Consultation feedback report

Improving passenger safety on domestic commercial vessels

Outline

We are developing a strategy to improve passenger safety on board domestic commercial vessels.

We released a consultation paper on improving safety on passenger vessels for feedback from 26 August to 20 October 2019. The consultation paper raised a series of questions about the following:

- how passenger safety is dealt with in safety management systems
- whether the rules should be more prescriptive
- what operational measures could improve passenger safety.

We received 32 submissions from a variety of stakeholders. The feedback we received was mixed and it was clear that there was no 'one size fits all' solution. However, there was general agreement that:

- it is reasonable to expect passenger counts to be undertaken on certain kinds of operations
- procedures for passenger monitoring should be documented in the operator's safety management system
- passenger counts should be complemented by other existing operational requirements (such as appropriate crewing).

We are now proposing a range of regulatory and non-regulatory measures to deal with passenger safety.

We have prepared draft amendments to Marine order 504 to make it clear that:

- passenger vessel operators must have a procedure in their safety management system to ensure passengers are accounted for during a voyage
- operators of certain vessels must count all passengers on board, at any point where one or more passengers embark or disembark the vessel, including at a landing point or to undertake a water activity
- the master must record the results of any passenger counts in the vessel's logbook.

We will consult on the draft amendments to Marine order 504 from 16 December 2019 until 16 February 2020 (9 weeks). This is an extended consultation period as we recognise the summer season is a busy period for the industry.

We intend to publish the amendments by early April 2020 with a proposed transition period to 1 July 2020.

We are also planning a passenger safety campaign in 2020. This will begin at the same time that we publish the Marine order amendments. This will include industry forums and education and guidance material about how to deal with passenger safety in safety management systems.

Summary of submissions and AMSA response

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

Comments	There was a variety of opinions on this question, which included:
	
	 • Additional passenger monitoring measures should be prescribed in regulation, offering specific ideas on what the requirements should be and to whom they should apply.
	 • The requirements should be prescribed through a Safety Code of Practice, and through an expansion of Marine order 21 (Safety and emergency arrangements) and other relevant Marine orders.
	 • Passenger monitoring measures should be a matter for the operator, noting that they are highly dependent on a number of factors, for example:
	     o the complexity of the operation
	     o the length of voyage
	     o ease of supervision of passengers (vessels with seated passengers in full view of crew compared to vessels where there are multiple decks and passengers can move around)
	     o weather and sea state during the trip
	     o how the vessel handles in particular sea states
	     o the area of operation
	     o the type of passengers, and
	     o whether alcohol is served.
	 • More baseline standards or benchmarks should be set in Marine order 504.
	 • There should be more evaluation by AMSA of the safety management system when assessing whether to issue a certificate of operation.
	 • The current requirements are adequate, but more education, guidance, safety bulletins, scrutiny of safety management systems and enforcement is needed.
	 • The most effective means of managing risks was for owners and masters to assess the risks considering the specific nature of their vessel's operations, and put in place effective risk treatments, allowing for innovation, flexibility and scalability.

AMSA's response	We assess passenger vessel safety management systems for Class 1 vessels when: • an operator applies for a new certificate of operation, and • at each subsequent renewal of a certificate of operation (usually on a five year or more frequent basis). We will continue this practice. We have also have drafted amendments to Marine order 504 to: • require all passenger vessel operators to include a procedure in their safety management system to ensure passengers are accounted for during a voyage

	• require that operators of certain vessels count all passengers on board a vessel. This must be done at any point where one or more passengers embark or disembark the vessel, including at a landing point or to undertake a water activity. These more specific requirements will apply to a passenger vessel that is operating in all of the following conditions:
	    o on a voyage between 30 minutes and 12 hours, with no scheduled stop within the first 30 minutes.
	    o operating in offshore waters or partially smooth waters (or if in smooth waters – outside of daylight hours), and
	    o with up to 75 passengers.
	
	We will ask for feedback from industry about the implementation of the draft amendments to Marine order 504 over the period 16 December 2019 to 16 February 2020. To support implementation of these new requirements, we will provide guidance material, conduct industry safety management system forums and deliver a safety campaign.

Additional issue - responsibility for passenger monitoring

Comments	A number of responses included comments about who should be responsible for passenger monitoring. Comments included: • The responsibility for passengers is linked to the duty holder under work health and safety requirements. • Pressure needs to be on the owner rather than just the master to make passenger loading and unloading safe and accurate. • One submission asserted that if operators and crew make their own decisions as to whether they think a head count is necessary, they may not bother and will just rely on booking numbers. It is too reliant on the professionalism of the crew.
AMSA's response	General safety duties apply to everyone working on, travelling on, designing, building, or servicing domestic commercial vessels, including those under grandfathering arrangements. The general safety duties are a legal requirement under the national law and are relevant to passenger monitoring, for example: • The owner must implement and maintain a safety management system that ensures that the vessel and its operations are safe • The master must implement and comply with the safety management system for the vessel and its operations • The owner must provide information, instruction, training or supervision to people on board the vessel as necessary to ensure their safety • The owner and the master are responsible for ensuring the safety of the vessel, people, marine safety equipment and the operation of the vessel • The master, crew and everyone else on board a vessel must take reasonable care for the safety of persons who may be affected by their acts or omissions • The master, crew, passengers and everyone else on board a vessel must take reasonable care for their own safety.

	This list is not exhaustive, and the specific application of each duty to a particular circumstance will vary.

Obligations in Marine order 504 are generally framed as a responsibility of the owner (and master for specific provisions). 'Owner' under the national law includes a person with overall general control and management of the vessel, as well as a person with legal or beneficial interest in a vessel (other than as a mortgagee).

The draft amendments on passenger monitoring will be consistent with the approach under the current Marine order 504 and the general safety duties. That is, the owner will be responsible for ensuring there is a system in place for passenger monitoring which is documented in the safety management system.

The master is responsible for implementing and complying with the safety management system, and the crew are required to follow the master's reasonable directions.

In addition to Marine order 504 amendments, we will deliver a safety campaign enhancing awareness of passenger safety requirements, including reminding seafarers and passengers of the general safety duties and legal obligations. |

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?

Comments	A number of submissions said there should not be any types of operations excluded from additional passenger monitoring methods. However, other submissions identified types of operations where additional monitoring measures would be impractical, unnecessary, add to the cost base and restrict expansion including:

- small vessels where passengers can be visually seen by crew at all times, and ferries, because they:
  - carry out short voyages in sheltered waters
  - tend to have enough passengers on board to raise the alarm, and
  - would be affected by significant delays associated with passenger count discrepancies and verification.
- short voyage, high capacity, inshore passenger operations.

One submission outlined requirements in the United Kingdom, which include exemptions for ferries from passenger headcount and manifest requirements. |
| AMSA's response | We have drafted amendments to Marine order 504 to strengthen and clarify safety requirements for passenger vessels.

We will require all passenger vessel operators to include a procedure in their safety management system to ensure passengers are monitored during a voyage so that the master is able to know or find out the number of passengers on board at any time. |

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<td>For certain vessels we will also require that passengers are counted at any point where one or more passengers embark or disembark the vessel, including at a landing point or to undertake a water activity. However, we will design criteria to exclude public transport commuter ferries operating in smooth waters from these more prescriptive requirements. We have found that in general vessels that are permitted to carry a larger number of passengers are likely to already have a well-developed procedure ensuring all passengers are accounted for.

We will ask for feedback from industry about the implementation of the draft amendments to Marine order 504 over the period 16 December 2019 to 16 February 2020.

To complement these new requirements, we will provide guidance material and conduct industry safety management system forums to promote a range of methods and technology options for accurate and timely passenger counting.</td>
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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?

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<td>Comments</td>
<td>A number of responses were received around the most effective type of count, including that:

- active electronic counts would be simplest and cheapest, and could be based on chips embedded in tickets
- a combination of active and passive counts, supplemented by passenger 'monitoring' as distinct from counting would be effective
- active counts are not feasible for large numbers of passengers
- clicker counts (a passive method) are quick and easy.

The Mills family submission set out a specific proposal (Damien's Law) for all commercial passenger vessels that included:

- a head count before and after the safety briefing (to ensure numbers are correct) and a head count at the conclusion of the journey
- further head counts every four hours for voyages longer than four hours
- for vessels with 15 or more passengers or crew – wristbands or lanyards to be distributed at the safety briefing and returned at the end of the voyage. This would avoid difficulties in counting heads when people were moving around or at the end of a journey when passengers may be affected by alcohol or sea sickness, and
- a non-mandatory buddy system, especially for passengers travelling alone, to be included in the safety management system.

A snorkel tour operator provided a detailed explanation of how they currently do a combination of active and passive counts. They also compare different sources of documentation (a list signed by passengers and the passenger manifest), and they count passengers every time passengers board, disembark and get in and out of the water.</td>
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	One submission noted that counts are only a snapshot and do not avoid the need for monitoring in-between counts. Another submission compared counts to closing the door after the horse has bolted. A third submission noted that if a count is incorrect at the end of a journey, passengers are generally in a rush to depart and there is no chance to recount.
	Several submissions commented on the use of closed circuit television (CCTV) to monitor passengers, as an alternative to counting. Comments included:
	- CCTV monitored in the bridge would be effective on some vessels that already have it installed - Cameras may not be monitored as the master is occupied at the helm - It may be better to deal with risk by observing passengers and making sure observation is always possible either by a crew member on each deck or by CCTV.
	One submission suggested excluding major operations with swipe-on and swipe-off technology, and noted that introducing new technology would be cost-prohibitive.
	Several submissions noted that it is more effective to make sure crewing is adequate. This included having:
	- an appropriate number of fully trained crew - an extra crew member stationed on deck or in high risk areas to monitor passengers.
	Other suggestions for more effective methods for keeping passengers safe included:
	- lifting railing heights - crew training - weather assessments - responsible service of alcohol - appropriate passenger briefings - signage - guarding mechanisms and closing off exposed decks in certain conditions.
AMSA's response	We have drafted amendments to Marine order 504 to require that operators of certain vessels undertake a count of all passengers on board a vessel at any point where one or more passengers embark or disembark the vessel, including at a landing point or to undertake a water activity.
	To complement the changes to Marine order 504 we will be carrying out activities from April 2020 to support industry to develop effective and compliant safety management systems, which adequately address passenger safety.
	We will update our published guidance on safety management systems to include more guidance on:
	- identifying risks to passenger safety - the various types of passenger counts, and how to appropriately write procedures for, and record results of, passenger counts

	- resolving discrepancies in passenger counts, and developing and implementing effective emergency procedures for a person overboard
	- technological options that could be considered by operators, and key considerations for choosing an appropriate solution
	- taking into account passenger monitoring when determining crewing and crew training
	- examples of other operational controls that could be considered to minimise the risk to passengers. Controls could include:
	    o encouraging, asking or requiring passengers to wear lifejackets to reduce the risks
	    o passenger safety briefings
	    o responsible service of alcohol, and
	    o moving passengers indoors or to seats in rough conditions
	- existing mandatory requirements and optional enhancements to vessel design for passenger safety, such as:
	    o railings
	    o additional barriers (for example non climbable mesh)
	    o signage
	    o passenger seating arrangements.
	
	This guidance will underpin a safety campaign in 2020 involving both:
	
	- Targeted communications promoting passenger safety, including briefing passengers on their own safety and their fellow passengers.
	- Focussed industry engagement and guidance material on passenger safety and safety management systems.

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.

Comments	Feedback indicated that keeping such records is practical, and that it is important to do. However, some submissions said that it was less practical for ferries than for charter operations. Another submission noted that, in their own operation, doing detailed records on board an open vessel is difficult due to wind and water. Particular concerns included that: - it's not necessary how they are counted – just that it's an accurate number - recording is an additional regulatory burden on the Master's considerable workload - the logbook is 'not big enough' to record details, noting that the details of how passengers are accounted for should be in the safety management system - the method of counting would generally be the same each time, however another noted that accounting for passengers is 'too dynamic' and paper records would not be practical - a logbook only provides a historic snapshot in time and would add little in the way of effective risk management.

AMSA's response	AMSA has drafted amendments to Marine order 504 to require the master to record the results of any passenger count in the logbook.

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.

Comments	There were mixed views on whether electronic records created by technological solutions would be an appropriate alternative to physically counting and logging passenger numbers. Several submissions said that it would be practical to use technological solutions, although some noted that it would not work for every operation. Issues mentioned include the following: • Difficulties counting children being carried or in a pram, including varying assumptions on whether babies or children are to be counted. • People avoiding tapping on/off to save money or forgetting to tap off (if ticketing systems are used). • The potential for technical errors. • Trials of infrared cameras, to count passengers as they disembark, have been found to have an error rate of 5-10 per cent. A number of submissions noted that technological solutions may not be realistic for all organisations—only those who can afford to implement the technology, such as major operators with high turnover. Such technology was identified as being cost prohibitive for smaller operators. While one submission stated that the technology is available and cheap, another said that they had looked into options for their company and found them to be costly and not entirely accurate.
AMSA's response	We acknowledge there are a variety of technological solutions available to support passenger safety. We do not intend to prescribe any particular form of technology as this may inhibit uptake of more sophisticated or more appropriate solutions. Instead, our amendments to Marine order 504 allow flexibility for operators to choose technological solutions that are most suitable and effective for their operations. As part of our passenger safety campaign, we will also provide guidance and examples of a range of technological solutions that could be considered.

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

Comments	There were mixed views on the relative merits of lifting rail heights and requiring passengers to wear PFDs. Comments included that: • lifting rail heights may be good for some vessels such as ferries and cruise ships but not for smaller vessels

	- raising rail heights would be cost-prohibitive on existing vessels - raising rail heights would be aesthetically and commercially unappealing - PFD's would be the best option - if determined by a review - lifting rail heights would be preferable for the comfort of passengers compared to wearing lifejackets - coastal lifejackets are too cumbersome and bulky for a passenger to wear, and PFDs are too expensive to buy and maintain. One fishing charter operator said they require their passengers to wear PFDs at all times. This operator commented that in their operation, lifting rail heights would make it harder to pull fish over on a fishing charter. It was noted that in the context of workplace health and safety, personal protective equipment is at the bottom of the hierarchy of risk controls, and that engineering was higher up. One submission made the point there is no substitute for effective supervision and passenger rules. Another noted that proper supervision by trained crew and clear passenger rules will improve safety, rather than either raising rail heights or requiring passengers to wear PFDs. Other methods suggested as being more effective included: - wrist bands with proximity alarms - responsible service of alcohol - briefings/inductions that reinforce safety around railings - operational/safety management guidelines based on thresholds for heave/surge/sway of a vessel - adding non-climbable mesh to railings.
AMSA's response	We acknowledge that there are a variety of operational controls that can prevent passengers falling overboard. These include lifting rail heights, additional barriers (non-climbable mesh), and restrictions on decks. We will issue guidance for vessel owners and designers on minimum requirements and enhancements to vessel design in relation to passenger safety. We will also provide guidance for vessel owners about identifying risks to passenger safety and identifying suitable operational controls, such as: - encouraging, asking or requiring passengers to wear lifejackets to reduce the risks, where appropriate - briefings - responsible service of alcohol - moving passengers indoors or to seats in rough conditions.

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.

Comments	There were different views on whether it was better to prescribe particular vessel and operational changes for vessels with low rail heights and open decks, or to leave the choice to the operators.
	- A number of submissions supported prescribing requirements in legislation. Some added that the same standard should apply across the board. A couple of submissions suggested that older vessels should be required to meet contemporary standards for rail height. - Others stated that it should be left to the owner—one size does not fit all and the operator knows their vessel best. - One identified an issue for multi-use vessels who would have to install removable extensions for railings so they could take them down when they are fishing rather than carrying passengers. - One submission suggested that safety bulletins and campaigns could supplement a prescriptive approach. - One noted that rail heights were predetermined and additional safety measures should be part of the safety management system reviews. AMSA should educate, and scrutinise safety management systems in more detail.
AMSA's response	As above, we acknowledge that there are a variety of operational controls that can prevent passengers falling overboard including lifting rail heights, additional barriers (non-climbable mesh), and restrictions on decks. We will provide guidance for vessel owners and designers on minimum requirements and enhancements to vessel design in relation to passenger safety.

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?

Comments	There was general agreement among the responses to this question that in certain circumstances (for example in 'dire circumstances', when the weather is unfavourable, and on all outside decks when under sail) it is practical to require passengers to wear a lifejacket.
	However: - several submissions mentioned passenger discomfort in situations such as onboard weddings, and during long voyages - one mentioned that, on dive tours, passengers wearing wetsuits are already positively buoyant - one mentioned that wearing life jackets while crossing bars would be prudent, but it was not safe or practical to wear them indoors - one mentioned the extra work for crew in managing lifejackets after they have been worn (for example, packing and stowing after each voyage).
AMSA's response	We will continue to promote the benefits of passengers and crew wearing life jackets and personal floatation devices in safety campaigns. As raised above, we will provide guidance for vessel owners about identifying risks to passenger safety and identifying suitable operational controls, such as the following:

	• encouraging, asking or requiring passengers to wear lifejackets • seating passengers indoors in rough conditions.

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?

Comments	There were mixed views expressed, with some respondents stating that higher rails would be preferable, but others saying 'yes', ' yes without question', 'we do that now and our passengers don't complain', 'yes if it was for my own personal safety'. Some submissions noted that it would depend whether conditions were rough or calm, or on the type of experience being offered. For example, it was suggested that one would not want to wear a lifejacket on a luxury food and wine cruise. One said they would be prepared to wear a lifejacket outdoors in unsettled waters, provided it had been cleaned. One submission commented that they 'would find it very interesting to have a practical conversation with the crew when boarding the vessel and being confronted with a need to wear a PFD'. This submission suggested that requiring passengers to wear lifejackets would not be enforceable. One submission mentioned that children can slip under rails, and stated that a PFD may be preferable in their case.
AMSA's response	As mentioned above, we will continue to promote the benefits of passengers and crew wearing life jackets and personal floatation devices in safety campaigns. We will provide guidance for vessel owners on identifying risks to passenger safety and identifying suitable operational controls, such as: • encouraging, asking or requiring passengers to wear lifejackets • seating passengers indoors in rough conditions.

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?

Comments	Most responses to this question mentioned re-counting. Some also mentioned that they asked passengers if they have noticed a passenger missing. Implementing search and rescue procedures was also mentioned. A couple of respondents provided detailed examples of how they currently resolve any discrepancy in passenger counts. One mentioned a recount and announcement requesting information. A couple of submissions mentioned it is in the safety management system, or that it would be a worthy inclusion in the safety management system.

	One submission drew attention to regulated Australian vessels which include:
	• procedures • plans • emergency checklists • person overboard drills. They also suggested that: • similar requirements for domestic commercial vessels should be mandated • a discrepancy in head counts should trigger the 'person overboard plan' and search patterns proposed for a known and unknown area.
AMSA's response	Marine order 504 currently requires that a safety management system includes an emergency plan. An emergency procedure for a person overboard situation is also mandatory. We will support this existing requirement with guidance and educational material on how to: • resolve or confirm discrepancies in passenger counts • develop and implement an effective emergency plan and procedures for a person overboard situation. Such examples could include the use of emergency checklists and regular crew drills.

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

Comments	Responses to this question mentioned the following: • stopping the vessel • recounting • making announcements to other passengers to check their companions • searching the vessel • stopping the vessel until the discrepancy is resolved • implementing the person overboard emergency plan. One submission remarked that 'every situation is different'. Another noted the challenges of actually counting passengers mid-voyage on large vessels when there may be people in vehicles, prams or restrooms. Other challenges were identified at the end point of some voyages, where passengers generally leave the vessel and are quickly on their way, or mingle with passengers from other vessels using a shared facility, limiting the opportunity to recount.
AMSA's response	Marine order 504 currently requires that there are procedures in place for resolving and responding to a discrepancy in passenger counts. The specific procedure will differ depending on the vessel. We will support this existing requirement with guidance on: • How to resolve or confirm discrepancies in passenger counts.

	• How to develop and implement an effective emergency plan and procedures for a person overboard situation.

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

Comments	Most submissions said they would improve safety. A couple noted that the examples should already be implemented in safety management systems and that they are already best practice. One submission noted that it would not improve safety specifically on large passenger vessels. Two submissions questioned whether AMSA was in touch with the industry and suggested that we should audit safety management systems.
AMSA's response	We will continue to assist industry in the implementation of passenger safety measures through guidance, education and safety management system workshops. We will also continue inspecting vessels and assessing safety management systems when an operator first applies for certificate of operation, and at each renewal of this certificate.

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?

Auditing safety management systems

Comments	Some submissions said that the current requirements in Marine order 504 are adequate. One said that reviewing the safety management system would suffice to determine minimum and appropriate crewing. One suggested that AMSA needs to audit safety management systems.
AMSA's response	We assess passenger vessel safety management systems when an operator applies for a new certificate of operation and at each subsequent renewal of a certificate of operation (usually on a five year or more frequent basis). We will continue to inspect vessels and assess safety management systems.

Crew to passenger ratio

Comments	Two submissions suggested there should be a ratio of crew to passengers, and others thought there should be more certified seafarers on domestic commercial vessels. Other submissions thought that extra crew are not needed if effective electronic systems are in place.

| | One submission noted that having sufficient numbers of effectively trained crew on board vessels will improve passenger safety. They stated that it is not acceptable for the master of the vessel to be the only person experienced, trained and able to not only drive the vessel, but also to conduct engineering tasks, use a radio to call for help, drive the rescue boat and apply first aid and CPR. They referred to coroner's findings on a passenger vessel fatality.

This submission also stated that the minimum crewing table in Marine order 504 is entirely inadequate for vessels which carry passengers. For example, passenger vessels should have to demonstrate the effectiveness of the crewing levels and crew competence in relation to passenger evacuation/lifeboat drills, man overboard drills and ability to manage the safety of passengers, as a condition of their certificate of operation. |
|---|---|
| AMSA's response | We note that minimum crewing may only be used where it is supported by an appropriate crewing evaluation. The evaluation should take into account all of the factors set out in Marine order 504. These factors include:

- the tasks or activities of the vessel and any particular demands on the master and crew that each task or activity will impose in addition to the safe navigation of the vessel
- the number of persons to be carried on the vessel and the effectiveness and timeliness of arrangements for any passenger monitoring by the crew
- the design characteristics of the vessel, including its general arrangements, machinery and equipment
- the competency required for the use of technological aids to safety and navigation fitted in addition to the mandatory requirements
- the area of operation of the vessel and expected conditions (for example weather, climate and water temperatures)
- the duration of the voyage
- the risk of fatigue of the master and crew
- the requirements for the vessel's emergency preparedness, including the vessel's emergency plan and evacuation arrangements
- the maintenance requirements of the vessel, its machinery and its equipment
- the risks to the environment and all persons who will be on or near the vessel
- the qualifications and competencies of the master and crew, including circumstances where only the master holds mandated engineering qualifications (dual certification)
- the external support available to the vessel
- the requirements of key onboard operations.

Since the current requirements provide for owners to determine additional crew to that specified in the minimum crewing table, we do not intend to make regulatory changes at this time.

We will update our current guidance on appropriate crewing by providing more specific information on crewing considerations related to supervising and managing passengers. |

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

Comments	Specific training suggested in submissions included: • drills • crowd management • fire training • high level first aid • passenger monitoring (numbers, behaviour and comfort) • psychology of people in stressful or emergency situations • dealing with drunk or disorderly behaviour. One submission emphasised that additional training should be up to the master or operator. Another noted that passengers expect that the crew on a passenger vessel are trained to manage an emergency situation, much the same as they would expect from a flight attendant on a commercial airline. One mentioned that marine crew should have already received training during the induction process.
AMSA's response	Marine order 504 currently requires that the owner of the vessel must ensure that the master and crew receive the following training: • Initial safety training that familiarises the person with safety matters about their duties on board the vessel (that is, an induction) as soon as practicable after joining the vessel and before commencing duties. • Sufficient training in key onboard operations to establish, maintain and verify the competence and capacity of the person to safely carry out assigned duties. • Sufficient training in emergency procedures to establish, maintain and verify the ability of the person to respond rapidly and effectively in an emergency and to follow the emergency plan. This training is in addition to the training required to gain their near coastal seafarer qualification. We will update our current safety management system guidance by providing more specific information regarding onboard crew training considerations related to supervising and managing passengers.

Seafarer qualifications

Comments	A number of submissions commented on the adequacy of current and proposed qualifications in preparing seafarers for their duties. Comments included: • It is surprising that AMSA is seeking feedback on improving passenger safety when they are also seeking feedback on reducing the training requirements for passenger carrying vessels. The draft Marine order 505 allows for a Coxswain Grade 3 to carry 6 passengers with very limited training. There is not much point discussing safety management systems

	as a means of increasing passenger safety if the operators of vessels don't require any formal training in it. Also the steps to recover a passenger that has fallen overboard may be very foreign to an operator who has never had any formal training in them. If you want to improve passenger safety, maintain or improve the training of vessel operators and crew • The sea time and training required to gain marine qualifications have been reduced to a concerning 'low point'. Crew experience is what keeps passengers safe in any situation. The level of training and the perceived 'quality' of seafarer qualifications was also a strong theme in responses provided via social media (Facebook and LinkedIn) • The Australian Industry Standards Maritime Industry Reference Committee should be informed of the need to address passenger safety training as part of the General Purpose Hand Technical Advisory Committee • The current training to become a General Purpose Hand is insufficient for managing passenger safety, and Marine order 504 also allows crew to sail as 'uncertificated' • Completing regularly audited and internationally approved training will improve the standard of crew on all passenger vessels. On board training is not effective as it perpetuates low standards and exposes inexperienced crew to poor safety conditions as they do not understand acceptable behaviour on a vessel. Ensuring that all crew complete practical courses such as fire-fighting and survival craft teaches them the gravity of the situation that they could become involved in, and the expectation to be a competent leader in ensuring the safety of their passengers.
AMSA's response	We will take these comments into account in our concurrent review of Marine order 505 and the National Standard for Commercial Vessels Part D. We note that Marine order 504 only allows crew to sail 'uncertificated' where there are other certificated crew on board. General and specific exemptions from the requirement for a person to hold the certificate relevant to the duties they are performing are subject to strict criteria and conditions.

Other comments received

We received a variety of additional comments. Where these comments were pertinent to the questions above, they have been reflected along with direct responses to those questions. Other comments related to matters beyond the scope of the consultation asserted a need for:

- mandatory public liability insurance on passenger vessels
- greater emphasis on evidence based regulation
- independent incident investigation
- greater use of international safety standards
- better integration with work, health and safety system
- a safety Code of Practice for domestic commercial vessels
- an increase to the minimum number of crews for vessels, particularly passenger vessels
- new requirements that crew are involved in the development of the safety management system, penalties for poor risk management in safety management systems
- a review of how unsafe conditions or acts can be penalised by inspectors and investigators, and
- mandatory automatic identification systems for all passenger vessels to improve search and rescue response times.

Further comments included that:

- Australian passenger vessels have a good record by world standards, but we should not be complacent
- More regulation will add unnecessary cost to a struggling charter industry and restrict growth of ferries
- Relaxation in certification standards is alarming
- A person overboard is not always the crew's fault. Responsibilities should fall on all who wish to participate in an adventure on a boat.

More information

For further information on this consultation process and its outcomes, please contact standards.secretariat@amsa.gov.au or visit www.amsa.gov.au