



The Hon Barnaby Joyce MP

**Deputy Prime Minister
Minister for Infrastructure, Transport and Regional Development
Leader of The Nationals
Federal Member for New England**

Ref: MS21-002118

Mr Stuart Richey AM
Chair
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601

11 NOV 2021

Dear Mr Richey

I am writing to you regarding the first Statement of Expectations (Statement) for the Australian Maritime Safety Authority (AMSA), which I have enclosed. I would like to thank you and AMSA for your collaboration in helping develop this Statement.

This Statement is a notice to AMSA for the purpose of section 9A of the *Australian Maritime Safety Act 1991* (the AMSA Act), covering the period to 30 June 2024. The Statement also fulfils requirements under the Australian Government's deregulation agenda and refreshed Regulator Performance Guide.

In the Statement, I have set out my expectations for how AMSA should approach aspects of its legislated functions, and a number of key priority areas I would like AMSA to focus on. The Statement also acknowledges several areas of excellence, such as AMSA's search and rescue responsibilities and regulation of international shipping. Please note the requirements for AMSA to provide me with a responding Statement of Intent within three months for my consideration and agreement, and to then publish both statements. To minimise burden on AMSA, additional reporting has been aligned with existing requirements where possible.

I also expect you and AMSA's Board to monitor AMSA's performance against this statement, and keep me and my Department informed of any associated significant actions. I have also requested that you advise me as soon as possible where there are barriers to implementation of my expectations to ensure we can work collaboratively and seek to overcome any challenges.

Yours sincerely

Barnaby Joyce MP

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Statement of Expectations for the Australian Maritime Safety Authority for the period to 30 June 2024

Preamble

1. This Statement of Expectations outlines my expectations for the strategic direction of the Australian Maritime Safety Authority (AMSA) and the manner in which AMSA should perform its functions. This Statement is a notice to AMSA for the purpose of section 9A of the *Australian Maritime Safety Authority Act 1990* (the AMSA Act), and has effect from the date of signature until 30 June 2024, unless a new Statement is issued during that time.
2. This statement does not alter AMSA's requirements to perform its legislated functions to promote maritime safety, protect the marine environment from pollution and other environmental damage caused by shipping, and to preserve life through search and rescue services.
3. AMSA should always perform its functions in accordance with the AMSA Act, the *Public Governance, Performance and Accountability Act 2013*, and other legislation.
4. AMSA should always perform its functions in the public interest, in line with its mission and values, and taking account of the Australian Government's priorities.

Regulatory Approach

5. I expect AMSA, in the performance of its regulatory functions, to be guided by the principles outlined in the Government's Regulator Performance Guide:
 - **Continuous improvement and building trust** – adopt a whole-of-system perspective, continuously improving AMSA's performance, capability and culture to build trust and confidence in Australia's maritime regulatory settings.
 - **Risk based and data driven** – manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
 - **Collaboration and engagement** – be a transparent and responsive communicator, implementing regulations in a modern and collaborative way.
6. I support AMSA increasing or maintaining requirements for maritime sectors where this is justified by risk, and where costs and safety or environmental benefits have been considered. I also expect AMSA to pursue opportunities to simplify requirements or reduce burden in line with the Government's deregulation agenda, particularly for parts of industry with lower risk operations.
7. I expect AMSA to ensure that safety and environmental requirements are practicable for industry, and to take into account the diverse operating environments of different maritime industries across Australia, including those in regional and remote areas.
8. I expect AMSA, within their regulatory framework, to seek to accommodate innovation and the adoption of new and emerging technologies in maritime sectors, particularly where these innovations offer improved safety, environmental, operational or administrative outcomes.
9. I expect AMSA to work with my Department to advise me where laws are not fit for purpose or substantially impede this regulatory approach, or wherever a decision of Government may otherwise be required to overcome significant barriers for AMSA.
10. I undertake to give due consideration to such issues if presented to me, and to work constructively with AMSA and its Board to support AMSA and create an environment that enables best practice performance.

International shipping

11. Given the importance of shipping for the Australian economy, AMSA should continue its excellent, longstanding work influencing, implementing and upholding Australia's international maritime obligations. This includes engaging constructively at international forums, including the International Maritime Organization, and pursuing outcomes that support safe, sustainable, and efficient international trade, through a collaborative, whole-of-government approach.
12. I commend AMSA on the capacity-building work it undertakes with countries in our region, and expect AMSA to continue this work when opportunities are provided by Government.
13. Recognising that international shipping operates to an internationally agreed set of standards under mature safety management requirements, I expect AMSA to ensure safety and pollution prevention standards are maintained for Australian flagged ships and ships entering Australian ports in order to maintain the low risk of major incidents involving shipping.
14. I expect AMSA to continue to refine its risk-based approach to targeting inspections of visiting ships.

Domestic commercial vessel safety

15. I acknowledge that the domestic commercial vessel fleet is diverse and includes fishing, tourism, transport and construction operators, ranging from locally-based sole traders and small businesses to larger national enterprises.
16. I expect AMSA to work towards minimising the risk of incidents in the domestic commercial vessel fleet to the lowest reasonably practicable level, recognising that AMSA is not solely responsible for all maritime safety risk, and that eliminating all risk is not practical or possible.
17. I expect AMSA to focus on streamlining regulatory requirements and its service delivery models across its domestic functions, recognising the needs of domestic commercial vessel operators that are located in a range of urban, regional and remote locations around Australia. Noting the Government has committed to review the delivery costs and industry charges for the national system for domestic commercial vessel safety, I expect AMSA to actively examine all aspects of its domestic commercial vessel operations to identify efficiencies, while delivering effective safety regulation.

Data and reporting

18. I expect AMSA to continue its efforts to improve its collection, analysis, and publication of safety data. AMSA should continue improving the sophistication and efficiency of the use of data in its systems and activities, including by investigating opportunities to improve or automate processes using available data.
19. In line with recommendations of the Productivity Commission in its report on National Transport Regulatory Reform, I expect AMSA to continue implementing initiatives to actively encourage reporting of safety incidents. AMSA should consider whether further reporting channels or education activities may help raise awareness of how reporting can support improved safety outcomes for industry.
20. I also expect AMSA to continue efforts to publish more comprehensive data about maritime safety incidents and compliance outcomes and ensure all published data is accessible and supports the regulated community to manage their safety risks.

Grandfathered safety requirements

21. Several Coronial inquiries, as well as recent inquiries by the Senate Rural and Regional Affairs and Transport Legislation Committee and the Productivity Commission, have recommended changes to grandfathered requirements for commercial vessel safety.

22. I recognise that the grandfathered fleet of domestic commercial vessels consists of a wide range of vessels of different ages, built to different standards. I expect AMSA to review the safety risks of grandfathered standards, using best available data and evidence, and identify any sectors of the fleet where ongoing grandfathering arrangements may pose safety concerns.
23. I expect AMSA to continue to work with industry to implement changes to high risk grandfathered requirements where benefits to safety justify potential costs. However, I expect AMSA to advise Government on how safety risks should be addressed where there may be significant implementation costs or change for sectors of the grandfathered fleet, including where costs may fall more heavily on a particular part of industry or may be felt more in specific regions. I undertake to give due consideration to such matters if presented to me.

Search and rescue and emergency response

24. I expect AMSA to continue to provide and coordinate high quality search and rescue services and emergency response capabilities under the National Plan for Maritime Environmental Emergencies. These efforts have rescued thousands of people and, following rare significant shipping incidents in Australia, have contained potentially devastating environmental and economic impacts.
25. I expect AMSA to work with governments to review whether the National Plan for Maritime Emergencies remains effective and contribute a maritime perspective to development of the Government's emergency response arrangements for Australia.
26. Should any matters warrant improvement, I expect AMSA to work collaboratively to address this, including working with my Department to provide further advice to me as required. I undertake to give due consideration to such matters if presented to me.

Transparency and Accountability

27. I expect AMSA to provide me with a Statement of Intent in response to this Statement of Expectations for my consideration and agreement within three months. AMSA's Statement of Intent should set out how it will meet the priorities set out in my Statement of Expectations.
28. Once approved, I expect AMSA to publish both Statements, and to reflect actions that implement my expectations in its Corporate Plans and Annual Reports.
29. Further to the above, I expect the AMSA Board to monitor AMSA's performance against this statement, and to keep me and my Department informed of its significant actions in relation to the matters set out in this Statement of Expectations.
30. I expect the AMSA Board to promptly advise me about any matters that may significantly impact AMSA or may present challenges that warrant Government consideration.
31. I also expect AMSA's Board to at least annually provide me with frank, high-level advice on AMSA's progress towards meeting the expectations set out in this statement.



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The Hon Barnaby Joyce

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Date

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development