



Consultation Feedback Report

Changes to survey regime for domestic commercial vessels from 1 July 2018

June 2018

Outline

AMSA proposed to make changes to survey arrangements for the domestic commercial vessel (DCV) fleet by implementing the outcomes of the [Decision Regulation Impact Statement \(RIS\) – Survey under the National System for Domestic Commercial Vessels](#) (the RIS), as well as a suite of complementary amendments. It was specifically proposed that these changes commence from 1 July 2018 unless otherwise stated.

The proposed amendments were:

1. expanded eligibility criteria for non-survey vessels through changes to **Marine Safety (Certificates of survey) Exemption 2018** (Exemption 02);
2. a reduction in the frequency and depth of survey for most DCVs through changes to **Marine Order 503 (Certificates of survey - national law) 2018** (Marine Order 503) and the expansion of the **Marine Surveyors Accreditation Guidance Manual 2014** (the Marine Surveyor Manual) to cover requirements for persons who undertake surveys of DCVs, including 'depth' of survey requirements, in addition to processes for becoming accredited;
3. expanded eligibility criteria for vessels operating under **Marine Safety (Class C restricted operations) Exemption 2018** (Exemption 40);
4. changes to the requirements for unpowered barges operating under **Marine Safety (Unpowered barges) Exemption 2018** (Exemption 41);
5. minor changes to **Marine Order 507 (Load line certificates – national law) 2018** (Marine Order 507) to allow vessels to comply with the Load Lines Convention or Section 7 of the Uniform Shipping Laws Code (USL), and to align with the proposed new Marine Order 503 survey schedules; and
6. permitting vessels <65m to 'drop out of Class' and move into periodic survey by accredited marine surveyor, and permitting <45m vessels undergo initial survey by an accredited marine surveyor from 1 July 2020.

AMSA also sought stakeholder feedback on a policy paper which considered further potential changes to the requirements for larger vessels to be surveyed by Recognised Organisations.

The revised instruments have now been made and are available on the [AMSA website](#) and will commence on **1 July 2018**.



Background to the changes

In 2014, a 'Streamlining Review' of the National System was undertaken with agreement from all state and territory Transport Ministers. This review recognised that the National System was an amalgamation of the eight previous state, territory and Commonwealth regimes and required review in order to ensure that the regulatory arrangements were efficient and effective and were achieving safety outcomes.

As part of the review, stakeholders were asked to identify inefficiencies, safety gaps and other concerns they had with the regulatory arrangements of the National System, including the current survey arrangements.

Face to face consultations were undertaken around Australia, including at 24 open consultation sessions attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. Seventy-nine written submissions were received from stakeholders in response to the Streamlining Review, with many providing comments on current survey arrangements. These comments are discussed in the RIS.

A risk analysis of the current fleet and the current regulatory arrangements was also undertaken as part of the Streamlining Review. This found that risks may be more effectively controlled through a greater emphasis on holistic safety management than through vessel survey and certification in some circumstances.

Documents released as part of the Streamlining Review, including a full report on the consultation undertaken and the feedback received from stakeholders on current survey arrangements, are available on the AMSA website.

The Streamlining Review, and the extensive streamlining consultations, found that there was strong support from stakeholders for the proposed changes to survey. The proposed changes were then subject to a process of analysis and further consideration, which included:

- workshops with state and territory marine safety agencies;
- consideration and analysis by a technical streamlining workshop attended by representatives (technical experts such as surveyors) from all marine safety agencies and industry experts (private surveyors, naval architects, boat builders);
- independent expert review;
- impact assessment through a RIS process; and
- further public consultation.

At the workshops on the survey changes, attendees considered the following:

- vessel incident data;
- compliance and enforcement data;
- survey compliance data; and
- the risk assessment of the fleet undertaken by independent risk consultants.

The process of developing, consulting on and assessing the proposed changes to survey requirements for DCV has taken four years and has involved all governments (state, territory and Commonwealth) and their marine safety agencies, as well as industry representatives and other stakeholders – including the involvement of a large number of marine surveyors throughout the process.

This process, and all of the data and technical expert input, culminated in the survey schedules and requirements proposed to be implemented through Marine Order 503, Exemption 02 and the Marine Surveyor Manual.

The proposed changes to Marine Order 507, Exemption 40 and Exemption 41 were intended to be complementary to the new survey schedules and requirements and are part of establishing a coherent and risk-based regulatory scheme for DCVs.

Consultation Feedback

The proposed changes, together with explanatory material outlining the key changes (**Appendix B**), were published on the AMSA website for public consultation on 4 April 2018 for a four-week period.

AMSA received a total of **26 submissions** in response to the proposed changes, a number of which responded directly to the 22 questions outlined in the consultation explanatory material. The majority of these submissions were received from accredited marine surveyors.

All comments and AMSA's response to each comment are set out in **Table 1**. A synopsis of the consultation feedback on each key change is also set out below.

Key change 1 – Expanded non-survey category

Description of changes

The expanded non-survey category was proposed to be implemented through Exemption 02. The key changes proposed were:

- the length cut-off for non-survey to be extended from <7.5m to <12m. The non-survey category would then include Class 2, 3, and 4 vessels <12m, which operate in sheltered waters and do not have a modifier. This change was recommended by the RIS;
- to allow <12m Class 2D and Class 2E non-survey vessels to carry up to 4 passengers. This was an additional complementary measure not included in the RIS; and
- to include vessels involved in sporting or recreational activities, operating inshore, in non-survey where they are affiliated with a body which AMSA determines has systems in place to manage risk. This change was recommended in the RIS.

Feedback received

The responses on the proposed expansion of the non-survey category were mixed, particularly in relation to the proposed passenger allowance for Class 2D and Class 2E vessel.

AMSA is of the view that the changes align with the risk of the vessels and their operations. Further, we think that creating a more level playing field between grandfathered 'non-survey' vessels (which may not have to comply with any specified standards) and new non-survey vessels and will reduce the incentive for vessel owners to hold onto older vessels.

Submitters generally found the exemption easy to read and did not seek additional guidance.

Key change 2 – Reduction of periodic survey requirements

Description of changes

It was proposed that the changes to the periodic survey requirements be implemented through Marine Order 503 and the Marine Surveyor Manual, and that the National Standard for the Administration of Marine Safety Section 4 (NSAMS 4) and Section 14 of USL Code no longer apply to any vessels. The new survey regime was proposed to apply to all 'new vessels', 'existing (grandfathered) vessels' and 'transitional vessels' in survey.

Under the proposed new regime:

- nearly 50% of vessels with a certificate of survey will be in low survey frequency. This requires a renewal survey (in and out of water) at year 5 of the survey cycle;
- more than a third of vessels with a certificate of survey will be in medium survey frequency. This requires one mid-cycle in-water survey plus a renewal survey (in and out of water); and
- nearly a fifth of vessels with a certificate of survey will be in high survey frequency. This requires periodic surveys at years 1, 2 and 3, plus a renewal survey.

This proposed new survey schedule was recommended in the RIS. Other complimentary changes proposed included:

- new and transitional vessels >35m must comply with the construction and equipment requirements of Annex 1 of MARPOL;
- additional criteria for variation and renewal of certificates; and
- new requirements for vessel owners to notify AMSA of certain changes to the vessel.

Feedback received

Feedback was split between support for the changes and concerns with the implications of the changes to both safety and the viability of accredited marine surveyor operations.

It is important to note that the proposed changes to survey have been subject to a lengthy process of development and consultation, which began with the Streamlining Review in 2014. The proposed survey regime was developed by considering:

- vessel incident data;
- compliance and enforcement data;
- survey compliance data;
- the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders);
- public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders;
- round table discussions with key industry representatives and presentations at industry association meetings; and
- public and stakeholder feedback on the regulatory impact assessment of the proposed changes.

This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels, and the new survey schedule.

In addition, the proposed changes to survey are designed to improve safety outcomes by:

- creating incentives for operators to introduce strong safety management practices;
- introducing new ways to identify high-risk operations requiring greater regulatory oversight;
- creating incentives for operators to replace older grandfathered vessels;
- encouraging 'fit for purpose' vessels to be built and operated; and
- increasing the focus on safety management systems.

Impacts on safety

Importantly, as part of the proposed changes to survey regime requirements, AMSA will have the ability to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. **This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-survey vessels**, and will enable AMSA to manage the risks of vessels which are outside the survey regime. It will also allow AMSA to move vessels into annual survey, where appropriate.

The new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard will be supported by AMSA inspecting ten percent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).

The proposed new arrangements will also reward good safety management through reductions in survey frequency. This aims to create an environment whereby an operator implements a system to identify and manage problems with the vessel on a daily basis, rather than only at a periodic survey.

One of the most important intended outcomes of the Streamlining Review was to address the perception that meeting National System requirements (that is, the contemporary standards) for new vessels is too costly (as compared to grandfathered requirements). The proposed changes achieve this by removing or reducing survey requirements for lower risk vessels in sheltered waters or operating close to shore and extending length cut-offs for larger vessels required to be in Class

survey. By removing barriers to operating replacing older vessels, the changes aim to reduce risks across the fleet as a whole.

The new Marine Order 503 also includes more stringent requirements for notifying AMSA when any changes or modifications are made to a vessel. This will allow AMSA to require survey reports and ensure that the changes or modifications do not have safety or stability implications.

Impacts on accredited marine surveyors

In relation to the concerns raised on the impact of the changes on surveyors accredited by AMSA under the National Law, AMSA first consulted on potential streamlining reforms, including the changes to survey requirements, from May to July 2014. The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements was extensive and began six months before any surveyors were accredited under the National Law. As such, AMSA considers that surveyors should have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses.

In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – an additional, new market for accredited marine surveyors which is currently open to Class Societies only. **Changes to the Class survey requirements will commence in 2020.**

AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, AMSA expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.

Other matters

There was a high level of support for the proposed new Marine Order 503 requirements for compliance with Annex 1 of MARPOL, but concerns were raised regarding the requirement to have an EIAPP certificate for certain engines. To address concerns regarding additional unnecessary compliance costs, the provisions have been amended to ensure that the requirements do not apply to vessels which would not otherwise be required to comply under state/territory or Commonwealth legislation. The Marine Order 503 provisions are designed only to enable AMSA to confirm MARPOL compliance for relevant vessels prior to issuing a certificate of survey.

Key change 3 – Proposed new survey ‘modifiers’

Description of changes

The changes to the survey modifiers – the ‘high risk’ operations and vessel attributes that change the survey requirements which would otherwise apply to the vessel – were proposed to be implemented through Marine Order 503. The proposed new Marine Order 503 ‘modifiers’ reflected the modifiers that are already in Exemption 02; however, it was proposed that ‘age’ be added as a modifier for Marine Order 503 – this includes vessels that are 15 years or older (except vessels with aluminium or steel hulls).

Vessels with a modifier are in medium survey frequency (unless otherwise in high).

Feedback received

Stakeholders were very supportive of the new ‘age’ modifier, but many raised concerns with the exclusion of aluminum and steel hulls.

All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.

AMSA notes that timber vessels are particularly subject to expedited deterioration (due to worms, for example), and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.

AMSA will continue to monitor the data and review this modifier over time.

Key change 4 – More flexibility in survey timing

Description of changes

The changes to the survey timing requirements were proposed to be implemented through Marine Order 503. Under the proposed new requirements, periodic surveys may occur up to three months prior to and three months after the due date, providing a six month window. The survey due date is the same each year, regardless as to when the survey is conducted.

Under the proposal, renewal surveys must occur within the 6 month period before the certificate of survey expires.

Feedback received

The limited feedback received on this key change was supportive of the proposed arrangement.

Key change 5 – Individualised survey frequency

Description of changes

This aspect of the survey changes was proposed to provide the flexibility for AMSA to move vessels into higher or lower survey frequency levels, depending on the performance of the individual vessel.

Vessels which perform poorly during survey or compliance monitoring activities would be moved into a higher survey frequency level. High survey frequency vessels could be moved into annual survey and non-survey vessels could be moved into survey.

Under the proposal, owners could apply to move a vessel into a lower survey frequency level when their certificate of survey is being renewed after 2023 – the ‘Survey Mobility Rules’ would be released before that date.

Feedback received

No feedback was received on this key change. However, stakeholders did seek further information of the Survey Mobility Rules. These are currently under development and will be released publicly prior to 2023 to ensure that the arrangements are transparent.

Key change 6 – Marine Surveyor Manual and new survey schedules

Description of changes

The changes to the periodic survey requirements were proposed to be implemented through Marine Order 503 and the new Part 2 of the Marine Surveyor Manual.

Under the proposal, the survey schedules (the aspects of the vessel that must be inspected at each survey) were reviewed and relocated into Part 2 of the Marine Surveyor Manual. Changes allowed for the use of modern technology in vessel construction, maintenance and survey.

The NSAMS 4 requirement to test/verify/examine/trial items in specific years were proposed to be replaced with a general requirement that surveyors test/verify/examine/trial items to the extent necessary to be satisfied that the vessel complies with the applicable legislation/standards.

Feedback received

Submitters were supportive of the proposal for surveyors to identify when an item should be tested/verified/examined/trialed, rather than the Marine Surveyor Manual including explicit

requirements for each item. Submitters also generally found the Marine Surveyor Manual to be user-friendly. However, a number of stakeholders noted that there was duplication between the Marine Surveyor Manual and Marine Order 503.

The duplication of provisions between Marine Order 503 and the Marine Surveyor Manual is intended to make:

- Marine Order 503 a 'one stop shop' for DCV operators; and
- the Marine Surveyor Manual a 'one stop shop' for surveyors.

The Marine Surveyor Manual has been amended to make it clear where a provision duplicates a provision of an instrument and is provided for information purposes only.

The comments on the new survey schedules are discussed above under 'Key change 2'.

Key change 7 – Expanded restricted C category

Description of changes

The changes have been implemented through Exemption 40. The key change proposed was to expand the number of people that may be carried to allow:

- 12 persons (no passengers) when within 5nm from a shore base (within restricted C areas);
- 6 persons (no passengers) when within 15nm from the shore (within restricted C areas); and
- 3 persons (no passengers) otherwise when within restricted C areas (e.g. in parts of the Great Barrier Reef Marine Park).

These changes were not included in the RIS. Other complementary proposed changes included:

- more flexibility around equipment requirements; and
- a new requirement to notify AMSA about vessel changes.

Feedback received

Stakeholders were divided in support for the changes, with some expressing concerns at the expansion of Exemption 40. Some stakeholders felt that the approach could be simplified, as the proposed changes based on operational area would be difficult to enforce.

AMSA is of the view that the proposed allowances balance the risk of the operation with the operational area permitted, and that the limited expansion of Exemption 40 after three years of operation without any significant incident is consistent with AMSA's risk-based approach. AMSA notes that a vessel will not be eligible for Exemption 40 if carrying passengers.

Key change 8 – Proposed changes to Class survey requirements

Description of changes

The requirement for vessels $\geq 35\text{m}$ to be surveyed by a Recognised Organisation was proposed to be included in Marine Order 503, rather than only the National Standard for Commercial Vessels (NSCV). (Note that existing vessels or transitional vessels not required to be in Class prior to the commencement of the National Law do not have to move into Class survey).

From July 2020, the changes to the Class survey requirements recommended by the RIS will also commence, namely:

- $<45\text{m}$ vessels may undergo initial and periodic surveys by an accredited marine surveyor; and
- $<65\text{m}$ vessels may undergo periodic surveys by an accredited marine surveyor.

Complementary changes to the NSCV and the surveyor accreditation scheme are required to support these reforms and will be made before 2020.

AMSA also sought feedback on potential further changes to allow vessels <65m to undergo initial survey with an accredited marine surveyor.

Feedback received

As outlined above, the proposal recommended in the RIS is expected to commence in 2020. This will enable:

- <45m vessels to undergo initial and periodic surveys by an accredited marine surveyor; and
- <65m vessels to undergo periodic surveys by an accredited marine surveyor.

Views were split on the potential additional change to the Class survey requirements to allow vessels <65m to undergo initial survey with an accredited marine surveyor. AMSA thanks stakeholders for providing their viewpoints and data, and will consider the proposal in more detail, in light of the feedback received.

Key change 9 – Survey arrangements for unpowered barges

Description of changes

The proposed changes to Exemption 41 clarify the conditions for unpowered barges and make it clear that Class 1 (passenger) unpowered barges are eligible for Exemption 41 provided they are not being used for overnight accommodation. In addition, under the proposal, unpowered barges only need to have 'appropriate crew' and are not required to meet minimum crewing requirements in Marine Order 504.

Feedback received

Stakeholders provided a number comments on the requirements for unpowered barges and changes have been made to the requirements as a result of this feedback – including in regards to the carriage of anchors and collision bulkhead requirements.

Stakeholders also provided feedback on the inclusion of barges providing overnight accommodation in Exemption 41. No changes to Exemption 41 on this issue are being made at this point in time.

Changes made in response to consultation feedback

A number of changes were made to the instruments as a result of the feedback. This included:

Exemption 02

- No changes were made to Exemption 02 as a result of public consultation.

Marine Order 503

- Removal of the modifier covering net reels, deckloads, cranes and lifting devices.
- Inclusion of a number of notes to clarify the meaning of the provision.
- Amendment of the additional MARPOL criteria to ensure that the criteria only apply to vessels that enter into commercial service from 1 July 2018 and (for the EIAPP certification) vessels that change their engine (put a new engine in the vessel) after 1 July 2018.

Marine Surveyor Manual

- Clarification in the Marine Surveyor Manual where provisions replicate the requirements of the National Law Regulations, Marine Order 503, Exemption 40 and other instruments, and are provided for information only.
- Clarification of the requirements for surveyors in regards to using AMSA forms, submitting plans and the electronic recommendation lodgment options.
- Removal of those elements of the Marine Surveyor Manual relevant to the net reels, deckloads, cranes and lifting devices modifier, which was removed from Marine Order 503.
- Clarification of the timing and scope of the lightship verification periodic survey requirements. These changes clarify that Class 2, 3 and 4 vessels, and Class 1 vessels less than 12 metres,

may make a declaration of any changes made to the vessel, instead of full lightship verification. This better reflects the lightship verification arrangements that these vessels have been subject to.

- Clarification of the timing of the '10 year survey' requirements.

Exemption 40

- Wording changes to clarify the requirements where these were unclear.
- Minor technical changes to the conditions, including the fuel piping requirements.

Marine Order 507

- Minor changes to further align the order with Marine Order 503.

Exemption 41

- New exemption from the requirement to carry an anchor.
- New exemption from the collision bulkhead requirements.
- Including RAVs and other commercial vessels as permitted accompanying vessels.

The Class survey changes recommended in the RIS will commence in 2020. AMSA will consider further changes to the Class survey requirements in light of the comments and data submitted.

Other minor changes

The *Marine Safety (Periodic survey, equipment certification and compass adjustment) 2018* (Exemption 06) and *Marine Safety (Temporary operations) 2018* (Exemption 7) have been amended to align with the new Marine Order 503.

Under the new Exemption 06, an application may be made where periodic survey will be undertaken more than three months, and up to six months, after the due date. Changes to Marine Order 503 mean that no application for extension is required if periodic survey occurs three months either side of the due date.

Exemption 07 will be amended to allow for the new option to renew a certificate of survey.

More information

For further information on these changes, please contact standards.secretariat@amsa.gov.au or visit the AMSA website.

Table 1 – Consultation submissions and AMSA responses

AMSA received submissions from the following organisations/individual. Individual submitter's names have been removed from the submissions in table below. AMSA thanks all submitters for taking the time to comment on these important changes for the DCV industry.

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| <ul style="list-style-type: none"> - Kedge Marine Surveyors Pty Ltd - International Marine Consultants Pty Ltd - TAMS Group - Timothy Smolder - Erik Eriksson - LOC Group - Broad Reach Marine - Direct Marine Solutions Pty Ltd - Key West Boats Direct - Graeme Mugavin - MMD Naval Architects - Boating Industry Australia - Maritime Projects - Marine Survey and Consultancy - Western Australian Fishing Industry Council Inc. - Insurance Council of Australia | <ul style="list-style-type: none"> - Boata - MMD Naval Architects - MIPEC - Australian Institute of Marine Surveyors - Oceaneer Marine Services - Geoff Brown Marine Services - DCV Marine - Maritime Industry Australia Limited - Roads and Maritime Services NSW - Bureau Veritas Australia - Maritime Engineers Pty Ltd |
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Key change # 1 – Expanded non-survey category

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
|---|---|--|-----------------------------------|
| Question 1: Do you support the change that allows Class 2D and 2E non-survey vessels <12m to carry up to four passengers? | | | |
| 1. | No- coupled with the reduced survey frequency this increase in risk without appropriate controls is not wise. | <p>The view has been noted.</p> <p>AMSA is of the view that the changes align with the risk of the vessels and their operations. Further, we think that creating a more level playing field between grandfathered 'non-survey' vessels (which may not have to comply with any specified standards) and</p> | None. |



| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
|-------------|--|---|-----------------------------------|
| | | new non-survey vessels and will reduce the incentive for vessel owners to hold onto older vessels. | |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | No | The view has been noted. | None. |
| 5. | Not supported - The standards associated with the use of Scheme NS vessels do not adequately cover systems and features of vessels greater than 7.5 meters. | The view has been noted. Part G of the NSCV (Non-survey vessels) was revised to include appropriate requirements for vessels <12m. The revision of Part G was completed after the proposed changes to survey requirements were developed and subject to regulatory impact assessment. | None. |
| 6. | No | The view has been noted. | None. |
| 7. | Yes | The view has been noted. | None. |
| 8. | Yes: this relates specifically to class 2D and 2E? Key change 7 refers to class C Restricted vessels? | The view has been noted. There was an error in the consultation materials, which made the question a little confusing. As the comment notes, the question was about the 'up to 4' passenger allowance for Class 2D and Class 2E vessels. | None. |
| 9. | I would prefer the non survey category remain <7.5 metres. | The view has been noted. | None. |
| 10. | Yes | The view has been noted. | None. |
| 11. | Yes | The view has been noted. | None. |
| 12. | Yes | The view has been noted. | None. |
| 13. | We do not support all of the proposed expanded non survey categories and in particular does not support non survey of any vessel that is permitted to carry passengers. There is already significant evidence from surveyors and vessel owners of a large percentage of instances where vessel owners and operators are not enforcing adequate safety requirements for the vessel or its operations and allowing the carriage of passengers for these vessels increases the risks significantly. Safety management systems are not developed or implemented and an overwhelming majority of surveyors argue that many existing <12 m vessels are currently not | The view has been noted. As noted above, AMSA is of the view that the changes align with the risk of the vessels and their operations. Further, we think that creating a more level playing field between grandfathered 'non-survey' vessels (which may not have to comply with any specified standards) and new non-survey vessels and will reduce the incentive for vessel owners to hold onto older vessels. AMSA notes that all vessel owners are required to implement and maintain a safety management system that ensures the safety of the vessel and its | None. |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| | compliant with the NSCV or NSAMS and have current deficiencies with a large percentage of these being serious. | operations. AMSA has continuing activities in place to inform and educate vessel owners about their general safety duties. Surveyors have an obligation to report to the National Regulator where corrective action is required to the vessel, or a thing on the vessel, due to a defect or non-conformity in the vessel or thing, so should be informed where surveyors are seeing deficiencies. | |
| 14. | Agree | The view has been noted. | None. |
| 15. | I, disagree with the cut off for the length of vessels to be extended from <7.5 m and up to <12 m. Once you move into the larger vessels engineering systems become more complexed with higher risks. There are greater areas to consider in larger vessels which will compromise water tight integrity, like raw water, shaft seals, rudder seals, wet exhausts systems to name but a few areas of concern. | The view has been noted. AMSA considers that the eligibility criterion, and the exclusion of vessels with high risk attributes from using the exemption, are sufficient to ensure that the expansion of Exemption 02 aligns with the risks on non-survey vessels and their operations. | None. |
| 16. | Yes | The view has been noted. | None. |
| Question 2: Do you like the presentation of the proposed amended Exemption 02? Is it easy to read? | | | |
| 1. | Yes | The view has been noted. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | No | The view has been noted. On balance, submitters found the exemption easy to read and understand. Changes to its structure and presentation were intentionally minimised, as stakeholders were already familiar with the form and content of Exemption 02. | None. |
| 5. | Yes | The view has been noted. | None. |
| 6. | All regulatory texts are complex and not readily digested by industry... | The view has been noted. On balance, submitters found the exemption easy to read and understand. Changes to its structure and presentation were intentionally minimised, as stakeholders were already familiar with the form and content of Exemption 02. | None. |
| 7. | AMSA standard document presentation. Easy to read. | The view has been noted. | None. |
| 8. | Yes. | The view has been noted. | None. |
| 9. | Yes | The view has been noted. | None. |
| 10. | The presentation is not easy to read but it is recommended that all marine orders are written in Plain English. Reviewers | The view has been noted. On balance, submitters found the exemption easy to read and understand. | None. Guidance material will address the concerns raised |

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| | <p>with legal experience found parts confusing. Most vessel owners / operators would be very confused by the information presented and find it difficult to use and possibly contradictory. For example, when a vessel owner reads that an exemption no longer applies to the vessel if the conditions that apply to the exemption are not being met they would wonder how evidence of the conditions that apply to the exemption would be identified? Surely this can only occur if a survey has been undertaken. Consistent interpretation would be highly unlikely. A vessel owner or surveyor reading this exemption would need to constantly refer to relevant parts of MO503 and NSCV. It is our belief that vessel owners will not do this and will be as ignorant of the law and survey requirements as they are currently. Marine surveyors would require a concise mapping instrument as an addendum to this document</p> | <p>Changes to its structure and presentation were intentionally minimised, as stakeholders were already familiar with the form and content of Exemption 02.</p> <p>The wording of the exemption aims to ensure that vessel owners and operators are aware that the conditions of the exemption, including those regarding vessel standard, operational area allowances and passenger carriage allowances, are compulsory and, if not complied with, then the vessel must hold a certificate of survey (or other approval to operate).</p> <p>Self-declaration and intelligence-led compliance activities have been the means by which AMSA has ensured that grandfathered non-survey vessels have complied with Exemption 02 to date.</p> <p>In relation to new non-survey vessels, we expect that on top of notification requirements, AMSA's compliance and enforcement activities will identify non-compliance with the requirements of the exemption. This will include AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into survey, a higher survey frequency category or into annual survey, where appropriate).</p> <p>Compliance with NSCV Part G is a requirement for non-survey (Exemption 02, Division 2) vessels.</p> | <p>regarding readability and mapping of requirements between Marine Order 503, Exemption 40 and Exemption 2.</p> |
| 11. | Yes, but still isn't clear with information | The view has been noted. | None. |
| 12. | Not easy to read. Excessive legalistic wording. Plain English is preferred. | The view has been noted. On balance, submitters found the exemption easy to read and understand. Changes to its structure and presentation were | None. |

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| | | intentionally minimised, as stakeholders were already familiar with the form and content of Exemption 02. | |
| Question 3: Is there any specific guidance you feel would be useful in relation to specific parts of amended Exemption 02? | | | |
| 1. | The exemption in and of itself should be clear enough to read and interpret without the need to add additional guidance material | The view has been noted. | N/A. |
| 2. | No | The view has been noted. | N/A. |
| 3. | No | The view has been noted. | N/A. |
| 4. | It should be made clear that EX02 removes the protection available under reviewable decisions made by the regulator | Whether or not a vessel is eligible for Exemption 02 is set out in the exemption and is not a reviewable decision. Statutory review rights for decisions made under the National Law are set out in the National Law Act. The view has been noted and will be considered when the National Law Act is next reviewed. | Decisions made by AMSA which are subject to review will be made clear in guidance material. |
| 5. | No | The view has been noted. | N/A. |
| 6. | No | The view has been noted. | N/A. |
| 7. | Flow charts and examples of typical vessel types that are covered are always valued | Noted – AMSA will endeavor to include flow charts and typical vessel examples in guidance materials. | Inclusion of more flow charts and typical vessel examples in guidance materials. |
| 8. | None. | The view has been noted. | N/A. |
| 9. | No | The view has been noted. | N/A |
| 10. | Yes - clear and concise tables that indicate exemptions for different types of vessels and mapping of changes to MO503 and NSCV would be useful. It would also be useful to advise how AMSA will roll out the non survey rules and the requirement to notify AMSA of changes to the vessel and how will this be monitored if there is no survey taking place. In regard to the exemption generally the <12m vessels should be referred to AMSA as eligible or not eligible for exemption from survey ONLY after a survey is conducted by an accredited surveyor and the vessel condition and recommendations are reported to AMSA for evaluation and | The view has been noted. The non-survey status for these vessels is considered to be commensurate to the risk of the vessel. The vessels must comply with Part G of the NSCV. Part G formalises the recognition of international and national standards and enables owners or operators to confirm vessel compliance. Self-declaration and intelligence-led compliance activities have been the means by which AMSA has ensured that grandfathered non-survey vessels have complied with Exemption 02 to date. | Guidance materials will include an overview ('map') of the Exemption 02, Exemption 40 and Marine Order 503 arrangements and requirements. |

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| | <p>consideration for exemption from survey. Where a vessel is found to have defects then the defects must be rectified before an application for exemption is considered by AMSA - Given the significant evidence of vessel owner ignorance of the standards that apply to vessels the AIMS does not support any self declaration of any vessels' condition and eligibility for exemption in any way. The AIMS has documented evidence that a large percentage of vessel owners have limited or no knowledge of NSCV Part G or any other part and don't have a safety management system in place</p> | <p>In relation to new non-survey vessels, we expect that on top of notification requirements, AMSA's compliance and enforcement activities will identify non-compliance with the requirements of the exemption. This will include AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into survey, a higher survey frequency category or into annual survey, where appropriate).</p> <p>From 1 July 2018, the new Marine Order 504 will require all vessels – new and grandfathered – to have a safety management system (SMS) which complies with the MO504 (previous Part E) requirements other than crewing. AMSA has been and will be supporting operators in developing their SMS.</p> | |
| 11. | No | The view has been noted. | N/A |
| Other comments on Exemption 02 | | | |
| 1. | <p>For key change #1. Q1. What type of "systems in place to manage risk" would need to be onboard a vessel <12m not in surevy? For example SMS, C02 minotiors, more safety equipment OR Will it be case by case.</p> <p>Q2. Does a vessel still need to apply to be recongised as not in survey? "The application for approval of a non-survey vessel"</p> <p>Q3. What would be the minimum passengers allowed onboard a non-surevy vessel <12m? Would it fall back on the mimium operating safety standards/ Rego and build specifications, for that boat?</p> | <p>Non-survey vessels must comply with Part G of the NSCV. The standard is available on the AMSA website.</p> <p>An application for approval for non-survey is required. There are some exceptions to this – for human powered, small sail craft, PWC and grandfathered (pre-National System) non-survey vessels.</p> <p>There are no 'minimum' passenger requirements. A maximum of four passengers are permitted on a Class 2D or 2E vessel. Maximum nominated crew and passenger numbers are to be included as part of an application for approval under Exemption 02. The</p> | None. |

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| | | approval would reflect these numbers, provided the vessel meets the relevant Part G requirements. | |
| 2. | <p>Combine wording of 2.1 (f) – Essentially any installation will likely have a negative effect.</p> <p>Suggested:</p> <p>(f) if a net reel, crane, lifting device or deck load is installed on the vessel: a marine surveyor accredited in stability approval is to make a written recommendation to the National Regulator stating that the surveyor is satisfied that the net reel, crane, lifting device or deck load is unlikely to: (A) generate a heeling moment that may endanger or capsize the vessel; or (B) create a loading condition that exceeds the maximum loading for the vessel; and</p> | Thank you for the comment. As the outcome of the provision (2.1(f)) remains the same with the suggested change, it will not be amended at this time. | None. |
| 3. | It is proposed that vessel owners whose vessels are involved in sporting/recreational activities and operate inshore to be non-survey if they are affiliated with a body that AMSA determines has systems in place to manage risk. What risks and what type of body is AMSA considering? This change is so vague that a proper response is difficult to determine. It is assumed that the body overseeing these activities is the body that will be appointed but what criteria is being used to appoint them or to analyse how they manage risk.? | This is intended to include organisations such as Yachting Australia, Surf Lifesaving Australia and the Australian Waterski Federation. However, the organisations will need to apply for the determination and AMSA will consider the risk management process applied by the organisation at that time. | None. |
| 4. | Exemption 02 should include in its scope 4E vessels with a motor of less than 3.5kW. Currently they would be required to comply with part F2 where the requirements for engines operating on a flashpoint of less than 60 deg were intended to capture ski and wake board boats. They are too onerous for low powered motors and it is inconsistent that exemption 02 captures high powered PWC's and low powered canoes, kayaks and sailing boats with motors. | <p>Vessels with petrol inboard engines, even where they are small vessels in sheltered water operations, are considered to be too high a risk to safety to be in non-survey. Recent incidents have confirmed the high risk nature of these engines.</p> <p>AMSA will continue to monitor the fleet and incident data.</p> | None. |
| 5. | The amendments to Exemption 02 extending the length cut-off for Class 3 non-survey vessels from <7.5m to <12m (operating in D & E sheltered waters) is a significant boost to the inshore fishing, pearling and aquaculture fleets. | Thank you for your comment. The view has been noted. | None. |

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- Key change # 2 – Reduction of periodic survey requirements
- Key change # 3 – Proposed new survey ‘modifiers’
- Key change # 4 – More flexibility in survey timing
- Key change # 5 – Individualised survey frequency

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| Question 1: Do you agree that the ‘survey modifiers’ should encompass vessels that are 15 years or older (excluding vessels with aluminium/steel)? | | | |
| 1. | I cannot understand why alloy and steel vessels would not be included- they can and do deteriorate | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 2. | No - I do not think that the hull construction material on its own is necessarily a good risk indicator. It may be that AMSA survey data disproves this. | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 3. | Yes | The view has been noted. | |

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| 4. | Yes | The view has been noted. | |
| 5. | <p>The degradation of Timber and GRP hulls is no more susceptible than steel or aluminium, it does not make sense to target some structural materials and exclude others.</p> <p>Deterioration of hulls is largely a result of poor maintenance and whether the hull spends significant part of it's life in or out of the water.</p> | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 6. | Yes - This should include vessels of all construction material | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 7. | Yes but I'm not sure why aluminium vessels > 15 years are excluded. Fatigue will be a problem after 15 years, and possibly corrosion. GRP would be much safer after 15 years compared to aluminium. | All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis. | None. |

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| | | <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | |
| 8. | Agree timber boats, but fibreglass to not be excluded I don't agree | The view has been noted. Vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules. | None. |
| 9. | <p>Yes, but why does this not extend to class 3A or 3B? These are the most high risk vessels in Australia as the recent incidents continue to prove? Why are all the 3B trawlers medium risk when they keep rolling over with loss of life?</p> <p>Reducing the survey frequency of fishing vessels, in particular, is extremely risky. Most fisherman, in our experience, will do the bare minimum meaning that they will only make the effort to comply for the survey.</p> <p>We would also contest that ANY vessel in area A or B should be anything other than high risk. For example: the number of surveys we carry out where the HF radio is not able to be operated would be over 50% and that's vessel requiring annual surveys.</p> | <p>The modifiers apply to all vessels – including Class 3A and 3B vessels. All vessels with modifiers are, at minimum, in medium frequency survey.</p> <p>The concerns raised regarding the allocation of vessels to the survey frequency categories are noted.</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. | None. |

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| | | <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels.</p> <p>The new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> | |
| 10. | Yes, this is considered reasonable | The view has been noted. | None. |
| 11. | Yes | The view has been noted. | None. |
| 12. | Why should a FRP or timber be any more susceptible to long term ongoing degradation than aluminum or steel. | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 13. | Yes I agree But also should include vessel with aluminium/steel hulls due to corrosion issues. | All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis. | None. |

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| | | <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | |
| 14. | Yes | The view has been noted. | None. |
| 15. | Disagree, there is no more risk between steel or fibreglass boats, if anything fibreglass would fair better than steel. Even a well kept timber boat is actually less risk of wear & tear than aluminium or steel. | <p>All vessels are subject to additional requirements at the 10 yearly renewal surveys. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| 16. | Yes | The view has been noted. | None. |
| 17. | Division 5 - Modifier (h) age modifier for vessels >15 yrs other than steel or aluminum, this should include all vessels over 15 yrs, most vessels in NT are well in excess of 15yrs & most steel or aluminum vessels are now having structural remedial works carried out at regular surveys. | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower</p> | None. |

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| | | <p>survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | |
| 18. | <p>New modifier that will affect survey frequency - if a vessel (other than a vessel with a hull made from aluminium or steel) that is at least 15 years old. This was not part of the RIS recommendations, how did AMSA determine this was to be included.</p> | <p>Feedback on the RIS included a comment that AMSA should take the age of the vessel into account, and apply more onerous survey requirements to older vessels. In the RIS, it was proposed that vessel age be taken into account as part of the survey mobility rules.</p> <p>However, on further consideration, including age as a 'modifier' was considered to be a more transparent and consistent way of ensuring that older vessels are subject to more frequent surveys. It is noted that this only moves vessels into medium survey frequency – as such, it does not affect vessels that are already in medium or high survey frequency.</p> | None. |
| 19. | <p>We suggest the 15-year age modifier should apply to all vessels as a blanket rule regardless of construction material.</p> <p>If a blanket rule is not applied, other materials must also be considered and addressed specifically.</p> <p>We have the opinion that FRP is superior to aluminium alloy and steel in an aged vessel. Therefore aluminium and steel should not be excluded from the age modifier. FRP could be excluded from the age modifier.</p> <p>Note that vessels may become subject to the 'age modifier' partway through their 5 year certificate and therefore will need replacement certificates issued.</p> | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> <p>Vessels will automatically shift to the new survey requirements when they are 15 years old. Survey reminders will be sent out in accordance with the new schedule once the vessel is 15 years old.</p> | None. |

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| 20. | Why are aluminum and steel hulls excluded? Corrosion and fatigue cracking can be issues on these older vessels with steel and aluminium hulls. | <p>All vessels are subject to additional requirements at the 10 yearly renewal survey. These requirements are designed to address the risks of older alloy and steel vessels. In addition, where these older vessels require more frequent surveys, they may be moved into a higher survey regime under the Survey Mobility Rules on an individual vessel basis.</p> <p>AMSA considers that timber vessels are particularly subject to fast deterioration, and that older, timber, fibreglass and FRP/GRP vessels should be subject to more frequent surveys. However, vessels captured in this modifier could apply to move into a lower survey frequency category in accordance with the Survey Mobility Rules.</p> <p>AMSA will continue to monitor the data and review this modifier over time.</p> | None. |
| Question 2: Do you have any comments on the proposed additional criteria for new or transitional vessels >35m requiring compliance with the construction and equipment requirements in Annex 1 of MARPOL? (AMSA is not proposing to issue MARPOL certification) | | | |
| 1. | Extra regulatory burden for what? | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth and state/territory legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 2. | This makes sense, though I suspect industry will push back on requirements of fit oil filtering equipment as per MARPOL Annex I Reg 14. It would appear that only ROs (i.e. Class) are able to undertake surveys for MARPOL I compliance this will also add significant additional costs to operators. Who can approve drawings for MARPOL I compliance? | Recognised Organisations and AMSA can undertake MARPOL surveys, including approving drawings – see Part 2 of the Marine Surveyor Manual. | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |

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| 3. | Yes | The view has been noted. | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 4. | I think it is a good idea but Will accredited surveyors be allowed to issue these MARPOL certificates? If not, there will be little point in allowing accredited surveyors to survey vessels to 45m. | Recognised Organisations and AMSA can undertake MARPOL surveys, including approving drawings – see Part 2 of the Marine Surveyor Manual. | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 5. | Yes | The view has been noted. | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 6. | Is the implication here that MARPOL doesn't need to be met if <35 m? This is a grey area as State based legislation applies in any case. | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth and state/territory legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>Many MARPOL requirements – including in Annex 1 - only apply to vessels 400GT and over. However, the requirements for certification and design, construction and equipment standards for DCV are generally applied on a length basis. For the purposes of applying MARPOL to DCV, it is therefore assumed that vessels 35m and longer are 400GT and over, unless the operator can prove otherwise.</p> <p>However, as noted in the comment, MARPOL may apply to vessels <35m (<400GT) – for example, to oil tankers. Under state/territory and Commonwealth legislation, Annex 1 of MARPOL continues to apply to these smaller vessels.</p> | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 7. | Agree if proceeding outside D and E waters | The requirements of MARPOL, and the terms of its application in Australia under state, territory and Commonwealth law, do not distinguish between where vessels are operating, for the requirements proposed to be referenced in Marine Order 503. | None. |
| 8. | The enforcement of this criteria can only enhance the vessel, the operations of it and the crew awareness of this annex of Marpol. | The view has been noted. | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 9. | Not sure what is gained if AMSA is not issuing certification | Vessels are required to comply with MARPOL Annex 1 in accordance with Commonwealth, state and territory legislation. | None. |

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| | | AMSA expects that certification and other documentary evidence will be used to provide evidence of compliance as part of the application for a certificate of survey. | |
| 10. | We agree with the additional criteria and enforcing compliance with Annex 1 of MARPOL but if AMSA is not issuing a certificate of MARPOL then how are the vessels expected to meet the standards? The current level of experience held by ex Govt and many AMSA accredited surveyors would indicate that they would not be able to undertake the survey for compliance to Annex 1 without further training. More dialogue on this is needed. | <p>Vessels are required to comply with MARPOL Annex 1 in accordance with Commonwealth, state and territory legislation. AMSA expects that certification and other documentary evidence will be used to provide evidence of compliance as part of the application for a certificate of survey.</p> <p>Recognised Organisations and AMSA can undertake MARPOL surveys, including approving drawings – see Part 2 of the Marine Surveyor Manual. The requirement has been limited further. As the requirement will now only apply to vessels entering into commercial service from 1 July 2018, and AMSA expects that those vessels will have some form of documentary evidence from a Recognised Organisation when surveyed to enter into service.</p> | The requirements will only apply to vessels that enter into commercial service from 1 July 2018. |
| 11. | Agree | The view has been noted. | None. |
| 12. | Part 9(2)(b) states if the vessel is a new vessel that is ≥35 m and at least 400 GT — the vessel meets the standards for construction and equipment as required by Annex I of MARPOL. However, NSCV Part C, Section 3 – Construction 3.1 states Vessels of measured length 35 m or more in measured length shall be classed, i.e., designed, constructed and maintained in accordance with the rules of a recognised organisation. The language is confusing as technically new vessels ≥35 m are required to be constructed to class certification and would not be required to be in the Marine Order. | Although vessels ≥35m are required to be surveyed by a Recognised Organisation (for at least some aspects of the vessel, and, from 2020, this will shift to vessels ≥45m for initial survey and ≥65m for periodic survey), they are still required to hold a certificate of survey under Marine Order 503. In other words, the requirements of Marine Order 503 still apply to the vessel, just the standards and survey requirements differ to those which apply to <35m vessels. | None. |
| 13. | Happy with this criteria. | The view has been noted. | None. |
| 14. | MO91 already applies to DCV's. Therefore believe MARPOL Annex I should be applied in line with the requirements of the convention according to tonnage and not applied according to length. This is another argument why vessel's greater than 35m | The MARPOL requirements do apply based on tonnage in line with MO91 and other applicable legislation. Where a vessel is ≥35m but less than 400GT, the owner can provide evidence to AMSA of the vessel's gross tonnage. | None. |

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| | <p>should be Classed since these larger vessel's are in the 400GT range that require compliance with MARPOL. Class Societies are equipped to perform tonnage calculations and carry out reviews and surveys for compliance with MARPOL.</p> | <p>NSCV Part B provides rules for determining gross tonnage based on length. This is intended to simplify the requirements for DCV, as all other DCV requirements are based on length.</p> <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations, and are only intended to provide AMSA with a means of confirming MARPOL compliance.</p> | |
| <p>Question 3: Do you have any comments on the additional criteria for new vessels fitted with a marine diesel engine >130 kW requiring the vessel to have an EIAPP certificate or an engine international air pollution prevention certificate issued in accordance with Annex VI of MARPOL?</p> | | | |
| 1. | <p>An otiose extra bit of paper which achieves nothing. Think of the vessel size here and the reason why EIAPP exists. Exempt</p> | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | <p>The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018.</p> |
| 2. | <p>I can see the desire to align with MARPOL requirements, however the requirement for all vessels to be provided with EIAPP certification for engines > 130 kW will impose a significant additional cost.</p> | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | <p>The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018.</p> |
| 3. | <p>No agree</p> | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and</p> | <p>The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018.</p> |

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| | | Commonwealth, state and territory legislation, the application of the provision will be limited further. | |
| 4. | I don't think this is necessary. | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 5. | This is not an issue that should be addressed via the DCV survey regime. The responsible authority for pollution control should address this at the source of the supply chain, ie, directly with engine manufacturers, agent and importers so it is equitably applied regardless of the end use of the vessel an engine gets fitted to. | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 6. | No | <p>The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth and state/Territory legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey.</p> <p>However, to ensure that Marine Order 503 does not unintentionally extend the MARPOL obligations beyond the terms of MARPOL and Commonwealth, state and territory legislation, the application of the provision will be limited further.</p> | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 7. | This is acceptable for new vessels, however the actual text of MO503 talks about installation of a new engine. This would clearly capture existing vessels replacing machinery. Provision should be made for exempting situations where a suitable | Where an engine is replaced, and the replacement engine is required to hold an EIAPP certificate, the EIAPP certificate must be obtained. | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |

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| | replacement engine is not capable of or not certified to Marpol VI. | This is already requirement of Commonwealth legislation and MARPOL. Marine Order 503 is providing a means of confirming compliance and is not imposing new requirements here. | |
| 8. | As per Question 2 above it can only enhance the vessel. It is a responsible stance to take in an effort to comply with government pollution control targets and CO2 emissions. | The view has been noted. | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 9. | Yes, agree this would be good to improve air pollution however may cause problems for vessel owners when having to replace engines in a like-for-like manner. Engines may not meet new specifications. | The view has been noted. | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 10. | Vessels fitting new diesel engines over 130 kW after 30 June 2018 will be required to have an Engine International Air Pollution Prevention (EIAPP) Certificate issued in accordance with Annex VI of MARPOL. AMSA also note they will not be issuing MARPOL certification. We support good environmental practices however what will the cost to industry be and how will they be compliant if AMSA will not issue certification. | Vessels are required to have MARPOL certification in accordance with Commonwealth legislation and the terms of MARPOL. In accordance with the Marine Surveyor Manual, Recognised Organisations (and AMSA in some circumstances) may survey for MARPOL compliance. | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 11. | Happy with this criteria. | The view has been noted. | The requirements will only apply to a vessel that is fitted with a marine diesel engine with propulsion power >130 kW after a new engine after 30 June 2018. |
| 12. | Marine Order 97 Marine Pollution – air pollution, already applies to DCV's. It is therefore our understanding that EIAPP certs are already required for engines >130kW in accordance with Annex VI of | The proposed new Marine Order 503 requirements for MARPOL compliance do not introduce any new obligations – Commonwealth legislation already requires compliance to the relevant MARPOL provisions. The Marine Order 503 provisions simply allow AMSA to confirm compliance prior to issuing a certificate of survey. | None. |

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| | MARPOL. This is not dependent on the vessel's tonnage. | | |
| Question 4: Do you like the presentation of the amended Marine Order 503? Is it easy to read? | | | |
| 1. | OK | The view has been noted. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | Yes | The view has been noted. | None. |
| 5. | As above, all regulatory documentation is difficult for industry to read | The view has been noted. | None. AMSA endeavors to provide user friendly guidance material to assist. |
| 6. | It is standard AMSA drafting and presents well | The view has been noted. | None. |
| 7. | Yes | The view has been noted. | None. |
| 8. | Plain English should be mandatory for all contemporary marine orders and related legislation. | The view has been noted. | None. AMSA endeavors to provide user friendly guidance material to assist. |
| 9. | Not easy to read. Excessive legalistic wording. Plain English is preferred | The view has been noted. | None. AMSA endeavors to provide user friendly guidance material to assist. |
| Question 5: Is there any specific guidance you feel would be useful in relation to specific parts of amended Marine Order 503? | | | |
| 1. | Again-should not need any further guidance if clearly written | The view has been noted. | N/A. |
| 2. | No | The view has been noted. | N/A. |
| 3. | No | The view has been noted. | N/A. |
| 4. | Clarification for the nature of approvals mentioned in Division 1 Section (1) and 3 (1) & (2) necessary | These sections of Marine Order 503 allow for approvals and determinations to be made by AMSA under the Marine Surveyor Manual. Such approvals or determinations may cover: <ul style="list-style-type: none"> - departures from the scope and depth requirements of a periodic survey under the Marine Surveyor Manual; - determinations made under the survey mobility rules; and - the allocation of restricted vessels to a survey category. | Guidance material will address the purpose of the approvals and determinations in Marine Order 503 Division 1. |
| 5. | No | The view has been noted. | N/A. |
| 6. | No | The view has been noted. | N/A. |
| 7. | Nil | The view has been noted. | N/A. |
| 8. | How will 'modifiers' be monitored? If a vessel is not in survey but then alters the vessel or its operations how will anyone know? A vessel is medium frequency at | The view has been noted. As a condition of certificate of survey, the owner of the vessel is required to notify AMSA of certain changes to the vessel and/or its operations (See section 11 and schedule 1 of Marine Order 503). | Guidance materials will outline AMSA's compliance monitoring activities relevant to vessel compliance. |

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| | <p>initial survey and then is operational for 3 years prior to next survey but in year 1 the owner alters the vessel or its operations. How will AMSA know this? Is AMSA relying solely on the owner to notify them or is AMSA replacing what was done by surveyors with monitoring activities carried out by MSI's? It certainly appears that "compliance monitoring activities" will determine much of this. It is our belief that AMSA should be embracing transparency and indicate what it means to achieve with compliance monitoring activities and how these will take place, who will conduct them and how often these will be undertaken. Mandatory Safety Management system audits by accredited or named private surveyors specialising in this field should be added to these compliance monitoring activities.</p> | <p>The Marine Surveyor Manual notes this obligation on the owner. It also requires surveyors to inform the owner and AMSA where they have reason to believe that a vessel has been modified or altered, changed operations or moved operational areas in a way that may require the vessel to meet current standards.</p> <p>In addition, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> | |
| 9. | <p>Legalistic wording confusing for non-legal person Plain English is preferred</p> | <p>The view has been noted.</p> | <p>AMSA endeavors to provide user friendly guidance material to assist.</p> |
| Other comments on Marine Order 503 | | | |
| 1. | <p>Why is there no question about the most significant key change, ie number 2? In reading the table for periodic and renewal survey for low frequency survey, it appears that ALL class 2D, 2E, 4D and 4E are now required to undergo a renewal survey at year 5, whereas previously this was only for such class 2 with passengers and class 4 with overnight passengers. The new regime now means that ALL DCVs will undergo a renewal survey?</p> | <p>The comments on the new survey schedules have mainly been provided under key change #6 – the Marine Surveyor Manual. However, it also is relevant to Marine Order 503.</p> <p>Yes, under the proposed changes, all low survey frequency vessels are required to undergo a renewal survey at year 5. AMSA is of the view that all vessels in survey should be surveyed periodically. The increased length limits and passenger allowance for non-survey vessels is also noted.</p> | <p>None.</p> |
| 2. | <p>Definition of modifier, paragraph (b) – this seems to say that every vessel which has a stability booklet, considering the device is</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes,</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from</p> |

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| | <p>not considered to have a modifier applied. Propose changing to:</p> <p>(b) installation of a net reel, deck load, crane or lifting device which would require the stability to be considered under NSCV Part C6A</p> <p>i.e. vessels with devices which decrease stability are to be surveyed more frequently.</p> | <p>deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> <p>The modifier still applies under Exemption 02 and Exemption 40 – vessels with this modifier must hold a certificate of survey.</p> | <p>Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> |
| 3. | <p>Should vessel that have “fixed” ballast be surveyed more frequently?</p> | <p>'Fixed ballast' is not included as a modifier as AMSA does not believe these would require more frequent surveys. While fixed ballast may impede visibility, this risk is unlikely to be lessened through frequent surveys.</p> <p>However, 'permanent ballast' will be included in Table 8 of the Marine Surveyor Manual as a requirement to be surveyed at in-water periodic, out-of-water periodic and renewal surveys.</p> | <p>'Permanent ballast' will be included in Table 8 of the Marine Surveyor Manual as a requirement to be surveyed at in-water periodic, out-of-water periodic and renewal surveys.</p> |
| 4. | <p>Division 5</p> <p>Modifiers - Who will be determining that a vessel does or does not have a modifier? I can't imagine that AMSA, or the states, have any data relating to this.</p> <p>To determine this information the stability booklet would need to be reviewed and the vessel surveyed e.g. check the stability booklet for a limited crane heeling diagram and survey the vessel for any ULP cargo tanks.</p> <p>Should this also include vessels which have tank</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> <p>The modifier still applies under Exemption 02 and Exemption 40 – vessels with this modifier must hold a certificate of survey.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> |
| 5. | <p>Schedule 3: Provision should be made for AMSA to increase the survey frequency of a particular vessel if desired e.g. if a vessel SAR shows major issues at a year 3 survey,</p> | <p>As part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-</p> | <p>None.</p> |

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| | <p>the owner can be made to complete surveys yearly.</p> <p>High frequency surveys should include a year 4 periodic survey – why is high risk vessel ok for 2 years when it could only go 1 year between surveys for the previous 3 years.</p> <p>Class 3A and 3B should have modifiers applied to increase them to a high survey frequency – Almost every periodic survey to date on these vessel classes has highlighted issues. If these classes of vessels, knowing the typical operator, are allowed to operate for up to 3 years without a survey it is expected that more incidents will occur and of a higher magnitude.</p> <p>All class A and B vessels should be a high survey frequency – The potential risk for missing or faulty equipment to cause an incident while 200nm to sea is much, much higher than for a class C, 15nm to sea. Further concern is potential modifications made to vessels which AMSA has not been notified of but would be normally picked up at the annual survey.</p> | <p>survey vessels, and it will enable AMSA to manage the risks of vessels which are outside the survey regime. It will also allow AMSA to move vessels into annual survey, where appropriate.</p> <p>Outcomes of vessel surveys, as well as compliance and enforcement activities, will provide inputs into decisions by AMSA to increase survey frequency requirements. Further, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four-year process which has included three significant consultation rounds.</p> <p>However, as outlined above, the survey frequency category identified in Schedule 3 is the base category for the vessel only,</p> | |

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| | | and vessels will move into higher and lower survey categories on an individual basis where appropriate. | |
| 6. | Definition of modifier should be moved from Division 5 to Schedule 3 for increased readability. | The view has been noted. All definitions are included in the definitions section of the Order, as a matter of drafting protocol. They are also included in Part 2 of the Marine Surveyor Manual, so that they are readily available to surveyors. | A note has been added to Schedule 3 of Marine Order 503 alerting to the reader to the location of the modifiers. |
| 7. | Table 1 should be updated to reflect the Accreditation Manual to clearly define requirements for in and out of water surveys for each applicable year. | The view has been noted. Notes have been included for clarity. In addition, the full table is included in Part 2 of the Marine Surveyor Manual. | None. |
| 8. | Section 9 – (1) (a) vessel must have been in survey for past 2 years, does this make the 30/06/2013 obsolete ? Section 10 – (1)(a) (a) as above. | Section 9(1)(a) requires the vessel to have held a certificate of survey in the last two years. Vessels whose certificate of survey has lapsed for two or more years will be subject to initial survey and current standards for some aspects of the vessel. | None. |
| 9. | Vessels >15yrs should move frequency up 1 grade due to these issues | The survey frequency category identified in Schedule 3 is the base category for the vessel. Vessels will be moved into higher (or lower) survey frequency categories on an individual vessel basis. As part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. These movements will be based on surveyor reports and compliance and enforcement activities undertaken by AMSA. Further, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. | None. |
| 10. | Survey Mobility, who makes recommendation, based on what information | The Survey Mobility Rules are currently under development. Inputs will include survey reports and compliance and enforcement activities. More information on how the process will work will be provided in the Survey Mobility Rules. | None. |
| 11. | Schedule 3 – (3) Wholeheartedly agree & not before time Table 1, why no survey at year 4 ? Table 2 – | The view has been noted. The proposed survey regime was developed by considering: <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; | The Marine Surveyor Manual will be amended to make it clear where a provision duplicates a provision of an instrument and is provided for information purposes only. |

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| | <p>5-12 should be high due to aging fleet, remote areas & constant structural repairs being undertaken at annual surveys 14-18 should be medium, unless ex02 or ex40 apply 22-26 should be high, as above 29-31 should be medium, as above 40-42, should be medium, as above</p> <p>From my experience, owners tend to not maintain a lot of their equipment as part of pm, but will wait until a surveyor inspects vessel to check gear, is only form of internal auditing that occurs</p> <p>Table also applies in surveyor accreditation manual part 2</p> | <ul style="list-style-type: none"> - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four year process which has included three significant consultation rounds.</p> <p>However, as outlined above, the survey frequency category identified in Schedule 3 is the base category for the vessel only, and vessels will move into higher and lower survey categories on an individual basis where appropriate.</p> <p>The duplication of provisions between Marine Order 503 and the Marine Surveyor Manual is intended to make:</p> <ul style="list-style-type: none"> - Marine Order 503 a ‘one stop shop’ for operators; and - the Marine Surveyor Manual a ‘one stop shop’ for surveyors. <p>The Marine Surveyor Manual will be amended to make it clear where a provision duplicates a provision of an instrument and is provided for information purposes only.</p> | |
| 12. | Support the concept of Survey Mobility Rules regarding the performance of individual vessels. However, what will the criteria be to determine good or bad performance and how long will it take for these rules to be written and implemented. | The Survey Mobility Rules will be developed over the coming months. An operator will be able to apply to move into a lower survey frequency category when they apply to renew the certificate of survey from 2023. It will take this first full survey cycle for AMSA to have the data required to reduce survey frequency. | None. |
| 13. | We suggest that fishing vessels should not be included in the low category for survey | The view has been noted. | None. |

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| | frequency. | <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase has been a four year process and has included three significant consultation rounds.</p> <p>However, the survey frequency category identified in Schedule 3 is the base category for the vessel only, and vessels will move into higher and lower survey categories on an individual basis where appropriate.</p> | |
| 14. | Although we support the majority of proposed changes to the Marine Order however, again owners and operators are not encouraged to invest in new or transitional vessels ≥35 m as these are still required to be constructed and surveyed to class certification at a great cost to industry (see below). | <p>In 2020, vessels up to 45m will be able to be surveyed by accredited marine surveyors, and vessels up to 65m will be able to be in periodic survey with an accredited marine surveyor, provided the initial survey is undertaken by a Recognised Organisation.</p> <p>As outlined below, AMSA is considering further changes to the Class requirements which would allow more vessels to undergo initial survey with an accredited marine surveyor.</p> | None. |
| 15. | <p>In modifier (b), Line 3 should read “for which a marine surveyor accredited in stability approval ‘has made’”.</p> <p>Clarify intent of this statement. How is this statement to affect a vessel.</p> | The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel’s survey requirements. | The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503. A vessel must comply with the NSCV stability requirements, and cranes, |

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| | <p>Noting that unlikely to be in effect for survey vessels because if you change the vessel you generally need to re-assess stability. It would be unacceptable risk to make changes to the vessel and not reassess stability with the only consequence being more frequent inspections (ie modifier applied to survey scheme).</p> | <p>The modifier still applies under Exemption 02 and Exemption 40 – vessels with this modifier must hold a certificate of survey.</p> | <p>deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> |
| 16. | <p>There is no good definition of 'landing barge' provided in NSCV, MO or Regs.</p> | <p>Marine Safety (Certificates of operation) Exemption 2017 (Exemption 03) includes the following definition of landing barge:</p> <p>landing barge means a vessel designed for beaching to enable the loading and discharge of cargo or persons by foot or vehicle directly from or onto the shoreline without the use of wharfs or other shore side facilities.</p> <p>This definition will added to Marine Order 503, Exemption 02 and Exemption 40.</p> <p>It is also noted that, under Exemption 02 and Marine Order 503, the landing barge modifier only applies to a landing barge that AMSA has determined is of a design or for a use that is likely to adversely affect its stability.</p> <p>The landing barge modifier in Exemption 40 will also be aligned with that in Exemption 02 and Marine Order 503.</p> | <p>A definition of 'landing barge' will be added to Marine Order 503, Exemption 02 and Exemption 40, which aligns with the definition in Exemption 03.</p> <p>The landing barge modifier in Exemption 40 will also be aligned with that in Exemption 02 and Marine Order 503.</p> |
| 17. | <p>Table 1 in Schedule 3 is confusing. Should include year 5.</p> | <p>The view has been noted. Notes have been added for clarity. In addition, the full table is included in Part 2 of the Marine Surveyor Manual.</p> | <p>None.</p> |
| 18. | <p>Note 1 to Table 2 in Schedule 3 is confusing. Suggest clarifying</p> | <p>Some vessels will fit into more than one category – for example, a novel vessel could be in high and medium, depending on the vessel. The note makes it clear that the category with an asterisk (*) applies where the vessel would otherwise fit into more than category.</p> | <p>None.</p> |

Key change # 6 – Manual and new survey schedules

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| Question 1: Do you like the presentation of the Marine Surveyor Manual? Is it easy to read? | | | |
| 1. | Yes-its pretty good-content needs some work though | The view has been noted. | None. |
| 2. | OK | The view has been noted. | None. |
| 3. | The previous website version and the NSAMS were easier to read. The Chapter and part should be listed at the bottom and/or top of the page to aid in locating information. There should be a clickable link back to the contents pages on each page, or available as a bookmark. | The suggested changes will be made to make the Marine Surveyor Manual more user friendly. | Chapter / part references will be included in the header on each page. A clickable link to contents page will be included in the footer on each page. |
| 4. | Yes | The view has been noted. | None. |
| 5. | Yes it is a big improvement over the web manual | The view has been noted. | None. |
| 6. | Yes, the document is readable | The view has been noted. | None. |
| 7. | Yes / Yes | The view has been noted. | None. |
| 8. | Yes | The view has been noted. | None. |
| 9. | Yes, the manual is presesnted well and consistent | The view has been noted. | None. |
| 10. | Yes | The view has been noted. | None. |
| 11. | Yes I like it | The view has been noted. | None. |
| 12. | Yes. | The view has been noted. | None. |
| Question 2: What do you think about the new survey schedules? | | | |
| 1. | I did the original work on this. They were supposed to be tested using survey deficiency data from the states to see if they were justified given the actual state of the fleet. This hasn't been done- and having now run a company that has surveyed some 1400 vessels in the last 2 years I am of a view that you should not drop the level until you have good empirical evidence that these new schedules mitigate the risk. I think they are wrong and that you need three years of survey data including survey of grandfathered vessels before you should modify the schedules. | As part of the development of the proposed changes to survey, AMSA, with jurisdictions, reviewed survey deficiency data, and compliance and enforcement data. This data was analysed as part of the development of the proposed new survey schedules and levels. Development of the proposed survey regime was a four year process which included consideration of: <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); | None. |

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| | | <ul style="list-style-type: none"> - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>Survey is a risk mitigation tool which confirms that a vessel is built and maintained to the standards required by law. However, survey is also a compliance cost for the operator and, where survey is publicly subsidised, a cost to the government. The proposed changes are designed to ensure that survey regime requirements are aligned as closely as possible to the risk of the vessel and operation.</p> <p>The proposed changes to survey regime requirements aim to realign survey requirements with risks, and where appropriate, reduce the regulatory burden. However, they are also designed to improve safety outcomes by:</p> <ul style="list-style-type: none"> - creating incentives for operators to introduce strong safety management practices; - introducing new ways to identify high-risk operations requiring greater regulatory oversight; - creating incentives for operators to replace older grandfathered vessels; - encouraging 'fit for purpose' vessels to be built and operated; and - increasing the focus on safety management systems. <p>Importantly, as part of the proposed changes to survey regime requirements, there will be a new flexibility for</p> | |

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| | | <p>AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-survey vessels, and it will enable AMSA to manage the risks of vessels which are outside the survey regime. It will also allow AMSA to move vessels into annual survey, where appropriate.</p> <p>The new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> <p>The proposed new arrangements will also reward good safety management through reductions in survey frequency. This aims to create an environment whereby an operator implements a system to identify and manage problems with the vessel on a daily basis, rather than only at a periodic survey.</p> <p>One of the most important intended outcomes of the Streamlining Review was to address the perception that meeting National System requirements (that is, the contemporary standards) for new vessels is too costly (as compared to grandfathered requirements). The proposed changes achieve this by removing or reducing survey requirements for lower risk vessels in sheltered waters or operating close to shore and extending length cut-offs for larger vessels required to be in class survey.</p> | |
| 2. | Good | The view has been noted. | None. |

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| 3. | Happy | The view has been noted. | None. |
| 4. | Vessels that carry passengers and Operational area A or B vessels should be of a High survey frequency. High survey frequency vessels should require a survey at least every year. | <p>The concerns are noted.</p> <p>As part of the proposed changes to survey requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-survey vessels, and it will enable AMSA to manage the risks of vessels which are outside the survey regime. Under the arrangements, high survey frequency vessels may be moved into annual survey where required.</p> <p>Additionally, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> | None. |
| 5. | Disagree - the reduction in survey inspection frequency equates to a reduction in safety, there is no valid risk assessment which underpins this philosophy. It is counter intuitive to reduce visibility of non compliance by reducing or removing mandatory inspections and expect to discover non compliances for the purpose of imposing more frequent inspections for poor operators. The threat of punishment promotes non reporting. It would be far better to maintain higher level of inspection frequency and reward good operators with less frequent inspections to encourage greater transparency and promote a positive safety culture. | <p>The concerns are noted.</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to | None. |

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| | | <p>face consultations around Australia attended by approximately 800 stakeholders;</p> <ul style="list-style-type: none"> - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four-year process which has included three significant consultation rounds.</p> <p>However, as outlined above, the survey frequency category identified in Schedule 3 is the base category for the vessel only, and vessels will move into higher and lower survey categories on an individual basis where appropriate.</p> <p>The new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).</p> | |
| 6. | The new survey schedules do not make any sense! Fishing Vessels should be classed as high risk whatever area of operation. As an accredited surveyor I have surveyed many vessels which were maintained to a substandard level, items such as fuel | <p>The concerns raised regarding the allocation of vessels to the survey frequency categories are noted.</p> <p>The proposed survey regime was developed by considering:</p> | None. |

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| | <p>shut off's, fire flaps and navigation lights have not functioned, fire fighting equipment and lifesaving appliances unserviced and crew unfamiliar with the operation of the equipment and stowage requirements. It makes no difference if the vessel is operating 2nm, 30nm or 200nm from the coast if the vessel and it's equipment is not properly maintained.</p> <p>Many vessel owners make unapproved modifications to their vessels by adding new equipment etc, and do not fully understand the implications of this in regards to effect on stability and safety of the vessel.</p> <p>The Regulator appears to be more concerned with appeasing industry rather than focusing on their actual role of vessel and crew safety and for the protection of the enviroment. How can you classify a vessel high, medium or low risk when the vessel has not been regularly surveyed? It appears the regulator is more than happy to lower standards in states which have reasonable track records, rathen than raising the bar in the states which obviously have serious problems and are poorly regulated. I expect it would take more needless fatalities to take place before AMSA fully understands the issues within the industry which they are supposedly regulating. It appears the risk ratings revolve solely around the fallout the regulator would receive if an incident caused a high number of fatalities. When just one loss of life is too many!</p> <p>Recent media articles relating to loss of life due to incidents on fishing vessels in Queensland and Western Australia should clearly indicate the problems within the fishing industry. I am sure the general public would be shocked to hear of the indentions of the National Regulator.</p> | <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four year process which has included three significant consultation rounds.</p> <p>The new Marine Order 503 also includes more stringent requirements for notifying AMSA when any changes or modifications are made to a vessel. This allows AMSA to require survey reports and ensure that the changes or modifications do not have safety or stability implications.</p> <p>We also appreciate the concerns you have raised regarding the impact of the changes to survey requirements on surveyors accredited by AMSA under the National Law.</p> | |

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| | <p>I feel senior management at AMSA should familise themselves with domestic vessel operations prior to making these rash decisions. If these changes were to be approved many experienced surveyors would have to leave the industry due to the huge loss of income.</p> <p>AMSA have basically built a new industry comprising of independent surveyors but now intend to remove the opportunity for work. Many surveyors have paid a large sum of money to gain their accreditation, will these funds be re-embersed as the surveying opportunities will not longer exist?</p> <p>The National Regulator seems to be under the impression that by conducting regular SMS audits this would equate to a safer marine industry. Firstly I am sure there are still many vessel owners operating without a SMS in place and some that do have a system do not fully understand how the system should be utilized to promote operational safety. Surveyors should also have training in system auditing.</p> <p>I have attended an ISM lead auditors training which was a 5 day course. There sound be a requirement in place that all accredited surveys should have some basic training in Safety Management Systems.</p> | <p>AMSA first consulted on potential streamlining reforms, including the changes to survey requirements, from May to July 2014. This included 24 open face to face consultation sessions around Australia attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. 79 written submissions were received. In addition, a large number of surveyors (both government and industry) were involved in both the initial development and subsequent refinement of the streamlining reforms, including the changes to the survey requirements.</p> <p>The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered by the RIS include empowering accredited surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> <p>AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.</p> <p>Finally, on the SMS issue raised, the new Marine Order 504 will require all vessels – new and grandfathered –</p> | |

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| | | to have an SMS which complies with the MO504 (previous Part E) requirements other than crewing requirements. AMSA has been and will be supporting operators in developing their SMS. | |
| 7. | Makes sense. But difficult to bear for the many surveyors who have just opened new businesses in anticipation of privatisation to now lose 70% of the available work. | <p>The comments are noted.</p> <p>Consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> | None. |
| 8. | It appears that a licensed electrician will be required to survey vessels electrical systems >50volts at all survey schedules. In the accompanying RIS there is no reference to the additional cost impacts and reasons for this additional surveyor service that is proposed. | The requirement to obtain electrical certificate of compliance during periodic surveys was contained in NSAMS 4. As there were no changes being made to the existing survey standard, it was not considered in the RIS. | None. |
| 9. | As a surveyor I feel that all vessels should be surveyed every year, as does class and other flag states. I do not believe that operators can self declare annually that the vessel is fit for sea factually as they of course have a conflict of interest in doing so where maintenance or repairs cost the operator and doing them versus continuing to operate and earn income is preferred . In enforcing an annual survey will bring more work for surveyors as AMSA have many accredited people, all of which are also working to earn a living. To keep things real possibly a fee structure can be set by AMSA for annual survey cost, which will ensure operators get a reasonable service cost, AMSA has the safe DCV fleet it needs and surveyors have sufficient work for their businesses to remain viable. | <p>The view has been noted.</p> <p>Survey is a risk mitigation tool which confirms that a vessel is built and maintained to the standards required by law. However, survey is also a compliance cost for the operator and, where survey is publicly subsidised, a cost to the government. The proposed changes are designed to ensure that survey regime requirements are aligned as closely as possible to the risk of the vessel and operation.</p> <p>The proposed changes to survey regime requirements aim to realign survey requirements with risks, and where appropriate, reduce the regulatory burden. However, they are also designed to improve safety outcomes by:</p> | None. |

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| | | <ul style="list-style-type: none"> - creating incentives for operators to introduce strong safety management practices; - introducing new ways to identify high-risk operations requiring greater regulatory oversight; - creating incentives for operators to replace older grandfathered vessels; - encouraging 'fit for purpose' vessels to be built and operated; and - increasing the focus on safety management systems. <p>Importantly, as part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-survey vessels, and it will enable AMSA to manage the risks of vessels which are outside the survey regime. It will also allow AMSA to move vessels into annual survey, where appropriate.</p> <p>We also appreciate the concerns you have raised regarding the impact of the changes to survey requirements on surveyors accredited by AMSA under the National Law.</p> <p>The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered</p> | |

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| | | <p>by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – an additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> <p>AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.</p> | |
| 10. | Surveys for area A and B vessels should be every year | <p>The view has been noted.</p> <p>As part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. These movements will be based on surveyor reports and compliance and enforcement activities undertaken by AMSA. Further, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program.</p> | None. |
| 11. | Disagree with new schedule as this could lead to safety and vessel compliance risks if schedules are reduced from current arrangements. | <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to | None. |

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| | | <p>face consultations around Australia attended by approximately 800 stakeholders;</p> <ul style="list-style-type: none"> - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four year process which has included three significant consultation rounds.</p> <p>The proposed changes to survey regime requirements aim to realign survey requirements with risks, and where appropriate, reduce the regulatory burden. However, they are also designed to improve safety outcomes by:</p> <ul style="list-style-type: none"> - creating incentives for operators to introduce strong safety management practices; - introducing new ways to identify high-risk operations requiring greater regulatory oversight; - creating incentives for operators to replace older grandfathered vessels; - encouraging 'fit for purpose' vessels to be built and operated; and - increasing the focus on safety management systems. <p>Importantly, as part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine</p> | |

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| | | surveyors and marine inspectors as part of its existing inspection program. | |
| 12. | They do not represent best practice in vessel and seafarer safety and certainly do not protect workers on fishing and pearling vessels. More work needs to be done to inform the regulator of the current state of vessels and surveyors recommendations on the current risk state of the vessel would give more safety and be more probity to the proposed reduced survey regime based on clear factual risk identifiers | <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four-year process which has included three significant consultation rounds.</p> <p>The proposed changes to survey regime requirements aim to realign survey requirements with risks, and where appropriate, reduce the regulatory burden. However, they are also designed to improve safety outcomes by:</p> <ul style="list-style-type: none"> - creating incentives for operators to introduce strong safety management practices; | None. |

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| | | <ul style="list-style-type: none"> - introducing new ways to identify high-risk operations requiring greater regulatory oversight; - creating incentives for operators to replace older grandfathered vessels; - encouraging 'fit for purpose' vessels to be built and operated; and - increasing the focus on safety management systems. <p>Importantly, as part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. Further, this will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program.</p> | |
| 13. | <p>I, disagree with them. It's a miscalculated decision to move so many vessels into the low risk category, there are not enough skilled / qualified checks in place. The owner / operator self regulatory approach is a poor decision as I currently witness the sad state on NS vessels that have the self regulatory approach. If the grandfathered vessels make up 6000 of the 13900 vessels in the fleet then you already have a substantial number of older and tired vessels on the water already which should have an annual survey with an accredited surveyor. I cannot understand how a B class vessels can be classed as medium risk when their operational area in out of normal helicopter assistant and the only reliable means communication is HF and satellite.</p> | <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. | None. |

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| | | <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four year process which has included three significant consultation rounds.</p> <p>The proposed changes to survey regime requirements aim to realign survey requirements with risks, and where appropriate, reduce the regulatory burden. However, they are also designed to improve safety outcomes by:</p> <ul style="list-style-type: none"> - creating incentives for operators to introduce strong safety management practices; - introducing new ways to identify high-risk operations requiring greater regulatory oversight; - creating incentives for operators to replace older grandfathered vessels; - encouraging 'fit for purpose' vessels to be built and operated; and - increasing the focus on safety management systems. <p>Importantly, as part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. Further, this will be supported by AMSA inspecting ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program.</p> | |
| 14. | Bad idea. Reduction in safety standards. Suggest AMSA compare the 901s submitted against the 586s submitted this year in NSW to get a real time view on the poor state of the fleet. But then I suppose AMSA have reduced the standards for NS vessels, compass adjustment, accredited electrical surveyors. This | <p>The concerns raised regarding the proposed survey requirements are noted.</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; | None. |

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| | <p>reduced survey amount will most likely mean surveying for me will become a part time income earner. More than likely send me back to sea. Very poor form that this was not brought in before individuals went through all the massive time, effort and expense of creating businesses only now to have the goal posts moved.</p> | <ul style="list-style-type: none"> - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels.</p> <p>We also appreciate the concerns you have raised regarding the impact of the changes to survey requirements on surveyors accredited by AMSA under the National Law.</p> <p>AMSA first consulted on potential streamlining reforms, including the changes to survey requirements, from May to July 2014. This included 24 open face to face consultation sessions around Australia attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. 79 written submissions were received. In addition, a large number of surveyors (both government and industry) were involved in both the initial development and</p> | |

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| | | <p>subsequent refinement of the streamlining reforms, including the changes to the survey requirements.</p> <p>The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – an additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> <p>AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.</p> <p>As part of the development of the proposed changes to survey, AMSA, with jurisdictions, reviewed survey deficiency data, and compliance and enforcement data. This data was analysed as part of the development of the proposed new survey schedules and levels.</p> | |
| 15. | By further increasing the non-survey category vessels to <12metres and increasing the number of vessels that have a reduced survey frequency requires the owner to take more responsibility for on-going compliance of their vessel. This is fine in theory however the standards they need to comply with are | <p>The concerns raised regarding the proposed survey requirements are noted.</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; | None. |

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| | <p>complex and continually changing. There are financial implications under the national law for non-compliance and in the event of an incident the legal implications for a non-compliant vessel may be severe. The fact is a high percentage of the DCV surveys we complete find the vessel deficient in compliance with the NSCV. The reduced survey regime will significantly increase the non-compliance of DCV's and likely reduce the safe operation of DCV's.</p> <p>When the subsidy for the levy finishes the operator will be paying AMSA a levy for no perceived benefit to the operator. Previous to this the operator paid a similar annual fee, a surveyor visited them and provided them written advice on how to achieve compliance if and as required. The operators can rightly question what benefit these changes will bring them.</p> <p>In our experience the operators of DCV's have very little understanding or interest in the DCV National Law and the implications with respect to Safety Duties and fines. If the survey of vessels is to reduce in accordance with the RIS then the operators need to be educated so they understand the consequences of having a non-compliant vessel.</p> <p>Reducing the number of surveys will impact the amount of work available to accredited surveyors in the DCV market. The market is well resourced with surveyors in most states however if the volume of work is not there surveyors may be forced out of the market. There is a risk that the competent and knowledgeable surveyors may be lost if they do not have sufficient flow of work to maintain their service to the industry</p> | <ul style="list-style-type: none"> - compliance and enforcement data; - survey compliance data; - risk assessment of the fleet undertaken by independent risk consultants; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels.</p> <p>The comments regarding the previous role of state and territory surveyors are also noted. These arrangements were heavily subsidised (in most jurisdictions) by state and territory governments and do not align with current cost recovery policies. However, as noted the levy is being heavily subsidised for the initial period.</p> <p>We also appreciate the concerns you have raised regarding the impact of the changes to survey requirements on surveyors accredited by AMSA under the National Law.</p> <p>The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Before 2015, surveys were conducted by private (non-government)</p> | |

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| | <p>Shipowners face being reclassified into a new survey category for a yet to be determined infringement or poor record. Both of these are yet to be developed and so can be seen at this stage to be an interpretation of the law by a MSI and therefore is highly likely to be inconsistently applied throughout the nation. The current inconsistencies are proof that the approach to enforcement is not based on any actual defined infractions or boundaries.</p> | <p>surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.</p> <p>In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> <p>The survey mobility rules are being developed and will be released so that the arrangements are transparent.</p> | |
| 16. | <p>I, disagree strongly because currently the QLD vessels with Certificate of Operation(NS) are not required to have periodic surveys according to the NSAM's regime and it's become obvious that a higher number of self assessed vessels are in a poor state. A self-regulatory approach in not working for Non-survey(NS) vessels already. Having a survey on a more regular basis would help promote crew & vessel safety and accredited surveyors will be able to detect unapproved modifications. Most operators aren't spending their time looking at the AMSA website to be up to date on requirements and by having regular surveys would help everyone to work together towards the new AMSA requirements. The average age of a fisherman in QLD is 60 + years of age and they are not computer savvy and are not acquainted with the AMSA website (which is difficult for us to negotiate most day - not user friendly) or monthly letter which comes via email.</p> | <p>The comments are noted. Importantly, the survey requirements are the minimum survey requirements for a vessel. An operator may undertake more frequent surveys, in line with their safety management system, or where they find it valuable for other reasons – including to ensure compliance or for insurance purposes.</p> | None. |
| 17. | <p>OK.</p> <p>Table 8 to include item 'inspection of permanent ballast' during afloat and out-of-water surveys.</p> | <p>Table 8 of Part 2 of the Marine Surveyor Manual will be amended to include inspection of permanent ballast during in-water, out-of-water and renewal surveys.</p> | <p>Table 8 of Part 2 of the Marine Surveyor Manual will be amended to include inspection of permanent</p> |

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| | | | ballast during in-water, out-of-water and renewal surveys. |
| 18. | <p>We are pleased that AMSA is consulting on this matter, given that the proposed changes would have serious consequences for national public safety, the domestic marine insurance industry and Australian economy.</p> <p>We are concerned with AMSA's proposals to 'streamline' the existing survey regime by: expanding the non-survey category of certain commercial vessel classes (i.e. increasing the number of commercial vessels that would be exempt from the survey regime); and reducing the periodic survey requirements for certain commercial vessel classes (i.e. certain commercial vessels would need to be surveyed less frequently).</p> <p>The proposals would lead to a material relaxation of the present rigorous survey regime and therefore create significant risks for public safety in Australia, as less regulatory scrutiny would be applied to ensure that commercial vessels meet Australian standards. In this regard, the proposals therefore contradict the fundamental objectives of the survey regime itself, as also pointed out in the Decision Regulation Impact Statement (RIS):</p> <p><i>"Vessel survey is a process whereby a qualified person confirms that a vessel is built and maintained to the required design, construction and equipment standard. A vessel that is built and maintained to the required standard is less likely to be involved in an incident and, where an incident does occur, it is less likely to result in a serious or fatal injury."</i></p> <p>We note that, as one key reason underpinning the proposals, the guidance paper places a high level of emphasis on reining in government costs associated</p> | <p>The view has been noted. AMSA's primary focus is on safety. Vessel survey is a process whereby a qualified person confirms that a vessel is built and maintained to the required design, construction and equipment standard. A vessel that is built and maintained to the required standard is less likely to be involved in an incident and, where an incident does occur, it is less likely to result in a serious or fatal injury.</p> <p>The purpose of the changes that AMSA has proposed to the survey regime requirements for DCVs is to align this process to the risk of the vessel and its operation. The implementation of these changes in AMSA's regulations is the culmination of extensive regulatory analysis and consultation that commenced in 2014 (see below).</p> <p>AMSA will have the ability to move vessels into higher or lower frequency survey based on published survey mobility rules and other incident data.</p> <p>All vessels required to have a certificate of survey will be subject to an initial survey and a renewal survey every five years. High risk vessels will require assessment by an accredited marine surveyor four years out of five.</p> <p>As part of its cohesive suite of changes to survey arrangements, AMSA has already provided a pathway for older vessels to obtain a certificate of survey – under previous state and territory requirements, such vessels were never subject to a designated survey regime.</p> <p>Any additional surveys that insurers require vessel owners to undertake will be a matter for the insurer.</p> <p>The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; | None. |

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| | <p>with administering the survey regime. We are disappointed to see that the guidance paper appears to prioritise government administration cost reduction targets at the expense of maintaining national public safety. The guidance paper is not clear on how the proposals would reduce administration costs while maintaining overall public safety outcomes.</p> <p>We support the retention of the present survey regime, as it prevents vessel operators from becoming complacent in maintaining their vessel to the required Australian standards. We agree with the more specific concerns raised by other stakeholders' with the proposed changes, as detailed in the RIS3:</p> <ul style="list-style-type: none"> - Electrical problems, found during annual vessel surveys, would not be picked up. - Reduced vessel survey requirements would result in operators (and related service providers) spending more resources to demonstrate to third parties (particularly marine insurers) that a commercial vessel continues to meet the national standard. - If vessel survey frequency was reduced, safety equipment which expires on an annual basis (such as life rafts and fire-fighting equipment) may not be maintained. <p>AMSA's proposals would have a significant negative impact on the marine insurance sector (which provides critical support to the successful operation of the Australian maritime industry), and the Australian economy more broadly. The changes would operate to diminish the considerable indirect benefits to the maritime industry and the Australian economy of the present vessel survey regime, as emphasised in the RIS:</p> | <ul style="list-style-type: none"> - survey compliance data; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase has been a four year process and has included three significant consultation rounds.</p> <p>However, the survey frequency category identified in Schedule 3 is the base category for the vessel only, and vessels will move into higher and lower survey categories on an individual basis where appropriate.</p> | |

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| | <p><i>“... vessel surveys provide considerable indirect benefits to the maritime industry and the Australian economy. For example, a poor safety record or significant safety incident could reduce demand for domestic commercial vessel operations in Australia. This may affect the livelihoods of those operating or employed in the industry and impact on the efficiency and competitiveness of the broader economy.”⁴</i></p> <p>From a marine insurance perspective, the proposed changes would significantly increase the number of high insurance risk commercial vessels and unfairly expose Australian marine insurers to a material increase in insurance claims.</p> <p>Marine insurers would be unnecessarily forced to seek independent surveys on any commercial vessel falling into a class which became ‘non-survey’, ‘self-certification’ or which had a less frequent survey requirement, the costs of which would ultimately need to be passed on to insurance policyholders.</p> <p>This would lead to higher marine insurance premiums or reinsurance charges for Australian insurers and/or insurers becoming more selective. Marine insurance providers operating in Australia may also be forced to exit certain segments of the commercial vessel market, leading to a disruption in the supply of marine insurances and associated services. The ultimate effect of this on commercial vessel operators would be severely detrimental.</p> <p>2 Decision Regulation Impact Statement, Survey requirements for domestic commercial vessels, page 4.</p> | | |

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| 19. | <p>We refer to the consultation process on Marine Order 503 for proposed changes to reduce the vessel survey regime arrangements.</p> <p>The COAG mantra in 2012 when agreeing to a single manager for marine safety in Australia was that it must result in <i>less red tape, less cost and maintain safety</i>. This proposal to reduce survey frequency is directly in line with that mantra together with the AMSA preference for operators of vessels to take greater responsibility for the safety management on their vessels.</p> <p>We congratulate AMSA on delivering these significant changes for fishing vessel owners.</p> <p>We support AMSA's conclusions that the new reduced vessel survey regime has significant benefits, including:</p> <ul style="list-style-type: none"> • reduced periodic survey requirements; • survey requirements based on the level of risk associated with the vessel operations; • the ability to adjust an individual vessel's survey requirements; • greater flexibility to reduce out-of-water surveys where a vessel's risks are managed in other ways; • allowing surveys to be aligned with other vessel maintenance activities; • expanding the non-survey category to <12m (under exemption 02); and, • expanding the restricted Class C operational category (under exemption 40). <p>We appreciate AMSA's acceptance of industry representations that the current regulations did not provide incentive for operators to go above and beyond the required standard. They still had to have regular surveys regardless of their demonstrated</p> | Thank you for your comment. The view has been noted. | None. |

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| | <p>good personal safety record and this imposed unnecessary compliance costs on responsible operators making them less competitive when selling their products in the market. Under the new proposals vessels that perform well during periodic surveys, audits and other compliance activities, can move to a lower survey frequency level, reducing costs and increasing market competitiveness.</p> <p>We note that lower risk vessels will be subject to less onerous survey requirements, with many not subject to survey at all, which should include the majority of fishing vessels being non-passenger carrying vessels.</p> <p>We support the policy that vessels which perform poorly during a periodic survey, audits and other compliance activities be moved into a higher survey frequency level that includes an annual survey schedule where required. If the vessel meets the required standard over a few surveys, it should be eligible to move back to its original lower survey frequency level. We also appreciate the practicality of the proposal to apply a 'window' to allow a vessel owner to arrange a periodic survey to occur up to 3 months prior to or 3 months after the due date. This will provide flexibility to operators to build the survey into the uncontrollable variations in fishing seasons and to work with other vessel operators in their region to arrange the survey of their vessels at the same time to minimise cost of travel and accommodation of surveyors.</p> | | |
| 20. | <p>Comment regarding reduction in periodic survey requirements: Concerns of the safety outcomes for some of the new “medium frequency” survey vessels. Class 2&3B and 2B/3B extended vessels (with no passengers) not requiring surveys in years 1, 2 and 4. Will vessel operators be required to</p> | <p>Operators must ensure that equipment continues to be serviced at the intervals required – this is a condition of the certificate of survey. Where a surveyor identifies a vessel that has not had its equipment serviced at the intervals required, this vessel may be moved into more</p> | None. |

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| | submit declarations that all LSA, FFE has been serviced and in date on a yearly basis ? This permits a long period without a surveyor inspecting the vessel. No limit on the length of these vessels ? | regular surveys. This issue will be addressed in the Survey Mobility Rules which are under development. Vessels ≥35m must be built to class (for some aspects of the vessel) and surveyed in accordance with class rules for those aspects. Vessels ≥35m are therefore required to undergo more regular surveys. More consideration will be given to the periodic survey requirements for vessels ≥35m when before 2020 when the Class requirements change. | |
| Question 3: Do you prefer the approach in NSAMS 4 of imposing a specific requirement to test/verify/examine/trial items in specific years of the survey cycle? Or the new approach in the Marine Surveyor Manual, which allows greater flexibility for surveyors to determine if an item needs to be tested/verified/examined/trialed to be satisfied that the vessel complies with the applicable legislation/standards? | | | |
| 1. | New approach | The view has been noted. | None. |
| 2. | I believe the newer approach is improved. | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | I prefer the NSAMS approach of imposing specific requirements. | The view has been noted. On balance, there was support for the new approach. | None. |
| 5. | Prefer the greater flexibility to conduct scope and depth of survey commensurate with the condition, complexity and inspection frequency of the subject vessel. | The view has been noted. | None. |
| 6. | During my time as an accredited surveyor I have surveyed vessels with defects which had not been identified during previous surveys. These were items such as corroded fire flaps, Masthead Light missing, Liferaft stowed in a latched box below the wheelhouse roof overhang and no securing devices on watertight hatches. When the previous surveyor had considered cosmetic items as defects and had not identified any issues with critical equipment. All critical equipment should be tested during each survey. Many vessel owners tend to only test items such as emergency stops, fuel shut off's and bilge alarms during scheduled surveys. If the survey requirements are to be changed vessels could in theory be operating for several years with a fault to a | The view has been noted. The new approach will allow for the thorough testing of equipment during a survey where the surveyor believes that it is warranted. | None. |

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| | <p>piece of critical equipment which could effect the safety of the vessel.</p> <p>Many vessel owners and operators do not fully understand why certain items of equipment are critical to the safety of the vessel and crew and why regular testing and maintenance is required.</p> | | |
| 7. | It won't make much difference. A thorough survey will test etc all items, otherwise what's the point of being onboard. | The view has been noted. | None. |
| 8. | <p>We have our own Quality accreditation and have developed our own survey reports in excel format to make the survey process more efficient and saving the industry time and money. This has previously been allowed. Now we can only use this form if we then fill out the AMSA 606. This is doubling up on the forms and adding time and cost. The AMSA form templates are not adaptable. We cannot add electronic signatures, change font, fix errors, add lines, etc.</p> <p>The only way to use the forms is to fill them out manually and then scan them in to forward to AMSA. Can we not move with the times? We are in the process of going paperless and this makes that impossible.</p> | <p>As set out in the Marine Surveyor Manual, where a surveyor has a QMS that is compliant with ISO 9001:2008 (or equivalent), compliance with the AMSA forms is only recommended – not required. However, non-compliance may result in unnecessary delays in AMSA considering the surveyor's recommendation(s).</p> <p>Surveyors can also use the surveyor portal, through which they can electronically submit their own forms and make recommendations. Surveyors using the surveyor portal do not need to use the AMSA forms.</p> | The Marine Surveyor Manual will be amended to clearly include the surveyor portal option, and the alternative options to using the AMSA forms. |
| 9. | Industry requires certainty. The specification style of NSAMS provides certainty for both the vessel owner/operator and the surveyor, and is particularly important in providing continuity and consistency between surveys where such may be performed by different individual surveyors. The proposed new approach of allowing surveyors to determine the degree of assessment required is a progressive step, however this will need to be balanced with a mechanism to ensure the three Cs above... | The view has been noted. Further instructions can and will be provided to surveyors where there appear to be considerable inconsistencies in approach. | None. |
| 10. | I would prefer a set frequency and specific testing structure as it does not leave it to any ambiguity or argument that a surveyor is requesting something that | The view has been noted. On balance, there was support for the new approach. | None. |

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| | is unnecessary or draconian. Class operates this way providing a survey schedule of inspections / testing that the operator is aware of years ahead and therefore knows is approaching and can prepare the work with contractors and budget for rather than having items come up radomly. | | |
| 11. | Prefer NSAMS approach and Schedule which is already in place. | The view has been noted. On balance, there was support for the new approach. | None. |
| 12. | Allowing surveyors more flexibility is a good idea...the responsibility of a survey outcome is fundamentally on their shoulders anyway. | The view has been noted. | None. |
| 13. | I don't particularly like flexibility. A technical ruling should be black or white. It allows surveyors to bend rules often ending up in a commercial advantage. | The view has been noted. On balance, there was support for the new approach. | None. |
| 14. | Prefer NSAMS approach and Schedule which is already in place. | The view has been noted. On balance, there was support for the new approach. | None. |
| 15. | We agree that surveyors should be responsible for determining the requirements for test inspect and verify | The view has been noted. | None. |
| 16. | Prefer the manual. | The view has been noted. | None. |
| Other comments on the Marine Surveyor Manual | | | |
| 1. | We can't find anywhere in the accreditation manual where it says we submit approved plans or stability to AMSA. Does this mean that plans and stability will not be kept?! If an owner of a vessel needs a copy of the approved plans, how will they get access to them? Who will even know where they are? This is potentially a huge cost to the industry if plans need to be constantly reproduced. How do we deal with a situation where a vessel needs to be put back in survey and proof of previously approved plans and or stability need to be sighted to confirm structural coompliance and or evidecne of modification? | See 2.9 and Annex 1 of Part 2 of the Marine Surveyor Manual – approved plans must be submitted to AMSA. This will be further clarified in the Marine Surveyor Manual. | The Marine Surveyor Manual will be amended to make it clear that approved plans must be provided to AMSA. |

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| 2. | <p>Marine Surveyors Accreditation Guidance Manual 2014 – Part 1 2.3 – Conflicts of interest</p> <p>Being paid by the vessel owner to conduct a survey is a direct conflict of interest as it is expected for the surveyor to complete the survey without major issues or risk being not paid. Being paid by a client should be excluded from being a conflict of interest.</p> <p>As a naval architect and surveyor, would it be seen that it is a conflict of interest to conduct a lightship measurement which then requires an inclining and stability booklet to be prepared? If this is a conflict, then it excludes our business</p> <p>I believe that a designer should not be able to approve their own plans. A third party should be responsible for the independent review of whether a new vessel or modification is deemed appropriate. A surveyor conducting the construction survey is not required to review the suitability of the design or modification, only to confirm whether it is in line with the approved drawing.</p> <p>Additionally, a designer with accreditation in construction or alteration survey should be able to survey construction of their own design. The designer is absolutely the best person to complete the survey as they can verify the intent of their design has been completed.</p> <p>2.3 (2) excludes a accredited surveyor being able to approve their own stability report. When discussed with AMSA it was advised a stability approval was considered a plan approval. Please clarify 2.3 (2) as to whether or not it also includes stability approval i.e. an AMS with accreditation in category (b). Does this also extend to loadline assignment?</p> | <p>Being paid by a client to conduct a survey does not constitute a conflict of interest for the purpose of the Survey Accreditation regulations. This does not need to be explicitly excluded.</p> <p>The concerns are noted, particularly regarding a designer approving their own plans. This is permitted under the Regulations, which are not currently being reviewed. When the Regulations are next reviewed, this issue will be considered in light of the comments submitted.</p> <p>A note will be added to the Marine Surveyor Manual which provides that AMSA recommends designs are reviewed by an independent third party.</p> <p>In regards to a designer conducting construction surveys against their own design, the Surveyor Manual identifies this as a potential conflict. This is because any issues which arise during the construction survey may be overlooked by the surveyor where those issues are driven by the design (prepared by the same surveyor).</p> | <p>A note will be added to the Marine Surveyor Manual which provides that AMSA recommends that designs are reviewed by an independent third party.</p> |

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| 3. | <p>Marine Surveyors Accreditation Guidance Manual 2014 – Part 2</p> <p>4.4.1 – General allocation to categories.</p> <p>This should be contained in either MO503 or MSAGM, not both. Put the table and modifiers in one document and then refer to it from the other document.</p> <p>Overall there seems to be a lot of duplication between MO503 and MSAGM I think duplication between documents should be avoided i.e. MO503 should just say that a vessel is to be surveyed in accordance with the MSAGM.</p> | <p>The view has been noted. The duplication of provisions between Marine Order 503 and the Marine Surveyor Manual is intended to make:</p> <ul style="list-style-type: none"> - Marine Order 503 a ‘one stop shop’ for operators; and - The Marine Surveyor Manual a ‘one stop shop’ for surveyors. <p>The Marine Surveyor Manual will be amended to make it clear where a provision duplicates a provision of an instrument and is provided for information purposes only.</p> | <p>The Marine Surveyor Manual will be amended to make it clear where a provision duplicates a provision of an instrument and is provided for information purposes only.</p> |
| 4. | <p>4.4.2 (2) (b)</p> <p>Will AMSA have a record of vessels that require the heeling levers to be verified at each periodic survey? How will AMSA confirm that this verification has been completed? This requirement would mean that 2 surveyors could be required to complete a periodic survey for a vessel with the specified equipment e.g. if the periodic survey was completed by a category (I) surveyor then a category (b) surveyor would be required.</p> <p>I believe that if no vessel changes have been identified that this requirement is not needed.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements, including 4.4.2(2)(b), will be removed from the Marine Surveyor Manual.</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel’s survey requirements.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements will be removed from the Marine Surveyor Manual (including 4.4.2(2)(b)).</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel’s survey requirements.</p> |
| 5. | <p>4.4.4</p> <p>Does this need to be re-iterated or referenced in MO503 – it seems there could be conflicts in which one document doesn’t say the same as the other.</p> | <p>AMSA will place conditions on a certificate of survey to move vessels into higher survey frequency categories in accordance with 4.4.4 of the Marine Surveyor Manual, where warranted.</p> <p>It is intended that more rigor is included in Marine Order 503 on the survey mobility scheme over time.</p> | <p>None.</p> |
| 6. | <p>4.5 (2)</p> <p>Clarify to exclude renewal surveys (Year 5)</p> | <p>Thank you, this change will be made.</p> | <p>Clause 4.5 of the Marine Surveyor Manual will be amended to clarify that the period in which a periodic survey is due does not apply to</p> |

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| | | | renewal surveys, which must take place in the six months before the certificate of survey expires. |
| 7. | 4.10 Clarify who can verify a lightship measurement. I'd suggest that a lightship measurement can be conducted by someone with suitable experience or qualifications but must be verified / approved by an accredited surveyor in category (b). | Accredited Marine Surveyors and Recognised Organisations may accept a lightship report from a competent person, such as a naval architect or an accredited marine surveyor. This will be clarified in the Marine Surveyor Manual. | The Marine Surveyor Manual will be amended to clarify that Accredited Marine Surveyors and recognised organisations may accept a lightship report from a competent person, such as a naval architect or an accredited marine surveyor. |
| 8. | Table 8 Lightship – The lightship should only need to be verified if the last verification is more than 4.5? years old. This is to account for a vessel that may have been modified and have the stability suitably reviewed since the last renewal survey. | The Marine Surveyor Manual will be amended to require lightship verifications to be conducted at intervals not exceeding five years. The extent of the verification required will also be clarified, and an alternative option of a practical stability assessment will be included, in the Marine Surveyor Manual. | The lightship verification requirements of the Marine Surveyor Manual will be revised in line with the response. |
| 9. | Valves and skin fittings – remove disassembled from out of water periodic and add disassembled to renewal survey | The change proposed will be made to the Manual. This will also be addressed through instructions to surveyors. | For 'valve and skin fittings' in Table 8 of the manual, 'disassembled' will be removed from out of water periodic surveys and added to renewal surveys. |
| 10. | 4.12 (2) Is every tenth year at every second renewal survey? Suggest redefining to at a renewal survey at an interval not exceeding 9.5/10.5? years. | Yes, every 10 th year means every second renewal survey. The Marine Surveyor Manual will be clarified on this issue. | Clarification in the Marine Surveyor Manual that the 10 year survey requirements must occur at every second renewal survey – which may not occur at exactly 10 years. |
| 11. | Table 9 Include protection of the crew e.g. guardrails | Clause 6.2.2 of the Marine Surveyor Manual requires the surveyor to examine, measure, verify, test and trial (as applicable) the items specified in Part 4 of Section 7 of the USL Code, or Article 14 of the Load Lines Convention, as applicable to the vessel. Both Section 7 of the USL Code and Article 14 of the Load Lines Convention specifically requires the condition of guard rails to be examined as part of the survey. | None. |
| 12. | 7.5.2 | The view has been noted. | None. |

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| | Allowance for a proven design is fully supported, this is a really good addition to the National Law. | | |
| 13. | <p>4.4.4 poor performing vessels - Who makes recommendation ? & what information is used</p> <p>Table 7 - High Year 4 no survey ? Should be an in water survey</p> <p>Medium Year 3 should be in & out of water Will u/wild surveys as per class be allowed in lieu of slipping vessels for year 3 surveys ?</p> <p>Who recommends the survey frequency, surveyors or AMSA as per table ? What information is used to determine ?</p> <p>4.13 Applicable standards 4.13.1(3)(b) Existing vessel standards as 1/7/2013 still apply ?</p> | <p>The Survey Mobility Rules are currently under development. Inputs will include survey reports and compliance and enforcement activities. More information on how the process will work will be provided in the Survey Mobility Rules.</p> <p>Table 2 (which replicates the table in Schedule 3 of Marine Order 503, for information purposes only) provide the base survey frequency category for the vessel. All vessels begin in this category. AMSA may move vessels into higher or lower categories, as appropriate, in accordance with the Survey Mobility Rules, which will be released so the process is transparent.</p> <p>As set out in Marine Order 503, and referenced in the Marine Surveyor Manual, existing vessels are subject to the standard that applied to the vessel on 30 June 2013, except in relation to safety equipment, provided no changes to the vessel or its operation or operational area have been made which would cause the vessel to become a transitional vessel – see Schedules 1 and 2 of Marine Order 503.</p> <p>Applications may be made to AMSA for approval to conduct an under-water inspection instead of dry docking the vessel.</p> <p>The comments on the survey schedules are noted. The proposed survey regime was developed by considering:</p> <ul style="list-style-type: none"> - vessel incident data; - compliance and enforcement data; - survey compliance data; - the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders); | None. |

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| | | <ul style="list-style-type: none"> - public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders; - round table discussions with key industry representatives and presentations at industry association meetings; and - public and stakeholder feedback on the regulatory impact assessment of the proposed changes. <p>This data, technical expert input and stakeholder feedback resulted in the proposed allocation of vessels to the high, medium and low survey frequency levels. From concept to implementation phase, the reform has been a four-year process which has included three significant consultation rounds.</p> | |
| 14. | 4.4.2(2)(b) is likely to be very costly on the trawler fleet as many vessels do not have a stability booklet or lines plans required to produce one. It is also possible that many trawlers may not pass NSCV criteria as they were constructed prior to this standard being in force. | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements, including 4.4.2(2)(b), removed from the Marine Surveyor Manual.</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements removed from the Marine Surveyor Manual (including 4.4.2(2)(b)).</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> |
| 15. | Surveyors guidance manual Table 8 indicates lightship verification to occur at renewal survey. Surely they do not intend to conduct an inclining experiment at 5 yearly intervals via AMSA form 653 when there has been no change in the vessels equipment & structure? The extent of the verification needs to be clarified. | The Marine Surveyor Manual will be amended to require lightship verifications to be conducted at intervals not exceeding five years. The extent of the verification required has also been clarified, and an alternative option of a practical stability assessment will be included, in the Marine Surveyor Manual. | The lightship verification requirements of the Marine Surveyor Manual have been revised in line with the response. |

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| 16. | Surveyors guidance manual 6.3.2 (3)-items to be surveyed should be listed as a separate Schedule or Table in the SGM. | The option of extracting and replicating in the Marine Surveyor Manual the requirements of the USL Code and the Load Lines Convention for periodic surveys was considered. However, as the Load Lines Convention is an international convention, it could be amended without the Marine Surveyor Manual being updated. As such, referencing these requirements was considered to be more appropriate, given the risk of creating an inconsistency with the Convention. | None. |
| 17. | <p>Reference National Law - Marine Surveyors Accreditation Guidance Manual 2014 Part 1 – Accreditation of marine surveyors 2.3 (3)(b) has a contractual arrangement with the person that might reasonably be seen to give rise to a conflict between the surveyor’s duties as a surveyor and the surveyor’s interests under the arrangement; It is recommended that the clause be amended: has in the past 12 months had a contractual arrangement with the person that might reasonably be seen to give rise to a conflict between the surveyor’s duties as a surveyor and the surveyor’s interests under the arrangement; A period of 12 months is a suggested prior period before a contractual arrangement as it ties in with the annual survey schedule. The following example illustrates the conflict of interest: An Accredited Marine Surveyor is contracted by a vessel owner/Marine insurer/Financial institution/Purchaser/ Hirer or other similar party to undertake a survey, establishing the condition and seaworthiness of a subject vessel for an intended purpose. At the completion of the survey, the Accredited Marine Surveyor issues a report based upon the findings of his/her survey of the vessel, upon which the client gives their considerations upon the vessel. At a later date, the Accredited Marine Surveyor is contracted by the vessel owner to undertake an AMSA survey.</p> | <p>Thank you for comments. These provisions are contained in the National Law Regulations and cannot be changed at this time. We will retain this comment for consideration when the Regulations are next reviewed.</p> <p>However, we believe that the scenario outlined in the comment – where a contractual relationship previously existed – could be a conflict of interest under the current provisions, which provide that a survey must not be conducted where:</p> <p><i>in conducting the survey, there would be a conflict of interest between their duties as an accredited marine surveyor and any other interest or duties they may have.</i></p> <p>This is a general obligation to avoid conflicts of interest which applies in addition to the specific requirement not to conduct a survey where a conflicting contractual relationship exists.</p> | None. |

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| | <p>There is a Conflict of Interest in this occurrence. Although the contractual arrangement may have been completed, the Accredited Marine Surveyor could be perceived to be conflicted by the work he has previously contractually undertaken. The question is, if at the time of the AMSA survey the surveyor finds a deficiency that was previously overlooked in the earlier survey, will the oversight be raised and the deficiency recorded at the time of the AMSA survey?</p> | | |
| <p>18.</p> | <p>4.4.2.2 of the SAGM Part 2 is problematic. All trawlers are captured by this clause. Clause b seems to indicate that at periodic survey the surveyor is supposed to sign off that the heeling moment is compliant, presumably to NSCV? Most old trawlers don't have a stability booklet. This means a lines lift, inclining experiment, comprehensive stability analysis, typically ballast around 10% of the lightship weight etc. Many old trawlers will not pass and the cost is approx. \$10k per boat.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements, including 4.4.2(2)(b), removed from the Marine Surveyor Manual.</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> | <p>The proposed modifier relating to cranes, deckloads, net reels and lifting devices will be removed from Marine Order 503, and the associated requirements removed from the Marine Surveyor Manual (including 4.4.2(2)(b)).</p> <p>A vessel must comply with the NSCV stability requirements, and cranes, deckloads, net reels and lifting devices will not alter the vessel's survey requirements.</p> |

Key change # 7 – Expanded Restricted C Category

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| Question 1: Do you support the proposed change to allow Class 2 and Class 3 vessels <12m to increase the overall number of crew and special personnel permitted on the vessel at any one time? | | | |
| 1. | No- see above. This coupled with reduced survey will put bodies in the water. | The view has been noted. AMSA is of the view that the risks can be reduced where more than three people (crew or special personnel) are onboard the vessel in certain circumstances. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | It seems it will be difficult to police whether a vessel will be operating 5nm or 15nm from the coast and therefore; vessels will largely be carrying 12 persons regardless. I would rather see it limited to 6 persons to 15nm, 12 people seems like a lot on a vessel <12m which has little regulatory oversight and no internal accommodation. In QLD these vessels are permitted to operate in a vast area. | The view has been noted. AMSA is of the view that the proposed allowances balance the risk of the operation with the operational area permitted. | None. |
| 5. | Not supported - EX40 is not available to Victorian operators which is contrary to a consistent national approach. This issue should be addressed before any changes are made to EX40. EX40 is an alternative standard for compliance, subject vessels should not be exempt from a certificate of survey because; 1. 5 year renewal inspection is still required, 2. written approval format should be consistent as is displayed on a certificate of survey, 3. applicants should have the protection of reviewable decisions if the regulator revokes, varies or refuses to issue approval. If the above recommendations are adopted then carriage of 4 passengers in D and E waters should be removed from scheme EX02 and inserted into EX40 where | The view has been noted. Transport Safety Victoria, as waterway manager for, and familiar with the risks of, the Victorian waters, is responsible for declaring Restricted C areas. We will forward your submission to Transport Safety Victoria for consideration. Exemption 40 and the Marine Surveyor Manual now make it clear that Exemption 40 vessels are subject to initial and 5 yearly periodic surveys. The Exemption 40 arrangements represent a stepped approach from Exemption 02 to Marine Order 503, in regards to survey and certification and vessel standards. Whether or not a vessel is eligible for Exemption 40 is set out in the exemption and is not a reviewable decision. Statutory review rights for decisions made under the National Law are set out in the National Law Act. The view has been noted and will be considered when the National Law Act is next reviewed. | None. |

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| | <p>the oversight would be more commensurate with the risk.</p> <p>Higher numbers of crew and special personnel should not be permitted as it would circumvent an inspection regime for a significant proportion of vessels degrading safety. This would also undermine viability of the private inspection market.</p> | It is not proposed that up to four passengers be permitted on Restricted C vessels – this was a mistake in the consultation materials. | |
| 6. | No | <p>The view has been noted.</p> <p>AMSA is of the view that the risks can be reduced where more than three people (crew or special personnel) are onboard the vessel in certain circumstances.</p> | None. |
| 7. | Yes, but the question is wrong, EX40 doesn't allow pax, that would be EX02? | It is not proposed that up to four passengers be permitted on Restricted C vessels – this was a mistake in the consultation materials. | None. |
| 8. | Unsure how 3 was chosen in the first place for the exemption, was it based on incident data? stability risk? | <p>Restricted C vessels were initially limited to three persons to ensure that the overall risks of the operation were low – noting that 'risk' includes both the likelihood of an incident and the outcome of the incident. The scheme was also based on pre-existing state and territory arrangements.</p> <p>Based on operational experience with the scheme since inception, AMSA believes that the scheme can be extended beyond the three person limit. The technical standards will be monitored to ensure they are applied in a manner that addresses the risks of the proposed operation.</p> | None. |
| 9. | These vessels have been identified in the past as a stability risk class so I'm unsure how a surveyor can make an opinion that the vessel is fit for purpose without stability testing of some manner? | Surveyors are required to verify the stability characteristics of Exemption 40 vessels – see Exemption 40 (clause 2.5 of Schedule 1) and Chapter 7 of the Marine Surveyor Manual. | None. |
| 10. | Key change 7 is about category Restricted C only, not D and? The question is poorly worded as the carriage of pax on Class 2C is not addressed by key change 7. Clarification of whether or not Class 2C | It is not proposed that up to four passengers be permitted on Restricted C vessels – this was a mistake in the consultation materials. | None. |

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| | may carry pax in ANY circumstances is warranted as this question is confusing | | |
| 11. | As long as the vessel is surveyed to verify that it can accommodate the increased numbers. | Exemption 40 requires vessels to be surveyed initially and every 5 years. | None. |
| 12. | Yes | The view has been noted. | None. |
| 13. | No, this is added risk by increasing from 7.5 to under 12m. EX40 states the vessel must not carry passengers. | The view has been noted. | None. |
| 14. | <p>No we don't support these changes. Restricted offshore operations means vessel operations, not beyond the outer limits of the EEZ, within any of the following:</p> <p>(a) 30 nm seaward of the baseline of:</p> <p>(i) the Australian mainland other than Queensland; or</p> <p>(ii) the Tasmanian mainland; or</p> <p>(iii) a recognised island;</p> <p>(b) the Great Barrier Reef Region or the Torres Strait zone;</p> <p>(c) 50 nm seaward from the baseline of the mainland of Queensland;</p> <p>(d) 30 nm from the parent vessel of the vessel.</p> <p>Note for paragraph (d) See section 2.8. restricted offshore operations — specified areas means vessel operations in:</p> <p>(a) smooth waters; or</p> <p>(b) partially smooth waters; or</p> <p>(c) a specified area determined by the National Regulator for subsection 2.4 (4)</p> <p>This should be included in the RIS as the area is extensive and it impacts at least 30 percent of the industry.</p> | <p>Restricted C operations are within Restricted C operational areas only. These are generally 15nm from the coastline but do vary between jurisdictions – see the Restricted C area determinations issued under Part B of the NSCV.</p> <p>This is distinct from the 'Restricted Offshore Operational Area' – which is the full Class C operational area. The Restricted C operational area is a subset of the full C operational area.</p> | None. |
| 15. | Agreed | The view has been noted. | None. |
| 16. | Yes | The view has been noted. | None. |
| Question 2: Do you like the presentation of the proposed amended Exemption 40? Is it easy to read? | | | |
| 1. | Yes | The view has been noted. | None. |
| 2. | Yes | The view has been noted. | None. |

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| 3. | Yes | The view has been noted. | None. |
| 4. | No | The view has been noted. | None. |
| 5. | Yes. | The view has been noted. | None. |
| 6. | The whole of schedule 1 is confusing: Ex40 addresses Restricted C operational area, but then S1 addresses areas D and E. The opening requirement is that a 2C vessel not carry pax. But by then mentioning the vessel operating in D and E waters, and providing a limit on the number of persons (not pax) that may be carried, it suggests that the vessel is less capable than a 2D or 2E vessel which MAY carry pax, up to 4? This section needs clarification and a clear explanation to operators... | The wording of the Restricted C vessel allowances will be amended to improve clarity. | Wording changes will be made in Schedule 1 to improve clarity regarding the crew and personnel carriage allowances. |
| 7. | It is standard AMSA presentation. I find that the technical detail is too specific and should be passed to NSCV rather than detailed in another document. | The view has been noted. AMSA will consider creating a 'Restricted C' standard in the future, and removing the technical requirements from the Exemption. | None at this stage. AMSA will consider creating a 'Restricted C' standard in the future, and removing the technical requirements from the Exemption. |
| 8. | Yes | The view has been noted. | None. |
| 9. | Once again - there are confusing elements to this exemption. For example: Division 1 - 1.1 (2) (a) the vessel must not carry passengers then 1.1 (4) (a) the vessel may carry up to 12 persons if operating and (b) 6 persons if operating ... as per below much clearer advice should be provided. | The view has been noted. The wording of the Restricted C vessel allowances will be amended to improve clarity. | Wording changes in Schedule 1 to improve clarity. |
| 10. | Yes | The view has been noted. | None. |
| 11. | Yes | The view has been noted. | None. |
| Question 3: Is there any specific guidance you feel would be useful in relation to specific parts of amended Exemption 40? | | | |
| 1. | A well written requirement doesn't need extra guidance material | The view has been noted. | N/A. |
| 2. | No | The view has been noted. | N/A. |
| 3. | No | The view has been noted. | N/A. |
| 4. | No | The view has been noted. | N/A. |
| 5. | Shifting flotation to meet NSCV F2 is a good change. Specific guidance on the acceptance of proven designs in the SAGM Part 2 is excellent. The requirement 2.6.3 should be updated to reflect | Thank you for the submission. Schedule 1, Division 2, 2.6 of Exemption 40 will be amended to: - allow non-metallic piping to be used where permitted under NSCV Subsection 5A; and | Schedule 1, Division 2, 2.6 of Exemption 40 will be amended to: |

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| | NSCV C5A 5.7.1.5 i.e. non metallic piping may be used between shut-off and tank if it passes through void space. Furthermore, fuel piping from the shut-off to outboard engines is often supplied by the OEM and is not to ISO7840 or SAE J1527, this should be accepted as it is a short length from transom filter to outboard and is very low risk. It's impossible to have ISO7840 the whole way, at some point you have to join to the outboard engine hose. | - remove the requirement for flexible fuel piping from the shut-off to the outboard engine which is provided by the Original Equipment Manufacturer to meet the ISO or SAE standards. | - allow non-metallic piping to be used where permitted under NSCV Subsection 5A; and - remove the requirement for flexible fuel piping from the shut-off to the outboard engine which is provided by the Original Equipment Manufacturer to meet the ISO or SAE standards. |
| 6. | The whole of schedule 1 is confusing: Ex40 addresses Restricted C operational area, but then S1 addresses areas D and E. The opening requirement is that a 2C vessel not carry pax. But by then mentioning the vessel operating in D and E waters, and providing a limit on the number of persons (not pax) that may be carried, it suggests that the vessel is less capable than a 2D or 2E vessel which MAY carry pax, up to 4? This section needs clarification and a clear explanation to operators... | The wording of the Restricted C vessel allowances will be amended to improve clarity. | Wording changes in Schedule 1 to improve clarity. |
| 7. | The exemption 40 as drafted contains a lot of technical details that should be referenced to the NSCV rather than having specific construction / engineering detail. | The view has been noted. AMSA will consider creating a 'Restricted C' standard in the future, and removing the technical requirements from the Exemption. | None at this stage. AMSA will consider creating a 'Restricted C' standard in the future and removing the technical requirements from the Exemption. |
| 8. | There is nothing noted if vessel requires secondary means of propulsion | Secondary means of propulsion is not considered necessary noting the operational area of the vessels. | None. |
| 9. | Yes, clearer identification of the exemptions would be helpful to vessel owners and masters as they will rely on past information such as "how far can they operate offshore?" and what are the survey standards? How is this a risk reduction when it is clear that Exemption 40 allows a 12m vessel to traverse the entire great barrier reef and operate with 12 people on board within 5 miles of a shore base (note: shore base is a new term - does this mean some sort of infrastructure is present) and not | The view has been noted. Guidance material will address the concerns raised regarding readability and mapping of requirements between Marine Order 503, Exemption 40 and Exemption 2. It will also address the meaning of the term 'shore base' – this term is defined in Part B of the NSCV. | Guidance material will map the Marine Order 503, Exemption 40 and Exemption 2 requirements. It will also address the meaning of the term 'shore base' |

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| | be in survey? Further consultation is required as this is a clear indication of the confusion that will arise as well as having a high impact on the safety of vessels and passengers. The majority of 12 metre vessels are proposed to be non survey and evidence from current surveys clearly indicates that vessel owners do not take safety seriously and do not have safety management systems in place. | AMSA is of the view that the risks can be reduced where more than three people (crew or special personnel) are onboard the vessel in certain circumstances. | |
| 10. | The inclusion of passengers should be addressed and it hasn't. I think the risks are bleared between charter fishing vessels, commercial fishing vessels and recreational fishing vessels. Risks are perceived as higher for DCV which it shouldn't be, recreational vessels can take passengers of any age offshore without issues. | <p>The view has been noted.</p> <p>Commercial vessels are subject to more onerous requirements and standards than recreational vessels. A person who owns and operates a recreational vessel is taking responsibility for their own risks, and, importantly, is in a position to identify and management those risks. In a commercial operation, a passenger on the vessel has no control over the maintenance or operation of the vessel, and as such as no ability to control the risks of the vessel.</p> <p>AMSA will consider including the carriage of passengers on Exemption 40 vessels in the future, after the impact of these changes have been monitored and assessed.</p> | None. |
| 11. | No. | The view has been noted. | N/A |
| 12. | <p>Some of the amendments to Exemption 40 raise matters of concern:</p> <ul style="list-style-type: none"> • If the air horn is portable, then the vessel must carry a spare canister. There is no evidence of this ever being needed. • If the vessel is > 7m, it must carry a black ball day shape of at least 300mm. This is impractical and unnecessary on fishing vessels. • If the vessel is under 5m, they must carry oars. This is not required as specified equipment. If AMSA is serious about operator self-responsibility they should rely on the vessel SMS which should take into account what rescue equipment and service they require, including oars. | <p>Thank you for your comment. The view has been noted.</p> <p>The current Exemption 40 requires a horn and spare canister be carried as a condition of exemption (clause 3.3(1)(a) of schedule 1). The proposed change is to clarify that one need only be carried when the horn is <i>portable</i> (rather than always requiring a spare canister).</p> <p>The requirement to carry black ball say shape also is a requirement under the current Exemption 40 (clause 3.3(1)(d) of schedule 1), and the only change being made is apply this requirement to vessels that are > 7m instead of >7.5 metres. This is to align with COLREGS.</p> | None. |

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| | | The requirement to carry oars for vessels < 5 metres is a requirement under the current Exemption 40 (clause 3.5(c) of schedule 1). However, for the reasons you note we will review this requirement when Exemption 40 is next reviewed. | |

Key change # 8 – Proposed changes to Class survey requirements

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| Question 1: Can you provide any estimates or examples of the savings associated with removing the requirement for DCVs <65m to undergo initial survey (and certification) by a Recognised Organisation? | | | |
| 1. | Yes but they are commercially sensitive. You already have this data through the RIS process so I've no idea why you are asking for it again except to delay the inevitable. | The data in the RIS is relevant to periodic (not initial) survey requirements for vessels 35m – <65m. This is a new proposal, and new/additional data is required. | None. |
| 2. | No insight into this | Noted. | None. |
| 3. | No | Noted. | None. |
| 4. | No | Noted. | None. |
| 5. | Presumably this is meant to read vessels over 35m but under 45m or 65m? In which case, no, no data... | Noted. Yes, the data sought was in relation to 45-<65m vessels. | None. |
| 6. | No | Noted. | None. |
| 7. | N/A | Noted. | None. |
| 8. | <p>The obvious cost savings are an incentive to vessel owners to upgrade the fleet and reduce the age profile of the existing vessels. Removing this requirement will also work to assist to minimise the impact of the reduced survey regime on current commercial marine surveyors.</p> <p>Note- hourly rate of Class is \$495 per hour minimum charge of 2 hours - commercial surveyor at \$150 no minimum charges equals an 85% reduction in costs. Given that AMSA called for independent private marine surveyors to upgrade their skills, obtain qualifications and set up their business structure to meet eligibility requirements for accreditation AMSA should ensure that redundancies and job losses in the marine survey industry are minimised as much as possible.</p> | Noted, thank you for the data. | None. |
| 9. | No. | Noted. | None. |
| 10. | Unknown and depends on charges of accredited Surveyors. Whilst there may be some cost savings to shipyards by not having to comply with Class Rules or more stringent and thorough surveys during construction, it is possible the quality of the vessel will decrease. There may be an increase in future maintenance and repair costs to vessel owners during the operational life of the vessel due to build quality. There is also a cost relating to any incidents arising from vessels not built or surveyed to an adequate standard. | Noted, thank you for this information. | None. |

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| Questions 2: Do you think there will be any safety implications of allowing DCVs >45m-65m to undergo initial survey by an Accredited Marine Surveyor, either positive or negative? | | | |
| 1. | No. None whatsoever so long as the people doing it are competent. Some class vessels we see are frankly substandard so the premise that a class vessel is better than a DCV is not supportable. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 2. | Probably not | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 3. | Not at all | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 4. | Under the current regime of accreditation some of the surveyors may not have sufficient experience with these larger vessels. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 5. | <p>Very few accredited marine surveyors have the skills and knowledge base to conduct surveys on vessels of this size.</p> <p>Vessels of this size are being fitted with very technical equipment and propulsion arrangements.</p> <p>As examples there are vessels within this size range fitted with Dynamic Positioning Systems, Permanent Diving Systems, Anchor Handling Winches and Thru-Hull Penetrations for survey HIPAP poles just to name a few. How could a surveyor experienced in small craft survey only, provide a true assessment of these types of vessel. Only surveyors with proven experience could conduct these surveys.</p> | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 6. | This will very much depend on the experience of the accredited surveyor: a 65m vessel is considerably different to a 10m vessel... | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 7. | As long as the Accredited marine surveyor is suitably qualified and has the categories that allow the initial surveys then this should not be less safe process. Because a vessel is larger does not make it | The view has been noted. | AMSA will consider the proposal in more |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| | <p>more complex. Complexity comes with systems that a surveyor may not be familiar. What the class societies offer is the verification and testing and documenting throughout the construction, with a team of people and a knowledge resource to support the process. Individual sole operator accredited marine surveyors would find it difficult to fulfill that role. That does not mean that accredited marine surveyors that are a part of a larger marine survey company could not compete against the class societies.</p> | | <p>detail, in light of the comments and data.</p> |
| 8. | N/A | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 9. | <p>The <45m and <65m limits were based on advice from State and Territory marine safety agencies regarding vessel lengths that National System Accredited Marine Surveyors would have the capability and experience to conduct initial and periodic surveys.</p> <p>We do not believe that there will be any safety implications with the appointment of an accredited marine surveyor in this capacity. A properly qualified and experienced Accredited marine surveyor will be able to competently undertake an initial survey without compromising safety.</p> <p>There is no risk reduction regardless of whether Class or an Accredited Marine Surveyor undertakes the survey. Surely the qualification and experience requirements for initial survey are appropriate or can be easily amended to ensure that there is no reduction in safety. Certain new vessels will be required to remain in Class these being those that carry oil, chemicals or gas in bulk regardless of their length and those ≥35m that carry dangerous goods.</p> <p>The COAG agreement for the national system excludes dangerous goods being part of the system, so why does AMSA consider that these vessels trigger a requirement to remain in class? Class cannot survey for documents of compliance with dangerous goods codes except to an international level which is in excess of the domestic requirements. This is an unnecessary burden on industry for an area they have been restricted from having control of. There</p> | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |

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| | is no information that current vessels ≥35m that carry dangerous goods are not meeting their compliance obligations. | | |
| 10. | Not if the survey requirements are clear. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 11. | Good idea. Surveyors need to be vetted as to the experience on larger vessels. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 12. | <p>Often, larger vessels have more complex technical construction and operating systems, and specialist skills, knowledge and appropriate experience are required to conduct the surveys, including knowledge of MARPOL requirements. In addition, a higher level of insurance may be required to resolve surveyor errors where they occur.</p> <p>Resources would be required to re-assess Accredited Marine Surveyors to enable appropriately qualified and experienced surveyors to conduct initial surveys of these larger (45m - <65m) vessels</p> <p>It was originally suggested up to 45 m was a length limit agreed by the States. It was proposed this should match the under 80 metre qualification of master and engineer who operate and maintain the vessel as per STCW. The 65 M length is a new cross over length which will require an advance diploma to survey it.</p> <p>As this is a level used by AMSA to satisfy itself for its own surveyors it is not consistent and a new length level outside the current system cannot be supported when an 80 length is appropriate and available once new instructions are written for the survey requirements.</p> | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 13. | Negative implications. There is increased risk and complexity of systems aboard these vessels. We have concerns that Accredited Marine Surveyors don't have enough knowledge of Class rules. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 14. | Recognised Organisations have structures, resources and experience in place to manage the complexities of larger vessels. | The view has been noted. | AMSA will consider the proposal in more |

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| | RO Surveyors are trained and familiar with their Rules and have the support of plan review and technical departments for any issues that arise during construction. There will undoubtedly be safety implications associated with changing the Class requirements for larger vessels. In addition to complex hull structure and machinery systems on larger vessels, MARPOL and BWM convention requirements will need to be surveyed in many cases. RO Surveyors are trained and familiar with these convention requirements and associated systems onboard | | detail, in light of the comments and data. |
| Question 3: Can you provide recommendations as to the changes to current arrangements, including the NSCV, the Surveyor Accreditation scheme and the survey schedules, that would be required if DCVs >45m-65m were permitted to undergo initial survey by an accredited marine surveyor? | | | |
| 1. | Really simple- Regs already allow it - you put conditions on accreditation now... | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 2. | No - I suspect that the majority of newer vessels between 45m and 65m are in Class anyway, and various reasons (i.e. resale etc.) owners would probably like to stay with Class. Vessels which the Owners would like to remove from class are probably older vessels which would likely also be higher risk vessels. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 3. | Not needed | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 4. | The design & construction specifications for these larger vessels are currently not significantly addressed in the NSCV, only class societies have access to this information. Standards for other issues would relate to the relevant IMO legislation. Accredited surveyors should have familiarity with this standards and legislation. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 5. | Surveying of these vessels should only be conducted by surveyors who have either working or design experience with these size vessels. This should be restricted to surveyors holding higher lever Masters or Engineering certification or Naval Architects. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 6. | That a minimum standard of study have been completed to allow for the accreditation to survey the larger vessel. ie the Diploma in Maritime Operations Marine Surveying. Similar to marine seagoing qualifications with a career pathway. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |

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| 7. | <p>Accredited Marine Surveyors should be required to have an endorsement to survey these larger (≥35m) vessels. The endorsement (or other specific authorisation on their accreditation) will confirm that the surveyor has the competency, capacity and authority to survey these larger, more complex vessels, including for compliance with applicable MARPOL requirements.</p> <p>The Advanced Diploma of Marine Surveying that is currently being proposed for accreditation by the Federal Government Dept. Of Education and Training could be a suitable mechanism for ensuring that surveyors of vessels ≥35m are appropriately qualified per Australian requirements</p> | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 8. | Accreditation process overhauled to deal with the increased risk and complexity of systems aboard these vessels. We have concerns that Accredited Marine Surveyors don't have enough knowledge of Class rules. | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data. |
| 9. | <p>No recommendations. It should be noted that Class Surveyors receive thorough initial training and ongoing training and support by the Class Societies as rules, technology, and international conventions evolve. Class society Surveyors receive support from their plan review offices and technical departments during new construction surveys. Will Accredited Surveyors be suitably trained and equipped for surveys related to MARPOL, air pollution, ballast water management? Conventions that apply to these larger vessels are continually being updated and added to. Class Societies are set up and suitably equipped to provide ongoing training to their Surveyors in these areas</p> | The view has been noted. | AMSA will consider the proposal in more detail, in light of the comments and data |
| Other comments on proposed changes to Class survey requirements | | | |
| 10. | <p>We support the proposal to allow vessels <45m to be surveyed by an Accredited Marine Surveyor and vessels <65m to drop out of Class and be surveyed by an Accredited Marine Surveyor, provided they have undergone initial survey (and certification) by a Recognised Organisation.</p> <p>However, we feel that the timeline of 2020 will cost industry.</p> <p>We have received feedback from one member with the following costings:</p> | <p>Thank you for the data.</p> <p>Significant changes to the accredited marine surveyor regulations and scheme, and to the NSCV (or the development of another relevant standard), are required before the changes to the Class survey requirements can commence. This is the reason for the 2020 commencement date.</p> | None. |

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| | <p>- \$126,000 in the last calendar year on survey services for 5 barges required to be in class survey. They also indicated that they experienced a time delay of 9 months for completion of survey for one barge as there are only 3 companies in Australia that are certified. A conservative estimate of survey fees under the DCV system for accredited surveyors to complete the same works would be in the vicinity of \$35,000.</p> <p>The added cost to industry plus the time it takes to get a qualified surveyor is unfair and has the potential to impact jobs.</p> | | |

Key change # 9 – Survey arrangements for unpowered barges

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| Question 1: Do you find it easy to understand the technical specifications in amended Exemption 41? | | | |
| 1. | Its fine but an important category has been missed- vessels that are permananetly moored should not have to meet Part C7D requirements once they are in position and during move there should be a risk assessment done to ensure move can be done safely. | Thank you for raising this issue. Exemption 41 will be amended. | Exemption 41 will be amended so that NSCV Part C7D does not apply to a barge which is permanently moored. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yep | The view has been noted. | None. |
| 4. | Section 6 reference to MO504 amendments do not make sense with current MO504 | The references are to the revised new MO504, which is currently out for public consultation. | None. |
| 5. | No - important components of Schedule 1 have been removed making the Exemption 41 more ambiguous. | The exemption for survey frequency will be removed because it is now covered under the new Marine Order 503 survey schedules. | None. |
| 6. | Yes | The view has been noted. | None. |
| 7. | Yes | The view has been noted. | None. |
| 8. | Yes. | The view has been noted. | None. |
| 9. | Yes | The view has been noted. | None. |
| 10. | Yes | The view has been noted. | None. |
| 11. | Yes | The view has been noted. | None. |
| 12. | Yes | The view has been noted. | None. |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| 13. | No, it's not easy to read and understand. It is overly technical, which caused confusion and should be simplified for ease of understanding by any person. | The view has been noted. | None. AMSA endeavors to provide user friendly guidance material to assist. |
| 14. | Not easy to read. Excessive legalistic wording. Plain English is preferred | The view has been noted. | None. AMSA endeavors to provide user friendly guidance material to assist. |
| Question 2: Do you have any feedback on Exemption 41 applying to Class 1 vessels? Do you think Exemption 41 should also apply to unpowered barges providing overnight accommodation? | | | |
| 1. | Yes, should apply but thought needs to be given as to what can be dropped- e.g should have guard rails, MOB protection but no skipper- may need engineer though for gensets, etc. | The comments have been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 2. | Assume that a Category 1 or 2 unpowered barge is still required to comply with NSCV Part C.4 (except clause 5.9 and Chapter 6). NSCV Part C4 Chapter 5 then requires active fire protection measures i.e. power driven fire pump for reasonable-sized barge. The fitting of a powered fire pump would then classify the barge as 'fitted with machinery'. For example (if my interpretation is correct) - a newbuild Class 2B DCV steel dumb barge 40m x 15m would still be required to be fitted with fire pumps. If personnel are accommodated on the barge overnight then I believe a higher standard should be required. | Fire pump requirements are only required for fire risk category III or IV (or where fire risk category 1 or II vessels have enclosed accommodation). The comments regarding overnight accommodation have been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 3. | Yes | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 4. | I do not think it should apply to barges which provide overnight accommodation | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 5. | Not supported - barges with large numbers of passengers should not be permitted unless permanently moored alongside where suitable evacuation arrangements exist. The proposal creates a dangerous loop hole for alternative accommodation business | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 6. | Yes - The exemption should apply to unpowered barges providing overnight accommodation. | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 7. | All unpowered barges (class 1 or otherwise), need to be exempted from the requirement for a collision BHD under NSCV C6B as most barges are divided into even length | Thank you for the comment, Exemption 41 will be amended to achieve this. | Unpowered barges will be exempted from the requirement |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| | compartments, travel slowly under escort, and may travel FWD or AFT. | | for a collision bulkhead under NSCV C6B. |
| 8. | If the vessel was a class 1 passenger vessel with overnight accommodation then it is stated in the notes below the table that exemption 41 is not applicable to these vessels | Yes, that is correct. The current draft Exemption 41 applies to Class 1 vessels, but not Class 1 vessels provided overnight accommodation. The question was asked so that AMSA could consider potential further changes to Exemption 41. | None. |
| 9. | No | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 10. | No | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 11. | No | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 12. | No - barges providing overnight accommodation should have appropriate crew and safety management systems for passengers and these requirements should be clearly stated in the exemption and in MO503 and all other relevant legislation and marine orders. | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| 13. | No, No | The view has been noted and AMSA will consider further potential changes to Exemption 41. | None at this point. |
| Question 3: Do you think the technical specifications in the table, being parts of the NSCV unpowered barges are NOT required to meet, for Class 1 unpowered barges are appropriate? | | | |
| 1. | Class 1 barge (i.e. passenger barge - could be a barge with 50 passengers on board) would be classified as Category 4. It would appear that this barge would be exempted from carrying any safety equipment (C7A) | The vessel is required to complete a risk assessment as part of their safety management system and determine what appropriate safety equipment should be carried. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | EX 41 does not mention Class 1 barges. It refers to barges with 1 or more passenger, this includes Class 2 vessels. Class 1 unpowered barges should be required to have bilge pumping arrangements. | Exemption 41 currently applies to all unpowered barges – Class 1 are not excluded. Unpowered barges must be connected to shore or be supported by a vessel that can rescue all persons on the vessel. As such, it is not considered necessary for the barge to have bilge pumps. | None. |
| 4. | Not supported - barges with large numbers of passengers should not be permitted unless permanently moored alongside where suitable evacuation arrangements exist. | The view has been noted. On balance, there was support for the Exemption 41 arrangements. | None. |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| | The proposal creates a dangerous loop hole for alternative accommodation business. | | |
| 5. | Yes | The view has been noted. | None. |
| 6. | Yes as they pertain to systems for the manouvering and navigation of the vessel. Safety equipment should be fitted pertinent to its size / complement and operational area. | Exemption 41 requires a risk assessment to be undertaken which identifies the safety equipment required for the vessel. | None. |
| 7. | No | The view has been noted. On balance, there was support for the Exemption 41 arrangements. | None. |
| 8. | No - if they are exempted they will eventaully fall in to disrepair and be a danger / safety risk to whatever the barge is being used for | The view has been noted. On balance, there was support for the Exemption 41 arrangements. | |
| 9. | Yes | The view has been noted. | None. |
| Question 4: Do you think the survey arrangements for unpowered barges in the proposed new Marine Order 503, as modified by Exemption 41, are appropriate? | | | |
| 1. | Yes | The view has been noted. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Other than as indicated here. | The view has been noted. | None. |
| 4. | Yes | The view has been noted. | None. |
| 5. | Survey should be decided on the type of work the barge performs, its class and area of operation. | Under the proposed changes to Marine Order 503, Class 2 and 3 unpowered barges are in low survey frequency, while Class 1 are in high survey frequency. | None. |
| 6. | Yes | The view has been noted. | None. |
| 7. | Yes | The view has been noted. | None. |
| 8. | No | The view has been noted. On balance, there was support for the proposal. | None. |
| 9. | Yes | The view has been noted. | None. |
| Question 5: Do you support the change to allow unpowered barges currently ineligible to access the crewing exemption? | | | |
| 1. | Yep | The view has been noted. | None. |
| 2. | Yes | The view has been noted. | None. |
| 3. | Yes | The view has been noted. | None. |
| 4. | I think an unpowered barge carrying passengers should carry marine crew. | The view has been noted. | None. |
| 5. | Supported. | The view has been noted. | None. |
| 6. | Yes | The view has been noted. | None. |
| 7. | Yes they should be crewed based on risk assessment. | This view has been noted. The unpowered barge must be crewed with 'appropriate crew' which requires an assessment of all of the factors set out | None. |

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| | | in subclause 6(2) to 6(11) of Schedule 1 of Marine Order 504. | |
| 8. | Yes | The view has been noted. | None. |
| 9. | Yes | The view has been noted. | None. |
| 10. | No - it is a major safety issue that unpowered barges only need to have 'appropriate crew' –NOT core compliment or minimum crew. Who determines what is appropriate?. There could be 20 tourists standing on a barge that has fallen into disrepair | The view has been noted. On balance, there was support for the proposal. The owner of the unpowered barge determines the 'appropriate crew' however this assessment must consider all of the matters set out in subclause 6(2) to 6(11) of Schedule 1 of Marine Order 504. | None. |
| 11. | Yes | The view has been noted. | None. |
| Other comments on Exemption 41 | | | |
| 1. | <p>Due to a drafting oversight EX41 requires a dumb barge, even one with a 4 or 6 point mooring to carry anchors and windlasses per C7D.</p> <p>Speaking to your officers this is clearly an oversight.</p> <p>There is a very simple fix- could you please initiate a very rapid amendment to the exemption to fix this issue, otherwise the only recourse is for people to seek an individual exemption to do so, or to put extra gear onto the barges.</p> <p>This is a live issue in those areas where lots of these are being built or are operating, and its highly probable that there are lots of 'illegal' vessels nationally due to this nuance.</p> | Thank you for raising this issue. Exemption 41 will be amended. | Exemption 41 will be amended so that Part C7D does not apply to a barge which is permanently moored. |
| 2. | <p>Section 5 - Change "no berths" to "no berthed persons" i.e. a barge that may have berths can still be operated under EX41 as long as the berths are not used.</p> <p>Section 5 note, change to "Unpowered barges with berthed personnel are not eligible for this exemption"</p> | Thank you for raising this issue. Exemption 41 will be amended. | Exemption 41 will be amended to clarify that, to be eligible for the exemption, the unpowered barge must have 'no berthed persons' rather than 'no berths' |
| 3. | Schedule 1, item 1(d) – Modify to include any commercial vessel e.g. RAVs | Thank you for the comment, Exemption 41 will be amended to permit this. | Exemption 41 will be amended to allow other commercial vessels (such as RAVs) be the accompanying vessels. |

Any other comments

| Comment No. | Industry comment / submission | AMSA Response | Changes made following submission |
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| 1. | <p>The changes to survey frequency should be delayed until you have enough data to support the frequency and depth you are proposing- the work I did on this was just a best guess and it was always the case that it would be compared with empirical data, and revised accordingly. I'd strongly suggest you delay this, as you are proposing to do with the vessel size increase, because without this work you are throwing away decades of experience that went into the USL and NSAMS on a guess. Its common knowledge that the states/territories have not fully cooperated with you over the last 5 years and have not provided you with vessel records or data on accidents incidents or fleet survey deficiencies so there is no way you could have come to this landing point in a measured way.</p> <p>I agree to the common survey items across the board as written (except for some of the 10 year item) but this MUST include grandfathered (not periodically surveyed) vessels because this is a great failing of the systems-there are incentives for keeping old sub-standard vessels in operation because of this, and as an example those that were Qld registered and are now 'in', as well as some pretty shonky traditionally surveyed vessels are in many cases accidents waiting to happen.</p> <p>Be aware that insurers and others are aware of these changes and are likely to re-price their risk accordingly and that in no way will this be a cost savings to industry. It will be a cost shift and if the aim is to create a narrative of savings both in red tape and financially for owners and operators it will not come to pass.</p> <p>Bottom line- this needs much more thought, data crunching and consultation before implementation as much of the background analysis that was intended to underpin this streamlining has just not been done, and if its introduced without this full process taking its course lives are at stake.</p> <p>I fully support streamlining but not done in this manner.</p> | <p>The proposal to change the survey requirements for DCVs has been under consideration, and subject to analysis and consultation, since 2014.</p> <p>The 2014/2015 Streamlining Review of the National System occurred following agreement by the Transport Infrastructure Council (TIC) that the National System regulatory framework should be reviewed to ensure that it met the dual imperatives of a) supporting safe outcomes and b) reducing the regulatory burden on industry.</p> <p>In modernising the regulatory scheme, AMSA is giving effect to the principle that an industry that owns safety is safer than an industry that is simply told what to do. Survey is a risk mitigation tool which confirms that a vessel is built and maintained to the standards required by law. However, survey is also a compliance cost for the operator and, where survey is publicly subsidised, a cost to the government. The proposed changes are designed to ensure that survey regime requirements are aligned as closely as possible to the risk of the vessel and operation, account for modern technology and are flexible enough to allow operators to minimise the cost of complying by aligning survey with other maintenance activities.</p> <p>The proposed changes the survey requirements were subject to a lengthy process of development, consultation, analysis, review, impact assessment, further review and further consultation. The process included:</p> <ul style="list-style-type: none"> - workshops with state and territory marine safety agencies; - risk assessment by independent risk consultants; - public consultation, including 24 face to face consultation sessions attended by approximately 800 stakeholders; - consideration and analysis by a technical streamlining workshop attended by representatives (technical experts such as surveyors) from all marine safety agencies and industry experts (private surveyors, naval architects, boat builders); | None. |

- independent expert review;
- impact assessment;
- further public consultation.

At the workshops on the survey changes, attendees considered the following:

- vessel incident data;
- compliance and enforcement data;
- survey compliance data; and
- a risk assessment of the fleet undertaken by independent risk consultants.

In particular, AMSA, with jurisdictions, reviewed survey deficiency data, and compliance and enforcement data. This data was analysed as part of the development of the proposed new survey schedules and levels.

The proposed changes to survey regime requirements aim to reduce the regulatory burden across the fleet. However, they are also designed to improve safety outcomes by:

- creating incentives for operators to introduce strong safety management practices;
- introducing new ways to identify high-risk operations requiring greater regulatory oversight;
- creating incentives for operators to replace older grandfathered vessels;
- encouraging 'fit for purpose' vessels to be built and operated; and
- increasing the focus on safety management systems.

As part of the proposed changes to survey regime requirements, there will be a new flexibility for AMSA to increase survey frequency where it is evident that a vessel is not being maintained to the required standard. This will apply to all vessels, including vessels which have had their survey regimes grandfathered and non-survey vessels, and it will enable AMSA to manage the risks of vessels which are outside the survey regime. Under the arrangements, high survey frequency vessels may be moved into annual survey where required.

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| | | <p>Additionally, AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, etc). This inspection program will operate independently of ordinary enforcement activities conducted by marine safety inspectors (which is more reactive nature); although a vessel that is the subject of a high number of compliance and enforcement notices may be prioritised for inspection.</p> <p>The proposed new arrangements will also reward good safety management through reductions in survey frequency. This aims to create an environment whereby an operator implements a system to identify and manage problems with the vessel on a daily basis, rather than only at a periodic survey.</p> <p>AMSA agrees that grandfathered vessels can pose a greater safety risk where the grandfathered requirements are less onerous than current standards and survey requirements. One of the most important intended outcomes of the survey changes is to address the perception that meeting National System requirements (that is, the contemporary standards) for new vessels is too costly (as compared to grandfathered requirements). This will be achieved by removing or reducing survey requirements for lower risk vessels in sheltered waters or operating close to shore and extending length cut-offs for larger vessels required to be in class survey.</p> | |
| 2. | <p>After a process of many years of study, organising, learning, setting up business, actively pursuing clients and spending multiples of tens of thousands of dollars to get myself in a position as an AMS I now shall be having the bulk of the surveys removed from my areas of operation. It is most likely I may have to cease surveying altogether and pursue other income. This is what the RIS means to me.</p> <p>May I suggest you compare the 901 and 586 forms submitted by AMS in NSW for 2018 and see if there is a trend that leans towards a reduced survey regime.</p> | <p>AMSA first consulted on potential streamlining reforms, including the changes to survey requirements, from May to July 2014. This included 24 open face to face consultation sessions around Australia attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. 79 written submissions were received. In addition, a large number of surveyors (both government and industry) were involved in both the initial development and subsequent refinement of the streamlining reforms, including the changes to the survey requirements.</p> <p>The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes</p> | None. |

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| | | <p>to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only.</p> <p>AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.</p> | |
| 3. | I feel that EX41 needs some more work | Further changes have been made to Exemption 41 as a result of comments made on the exemption – see above. | See above. |
| 4. | <p>What happened to the five year moratorium and the Grandfather Clause? Can we take no Government consultation on their word?</p> <p>We have gone to a huge amount of effort to get these older vessels of outs across the line, registered and back into service only for AMSA to shift the goalposts again.</p> <p>I'm surprised that people can allocate their time to Meet with you people given your short memories and hollow promises. I'm hoping that sometime soon we can find some Legal advice where we can hold the individuals accountable for these blatant lies and never ending changes after meetings have been held and agreed outcomes are just ignored.</p> <p>I think it's time we look at some of the Members involvements in these changes and get opinions on whether we should go the individuals and not bother with the departments.</p> <p>I think you can work out what I think of your poor management.</p> | <p>Although existing vessels in survey are being moved into the new survey schedules, almost all operators will benefit from the changes by having fewer surveys required under the law. However, operators who wish to continue undergoing more frequent surveys are encouraged to do so – survey frequency should be determined on an individual vessel basis in accordance with the vessel's safety management system. The survey frequency requirements contained in the proposed new Marine Order 503 are the minimum required under the law.</p> <p>Grandfathering arrangements are designed to lessen the impact of a reform on pre-existing operators. As noted in the 2012 'Regulatory Plan' for the National System:</p> <p><i>The National Regulator will continually assess the safety of the national fleet in light of incidents, emerging risks, changing technology and/or changing expectations. If a safety issue arises in the future, some grandfathering arrangements may need to change.</i></p> | None. |
| 5. | If the proposed changes to the survey schedules were to take place surveying of domestic commercial vessels would no | AMSA first consulted on potential streamlining reforms, including the changes to survey requirements, from May to July 2014. The | None. |

longer be viable for the larger surveying companies. I for one no longer have any confidence in the National Regulator as the changes which they are proposing are proposterous. How many fatalities will it take for you to wake up to the fact that there are problems within the marine industry in various states and by relaxing survey requirements is not going to fix these problems.

Many accredited marine surveyors are finding major problems within the marine industry but any comments made to the National Regulator seems to fall on deaf ears! I for one have spent the last 2 years trying to clean up the local industry and educate vessel owners to the new requirements. Many vessel owners have embraced the new survey system in place and are happy to have annual surveys conducted by a surveyor that they can trust and who can answer any queries they may have. From the feedback I have received very few vessel owners or operators would feel comfortable dealing with the National Regulator directly. This being the case once many experienced surveyors have left the industry due to lack of surveying opportunities the National Regulator is going to have one hell of a problem on their hands.

surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only.

AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.

The concerns raised regarding the survey changes are noted. The proposed survey regime was developed by considering:

- vessel incident data;
- compliance and enforcement data;
- survey compliance data;
- risk assessment of the fleet undertaken by independent risk consultants;
- the expert views of technical representatives of marine safety authorities and industry (surveyors – public and private, naval architects and boat builders);
- public consultation feedback on the Streamlining Review, including at 24 face to face consultations around Australia attended by approximately 800 stakeholders;
- round table discussions with key industry representatives and presentations at industry association meetings; and
- public and stakeholder feedback on the regulatory impact assessment of the proposed changes.

This data, technical expert input and stakeholder feedback resulted in the proposed new survey requirements.

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| <p>6.</p> | <p>My concern deals with the current regulatory approach to vessels in survey for small operator fishing guides. Safety regulations are necessary in all industries however we must be careful that those regulations in practice do not have the opposite effect – decreasing safety of the public by placing an overly onerous burden to comply.</p> <p>Over the last eight years that I have been selling boats into Australia I have spoken to many fishing guides who have vessels in survey. Many express a desire to upgrade their boats or get new boats but feel the cost involved in getting a boat through survey as being too much, so they get by under grandfathering laws that allow older vessels already in survey to continue to be used.</p> <p>It's not hard to see where this leads, progressively older boats are kept on the water. New boats are not bought. This will lead to decreased safety over time.</p> <p>My other concern is the distinct lack of enforced standards for boats bought by the general public. This maybe beyond the scope of this questionnaire but it does relate to boats in survey. In the United States all boats sold must meet US coast Guard regulations and laws. If not they cannot be sold to anyone. A fishing guide does not have to order a special boat to take paying customers. Likewise in Europe a fishing guide in France does not need anything beyond what is prescribed by the CE RCD which covers all boats sold there.</p> <p>Based on that it seems Australia is very much on it's own with extremely strict and costly regulations for small operators but not for the general public. Putting it rather bluntly do we value the lives of paying customers more than that of our wives and children?</p> <p>Should we institute the same survey regulations on all boats sold in Australia? No, definitely not, that would result in the collapse of the local boat building industry and the boating industry in general in Australia. But is it fair we continue to single out small commercial operators to the same extent as now? No.</p> <p>A common sense approach is required and there are very good examples in place in the USA and Europe that we could look at. This would ultimately in a practical way rather than merely legislative way, raise general safety throughout the</p> | <p>The proposed changes to the survey regime are, in part, designed to address these very concerns. During the 2014/15 Streamlining Review, AMSA received a significant amount of feedback from stakeholders similar to the comments submitted here.</p> <p>The changes are designed to reduce the perception that meeting National System requirements (that is, the contemporary standards) for new vessels is too costly (as compared to grandfathered requirements). The proposed changes achieve this by removing or reducing survey requirements for lower risk vessels in sheltered waters or operating close to shore and extending length cut-offs for larger vessels required to be in Class survey.</p> <p>Importantly, the length and passenger/crew limits for non-survey and Restricted C vessels have been increased, increasing the number of vessels eligible for these arrangements. The non-survey and Restricted C arrangements reduce costs for operators through less onerous construction requirements, and through the removal (or reduction) of survey requirements.</p> <p>In addition, a large proportion of vessels in survey will, under the proposed arrangements, be in low level survey – which requires one survey every five years.</p> <p>In addition, AMSA has formalised the recognition of CE certified vessels – particularly for leisure craft and non-survey vessels.</p> <p>DCVs are subject to more onerous requirements and standards than recreational vessels. A person who owns and operates a recreational vessel is taking responsibility for their own risks, and, importantly, is in a position to identify and management those risks. In a commercial operation, a passenger on the vessel has no control over the maintenance or operation of the vessel, and as such as no ability to control the risks of the vessel.</p> <p>A person who boards a DCV is assuming that the risks of the journey have been managed effectively by the owner or operator of the vessel. They assume that, because it is a commercial vessel, it has been built and maintained to a high standard and is subject to regulatory oversight.</p> | <p>None.</p> |
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| | boating industry, not just commercial but also the general public. Surely that should be the goal of AMSA? | | |
| 7. | There are many instances where the consultation paper is not as clear as the draft regulatory instruments it is summarising. This has already added complexity and confusion for small businesses to try and understand the changes... | There were a couple of errors in the consultation materials and AMSA apologises for any confusion caused. | None. |
| 8. | For accredited surveyors carrying out surveys in Queensland this will significantly reduce earning capacity as there is no significant growth in vessel fleet to increase survey numbers to offset reduced survey schedule. So this may result in accredited surveyors being forced out of the industry or surveying charges may be increased to offset lost earnings. With potentially less accredited surveys available, extra travel cost may be required to service a wider region. Vessel owners will then have trouble meeting survey schedule dates due to limited surveyor numbers. In Queensland private accredited surveyors have been in place for a number of years so therefore no increases in number of surveys conducted will occur. | <p>The concerns are noted. The National Law significantly increased formal survey requirements for (new) Queensland vessels as compared to under the pre-National System Queensland regulations. The incentive this created for Queensland operators to retain older, potentially less safe, vessels, was one of the drivers of the survey reforms.</p> <p>It is intended that the changes to survey will address the perception that meeting National System requirements (that is, the contemporary standards) for new vessels is too costly (as compared to grandfathered requirements). Over time, it is expected that this will result in more new Queensland vessels in survey entering the fleet, which increase the demands on Queensland surveyors.</p> <p>In addition, the streamlining reforms to survey considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – a additional, new market for accredited marine surveyors which is currently open to Class Societies only. This change will commence in 2020.</p> | None. |
| 9. | Yes, This consultation is poorly designed and does not meet the requirements of the RIS. The fact that AMSA called for private surveyors to upskill and set up businesses to accommodate the National Law requirements and then announced a reduced survey scheme is testament to their continued lack of transparency. There is no transparency regarding the 'monitoring activities' of MSI's or indeed how many new MSI's will be employed by AMSA to do work that is currently being done through the requirement for regular periodic surveys. There has been little or no information on this and there has been no opportunity to properly comment on this aspect of reduction and timing of the current survey regimes. | <p>The proposed changes to survey were first subject to consultation as part of the Streamlining Review. The proposed new survey schedules, including the high, medium and low allocations, were subject to public consultation from May to July 2014. This included 24 open face to face consultation sessions around Australia attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. 79 written submissions were received. In addition, a large number of surveyors (both government and industry) were involved in both the initial development and subsequent refinement of the streamlining reforms, including the changes to the survey requirements.</p> <p>A report outlining the submissions received, and the proposed changes to survey, was released in October 2014.</p> | None. |

After spending considerable time and effort to gain AMSA accreditation I am now being forced out of my business and expected to go back to sea in a climate of an even further reduced shipping industry. It is unbelievable that 'jobs and growth' are being ignored by this Government authority and that work that should be privatised is now being manipulated to suit AMSA and benefit their employees only.

We suggest that AMSA consider gathering the last 2 years surveys 901 and 586 forms as submitted to AMSA by state maritime safety agencies and any private surveyors and properly assess the condition of vessels and ascertain the actual condition of the fleet.

Ex government surveyors achieved 'survey accreditation' without interview when it was agreed they would be interviewed and tested for knowledge and experience on the same grounds as private surveyors. Now the legacy issues being experienced by private accredited have proven that there is a great disparity in the knowledge and experience of ex government surveyors in comparison with those who came from the private commercial arena yet the private commercial surveyors are being penalised with less work.

It beggars belief that AMSA would consider going down this track. It has been tried before and it certainly was not successful (and that comes from the industry itself). Sensible and practical owners of vessels on the whole are happy to have their vessels inspected annually by a surveyor to highlight any deficiencies that they have missed or in some cases they leave it to the surveyor to find. The fact that they now don't have to do this is indicative of the continual approach by Government to try to fix things that are not broken. All that needed to happen was to open up the market for surveying to private surveyors and allow them to be accredited.

You would be aware that more and more we are receiving instructions to carry out a survey for the specific requirements of insurance companies and it is a well known fact that if the vessel is not in survey they will often reject the claim. How will

Since this initial, wide ranging and resource intensive consultation, the proposed changes to survey have since been subject to three further rounds of public consultation:

- as part of the 'Consultation RIS';
- as part of the 'final RIS'; and
- as part of the changes to the regulations – the current consultation.

There has been significant opportunity for surveyors and other stakeholders to comment on the proposed changes over a period of four years and through four separate rounds of consultations.

In addition, a large number of surveyors were involved in the development and assessment of the proposed changes. This included:

- workshops with government marine safety agencies (generally attended by surveyor representatives of those agencies); and
- consideration and analysis by a technical streamlining workshop attended by representatives (technical experts such as surveyors) from all marine safety agencies and industry experts (private surveyors, naval architects, boat builders).

At the workshops on the survey changes, attendees considered the following:

- vessel incident data;
- compliance and enforcement data;
- survey compliance data; and
- risk assessment of the fleet undertaken by independent risk consultants.

The surveyor accreditation scheme commenced on 2 January 2015, and during 2015 surveyors began to be accredited under the National Law. Importantly, consultation on the proposed changes to survey requirements has been extensive and began six months before any surveyors were accredited under the National Law. As such, surveyors will have been aware of the streamlining changes to survey when applying for accreditation and establishing their businesses. In addition, the streamlining reforms to survey

they, the insurers view a self proclamation by the owner that their vessel is up to scratch? Increased premiums and probably increased survey fees will be the result of this. How many vessel owners are actually winning with this reduced survey regime?

We have expended significant funds to expand our business, employ and train new staff and now this. Can AMSA do any more to us? Why don't we get a decent voice in this as have the vessel owners?

ONE SET OF RULES that NEED TO BE SUPPORTED BY FACTS

What are the solutions to the current system that would ensure success and a fair go for all? We know that we now have the required numbers of surveyors in Australia and that their capacity / experience is equivalent to and often far above that of the average Government surveyor whether they be from AMSA or a State Maritime Authority. Class have indicated over the past decade that they prefer to focus on SOLAS size vessels. Well, there are 2 good solutions

1. INCREASE THE WORK SCOPE for private surveyors – Currently there is a huge restriction of trade without any reason for it other than 'this is the way we have always done it'. There is no need to increase the number of Government employed MSI's - indeed these roles could be privatised but a good approach would be to allow some of the job role functions to be included in 'accreditation categories and opened up to private marine surveyors

2. OPEN UP THE MARKET –Currently the market is fixed in that only Class can do the surveys over 35m and they charge double what a private surveyor does. AMSA appear to be proactive in awarding Class more work which is creating more costs for industry. At the very least industry should be provided with the choice of either Class, a private AMSA accredited surveyor or an AIMS Certified Commercial Marine Surveyor

considered by the RIS include empowering accredited marine surveyors to survey vessels 35 metres and over – an additional, new market for accredited marine surveyors which is currently open to Class Societies only.

AMSA also notes the important opportunities created by the accredited marine surveyor scheme. Before 2015, surveys were conducted by private (non-government) surveyors in very limited circumstances in the majority of states and territories. By contrast, we expect the reverse to be the case going forward, with the majority of surveys of DCVs across Australia to be performed by private accredited marine surveyors.

AMSA aims to inspect ten per cent of all DCVs annually using port marine surveyors and marine inspectors as part of its existing inspection program. This is an additional measure by which AMSA can inspect the state of the vessels and initiate any necessary action (including issue of a deficiency, an infringement notice, directions notice, as well as moving vessels into a higher survey frequency category or into annual survey).

As outlined above, AMSA is also looking to open up the market for accredited marine surveyors with the appropriate knowledge training and experience to survey vessels 35m and over in length.

Importantly, the survey requirements contained in the Marine Order 503, Exemption 40, Exemption 41 and the Marine Surveyor Manual, should be seen as the minimum survey requirements for a vessel. An operator may undertake more frequent surveys, in line with their safety management system, or where they find it valuable for other reasons – including to ensure compliance or for insurance purposes.

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| <p>10.</p> | <p>Consultation process:</p> <p>I'd like to point out that I do not think the consultation process being used is effective. The number on responses /submissions mentioned in the RIS which vary by consultation between 14 - 79, these numbers received tells me that not everyone is having a fair say. There is over 30000 DCV & most of these operators are on the water trying to make a living. Decisions are being made on their behalf without their knowledge or their consideration. I think forums should be set up to address all the suggested changes which involve the operators, marine surveyors, marine architects, regulators (AMSA delegates) and any other parties involved. Posting a consultation on the AMSA website is not the answer and this is clear from the number on responses / submissions being received.</p> | <p>The proposed changes to survey were first subject to consultation as part of the Streamlining Review. The proposed new survey schedules, including the high, medium and low allocations, were subject to public consultation from May to July 2014. This included 24 open face to face consultation sessions around Australia attended by approximately 800 stakeholders, one round table discussion with key industry representatives and presentations at industry association meetings. 79 written submissions were received. In addition, a large number of surveyors (both government and industry) were involved in both the initial development and subsequent refinement of the streamlining reforms, including the changes to the survey requirements.</p> <p>A report outlining the submissions received, and the proposed changes to survey, was released in October 2014.</p> <p>Since this initial, wide ranging and resource intensive consultation, the proposed changes to survey have since been subject to three further rounds of public consultation:</p> <ul style="list-style-type: none"> - as part of the 'Consultation RIS'; - as part of the 'final RIS'; and - as part of the changes to the regulations – the current consultation. <p>There has been significant opportunity for surveyors and other stakeholders to comment on the proposed changes over a period of four years and through four separate rounds of consultations.</p> <p>In addition, a large number of surveyors were involved in the development and assessment of the proposed changes. This included:</p> <ul style="list-style-type: none"> - workshops with government marine safety agencies (generally attended by surveyor representatives of those agencies); and - consideration and analysis by a technical streamlining workshop attended by representatives (technical experts such as surveyors) from all marine safety agencies and industry experts (private surveyors, naval architects, boat builders). | <p>None.</p> |
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