



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Consultation Closes on Proposed TSIR Amendments

Submissions are now being considered following the March 7 close of consultation on proposed amendments to the Australian Transport Safety Investigation Regulations 2021 (TSIR).

Of particular relevance to the maritime industry, is a proposal to extend statutory reporting requirements to marine pilotage providers and vessel traffic service (VTS) authorities.

The official “Public Consultation Paper” published by the Australian Transport Safety Bureau (ATSB) outlined that the aim was to increase its safety coverage.

“For the marine industry – the Australian Maritime Safety Authority (AMSA) is a nominated official to receive occurrence reports, which is then transmitted to the ATSB,” stated the paper.

“This arrangement will continue. In practice, the ATSB does not directly receive occurrence reporting from the marine industry but through AMSA.

“It is proposed that a pilotage provider (within the meaning of the Navigation Act 2012) and a VTS authority (within the meaning of the Navigation Act 2012) also be prescribed as responsible persons. This is to cover occurrences which would otherwise not be reported because a ship leaves port and no other relevant entity with knowledge of the occurrence would be in a position to report to the ATSB (via AMSA).

“Conceptually, a VTS authority is similar to an air traffic service provider (already prescribed as a responsible person for aviation reportable matters) and a pilotage provider is unique to the marine industry in that the pilotage provider has specific knowledge to assist the ship travel through local waters.”

Noting that a number of organisations already forwarded reports and similar safety information to the ATSB, the paper emphasised the proposal was not expected to create significant new regulatory imposts on industry.

“Rather, it is expected that implementing these reporting obligations could be administratively handled by ensuring that the responsible person (such as the pilot of an aircraft or operator of a ship) with first-in-time knowledge and closer proximity to the occurrence has already reported the occurrence to the ATSB. This means that current exceptions under the TSI Act continue to apply, where a responsible person is not obliged to report if they reasonably believe another responsible person has already reported the matter to the ATSB.

“With more accurate datasets, the ATSB’s safety analysis functions and, subsequently, safety products to industry and the wider public will directly improve industry operational, resourcing and financial considerations.”

The proposed amendments also contained provisions for changing written reporting timeframes from within 72 hours to within seven days and prescribing the format for written reports or approved data transfer mechanisms.

An unofficial compilation of the TSI Regulations incorporating the Exposure Draft amendments – as if they had been incorporated – has been provided for reference at [Annexure 1](#).

The amendments are proposed to be made by June 30, 2022, which aim to provide six months of lead time before commencement on January 1, 2023.

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