

**MEMORANDUM OF UNDERSTANDING
ABOUT
Work Health and Safety Management in
Maritime Workplaces**

Between

AUSTRALIAN MARITIME SAFETY AUTHORITY

and

**Northern Territory WorkSafe
Office of Industrial Relations Queensland
SafeWork New South Wales
SafeWork South Australia
WorkSafe Australian Capital Territory
WorkSafe Tasmania
WorkSafe Victoria
WorkSafe Western Australia**

PART A - INTRODUCTION

1. THE PARTIES

1.1 This Memorandum of Understanding (MOU) is made between the following parties:

- a) the **AUSTRALIAN MARITIME SAFETY AUTHORITY (“AMSA”)**, and
- b) each of the following WHS Authorities:
 - **Northern Territory WorkSafe**
 - **Office of Industrial Relations Queensland**
 - **SafeWork New South Wales**
 - **SafeWork South Australia**
 - **WorkSafe Australian Capital Territory**
 - **WorkSafe Tasmania**
 - **WorkSafe Victoria**
 - **WorkSafe Western Australia**

1.2 For the avoidance of doubt, the MOU is not intended to apply between one WHS Authority and another WHS Authority.

2. DESCRIPTION OF THE PARTIES

2.1 AMSA is a Commonwealth statutory authority, created by the *Australian Maritime Safety Authority Act 1990*. AMSA has primary functions relating to maritime safety, protection of the marine environment and maritime and aviation search and rescue. Legislation relevant to AMSA’s operations include the:

- a) *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) (insectorate functions only).
- b) *Navigation Act 2012* (Navigation Act).
- c) *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law).
- d) Application of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, and
- e) subordinate instruments made under those Acts.

2.2 The WHS Authorities are the State and Territory-based work health and safety regulatory authorities of the Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania, Victoria¹ and Western Australia. These are the State and Territory authorities² responsible for inspectorate functions under their respective Work / occupational health and safety Acts and Regulations, as outlined in clause 6 of this MOU.

¹ Noting the relevant Act in Victoria uses the term “Occupational” Health and Safety.

² Further information can be found at: [WHS regulators and workers' compensation authorities contact information | Safe Work Australia](#)

3. PURPOSE AND EFFECT OF THE MOU

- 3.1 The purpose of this MOU is principally to provide guidance on the role of each State or Territory WHS Authority and AMSA in responding to maritime workplace incidents in Australia. This includes:
- a) Providing guidance where jurisdiction may be unclear
 - b) A framework for cooperation on legislative obligations
 - c) Encouraging collaboration to promote efficiencies in maritime safety education, compliance activities and investigations.
- 3.2 The WHS Agencies and AMSA acknowledge that nothing in this MOU is intended to modify or restrict the respective statutory functions and powers of the each of the parties under the relevant legislation that they administer.
- 3.3 AMSA and the WHS Authorities acknowledge that this MOU is not legally binding and is not intended to give rise to legally enforceable rights or obligations between the parties.

4. Definitions

"Domestic Commercial Vessel" has the same meaning as in section 7 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

"Foreign Vessel" has the same meaning as in section 14 of the *Navigation Act 2012*.

"Hazardous Chemicals" means a substance, mixture or article that satisfies the criteria for a hazard class in the Globally Harmonised System of Classification and Labelling of Chemicals.

"Incident" means death, accident, event, serious injury, illness or dangerous incident involving a Ship, a DCV or land-based Workplace related with either of these, that must be notified to the Regulatory Authority under legislation.

"Marine Safety Concern" means a maritime safety complaint, issue or concern, which may or may not be an Incident required to be notified, notified to Regulatory Authority under the relevant legislation administered by that Authority.

"Plant" means any machinery, equipment, appliance, implement or tool; and includes any component, fitting, connection, mounting or accessory used in or in conjunction with any of the above.

"Powered Mobile Plant"³ means plant which is provided with some form of self-propulsion which is ordinarily under the direct control of an operator.

"Regulated Australian Vessel" has the same meaning as in section 15 of the Navigation Act.

³ "Powered mobile plant" has a specific definition in Victoria under the *Occupational Health and Safety Act 2004*.

"Regulatory Authority" means the Australian Maritime Safety Authority and/or each WHS Authority.

"Ship" which may be a regulated Australian vessel or a foreign flagged ship, for the *Navigation Act 2012* means any kind of vessel used in navigation by water, however propelled or moved, and includes:

- a barge, lighter or other floating vessel
- an air cushion vehicle or other similar craft used wholly or primarily in navigation by water, and
- an offshore industry mobile unit.

"Workplace" has the same meaning as in section 8 of the WHS Act and for the purposes of Victoria, as in section 5 of the OH&S Act.⁴

⁴ "Workplace" has a specific definition in Victoria under the *Occupational Health and Safety Act 2004*.

PART B – SCOPE OF RESPECTIVE LEGISLATION

5. AMSA Jurisdiction – General

Note: The below is not an exhaustive list of all applicable legal circumstances and descriptions have been tailored to reflect the purpose of this MOU.

5.1 Regulated Australian Vessels

- a) Predominantly regulated through the *Navigation Act 2012* and Marine Orders made under it.
- b) Are excluded from the application of the *National Law*.
- c) The *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) applies to Regulated Australian Vessels involved in:
 - interstate and international trade
 - intrastate trade if the operator chooses to be covered

5.2 Foreign Vessels in Australian Waters

- a) Predominantly regulated through the *Navigation Act 2012* and Marine Orders made under it.
- b) Are excluded from the application of the *National Law*.
- c) The *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) applies to Foreign Vessels that are:
 - operated by an Australian-based company with a majority Australian crew, or
 - licenced for coastal trading.

5.3 Domestic Commercial Vessels

- a) Predominantly regulated through the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (*National Law*).
- b) Domestic Commercial Vessels are generally permitted to operate to 200nm from the baseline of the Australian mainland, Tasmania, a recognised island but within the exclusive economic zone.
- c) The *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) applies to Domestic Commercial Vessels involved in interstate trade.

5.4 Legislation

- a) ***Navigation Act 2012*** – Promotes maritime safety and empowers AMSA to carry out inspections of vessels and enforce national and international standards. It applies both within and outside Australia. Importantly, it provides for:
 - survey certification, and inspection of Regulated Australian Vessels, and verification of compliance for Foreign Vessels
 - safety management systems of companies and application of those systems on Regulated Australian Vessels and Foreign Vessels
 - qualification and competence of seafarers on Regulated Australian Vessels and Foreign Vessels, and
 - compliance with international conventions, including international occupational safety, health and welfare standards for crews.

- b) **Occupational Health and Safety (Maritime Industry) Act 1993 – “OHSMI Act”** – is legislation that aims to protect the health safety and welfare of maritime industry workers at or near Workplaces, promoting workplace health and safety improvements to occupational environments, and ensure cooperation between industry operators and employees. For the purpose of this MOU, the Act applies to the vessel, owner and crew of:
 - all Regulated Australian Vessels and Domestic Commercial Vessels engaged in interstate voyages or international trade
 - Foreign Vessels that are operated by an Australian-based company and which has a majority of Australian crew, or which are engaged in coastal trading.
- c) **Marine Safety (Domestic Commercial Vessel) National Law Act 2012 – “National Law”** – Provides a national scheme to ensure the safe operation, design, construction and equipment of Domestic Commercial Vessels , and development of safety culture to prevent marine Incidents. Importantly, it provides for standards and verification of Domestic Commercial Vessels in relation to:
 - survey and certification (construction and operation)
 - near coastal qualifications and navigational practices
 - safety management arrangements, and
 - general safety duties of crews and owners.

5.5 In summary, AMSA’s regulatory jurisdiction extends to:

- a) Domestic Commercial Vessels, which usually only operate in inland waters, coastal waters and to the outer limit of the Australian EEZ
- b) Regulated Australian Vessels operating in inland waters, coastal waters and beyond the outer limit of the Australian EEZ
- c) Foreign Vessels operating in inland waters, coastal waters, and to the outer limit of the Australian EEZ (and in certain circumstances may extend beyond the outer limit of the Australian EEZ).

6. WHS Authority Jurisdiction – General

6.1 Each WHS Authority administers relevant legislation, as amended from time to time, including:

a) ACT

- *Work Health and Safety Act 2011 (A.C.T.)* and its Regulations
- *Dangerous Substances Act 2004* and its Regulations

b) NSW

- *Work Health and Safety Act 2011 (N.S.W.)* and its Regulations
- *Explosives Act 2003* and its Regulations

c) NT

- *Work Health and Safety (National Uniform Legislation) Act 2011* and its Regulations
- *Dangerous Goods Act 1998* and its Regulations
- *Electricity Reform Act 2000* and its Regulations

d) QLD

- *Work Health and Safety Act 2011* (QLD) and its Regulations
- *Safety in Recreational Water Activities Act 2011* and its Regulations
- *Electrical Safety Act 2002* and its Regulations

e) SA

- *Work Health and Safety Act 2012* and its Regulations
- *Dangerous Substances Act 1979* and its Regulations
- *Explosives Act 1936* and its Regulations

f) TAS

- *Work Health and Safety Act 2012* and its Regulations
- *Dangerous Goods (Road and Rail Transport) Act 2010* and its Regulations
- *Explosives Act 2012* and its Regulations
- *Security-sensitive Dangerous Substances Act 2005* and its Regulations

g) VIC

- *Occupational Health and Safety Act 2004* and its Regulations
- *Dangerous Goods Act 1985* and its Regulations
- *Equipment (Public Safety) Act 1994* and its Regulations

h) WA

- *Work Health and Safety Act 2020* and its Regulations
- *Dangerous Goods Safety Act 2004* and its Regulations

6.2 The legislation described above:

- a) Provides power for the WHS Authorities to fulfil their regulatory duties, including but not limited to:
- enter Workplaces for monitoring and enforcement of compliance with their respective Acts
 - investigate Workplace complaints or Incidents
- b) Provides each WHS Authority in the jurisdiction to respond to issues concerning the:
- health, safety and welfare of persons at State and Territory Workplaces
 - health and safety of non-employees affected by work activity at State and Territory Workplaces
 - design, construction, manufacture, import, supply, installation, erection, alteration, maintenance, repair and use of Plant at State and Territory Workplaces.

6.3 The legislation above allows for the specific jurisdictional reach of individual WHS Authorities as per below:

- a) South Australia
- Work on a South Australian Ship whether or not the Ship is within the coastal waters of the State.

- South Australian Ship means a Ship:
 - that is registered in the State; or
 - that is owned or under charter by the Crown; or
 - that is owned or under charter by a body corporate or other person:
 - whose principal office or place of business is in the State; or
 - whose principal office or place of business with respect to the control or management of the Ship is in the State

b) Northern Territory

- All waters extending to 200nm (or the EEZ) from the Territory border, subject to certain conditions as per Act, Constitution, and other relevant legislation.

6.4 Regulated Australian Vessel, Foreign Vessel, or Domestic Commercial Vessel personnel working on the wharf (including those workers using Powered Mobile Plant belonging to either the Ship or local employers) are within the jurisdiction of the WHS Authority and the WHS Authority will respond to such complaints or Incidents.

Part C - Cross Jurisdictional Operational Arrangements

7. NOTIFICATION

- 7.1 When any party receives notification of an Incident, complaint or a Marine Safety Concern, all parties agree:
- a) the first **notified** party will make reasonable efforts to establish the relevance of the matter to the other party, using the examples listed in Schedule 1 and Schedule 2 to guide decision making.
 - Where jurisdictional boundary is unclear - the first notified party will respond to the matter to the extent necessary to ensure safety is not compromised and the site is preserved, until jurisdiction is clarified.
 - b) To liaise with the other relevant party of the matter as soon as reasonably practicable to:
 - ensure potentially affected parties are informed of the Incident, complaint, or a Marine Safety Concern and of the suspected Schedule 1 or Schedule 2 category
 - complete the *Investigation Notification/Referral Form* at Schedule 3 (as required)
 - c) To maintain appropriate lines and level of communication with the other party until the matter is finalised.
- 7.2 The nominated contact officers for Incident notification, complaint or a Marine Safety Concern are listed in Schedule 4.

8. Policy and legislative development

- 8.1 The parties acknowledge that issues concerning work health and safety in the maritime industry require specific policy development for effective management. The parties agree to:
- a) consult with each other to develop standards, policies and working arrangements regarding safety matters on Domestic Commercial Vessels to ensure as much consistency with the other parties as possible.
 - b) consult each other when policy or legislative changes are proposed with the view to determining any effect on the operation and/or implementation of other relevant laws
 - c) explore collaboration opportunities between the parties and Safe Work Australia, such as development of appropriate code of practices.
- 8.2 Where changes to policies or legislation have the potential to affect the operation and/or implementation of this MOU, the parties will endeavour to develop mechanisms to mitigate any undesirable effects.

9. Education and campaign activities

- 9.1 All parties agree to identify and collaborate on educational opportunities and compliance campaigns aimed at improving safety in the maritime industry.
- 9.2 Where such activities are to be undertaken, each party agrees to appoint a contact officer to ensure that the activities have maximum mutual benefit.
- 9.3 AMSA agrees to circulate jointly developed educational materials to industry through its industry engagement channels, and to provide feedback to the WHS Authority on the initiatives.
- 9.4 The parties agree to share findings/outcomes from research or studies involving or relevant to safety in the maritime industry.
- 9.5 All parties endeavour to share relevant training opportunities so that mutual understanding of approach and responsibilities can be developed and maintained over time.

10. Investigations and prosecutions

- 10.1 In the conduct of investigations, AMSA and the relevant WHS Authority agree to observe and comply with any protocol that has been established by the parties.
- 10.2 AMSA and the relevant WHS Authority agree to provide advice and assistance to each other when requested and appropriate to do so. This includes providing technical advice, enabling site visits and other input (in accordance with internal policy) to support the lead party's conduct or involvement in activities such as inspections, investigations, prosecutions and coronial inquiries. All requests will be subject to consultation.
- 10.3 In the event of any party proposing to prosecute a matter where there is any joint or shared jurisdiction, the party agrees to consult with other relevant parties.
- 10.4 In the event that jurisdictional responsibility over an Incident is not be adequately determined by this MOU, affected parties will discuss and reach an agreement on appropriate responsibilities and actions.

PART D – INTERDEPARTMENTAL CO-OPERATION

11. Administrative matters agreed by the parties

- 11.1 All parties will ensure this MOU is readily accessible by their staff.
- 11.2 AMSA will undertake to establish, administer and chair regular Maritime WHS Regulators Forums. The parties agree to make best attempts to attend, and provide representation with sufficient decision-making delegation.
- 11.3 The WHS Authorities and AMSA agree to adopt and implement the Operational Guidelines contained in Schedules 1 and 2. The Guidelines may be amended or expanded by agreement in writing or through resolution at the Maritime WHS Regulators Forum, to give improved clarity to jurisdictional arrangements.
- 11.4 Nothing in this MOU is intended to:
- a) entitle or require a person to disclose information that is the subject of legal professional privilege; or
 - b) affect the law or practice relating to legal professional privilege; or
 - c) restrict the statutory duties, directions and powers under legislation administered by a party.
- 11.5 Subject to legal restrictions on disclosure of information, including any duty of confidentiality, parties agree to share information, such as data, investigation artefacts, interventions and reports, related to Incidents covered by this MOU when requested and appropriate to do so.
- 11.6 All requests for information should include details of its intended use or reference to the section of the Act it is being requested under.
- 11.7 All parties agree to not further share any information received from another party unless that party expressly provides permission to share it.

PART E – GENERAL

12. FINANCE

12.1 The parties will bear their own costs incurred in complying with this MOU.

13. COMMENCEMENT, VARIATION AND DURATION

13.1 This MOU will commence between AMSA and each individual WHS Authority once AMSA and the relevant WHS Authority has signed the document.

13.2 Once commenced, this MOU repeals and replaces all previous MOUs with each of the WHS Authorities of the same purpose.

13.3 The parties agree to review this MOU at an interval no greater than 2 years since last review. However the content in this MOU may be varied as per the following:

- a) Clauses applicable to all parties may be varied upon written agreement between all contact officers for the WHS Authorities. Schedules 1 and 2 may also be updated by resolution at a Maritime WHS Agencies Forum.
- b) Clauses applicable to an individual party (predominantly those at Section 6 and Schedule 4) may be varied at any time by written agreement between AMSA and the relevant contact officer of the WHS Authority.
- c) Individual parties may alternatively define specific exception clauses by written agreement between AMSA and the relevant contact officer where otherwise would be covered by the general all-parties clauses.

13.4 This MOU will remain in force between AMSA and each individual WHS Authority unless:

- a) terminated by either party withdrawing upon giving the other ninety (90) days' notice in writing
- b) terminated immediately by mutual consent of both parties, or
- c) automatically after 5 years from the date all parties have signed the MOU.

14. CONTACT OFFICERS

14.1 All formal communication relating to this MOU is to be addressed and sent to the relevant Manager as per Schedule 4.

15. DISPUTE RESOLUTION

15.1 The affected party's nominated representative listed at Schedule 4 will meet and discuss any disputes that arise in relation to matters under this MOU and endeavour to resolve the dispute by direct negotiation in good faith and the spirit of cooperation.

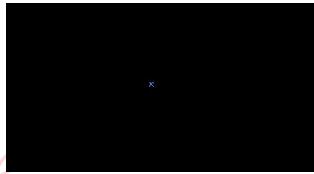
15.2 If attempts as per 15.1 are unsuccessful, the matter may be escalated to the relevant Dispute Resolution representatives listed at Schedule 4, and failing this, the Chief Executive Officer or equivalent of both parties.

15.3 Resolutions should be communicated in writing for follow up action as necessary.

16. SIGNATURES

SIGNED for and on behalf of the Australian Maritime Safety Authority

Mick
Kinley



Michael Kinley

Name

Chief Executive Officer

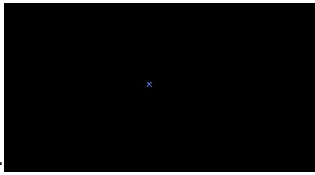
Title

14 / 02

/2024

Date

SIGNED for and on behalf of Northern Territory WorkSafe



Peggy Cheong.....

Name

Executive Director.....

Title

..... 18 / 09/2023

Date

SIGNED for and on behalf of the Office of Industrial Relations Queensland



Peter McKay
Name

Deputy Director-General
Title

19 / OCTOBER / 2023
Date

SIGNED for and on behalf of SafeWork New South Wales



Jim Kelly
Name

.....

A/Executive Director, SafeWork NSW
Operations & Enforcement

.....08/01/2024

Date

Title

SIGNED for and on behalf of SafeWork South Australia

Glenn Farrell

Name

Executive Director

Title

.....18../.....09...../2023
Date

SIGNED for and on behalf of WorkSafe Tasmania



.....
Sam Thompson

Name

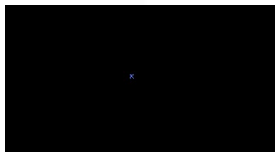
.....
Acting Executive Director

Title

.....
18 / 09 / 2023

Date

SIGNED for and on behalf of WorkSafe Australian Capital Territory



Jacqueline AGIUS

Name

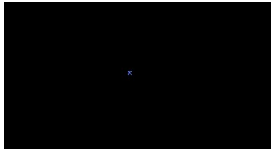
Work Health & Safety Commissioner

Title

11 October 2023

Date

SIGNED for and on behalf of WorkSafe Victoria



Joe Calafiore

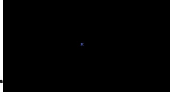
.....
Name

CEO

.....
Title

.....
..... 2 / 11 /2023
Date

SIGNED for and on behalf of WorkSafe Western Australia



Sally North
Name

Acting WorkSafe Commissioner
Title

22 / 09 / 2023
Date

SCHEDULE 1 – National Law (DCV) Operational Category Guidelines

Area of Application	WHS Authorities role	AMSA's role	Conditions/ comments	Examples
<p>1. Notifications involving</p> <ul style="list-style-type: none"> • Manual Handling • Electrical Safety • Slips, trips or falls • Lifting and crane safety • Confined spaces • Hazardous Chemicals • Personal Protective Equipment 	Full jurisdiction	Assist with information/advice as requested	<p>Excluding notification regarding items of “marine safety equipment” as defined by National Law - I.e. lifejackets required to be carried under the National Standard for Commercial Vessels for the purpose of saving lives after vessel abandonment.</p> <p>Further crane conditions at item 4</p>	<p>High Risk Work activities on a Domestic Commercial Vessel</p> <p>Domestic Commercial Vessel activities as part of “construction” work as defined by WHS / OHS Acts</p>
<p>2. Notifications involving Snorkelling and Diving (not involving underwater work on the vessel's hull / machinery that is critical for safe navigation / safety of life)</p>	Full jurisdiction	Assist as requested	<p>Incidents involving diving to conduct work on the underwater sections / parts of a vessel (emergency repair to untangle prop or investigate leak / damage from grounding) could involve some overlap.</p>	<p>Passengers during dive / snorkel / swimming activities from a Domestic Commercial Vessels</p>

3. Notifications of Fatigue and Psychosocial conditions	Shared jurisdiction	Shared jurisdiction	Considered in conjunction with Marine Order 504 and any applicable Code of Practice on managing psychosocial hazards at work	
4. Notifications regarding a a. shore-based mobile crane used while on a vessel. b. Crane on shore used to load/unload a vessel c. Vessel's crane operated by vessel's crew to/from shore d. Crane operated for Vessel-to-Vessel loading	a) Full jurisdiction b) Full jurisdiction c) Shared jurisdiction d) Shared jurisdiction	a) Assist as requested b) Assist as requested c) Shared jurisdiction d) Shared jurisdiction		Servicing requirements for lifting devices are stipulated in WHS Regulations
5. Notifications involving vessel's personnel conducting work onboard the vessel for work processes mentioned in WHS / OHS Acts and Regulations	Full jurisdiction	Assist as requested	Overlap in jurisdiction for certain tasks may require consultation between regulators early in incident response.	See items 1, 2 and 3 above. Noting WHS is not the only topic listed in s6 of NL. Separate electrical / gas fitting, pressure vessels etc licencing / requirements may exist that are regulated by other agencies

<p>6. Notifications involving vessel's personnel on board a Domestic Commercial Vessels subject to non-compliant vessel construction or survey requirements</p>	<p>Assist as requested</p>	<p>Full jurisdiction</p>	<p>WHS Authority might take lead for circumstances where an Australian Standard or other shore-based industry standard is relevant to vessel construction aspects</p>	<p>Stairs, ladders, confined spaces, rail heights, sound levels etc</p>
<p>7. Notifications involving Workplace specific training and induction</p>	<p>Shared jurisdiction</p>	<p>Shared jurisdiction</p>	<p>Depending on type of training</p>	
<p>8. Notifications involving a vessel's personnel working on wharves</p>	<p>Full jurisdiction</p>	<p>Assist as requested</p>		
<p>9. Notifications of unsafe access to vessels</p>	<p>Full jurisdiction</p>	<p>Assist as requested</p>	<p>Generally a WHS / OHS matter.</p>	
<p>10. Notifications regarding Roll-On Roll-Off processes involving either vessel's personnel or shore-based workers ashore or on the vessel.</p>	<p>Shared jurisdiction</p>	<p>Shared jurisdiction</p>		
<p>11. Notifications involving gas installations and equipment, other than for propulsion or auxiliary power</p>	<p>Full jurisdiction unless expressly covered by other state-based energy regulators</p>	<p>Assist as requested</p>		

SCHEDULE 2 – OSH(MI) Act and Navigation Act Operational Category Guidelines

Area of Application	WHS Authorities role	AMSA's role	Conditions/ comments	Examples
1. Incidents involving a vessel's personnel/seafarers working on wharves	Full jurisdiction	Assist with information/advice as requested	Nil	
2. Incidents involving vessel's personnel onboard vessels subject to the Navigation Act but not the OHS(MI) Act	Not applicable unless the State WHS Act applies	Full jurisdiction	Nil	Foreign flagged vessels operating on international or interstate voyages / in Australian waters
3. Incidents involving vessel's personnel onboard vessels subject to the Navigation Act and OHS(MI) Act	Not applicable	Full jurisdiction	Nil	Australian flagged vessels operating on international or interstate voyages
4. Incidents involving vessel's personnel onboard vessels subject to the State WHS Act but not the Navigation Act	Full jurisdiction	Not applicable	Nil	Australian flagged vessels operating on intrastate voyages (e.g. within State)
5. Incidents involving State based contractors undertaking work onboard vessels and are under the control of a State based company (including but not restricted to stevedores/waterside workers and vessel repairers under the control of a shipyard)	Full jurisdiction	Assist with information/advice as requested	Under the Marine Order 32, AMSA has the power to prevent a ship's cargo gear and equipment being used and can stop an unsafe loading/unloading operation	

<p>6. Incidents involving State based contractors undertaking work onboard vessels under the control of vessel's personnel (including but not restricted to engineering/electrical contractors)</p>	<p>Full jurisdiction if the OHS(MI) Act does not apply</p>	<p>Full jurisdiction if the OHS(MI) Act applies, unless the State WHS Act applies</p> <p>If not, assist with information/advice as requested</p>	<p>Jurisdiction is not usually obvious. Both WorkSafe and AMSA will respond or arrange a mutually accepted response</p>	<p>Contractors undertaking maintenance of vessel or equipment at the request of the vessel operator</p>
<p>7. Incidents involving the physical failure of a piece of equipment used in loading or unloading a vessel</p>	<p>Jurisdiction for items such as shore cranes and mechanical handling equipment not belonging to the ship</p>	<p>Jurisdiction under Marine Order 32 only loading and unloading equipment belonging to the ship</p>		
<p>8. Roll-On Roll-Off processes from shore to vehicle ramp involving either vessel's personnel or shore-based workers up to the ramp of the vessel</p>	<p>Full jurisdiction</p>	<p>Assist with information/advice as requested</p>	<p>Nil</p>	<p>Any Incident involving all types of machinery being driven or moved on/off Ro-Ro (e.g. cars, forklifts, earthmoving equipment)</p>
<p>9. Roll-On Roll-Off processes involving vessel's personnel once onboard the vessel</p>	<p>Assist with information/advice as requested</p>	<p>Full jurisdiction</p>	<p>Nil</p>	<p>Any Incident during the lashing of vehicles or cargo onboard a vessel or as the result of loading or unloading operations</p>

10. Vessel's personnel or shore personnel working on wharves using a mechanical stowing appliance (a wheeled or tracked vehicle designed to move cargo as defined in Marine Order 32)	Full jurisdiction	Assist with information/advice as requested		
11. Vessel's personnel working on vessels using a mechanical stowing appliance belonging to the vessel	Assist with information/advice as requested	Full jurisdiction	Nil	
12. Shore personnel working on vessels using a mechanical stowing appliance belonging to the vessel	Joint jurisdiction	Joint jurisdiction	Nil	
13. Vessel's personnel working on vessels using a mechanical stowing appliance belonging to the shore establishment	Joint jurisdiction	Joint jurisdiction	Nil	Incident involving vessel's crew member using stevedore small fork, dozer of skid steers
14. Shore personnel working on vessel using a mechanical stowing appliance belonging to the shore establishment	Full jurisdiction	Not applicable	Nil	Shore personnel using an excavator or similar Plant that has been lifted by crane into the hold
15. Incidents involving vessel's cranes and vessel's or shore cargo gear when attached to vessel's cranes	Joint jurisdiction	Joint jurisdiction	Nil	Vessel's crane with attachment such as shore owned spreader bar or lifting gear

16. Incidents involving shored based Plant (e.g. a gantry crane) operating over the vessel	Full jurisdiction	Assist information/advice requested with as	Nil	
17. Incidents involving vessel's cranes operated by vessel's personnel	Not applicable	Full jurisdiction	Nil	
18. Incidents involving vessel's cranes operated by shore workers	Joint jurisdiction	Joint jurisdiction	Nil	
19. Incidents involving shore cranes operated by shore personnel	Full jurisdiction	Not applicable	Nil	

Further Referral Details		
Date and Time of Incident	Click or tap to enter a date.	Time
Incident Type (Death, Injury, property damage etc)		
Details of Incident type		

Details of Injured/Deceased/Witnesses/others involved		
	Person 1	Person 2
Name		
Date of Birth	Click or tap to enter a date.	Click or tap to enter a date.
Gender		
Address		
Postal address		
Telephone		
Email		
Language Spoken		
Involvement		

Vessel Details	
Name/ID number	
Registration/IMO Number	
Flag State if foreign flagged	
Type	
Size/Length	
Industry Type	
Home Port	

Stevedore Details	
Company Name	
Address	
Contact person	
Port Location	
Port Authority	

Referring agency impact		
Tick the most appropriate box indicating the impact of the matter on your agency and complete the explanatory notes section justifying the selection.		
MOU/Agreement	As per agreed upon between referring agency and other agency	<input type="checkbox"/>
Routine	Investigation is desirable	<input type="checkbox"/>
Significant	A serious or complex Incident has been committed which AMSA cannot resolve without Office of Industrial Relations (OIR) involvement	<input type="checkbox"/>
Critical	Potentially sensitive or goes to central issue of management of agency or program	<input type="checkbox"/>
Reason for impact description:		

Referral receiving agency response			
Receiving agency contact details	Name		
	Email		
	Phone		
	Region		
Acceptance of referral		Yes <input type="checkbox"/>	No <input type="checkbox"/> Other <input type="checkbox"/>
Detail of other			
Notes			
Receiving agency reference			
Signature			
If joint investigation is proposed			
Accepting agency to provide adequate resources			<input type="checkbox"/>
Accepting agency able to ensure safe keeping of seized items and an undertaking to account to the referring agency as agreed as per guidelines <i>(each agency must continue to operate in accordance with their own legislative requirements)</i>			<input type="checkbox"/>
Date of response	Click or tap to enter a date.		