



Consultation Feedback Report

Transitional safety equipment requirements

Amendments to National Standard for Commercial Vessels, Part C, Section 7A – Safety Equipment

Outline

The Australian Maritime Safety Authority (AMSA) has amended the *National Standard for Commercial Vessels – Part C, Section 7A – Safety Equipment* (NSCV Part C7A) and a number of other instruments to implement transitional arrangements requiring that safety equipment on all existing domestic commercial vessels (DCVs) is progressively brought into line with current standards whilst minimising the impact on industry

The revised standard and consequential changes to other instruments have now been made and are available on the AMSA website (the superseded standard and instruments are also still available of the AMSA website). This revised standard will commence on 1 January 2018.

Key amendments

The key amendments that have been made to achieve the safety equipment transitional arrangements include:

- Inclusion of transitional provisions in NSCV Part C7A – an additional Annex (Annex I) has been incorporated into the standard that provides transitional timeframes for compliance with NSCV Part C7A for existing Class 1, 2 and 3 vessels that are required to have a certificate of survey. The timeframes for compliance depend on the kind of safety equipment and are aimed at minimising the impact to industry.
- Inclusion of a transitional provision in the *National Standard for Commercial Vessels – Part F, Section 2 – Leisure craft* (NSCV Part F2) which applies the equipment requirements of NSCV Part F2 to existing Class 4 vessels that are required to have a certificate of survey and provides timeframes for compliance. The timeframes are aligned to those in the new Annex I in NSCV Part C7A.
- Inclusion of a transitional provision in the *National Standard for Commercial Vessels – Part F, Section 1A – Fast craft* (NSCV Part F1A) which applies the equipment requirements of NSCV Part F1 to existing fast craft that are required to have a certificate of survey and provides timeframes for compliance. The timeframes are aligned to those in the new Annex I in NSCV Part C7A.
- Amendment to *Marine Order 503 (Certificates of survey –national law) 2013* (Marine Order 503) to require existing vessels to comply with the applicable NSCV safety equipment standards as in force from time to time.
- Amendment to *Marine Safety (Certificates of Survey) Exemption 2016 (Exemption 2)* to require existing non-survey vessels that, if they were new, would be required to have a Certificate of survey, to comply with the NSCV safety equipment requirements as in force from time to time.

Other administrative changes have been made to NSCV Part C7A, including:

- Incorporation of the following GES into NSCV Part C7A:
 - GES 2015/11 - Capacity of Open Reversible Life Rafts when used as buoyant appliances
 - GES 2016/14 - Highly Visible Colours
 - GES 2016/17 - SOLAS liferafts equivalent to coastal liferafts
- The removal of remove references to personal watercraft from NSCV Part C7A

Note The equipment standards that apply to personal water craft (PWC) are now contained within NSCV Part G.

Additional amendments have been made based on stakeholder submissions (in Table 1) including:

- amending Table 1 in NSCV Part F2 to require lifejackets on houseboats to be level 100, instead of level 150;
- amending note (B1) in table 2 of NSCV Part C7A to provide for a risk assessment approach to the carriage of liferafts instead of buoyant appliances. The revised provision allows Class 1D vessels that are $\geq 25\text{m}$ long to carry buoyant appliances (and not liferaft(s)) where a documented risk assessment has shown that it is safe for persons to be immersed in the water (even where the water temperature is under 15 degrees); and
- amending the identification requirements for liferafts in NSCV Part C7A, clause 4.5.1.

Consultation Feedback

Public consultation on the proposed amendments to NSCV Part C7A was conducted over four (4) weeks and closed on 18 October 2017.

Feedback was sought from the general public and key stakeholders including the:

- Domestic Commercial Vessel Advisory Committee;
- Fishing Industry Advisory Committee; and
- Maritime Agencies Forum.

AMSA received 15 submissions in response to the proposed amendments. These comments and AMSA's responses and subsequent amendments to NSCV Part C7A are set out in Table 1 below.

Table 1 – NSCV Part C7A consultation submissions and responses

Comment No.	Provision	Industry Comment / Submission	Response to submission
1	General	C7A refers only to MO25 for Class A (& B Extended vessels). Should it also refer to MO11 for medical supplies?	Thank you for your submission. Your comments are related to content in the standard that is outside the scope of this review. However, your submission has been captured for a future more in-depth review of NSCV Part C7A.
2	4.10.1	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? Would be a hard task to get fisherman to mount their epirbs, tough ask. The saving grace is for the fisherman that have a liferaft with flares inside, possibly to ask those without a liferaft to fit a float free container may be the alternative	<p>Thank you for your submission. AMSA has considered the varying feedback on this matter.</p> <p>After considering the feedback during consultation along with the recent incident data relating to Class 3 vessels, and the considerable consultation undertaken by the National Marine Safety Committee before including the requirement in NSCV Part C7A in 2010, the transitional provision will be retained and apply to existing vessels within 12 months from the next periodic or renewal survey or within 24 months from 1 January 2018 whichever occurs first. This requires pyrotechnics on existing Class 3 vessels to be stowed in a float free container by the end of the transitional period.</p>
3	4.5.2	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? The requirements for liferaft launching are valid in terms of safety and RMS has actively supported these in the design plan approvals for a number of years. We have found modifications of existing vessels in meeting the requirements of 4.5.2 can be achieved at a reasonable cost. Time frame for	Thank you for your submission. The transitional time frames for life raft launching arrangements in clause 4.5.2 have been amended to align with a vessels next out of water survey or within 5 years whichever occurs first.

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		<p>transition should be the date of the next cycle survey out of water inspections as the modifications involve hot work and generally need shore based facilities.</p>	
4	Carley floats	<p>Please find below a submission for the current consultation on NSCV Part C.</p> <p>NSCV Part C details the use of rafts and floatation devices for passenger vessels. Carley Floats have been used as floatation devices on vessels in 1D survey for decades, until the NSCV adopted the SOLAS requirement to use open reversible life rafts in lieu of Carly floats. However, The NSCV C7A has not been applied retrospectively by State or AMSA Surveyors and most vessel operating in 1D in colder waters carry Carley Floats, not rafts.</p> <p>Port Phillip Bay and Western Port Bays water temperature drop below 15 Degrees Celsius for approximately four months of the year (Ref Bureau of meteorology). A requirement for all vessels operating in these waters to use open reversal life rafts appear to be an unintended consequence of a ruling that has come from the result of an IMO requirement rather than a local solution.</p> <p>With reference to our passenger operation between Queenscliff and Sorrento on Port Phillip in Victoria, we are in a unique position to be significantly burdened should AMSA deem the NSCV that a transition away from Carley Floats should occur.</p> <p>The following are the key facts;</p> <ul style="list-style-type: none"> • Our vessels are surveyed for 700 passengers, this is a large number of passengers to accommodate in rafts. The retro-fitting of rafts to the operation would incur significant costs in the structural changes, deployment systems, purchase costs and ongoing servicing costs. • Our vessels operate between 2 fixed points and are never more than 2 nm from land • There is always at least two vessels operating on the route, meaning, that should a vessel need to be abandoned, another vessel would be less that 20 minutes away (in most cases less than 10 minutes) 	<p>Thank you for your submission. Note B1 of Table 2 of NSCV Part C7A has been amended (for all vessels – new and existing) to reflect operational considerations and will not just be limited to water temperature. This will result in the ability for Class 1D vessels that are ≥25m long to carry buoyant appliances where a documented risk assessment has shown that it is safe for persons to be immersed in the water, otherwise life rafts will be required.</p>

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		<ul style="list-style-type: none"> • For 90% of the voyage, the water depth is such that if a vessel sunk, the majority of the upper decks would be still above the water (i.e <10m depth). • The waters we operate in are frequented by many commercial vessels who are be willing and able to assist to recover passengers in the event of an abandonment (eg, pilot vessels, fishing and tourism vessels) <p>The introduction of this restriction on the use of Carley Floats is not based on any evidence or case study. There has not been a recorded example where the use of carley floats has resulted in an adverse outcome that the use of open-reversable rafts would have prevented. In addition, the practical application of this restriction is complex and very difficult to apply and enforce.</p> <p>Other shortcomings are:</p> <ul style="list-style-type: none"> • A risk management approach based on the facts would not lead to Carley Floats being replaced by rafts. • There are other measures that could be implemented to reduce the risk when using Carley Floats in colder waters, such as risk assessments that assess the operation on a case-by-case basis. • The assumption behind the move to Carley Floats is that survivability is shorter in colder waters. Therefore regulations should address potential time in the water as a trigger, rather than water temperature being the sole trigger <p>In summary, we believe that the addition of the water temperature limitation on Carley Floats was unnecessary and not grounded in evidence. We therefore seek for the restriction on the use of Carley Floats below 15-degree water temperature to be removed from the NSCV. Falling short of the removal of the restriction, we seek a risk based approach to be implemented based on the operation and possible time in the water.</p>	
5		<p>With regards to existing vessels, there are a number of vessels in Queensland that are >7.5 m in length and operate without a Certificate of Survey. These vessels operate with a Certificate of Operation and include passenger vessels, non-passenger vessels and fishing vessels. Under the proposed changes, these vessels will be required to update their safety equipment to the latest standard, however there is proposal to ensure that these vessels have compiled with the changes. These vessels include large passenger vessels which operate in offshore areas. I would recommend that a one-off inspection of these vessels by AMSA</p>	<p>Thank you for your submission. As there is no fixed date by which a vessels must comply with all of the safety equipment transitional arrangements (as many of the items are only required to meet NSCV Part C7A when the item requires replacement) it is impractical to require an</p>

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		<p>accredited surveyors be undertaken after the inception date of 1 January 2018 to ensure that these vessels have complied with the new requirements of NSCV C7A.</p>	<p>inspection to verify implementation of safety equipment on existing non-survey vessels. However, marine safety inspectors will undertake checks of a vessels safety equipment during any on-board inspections.</p>
6	4.5.2	<p>Clause 4.5.2 – Stowage of liferaft – All other requirements of 4.5.2. Those requirements mentioned namely, 4.5.2 a), 4.5.2 b)(ii),(iv),(v),(vi) and the launching of liferaft (i),(ii),(iv) and (v) should have a period of grace of 12 months to be implemented. As mentioned above, to ensure these new requirements have been implemented, an inspection by a AMSA accredited surveyor should be undertaken to ensure compliance and eliminate the possibility</p>	<p>Thank you for your submission. The transitional time frames for life raft launching arrangements in clause 4.5.2 have been amended to align with a vessels next out of water survey or within 5 years whichever occurs first. This change has been made to accommodate the fact that modifications of existing arrangements may be required to meet the standard and that they may be most easily achieved during slipping.</p>
7	4.10.1	<p>Clause 4.10.1 – Stowing and marking of pyrotechnics. The use of pyrotechnics during an emergency is vital to ensuring that the changes of passengers and crew are rescued. To ensure that pyrotechnics are able to be easily accessed during such an emergency their location should be one that allow the crew to use them without having to think twice about their location. In the case of Class 3 vessels, they are particularly vulnerable to catastrophic events that mean the crew will be forced to abandon the vessel with minimal or no emergency equipment. Having pyrotechnics on hand after the vessel has sunk could mean the difference between life and death.</p> <p>As the main premise of the transitional requirements is to ensure that all vessels are equipped with the latest safety equipment, the need to have the above implemented is paramount. All operators are then on the same level when costs of the implementation are concerned and also all passengers and crew can have confidence that the safety equipment on the vessels on which they are carried or work will operate correctly and efficiently in the time of greatest need.</p>	<p>Thank you for your submission. AMSA has considered the varying feedback on this matter.</p> <p>After considering the feedback during consultation along with the recent incident data relating to Class 3 vessels, and the considerable consultation undertaken by the National Marine Safety Committee before including the requirement in NSCV Part C7A in 2010, the transitional provision will be retained and apply to existing vessels within 12 months from the next periodic or renewal survey or within 24 months from 1 January 2018 whichever occurs first. This requires</p>

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			pyrotechnics on existing Class 3 vessels to be stowed in a float free container by the end of the transitional period.
8		The above comments have written to express my opinion that existing vessels should be brought up to the standard of new vessels to ensure that passenger and crew are secure in the knowledge that the owners of the existing vessels have put their safety at the forefront of their operating ethos.	Thank you for your submission. AMSA is committed to promoting safety on the water and improving safety culture including ensuring that safety equipment on all existing domestic commercial vessels (DCVs) is progressively brought in to line with current standards whilst also minimising the impact on industry.
9	4.5.1	<p>Submission in response to the National Standard for Commercial Vessels Part C Design and Construction, Section 7 Equipment, Subsection 7A Safety Equipment; Consultation Draft Amendment No. 1, 2017, section 4.5.1. The response is limited to the above noted section.</p> <p>Our company is one of Australia's largest marine tourism operators visiting Australia's icons; the Great Barrier Reef; Whitehaven Beach, Reefsleeper at the Great Barrier Reef and transporting guests through the Whitsunday islands and island airport on our 'resort connection' services.</p> <ul style="list-style-type: none"> • Our company operates: <ul style="list-style-type: none"> ○ 11 x vessels with AIS ○ Class 1C x 4 ○ Class 1C / 1D x 5 ○ Class 1 D x 2 • Ancillary vessels operating from a pontoon moored at the Great Barrier Reef <ul style="list-style-type: none"> ○ Class 1E/2D x 5 ○ Class 1E - Semi Submersibles x 3 • Ancillary vessel operating from Whitehaven Beach <ul style="list-style-type: none"> ○ Class 1E/2D x 1 • 2 x Class 1E Pontoons moored at the Great Barrier Reef <ul style="list-style-type: none"> ○ 45m day operations carrying 353 persons ○ 50.1m day operations carrying 610 persons <p>liferaft summary:</p>	Thank you for your submission. NSCV Part C7A clause 4.5.1 will be updated to provide for alternate vessel identification options on liferafts (for all vessels) that may include the operator's name or the Hex ID /UIN number of the EPIRB in the liferaft.

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		<ul style="list-style-type: none"> • 37 liferafts on a rotating service schedule across the fleet <ul style="list-style-type: none"> ○ 30 x 65 man open reversible Liferafts (ORL) ○ 6 x 25 man liferafts ○ 1 x 6 man liferaft (delivery voyages) • Of 37 liferafts, 3 are kept as a float <ul style="list-style-type: none"> ○ 2 x 65 man ORL ○ 1 x 25 man • Liferaft expiry is included in AMPRO (computerized maintenance management program) <ul style="list-style-type: none"> ○ At service intervals rafts are rotated across the fleet to ensure that all rafts remain in date and no vessel has to 'stand down' at significant cost waiting for raft service ○ Rafts have a local number on the casing as part of the company tracking system, at all times it is known which number raft is on which vessel ○ All vessels operate (arrive and depart and are berthed overnight) from the our dedicated marina and maritime terminal at the Port of Airlie ○ AMSA for the above reasons approved Liferaft certificates being kept in the shore based Operations office, available on request • Service cost are reduced as urgent raft services are not necessary due to rotational scheduling • Liferafts life expectancy in the working environment is 10 – 15 years • Our company replaces several rafts annually <p>AMSA Proposed Amendment 4.5 Liferafts <i>4.5.1 Parent vessel identification</i> <i>Summary of deemed to satisfy solution – Liferafts shall be marked in accordance with 4.5.1</i> <i>Transitional requirements for existing vessels – Compliance required when the parent vessel identification marking is replace, or the liferaft is replace, whichever occurs first</i></p> <p>4.5 LIFERAFTS <i>4.5.1 Parent vessel identification</i> <i>In addition to the requirements for marking contained in Annex A, Annex D, and Annex E of this Subsection, a liferaft shall be legibly and permanently marked with the parent vessel's identification in figures not less than 75 mm in height in contrasting colours.</i></p>	

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		<p><u>Response</u> Our response is in keeping with the “deemed to satisfy” approach on which the NSCV is structured and submits that the identification on a liferaft can be the Company name if supported by a risk assessment and safety management system. There is a significant and unnecessary cost impact if the NSCV C7a limits identification on a liferaft to the parent vessel identification. The cost increase are outlined below:</p> <ul style="list-style-type: none"> a) Standing down a vessel while liferafts are serviced (cost in the 10s of 1000’s per day) b) Keeping a greater float of liferafts to continue the service rotation c) Decrease the time the raft can be at the service agent, increasing the service cost d) Double crane costs if liferafts are removed for service and must be returned to original vessel <p>Our company has undertaken a risk assessment and believe that a deemed to satisfy solution of identifying the Company name and local raft number instead of the Vessel Name would meet the intention of the proposed amendment to the standard.</p> <p>Potential Risk – no parent vessel identification In the event of vessel abandonment the raft will not be able to be identified by the vessel identification (name) on the raft.</p> <p>Risk Mitigation –Operational Example</p> <ul style="list-style-type: none"> • All routine operations are within the Whitsunday Island area and Hardy Reef river • Vessels are scheduled with voyage routes, estimated times of departure and arrival times all known • Safety Management System requires vessel Master to contact Operations department if departing more than 5 mins later than schedule • All vessels have a GPS • 6 liferafts - 1 per vessel operating routinely and commonly in 1C operational area have an EPIRB in the raft • Shore based Operations Department keep in contact with vessels during operating hours by mobile when in range or satellite phone when out of mobile range 	

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		<ul style="list-style-type: none"> • Shore based Operations Department have a 24/7 phone contact for emergencies • All Class 1C and 1C/1D vessels have AIS • Safety Management System includes onboard and ashore emergency responses including Operations tasking assisting vessel(s) and contacting external emergency service agencies <p>Summary of Risk Control The chance of a vessel deploying a liferaft(s) without Operations knowing a nearly precise location is unlikely to remote.</p> <p>Outcome We believes that the identification on a liferaft can be either the Company Name and Local Raft Number or the Parent Vessel Identification/Name dependant on the companies risk assessment and SMS. And that the amendment should reflect this.</p> <p>General Industry Comment Across the industry many smaller operators have arrangements with service agents where they are provided a temporary raft while the vessels raft is being serviced. In these circumstances the temporary raft will not have the vessel identification on the raft.</p>	
10		<p>These changes are a great idea and they should go ahead.</p> <p>However, I would like to comment that it is confusing that this consultative draft was introduced at the same time as a Consultative Draft for MO 503, but the necessary changes to implement NSCV Part C7A were not included in the MO 503 draft? As both of these are to take effect in January 2018 it would seem to make sense to introduce the changes in MO503 now.</p>	<p>Thank you for your submission.</p> <p>The C7A changes were not included in the recent consultation draft of Marine Order 503 as they were a separate proposal. However, the NSCV Part C7A transitional changes will be incorporated into Marine Order 503 so that they can commence from 1 January 2018.</p> <p>The changes to Marine Order 503 would also clarify that fastcraft and Class 4 vessel are to comply with new transitional provision in NSCV Parts F1 and F2 respectively. The new provisions to NSCV</p>

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			<p>Parts F1 and F2 will include timeframes for safety equipment compliance that align with those in NSCV Part C7A.</p> <p>Similarly, division 5 of exemption 02 will also be updated to require existing vessels that do not hold a certificate of survey that would be required to have a certificate of survey if they were a new vessel to comply with the transitional arrangements in NSCV Part C7A, F1A or F2 as applicable.</p>
11	4.5.2	This should apply after 24 months	Noted. Thank you for your submission.
12	4.10.1	The proposed transitional period is acceptable	Noted. Thank you for your submission.
13	General	<p>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.</p> <p>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.</p> <p>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</p>	<p>Thank you for your submission.</p> <p>AMSA will endeavour to provide further clarity as to the impact stakeholders in future consultations.</p> <p>In summary, the NSCV C7A transitional provision will not affect 'non-survey type' or 'Restricted C type' existing vessels. These existing vessels have been required to comply with NSCV Part G equipment requirements since 1 July 2016.</p> <p>The proposed changes will affect the following stakeholders:</p>

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		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<ul style="list-style-type: none"> • Existing Class1, 2 and 3 vessels that hold a certificate of survey – NSCV Part C7A transitionals will apply • Existing Class 1, 2 or 3 vessels that do not hold a certificate of survey (as they are grandfathered under Division 5 of Exemption 2), but if they were a new vessel would be required to have a certificate of survey – NSCV Part C7A transitionals will apply • Existing Class 4 vessels that hold a certificate of survey - NSCV Part F2 transitionals will apply • Existing Class 4 vessels that do not hold a certificate of survey (as they are grandfathered under Division 5 of Exemption 2), but if they were a new vessel would be required to have a certificate of survey – NSCV Part F2 transitionals will apply • Existing fastcraft - NSCV Part F1 transitionals will apply <p>Vessels not affected by these changes include:</p> <ul style="list-style-type: none"> • All new vessels that are required to have a certificate of survey - as they currently must comply with either NSCV Parts C7A, F1 or F2 as applicable • All Class 2, 3 or 4 vessels that are operating under Exemption 02 Divisions 1, 2, 3, 4, 6 & 7 – NSCV Part G applies

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		<p>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.</p> <p>WAFIC recommends that similar 'notes' to that contained in the Part C7A consultation explanatory document (see footnotes below1&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.</p> <hr/> <p>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.</p> <p>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.</p> <p>In response to the two specific questions AMSA was seeking industry comment:</p> <p>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?</p> <p>WA industry response: There was no clear industry response to this question.</p>	<ul style="list-style-type: none"> Existing vessels that are not required to have a certificate of survey under division 5 of Exemption 2, and if they were a new vessel, also would not be required to have a certificate of survey (they could apply divisions 1, 2, 3, 4,6 & 7 of Exemption 2 or Exemption 40) – NSCV Part G applied since 1 July 2016. <p>Noted.</p>

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		<p>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?</p> <p>WA industry response: Retain the USL requirements for stowage and marking of pyrotechnics/smoke signals for existing vessels on an ongoing basis.</p> <p>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.</p> <p>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.</p>	<p>Thank you for your submission. AMSA has considered the varying feedback on this matter.</p> <p>After considering the feedback during consultation along with the recent incident data relating to Class 3 vessels, and the considerable consultation undertaken by the National Marine Safety Committee before including the requirement in NSCV Part C7A in 2010, the transitional provision will be retained.</p> <p>For safety equipment requirements of marine safety legislation, there will be no conflict as only NSCV C7A applies, including during the transitional period. NSCV C7A provides that the equivalent USL Code requirement applies until the vessel has met the NSCV C7A requirement. This has been amended to allow either the equivalent USL Code requirement to apply, or ‘the requirement that applied to the vessel immediately prior to the commencement’ of the NSCV C7A transitional provisions to apply. This means that, during the transitional period,</p>

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			<p>compliance with either the NSCV C7A or the previous applicable requirement for each safety equipment element will satisfy NSCV C7A and Marine Order 503. The 'previous applicable requirement' may be the State and Territory safety equipment requirement that applied to the vessel on 30 June 2013 and which was previously recognised under Marine Order 503.</p> <p>Operators need to consider the requirements of other legislation, such as work place health and safety laws. Any significant conflicts should be brought to AMSA's attention.</p>
14		<p>AIASA represents 22 Licence Holders in the Western Zone Abalone Fishery (WZAF) in South Australia. Our organization is proactive, credible and leaders in research, development and sustainability of native abalone. Our members maintain high WHS standards when it comes to fishing. We work with state and national organisations and government and contribute significant funds through licensing. We wish to submit our comments in regards to AMSA's proposed changes to the Marine Order (MO) C7A – Safety Equipment.</p> <p>The WZAF fleet consists of approximately 25 surveyed vessels predominantly of Class 2C/3C (restricted). The Industry is continually evolving with the upgrading of existing vessels combined with new vessels. Accordingly, vessel and personal safety equipment is also actively reviewed and upgraded, with the AIASA looking to the latest digital technology for improvements.</p> <p>After consideration of the proposed changes to C7A (safety equipment); AIASA acknowledges changes as we believe they would have no impact on our Industry's current diving arrangements. We support the process to make fishing operations safer for members, provided they are not restrictive to impede working conditions.</p>	Noted. Thank you for your submission.

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		<p>If there are unforeseen changes that could impede working conditions, please contact us, to work through it as per the intention of a consultation process.</p> <p>We kindly request being included and informed on any future developments regarding this submission</p>	
15		<p>Thanks for your message and attachments earlier in the week regarding transitional arrangements for safety gear on, specifically, houseboats. We've now re-read these and have reviewed our position with regard to transitional arrangements for safety gear upgrades aboard houseboats, including the specification of lifejacket prescribed in F2. Please would you submit this message, as/to whom required, as our comments on the matter, noting we look forward to continuing the discussion.</p> <p>Starting with the lifejacket itself, this has long been an issue for the houseboat sector (and others, but not the context of this message) and we remain convinced that the requirement to carry 150N coastal lifejackets is inappropriate for houseboat operations on the River Murray. The commercial houseboat industry has an excellent, long-standing safety record with no evidence of lifejackets having been deployed in an emergency situation, making use of 50N permanent buoyancy vest-style lifejackets very successfully. These jackets are well looked after, stowed ready for use and not made available for recreation (additional jackets are provided for swimming and watersports, or hirers bring their own) so they are in very good condition and very suited to the requirement that has existed in (at least) SA for many years.</p> <p>Of equal concern is the expectation that operators will be required to upgrade by the time of next survey: this is, of course, essentially up to a three-year period from today, but more likely the majority of the fleet would be within the next 18 months. On the River Murray in SA alone, this will require an estimated investment across the industry of over \$250,000 to replace all lifejackets – with the current stock of lifejackets to be essentially thrown away. Across other waterways this would likely more than double. At a time of slower trading and the lingering anticipation of a commercial vessel levy, this will be a difficult argument to press home.</p>	<p>Thank you for your submission. The transitional provisions for lifejackets will be changed to require the quantity of lifejackets to meet NSCV Part C7A within 48 months. However, the kind of lifejacket need only be updated to NSCV Part C7A on acquisition of new jackets or on replacement of old jackets.</p> <p>Table 1 in NSCV Part F2 has also been amended to level 100 life jackets instead of level 150.</p>

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		<p>We are also concerned that the consultation documentation associated with changes to C7A transitional arrangements was poorly laid out, particularly when considering the target audience of predominantly smaller, if not micro, businesses. The headline message must catch the reader's attention and it must be very clear in the opening paragraph whether the following multiple pages of technical regulation is relevant to the reader. In this instance, as evidenced by the consultation launch message below, this was clearly not expected to be read by operators of existing Class 4 vessels.</p>	