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**To:** [SeniorClerk.Committee \(SEN\)](#); [RRAT.Committee \(SEN\)](#)  
**Subject:** Performance of the Australian Maritime Safety Authority  
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## **Enquiry into the performance of AMSA**

### **Policy**

When it was announced that AMSA would be the single national regulator they stated that they would set to achieve three things.

1. Increase Safety
2. Decrease cost
3. Reduce redtape

Once they realised this was not achievable this was removed and not referred to again, however this was how it was sold to the Australian public.

1. Safety: The focus on safety has decreased. For example a vessel up to 12m can be built with no oversight, no construction assessment and "self declared" by the owner can carry four passengers! Fishing vessels are considered the highest risk globally, have gone from an annual survey cycle to a risk based model, that in some cases means the vessel is never surveyed.
2. Cost: The decrease in cost has been achieved when compared to the state based full cost recovery models of NSW for example. In Victoria and Northern Territory where Survey was a tax payer funded service the cost has increased by 60-90%. Furthermore, the cost is set to increase even more with AMSA set to implement the levy.
3. Redtape: Redtape has been increased for everyone. The online forms - which are good for the surveyors and educated operators - are too difficult for many operators to complete. If a vessel is considered a "transitional vessel" the operators are required to produce vessel drawings to prove that the vessel was constructed to an applicable standard. In the past if the vessel held a Certificate of Survey this was considered adequate. Now the vessel operators are required to spend thousands to have the vessel redrawn by a Naval Architect if they are unable to get the drawings.

### **At what cost**

The cost of running the National system is massive for very little benefit to 95% of the vessel operators.

AMSA will soon enough (if not already) be employing more personnel than all the states and territories combined had working in this space and still not having the function of Marine Surveyors.

AMSA have simply added an extra level of red tape, when compared to the previous system. A more robust surveyor accreditation scheme would allow the Accredited Surveyors to cover the extra red tape that AMSA are applying.

The AMSA levy or Tax may well cripple some operators in some states that will be asking, Why is there more red tape, lower safety standards and why am I paying more and receiving less ?

Many operators may now operate illegally as there will be very little if any compliance and enforcement in place. AMSA is yet to introduce a compliance and enforcement model in some states. This issue is compounded by virtue of state agencies not willing to implement a national law.

### **Lowering safety standards**

The vessel operators have been rewarded with less survey inspections and some none at all.

The smaller operators that require the most attention are no longer inspected.

AMSA have given NS vessels under 12m the name Non-Survey (NS) vessels. The name implies the vessel is "not in survey" or not a Commercial Vessel, however this is not the case. These NS vessel are commercial vessel but do not require an initial or on going inspection, they are however, need to comply with the marine safety (domestic commercial vessel) national law act 2012. The operators of NS vessels are given a trust and verify approach and a list of exemptions to choose from.

A NS vessel is required to produce a builders plate confirming level floatation. Unfortunately, for the passengers, builders plates in Australia are not audited. A vessel build plate is used as a marketing tool in most cases by larger boat builders rather than following safety standards.

AMSA have not completed a risk assessment in determining this outcome and simply relied on Canberra bureaucrat's to deliver the decision rather than real data. This is the same system that delivered the fatal Malu Sara incident that saw the vessels not undergo initial survey and compliance checks, rather a trust and verify model that failed. resulting in the death of 5 people on a 6m commercial vessel.

The general public or broader community has a reasonable expectation that a vessel that plies for hire and reward is fit for purpose. They cannot be expected to judge whether or not a vessel is capable of performing the task for which it advertises. In Australia, AMSA is now charged with ensuring that the public is protected from unscrupulous or careless operators, which includes monitoring compliance to ensure that a vessel's hull, machinery and equipment meets certain minimum standards. Accordingly, both AMSA and the vessel owner have a duty to the public and to other users of the waters to ensure that public safety is preserved. AMSA cannot abrogate its responsibilities to public safety through an administrative sleight of hand that permits self-declaration to certain classes of commercial vessel, particularly when there is no corresponding commitment to monitoring compliance.

Aside from questions of the legality of self-declaration and whether or not it has the potential to void a vessel's insurance. Industry, AMSA and the Marine Safety Inspectors all know that some vessel owners are flouting the self-declaration process. In our view, if AMSA takes no action to remedy the situation then it is effectively condoning the continuation of irresponsible marine safety practices on the Australian waterways.