

BoatSafe Audit and Compliance Framework

Updated as at 1 March 2021

Creative Commons information

© State of Queensland (Department of Transport and Main Roads) 2015



<http://creativecommons.org/licenses/by/4.0/>

This work is licensed under a Creative Commons Attribution 4.0 Licence. You are free to copy, communicate and adapt the work, as long as you attribute the authors.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if its recognised as the owner of the copyright and this material remains unaltered.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 13 14 50 and ask them to telephone the Queensland Department of Transport and Main Roads on 13 74 68.

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Contents

Terms and Abbreviations	3
1. Introduction	4
2. Scope	4
3. Monitoring Compliance	4
3.1. Risk-based Approach	4
3.2. Audits	5
4. Audit Structure	5
5. Audit Types	6
5.1. Entry Audit	6
5.2. Compliance Audit	6
5.2.1. Compliance Observation Audit	6
5.3. Follow-up Audit	6
5.4. Complaint Audit	6
6. Audit Process	7
6.1. Initial Contact	7
6.2. The Audit	7
6.3. Exit Meeting	8
6.4. Student Contact	8
7. Non-compliance	8
7.1. Critical Non-compliance	8
7.2. Major Non-compliance	9
7.3. Minor Non-compliance	9
8. Audit Report and Finalisation	9
9. Show Cause	10

Terms and Abbreviations

Term, abbreviations and acronyms	Definition
BIB	BoatSafe Information Bulletin
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
Certificate of Completion	the Certificate issued upon the successful completion of the online theory component of an approved BoatSafe training and assessment program
Corrective Action Plan	a plan of action developed by the authority holder to address non-compliances identified during the audit process
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
medical disclosure	a disclosure made by a person through the 'Recreational Marine Driver Licence and Personal Watercraft Licence – Medical Fitness Disclosure Statement' form
National law	<i>Marine Safety (Domestic Commercial Vessel) National Law 2012</i>
primary BTO	the BTO that authorises an engaged BTP to complete a Statement of Competency on their behalf
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
RPL	Recognition of Prior Learning
ship	boat, vessel, personal watercraft (PWC), jetski
SoC	Statement of Competency
student record	a file containing all forms, information and supporting documentation related to the student's training
Regulation	<i>Transport Operations (Marine Safety) Regulation 2016</i>
TOMSA	<i>Transport Operations (Marine Safety) Act 1994</i>

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) may grant 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 is responsible to maintain its MSQ approved training and assessment program, determines the relevant fees it charges for delivery of service, and provide direct oversight to the BTPs delivering the program on its behalf. The BTO and BTP authority holder are jointly responsible in ensuring that the BoatSafe training and assessment program is delivered as approved by the BoatSafe team, in addition to the BoatSafe Business Rules (the Business Rules), and associated standards and legislation.

2. Scope

Undertaking compliance activities is an important component of administrating and assuring the success of BoatSafe. The 'BoatSafe Audit and Compliance Framework' (the Framework) details the approach undertaken 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.

In order to maintain the respective authority, a BTO and/or BTP must comply with all requirements of the Business Rules, and associated standards and legislation. Failure to comply with these requirements may result in administrative action, which could include 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) 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

The BoatSafe team takes a risk-based approach to monitoring the compliance of BTO and/or BTP authority holders. This means that the BoatSafe team will concentrate its compliance management strategy on areas where there is identified risk or high probability of risk. Non-compliance with requirements 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.

In order to support a risk-based approach, the BoatSafe team will build a profile on each BTO and/or BTP authority holder. This profile will contain all the data and intelligence held about the provider, including its compliance history. As new data and intelligence is received, the profile is updated. The BoatSafe team will refer to the profile when assessing applications,

making regulatory decisions and other decisions. The information used from the profile will vary dependent on the type of activity or decision being made.

3.2. Audits

An audit is a verification activity aimed at determining the compliance or non-compliance of a BTO and/or BTP authority holder against the requirements stipulated within the Business Rules, and associated standards and legislation. To analyse and determine the compliance status of a BTO and/or BTP authority holder, an auditor seeks objective evidence through interviews with representatives of the authority holder and students, observations of training and assessment delivery, and by completing a review of records and documents.

When conducting an analysis of records and documents, the auditor will not necessarily request, sight and review every record retained by the BTO and/or BTP authority holder. Rather, the auditor will select a representative sample in order to determine the compliance status with requirements, particularly in relation to student records. It is, however, the responsibility of the BTO and/or BTP authority holder to provide sufficient evidence to demonstrate its compliance during the audit process.

The identification of non-compliance by a BTO and/or BTP authority holder means the authority holder has failed to meet their conditions of authority. Whilst authority holders are obligated to comply with these requirements at all times, if non-compliance is identified, the likely consequence for authority holders are clearly identified and consistently applied.

Please note, any correspondence relating to an audit of a BTP authority holder will also be provided to the appropriate BTO authority holder.

4. Audit Structure

When an audit is conducted, it is structured in such a way as to assess aspects relative to the delivery, or proposed delivery, of an approved BoatSafe training and assessment program, in addition to the operation of BTO and/or BTP authority holders, in accordance with the Business Rules. Of particular importance is verification of:

- the appropriateness and effectiveness of 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 service 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'
- the use 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
- the use 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.

Verification of the above will vary dependent on the type of audit to be conducted.

5. Audit Types

5.1. Entry Audit

Entry audits are conducted as a result of an application to become a BTO and/or BTP authority holder and are scheduled in consultation with the applicant. Entry audits focuses on how the applicant intends on operating under its authority in accordance with the requirements stipulated within the Business Rules, and associated standards and legislation.

Entry audits are conducted by reviewing all requirements relevant to their BTO and/or BTP application. Observation of the training and/or assessment services delivered does not form part of this audit process.

5.2. Compliance Audit

Compliance audits are conducted to ensure the ongoing compliance of a BTO and/or BTP authority holder and could be generated as a result of the identification of a higher risk profile. Compliance audits could incorporate the review of evidence to ensure business operations are supported and compliant, in addition to observation of training and/or assessment delivery.

Compliance audits may be scheduled in consultation with the BTO and/or BTP authority holder or may occur unannounced. Compliance audits may be conducted as full audits or may have limited scope. At the discretion of the auditor, the scope of the audit may be broadened during the compliance audit to examine all aspects of the conditions of authority.

5.2.1. Compliance Observation Audit

Compliance Observation audits are conducted with a targeted focus on the delivery of training and/or assessment services provided under the BoatSafe program.

Compliance Observation audits may be scheduled in consultation with the BTO and/or BTP authority holder or may occur unannounced. As a result of this audit type, BTO and/or BTP authority holders will not be issued with an audit report; rather, a 'BoatSafe Compliance Observation Checklist' will be issued and will contain relevant feedback and observations.

Dependent on the outcome, a full compliance audit may occur to examine all aspects of the conditions of authority.

5.3. Follow-up Audit

Follow-up audits are conducted following an identified non-compliance/s as a result of a previous audit process. Follow-up audits are scheduled in consultation with the BTO and/or BTP authority holder and are conducted to confirm that appropriate corrective action/s have been undertaken to rectify the identified non-compliance/s, and to prevent re-occurrence.

Follow-up audits have limited scope, with a targeted focus on the areas of identified non-compliance/s.

5.4. Complaint Audit

Complaint audits are conducted as a result of a complaint received. Complaint audits are conducted to confirm whether a non-compliance exists and, where appropriate, identify the root cause of the non-compliance. When conducting a complaint audit, the aim is to obtain objective evidence to determine whether a non-compliance has occurred.

Complaint audits could incorporate the review of evidence to ensure business operations are supported and compliant, the review of student records from past BoatSafe training and assessment programs (up to six months), in addition to observation of training and/or assessment delivery.

Complaint audits may be scheduled in consultation with the BTO/BTP authority holder or may occur unannounced. Complaints audits may be conducted as a full audit or may have limited scope with a focus on the nature of the complaint received. At the discretion of the auditor, the scope may be broadened during the complaint audit to examine all aspects of the conditions of authority.

6. Audit Process

Dependent of the audit type, the audit process could involve the following steps:

- initial contact with the applicant, BTO and/or BTP authority holder
- written confirmation of the audit
- review of submitted evidence, records and documents (as necessary)
- observations of training and assessment delivery
- conduct of an exit meeting at the conclusion of the site visit
- interviews with representatives of the authority holder and students (as necessary)
- provision of the completed audit documentation to the applicant, BTO and/or BTP authority holder
- finalise the audit.

6.1. Initial Contact

Dependent on whether notification of the impending audit is required, the auditor will make contact with the applicant, BTO and/or BTP authority holder to schedule the audit.

Once an agreeable date has been determined, the auditor will confirm the audit details in writing, identifying:

- the name and position title of MSQ representative/s
- the reason for the audit
- the date and time duration of the audit
- a brief summary of the audit process, including audit scope
- any required documentation and evidence to be made available during the conduct of the audit.

The email will include blank copies of the relevant audit documentation to be utilised by the auditor. The email will also request the applicant, BTO and/or BTP authority holder to confirm the audit date in writing.

Audit scheduling will involve an initial contact via email correspondence. An email will be sent to the applicant, BTO and/or BTP authority holder to schedule the audit. A response date will be included in this email with the requirement that the applicant, BTO and/or BTP authority holder reply by the specified time. Should this timeframe not be met, one (1) telephone call will be made to the applicant, BTO and/or BTP authority holder to follow up on the request.

If a response is not received, the applicant, BTO and/or BTP authority holder will be in contravention of Section 24 of the BoatSafe Business Rules, resulting in refusal of application or immediate administrative action being taken.

Please note, it remains the responsibility of the applicant, BTO and/or BTP authority holder to ensure their contact details are kept up to date in the event of any changes from their original application details.

6.2. The Audit

The purpose of the audit is to document that the applicant, BTO and/or BTP authority holder demonstrates the ability to, or is complying with, the requirements stipulated within the Business Rules, and associated standards and legislation. The audit should also be utilised by the applicant, BTO and/or BTP authority holder to assist in the identification of any areas of improvement within its business operations and delivery of the approved BoatSafe training and assessment program to achieve better training and assessment outcomes.

If documented evidence is to be reviewed, the auditor will utilise the criteria contained within the relevant audit documentation specific to that audit type to analyse the evidence provided. If required as part of the audit process, the auditor may attend an approved BoatSafe training and assessment program to ensure compliance with the relevant Competency Standards. In these instances, the auditor will utilise the 'Training and Assessment Observation Checklist' to record the outcome of this review or, for a Compliance Observation audit, the 'Compliance Observation Checklist'.

The auditor will actively engage with the applicant, BTO and/or BTP authority holder on the evidence sighted throughout the audit, where appropriate, to achieve a transparent process and to enable the applicant, BTO and/or BTP authority holder sufficient opportunity to demonstrate compliance.

6.3. Exit Meeting

At the conclusion of the audit, an exit meeting will be conducted between the auditor and the applicant, BTO and/or BTP authority holder. During the meeting, the auditor will:

- reiterate the purpose of the audit being conducted
- identify the compliance outcome for each component of the audit
- for any identified non-compliances, explain the reason for the non-compliance, and the consequence of the non-compliance
- identify any opportunities for improvement
- explain the audit finalisation process, including issuance of the audit documentation and detailing any actions required.

At the conclusion of the exit meeting, the auditor will request the applicant, BTO and/or BTP authority holder to sign a 'Validation of the Exit Meeting' form in acknowledgement of the provided feedback.

6.4. Student Contact

A component of the audit process could include the BoatSafe team acquiring student feedback on the conducted BoatSafe training and assessment program.

In order to achieve this, the auditor will randomly select student files and obtain relevant contact details to directly contact students once the site or desk audit has been completed. Should student feedback be obtained as part of the audit process, the results of the feedback will be de-identified and will be included in the audit findings.

7. Non-compliance

As a result of an audit, non-compliances may have been identified. 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 the BoatSafe team.

The different levels of non-compliance are:

7.1. 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 as operations deviates significantly from specified requirements. 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, 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 stipulated within the Business Rules, and associated standards and legislation, to a level which 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, documents, 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
- use of an individual with no authority to deliver the approved BoatSafe training and assessment program.

7.2. 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 as operations deviates from specified requirements. 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 stipulated within the Business Rules, and associated standards and legislation, where the training and assessment outcome received by student/s is impacted
- failure to ensure suitable training and assessment facilities are available and utilised
- failure to ensure suitable training resource equipment are available and utilised.

7.3. Minor Non-compliance

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

- failure to retain records.

8. Audit Report and Finalisation

The outcomes resulting from the audit will be documented on an audit report and the 'Training and Assessment Observation Checklist' (if applicable) or, for a Compliance Observation audit, the 'Compliance Observation Checklist'. The report will be provided to the applicant, BTO and/or BTP authority holder within seven (7) working days from the date in which the audit was conducted. The audit report will include details of the evidence sighted, associated findings of compliance and/or non-compliance, and will be reflective of the discussions, evidence and outcomes clearly expressed during the conduct of the audit.

Should non-compliance be identified, the applicant, BTO and/or BTP authority holder will be issued with a Corrective Action Request, Corrective Action Plan, or other action, to rectify the non-compliance. The applicant, BTO and/or BTP authority holder will be provided with specified timeframes in which to demonstrate its full compliance with the Business Rules, and associated standards and legislation, and to provide evidence to support that rectification of the non-compliance has occurred.

Should additional time to rectify a non-compliance be required, the applicant, BTO and/or BTP authority holder must request approval for an extension of time from the auditor two (2) working days prior to the expired timeframe. Please note, it is at the discretion of MSQ to grant, or refuse, this request.

The applicant, BTO and/or BTP authority holder has **one** opportunity in which to rectify identified non-compliance.

Failure to rectify all non-compliances within the timeframes specified may result in further action being taken which may involve the amendment, suspension or cancellation of an authority, or the refusal of an application to become a BTO and/or BTP authority holder.

Once compliance has been demonstrated, the applicant, BTO and/or BTP authority holder will be notified of the finalisation of the audit in writing.

9. Show Cause

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

In addition, lack of cooperation with MSQ during the initiation, conduct and conclusion of a BoatSafe audit could result in a notice to Show Cause. Lack of cooperation could include:

- failure to respond to a written and/or verbal request from MSQ in reference to a BoatSafe audit within a reasonable, or specified, timeframe
- failure to permit MSQ representative/s entry onto the premises, or access to documents, equipment and representatives of the BTO and/or BTP authority holder
- intimidation, abuse or similar (for example, threaten, assault, harass) of representative/s of MSQ prior to, during, or post a BoatSafe audit.

MSQ may also immediately suspend or cancel an authority after a marine incident if it is deemed that there is a continued risk to safety of the public and/or students.

Within the notice to Show Cause, the BoatSafe team will provide 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 to the BoatSafe team as to why the proposed administrative action should not be taken.

Given that this is the applicant, BTO and/or BTP authority holder's best opportunity to provide its justification as to why the proposed action should not be taken, the written response is to comprehensively address the specific breach/es identified within the notice.

Following consideration of the information provided by the applicant, BTO and/or BTP authority holder as a result of a notice to Show Cause, the BoatSafe team will provide written notice of its decision to either:

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

It should be noted that, whilst an applicant, BTO and/or BTP authority holder is subject to a Show Cause process, audits may be conducted by the BoatSafe team to monitor other activities to assess the ongoing compliance with the Business Rules, and associated standards and legislation.

During circumstances in which an applicant, BTO and/or BTP authority holder withdraws or voluntarily relinquishes its authority prior to a decision being made on a notice to Show Cause, the BoatSafe team will close out the process by formally notifying the relevant parties of its findings. These findings will identify any administrative action that would have been undertaken, if relevant, should the applicant, BTO and/or BTP authority holder had an active application or a valid authority. These findings are not a decision and, therefore, are not subject to a review process.

Please note, decisions and actions taken as a result of a notice to Show Cause, or findings made as an outcome to a notice, are taken into consideration during the review of submitted BTO and/or BTP applications.