

BoatSafe Audit and Compliance Framework

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Terms and Abbreviations

Term, abbreviations and acronyms	Definition
BoatSafe training and assessment program	an MSQ approved training and assessment course that complies with the associated Competency Standard
BTO	a company, business, trust, partnership or individual, approved by MSQ as a BoatSafe Training Organisation
BTP	an individual nominated by the BTO and endorsed by MSQ as a BoatSafe Training Provider
Business Rules	current version BoatSafe Business Rules
Corrective Action Request	a request from MSQ for action/s to be taken by the authority holder to address non-compliances identified during the audit process
PWCL	Personal Watercraft Licence
PWCL PAS	the 'Personal Watercraft Licence Practical Assessment Statement', mandated practical assessment issued by MSQ
PWCL CAT	the 'Personal Watercraft Licence Common Assessment Tool', mandated theory assessment issued by MSQ
RMDL	Recreational Marine Driver Licence
RMDL PAS	the 'Recreational Marine Driver Licence Practical Assessment Statement', mandated practical assessment issued by MSQ
RMDL CAT	the 'Recreational Marine Driver Licence Common Assessment Tool', mandated theory assessment issued by MSQ
ship	boat, vessel, personal watercraft (PWC), jetski
SoC	Statement of Competency
record	all documents and information related to the authority holder's approval or student's training

1. Introduction

BoatSafe provides competency-based training and assessment for the licensing of recreational ship and personal watercraft masters.

To facilitate the BoatSafe program, Maritime Safety Queensland (MSQ) grants a company, business, trust, partnership or individual an approval as a BoatSafe Training Organisation (BTO) and/or a BoatSafe Training Provider (BTP) to conduct BoatSafe training and assessment under the *Transport Operations (Marine Safety) Regulation 2016* (the Regulation). Once approved, a BTO and/or BTP must comply with the conditions of their authority, Business Rules, and associated standards and legislation.

2. Scope

Compliance activities are an important component in administrating and assuring the success of BoatSafe. The 'BoatSafe Audit and Compliance Framework' (the Framework) details the approach taken by MSQ in monitoring the compliance of

BTO and/or BTP authority holders. In addition, the Framework acknowledges and promotes the need for a cooperative and collaborative approach to compliance to drive continual improvement.

To maintain their authority, a BTO and/or BTP must comply with the requirements of the BoatSafe Business Rules, and associated standards and legislation. Failure to comply with these requirements may result in administrative action, which could include the amendment, suspension or cancellation of their authority.

The 'BoatSafe Audit and Compliance Framework' was developed to be read in conjunction with:

- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Safety) Regulation 2016*
- BoatSafe Business Rules
- BoatSafe RMDL Competency Standard
- BoatSafe PWCL Competency Standard
- RMDL Common Assessment Tool
- PWCL Common Assessment Tool
- RMDL Practical Assessment Statement
- PWCL Practical Assessment Statement
- BoatSafe Information Bulletins.

3. Monitoring Compliance

3.1. Risk-based Approach

BoatSafe takes a risk-based approach to monitoring the compliance of BTO and/or BTP authority holders. This means BoatSafe will concentrate its compliance management where there is identified risk or high probability of risk. Non-compliance with prescribed activities poses a risk, therefore, BTO and/or BTP authority holders can expect less regulatory intervention when compliance is achieved and maintained, and more regulatory intervention when non-compliance has been identified.

To support a risk-based approach, BoatSafe develops a risk profile based on the compliance history and intelligence received for each BTO and/or BTP authority holder. As new intelligence is received or an authority holder's compliance history changes, the risk profile is updated. BoatSafe refers to the risk profile when assessing applications or making administrative or regulatory decisions.

3.2. Audits

An audit is a verification activity to determine the compliance of a BTO and/or BTP authority holder against the conditions of their authority, including the Business Rules, and associated standards and legislation. To determine the compliance of a BTO and/or BTP authority holder, an auditor may seek objective evidence through observations, electronic recordings, interviews of authority holders, their representatives, and students, or by reviewing records.

Non-compliance by a BTO and/or BTP authority holder means the authority holder has failed to meet the conditions of their authority, the Business Rules, or associated standards and legislation.

Corrective Action Requests (CARs) are issued by an auditor following the detection of a non-conformance of the specified condition. CARs will specify a date by which the non-conformity must be rectified. Depending on the non-conformity detected, the rectification timeframe will vary.

Failure to address the non-compliance or serious or repeated non-conformances may result in administrative action, which could include amendment, suspension, or cancellation of their authority.

4. Audit Structure

Audits are conducted to determine the compliance of a BTO and/or BTP authority holder against the conditions of their authority, the Business Rules, and associated standards and legislation. Audit verification activities can include:

- the appropriateness and effectiveness of the training, assessment and document control processes
- the ongoing suitability of:
 - BTO authority holders
 - BTP authority holders
 - training and assessment facilities, and available resources and equipment.
- training and assessment delivery in accordance with the approved BoatSafe training and assessment program
- compliance with the 'Recreational Marine Driver Licence Competency Standard' and/or 'Personal Watercraft Licence Competency Standard'
- application of the 'Recreational Marine Driver Licence Common Assessment Tool' and/or 'Personal Watercraft Licence Common Assessment Tool' for the theory component of the approved program
- application of the 'Recreational Marine Driver Licence Practical Assessment Statement' and/or 'Personal Watercraft Licence Practical Assessment Statement' for the practical component of the approved program.

5. Audit Types

5.1. Entry Audit

Entry audits are conducted following application to become a BTO and/or BTP authority holder. Entry audits focus on how the applicant intends to operate under an authority and the requirements of the Business Rules, and associated standards and legislation. Entry audits do not assess the delivery of the training and assessment.

An applicant may be required to pass an entry audit before being granted a BTO and/or BTP approval.

5.2. Compliance Audit

Compliance audits are conducted to assess a BTO and/or BTP authority holder's compliance with the conditions of their authority and the frequency of these audits is based on risk profiling. Compliance audits may incorporate a review of documentary evidence to ensure business operations are supported and compliant, in addition to observations of training and/or assessment delivery.

At the discretion of the auditor, compliance audits may be announced or unannounced and may be conducted as a full or partial scope audit.

5.2.1. Compliance Observation Audit

Compliance observation audits are conducted to assess compliance with the delivery of training and/or assessment provided under the BoatSafe program.

Compliance Observation audits may be announced or unannounced and may be conducted as a full or partial scope audit.

5.3. Follow-up Audit

A follow-up audit may be conducted to confirm that appropriate corrective action has been undertaken to rectify non-compliance from a previous audit.

Follow up audits may be announced or unannounced and may be conducted as a full or partial scope audit.

5.4. Complaint Audit

A complaint audit may be conducted when BoatSafe receives a complaint. Complaint audits are conducted to investigate whether non-compliance exists and, where appropriate, identify the root cause of the non-compliance.

Complaint audits may be announced or unannounced and may be conducted as a full or partial scope audit.

5.5. Desktop Audit

A desktop audit review BTO and/or BTP authority holder's records and documents to assess compliance with the requirements of the Business Rules, and associated standards and legislation. Desktop audits do not assess the delivery of the training and assessment.

Desktop audits are announced and may be conducted as a full or partial scope audit.

6. Non-compliance

Non-compliance means the authority holder has failed to meet the conditions of their authority, the Business Rules, or associated standards and legislation.

The severity of the identified non-compliance will determine any actions required to be undertaken by the applicant, BTO and/or BTP authority holder, in addition to BoatSafe.

The different levels of non-compliance are:

6.1. Critical Non-compliance

A critical non-compliance is that which significantly compromises the effectiveness of the authority and the approved BoatSafe training and assessment program being delivered. Examples of critical non-compliance include, but are not limited to:

- operating outside the scope of the authority (for example, issuing Statement/s of Competency when the approved BoatSafe training and assessment program has not been completed in its entirety or issuing Statement/s of Competency whilst an authority is lapsed, suspended or cancelled)
- failure to uphold Suitable Persons requirements
- failure to deliver the approved BoatSafe training and assessment program in accordance with the requirements of the Business Rules, and associated standards and legislation, which then significantly compromises the training and assessment outcome to student/s
- failure to provide a training ship and/or personal watercraft to the student that is in a safe and compliant condition
- failure to permit representative/s of MSQ entry onto a premises for the purposes of a BoatSafe audit, or allowing representative/s access to records, resources and equipment
- intimidation, abuse or similar of a representative/s of MSQ, current or previous student/s, or another BTO and/or BTP representative/s
- allowing an individual without an authority to deliver the approved BoatSafe training and assessment program.

6.2. Major Non-compliance

A major non-compliance is that which compromises the effectiveness of the authority and the approved BoatSafe training and assessment program being delivered. Examples of major non-compliance include, but are not limited to:

- failure to advise the BoatSafe team of any changes to the operation or management of the authority holder within 14 days from the date of the change

- failure to deliver the approved BoatSafe training and assessment program in accordance with the requirements of the Business Rules, and associated standards and legislation, which then impacts on the training and assessment outcome to student/s
- failure to ensure suitable training and assessment facilities are available and utilised
- failure to ensure suitable training resources are available and utilised

6.3. Minor Non-compliance

A minor non-compliance threatens neither the effectiveness nor assurance provided by the authority, however, is a non-compliance with the requirements of the Business Rules, and associated standards and legislation. Examples of minor non-compliance include, but are not limited to:

- failure to retain records.

7. Audit Report and Finalisation

At the completion of an announced audit the auditor will advise the auditee of the findings. The audit findings are then documented and provided to the authority holder as a written audit report within seven (7) working days of the date of the audit. The audit report includes details of evidence and associated findings of non-compliance.

At the discretion of the auditor, an audit report or observation report may be provided to the authority holder when an unannounced audit is conducted.

Non-conformities identified will specify a date by which the non-conformity must be rectified. Depending on the non-conformity detected, the rectification timeframe will vary.

8. Show Cause

If serious non-compliance is identified through an audit or other means, BoatSafe may, by written notice, request an applicant, BTO and/or BTP authority holder to Show Cause as to why their authority should not be refused, amended, suspended or cancelled.

Lack of cooperation with MSQ during the BoatSafe audit process could also result in a notice to Show Cause. Lack of cooperation includes:

- failure to respond within a reasonable, or specified, timeframe to a written and/or verbal request from MSQ in reference to a BoatSafe audit
- failure to allow MSQ representative/s entry into a premises or access to a ship, access to records and equipment or representatives of the BTO and/or BTP authority holder
- Intimidation or abuse (for example, threaten, assault, harass) of representative/s of MSQ.

A marine incident deemed to be a risk to safety of the public and/or students may also result in the immediate suspension or amendment of an authority.

The notice to Show Cause provides the grounds as to why the proposed administrative action is being considered. The applicant, BTO and/or BTP authority holder will be provided at least 28 days in which to provide a written response as to why the proposed administrative action should not be taken.

Following the review of the BTO and/or BTP authority holder response to the notice to Show Cause, BoatSafe will provide written notice of its decision to either:

- take no further action
- amend the authority
- suspend the authority for a specified period

- cancel the authority.

While an applicant, BTO and/or BTP authority holder is subject to a Show Cause process, audits may continue to be conducted by BoatSafe to assess ongoing compliance with the Business Rules, and associated standards and legislation.

During circumstances when an applicant, BTO and/or BTP authority holder withdraws or voluntarily relinquishes their authority prior to a Show Cause decision being made, BoatSafe will close out the process by notifying the relevant parties of the findings. These findings identify any administrative action that would have been undertaken should the applicant, BTO and/or BTP authority holder have held an active application or a valid authority. These findings are not defined as a decision, therefore, are not subject to a review process.

Decisions and actions as a result of a notice to Show Cause, or findings made as an outcome to a notice are taken into consideration when reviewing any future BTO and/or BTP applications.