

National Transport Regulatory Reform  
Productivity Commission  
LB2, Collins St East  
Melbourne VIC 8003

## **Transport Safety Victoria response to National Transport Regulatory Reform Draft Report**

Transport Safety Victoria (TSV) is pleased to make a submission responding to the Productivity Commission's National Transport Regulatory Reform draft report issued on 12 November 2019.

TSV is a state based marine safety agency that delivered functions of *the Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law) under delegation from the Australian Marine Safety Authority (AMSA) until 30 June 2018 when AMSA took over the delivery of all functions under the National Law. Prior to commencement of the National Law, TSV and formerly Marine Safety Victoria and the Marine Board of Victoria administered state based marine safety legislation in relation to commercial vessels and qualifications dating back to the early 1900's.

TSV have noted the regulatory reform that has been undertaken by AMSA since the transition to a single national maritime regulator. The many streamlining initiatives have transferred responsibilities to vessel owners and masters to ensure the safety of workers and passengers carried onboard Domestic Commercial Vessels (DCV's) in Australian waters. This shift of responsibilities has assumed that the industry as a whole is mature enough to set aside commercial pressures in the interest of safety. The DCV industry is quite dissimilar from the foreign-going ships that AMSA have traditionally regulated under the Navigation Act 2012, which presents unique challenges to the regulator.

Draft finding 7.2 and Draft Recommendation 7.4 of the Productivity Commission Draft Report recommend that H&D vessels can be treated as recreational vessels and responsibility for regulating them be returned to the state governments.

TSV does not agree that H&D vessels could be regulated in a similar way to recreational vessels that are not used within a commercial arrangement. The risk controls required to effectively regulate H&D vessels are quite different. There would need to be a focus on the commercial elements of the transaction and the responsibilities of the business owner that the states are no longer resourced to provide. The safety management and ongoing maintenance obligations of business owners would need oversight supported by an audit regime. Legislative change at the state level would be required in addition to staffing and resourcing increases which would be required to be provided by the state regulator.

There are currently no vessel construction standards applied to recreational vessels other than the information provisions mandated by the Australian Builders Plate Standard.

TSV does not agree with Draft finding 7.2 and Draft Recommendation 7.4 that the regulation of Hire and Drive should be returned to the state governments and that treating them as recreational vessels provides a suitable risk management framework.

Similarly, TSV does not support the suggestion that other vessel types that are DCV's could be transferred back to state jurisdictions. Currently these are subject to a risk management framework which AMSA deems suitable and this would have to be reinstated at state level.

These vessels would not be subject to appropriate regulatory treatment without major legislative change at the state level with commensurate funding, business processes and resources. It has been TSV's experience over decades that vessels that are considered by AMSA to be low risk due to low passenger numbers or complexity of design often require the most amount of regulatory oversight due to oversimplification when quantifying risks and the lack of maturity of the business owner.

Should you wish to discuss this submission further, please contact Mr Martin Jaggs

Yours sincerely,

Cameron Toy  
Director Maritime Safety  
Transport Safety Victoria