Tell us how we could improve safety on passenger vessels

This paper outlines key considerations for improving passenger safety on domestic commercial vessels.

The paper invites your responses to a number of guiding questions. You do not need to answer all of the questions and you are also welcome to provide general feedback.

Email us: consultation@amsa.gov.au

Make an online submission: amsa.gov.au/news-community/consultation

Call us: 1800 627 484 (within Australia) or +61 2 6279 5000 (outside Australia)

Mail: AMSA Consultation, GPO Box 2181, Canberra ACT 2601

Please provide your comments by 20 October 2019.

Why are we seeking feedback?

In light of fatal and serious non-fatal incidents, we want to identify any opportunities to enhance safety in the following key areas:

- **monitoring and accounting for passengers on board vessels**
- **preventing passengers from falling overboard**, and
- **in the event a passenger does fall overboard—ensuring they can be retrieved quickly and safely.**

These matters are primarily the responsibility of the vessel operator and master to deal with in the vessel's safety management system. Additional prescription is imposed through the certificate of operation, which is mandatory for all passenger vessel operators. However, some stakeholders have suggested that more specific requirements are required.

We will consult again on any regulatory changes that may be proposed as a result of feedback we receive through this consultation process.

In Australia, operators of vessels that carry passengers need to meet a range of safety requirements that are generally above and beyond those that apply to non-passenger vessels. This is consistent with the way passenger vessels are regulated in many other countries, including the United States and the United Kingdom. This approach is designed to ensure that all parts of the operation—including crewing, design and construction, passenger monitoring procedures, and carriage of safety equipment—are geared toward putting passenger safety at the forefront.

Who may be interested in providing feedback?

People who own, operate and work on passenger vessels are crucial to ensuring safety. We want to hear from them about their operations, what they do to ensure safety and any ideas they may have about practical improvements that could be implemented.

Equally, passengers on these vessels or members of the public may also wish to tell us about their own expectations for safety and the kinds of measures that they would like to see in place.

Throughout this document, we have briefly summarised existing requirements and provided a number of examples and suggestions to improve or strengthen safety outcomes in the three key areas, with a focus on doing this through the operator's safety management system. We have also posed a number of questions on which your feedback is sought, and we particularly welcome further examples or suggestions, and practical examples based on your own experience.

We are interested in:

- understanding if or how these key areas are currently being addressed in passenger vessel operators' safety management systems
- whether safety management systems are the best place to deal with these key areas, through risk assessment and implementing supporting procedures, or
- whether additional prescriptive regulation is required.

Recent incidents

A passenger on a charter cruise died after he likely fell off a passenger vessel during a voyage. The passenger's absence was not noticed until he failed to return home to his family. On this vessel, passengers were travelling on an open deck with low guard rails in relatively rough conditions.

While the requirement that two head counts be undertaken was set out in the vessel's safety management system, a physical head count may not have been appropriate given the number of passengers. Additionally, it appears that the results of the head count were incorrectly recorded.

There have also been a number of recent incidents where passengers have jumped off passenger vessels, with and without the knowledge of the master and crew, creating a danger to themselves and other passing vessels. In one instance, a passenger who had jumped off had to be retrieved from the water by a passing recreational vessel.

Enhancing safety management on passenger vessels

All passenger vessel operators are required to put in place a safety management system that ensures the safety of the vessel and its operations so far as reasonably practicable. Masters of passenger vessels must implement and comply with the safety management system so far as reasonably practicable.

The safety management system should set out how the operator and master will ensure that passengers will be kept safe, and include detailed procedures for doing so. While regulations set out some areas where procedures are required and what they must address, other areas are left to the operator and master to determine on the basis of a risk assessment.

We undertake a range of compliance and enforcement activities in relation to passenger vessels, including routine inspections and checks of safety management systems.

We already take a range of steps if we inspect a vessel that carries passengers, and the safety management system does not adequately address passenger safety, or the operator is not complying with existing conditions on the certificate of operation.

These actions may include education, warning, directions, improvement notices or prohibition notices. We are also able to impose specific conditions related to passenger safety on a certificate of operation when it is first issued, while it is in force and on renewal. In the case of serious breaches putting safety at risk, we can take action to suspend or revoke certificates, issue fines or prosecute in court.

Key area 1: Monitoring and accounting for passengers

Currently, the master of a passenger vessel must ensure that at least one headcount is conducted, and must know how many people are on board at any time. A logbook must be kept for a passenger vessel. We are interested in your views on whether the safety management system should be required to set out specific methods or procedures for monitoring passengers, including whether a minimum of two headcounts be conducted.

There are different methods for accounting for passengers which may be passive—like conducting a headcount or using a clicker—or active—including roll calls, tagging or signing systems. In general, passive counts require little participation from passengers, but are more prone to error. Active counts can be more time consuming but are less prone to error.

Under a safety management approach to accounting for passengers, it is a matter for operators to determine whether an active or passive method is the most effective means of accounting for the number of passengers on board a particular vessel.

For example:
- if only passive methods are used, each count could be conducted twice, and independently, by different crew members, or
- alternatively, one crew member may do two active counts by different methods, or an active plus a passive count.

Building on this approach, operators could be required to document the kind of methods that will be used in their safety management systems. It could specify that an active method or a passive method would be undertaken when anyone boards or disembarks the vessel, including at the beginning and end of the voyage, and at a ferry stop or a day trip site. On some passenger vessels, it may be appropriate to provide for additional counts or monitoring methods to be employed during the voyage.

The master could be required to keep records in the logbook on accounting for passengers, including:
- when each count was performed and the kind of method use, and
- the trigger for the count, for example passengers boarding, passengers disembarking, snorkellers returning to vessel.

Key area 1 questions

1.1 Should it be left to the operator to determine in their safety management system when additional passenger monitoring measures are required, or should this be prescribed in regulation? Please outline the reasons for your answer.

1.2 Do you think there are kinds of passenger vessels where additional passenger monitoring measures would be impractical (for example, on short voyage ferries or those used to provide public transport)? If so, what kinds, and what are the issues?

1.3 Do you think that either passive or active headcounts, or a combination, would be more effective in improving or strengthening passenger safety? If not, what are the issues and what methods for passenger monitoring would be more effective?

1.4 Is it practical for masters to keep records in the logbook of how passengers have been accounted for? Please explain why or why not.

1.5 Would relying on electronic records generated by technological solutions such as 'tap on, tap off' sensors or electronic turnstiles be an appropriate alternative? Please explain why or why not.

Key area 2: Preventing passengers from falling overboard

In addition to passenger monitoring, there are proactive steps that operators and masters could take to ensure that passengers do not fall overboard. We are interested in your views on whether safety management systems should set out specific methods or procedures for preventing passengers from falling overboard.

Where there is a heightened risk of passengers falling overboard—for example, on open decks where railing heights are low, the operator could be required to specifically document and address this risk in their safety management system.

For example:
- operators could then opt to lift rail heights to reduce the risk of passengers falling overboard. If the operator decided to lift rail heights, it is unlikely that this would affect any grandfathering arrangements in place for the vessel's design and construction standards. Alternatively, or in addition to this, operators may also consider measures such as fitting screens or instituting 'no go' zones within one metre of the sides of a vessel, or
- if the operator does not lift rail heights, fit screens or institute 'no go' zones, they could be required to provide in their safety management system that passengers must wear lifejackets or personal flotation devices (PFDs)[1] to increase their chances of being quickly and safely rescued if they do fall overboard. The safety management system could set out the steps that the master could take to ensure that passengers wear a lifejacket or PFD if this is identified as being necessary.

Key area 2 questions

2.1 In your experience, would it be preferable to lift rail heights, or require passengers to wear a lifejacket or PFD? Is there a better alternative to these options?

2.2 Should it be left to the operator of a vessel with low rail heights and open decks to decide whether to lift rail heights, fit screens or institute no go zones, or should this be prescribed in regulation? Please outline the reasons for your answer.

2.3 Please provide your views on whether requiring a lifejacket or PFD to be worn by passengers in certain circumstances would be practical. If doing so would not be practical, what are the issues?

2.4 If you are a passenger—would you be prepared to wear a lifejacket or PFD when travelling on a vessel with an open deck or low (less than 85cm) rail heights?

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[1] A lifejacket is a garment or device that, when correctly worn and used in water, keeps the wearer buoyant. A lifejacket is often referred to as a PFD (or personal flotation device). Domestic commercial vessels are required to carry certain kinds of lifejackets depending on their operations. In this example, an operator may decide to require passengers to wear the kind of lifejacket already required to be carried on board, or a different kind, which may be more comfortable or convenient for passengers.

Key area 3: Retrieving people who fall overboard quickly and safely

Currently, operators are required to put in place emergency procedures in certain circumstances, including in a 'person overboard' situation. This does not include the situation where there is a mere discrepancy in a headcount. We are interested in your views on whether safety management systems should set out specific methods or procedures for where a passenger has fallen overboard or is suspected to have fallen overboard.

Where a discrepancy in a passenger count is identified in the safety management system, the operator could specify the procedure that would be followed in this instance. This could include, for example:

- undertaking another count by the same or different method
- making an announcement, or
- where appropriate, treating it as an emergency situation that triggers designated action such as contacting search and rescue authorities.

Key area 3 questions

3.1 For people who operate or work on a passenger vessel—how would you currently resolve a discrepancy in a passenger count? Do you have a procedure set out in your safety management system?

3.2 What do you think would be most effective in response to a discrepancy in a passenger count?

3.3 Would the above examples improve or strengthen passenger safety? How, or why?

Crewing arrangements

Having the right number of appropriately trained and certified crew on board is an important means of keeping passengers safe. All vessel owners are required to ensure that they have appropriate crew for the vessel and its particular operation. The owner is responsible for determining the appropriate crewing, subject to meeting a minimum level.

We are interested in your views on whether you think the current crewing arrangements are adequately providing for passenger safety in the key areas identified above.

Questions on the crewing arrangements

C1 Should passenger vessels be required to operate with additional crew to ensure that passengers are monitored and accounted for when getting on board, during the voyage, and during disembarkation? If so, how would this improve passenger safety?

C2 Should crew on passenger vessels receive specific training related to passenger safety? If so, what training would be relevant?