



**AUSTRALIAN SENATE**

**STANDING COMMITTEES ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT**

**LEGISLATION COMMITTEE**

14 October 2019

Mr Raymond Buchholz  
General Manager, Marine Safety  
WA Department of Transport

Dear Mr Buchholz

***Inquiry into the Performance of Australian Maritime Safety Authority – Opportunity to Clarify Evidence***

On 21 March 2019, the Rural and Regional Affairs and Transport Legislation Committee (the committee) held a hearing in Perth into the Performance of the Australian Maritime Safety Authority (AMSA).

During this hearing, the committee heard evidence from you, on behalf of the Western Australian Department of Transport (the department), that the department was '*no longer a delegate of AMSA*'. When asked for clarification on this issue by Senator Patrick, you further noted that:

*At the end of our service delivery in July 2018, we were no longer a delegate, but we could elect to continue to provide compliance and investigation services on behalf of AMSA—as New South Wales has, for example. We made a deliberate decision that we would not do that. So, with our 36 marine safety inspectors around the state, basically we said we didn't want to do that anymore and we walked away from that.*

Recently, at a hearing on 25 September 2019 in Brisbane, the committee heard evidence from Mr Mick Kinley, Director and Chief Executive Officer of AMSA, appearing as a witness on behalf of the AMSA Board. Mr Kinley called into question the department's evidence from Perth stating that '*it's not actually the case that Western Australia is no longer a delegate; they do have officers that remain as delegates under the national law*'.

Given these contrasting views, the committee agreed at the time that it would be prudent to ask the department to clarify the evidence it put to the committee on 21 March. The committee therefore asks that you provide such clarification, by 28 October 2019.

If you have any questions regarding the nature of this letter, please don't hesitate to contact the secretariat on (02) 6277 3511.

Yours sincerely,

**Senator Susan McDonald**  
**Chair**

**Senate Rural and Regional Affairs and Transport Legislation Committee**  
**Inquiry into the performance of the Australian Maritime Safety Authority**  
**Response from the Western Australian Department of Transport**

**Received 14 October 2019**

Thank you for your correspondence.

Just to clarify, prior to July 2018, DoT had 36 officers that were appointed as Marine Safety Inspectors (MSIs) who regularly conducted compliance inspections on Domestic Commercial Vessels (DCVs) around the state.

This included members of our Investigations Team who were also appointed MSI's for the purpose of undertaking investigations involving the DCVs and the National Law on behalf of AMSA.

Since July 2018, only the 5 officers remained MSI's for the purpose of dealing with potential investigations involving both DCVs and recreational vessels.

All MSI appointments associated with the conduct of DCV compliance checks were revoked following a deliberate decision that the Department of Transport would not be conducting compliance and investigations services on behalf of AMSA.

Since July 2018, DoT has not conducted any DCV compliance checks or investigations on behalf of AMSA.

I therefore stand by my statement that DoT will not be undertaking any DCV compliance or investigation activities on behalf of AMSA post July 2018.

And to avoid any miss-understanding within AMSA as to our stated position, I have today directed that all MSI appointments within DoT be rescinded immediately.

I trust this clarifies the situation.

Regards

**Raymond Buchholz**

**General Manager Marine Safety | Maritime | Department of Transport**

**Clarification received 15 October 2019**

I wish to clarify that 4 DoT officers remained appointed MSI's, not 5 as I indicated yesterday.

I can also confirm that AMSA were formally requested to revoke these appointments today.

Regards

**Raymond Buchholz**

**General Manager Marine Safety | Maritime | Department of Transport**