kevin Robinson and Scott Tschannen.](#)

Recommendation 4: Develop policy to wind back grandfathering arrangements that are a risk to safety

- (A) Require all 'survey type' existing vessels to undergo regular survey and obtain a certificate of survey or other vessel approval, such as a vessel registration certificate.
- (B) Require all existing vessels to meet an acceptable baseline set of design and construction standards.
- (C) Phase out grandfathered crewing and crew competency arrangements.

57. The 'acceptable baseline' set of design and construction standards would need to be informed by cost-benefit analysis and significant stakeholder consultation. The application of standards covering key risk areas of the vessel, such as stability and fire safety, would be explored through this process. The current 'transitional vessel' standards, which apply to grandfathered survey-type vessels that change operations or are modified and therefore forfeit 'grandfathered' status, are a combination of the NSCV and earlier standards (the USL Code) and have been in place since 2018. Whether or not it would be appropriate to apply the transitional vessel standards to grandfathered vessels more broadly would need to be considered through the cost-benefit analysis and stakeholder consultation process.

58. AMSA acknowledges that the grandfathering arrangements were agreed by COAG and were a central principle of the national system agreed by policy makers. AMSA also acknowledges that changes to the grandfathering arrangements will have cost impacts for operators, particularly for owners and operators of older vessels. However, the arrangements have increasingly inhibited AMSA's ability to improve regulatory and safety outcomes across the domestic commercial vessel fleet. Continuing to preserve the grandfathering arrangements, in their current form, is not sustainable. The availability of an industry assistance package would remove a significant barrier to achieving this important safety reform.

Challenge 5: The penalty and offence provisions do not meet community expectations

59. AMSA's experiences enforcing the National Law Act have highlighted deficiencies in the current penalty levels, offence provisions and limitation periods, many of which were subject to analysis during the Senate Inquiry into the Performance of AMSA.

Low penalties for breaching the general safety duties, and no offence for aggravation

60. The penalty levels for breaching the general safety duties under the National Law Act are out of step with other marine and transport safety legislation. Table 2 compares the offences and penalty amounts in the National Law Act (for operators, builders/designers, masters and crew)

with those in the WHS Act (for persons conducting a business or undertaking/employer) for contraventions of the general safety duties/primary duties of care.

Table 2: Comparison of maximum penalties under the National Law and model WHS laws

National Law Act		WHS Act	
Offence	Penalty	Offence	Penalty
Failure to meet duty and intentionally placing persons or vessels at risk	\$399 600 and/or 2 years imprisonment	No offence	N/A
Failure to meet duty and recklessly placing persons or vessels at risk	\$44 400	Reckless failure to meet duty and a person is exposed to death, serious injury or illness	\$300,000 – \$600,000 and/or 5 years imprisonment
Failure to meet duty and negligently placing persons or vessels at risk	\$26 640	Failure to meet duty and a person is exposed to death, serious injury or illness	\$150 000 - \$300 000
Failure to meet duty	\$13 320	Failure to meet duty	\$50 000 - \$100 000

61. To obtain the highest penalties in the National Law Act, the prosecution must establish that the alleged offender *intended* for the act or omission to be a risk to the safety of a person or the vessel concerned. The penalties for the next level of offences (*recklessly* or *negligently*) are significantly lower, and much lower than the equivalent offences in other transport and WHS regimes. In addition, the penalty levels in the National Law Act do not factor in circumstances of aggravation, such as where the breach has resulted in serious injury or death. Taken together, the offence provisions and penalties make it difficult for AMSA to seek penalties that are commensurate with the offence committed, and the impact of that offence, where a very serious incident has occurred.

62. Schedule 2 of the [Marine Safety \(Domestic Commercial Vessel\) National Law \(Consequential Amendments\) Act 2012](#) (National Law Amendment Act) repeals the existing offences and penalties for the general safety duties in the National Law Act and replaces them with provisions that mirror the provisions of Part 2 of the model WHS Act. However, Schedule 2 of the National Law Amendment Act will only take effect when all states and territories give effect to, as a state or territory law, the provisions contained in Part 2 of the model WHS Act. With Victoria still yet to implement the model WHS laws ten years on, it is unlikely these provisions will ever be enlivened, and given discussion above, they may not be fit for purpose in any case.

High infringement notice penalties

63. Conversely, the infringement notice penalties far exceed those in other marine or transport safety legislation. For most National Law Act offences, the infringement notice penalty is \$2,520, substantially higher than other safety regimes, where penalties generally start at \$500 or less. There is no flexibility in setting the amount or an ability for AMSA to ‘scale’ penalty amounts due to the prescriptive nature of the National Law Act requiring that the amount must

be one-fifth of the maximum penalty that the court could impose for the offence rather than *up to* one-fifth which is the approach in other legislation. This inhibits AMSA's ability to craft penalties to suit the circumstances and send targeted regulatory signals to particular classes or vessels, or types of operations.³¹

Gaps in offence provisions—negligent navigation

64. The current offence provisions of the National Law Act do not capture 'unsafe navigation' if the person operating the vessel is the hirer of the vessel, or a passenger or special personnel on board the vessel. This gap has been illustrated by cases where the hirer of a domestic commercial vessel (such as a hire and drive jet ski) has operated in a manner which could have resulted in a 'passer-by' (for example, a swimmer) being injured or killed.

Inadequate limitation period

65. The current limitation period of one year (which applies to all offences committed by an individual under the National Law Act—except intentional breaches of the general safety duties) has proved to be a significant barrier to prosecution where:

- AMSA is not aware that an offence has been committed until sometime after the fact
- AMSA issues an infringement notice, which is ultimately not paid. By the time reminder notices are issued, and time is allowed for appeal and/or payment, there is limited scope for AMSA to prosecute within the 12-month period, and
- an investigation is undertaken and a police, coronial or other report is being prepared that would help inform the decision as to whether or not to prosecute.

66. The limitation periods of the National Law Act are also out of step with other laws, for example the WHS laws, which provides a number of circumstances which determine the limitation period, including whether a coronial inquest is being held. The 'default' limitation period for WHS law is also two years instead of one, but also factors in other circumstances such as where a coronial inquest is held.

Lack of power for courts to suspend or revoke certificates

67. Currently, a court can convict a person of an offence under the National Law Act but cannot prevent the person from working on or operating a vessel by suspending their certification, even where the court thinks that would be in the interest of marine safety. This limits the court's capacity to prevent repeated unsafe behaviour, particularly in the aftermath of an incident, and is out of step with other transport safety regimes, such as aviation, where the courts have this power.

³¹ See for example subsection 305(2) of the Navigation Act and subsection 243A(2) of the Commonwealth WHS Act.

Recommendation 5: Amend the penalty and offence provisions of the National Law Act

- (A) Amend the National Law Act penalty and offence provisions so that:
- i. penalties are commensurate with the gravity of offending and meet community expectations, and
 - ii. AMSA has available a fit for purpose suite of compliance and enforcement tools.

Challenge 6: The accredited marine surveyor regime is not fit for purpose and is inflexible

68. Accredited marine surveyors are third party individuals who are accredited by AMSA to perform a category or categories of surveying. For domestic commercial vessels required to be surveyed, accredited marine surveyors conduct vessel surveys and provide recommendations to AMSA about the compliance of a vessel to the applicable standards. AMSA relies on these recommendations when considering applications for certificates of survey, load line certificates and other approvals issued under the National Law Act. Accredited marine surveyors play a vital role in achieving the safety objectives of the national system. They ensure that a vessel meets the required standard to carry the crew, special personnel and passengers in the operations it is certified to undertake. Comprehensive oversight by AMSA of the surveyor accreditation scheme is key to ensuring that accredited surveyors have the competence and capacity to fulfill their duties and obligations under the National Law Act and Regulations.
69. Through administering the scheme, AMSA has identified issues with the current arrangements. This includes a lack of appropriate limitations on accreditations, particularly relating to vessel length, and the lack of pathways for trainees and provisional marine surveyors to overcome barriers to entering the profession. Further, the categories of surveying are outdated -new and emerging vessel types and technology such as autonomous vessels and vessels that use alternative fuel sources, are not contemplated.
70. Amendments to the surveyor accreditation scheme are needed to ensure that it meets the needs of AMSA and industry and is sustainable. However, the National Law Act currently requires the accreditation scheme for surveyors to be contained in the Regulations, not marine orders. This means that AMSA is unable to implement changes to the scheme in its own right and cannot ensure that it is fit-for-purpose through regular update. Due to the complexity in making regulations that require the agreement of states and territories the accreditation scheme has not been modified since it was first introduced in 2014.

Recommendation 6: Enable a fit for purpose marine surveyor accreditation scheme to be established in the marine orders

- (A) Review the marine surveyor accreditation scheme to ensure it is fit for purpose.
- (B) Amend the National Law Act to apply a more flexible approach to prescribing the marine surveyor accreditation scheme through marine orders.

71. It is also noted that the regulations setting out the scheme are due to 'sunset' on 1 October 2023.

Attachment 1: Questions contained in the consultation aid

Question 1: Is Australia’s legal framework for the safety of domestic commercial vessels fit for purpose?

There are a number of barriers to achieving a more efficient and effective legal framework for the safety of domestic commercial vessels which can only be addressed—or can most effectively be addressed—through amendments to the National Law Act. These barriers are outlined in the body of AMSA’s submission.

Question 2: Does the national law interact efficiently with other Commonwealth and State and Territory frameworks, particularly the Navigation Act 2012 (Navigation Act) and workplace health and safety regulations, as well as with international maritime safety obligations?

There are a number of areas where the interaction between the National Law Act and other laws could be improved. See challenges 1 and 3 and recommendation 3 outlined in AMSA’s submission.

Question 3: Is the scope of the definition of 'Domestic Commercial Vessels' appropriate to capture the types of vessels and operations that justify additional regulatory intervention under the National Law beyond existing WHS obligations?

No. The scope of the National Law Act should be modified to limit the application of the Act to an aligned suite of vessels which are closer in risk, allowing the system to be simplified and streamlined. See challenge 1 and recommendation 1 outlined in AMSA’s submission.

Question 4: Should the framework ensure the Navigation Act provides the default standards for commercial vessels?

This approach would impose unnecessary compliance costs on lower risk domestic commercial vessels operating close to shore or in sheltered waters. However, some vessels in higher risk operations should be subject to requirements of near coastal regulated Australian vessels under the Navigation Act. See challenge 1 outlined in AMSA’s submission.

Question 5: Is the definition of an “Owner” of a vessel in the National Law sufficiently clear and understood?

The National Law defines 'owner' of a vessel as including: 'a person who has legal or beneficial interest in the vessel, other than as a mortgagee'; and 'a person with general control and management of the vessel'. This definition is counter-intuitive because it extends to people who are not owners in the legal sense or understood by laypersons.

However, changing this definition is a technical legal issue, which requires the input of legislative drafters and legal experts to endure that the current policy continues to be implemented. As such, further consideration could be given to this issue, and to the duties that should apply to the 'operator' and the 'owner' should changes be made.

Question 6: Would expanding the Australian Transport Safety Bureau's role to include domestic commercial vessel safety support substantially improved safety outcomes for industry, as well as regulators and policy makers?

AMSA does not have a view on this issue, however, notes that increased resources for conducting safety investigations is likely to increase knowledge across industry and policy makers on causes and contributors to safety incidents.

Question 7: Would removing, in whole or in part, current grandfathering provisions substantially improve safety outcomes? If so, how could industry be supported in making that transition?

Yes. See challenge 4 and recommendation 4 of AMSA's submission. The availability of an industry assistance package would remove a significant barrier to achieving this important safety reform.

Question 8: Does the current framework provide clear and simple standards for operators to meet their safety requirements? If not, how could it be improved?

No. There are ways in which the legislative framework could be streamlined. See challenges 1, 2 and 3 and recommendations 1, 2 and 4 of AMSA's submission.

Question 9: Does the current framework provide an effective and practical range of compliance powers and enforcement tools for AMSA?

No. There are improvements that need to be made to the National Law Act. See challenge 5 and recommendation 5 of AMSA's submission.

Question 10: Are there specific safety initiatives that would substantially improve safety outcomes?

Changes to some of the grandfathering arrangements will substantially improve safety outcomes. See challenge 4 and recommendation 4 of AMSA's submission. Increasing lifejacket wear across the fleet will also improve safety outcomes.

Question 11: What can be done to improve safety incident reporting both for safety and Workplace Health and Safety purposes?

More education, creating awareness of reporting obligations and understanding among industry of the importance of reporting safety incidents.
