



Psychosocial Policy team
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Dear Sir / Madam

Consultation on the draft model Code of Practice: Managing fatigue risks at work

The Australian Maritime Safety Authority (AMSA) welcomes this consultation on the draft model Code of Practice: Managing fatigue risks at work (draft model Code of Practice) and the opportunity to make a submission on this important work health and safety (WHS) issue.

AMSA is Australia's national agency responsible for maritime safety, the protection of the marine environment, and maritime aviation search and rescue. As part of its role, AMSA is the National Marine Safety Regulator for domestic commercial vessels, established under the *Marine Safety (Domestic Commercial Vessel) Act 2012* (the National Law).

As established under the [2011 Intergovernmental Agreement on Commercial Vessel Safety Reform](#), the National Law operates concurrently with certain State and Territory laws, including those relating to WHS. Under WHS laws, a workplace is defined to include a vessel, meaning that some operators of domestic commercial vessels have to comply with both the duties in the National Law as administered by AMSA, as well as WHS laws administered by state and Territory WHS authorities.

The [2023 Independent Review of Domestic Commercial Vessel Safety Legislation and Costs and Charging](#) (Independent Review) found that there is a high level of confusion within the industry about the relationship between the marine safety law and WHS laws. The Independent Review recommended developing consolidated guidance on industry's obligations under WHS and marine safety laws. Given this shared jurisdiction and the findings of the Independent Review, AMSA considers enhanced guidance on the application of the WHS laws in the maritime context would support duty holders to more effectively reduce safety risks.

AMSA has recently amended Marine Order 504 (Certificates of operation) to introduce a requirement for domestic commercial vessel operators to conduct a risk assessment to identify and mitigate fatigue hazards for a vessel's master and crew. AMSA considers the draft model Code of Practice will provide useful guidance that supports a person conducting a business or undertaking (PCBU), including vessel operators, in determining what is reasonably practicable to manage fatigue hazards.

AMSA acknowledges the model Code of Practice was intentionally prepared for broad application across all industries, with case studies available to provide more tailored guidance for specific industries. Noting the diversity of workplaces the Code of Practice is intended to cover, including maritime workplaces, AMSA would welcome the inclusion of maritime specific case studies in the model Code of Practice.



AMSA commends Safe Work Australia in efforts to provide duty holders with guidance on this important safety issue and will continue to monitor the progress of this Code of Practice.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'D. Smith', with a long horizontal flourish extending to the right.

DIANNA SMITH
Acting Executive Director

10 December 2024