

**SENATE STANDING COMMITTEE ON  
RURAL AND REGIONAL AFFAIRS AND TRANSPORT  
Inquiry into the Performance of Australian Maritime Safety Authority**

Answers to questions taken on notice at the Committee hearing on 25 September 2019

*Question (5 of 9):*

**Senator Brown:**

There have been a number of comments by witnesses today around the availability of data and analysis that underpins decision making part around reviews of marine orders. Is that information (about marine orders) freely available?

**Answer:**

The process for developing, reviewing or amending a marine order includes:

- identification of the scope of the review or amendments
- initial consideration, examination of alternative options and potential impacts, discussion with potential stakeholders
- preparation of a draft marine order and preliminary regulatory impact analysis, in accordance with the rules applied by the Office of Best Practice Regulation (OBPR)
- public consultation and comment on the draft marine order and the regulatory impact analysis
- consideration of consultation comments
- signature of the marine order by AMSA's Chief Executive Officer
- registration of the marine order and explanatory material on the Federal Register of Legislation. The marine order is published on the Federal Register and on AMSA's website.

AMSA uses a wide range of data to support decision making processes when developing, reviewing and amending a marine order. This includes data, including incident data notified to AMSA, submissions received during consultation processes, discussions with operators and seafarers, and data collected through research and other studies either conducted by AMSA or otherwise publically available.

Marine order reviews are subject to a period of public consultation using a number different consultation methods, such as face-to-face workshops and written submissions. Explanatory statements for new or amended marine orders are registered on the Federal Register of Legislation and set out the reasons for the amendments and the consultation undertaken, including the outcomes of the consultation. AMSA routinely publishes consultation reports outlining submissions received as well as AMSA's responses. [These are available on the AMSA website](#). All changes to marine orders

require the preparation of a preliminary assessment form for consideration by the OBPR, and for more significant proposals, a Regulation Impact Statement (RIS). A RIS will include data on the scope of the problem being addressed, as well as estimated cost impacts or cost savings, where applicable.

AMSA also undertakes a number of other activities to obtain data regarding domestic commercial vessel safety to inform decision making. For example, in 2017 AMSA initiated an exploratory study into domestic commercial vessel safety culture with a focus on commercial fishing. This pilot study focused on understanding the antecedents which contribute to poor safety outcomes with information gathered through semi-structured interviews with vessel skippers. The data obtained through this study will be used to inform future decision making processes regarding the regulation of fishing operations.

Enhancing safety culture within the domestic commercial vessel fleet is a priority for AMSA. AMSA is currently working with Curtin University and the University of Western Australia to look further into domestic commercial vessel safety culture, with a plan to expand this study nationwide through an Australian Linkage Grant. Fatigue has been identified as an area where further data would be beneficial. AMSA will further explore how fatigue is managed, including those perceptions that contradict what is known about how sleep affects performance. A survey looking at fatigue across all classes of domestic commercial vessels is currently open, and once finalised will provide another useful source of data for AMSA's regulatory activities, which may include more targeted fatigue guidelines. The data obtained through these studies will provide AMSA with a rich source of data on impacts of safety data and will be drawn on for future regulatory decision making processes.

AMSA also gathers data through direct engagement with domestic commercial vessel operators as a part of its operational activities. For example, in 2016, AMSA developed a safety management system (SMS) verification tool as a non-intrusive process for operators to score their own SMS. AMSA officers undertook assessments with owners and masters of vessels around the country.

In May 2017, AMSA released a SMS Verification Project Plan to undertake SMS verifications and collect data between 1 June and 31 October 2017 from Class 1, 2 and 3 operators. During this period 460 SMSs were verified and the results identified the gaps in understanding to inform the development of future SMS education workshops.

AMSA has also supported and been involved in safety research projects through the Fishing Research and Development Corporation (FRDC) including:

- Safety in Fishing Project entitled: *Identifying the barriers to the adoption of work, health, safety, management systems and equipment in the commercial fishing industry: 'What's stopping you from protecting your mates?'* The objective of the project was to identify why fishers weren't positively changing behaviours and attitudes, despite training, information and coronial pressure to adapt their existing workplace health and safety approaches. This report presents the findings of the focus group and interview work undertaken to better understand the Australian

seafood industry's safety culture. The study also sought to delve further into the safety values, preconceptions and attitudes affecting decision making and behaviours with fishers in an offshore fishery in North Western Australia and in offshore and estuary fisheries between Sydney and Ballina, in New South Wales. The final report is available on the FRDC website <https://www.frdc.com.au/project/2017-046>

- SESAFE Project: Delivering industry safety through electronic learning. The project focuses on the development of an electronic Learning Management System designed to provide a cost effective, easily accessible and timely safety course. The course is structured to be readily understood by vessel crews. The aim is to fill a gap that was identified in a study which showed there was a lack of awareness about occupational health and safety and safety culture, with current training failing to effectively deliver useable content.

In 2014, AMSA initiated a systematic assessment to investigate safety culture and its influence on safety behaviour on international commercial vessels in Australian waters. 1,026 seafarers participated in this study, with 23 flag States represented in the sample, providing statistically significant information on the ships visiting Australia. The findings supported anecdotal evidence of safety concerns in this area and provided recommendations to inform safety interventions. The full report is publically available on the AMSA website: <https://www.amsa.gov.au/safety-navigation/seafarer-welfare/research-report-safety-culture-maritime-industry>.