



WAFIC FISHING
PEARLING
AQUACULTURE

Business Support
Standards
Australian Marine Safety Authority
GPO Box 2181
Canberra ACT 2600

To Whom It May Concern,

NSCV Part C 7A (Safety equipment) - Transitional provisions for safety equipment - Consultation draft.

The WA Fishing Industry Council (WAFIC) is the peak representative body for the commercial fishing, pearling and aquaculture industries in WA. Through our funding mechanisms every fishing vessel owners licensed under the WA fisheries legislation is a member. This equates to over 1,000 vessels, mainly operating near shore.

WAFIC appreciated the decision of government (on introduction of the new national maritime laws) to 'grandfather' vessels built and operating on 1st July 2013 authorising them to continue to operate under the rules that applied to the vessel when last surveyed (e.g. USL code) and to continue with the safety equipment under which that vessel operated at that time. We acknowledge that new vessels built after 1st July 2013 must apply NSCV C7A which specifies the minimum design, manufacture, installation, carriage and servicing requirements for safety equipment on Class 1, 2 and 3 domestic commercial vessels.

WAFIC acknowledges that AMSA made it clear in July 2013 that 'existing vessels' would be required to progressively transition over time (2-5 years) to the current standards for safety equipment applying to new vessels with every effort to minimise impact on industry. As many existing vessels safety equipment requirements are under the previous USL Code we note that AMSA has assessed each difference between the USL Code and NSCV Part C7A to consider whether 1) the difference should apply at all and, 2) if deemed to apply, the timeframe for an existing vessel to changeover to full compliance.

WAFIC appreciates the efforts of AMSA to minimise the impact on 'existing vessels' and supports the general position applied that any changeover be linked to the normal operational replacement of an item of safety equipment or the declared expiry for an item of safety equipment. Other items will changeover within a certain period of time subsequent the vessel's next periodic or renewal survey.

Responses to the proposed amendments from WAFIC members operating existing vessels at the larger end of the spectrum (i.e. >12m) were that the proposed amendments were expected to have minimal impact with many existing vessels already compliant.

However for smaller vessels (i.e. <12m) there was some confusion as to whether the proposed amendments applied - especially to non-survey vessels. There were concerns raised about whether the proposed amendments to Part C7A applied to these vessels, and if so, that they were unnecessary, impractical imposts which failed to allow for the significant operational

variations between operators in designated waters D and E. The simple message was that a 'one size fits all' approach will not work.

In many case these vessels are small, open boats operating in very shallow water in an estuary situation surrounded by land. To have to make room for quantities of bulky safety equipment (e.g. 30m of 8mm rope) or the mandatory wearing of a PFD makes working nets or pots more dangerous through creating snag points. More often than not these small vessel fisheries have exemplary safety records.

WAFIC notes within the 'Purpose' section of the explanatory consultation document that the proposed amendments will not affect the current arrangements set out under Exemptions 02 and 40 and NSCV Part G for a vessel that, if it were a new vessel, **would not require a Certificate of Survey**. This is somewhat at odds with wording in the 'Introduction' section of the same explanatory consultation document setting out that all stakeholders who own and operate a Class 1, 2 or 3 'existing vessel' need to know about the proposed amendments to Part C7A.

WAFIC recommends that similar 'notes' to that contained in the Part C7A consultation explanatory document (see footnotes below^{1&2}) should be clearly set out in any future guidance materials for the amended Part C7A outlining that it does not affect non-survey vessels operating under Exemptions 02 and 40 and NSCV Part G.

In response to the two specific questions AMSA was seeking industry comment:

1. AMSA is specifically seeking industry views on whether the requirements mentioned in 4.5.2 a), 4.5.2 b(ii),(iv),(v),(vi) and the requirements for liferafts launched from fixed launching devices (i), (ii), (iv) and (v) should apply? If it is thought that they should be included, what transitional time frame should be applied?

WA industry response: *There was no clear industry response to this question.*

2. AMSA is specifically seeking industry views on whether the requirements of 4.10.1 should apply to existing vessels after a transitional period, as proposed. AMSA notes that not all jurisdictions previously required pyrotechnics and smoke signals to be stowed in a container that is mounted in a float free position on Class 3 vessels. Instead of the transitional period proposed, should the USL requirements for stowage and marking of pyrotechnics/smoke signals be permitted for existing vessels on an ongoing basis?

WA industry response: *Retain the USL requirements for stowage and marking of pyrotechnics/smoke signals for existing vessels on an ongoing basis.*

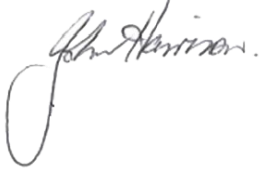
One suggestion from industry was that AMSA conduct a 'conflict of laws' analysis to assess if there is any other legislation, outside AMSA's jurisdiction, with which vessel owners may fail to be compliant during any transition period granted by AMSA thus leaving them exposed to prosecution.

¹ **Explanatory information for draft transitional provisions for safety equipment (p3)** - *Note 4 Marine Safety (Certificates of Survey) Exemption 2016* (Exemption 02) provides an exemption from the requirements of MO503 for certain kinds of new and existing vessels (e.g. Class 2, 3 or 4 vessels that are <7.5m long and operating in operational areas D or E; existing vessels that were not previously required to hold a Certificate of Survey before the National Law etc.) subject to certain conditions.

² **Explanatory information for draft transitional provisions for safety equipment (p4)** - *Note Existing non-survey vessels using schedule 1, division 5 of Exemption 02*, that would not be required to hold a Certificate of Survey if they were a new vessel, were required to comply with the **latest** safety equipment standards mentioned in NSCV Part G (as in force from time to time) from 1 July 2016.

WAFIC thanks AMSA for the opportunity to make comment on these proposed amendments to NSCV Part C7A (Safety equipment). We look forward to reviewing the outcomes from industry consultation process.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Harrison". The signature is written in a cursive style with a large, looped initial "J".

John Harrison
Chief Executive Officer
18 October 2017