



WAFIC
WESTERN AUSTRALIAN FISHING
INDUSTRY COUNCIL INC

31st July 2024

General Manager, Standards
Australian Maritime Safety Authority
82 Northbourne Avenue Braddon ACT 2612
GPO Box 2181,
Canberra ACT 2601

Sent to consultation@amsa.gov.au

Dear sir/madam,

Consultation - Proposed (Phase 2) Changes to Marine Order 504 (Certificates of operation and operational requirements – national law) 2018.

The WA Fishing Industry Council is the peak industry representative body for the commercial fishing, pearling and aquaculture industries in WA. In total our membership covers over 1200 vessels and 4,000 individuals and the industry produces in excess of \$800 million GVP per annum.

This submission is responding to the public consultation process entered into by the Australian Maritime Safety Authority (AMSA) on 29th May 2024 seeking response to the proposed changes (Phase 2) to Marine Order 504 (Certificates of operation and operational requirements - national law) 2018.

This submission is the result of a co-ordinated process across our industry (managed by WAFIC). The submission follows the summary of proposed key changes as per the AMSA consultation page.

WAFIC appreciates that it is the intention of AMSA that any changes to MO504 remain fit for purpose for industry and practical for implementation. WAFIC supports AMSA's intention to provide broadly developed educational instruments post consultation and transitional periods to allow for industry compliance post implementation date.

WAFIC is in support of the proposed changes as presented in the consultation papers unless outlined in our comments below.

1. Simplifying SMS requirements for smaller, less complex vessels and operations

WAFIC supports the proposal to provide an alternative simplified set of safety management system (SMS) requirements for smaller, less complex DCVs and operations that will maintain safety while reducing unnecessary regulatory burden.

WAFIC worked closely with AMSA and industry representatives to ensure that the proposed simplified SMS approach will uphold or improve safety outcomes, align better with operational needs and reduce administrative burden.

2. Strengthening Fatigue Management

WAFIC supports the requirement for inclusion in a vessel SMS of a fatigue risk management plan outlining how an operation manages the risks associated with master and crew fatigue.

Our industry is supportive of the AMSA advice that if a vessel only operates for a few hours a day, the fatigue risk management plan may be a short, simple document outlining:

- why the risk of fatigue is low for your operation,
- what you currently do to manage the risk of fatigue,
- why further controls are not necessary.

WAFIC strongly encourages the earliest efforts by AMSA to develop guidance materials on how to meet the fatigue risk management plan requirement especially in relation to the level of detail required to match an operation's risk level, type and complexity.

Note: WAFIC has made a separate submission in response to the AMSA specific request for industry comment on "Hours of Rest".

3. Enhancing the management of risks from drug and alcohol use

WAFIC supports the proposed requirement for inclusion in a vessel SMS of a drug and alcohol policy outlining how an operation manages the associated risks, testing procedures, (or alternatives), and procedural options for managing where crew may be assessed as *'unfit for duty'*.

It is particularly pleasing to note the proposal is that the requirement is nonprescriptive in its nature. Industry requires flexibility to assess the specific risks to their operations and decide upon the specific controls applicable or otherwise for implementation to manage these risks in their operation.

WAFIC strongly encourages the earliest efforts by AMSA to develop guidance materials on how to establish a drug and alcohol policy and appropriate testing and management procedures.

4. Ensuring that Roles & Responsibilities for Safe Operation of the Vessel are Clear

WAFIC supports the requirement for inclusion in a vessel SMS of 'responsibility' statements for designated person and master.

WAFIC supports the proposed requirement for inclusion in a vessel SMS of an 'authority' statement for the master.

WAFIC supports that where the owner is the designated person and/or the master then statements will not be required.

5. Updating the assembly station requirements in the vessel's emergency plan / SMS.

Supported

6. Aligning procedures for onboard operations & emergency preparedness with risk

Supported

7. Addressing operational risk to vessel stability

WAFIC supports the requirement for key risks to vessel stability be identified through a risk assessment.

WAFIC strongly encourages the earliest efforts by AMSA to develop guidance materials to assist this specific risk assessment including:

- modifying a vessel or installing new equipment or fishing gear
- overloading or weight creep
- loss of watertight integrity or water on deck
- accidental flooding
- rough sea state and weather conditions.

WAFIC also supports recording in a vessel's SMS both the description and date of modifications to the vessel to ensure that the master and crew are aware of any modifications made to the vessel that may impact stability.

WAFIC agrees that this will assist with decisions on how they use the vessel, and what conditions are safe to operate in.

8. Amending Certificate of Operation Renewal criteria to reduce administrative burden

Supported, however, WAFIC wishes to remind AMSA of the outcomes from the *Independent Review of Australia's Domestic Commercial Vessel (DCV) Safety Legislation, and Costs and Charging Arrangements for DCVs (September 2023)*.

This Review recommended the removal of the universal requirement in the National Law for all DCV's to have [both] a Certificate of Survey and Certificate of Operation. The Reviewers felt that the obligation on all DCVs to have both certificates does not align with the relatively low level of risk arising from the design or operation of a large number of vessels in the DCV fleet.

The Review found that the requirement for all DCVs to have [both] Certificates of Survey and a Certificate of Operation is unnecessary to achieve safety outcomes and has resulted in a complex and burdensome array of exemptions for less risky operations.

The Review recommended that that a single Certificate of Safety may be issued covering all safety requirements.

9. Other proposed changes

- Maintenance of Vessel and Equipment Requirements - Supported.
- Temporary Crewing Permit Application Process - Supported.
- Logbook Requirements - Supported.

In conclusion, WAFIC recommends that AMSA schedule formal commencement of all proposed changes to MO504 Phase 2, only after a considered comprehensive educational campaign has been delivered to industry. AMSA should also allow transitional periods to provide for practical implementation by owners, masters, crew or industry more broadly without fear of prosecution.

WAFIC supports other industry calls to ensure that the comprehensive educational campaign considers the broader industry audiences needs for engagement through multiple access options including, but not limited to, face to face workshops, online workshops, online videos, email, print ready documentation, downloadable PDFs, social media and websites.

WAFIC thanks AMSA and the MO504 Industry Working Group for the opportunity to make comments on these proposed changes.

Should there be any questions please contact Brett McCallum, WAFIC Safety and Training Consultant, brett.mccallum@westnet.com.au

Yours sincerely,



per Laura Harrison
Acting CEO
WA Fishing Industry Council