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Committee Secretary  
Senate Standing Committees on Rural and Regional Affairs and Transport  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Tuesday, 13 August 2019

To whom it may concern;

My name is Mick Uberti, Accredited Marine Surveyor with Maritime Survey Australia. I am one of four Directors of this company. I have worked in the Commercial Vessel Industry in Australia and abroad for most of my working life. As accredited Maritime Surveyors we have an important role in relation to Safety, taking our responsibilities and duties very seriously.

I write this letter after careful consideration. On some occasions I have observed that attention has been paid to lobby groups with little knowledge of the topic at hand. Submissions from AMSA and people working in the Maritime Industry carry information from long periods of working with "hands on experience", this should be tabled and considered as well.

My topics and comments posed below are referenced from completing around 2000 DCV inspections as a Surveyor for the past 11 years.

Initially, the National System was set up to solve the issue of the complex nature of seafarers and vessels transiting states. What was sold to the states was a system that would provide better safety standards, lower costs and less red tape. This policy after a short time was removed once the realisation was that this could not be achieved. I guess this is why most feel that the system has failed them. The National System went part way to solving the problem but has ended up quite cumbersome.

### **The Good Things**

To begin with the safety standards for the vessels that require ongoing periodic surveys has largely increased.

This is because as surveyors we can't use discretion, and that vessel operators are required to comply with the relevant standards. This is a good thing, however some vessel operators will say it has made life too difficult. This attitude should not deter the good operators and career mariners from the Maritime Industry. AMSA has the un-enviable task of doing the best they can with limited vessel history available from some states and a system that was not applied consistently across Australia.

AMSA are doing a better job than the states did, simply because they apply the rules as they should, with out prejudice. The MARS system has its issues however; I believe this will be a good system in time providing we can work together. Like any new system it is



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not without its faults, we are in the infancy of the National System and it must be given a chance, as this is certainly the best way forward.

### **Single point of contact**

A single AMSA point of communication & assistance to deal with Survey matters would have the direct benefit both to the client and AMSA personnel in delivering good & superior Customer Service.

At the moment we have a situation where the consistency is poor. The responses are never personable, there is no name in the signature pane and you may be dealing with someone in a call centre with no knowledge in this space and on the other side of Australia. If we had a single point of contact to deal with, our day-to-day issues will benefit AMSA staff with less workload as well as the surveyors and industry.

AMSA audit the initial surveys of new vessels, more often than not, often asking for information they already have, asking for information that is not relevant, asking for information that we as accredited surveyors are accredited to do. We have our own QMS and feel that AMSA increase the cost to the client by asking for the accredited surveyor to duplicate their work for often little to no benefit apart from increasing the cost to the end user. The AMSA accredited surveying system is in place so that private industry can complete the task; however the system we have in many ways has just added another layer of compliance that was already in place. This is most likely an issue, as AMSA may not trust many of the surveyors that they have accredited.

### **Surveyor Accreditation**

The IMarEST in the UK have developed an apprenticeship scheme for Marine Surveyors which we have been supportive of, however this is not available in Australia. This is a two year program of work and study for an experienced Mariner. Currently, a Surveyor is able to be experienced in the industry and complete an AMSA oral exam. The problem we are finding is that they are experienced Mariners, however never completed a marine survey. AMSA need to ensure that the pathway to accreditation is more onerous rather than auditing all the work the surveyor completes once accredited. The traditional background for a Marine Surveyor is to have relevant marine experience with qualifications as either Engineer 1 or a degree in Naval Architecture.

The problem with placing an over-reliance on these prerequisite qualifications is that the companies may recruit Marine Engineers or Naval Architects who happen to be surveyors, rather than surveyors who happen to be Marine Engineers or Naval Architects.

Initiatives such as graduate recruitment schemes or a recognised apprenticeship marine surveying program such as offered by IMarEST need to be examined.

### **Red-tape**

Red-tape 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, therefore they need to contact AMSA connect who always steer them to online forms or the client then contacts the surveyor. AMSA do not put an issue date on AMSA Survey notifications for periodic & renewal surveys. AMSA do not put an issue date on the certificate of Survey. AMSA do not put a company or owners name on the certificate of survey.

### **AMSA MSI's**



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There is also the question of whether recruits from a "big ship" background can make the transition to surveying small commercial vessels because their "big ship" attitudes are too ingrained. Many of the auditors that AMSA send to the vessel do not have the same knowledge as the AMSA accredited surveyors, this creates confusion amongst the vessel operators as well as another level of red tape they need to deal with. Understanding the National System is complex, there is not one single standard and there are previous exemptions, conditions and arrangements that may be unique not only to the vessel but the waterway. As the AMSA accredited surveyors are best suited to understand these rules rather than AMSA Port State Control Surveyors as they are looking at these vessels every day.

AMSA are still employing more and more people. I believe there is more people at AMSA now than there was with all the states combined working in the DCV space. AMSA are often poaching staff from survey companies, as they offer a more competitive wage. AMSA, at the same time have reduced the number of surveys that are required by vessel operators, therefore reducing the amount of work available for the surveyors to offer a wage that is competitive with the regulator.

### **Certificate of Surveys**

Most state regulators previously issued an annual certificate of survey as the result of a successful completion of the vessel survey. This approach has not been adopted by AMSA rather, issuing a five year certificate at the time of the renewal survey. Every vessel is issued with a five year certificate of survey, and in the case of a class one vessel it is required to have a survey every year except for year four. This creates confusion as many operators consider the expiry date to be the next survey date.

The issue here is that if the vessel operator has deficiencies there is no sense of urgency to have the survey completed, as there is no certificate issued at the successful completion. The national law allows AMSA to issue a Certificate of Survey with a maximum expiration period of 5 years, so there is no law change required to issue an annual certificate or have a system in place that the certificate expiration reflects the survey schedule. This would result in better levels of compliance. For example a vessel required to have a survey in 2 years time receives a certificate with a two year expiry.

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### **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. Civil contractors who operate many vessels throughout Australia, most with little to no Maritime knowledge have almost no oversight.

AMSA have given vessels under 12 metres 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 vessels are commercial vessels, but do not require an initial or on going inspection, they do 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. The form references the



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NSCV and multiple standards; it is unlikely that the layman would understand this, yet most would not be audited. Sadly, for the owner they may be then subjected to large fines if the vessel was then audited by a MSI and found to be non compliant. Furthermore, the vessel may not be able to be considered a commercial vessel in accordance with the standards when re-assessed. This has been the case on a number of occasions.

The confusion surrounding NS vessels could be so easily solved by simply changing the language used and changing the name to Class 5 vessels.

Increasing the original NS vessel length from 7.5m to 12m was a poor decision. A 12m vessel has larger systems and more complex than a trailer-able vessel yet considered low risk. There was no risk assessment ever completed and all the facts state that the smaller vessels are involved in the most accidents. Many fishing vessels are considered NS vessels. Commercial Fishing globally is considered the highest risk job in the world, yet in this case it is considered almost zero risk by AMSA.

7.5 meters is the upper limit for most legally road trailer-able vessels making this threshold a sensible pragmatic approach. AMSA increased this threshold to 12 meters without any underlying risk model that justified such an increase.

A NS vessel is not assessed for construction, stability, electrical equipment, buoyancy or crewing. It is not given a certificate of survey and in most cases a certificate of operation. It still requires a Safety Management System (SMS). Amazingly these same vessels with only a self assessment required, are able to carry up to 4 passengers. How do you decide that 4 dead people is acceptable on a NS vessel but not on a Class 1 vessel?

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 a compliance checks, rather a trust and verify model that failed resulting in the death of 5 people on a 6m commercial vessel. Furthermore, ASMA rely on the build plate to determine that the vessel is build to meet applicable standards. Recent findings from TSV and MSQ indicate that there are approximately 300,000 incorrect build plates fitted to recreational vessels. This is because the system failed and is failing. We allow a "competent person" to complete the data and affix a build plate to a vessel. Companies for more than a decade have been using the build plate as a marketing tool rather than the trusted verification of a vessels safety status that is expected by the consumer.

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



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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.

### **AMSA's stakeholder engagement and consultation processes**

Effective stakeholder management is a facilitating process that reduces the cost, and increases the efficiency of an organisations quality and risk management processes. Based on our observations, AMSA conduct Stakeholder engagement and consultation process simply to tell industry what they have already decided. Lessons learned from past communication efforts are also not formally captured and/or widely shared. AMSA's reputation within the industry is not respected and diminishing. AMSA are either insufficiently or disproportionately resourced with unclear goals and a lack of strategic direction. A strategic and consistent approach, supported by a plan with clear objectives and a customised-engagement process, would benefit the DCV industry.

### **Cultural Change**

AMSA has continually stated that a "cultural change" is required to enhance safety and avoid another FV Diane (6 fatalities) and the Death of Daniel Bradshaw (see coroners report and findings). Assuming that a cultural change can be achieved within a generation (Source IMO) sadly, this means that this generation of workers are exposed to risks that legally should not exist. Where there is a death resulting from unsafe practices the community is entitled to expect that the unsafe practices be denounced in the strongest possible terms.

The system is not consistent. A Class 1 passenger vessel requires a light ship assessment and Class 2 and Class 3 Fishing Vessels may use a self-declaration regarding a stability assessment. Class 2 and 3 vessels are more likely to have heavy shifting weights as well as modifications that have an effect on stability.

Furthermore, fishing vessels have been involved in recent fatalities related to stability. The coroners report from the "FV The Returner" recommending that stability books be implemented on all fishing vessels. Fishing vessels especially trawlers such as the two involved in recent fatalities FV The Returner and FV Diane may have benefited from having an updated stability book.

I hope you find my comments constructive and hope that we can make the changes that are necessary to deliver the great system that this will be.

Your Sincerely,



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