



Department for Planning and Infrastructure
Government of Western Australia



CODE OF PRACTICE



Ferry and Charter Boat Industry Code of Practice

MARINE
Safety

Supporting WA's Boating Community





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Foreword

The Ferry and Charter Boat Industry Code of Practice (the Code), provides practical guidance on the safe operation of commercial vessels operating in the ferry and charter boat industry in Western Australia. It is designed to assist those working in the industry to identify, assess and control risks to themselves, colleagues and passengers.

The Code relates to the main forms of commercial vessel operations, i.e. ferry operators, function cruises, fishing charters, ecotourism operators, diving charters and sailing vessels. Much of the advice offered in the Code is applicable to all forms of commercial vessels, and advice specific to certain operators is also provided.

Commercial vessels are considered workplaces and as such are subject to the requirements of the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*. This legislation places a duty of care on both employers and employees to manage risks that may lead to injury, illness or death.

The Code follows a risk management framework to help employers and employees of the ferry and charter boat industry adhere to the requirements of the legislation and minimise risk. It is a comprehensive and practical preventive strategy that aims to improve the working environment of Western Australians working within the ferry and charter boat industry, whilst also enhancing the comfort and safety of passengers.

The Code was developed under the guidance of the Commercial Passenger Vessel Advisory Committee (CPVAC) with the support of the Department for Planning and Infrastructure and some input from the Department of Consumer and Employment Protection (WorkSafe). It has been developed through a tripartite consultative process with input from employers, unions and government.



1. Introduction

1.1 What is an Approved Industry Code of Practice?

An approved industry code of practice is a practical guide for employers and others who have duties under the *Occupational Safety and Health Act 1984* (the *OSH Act*) and the *Occupational Safety and Health Regulations 1996* (OHS Regulations) with respect to occupational health, safety and welfare.

A code of practice is defined in the Act as a document prepared for the purpose of providing practical guidance on acceptable ways of achieving compliance with statutory duties and regulatory requirements. An industry code of practice is approved under *Section 57 of the OSH Act* by the Minister administering the Act.

An approved industry code of practice is advisory rather than mandatory. It is intended to be used in conjunction with the requirements of the *OSH Act* and the *OSH Regulations* but does not have the same legal force.

However, where it is alleged that a person has contravened the provisions of an Act or Regulation, the information contained in a Code of Practice may be used as evidence.

Codes of practice show there is a practicable means of reducing the risk of work-related injury or harm to health. They may not provide exact solutions to occupational safety and health problems in all workplaces in an industry, but following the practical guidance contained in a Code of Practice should help to reduce the legal uncertainties associated with the way that safe working environments are established and maintained.

In summary, an approved industry Code of Practice:

- gives practical guidance on how health, safety and welfare at work can be achieved;
- should be observed unless an alternative course of action that achieves the same or a better level of health, safety and welfare in the workplace is being followed;
- can be referred to in support of the preventive enforcement provisions of the *OSH Act* or *OSH Regulation*;
- can be used as evidence to support a prosecution for failing to comply with or contravening the *OSH Act* or *OSH Regulation*.

Further guidance may be found in *Guidelines for the Development of Industry Codes of Practice for Approval* under the *Occupational Safety and Health Act 1984* located on the internet at <http://www.worksafe.wa.gov.au>.



1.2 Purpose of this Code

This Code has been developed in accordance with the *Occupational Safety and Health Act 1984 (OSH Act)* to provide comprehensive and practical advice on preventive strategies relating to safety and health hazards and risks commonly associated with the ferry and charter boat industry, in order to improve the working environment of Western Australians.

The ferry and charter boat industry in Western Australia (WA), through this document, seeks and intends to promote recognition, understanding and ongoing safety and health improvements among WA operators. This Code will help people find new or improved ways of working, use their own judgement relative to their own needs and situation and will encourage a safety-conscious culture within the workplace and the Industry.

This document forms the statement of health and safety policy developed by the Industry in WA, outlining the standard of performance expected among Industry operators. The Industry recommends that operators develop from the Code their own vessel/fleet specific policies and procedures which should then be endorsed by both management and employees. Examples of policies and procedures that should be in place are listed in Section 4.2.

The Code has been designed to encourage the adoption and use by all operators in the Industry of a consistent set of standards that will provide opportunity for the Industry to service an increasing customer base to the highest possible safety and health standards. The document seeks to:

- identify practices and activities that have the potential to be hazardous;
- guide and encourage members of the Industry to 'self regulate' safety and health management with respect to their duty of care obligations;
- encourage consistent application of safe practice in both occupational and customer areas;
- assist with addressing safety issues/areas not specifically or efficiently covered by other legislated standards;
- provide a basis upon which an Industry professional accreditation program may be encouraged;
- suggest safety systems that may be used by individuals and organisations to control and/or reduce hazards to an acceptable level; and
- encourage operators to adopt a systems-safety approach to the organisation and operation of their businesses.



1.3 Why do we need a Code?

An increasing emphasis is being placed on water safety in Australia due to the high number of serious accidents associated with watercraft.

Community expectation demands that passenger-carrying vessels should be presented, managed and operated in a manner reflecting sound and effective safety and health standards. When any vessel is operated at less than best practice, operators, employees, customers and the ferry and charter boat industry are all disadvantaged and an image is created that the industry cannot afford.

Codes of practice show that there is a practicable means of reducing risk of work-related injury or death to passengers or crew. With that in mind, this Code has been developed to encourage consistency and improvements that will be welcomed throughout the industry.

1.4 Who is this Code for?

This Code has been prepared for the benefit of all those involved with the ferry and charter boat industry in WA including Owners, Operators, Managers, Masters, Mates, Coxswains, Engine Drivers, Engineers and Deckhands.

The full support and participation of Operators and Managers will provide the vessel with a workable safety program. Such support will encourage participation by everyone and provide economic benefit to the vessel operation. The attitude of the Operator and Manager will be reflected in the quality of a safety or risk management program.

Most vessels in the WA fleet have an insufficient number of employees to effectively apply the Act requirement for the election of safety and health representatives and safety committee. Therefore, all persons should be encouraged to actively participate in identifying areas where improvement can be achieved. The recognition of the source of ideas and the implementation of improvements is often reward enough on its own to encourage staff dedication.

1.5 Variables

It is acknowledged that every ferry and charter boat operation is unique in terms of its organisational structure, market focus and layout. Ownership and management of each ferry or charter boat comes with its own special needs and responsibilities, and only those persons actively managing or working a vessel will know or understand the intricacies of that vessel.

In recognising these individualities, it is obvious that a Code of Practice endorsed and used by the industry has to be flexible enough to accommodate these variables, while still being focused on meeting individual organisational and statutory obligations.



2. Establishment

2.1 Title

The full title of this Code is *Industry Code of Safe Working Practice for the Ferry and Charter Boat Industry of Western Australia*.

2.2 Scope

The Code relates to the main forms of commercial vessel operations, i.e. ferry operators, function cruises, fishing charters, ecotourism operators, diving charters and sailing vessels.

2.3 Commencement

This Code of Practice takes effect on January 8th, 2008.

2.4 Authority

This is an industry Code of Practice approved under *Section 57 of the OSH Act* by the Minister administering the Act.

2.5 Disclaimers

- This Code refers to related legislation but does not show you how to comply with the legislation.
- The adoption of the recommendations of this document:
 - * will assist the vessel operator/manager in attaining legislative compliance in a manner that most benefits their own operation;
 - * will not in itself provide proof that legislative compliance requirements have been met; and
 - * will not remove or reduce any lawful duty to comply with requirements of legislation.
- The adoption of these guidelines may provide support against common law claims.
- This document is a guide recognising the diversity of user application.
- This guide does not consider 'hire and drive' operations.
- Users should consult with safety professionals when developing their own individual risk management plans.
- The following publications should be read in conjunction with this document:
 - * *AS 4360 – Risk Management*;
 - * *AS 4005 – Training and Certification of Recreational Divers*;
 - * *AS 2705 – Portable Cylinders for Self Contained Underwater Breathing Apparatus (S.C.U.B.A. safety guide)*;
 - * *AS/NZ 2299 – Occupational Diving Operations*;
 - * *Recreational Diving and Snorkelling Codes for WA* (Department of Sport and Recreation); and
 - * Relevant parts of the *National Standard for Commercial Vessels (NSCV)*.



2.6 Definitions

Unless specifically noted otherwise, the definitions used under the *Western Australian Marine Act 1982* (the *Marine Act*) and *Occupational Safety and Health Act 1984* (the *OSH Act*) apply.

At sea	For the purpose of this Code, a vessel is said to be at sea when it is not attached to a fixed structure such as a jetty or wharf. A vessel at anchor is considered to be at sea. For the purpose of this code, a vessel would be considered at sea when it has departed from its home port.
Code of Practice	A Code of Practice approved by the Minister under Part VIII of the <i>OSH Act</i> .
Contractor	For the purpose of this Code, a contractor is a person or company, together with any person or persons employed by that person or company, who enters into a binding agreement to provide goods or services to a ferry or charter boat operator.
Duty of care	The duties under the <i>OSH Act</i> are expressed in broad terms, for example: <ul style="list-style-type: none"> a) an employer must, as far as practicable, provide a work environment in which employees are not exposed to hazards; b) employees must take reasonable care for their own safety and health, and that of others, at work; and c) self-employed persons must, as far as practicable, ensure the work does not adversely affect the safety and health of others. Such wide-ranging duties are called 'general duties' or 'general duty of care', the latter reflecting that a 'duty of care' is owed in law by one person to another.
Employer	<ul style="list-style-type: none"> a) A person by whom an employee is employed under a contract of employment; and b) in relation to an apprentice or industrial trainee, the person by whom the apprentice or industrial trainee is employed under an apprenticeship or industrial training agreement.
Employee	<ul style="list-style-type: none"> a) A person by whom work is done under a contract of employment; or b) an apprentice or industrial trainee.
Hazard	In relation to a person, anything that may result in <ul style="list-style-type: none"> a) injury to the person; or b) harm to the health of the person.



Practicable	Reasonably practicable having regard, where the context permits, to a) the severity of any potential injury or harm to health that may be involved, and the degree of risk of it occurring; b) the state of knowledge about - i) the injury or harm to health referred to in paragraph (a); ii) the risk of that injury or harm to health occurring; iii) means of removing or mitigating the risk or mitigating the potential injury or harm to health; and iv) the availability, suitability and cost of the means referred to in paragraph (b) (iii).
Prescriptive	Legislation that explicitly describes means of compliance.
Non-prescriptive	Refers to the fact that the legislation is explicit in terms of the outcomes required but does not provide a method of compliance.
Risk	In relation to any injury or harm, the probability of that injury or harm occurring.
Self Employed Person	A person who works for gain or reward otherwise than under a contract of employment or an apprenticeship or industrial training agreement, whether or not he or she employs any other person.
Underway	The word 'underway' means that a vessel is not at anchor, or made fast to the shore, or aground. This includes by sail, being towed or pushed or under the vessel's own propulsion system or any other situation where the vessel is not alongside a fixed structure, or at anchor or moored.
Workplace	A place, whether or not in an aircraft, ship, vehicle, building, or other structure, where employees or self-employed persons work or are likely to be in the course of their work.



2.7 Abbreviations

Abbreviations	
CPVAC	Commercial Passenger Vessel Advisory Committee
EPIRB	Emergency Position Indicating Radio Beacon
ESS	Elements of Shipboard Safety Certificate
GPS	Global Positioning System
MSDS	Material Data Safety Sheet
NMSC	National Maritime Safety Committee
NSCV	National Standard for Commercial Vessels
OSCP	Oil Spill Contingency Plan
OSH	Occupational Safety and Health
PPE	Personal Protective Equipment
USL	Uniform Shipping Laws Code
WAFIC	West Australian Fishing Industry Council
IMO•	International Maritime Organisation
SMS•	Safety Management System
CoC•	Certificate of Competency
MROCP•	Marine Radio Operators Certificate of Proficiency
STCW95	Standards of Training Certification and Watchkeeping 1995



3. Legal Requirements

3.1 Overview of OSH Legislation

The *Occupational Safety and Health Act 1984* through a non-prescriptive manner sets objectives to promote and improve occupational safety and health standards. General duties are laid down in the *OSH Act*, and are supported by other requirements in the *OSH Act and OSH Regulations*.

The *OSH Act* describes behaviour required of people who affect safety and health at work. It imposes a general duty of care to protect persons at work from hazards and to maintain safe and healthy workplaces.

The *OSH Act* places emphasis on workplace consultation between employers and employees, and safety and health representatives if the workplace has any. The *OSH Act* encourages employers and employees to resolve safety and health issues in a spirit of co-operation using procedures developed through consultation at each workplace.

The general requirement for employers to consult and co-operate with safety and health representatives and other employees is a part of the employer's general duty under the *OSH Act*. Similarly, employees are required to co-operate with employers in safety and health matters to enable the employers to meet their responsibilities.

The *OSH Act* also provides for the election of employee safety and health representatives and the formation of workplace safety and health committees. Safety and health committees are comprised of employer representatives and safety and health representatives, or employee representatives if the workplace has no safety and health representatives.

The *Occupational Safety and Health Regulations 1996*, made under the *OSH Act*, describe some of the requirements that apply to specific work situations. Reference is also made in the legislation to Codes of Practice issued by the Minister and to standards produced by Standards Australia and the Australian Safety and Compensation Council.

The *OSH Act* provides a framework whereby consultation, co-operation, regulations, Codes of Practice, workplace standards and procedures to resolve issues support the general duty of care. The general duty of care is the guiding principle for all other parts of the *OSH Act*.

The legislative framework outlined below was established to achieve the objectives of the *OSH Act* (Ref: Safetyline Online).



3.2 The Legislative Framework in Western Australia

The *OSH Act* and *OSH Regulations* are supported by a range of guidance material, such as approved Codes of Practice and guidance notes. The following provides a diagrammatic representation of legislative framework relationships.

Occupational Health & Safety	Major Provisions of the Act <ul style="list-style-type: none"> • General Duties • Resolution of Issues • Safety & Health Representatives • Safety & Health Committees • Enforcement of Act and Regulations
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Supported by

Occupational Safety & Health Regulations 1996	The <i>OSH Regulations</i> set minimum requirements for specific hazards and work practices, including specific reference to National Standards developed by the National Occupational Health and Safety Commission and Australian Standards developed by Standards Australia
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And

Guidance Material	<ul style="list-style-type: none"> • Codes of Practice approved for Western Australia in accordance with <i>Section 57 of the OSH Act</i> and guidance notes developed by the Commission for Occupational Safety & Health\ • National Codes of Practice and national standards developed by the Australian Safety and Compensation Council • Australian Standards as developed by Standards Australia • Cyclone Contingency Plan Guidelines
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3.3 Duty of Care, Responsibility and Due Diligence

Through 'general duty of care' provisions discussed in the *OSH Act*, all parties involved with work have responsibilities for safety and health at work. This includes employers, employees, self-employed persons and others such as people who control workplaces, design, construct, manufacture or supply plant.

The duties under the *OSH Act* are expressed in non-prescriptive terms, e.g.

- An employer must, as far as practicable, provide a work environment in which employees are not exposed to hazards.
- Employees must take reasonable care for their own safety and health and that of others at work.
- Self-employed persons must, as far as practicable, ensure the work does not adversely affect the safety and health of others.

Such wide-ranging duties are called 'general duties' or 'general duty of care' – the latter reflecting that a 'duty of care' is owed in law by one person to another (ref: Safetyline Online).

While the *OSH Act* deals with workplace responsibility issues, there are also responsibilities for the safety of other people at the workplace.

For further information, refer to Duty of Care, responsibilities of each person with respect to *Section 19, 20, 21, and 22 of the OSH Act* and comment on specific regulations, i.e. *Part 3 Divisions 1 to 6 and 8*.



3.4 Overview of *Western Australian Marine Act 1982*

The *Western Australian Marine Act 1982* (the *Marine Act*) is an ‘Act to regulate navigation and shipping’ and sets minimum prescriptive standards for inspection, construction, manning and operation of commercial vessels in WA waters. General standards are laid down in the *Marine Act* and are supported by other requirements in the *Marine Act* and *Regulations*.

The *Marine Act* allows Regulations to be made describing the qualification and training required of people who operate commercial vessels. The *Regulations* pertaining to this are the *WA Marine (Certificate of Competency) and Safety Manning Regulations*.

Major Provisions of the Act	<ul style="list-style-type: none"> • Survey, manning and operation of commercial vessels • Miscellaneous marine powers and duties • International conventions • Investigations and inquires
Regulations	<ul style="list-style-type: none"> • The <i>Marine Act</i> predominantly calls to legislation provisions of the Uniform Shipping Laws Code (USL*) as prescriptive set minimum standards • The pending implementation of NSCV* parts A through F
Guidance Material Not in Regulations	<ul style="list-style-type: none"> • Certain instruction to Surveyors (ITS) produced by the Authority and providing further prescriptive detail of requirements are given to industry on request • Australian Standards as developed by Standards Australia

* The USL Code and the National Standard for Commercial Vessels are not legislation in their own right. As with *OSH Regulations* and guidelines, they are designed to provide guidance to personnel working in the industry to meet their statutory obligations



4. Planning to Implement this Code

4.1 Risk Management

Risk is the chance of something happening that will have an impact upon objectives and is measured in terms of consequences and likelihood. Risk management concerns itself with the uncertainty that exists in any particular activity.

To accommodate the variables that exist within the ferry and charter boat industry, and to assist in meeting the industry's statutory obligations, it is recommended that individual businesses apply the principles of risk management as stated in *Australian Standard 4360 – 'Risk Management'*.

In its simplest form, this Australian Standard prompts organisations to methodically 'self assess' for risk within their own operations. By referencing relevant regulations and utilising the practical experience and detailed knowledge of vessel owners and crews, a process of hazard identification, risk assessment, risk control and review is undertaken. The information generated from this process may then be used to:

- review/refine an existing procedure (where it exists);
- provide the basis of a new procedure (where none exists);
- define essential equipment purchases and maintenance requirements;
- clarify employee roles/job descriptions; and
- clarify employee induction/training requirements.

A risk management approach to safety involves the following key steps:

1. Identify risks – identify where, when, why and how events could prevent, degrade or delay the achievement of health and safety objectives.
2. Analyse risks – identify and evaluate existing controls, consequences and likelihood of hazards and hence level of risk. This analysis should consider the range of potential consequences and how these could occur.
3. Evaluate risks – compare estimated levels of risk and consider the balance between potential benefits and adverse outcomes. Make decisions about the measures required to deal with the risks and consider priorities.
4. Treat risks – develop and implement cost-effective strategies and action plans to increase health and safety benefits and reduce costs.
5. Monitor and review – monitor the effectiveness of all steps of the risk management process to ensure changing circumstances do not alter priorities. Underlying the risk management approach is the principle that Operators and crew should be constantly vigilant in looking for and minimising hazards. Essentially, a hazard is anything that may result in injury to a person or cause harm to the health of a person. Hazards include chemicals, radiation, moving objects or processes of work. When it comes to hazard control, the key message for all personnel is "Fix it, or tell someone who can!"



The following 'hierarchy of controls' describes the order of preference by which hazards once identified should be managed. Particular care should be taken to ensure that in remedying one hazard, you do not create another.

Elimination	Total removal of the hazard, e.g. using air tools in place of 240V electric tools.
Substitution	Replace existing hazard with a lower grade hazard, using diesel engines in place of petrol engines.
Isolation	Separating the hazard from persons or action, e.g. installing engines in a closed compartment.
Engineering Control	Fitting guards or other modifications to reduce potential for exposure to the hazard, e.g. installing guard rails around the deck.
Administrative Control	Modification to processes, policy or procedure, e.g. enforcing a policy that passengers may not board or disembark until the vessel is secured alongside.
Personal Protective Equipment (PPE)	Short-term protection should only be used to increase protection or where other measures are not practicable, e.g. wearing earmuffs when entering the engine room A notable piece of PPE is the humble life jacket. Although prescriptive specifications are given under the <i>Marine Act</i> , there is an unwritten duty of care on the Operator and Master to ensure that life preservers suitable for use on the particular vessel are provided.

For more information, refer to the *AS/NZS 4360:2004 Standard – Risk Management Guidelines and Standards*.

4.2 Policies, Plans and Procedures

To allow this Code of Practice to be implemented within your operation, clear policies, plans and procedures (relative to the size and complexity of the vessel) should be developed for the following in the form of the Safety Management System (SMS) document:

- decision making for responsibilities such as command, purchasing, maintenance, emergency situations and conduct;
- procedures describing specific functions undertaken on the vessel such as evacuation, cleaning, maintenance, storage and use of hazardous substances; and
- the process by which improvements identified by any person are analysed and implemented.



It is recommended that all vessels have policies and procedures for the items listed in Sections 4.2.1 to 4.2.12 below. A consistent format for writing the vessel's policies and procedures should be developed and maintained and as a minimum should include:

- Title
- Objective
- Procedure
- Review date
- Document owner
- Authorisation signature

All vessel procedures should be updated on an 'as identified' basis with a fixed review at least annually.

4.2.1 Housekeeping Procedures

- Safe use of chemicals and provision of Material Data Safety Sheets (MSDS)
- Food storage and preparation areas
- Accommodation cleanliness
- Fire prevention cleanliness

4.2.2 Specific Health and Safety Issues Relative to the Vessel

- Equipment tag out system – refer to *Occupational Safety and Health Regulations 1996 4.37A(4)*
- Electrical safety
- Noise safety
- Manual handling policy
- Entry into confined spaces

For further advice in relation to the above items, refer to the relevant *WorkSafe Codes of Practice and OSH Guidelines*.

4.2.3 Vessel Operations

- Operation of communication equipment, including emergency use
- Manoeuvring and control of the vessel, including emergency control
- Purchase and review of safety equipment



4.2.4 Crew and Passengers

- Communication between Master, crew and passengers
- General communication for safety and welfare of passengers
- Alcohol and other drug use, and handling persons under the influence of alcohol or drugs
- Control and protection of passenger(s), including disruptive persons
- Claustrophobia and similar conditions
- Seasickness and rough weather management

4.2.5 Docking and Departure Procedures

A policy or procedure for safe departing and docking the vessel should be developed and recognised by all crew members. This should cover items such as:

- provision and control of access ways for boarding and exiting;
- safe embarkation and disembarkation procedures;
- rope handling; and
- procedure for passing mooring lines between vessel and wharf.

4.2.6 Severe Weather (Cyclone) Contingency Plan

Prevailing weather conditions have differing effects on different vessels. As an example, one vessel may ride smoothly, while another may toss heavily.

Your vessel should have a policy guiding operations with respect to the effect of various weather conditions and sea states upon your vessel. This policy should reflect minimum safe conditions for leaving port and while operating.

Procedures developed for severe weather conditions will benefit the safety of the vessel and those onboard. A copy of these should be kept upon the vessel at all times.

Each vessel should have a severe weather/cyclone contingency plan for activation in the case of a cyclone or inclement weather. A cyclone plan should contain the following:

- Company policy and responsibilities of owners, masters and crew
- Technical information regarding cyclone classification, marine warning and forecasts
- List of anchorages and shelter areas and information relating to using these
- Shore-based liaison and contact details
- Crew training for cyclone/severe weather procedures



- Specific vessel actions:
 - * muster;
 - * securing deck and other equipment;
 - * scuppers are kept clear;
 - * hatches, ports and doors secure;
 - * check safety equipment and have readily available;
 - * ensure watertight integrity;
 - * optimise stability, fuel transfer etc;
 - * food and water provision.

Extreme weather conditions and minimum conditions of stability are further dealt with under the *Marine Act* stability provisions.

4.2.7 Emergency Procedures

Organisations should have procedures in place and have conducted employee training for controlling the following situations:

- Evacuation of each part of the workplace including shore-based parts to the vessel's operations
- Panic control
- Medical emergencies
- Medical evacuation
- Less urgent emergencies
- Evacuation of vessel (at sea/at jetty)
- Fire aboard vessel
- Engine failure
- Location of documentation (e.g. dive supervisor's records to assist in planning hyperbaric treatment by medical practitioners)
- Authorised spokesperson for the organisation
- For those vessels operating north of Broome, it may be advisable to have procedures in place in the unlikely, but possible, event of illegal foreign fishermen attempting to board the charter vessel. Basic Indonesian/English translation texts could be kept onboard.



4.2.8 Employee Fatigue Policy

Fatigue is becoming more recognised as one of the major contributors to accidents in any workplace. Although maximum hours of duty have been established for the management of motor vehicle driver fatigue, establishing those limits on a maritime vessel is a much more difficult task due to the vessel's motion pattern.

The Code of Practice entitled *Fatigue Management for Commercial Vehicle Drivers* published by WorkSafe is a good starting point for establishing your vessel's policy. Also refer to *IMO/ Marine Orders* for guidance and the Commission's *Code of Practice: Working Hours*.

4.2.9 Oil Spill Response Procedures

Oil and fuel spills are not only an environmental hazard but if not managed appropriately can affect the health and safety of passengers and crew aboard a vessel. Incidents such as refuelling spills, oily waste water spills or accidents involving another vessel can be a fire risk.

Shipboard Oil Spill Contingency Plans (OSCPs) set out vessel-specific actions which a Master will take to ensure that an oil or fuel spill onboard a vessel is contained and cleaned up appropriately. The key points to include in a shipboard OSCP are:

- the steps crew will take to prevent and clean up oil spills onboard vessels whilst at sea, refuelling and during maintenance;
- identification of trained crew to respond to oil spills;
- identification of equipment such as absorbents kept on board the vessel, at the point of refuelling and where the vessel usually berths;
- notification procedures of an oil spill, i.e. reporting the spill to the Department for Planning and Infrastructure Marine Environment Protection Unit and the use of pollution reports (POLREPs).

4.2.10 Pollution Reporting Requirements

The Pollution of Water by Oil and Noxious Substances Act (POWBONS) requires that all oil (including fuel) pollution in the marine environment is to be reported irrespective of the size of the spill.

Spills are to be reported to the Department for Planning and Infrastructure Marine Environment Protection Unit duty officer on (08) 9480 9924. Record details such as the size of the spill, type of oil, extent of pollution and location on a POLREP (pollution report) form and fax to the Department for Planning and Infrastructure Marine Environment Protection Unit on (08) 9216 8982 (see POLREP form in annex, page 60 - 61).

4.2.11 Accident Reporting Requirements

Refer to Section 19 *OSH Act* & the *Marine Act* and to *Section 64 Part 111 Western Australia Marine Act 1982* for guidance on accident reporting requirements.



4.2.12 Accident and Near-Miss Investigation Procedures

Although investigations are reactions after an event, they are useful in identifying processes that through upgrade may prevent other accidents with similar characteristics. It is often by chance that near misses are not severe incidents and it is for this reason that they should be treated in the same manner as accidents.

An accident review process must include a method of identifying the cause of an incident or accident and recommendations for remedial action to prevent such events reoccurring.

Significant incidents should be recorded on 'near miss' documentation. The collection of this information is essential. Recurrence of similar incidents may indicate the need for a review of a practice, procedure or additional training.

It should be remembered that individuals are naturally reluctant to record information that they suspect may reflect poorly upon themselves. It is a management responsibility to effectively communicate the need for the recording of 'near miss' information, and to do it in such a way as to alleviate individual concerns of victimisation.

4.3 Regular and Dedicated Inspection of Your Vessel

At all times the vessel shall comply with the *WA Certificate of Survey Regulations*.

Good managers will already have in place regimes of regular inspection of their vessel(s). This starts as simply as checking the engine on a daily basis before starting, and escalating to two or five year structural checks.

The size, type and function of your vessel will determine the extent to which you need to address inspection procedures. *Appendix II of Section 14 of the Uniform Shipping Laws Code* provides a good starting point for engineering checks.



5. Training and Supervision

5.1 Introduction

It is important to ensure that all crew members have appropriate training in the vessel's operation and with any policies and procedures in place as suggested in the previous section. Follow-up training should be provided at regular intervals.

Where a policy or procedure is established, training should be provided to ensure that those crew affected by that policy or procedure know and understand their responsibilities. For example, all crew should be familiar with the following procedures:

- recording and accounting for persons who leave the vessel at any point in the voyage including at a designated embarkation place;
- radio reporting of emergencies, particularly those instance requiring assistance;
- tying up and releasing vessel at a jetty;
- fire and emergency evacuation of vessel;
- safety and control of passengers who consume alcohol;
- oil spill response procedures; and
- man-overboard procedures.

The following sections briefly outline the levels of training recommended for Masters and crew. The *Guidelines for Onboard Safety Training – Australian Domestic Vessels* NMSC sets out the nationally recognised safety training recommended in more detail.



5.2 Training Schedules

Employers should have a clear understanding of what training or certification is required before certain tasks can be performed. Mandatory training for safety and health representatives is essential.

Each position in your operation may require minimum qualifications or levels of training. Consider using a matrix such as the one shown below to identify training and qualifications required

Training	Master/Mate	Engineer	Deckhand	Bar &Kitchen	Diving Attendant	Other
Induction	Ship and shipboard management practices and procedures	Ship Systems	General Duties & Safety Procedures	Bar & Kitchen Special Needs	Special Systems and Diving Procedures	As determined by position
Certificate	CoC	CoC	ESS	ESS	ESS	ESS
First Aid	Senior First Aid	Medical First Aid Senior First Aid	Senior First Aid	Recommended - Senior First Aid	Senior First Aid and Oxygen Therapy if carried	Recommended - Senior First Aid
Crane/Lifting Device	Designated Operator carne driver's certificate	Workplace OS&H	Designated Operator Crane driver's certificate		Workplace OS&H	Workplace OS&H
Communication	MRCOP	Handheld communications	Intercom, Handheld communications	Intercom/Public Address	Handheld communications	Intercom and handheld communications
Housekeeping	General Health & Safety	Specialist Fire Safety Standards	Basic Health & Safety	Health Standards	General Health & Safety	As determined by position

5.3 Induction Program for New Employees

All new crew, or existing crew taking up a new position within the organisation, should be provided with safety induction training to the extent of their employment within the organisation. This training should address issues such as company procedures and policies, the use of equipment, emergency and other special drills, responsibility and authority.

Consideration must be given by crew/staff at all levels, e.g. Master, Engineer, Deckhand, Jettyhand, Plant Operator etc to the standards of all legislative requirements. When employed or subcontracted in any capacity, an Elements of Shipboard Safety (ESS) Certificate or similar is required.



5.4 First Aid Training

Senior First Aid qualifications are compulsory for all Masters, Mates and Engineers and should be highly recommended for Deckhands, although only basic first aid is required.

Consideration should be given to the requirement for the Master or crew member to hold a current qualification in Senior First Aid. Currently this qualification expires after three years for Senior First Aid, one year for CPR. It is the responsibility of the crew (including Master or Engineer) who hold this qualification to maintain its currency.

Vessels involved in specific or remote areas should undertake regular refresher courses for accidents or illnesses that could occur, such as handling poisonous fish, decompression sickness/illness, Automatic External Defibrillators (AED), oxygen provision, medical care for Masters, substance abuse by passengers or crew, fractures and burns victims, and crowd control techniques.

Basic first aid is required for Deckhands, although Senior First Aid is the preferred option when dealing with the public (e.g. on function cruises). This may be good practice and recommended but has no legislative backing.

All qualified diving assistants, dive masters and instructors must have a current First Aid certificate as part of their qualification. Charter vessels conducting diving with compressed gases MUST carry oxygen onboard and have appropriately trained persons to administer it.

5.5 Use of Substances Training

Substance abuse training should be part of all Responsible Service of Alcohol and First Aid courses. Any employee involved in function (party) cruises should have the ability to detect alcohol and substance abuse.

Any passenger who is clearly affected by alcohol or drugs must be reported to the Master of the vessel so that appropriate action can be taken to control the risks this presents.

Any employee reporting for duty who is clearly affected by drugs or alcohol should not be allowed to take any part in the operations of the vessel or company procedures. External counselling should be offered by the company for the benefit of the employee. Should the employee refuse counselling, the company has the right to issue a written warning to prevent the situation recurring and to again offer external counselling. Second offenders may be dismissed for gross misconduct.

5.6 Work Experience Personnel

Work experience personnel should be treated as new employees for the purposes of induction training for company policies, vessel safety equipment and emergency procedures.

They should not be considered as part of the minimum manning level for the vessel although, in the opinion of the Master, they may be considered as additional crew during periods of high passenger numbers.

Work experience personnel without any qualifications must be supervised at all times when using the vessel's ropes, machinery or safety equipment.



6. Responsibilities of Operators and Crew

6.1 General Responsibilities

With respect to the safe and efficient management of a vessel, its complement of crew and passengers, each and all persons associated with that vessel have both a legal and moral obligation to promote the health and safety of themselves and others.

As mentioned in Section 4.1, a person observing or noting a matter beyond their own authority has an obligation to report that observation to a person in an appropriate higher position of authority for action to be taken.

The Operator has primary responsibility for ensuring that systems are in place that will provide a safe working environment. For most vessels, resolutions in relation to providing a safe working environment will be a determination given by the Master or Operator of the vessel. However, it would be wise for the decision-maker to ensure that the views of appropriate members of the crew are taken into consideration.

The commitment of the crew is essential for ensuring that hazardous situations are truly resolved. Externally qualified safety practitioners can be of great assistance in resolving issues. If there is risk of imminent and serious injury or harm to health, a WorkSafe Inspector may be able to assist with the resolution of issue where there have been unsuccessful attempts to do so with employees and safety and health representatives (if any) in accordance with workplace procedures.

All crew members should be aware of the impact of activities such as a second job, driving, recreational pursuits, insufficient sleep, consumption of alcohol or drugs prescribed or otherwise, and stressful situations that may affect their wellbeing and capacity to work effectively and safely.

The usual responsibilities of the Owner, Master, Mate, Engineer and Deckhands should include reference to:

- Regular safety drills for 'man overboard', dropping anchor and fire
- Emergency evacuation procedures
- Regular safety drills for oil or fuel spills onboard and from the vessel
- Adverse weather conditions (e.g. fog and/or strong wind warnings)
- Other boating traffic (especially on weekends and during twilight)
- Radio communication with relevant marine authority and other vessels.

The following sections list some of the key responsibilities of Owners, Masters, Engineers and Deckhands. Specific responsibilities in relation to preparation for departure and while at sea are provided in Section 7 – Safe Working Practice.



6.2 Key Responsibilities of Owners

The Owner, or their Principal Representative, has a primary interest in the vessel/organisation through the investment of money in order to return an income. The owner must ensure that:

- they provide a safe working environment;
- the vessel holds all necessary licences and certifications;
- the vessel has undergone and completed all statutory inspections;
- appropriate survey requirements are met;
- the vessel is made fit to undertake the voyage and the duties intended;
- the vessel carries sufficient equipment and supplies to meet the needs of the voyage and intended duties;
- the vessel is manned by sufficient crew and service personnel to meet the needs of the voyage and intended duties as per current Regulations;
- only fit and proper persons are permitted to work the vessel (given that women and children are often clients aboard charter vessels, it is suggested that all onboard employees of the licence holder supply a National Police Clearance as part of 'fit and proper person' Working with Children requirements);
- crew and service personnel are appropriately qualified, trained and fit for their nominated duties as Master, Engineer and Deckhand; and
- Master is provided with copies of:
 - * all relevant company policies and procedures;
 - * all relevant licences and certificates; and
 - * all relevant authorisations.

Where the vessel is operated under a lease agreement, the parties to the lease must ensure that authority for the above responsibilities is clearly documented.

The Operator or Manager also must ensure that any outside contractors present on or at the vessel understand, respect and comply with the same safety and health objectives as apply to the operators and crew.



6.3 Key Responsibilities of Masters

The Master of the vessel is the employed representative of the Owner while the vessel is at sea.

Tradition (later scribed in maritime legislation) has dictated that while at sea, the Master has the final authority with regard to any action taken onboard the vessel. When the vessel is alongside a fixed structure and is in preparation to put to sea, the Master has the final authority.

The Master must ensure that before the vessel is put underway:

- they make certain safe work practices are in place;
- copies of all necessary licences and certification are onboard and are current;
- the vessel is in a fit state to undertake the voyage and duties intended;
- there are sufficient crew and service personnel to meet the needs of the voyage and intended duties;
- the crew and service personnel are appropriately qualified, trained and likely to be fit for their nominated duties for the entire duration of the voyage;
- there is sufficient equipment and supplies to meet the needs of the voyage and intended duties;
- copies of all relevant company policies and procedures are available;
- copies of all relevant authorisations are available;
- the weather is suitable for the journey to be made;
- the vessel safely and satisfactorily commences a voyage;
- the duration of the voyage is safely and satisfactorily undertaken; and
- the vessel safely and satisfactorily concludes a voyage

6.4 Key Responsibilities of Engineers

The Engineer's employed position is to ensure the safe and effective functioning of the vessel's systems and machinery. As defined in the *National Standard for Commercial Vessels*:

- the Chief Engineer is the person responsible for the vessel's machinery;
- the Engineer (or Machinery) Watch-keeper is the person in charge of the engineering watch.

The Engineer's duty is to operate and carry out user maintenance of:

- Internal combustion engines
- Auxiliary machinery
- Lubricating oil and cooling water systems
- Pumps, bilge and seawater systems
- Steering gear
- Fuel and fuel oil systems



- Electrical systems
- Deck equipment and machinery

The Engineer is also required to have a sound working knowledge of:

- fire protection, detection and extinction;
- operation and maintenance of life saving appliances;
- damage control techniques;
- fuel consumption calculations;
- oil pollution prevention and response whilst at sea, refuelling or carrying out maintenance on the vessel; and
- general maintenance and repairs.

The Engineer shall periodically or as otherwise requested advise the Master on the capability of the vessel's systems and machinery to meet expected conditions and duties of the voyage.

6.5 Key Responsibilities of Deckhands

As defined in the *National Standard for Commercial Vessels*, a General Purpose Hand or Deckhand is any person carried as part of the minimum crew who is not required to hold a Certificate of Competency.

The Deckhand is employed to assist the Master and/or Engineer in the safe operation of the vessel. He or she is required to be the eyes and ears of the Master on deck and to keep regular watch on passengers to avoid any potentially dangerous situation.

The Deckhand is required to adhere to company policies for the safe handling of equipment and machinery within his or her qualifications, to abide by any lawful direction of the Master and to participate in safety drills at the request of the Owner or Master.

The responsibilities of a Deckhand or General Purpose Hand are to:

- assist the Master in the correct maintenance of the vessel and rectifying any hazardous situations;
- maintain a satisfactory level of cleanliness and hygiene on the vessel at all times;
- participate in emergency drills;
- engage in safe work methods; and
- assist with passenger safety and comfort where and as required.



7. Safe Working Practice

This section of the Code provides practical guidance on the safe operation of commercial vessels while docked, prior to departure and while at sea.

Much of the following advice is applicable to all forms of commercial vessel. Advice specific to certain operators is provided in Section 8 – Specific Information for all Operators.

7.1 Docked Vessel: Checks, Procedures and Requirements

7.1.1 Maintenance

It is important to provide a well maintained vessel that will help to ensure a safe journey for passengers and crew. The following points should be observed:

- scheduled checks of the vessel, equipment and Personal Protective Equipment (PPE) will help maintain a safe vessel;
- equipment should be appropriately stowed in the interests of safety and to prolong the working life of the equipment; and
- regular housekeeping practices will help prevent deck clutter (trip hazards) and assist with better maintenance.

7.1.2 Master's Responsibilities

One of the Master's key responsibilities is ensuring that sufficient crew are available to cater for the expected number of passengers.

When determining the crew for your vessel, consideration must be given to conditions under which the vessel is operated including weather, purpose, number of passengers, type of passengers, length of voyage and destination etc. The minimum crew is not tailored to the nature of trade or particular activities, functions or business carried out on the vessel.

Although consideration must be given to minimum manning requirements under the *Marine Act*, the minimum crew required to safely operate a vessel may in reality exceed the legislated number. Adequate crewing must also be addressed as per *National Standard for Commercial Vessels (NSCV) Part D*.

Under the *NSCV*, a vessel must at all times when underway or operating carry sufficient competent and trained crew so that:

- the vessel can safely navigate, berth and unberth;
- the essential vessel systems can be operated and monitored safely;
- immediate and appropriate emergency action can be taken when there is a failure of an essential system;
- immediate and measured response can be provided in an emergency situation; and
- the crew can safely abandon the vessel if required.



The following are some of the Master's other responsibilities in relation to docked vessels preparing for departure:

- ensuring that all crew have reported for duty at the appropriate time and replacements are found for any crew member not fit for duty;
- ensuring that engine checks are completed, all hatches are as they should be for the task conducted and that the vessel has a secure gangway in place prior to passengers boarding;
- ensuring that mooring ropes are checked and secured or adjusted to allow for any tidal movement or vessel wash that may adversely affect passengers when boarding;
- ensuring that a crew member is at hand alongside the gangway to assist passenger embarkation/disembarkation;
- ensuring that proper communication and/or direct eyesight of crew handling ropes is available when manoeuvring alongside jetties;
- ensuring that emergency muster stations and safety procedures specific to the area of operation are made known to crew members prior to boarding of passengers; and
- ensuring the vessel is prepared to depart for sea according to the procedures set down by the organisation and in accordance with Sections 7.2 to 7.3 of this code.

When also acting as the Engineer of the vessel, the Master shall:

- instruct crew members to maintain communication with him or her with specific regard to regular engine-room checks or vessel defects that may arise while at sea; and
- accept and abide by all the responsibilities of the Engineer.

7.1.3 Engineer's Responsibilities

- Checking all vessel systems and navigational equipment prior to passenger boarding time
- Ensuring that safety equipment is functional and in good order
- Ensuring that all hatches and crew access ways are closed prior to departure and while at sea
- Should access to any hatch be required during the voyage, appointing a crew member to stand by that hatch to warn passengers of the danger

7.1.4 Deckhand's Responsibilities

- To be familiar with the vessel's safety equipment and operation
- Assisting with passenger embarkation/disembarkation
- Carrying out pre-departure passenger safety induction
- Observing passengers constantly to ensure they are not placing themselves at risk
- Conducting regular checks on passengers' behaviour to ensure equipment is not being tampered with



7.1.5 Safety Equipment

The safety equipment required to be carried on vessels varies with the class of vessel and the operational area. Details of the equipment required to be carried can be found in the *USL Code* and/or the *National Standard for Commercial Vessels*.

In addition to marine radio communication, it is recommended that a satellite telephone (in good working order) be carried onboard in the event of any passenger mishap or emergency.

Safety equipment should be regularly inspected prior to departure, particularly for ocean-going vessels.

7.1.6 Personal Protection Equipment

In the hierarchy of hazard controls, Personal Protection Equipment (PPE) is the least preferred option, but is nevertheless widely needed and used. PPE includes foot, head, eye, UV and hearing protectors.

The Owner or Manager must take particular care to ensure that items of PPE such as lifejackets and breathing apparatus (required under the vessel's Conditions of Survey) be considered for size and appropriateness and provided for passengers and crew. Consider using a matrix to identify who might need which type of PPE.

7.1.7 Material Data Safety Sheets

A set of Material Data Safety Sheets (MSDS) should be onboard for all chemicals used and kept aboard the vessel. Crew members should also be aware of their location and trained in their use as per the obligation under *OSH Regulations 5.11 and 5.13*. Employers must ensure MSDSs are readily available for any people who may be exposed to chemicals that have been classified as a 'hazardous substance' and stored in a register with a list of all those 'hazardous substances', which should also be made readily available to those who may be exposed. Usually, the MSDS for the substance will provide details on whether it has been classified as a 'hazardous substance'. Otherwise, the supplier should be able to advise.

7.1.8 Food and Refreshments

If offering food and refreshments to passengers, the vessel should meet health and safety regulations regarding the serving and storage of food and refreshments and comply with any requirements of the *Liquor Control Act 1988*.

Crew should have training in hygienic food handling and should have completed an approved Responsible Services of Alcohol course before serving alcohol to passengers.



7.1.9 Emergency Procedures

Ensure that there are copies of emergency procedures on board and available, e.g.

- Man overboard
- Vessel evacuation (at sea or on land)
- Fire
- Medical emergency
- Medical situation
- Rowdy passenger
- Bomb threat
- Deploy life rafts, life bouys/lifesavers
- Emergency operation of radio
- Stop engine
- Oil or fuel spill response.

Section 4.2 provides further guidance on the procedures that should be developed and available onboard before departure.

7.2 Pre-departure Checks and Procedures

7.2.1 Minimum Weather Conditions for Operation

A full assessment of weather conditions for the entire journey should be undertaken prior to departure, including:

- Wind
- Tides
- Cyclones
- Rain
- Storms
- Fogs
- Local conditions.



7.2.2 Pre-departure Crew Checks

On arrival at the vessel, crew should implement the following procedure:

- staff liaison (confirm program/re-affirm responsibilities for the charter);
- confirmation of adequate supply of fuel, food, water and safety equipment (the latter to be checked for serviceability);
- physical inspection of vessel (steering, bilge, lights, hatches, ropes, anchors and clear prop);
- engine checks prior to start-up (no leaks, fluid levels, status of batteries);
- engine checks following start up (no leaks, oil, water temperature correct and batteries are charging);
- obtain weather update/check tidal data;
- electronics checks (radio, radar, sounder, GPS, satellite phone and EPIRB); and
- lodge charter program with relevant rescue authorities and owner/operator.

7.2.3 Embarkation/Disembarkation Checks and Procedures

Safe access and egress should be provided for passengers and crew between land and vessel. For example, provide a secure gang plank with crew assistance from vessel to land (jetty, sand, riverbank).

With the arrival of passengers, conduct a head count prior to and after completion of boarding and keep a record of this number during the voyage.

Once boarding is complete, a safety induction for passengers should be conducted prior to departure. The induction should cover the following:

- introduction of staff and their respective responsibilities;
- onboard orientation (e.g. location of exits, life jackets, toilets, other facilities);
- overview of emergency management (vessel, medical, etc).
- location and use of safety equipment;
- the correct stance to avoid falling overboard;
- acceptable and unacceptable behaviour;
- use of sunscreen and sun-protective clothing to minimise UV exposure during daytime voyages;
- advice on positively identifying potentially dangerous marine life (clients should be warned against handling any marine animal they are not familiar with); and
- advice on legislative considerations e.g. catch, marine parks, interaction.



7.3 Checks and Procedures While At Sea

7.3.1 Duties of Master, Engineer, Deckhands and Other Crew

The crew of the vessel shall comply with and perform the duties allocated to them in their role on the vessel. This includes navigational watches as required under the *Prevention of Collisions at Sea Regulations*. The vessel is manned in accordance with the *WACoC* and *Safety Manning Regulations*.

7.3.2 Passenger Safety, Service and Comfort

The safety and comfort of passengers shall be considered at all times whilst at sea.

7.3.3 Crew Accommodation

Vessels must comply with the requirements for crew accommodation as described in the *USL Code* for the issuance of a Certificate of Survey.

7.3.4 Weather Monitoring

Where local weather conditions are worsening or likely to worsen to the point of creating a danger to the vessel, then that vessel should move to the safest available location with respect to direction of the weather and the ability of the weather and the ability of the vessel to move away from that hazard.

If the vessel is in a position of some degree of shelter and it has been considered unsafe to move the vessel, consideration should be given to moving as many if not all persons to a position of safety.



8. Specific Information for All Operators

With regard to duty of care, it is important that all charter operators ensure that there are adequate safety management systems in place to manage the safety of their vessels.

Operators should make provision to fully brief passengers on safety and ensure they are given precise instructions on emergency procedures prior to the departure on any voyage. It is highly desirable that the safety management systems and emergency procedures are available in written form for passengers to access.

In addition to the safety aspects outlined in sections 4,5,6,7 of this Code of Practice, section 8 outlines the recommended duties for the owner, master and deckhand of the vessel.

The following points listed under section 8 (function, fishing, diving and sailing) are guidelines for operation, duties include, but are not limited to, the following:

8.1 Function Cruises

(Also referred to as 'party voyages') can be described as voyages undertaken solely to provide entertainment for passengers. Such entertainment includes but is not limited to dinner, dance, wine tasting, weddings and other special occasions. The purpose is to provide facilities where patrons may enjoy their 'party' amongst a changing scenic outlook.

8.1.1 Owner's Responsibilities

Charter contracts do not preclude the owner from any of his or her responsibilities. The Owner of a vessel used for function cruises must ensure that:

- the vessel meets all health and safety regulations regarding the proper service and storage of food and refreshments;
- the company has appropriate licences for such operation, e.g. complies with the *Western Australian Liquor Control Act 1988*;
- The Master of the vessel is aware that he/she is acting as the Approved Manager for the purposes of the *Liquor Control Act 1988*; and
- all staff members involved with the preparation and serving of food and alcohol are trained in the responsible service of these.



8.1.2 Master's Responsibilities

The Master must:

- perform his/her duties as Acting Licensee of the vessel with regard to the responsible serving or supply of any alcoholic refreshments and the safety of passengers;
- ensure that any entertainer's equipment is safely stowed with particular regard to lighting effects, speakers and electrical cords;
- ensure that proper visibility is maintained for night cruising given any special lighting effects or equipment for entertaining passengers or otherwise;
- ensure that any portable heating appliances used in the serving or preparation of food are in good working order and that a fire extinguisher is close at hand during the operation of these appliances.

8.1.3 Deckhand's Responsibilities

The Deckhand must:

- highly recommended to have completed an approved Responsible Service of Alcohol course before serving alcohol;
- highly recommended to have completed a similar Food Handling course for hygiene;
- ensure safe stowage of all equipment used during the cruise with particular regard to bar, catering and entertainment equipment;
- be familiar with basic crowd control procedures.



8.2 Fishing Charters

Duties include, but are not limited to, the following:

8.2.1 Owner's Responsibilities

Charter contracts do not preclude the Owner from any of his or her responsibilities. The Owner of a vessel used for fishing charters must ensure that:

- the vessel is in a fit state to undertake the voyage and duties intended;
- there are sufficient crew and service personnel to meet the needs of the voyage and intended duties;
- the crew and service personnel are appropriately qualified, trained and likely to be fit for their nominated duties for the entire duration of the voyage;
- all equipment is in working order and maintained to a high standard;
- copies of all relevant company policies and procedures are available;
- copies of all relevant authorisations are available; and
- if food and beverages are to be serviced, refer to guidelines for function cruises.

8.2.2 Master's Responsibilities

The Master must:

- monitor and enforce the requirements relating to Fisheries regulations and any other government departments regulations relating to the area;
- ensure proper maintenance of fishing equipment and guidance of clients in the use of fishing equipment;
- monitor procedures to minimise fish slime on the deck to ensure client safety;
- brief clients in safe fishing practices, e.g. getting baited rigs from the deck to the water, safe landing, handling and release of fish;
- requirement for lookout to be kept at all times when fishing on or around reef systems or lumps; and
- should promote sustainable fishing practices.



8.2.3 Deckhand's Responsibilities

The Deckhand must:

- ensure proper maintenance of fishing equipment;
- brief clients in safe fishing practices, e.g. getting baited rigs from the deck to the water, safe landing, handling and release of fish;
- ensure that knives and gaffs have scabbards fitted when not in use and are stowed safely and provide guidance to clients in the use of fishing equipment;
- fish cleaning should only be done when sea conditions allow it to be carried out safely; and
- monitor catches in keeping with Fisheries WA Regulations.

8.3 Diving Operations

Duties include, but are not limited to, the following:

8.3.1 Owner's Responsibilities

Charter contracts do not preclude the owner from any of his or her responsibilities. The Owner of a vessel used for diving operations must ensure that:

- when the booking is made, it is the responsibility of the booking agent/owner to ensure that certification/medical documentation is sighted on the day of the charter (certification requirements include agency, level of training, currency of experience, type of experience and liability waiver);
- provide advice at time of booking on the hazards of flying after diving; and obtain emergency contact details;
- Owner has trained the crew for the management of dive charters and related incidents and should have procedures in place and have conducted employee training for controlling the following situations - diver in distress/panic on surface, unconscious on surface, diver on the surface drifting away from the vessel, missing diver (submerged), recovering an injured/unconscious diver onto the vessel, method of recalling submerged divers to the vessel, uncontrolled buoyant ascent, missed decompression stops, shark attack, crocodile attack, other stings/injuries (e.g. jellyfish, stingray), fatality (seizing and securing of equipment); and
- Owner to ensure tender vessel is appropriate for the task.

8.3.2 Master's Responsibilities

With the arrival of the clients, the following subjects should be addressed by the Master or Dive Master:

- Certification/medical documentation checks (if instructors and trainees are present, requirements to be discussed with dive supervisor);
- when extended vessel charter is offered, the following issues should be considered -crew fatigue, provisioning for extended periods, emergency management for live-aboard, dive planning that considers diver fatigue/residual nitrogen build-up and the problems of evacuation from isolated areas, review of appropriate medical supplies, seasonal weather variations (cyclonic conditions), tidal data for the area and use of onboard compressor to fill cylinders;



- protocols for stowage of equipment;
- charter program for the day (e.g. dive planning – buddy pairs, dive site brief, breathing gas requirements and surface intervals and following dives);
- decompression diving policy, dangerous marine life, night dive protocols if applicable and environmental influences (dehydration and DCS, DCI);
- an appropriate pre-dive briefing should be included in operational procedures. The following subjects may be addressed - dive plan, drop anchor/pick up mooring, guided and unguided requirements, kit-up/buddy checks, surface hand signals, review of environmental conditions at the site, dive flag in place, mermaid/shot line set, look out in position, recap on site brief/dive plan, access to a suitable lost diver procedure, including a tender or an efficient method to retrieve a diver drifting on the surface, or the ability to conduct an underwater search;
- procedures are in place for diver in distress/panic on surface, unconscious on surface, diver on the surface drifting away from the vessel, missing diver (submerged), recovering an injured/unconscious diver onto the vessel, method of recalling submerged divers to the vessel, uncontrolled buoyant ascent, missed decompression stops, shark attack, crocodile attack, other stings/injuries (e.g. jellyfish, stingray), fatality (seizing and securing of equipment); and
- significant incidents involving both divers and staff should be recorded on 'near miss' documentation (refer to Section 4.2.12 – Accident and Near-Miss Investigation Procedures).

8.3.3 Deckhand's Responsibilities

Some duties tabled under Master may be delegated to the Deckhand or Dive Master.

In relation to tender/rescue vessels, the Deckhand must be aware of:

- problems of rapidly buoying and dropping an anchor line from the principal vessel;
- dangers of starting engines/manoeuvring a charter vessel with divers in water nearby; and
- drift of their vessel in relation to dive sites frequented.



8.4 Sailing Vessels

Duties include, but are not limited to, the following:

The current *WA Marine Act* does not provide any specific requirement to possess sailing skills to operate a sailing charter vessel nor are there any survey standards provided under the Act to measure the sailing safety and integrity of the sails, spars and rigging. The following guidelines are offered for consideration by sailing charter operators;

8.4.1 Owner's Responsibilities

Charter contracts do not preclude the owner from any of his or her responsibilities. In addition to the checks on equipment usually carried out on motorised vessels, the following equipment should also be considered and regularly maintained prior to sailing, particularly for ocean-going yachts:

- Standing rigging including wires, turnbuckles and shackles
- Running rigging including lines, sheets, halyards and blocks
- Mast, booms, mainsheet traveller and fittings
- Sails, battens and sail repair kit
- Emergency wire cutting gear
- Safety harnesses complying with AS 2227 for each crewperson on deck during a watch
- Storm rig and reefing lines.

8.4.2 Master's Responsibilities

The Master must:

- ascertain client's level of experience and interest in performing sailing tasks;
- ascertain if any passengers have any medical condition or disability of which the master needs to be aware;
- procedure for exiting and re-entering cockpit and ensuring one hand is always used for "holding on" when moving on deck. Point out any hazardous deck clutter;
- explain hazards involved with safe use of mooring lines, sheets, halyards and winches. Passengers should only participate or use under instruction from master or crew;
- explain that sailing vessels will heel and advise of any safety issues;
- explain the need to stow equipment securely as the vessel will heel;
- any passenger activity participation will be under direct supervision of master or crew;
- alert all passengers to safety issues on sailing vessels, such as boom, mainsail and headsail sheets (ropes); and
- demonstrate procedures to passengers in case of emergency.



8.4.3 Deckhand's Responsibilities

Sailing charters differ generally from other types of vessel charters as their clients usually have an expectation that they will be able to enjoy the 'total sailing experience' by participating 'hands on', under direct and professional supervision, in tasks normally provided by experienced crew. The degree of passenger participation will vary, depending on each individual's level of interest, fitness, and the type of vessel and duration of the voyage. Generally most sailing charter vessels in WA are less than 16 metres in length and operate in some instances with only a Certificated Master and no employment contracted general purpose hands.

Appendix 1: Further Reading

Relevant Legislation

1. *Western Australian Marine Act 1982 (5 November 1982)*, Perth: WAGP.
2. *Western Australian Marine Act 1982 Regulations (1 July 1983)*, Perth: WAGP.
 - *WA Marine Certificates of Competency and Safety Manning Regulations*
 - *WA Marine Certificates of Survey Regulations*
 - *WA Marine Navigable Waters Regulations*
3. *Occupational Safety and Health Act 1984 (6 November 1995)*, Perth: WAGP.
4. *Occupational Safety and Health Regulations 1996 (1 October 1996)*, Perth: WAGP.
 - *Pollution of Waters by Oil and Noxious Substances (POWBONS) Act 1987*.
5. The text of the above legislation can be located on the internet at:
 - The Australian Legal Information Institute: www.austlii.edu.au
 - State Law Publisher, Government of Western Australia: www.slp.wa.gov.au/statutes/index.nsf/pt

Guidelines, Standards and Codes of Practice

1. Guidelines for the Development of Industry Codes of Practice for Approval under the *Occupational Safety and Health Act 1984 (WorkSafe 1998)*. Available online at www.worksafe.wa.gov.au
2. National Marine Guidance Manual – *Guidelines for On board Safety Training Australian Domestic Vessels*. NMSC
3. *Safety Management Guidelines for Tasmanian Passenger Carrying Vessels*. Marine and Safety Tasmania.
4. *Occupational Safety and Health Systems, AS 4801-2001. Standards Association of Australia (2001)*. Strathfield, NSW.
5. *A Basic Introduction to Managing Risks: Using the Australian and New Zealand Risk Management Standard AS/NZS 4360:2004. Standards Association of Australia (2004)*. Strathfield, NSW.
6. *Guidelines for Managing Risk in Australia and New Zealand Public Sector, HB 143:2004. Standards Association of Australia (2004)*. Strathfield, NSW.
7. *Occupational Health and Safety Systems – General Guidelines on Principles, Systems and Supporting Techniques, AS/NZS 4804:2001. Standards Association of Australia (2001)*. Strathfield, NSW.
8. *Code of Practice: Managing Noise at Workplaces (WorkSafe March 2002)*. Perth, WA: Commission for Occupational Safety and Health.
9. *Occupational Safety and Health Code for the Commercial Fishing Industry in Western Australia*. WAFIC.
10. *Fatigue Management for Commercial Vehicle Drivers – Safetyline online & 'Code of Practice: Fatigue management for commercial vehicle drivers'*
11. *Marine Orders Part 28*. Available online at www.amsa.gov.au

Other Publications

1. Taylor, G., Easter, K., & Hegney, R. (1996) *Enhancing Safety: An Australian Workplace Primer*. Perth, WA: Technical Publications.
2. Wallwork, W.J. (1964) *Report of Royal Commission in Relation to the Safety of Ships to which the Western Australian Marine Act 1948–1962 Applies and Which Proceed Outside Inland Waters and Those Aboard Them While at Sea*. Perth: WAGP.
3. *Underwater Recreational Diving Taskforce Report (1999)*. Available online at www.harvestroad.com.au/-srres/page3.html

Appendix 2: Further Information

The following table provides recommended sources of further assistance and advice:

Occupational Safety and Health Act 1984	WorkSafe Inspectorate; Safetyline online: http://www.worksafe.wa.gov.au
Western Australian Marine Act 1982	Marine Safety, Department for Planning and Infrastructure
Safety Practitioners	Safety Institute of Australia, WA Division
Ferry and Charter Boat Industry	Charter Boat Owners Operators Association
Industry Management Concerns	Commercial Passenger Vessel Advisory Committee (CPVAC), c/o Department for Planning and Infrastructure

Appendix 3: Sample Documents

- Draft Safety Management System document (page 45 - 60);
- Marine Incident Report (page 61 - 64);
- Investigation Complaint Report (page 65 - 67); and
- Witness Statement Template (page 67 - 72).

Talbot Bay – Horizontal Falls Safety Management System

Talbot Bay – Horizontal Falls Safety Management System

Background/Introduction:

The Horizontal Waterfalls, located deep within Talbot Bay in the Buccaneer Archipelago, are majestic natural wonders situated approximately 2,800 kilometres north of the Western Australian capital of Perth. There are a number of marine tourism operators who take passengers into the Falls as a unique adventure. Most marine tourism operators have done a terrific job in helping to look after this unique environment, but with annual increases in visitation to the Horizontal Waterfalls, and the promotion of adventure-based activities, there is a growing need for management outcomes that provide appropriate protection to people and the environment.

This booklet has been designed to help ensure that commercial vessels operate safely and that companies meet their duty of care and safety obligations associated with the travelling public, vessel crew and shore based staff, as well as their responsibilities in terms of the environment. Outlined below are guidelines to develop a Safety Management System (SMS) that complies with the relevant regulations and establishes safeguards against identified risks, ensures safety at sea, prevention of human injury and avoidance of damage to the marine environment. These guidelines also provide for continuous improvement of safety management skills of personnel ashore and aboard vessels, including preparing for emergencies related to safety and environmental protection.

Each Company must develop, implement and maintain a SMS which includes the following requirements:

- a Safety and Environmental Protection policy;
- instructions and procedures to ensure safe operation of vessels and protection of the environment in compliance with relevant legislation;
- define levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- procedures for reporting accidents and non-conformities;
- procedures to prepare for and respond to emergency situations, and;
- procedures for internal audits and management reviews.

The documentation should also provide general information about the Company and its operations, the number of vessels and type of operation, and their Survey Identification Numbers. There also must be contact details for the Company and the Designated Person.

1. Safety & Environmental Protection Policy:

Each Company must produce a written Safety Policy and Environmental Protection policy, which includes what the safety management objectives of the Company are, and should detail how these objectives are to be achieved. It should reflect a commitment to providing a safe and healthy workplace and comply with all applicable legislation, including (but not limited to);

- *The Occupational Safety & Health Act 1984*
- *The Western Australian Marine Act 1982*
- *POWBONS – Pollution of Water by oils and Noxious substances Act 1987*
- *Strategy for Management of sewage discharge into the marine environment*
- *Environmental Protection (Unauthorised Discharge) Regulation 2004 (or UDR)*
- *Uniform Shipping Laws Code*
- *WA Marine Act (Marine Safety) Regulations 1995*
- *WA Marine Act (Survey and Certificates of Survey) Regulations 1983*
- *Liquor Control Act 1988*

The Safety and Environmental Protection policy should include measurable objectives and targets to ensure continued improvement. Such objectives should:

- provide for safe practices in vessel operation and a safe working environment;
- establish consultative arrangements with staff as per OH&S requirements;
- establish safe guards against all identified risks; and
- continuously improve the safety management skills of personnel ashore and onboard.

The objectives can be achieved by:

- maintaining high standards of safety consciousness and protection of the environment through relevant training;
- motivating staff and promoting their participation in safety and environmental protection;
- informing all members of staff of any existing or potential hazards that may endanger them, persons in the vicinity, the vessel or the environment;
- ensuring that documented Company procedures are strictly followed; and
- continuously monitor the performance of the SMS in relation to identified targets.

The Company must ensure that all personnel are made aware of the Policy, and that their work practices reflect this policy.

2. Company Responsibilities and Authority

The Company must clearly define and document the responsibilities and authorities of all personnel, both ashore and onboard who are involved in the safe operations of the vessel, and ensure all personnel are aware of their responsibilities. This could include an organisational structure diagram of the Company, and provide a short job description and responsibilities of each person in the Company.

The Company owner has a primary interest in the vessel through the investment of money in order to return an income. The owner must ensure the vessel:

- holds all necessary licences and certification;
- has undergone and completed all statutory inspections;
- is made fit to undertake the voyage and duty intended;
- is manned by sufficient crew and service personnel to meet the needs of the voyage and intended duty;
- crew and service personnel are appropriately qualified, trained and fit for their nominated duty;
- carries sufficient equipment and supplies to meet the needs of the voyage and intended duty; and
- Master is provided with copies of all relevant company policies and procedures, licences and certificates and all relevant authorisations.

Where the vessel is operated under a lease agreement the parties to the lease must ensure that authority for the above responsibilities are clearly documented.

3. Designated Person

The Designated Person is the link between the vessel, the vessels crew and the shore- based management. The Company must appoint a designated person ashore with the responsibility of monitoring the safe operation of the vessel, and this person must have direct access to the senior management of the company, and sufficient resources and authority to carry out their duties.

The Designated Person is responsible for:

- monitoring the safety management system and reporting it if remedial action or changes to the system are needed;
- monitoring the safety and pollution prevention aspects of the vessels;
- ensuring adequate resources and shore-based support are applied, as and when required;
- training internal auditors;
- drawing up the year's audit schedule;
- appointing internal auditors, and;
- liaising with external auditors for office and vessel audits.

4. Master's Responsibility and Authority

The Master of the vessel is the employed representative of the Company owner while the vessel is 'at sea' and has the final authority with regard to any action taken on board the vessel whilst 'at sea'. He/She may deviate from documented procedures if human life, property or the environments are at risk. In these matters, the Master shall report directly to the Designated Person.

The Master is responsible for:

- implementing the Safety and Environmental Protection policy;
- motivating crew in carrying out the Company's Safety and Environmental Protection policy;
- reviewing safety and pollution prevention activities and reporting defects to the Company;
- issuing orders in a concise and clear manner;
- reporting non-conformities, accidents and hazardous occurrences to the office;
- liaising with the Designated Person in relation to onboard audits, and
- evaluating and reviewing the SMS on board the vessel and reporting any deficiencies to the office.

The Master must ensure that before the vessel is underway:

- copies of all necessary licences and certification are onboard and current;
- the vessel is in a fit state to undertake the voyage and duty intended;
- there are sufficient crew and service personnel to meet the needs of the voyage and intended duty;
- the crew and service personnel are appropriately qualified, trained and likely to be fit for their nominated duty for the entire operation of the voyage;
- there is sufficient equipment and supplies to meet the needs of the voyage and intended duty;
- is familiar with the location of all life saving equipment and is competent to use that equipment;
- copies of all relevant company policies and procedures, and authorizations are available; and
- the weather is suitable for the journey to be made.

5. Resources and Personnel

The success of the SMS depends on the Company making available the appropriate resources and personnel to implement and maintain the system. The Company must determine and provide the resources needed to implement and maintain the SMS and meet the objectives of the SMS Policy, and to continue to improve its effectiveness.

The Company must also determine:

- qualifications and number of personnel to safely operate the vessel with regard to established limits set by the Authority, the Department for Planning and Infrastructure; and
- procedure for training all personnel. Needs to address the means used to assess the training needs of personnel, the methods used to assess competency and it needs to layout the records that will be kept, in what form, where and for how long. All crew need to hold a current Remote Area First Aid Certificate and attain an Elements in Shipboard Safety Certificate. As Talbot Bay is a remote area, regular refresher courses should be undertaken. All new staff should be provided with induction training that should address issues such as company procedures and policies, use of equipment, emergency and other special drills, responsibility and authority.

6. Operational Procedures

Procedures need to be developed and documented for the normal operation of the vessel to enable the organisation to plan to meet its obligations, to provide assistance to the personnel, as well as provide records for external audit. The procedures must be developed in conjunction with the OH&S consultation requirements, where all risks must be identified and appropriate controls implemented as required.

There are many types of operational procedures:

- Berthing (preparation for berthing, anchoring, mooring, operating tenders, shore trips, disembarking, securing vessel)
- Preparation (crew briefing, maintenance checks, refuelling, start-up, pre-departure checks, passenger briefing)
- Voyage (navigating safely, watch keeping, communication, assessing sea/weather conditions, operating in restricted visibility)
- Operations (specific operations, lifting devices, towing, working aloft)
- Hazards (identification, analysis, control)
- Managing environmental risks (disposal of sewage, disposal of garbage, disposal of waste oil, disposal of grey water, pumping bilges, noise pollution).

A procedure can be documented by many means, such as written, videotape or photographs. The procedure should show the steps to be taken to conduct that operation. For each procedure, records must be retained for a minimum of five years for monitoring and continual improvement of the SMS.

7. Emergency Procedures

Emergency procedures need to be developed and documented so that personnel both onboard and shore based are aware of what to do, and can practice for emergency situations. Crewmembers must carry out scheduled drills to improve the competence and confidence of the vessel crew and shore based staff to ensure that the procedure and resources meet the required performance standards. Records must be maintained (for at least five years) for:

- Fire
- Vessel Evacuation
- Man overboard/Search and Rescue
- Spillage of fuel/cargo
- Serious injury/Medical emergency.

The results of Emergency drills need to be assessed on board the vessel at the conclusion of the drill, and during management review. Procedures for mobilising the Company's response team and procedures for establishing and maintaining contact between ship and shore management also needs contingency plans.

Fuel spill –

The fuel spill emergency procedure section should outline the following:

- organisation's policy regarding marine environmental protection not just restricted to fuel and oil spills but marine pollution in general, ie. Sullage, litter, cleaning etc;
- objectives eg. No spills from vessels refuelling; no spills or leaks from storage of fuel and oil; no spills from hydraulic equipment on boats or equipment working near or in the marine environment;
- communication channels for incidents – who needs to be called, and who takes control of the incident;
- what determines the level of response to an incident. Tiered response;
- what equipment is available and where is it located. Reference to procedural document regarding use of specific pieces of equipment;
- reporting – the Department for Planning and Infrastructure's Marine Pollution Reports (include POLREP form in Appendix C);
- maintenance of the plan – who reviews and updates the emergency procedures;
- who is responsible for making sure all personnel are trained appropriately; and
- record the spillage and action taken in the Vessel Log Book.

Vessel capsize/Injury must take into consideration:

- How person would be retrieved
- How an incident could be communicated and to whom
- How could people who are in the water be safe from hazards such as crocodiles
- Where injured persons would be taken
- First aid available
- Time taken for medical aid to arrive.

8. Reporting and analysis of non-conformities, accidents and hazardous occurrences

Because tourism operators are regularly out on the water, the tourism industry has a vital role in reporting incidents. An incident is really anything you see that you don't think should be happening. It could be someone littering, taking more than the group size to a location, not using a booking system, operating without a permit or fishing in a green zone. Even minor reports will eventually add up to make a larger story.

It is important that all incidents are reported so they can be analysed, the cause identified and procedures changed to prevent recurrence. The results of investigations must be conveyed back to the employees and relevant stakeholders, and the records must be maintained for at least five years.

The SMS documentation must document the system used for reporting non-conformities, accidents and hazardous occurrences, and must also document the methods used to:

- Analyse incidents
- Determine root causes
- Correct the appropriate procedures
- Convey the results to the relevant people, and train them new procedures.

It is recommended that individual businesses apply the principles of risk management – in the simplest form it prompts organisations to methodically 'self assess' for risk within their own operations. Risk management involves three steps – identifying the problem (hazard identification), determining how serious the problem is (risk assessment), and deciding what needs to be done to solve the problem (risk control). The aim of hazard identification is to produce a comprehensive list of all possible hazards. See Appendix B – Risk Assessment – Risk Mitigating Factors.

Table 1: An example of a list of hazards

General Hazard	Description	Incident/Accidental Event
Impacts and collision	Being on a collision course, or breaching the separation distance between vessels or approaching a stationary object with speed	Vessel on collision course; approaching berth with speed; striking while at berth
Vessel related	Hazards related to vessel specific operations and/or equipment	Flooding; anchoring failure; loading/overloading; mooring failure
Navigation	Potential for a deviation of the vessel from its intended route or designated channel	Navigation error, pilotage error
Manoeuvring	Failure to keep the vessel on the right track, or to position vessel as intended	Loss of steering; propulsion failure; blackout; fine manoeuvring error
Fire/explosion	Fire or explosion on vessel	Fire/explosion; fire in accommodation; fire in engine room; other fires
Environmental	Weather exceeds vessel design criteria, or harbour operations criteria	Extreme weather; wind exceeds criteria; strong currents

The Hazard Identification process must look at the whole system of work, including previous accidents and incidents, consulting with personnel performing the work, and reviewing the work process that are currently used.

Once a hazard has been identified it is necessary to determine how likely it is that an incident may occur, and what the consequences would be. This determines the overall risk of the hazard. The OH&S legislation requires that controls be put in place to reduce risk.

9. Maintenance

Vessels and their equipment must be maintained at all times and conform to survey rules and regulations. Emergency equipment must be tested periodically to ensure it will operate in an emergency. The SMS must include, or refer to a maintenance schedule for the machinery, hull, equipment, life saving and fire fighting equipment. The schedule must be based on both manufacturers' recommendations and on legislative requirements. It must also document the methods used to evaluate and select suppliers, and record the conducting of, and results of all maintenance actions.

10. Documentation

The SMS must include a procedure for the control of SMS documentation, so that the appropriate documents are available at all relevant locations, changes to the documents are reviewed and approved by relevant personnel and obsolete documents are promptly removed.

Records must be legible, identifiable and traceable to the activity involved, and should be stored in such a way that they are readily retrievable and protected against damage, deterioration or loss. The SMS system must document the process used to review, approve, distribute and control the SMS documentation.

Record Keeping:

- Vessel Log Book – stored on the vessel, and may include emergency drills conducted, procedure audits, voyage details, passenger details, incidents and maintenance records.
- Crew Details – records of the names and contact details of all crew, as well as their qualifications and training records. Usually maintained in the shore facilities.
- Passenger Log – log of passengers must be maintained on the vessel of all voyages. The level of detail will be dependent on the operation of the vessel.
- Incident Reporting – the Vessel Log Book could be used to record all incidents. Examples of what needs to be recorded includes accidents, near misses, fires, explosions, injuries, pollution incidents. Each incident report should identify what has occurred, where, when, who was involved and what immediate action was taken to address the incident. Records of the analysis of the incident should also be maintained, along with the corresponding actions taken, and these records are typically maintained in shore based facilities.
- Engineering Record Book – records of maintenance and repair of machinery and equipment must be maintained. The Vessel Log Book can also keep these records.
- Emergency Drills – conduct and results of emergency drills need to be maintained, generally in the Vessel Log Book, as well as the schedule for the drills. If the results of the drills do not meet required standards then the records need to show immediate actions taken to rectify the situation.

11. Company verification review and evaluation

Periodic review of the SMS is vital to ensure that it is meeting its objectives and reflects the current practice, and is being followed. The company must conduct periodic audits of the system to verify that the SMS is being implemented and the procedures are suitable to achieve the objectives.

The internal audits need to determine whether the SMS is meeting the requirements of the SMS code and the requirements of the Company. The results need to be considered in management reviews and required changes made.

Attached is a risk assessment checklist. Each point (where applicable) should be ticked prior to any operations taking place. This list is not exhaustive, but provides a starting point of what needs to be checked every time a vessel is to be used.

Risk Management Checklist

Checklist	Description	Tick
Emergency Preparation		
Assembly stations	There is a process for checking that all people onboard can be accounted for and readied for further emergency actions	<input type="checkbox"/>
Person overboard	Crew are practised at recovering a person from the water	<input type="checkbox"/>
Fire	There is an organised response to a fire in any area of the vessel	<input type="checkbox"/>
Collision/ grounding	There is an organised response for actions following a collision or grounding	<input type="checkbox"/>
Flood	Crew are practised at response to a flood situation	<input type="checkbox"/>
Abandon ship	There is an organised response to a decision to evacuate the vessel	<input type="checkbox"/>
Severe weather	There is a plan to secure the vessel in the event of severe weather	<input type="checkbox"/>
Serious injury/medical emergency	There is a plan to provide medical assistance, obtain expert advice and provide evacuation	<input type="checkbox"/>
Seamanship		
Preparing for sea	The readiness of the vessel and crew and, the weather and crew are systematically checked prior to commencing operation	<input type="checkbox"/>
Watch keeping	Manning and layout arrangements allows a safe watch to be kept at all times	<input type="checkbox"/>
Communications	The communications equipment is adequate, is in good order and working. It is regularly tested	<input type="checkbox"/>
Navigation	Navigation equipment is adequate, is in good order and watch keepers are competent with its use. It is regularly tested	<input type="checkbox"/>
Search and rescue	Crew are trained at carrying out their duties should the vessel be involved in a search and rescue incident	<input type="checkbox"/>
Restricted visibility	The vessel crew are trained and practised at operating the vessel in restricted visibility	<input type="checkbox"/>
Management of watertight integrity	Arrangements to prevent uncontrolled flooding are understood by each crew member	<input type="checkbox"/>
Dangerous good and hazardous material	The carriage of dangerous goods and hazardous materials is managed to minimise risk to the people, vessel or the environment	<input type="checkbox"/>

Checklist	Description	Tick
Manoeuvring and steering	Crew is practised at alternative steering arrangements	<input type="checkbox"/>
Mooring	Crew is practised at mooring the vessel	<input type="checkbox"/>
Anchoring	Crew is practised at anchoring the vessel	<input type="checkbox"/>
Towing	The crew are practised at rigging a tow	<input type="checkbox"/>
Transferring people to and from the vessel	Each crew member is practised at transferring people to and from the vessel	<input type="checkbox"/>
Operating boats and tenders	Crew required to work in boats and tenders have been trained in their safe operation. See Appendix A for everyday requirements.	<input type="checkbox"/>
Working aloft or over the side	All crew understand the precautions when working aloft or over the side	<input type="checkbox"/>
Working with lines	All crew understand the dangers and know how to work with lines under strain	<input type="checkbox"/>
Passenger safety briefing	Passengers are provided with safety information to enable them to minimise their exposure to risk. See Appendix A for everyday requirements	<input type="checkbox"/>
Machinery & Maintenance		
Operating machinery	Crew are trained in the safe use of machinery as appropriate to their duties	<input type="checkbox"/>
Refuelling	Any risk of pollution is minimised whilst refuelling	<input type="checkbox"/>
Pumping of bilges	Arrangements permit the bilges to be kept clean and oil free to prevent the discharge of oil overboard	<input type="checkbox"/>
Maintenance of the vessel and machinery	There is a regular system of maintenance to ensure the vessel and machinery are in safe, working order	<input type="checkbox"/>
Enclosed spaces	All crew understand the dangers of enclosed spaces on board and wherever else their duties may require them to work. They understand the precautions before entering	<input type="checkbox"/>

Checklist	Description	Tick
Environment		
Disposal of garbage	Garbage is routinely disposed of as required by law	<input type="checkbox"/>
Disposal of waste oil	Waste oil is routinely disposed of as required by law	<input type="checkbox"/>
Disposal of sewage	Sewage is routinely disposed of as required by law	<input type="checkbox"/>
Noise pollution	Noise from a vessel is minimised and managed as required by law	<input type="checkbox"/>
Air pollution	Crew with responsibilities for operating machinery understand the importance of maintaining clean exhausts	<input type="checkbox"/>
Anchoring on or near sensitive environments	Damage to sensitive environments through anchoring or other operations is minimised	<input type="checkbox"/>
Administration		
Records	Records are kept of the identity of each crew member as required by the Authority. Passengers on board can be accounted for.	<input type="checkbox"/>
Record keeping	A log in an appropriate form is maintained along with other required records	<input type="checkbox"/>
Incident reporting	Incidents are reported as required by the Authority	<input type="checkbox"/>
Identification of hazards	All spaces on the vessel and the upper deck are routinely checked for slip and trip hazards and hazards to people	<input type="checkbox"/>
Crew training and responsibilities	<ul style="list-style-type: none"> • Each crew member understands their duties and is trained to competently perform their duties • Onboard Safety Training (induction training) and drills have been carried out and are recorded 	<input type="checkbox"/>
Record keeping	Records are kept of the routine operation of the vessel	<input type="checkbox"/>

Appendix A – Every trip checklist required to be completed before traversing the Falls

Checklist	Description	Tick
Operating tenders	<ul style="list-style-type: none"> • Check fuel, oil and steering fluid oils • Ensure vessels machinery is in working condition and is safe to operate, and all equipment is tested/checked before departure (CBUHF/VHF radio equipment and mobile phone) • All safety equipment is on board and in working order • Start motor and visually check it is operating correctly • Check forward and astern gears and helm lock to lock • Ensure that passenger number limits are adhered to at all times • When vessel is moored along side Mothership, ensure the vessel is secured to prevent any damage occurring • Prior to traversing the Falls, the small craft operator has made contact with all other vessels in the area to ensure rescue arrangements. • Rescue tender or other arrangements are on standby 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Passenger safety briefing	<ul style="list-style-type: none"> • Passengers are provided with safety information to enable them to minimise their exposure to risk • A safety briefing card is on the boat and readily available to any passenger who may have difficulty in understanding a verbal briefing (recommend the briefing card be in English, Japanese, Korean, Mandarin, German, Italian and Spanish, as appropriate) • All passengers are wearing life jackets – these can be PFD type 1 or 2 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Weather and Tidal considerations	<ul style="list-style-type: none"> • Check state of tide and flow before entering the gap • Ensure weather conditions are favourable • Ensure consideration has been given to the time taken for transit and safe exit from the Falls area 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Appendix B – Risk Assessment – Risk Mitigating Factors- Traversing the Falls

Human Risk Factors		Points	Score
Passengers	Elderley	10	
	Young	5	
Skipper and crew	Doesn't feel comfortable about conditions	15	
	Some reservations	10	
	Satisfied with conditions	5	
Standby and rescue options			
	Other arrangements in case of emergency	15	
	Vessel alongside Mothership prepared for rescue	10	
	Vessel standing by and ready to go	5	
Communications			
	Other arrangements in case of emergency	15	
	Mobile and or Radio in wheelhouse of Mothership not specifically monitored	10	
	Mobile and or Radio working and manned at each end by a responsible person	5	
Environmental Conditions			
Wind conditions	High winds > 30 knots	15	
	Moderate winds 15 – 30 knots	10	
	Light winds < 15 knots	5	
Tide state	Spring	15	
	Neap	5	
	Ebb	10	
	Flood	5	
Tidal movement	Extreme	15	
	Moderate	10	
	Slack	5	
TOTAL – Mitigating factors			

Less than 50 points = No restrictions on vessel movement
50 to 70 points = Serious consideration to be given to proceeding
70 points or more = No vessel movement permitted



Marine Pollution Report (POLREP)

Return completed form to:
Marine Environment Protection Unit
Department for Planning and Infrastructure
Email: marine.pollution@dpi.wa.gov.au and rccaus@amsa.gov.au
Phone (08) 9480 9924
Fax: (08) 9216 8982

INCIDENT DETAILS

Date of Incident: _____ Time of Incident (24 hr format): _____

Location name/description: _____

Incident Coordinates Latitude of spill _____ Longitude of spill _____

Format of coordinates used (select one) Degrees & decimal degrees Degrees, minutes & decimal minutes Degrees, minutes & seconds

Description of Incident: _____

POLLUTION SOURCE

Vessel Land (Specify) _____ Other (Specify) _____ Unknown

Vessel type (if known) Tanker Container Bulk Cargo
 Fishing Defence Recreational Other (Specify) _____

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Vessel name: _____ Flag State / Callsign: _____ Australian vessel? Yes No

POLLUTANT

Oil (type) Bilge Diesel HFO bunker Crude Unknown Other (Specify) _____

Chemical Name: _____ MARPOL cat / UN Nos: _____

Garbage Details/description: _____

Packaged Details/description: _____

Sewage Details/description: _____

Other Details/description: _____

EXTENT

Size of spill (length & width in metres): _____

Amount of pollutant, if known (litres): _____

Has the discharge stopped? Yes No Unknown

Weather conditions at site: _____

Photos taken Details: _____ held by: _____

Video taken Details: _____ held by: _____

Samples taken Description: _____ held by: _____

Items retrieved Description: _____ held by: _____

ADDITIONAL INFORMATION

Response action undertaken? Yes No If yes, provide details below, please include any environmental impact.

Equipment used? AMSA State / NT Industry
Is assistance for an investigation required from DPI Yes No

ORIGINAL REPORT SOURCE

Name: _____ Position: _____ Phone: _____
Combat agency: _____ Statutory agency: _____

SENDER DETAILS

Name: _____ Agency: _____ Date: _____
Phone: _____ Fax: _____ Email: _____

PRIVACY STATEMENT

*The Department for Planning and Infrastructure is collecting the information on this form to enable it to carry out its role as managing agency of the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances.
The Department for Planning and Infrastructure and/or AMSA may give some or all of this information to other government bodies, non-government organisations who have responsibilities under the National Plan, and law enforcement agencies.*



Marine Incident Report

Western Australian Marine Act 1982 — 64 (3) (c), 64 (5)

Instructions for Completion of Form

Complete and return within 7 days of incident to;

General Manager Marine Safety

Department for Planning and Infrastructure,
PO Box 402,
Fremantle, W.A. 6959

Telephone: 08 9216 8999
Facsimilie: 08 9216 8982

Complete each section by placing an "X" in the appropriate box(es).

Boat Name: _____

Registration /LFB / SPV No: . _____

PLEASE PRINT FULL NAME AND ADDRESS OF PERSON COMPLETING REPORT

Name: _____

Address: _____

Date: _____ Signature: _____

INCIDENT DESCRIPTION

Date: _____ Time: _____ Location: _____

TYPE OF INCIDENT

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> COLLISION | <input type="checkbox"/> GROUNDING | <input type="checkbox"/> STRUCTURAL FAILURE | <input type="checkbox"/> OTHER INCIDENT |
| <input type="checkbox"/> Of vessels | <input type="checkbox"/> Intentional | <input type="checkbox"/> LOSS OF STABILITY | <input type="checkbox"/> Hit by propeller / vessel |
| <input type="checkbox"/> With a fixed object | <input type="checkbox"/> Unintentional | <input type="checkbox"/> FIRE | <input type="checkbox"/> Skiing incident |
| <input type="checkbox"/> With a floating object | | <input type="checkbox"/> EXPLOSION | <input type="checkbox"/> Parasailing incident |
| <input type="checkbox"/> With an animal | <input type="checkbox"/> CAPSIZING | <input type="checkbox"/> PERSON OVERBOARD | <input type="checkbox"/> Diving incident |
| <input type="checkbox"/> With overhead object | <input type="checkbox"/> SINKING | <input type="checkbox"/> ONBOARD INJURY | <input type="checkbox"/> Other incident caused by operating vessel |
| <input type="checkbox"/> With submerged object | <input type="checkbox"/> SWAMPING | <input type="checkbox"/> Falls within vessel | <input type="checkbox"/> Other |
| <input type="checkbox"/> With wharf | <input type="checkbox"/> FLOODING | <input type="checkbox"/> Crushing / pinching | _____ |
| | <input type="checkbox"/> LOSS OF VESSEL | <input type="checkbox"/> Other onboard injury | |

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ENVIRONMENTAL CONDITIONS

- | | | | |
|---------------------------------|---|--|-------------------------------|
| WEATHER | WATER | WIND | VISIBILITY |
| <input type="checkbox"/> Clear | <input type="checkbox"/> Calm | <input type="checkbox"/> None | <input type="checkbox"/> Good |
| <input type="checkbox"/> Hazy | <input type="checkbox"/> Choppy | <input type="checkbox"/> Light (1>8 knots) | <input type="checkbox"/> Fair |
| <input type="checkbox"/> Cloudy | <input type="checkbox"/> Rough | <input type="checkbox"/> Moderate (8>15 knots) | <input type="checkbox"/> Poor |
| <input type="checkbox"/> Rain | <input type="checkbox"/> Very rough | <input type="checkbox"/> Strong (15>30 knots) | |
| <input type="checkbox"/> Flood | <input type="checkbox"/> Strong current | <input type="checkbox"/> Storm (over 30 knots) | |
| <input type="checkbox"/> Fog | | | |

LOCATION

- | | |
|--|--|
| <input type="checkbox"/> Inland waters | <input type="checkbox"/> Inshore waters |
| <input type="checkbox"/> Enclosed waters | <input type="checkbox"/> Offshore waters |

SEVERITY

- | | |
|---|---|
| <input type="checkbox"/> Fatal incident | <input type="checkbox"/> Major damage |
| <input type="checkbox"/> Serious injury | <input type="checkbox"/> Moderate damage |
| <input type="checkbox"/> Vessel lost | <input type="checkbox"/> No damage |
| | <input type="checkbox"/> Property damage only |

OPERATION AT TIME OF INCIDENT

- | | | |
|-----------------------------------|--|---|
| <input type="checkbox"/> Underway | <input type="checkbox"/> Being towed | <input type="checkbox"/> Fishing |
| <input type="checkbox"/> Berthing | <input type="checkbox"/> Drifting | <input type="checkbox"/> Diving |
| <input type="checkbox"/> Skiing | <input type="checkbox"/> At anchor | <input type="checkbox"/> Swimming |
| <input type="checkbox"/> Racing | <input type="checkbox"/> Tied to berth | <input type="checkbox"/> Other (<i>specify</i>) _____ |
| <input type="checkbox"/> Towing | <input type="checkbox"/> Fuelling | |

VESSEL DETAILS

Vessel Length: _____ (metres)

COMMERCIAL

- Passenger
- Non-passenger
- Fishing vessel
- Hire and drive vessel

RECREATIONAL

- Motor boat
- House boat
- Paddle (*row*) boat
- PWC (*jet ski*)
- Sailing boat
- Other _____

HULL MATERIAL

- Steel
- Fibreglass / GRP
- Aluminium
- Ferro-Cement
- Timber
- Other _____

OTHER VESSELS INVOLVED

Vessel Length: _____ (metres)

COMMERCIAL

RECREATIONAL

Type of Vessel: _____
(use the codes above to identify type of vessel)

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CONTRIBUTING FACTORS – ENVIRONMENTAL

- | | |
|---|---|
| <input type="checkbox"/> Restricted visibility | <input type="checkbox"/> Wind / sea state |
| <input type="checkbox"/> Bar conditions | <input type="checkbox"/> Tidal conditions |
| <input type="checkbox"/> Wash of passing vessel | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Floating or submerged object _____ | |

MATERIAL FACTORS – EQUIPMENT

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Inadequate stability | <input type="checkbox"/> Machinery |
| <input type="checkbox"/> Equipment failure | <input type="checkbox"/> Hull failure |
| <input type="checkbox"/> Electrical | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Navigation | |

DETAILS OF PERSON IN CHARGE

Family Name of Person In Charge: _____ Other Names: _____

Address: _____

Telephone Number (*after hours*): _____ Telephone Number (*business hours*): _____

Email: _____ Age: _____ (Years) Gender: Male

Number of Persons On Board: _____ Female

QUALIFICATIONS

Type of Certificate or Licence: _____

Issue Date of Certificate or Licence: _____

OFFICE USE ONLY

Validity of Qualifications Valid Not Valid Not Required

DETAIL OF PERSON AT THE HELM

Was the person at the helm the person in charge?

Yes if "Yes", please go to the next section below

No if "No", was the person

A Passenger

B Crew

Give full details

Family Name of person at helm: _____ Other Names: _____

Address: _____

Telephone Number (after hours): _____ Telephone Number (business hours): _____

Age: _____ Years

Gender Male

Female

Number of people on board at the time of the incident: _____

QUALIFICATIONS

Type of Certificate or Licence _____

Issue Date of Certificate or Licence _____

OFFICE USE ONLY

Validity of Qualifications

Valid

Not Valid

C Not Required

DETAILS OF ANY INJURIES

If Injury Code is "B" or "C" then provide a brief description.

Use the codes below to complete the table e.g. ⇨

INJURY CODE

A Fatal B Serious C Minor D None

ACTIVITY CODE

A Passenger F Water Skier
 B Person in Charge G Jet Skier
 C Person at Helm H Para-flier
 D Crew I Surf ski/board rider
 E Swimmer J Diver
 K Other

Injury Code	Activity Code	Male	Female	Age
B	D	✓		27

LOCATION OF VESSEL FOR INSPECTION

FOR OFFICE USE ONLY

- Alcohol or drugs
- BAC of deceased: _____
- Error of judgement
- Excessive speed
- Failure to keep a proper lookout
- Fatigue
- Inexperience
- Insecure mooring
- Lack of fuel
- Lack of maintenance
- Navigational error
- Overloading
- Other human factors
- Unknown

INCIDENT DESCRIPTION

Use the space below to provide a full description (including a diagram) of the incident and events leading up to the incident.
(if insufficient space, provide a separate page)

Description of damage to vessel:

Description of incident:

Diagram of incident:



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DECLARATION (To be signed by person completing incident report)

I declare that the information provided by me in this incident report is true to the best of my knowledge and belief and that I have made this report knowing that if it is tendered in evidence I will be guilty of a crime if I have wilfully included in this report anything which I know to be false or that I do not believe to be true.

Signed: _____ Print Name: _____

Witness: _____ Print Name: _____
(must be witnessed by persons 18 years or over)

Date: _____



MARINE SAFETY COMPLAINT REPORT

Complete and return form to:

Investigations Unit

Department for Planning and Infrastructure
PO Box 402, FREMANTLE WA 6959
Facsimile: 9216 8982

DATE AND TIME OF INCIDENT OR COMPLAINT

Date: Day _____ Month: _____ Year _____

Time: AM/PM

NATURE OF COMPLAINT *(Please Tick One)*

- Speeding
 Skiing
 Noise
 Navigation
 Nuisance
 Freestyling
 Other *(Please Describe)* _____

DETAILS OF PERSON MAKING COMPLAINT

Date of Birth: _____ Gender: Male Female

Family Name: _____ Other Names: _____

Address: _____ Suburb: _____ Postcode: _____

Telephone Home: _____ Telephone Work: _____

Telephone Mobile: _____ Email: _____

Your Vessel Registration/ID Number: _____

Marine Qualifications Held *(if applicable)*

Type of Certificate or Licence: _____ Issue Date: _____

OFFENDING VESSEL DETAILS

Registration / ID No: _____ Number of people on board: _____

Commercial

- Passenger
 Non-passenger
 Fishing vessel
 Hire and drive vessel

Recreational

- Motor boat
 House boat
 Paddle (row) boat
 PWC *(jet ski)*
 Sailing boat
 Other _____

Colour/Description: _____

Construction material: _____

LIST WITNESSES TO INCIDENT / COMPLAINT *(If insufficient space available please attach separate sheet with Witness details)*

Name	Address	Telephone Contacts
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

INCIDENT DESCRIPTION

Use the space below to provide a full description (including a diagram) of the incident and events leading up to the incident.
(if insufficient space, provide a separate page)

Location of Incident

Lat / Long (If Applicable) _____ ° _____ ' _____ " South _____ ° _____ ' _____ " East

Description of incident: _____

Diagram of incident:

North



DECLARATION (To be signed by person completing incident report)

I declare that the information provided by me in this incident report is true to the best of my knowledge and belief and that I have made this report knowing that if it is tendered in evidence I will be guilty of a crime if I have wilfully included in this report anything which I know to be false or that I do not believe to be true.

Signed: _____ **Print Name:** _____

Witness: _____ **Print Name:** _____

(must be witnessed by persons 18 years or over)

Date: _____

THIS SECTION MUST BE COMPLETED

Additional Statement of Complainant Attached.

Yes No

Additional Statement of Witness/s Attached.

Yes No

Complainant must be willing to appear in court as a witness if required.

Yes No

DPI OFFICE USE ONLY

Officer Receiving Complaint: _____ DPI File Reference: _____

STATEMENT OF WITNESS

Surname _____ Given Names _____

Date of Birth _____ Occupation _____

Address _____

Telephone: Wk _____ Priv _____

Mobile _____

Subject: _____

Signature of Witness _____

Date _____

Witness (To Signature) _____

Witness Full Name _____

Page Number ___1___

STATEMENT OF WITNESS

Surname _____ Given Names _____

Date of Birth _____ Occupation _____

Address _____

Telephone: Wk _____ Priv _____

Mobile _____

Subject: _____

Signature of Witness _____

Date _____

Witness (To Signature) _____

Witness Full Name _____

Page Number ___2___

STATEMENT OF WITNESS

Surname _____ Given Names _____

Date of Birth _____ Occupation _____

Address _____

Telephone: Wk _____ Priv _____

Mobile _____

Subject: _____

Surname _____ Given Names _____

I declare that this statement is true to the best of my knowledge and belief and that I have made the statement knowing that if it is tendered in evidence I will be guilty of a crime if I have willfully included anything I know to be false or that I do not believe is true.

I also acknowledge and accept that this Statement and any other evidence or confessional material that I have provided in relation to this matter may be fully disclosed as may be requested by the Courts.

Signature of Witness _____

Date _____

Witness (To Signature) _____

Witness Full Name _____

Page Number ___3___

STATEMENT OF WITNESS

Surname _____ Given Names _____

DIAGRAM OF INCIDENT

Signature of Witness _____

Date _____

Witness (To Signature) _____

Witness Full Name _____

Page Number ___4___



Department for Planning and Infrastructure
Government of Western Australia

The Ferry and Charter Boat Industry Code of Practice

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All enquiries to:

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Department for Planning and Infrastructure

1 Essex Street

Fremantle 6160

Western Australia

Phone: 08 9216 8999

Email: Marine.Safety@dpi.wa.gov.au

Website: www.dpi.wa.gov.au/imarine

MARINE
Safety
Supporting WA's Boating Community

CODE OF PRACTICE