

**FERRY & CHARTER BOAT INDUSTRY  
CODE OF SAFE WORKING PRACTICE**

**DRAFT**

(June 2002)

*(reviewed by committee to 2.11.3)*

## **Foreword**

The Ferry and Charter Boat industry, code of safe working practice has been developed through a tripartite consultative process where the views of the employers, unions and government have been considered.

The code was developed with the support of The Department for Planning and Infrastructure and Ministry for Consumer and Employment Protection (WorkSafe) as a comprehensive and practical preventative strategy that aims to improve the working environment of West Australians.

## **Table of Contents**

# **DRAFT CODE OF PRACTICE FERRY & CHARTER BOAT INDUSTRY**

*Drafting notes in italic*

## **1.0 OVERVIEW**

### **1.1 Introduction**

It is a very simple task to put together a prescriptive 'safety' instruction list and ask everyone to comply with that. However we all know and understand that no two vessels are the same and hence there is no simple list for all.

Codes of Practice are the modern approach to safety. They provide flexibility to find new or improved ways of doing things, they allow people to use their own judgement relative to their own needs and situation. They are more suited to and encourage a safety culture within the workplace or industry. Technical advances and organisational efficiency improvements are more easily accommodated within a Code of Practice.

Ownership and management of each and every vessel comes with it's own special needs and responsibilities. Only those persons actively managing or working a vessel will know or understand the intricacies of their own vessel.

With that in mind and the demand by customers for operators in the Ferry and Charter Boat Industry to provide an increasingly higher degree of comfort and safety, the Industry in 2001 developed this document to encourage consistency and improvement that would be welcomed across the fleet.

A community expectation seeks that passenger-carrying vessels should be presented, managed and operated in a manner reflecting sound and effective safety and health qualities. Operators, employees, customers and the Industry are all disadvantaged when a vessel that is seen to meet all the minimum survey requirements is thought to be operated at less than its best. This is an image our industry cannot afford.

Maximising comfort and safety on vessels is made all the more difficult by the effects upon both the vessel and its occupants created by the weather. These effects are not experienced to the same degree in any other than the maritime industry.

### **1.2 Health and Safety Policy**

The Charter Boat and Ferry industry in WA, through this document seek and intend to promote recognition, understanding and ongoing safety and health improvements among Western Australian operators.

This document forms the statement of Health and Safety policy developed by the Charter Boat and Ferry industry in WA outlining the standard of performance expected among Industry operators.

The Industry recommends that operators should develop from this code, their own vessel/fleet specific policy that is then signed off by both management and employees.

### **1.3 Objectives Of This Document**

This document was designed to encourage the adoption and use by all players in the Industry, of a consistent set of standards that will provide opportunity for the industry to service an increasing customer base through a respected and professional focus.

This document seeks to:

- Guide and encourage members of the Ferry and Charter Boat industry to 'self regulate' safety and health management with respect to their Duty of Care obligations.
- Encourage consistent application to safety in both occupational and customer areas.
- Assist with the addressing of 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.

### **1.4 Limitations Of This Document**

This guide refers to related legislation but does not show you how to comply with legislation.

This guide does not consider Hire and Drive operations.

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;
- not in itself provide proof that legislative compliance requirements have been met;
- 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.

Users should consult with safety professionals when developing their own individual risk management plans.

### **1.5 The Legal Status Of Codes Of Practice**

Codes of practice show there is a practicable means of reducing the risk of work-related injury or disease. They may not provide exact solutions to occupational safety and health problems in all workplaces in an industry, but following the practical guidance in a code of practice should help to reduce the legal uncertainties associated with the way that safe working environments are established and maintained. Where it is alleged that a person has contravened a provision of the Act or Regulations, the information in a code of practice may be used as evidence if that code has been approved by the Minister.

The point of reference for approval of codes of practice is section 57 of the Occupational Safety and Health Act.

Further guidance may be found in the document - GUIDELINES FOR THE DEVELOPMENT OF INDUSTRY CODES OF PRACTICE FOR APPROVAL UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT 1984 - located on the Internet at [www.safetyline.wa.gov.au/pagebin/pg004247.htm](http://www.safetyline.wa.gov.au/pagebin/pg004247.htm)

## 1.6 Terminology

*Any special terminology recognised by the industry and used in this document.*

- WAFIC -West Australian Fishing Industry Council
- NMSC - National Maritime Safety Committee

## 1.7 Definitions

Unless specifically noted otherwise, the definitions used under the W A Marine Act and Occupational Safety and Health 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.

### Underway

A vessel is underway when it is propelled through the water. This includes by sail, being towed or pushed or under the vessels own propulsion system.

### Employer

- 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

- a) a person by whom work is done under a contract of employment; or
- b) an apprentice or industrial trainee.

### 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.

## 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).

## 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

## Prescriptive

Legislation that explicitly describes means of compliance

## Code of Practice

a code of practice approved by the Minister under Part VIII of the Occupational Safety and Health Act 1984.

Hazard in relation to a person, means anything that may result in;

- a) injury to the person; or
- b) harm to the health of the person.

Risk, in relation to any injury or harm

is 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 employs any other person;

## Contractor

Defn

## Duty of care

The duties under the Occupational Safety and Health Act 1984 are expressed in broad terms, for example:

- 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.

## **1.8 Using This Document**

### **Part 1 Overview**

### **Part 2 General**

Advice general to all persons and all vessels.

### **Part 3 Ferry Operations**

Advice specific to Ferry Operations

### **Part 4 Function Cruises**

Advice specific to Function Boat Operations

### **Part 5 Fishing Charter**

Advice specific to Fishing Charter Operations

### **Part 6 Ecotourism / Diving**

Advice specific to Ecotourism or Diving Operations

### **Part 7 Sailing Vessels**

Advice specific to Sailing Vessel Operations

## **2.0 GENERAL**

### **2.1 Overview of the Occupational Safety and Health Act 1986 and the Regulations 1996**

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

The 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 maintain safe and healthy workplaces.

The Act places emphasis on workplace consultation between employers and employees, and safety and health representatives, if the workplace has any.

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 Act.

Similarly, employees are required to co-operate with employers in safety and health matters so that employers are able to meet their responsibilities.

The 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 made up of employer representatives and safety and health representatives, or employee representatives if the workplace has no safety and health representatives.

The Act encourages employers and employees to resolve safety and health issues in a spirit of cooperation, using procedures developed through consultation at each workplace.

The Occupational Safety and Health Regulations, made under the Act, describe some of the requirements which 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 National Occupational Health and Safety Commission.

The Act provides a framework where 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 Act.

The legislative framework shown below was established to achieve the objectives of the Act.

*(Ref: Safetyline Online)*

### **2.1.1 The Legislative Framework in Western Australia.**

The Occupational Safety and Health Act 1984 and Regulations are further 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 Safety and Health Act 1984**

### **MAJOR PROVISIONS OF THE ACT**

- The General Duties
- Resolution of Issues
- Safety and Health Representatives
- Safety and Health Committees
- Enforcement of act and Regulations

Supported by

## **Occupational Safety and Health Regulations**

The *Occupational Safety and Health Regulations 1996* set minimum requirements for specific hazards and work practices, including specific reference to National Standards developed by the National Occupational Health and Safety Commission Australian Standards developed by Standards Australia.

And

## **Guidance Material**

- Codes of practice approved for Western Australia in accordance with Section 57 of the Act and guidance notes developed by the WorkSafe Western Australia Commission.
- National codes of practice and national standards developed by the National Occupational Health and Safety Commission.
- Australian Standards developed by Standards Australia.

### **2.1.2 Duty of Care, Responsibility & Due Diligence - Safety and Health**

Through "general duty of care" provisions discussed in the Western Australian Occupational Safety and Health 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 Act are expressed in non-prescriptive terms, for example:

- 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; and
- 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)

Although the Western Australian Occupational Safety and Health Act deals with workplace and employment responsibility issues it is worth noting that the same responsibilities exist (though not under the OSH Act) in relation to any person on or near the vessel.

### Operator and Crew Responsibilities

- The operator has primary responsibility to ensure that systems of work are in place which will provide a safe working environment
- With respect to the safe and efficient management of a vessel, it's compliment of crew and passengers, preparations for departure or following arrival and the voyage being undertaken, **each and all persons associated with that vessel have both a legal and moral obligation to promote the health and safety of themselves and all others.** 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.
- All crew members should be aware of the impact of activities such as second jobs, driving, recreational pursuits, insufficient sleep, consumption of alcohol or other drugs, prescribed or otherwise, and stressful situations on their well being and capacity to work effectively and safely. These activities may affect fatigue.

For further information, refer to Duty of Care, responsibilities of each person with respect to Section 19, 20, 21, and 22 of the Occupational Safety and Health Act and comment on specific regulations. ie: Part 3 Divisions 1 to 6 and 8.

## 2.2 Overview of WA Marine Act

The West Australian Marine Act 1982 is "an Act to regulate navigation and shipping" and sets minimum prescriptive standards for inspection, construction, manning and operation of commercial vessels in West Australian waters.

General standards are laid down in the Act, and are supported by other requirements in the Act and Regulations.

The Act describes the qualification and training required of people who operate commercial vessels.

The Act places emphasis on Authority set standards. The industry participants have little opportunity to participate in standard setting.

### 2.2.1 The Legislative Framework.

<b>MAJOR PROVISIONS OF THE ACT</b>	<ul style="list-style-type: none"> <li>• Survey Manning and operation of Commercial Vessels</li> <li>• Miscellaneous Marine Powers and Duties</li> <li>• International Conventions</li> <li>• Carriage of Dangerous Goods</li> <li>• Investigations and Inquires</li> </ul>
<b>REGULATIONS</b>	The Act predominantly calls to legislation provisions of the <i>Uniform Shipping Laws Code (USL)</i> as prescriptive set minimum standards.
<b>GUIDANCE MATERIAL NOT IN REGULATIONS</b>	<ul style="list-style-type: none"> <li>• Certain <i>Instruction to Surveyors (ITS)</i> produced by the Authority and providing further prescriptive detail of requirements are given to industry on request.</li> <li>• Australian Standards developed by Standards Australia.</li> </ul>

### 2.3 Management Commitment

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.

### 2.4 Consultation

#### 2.4.1 Election of Safety and Health Representatives and Safety committee.

Notwithstanding that most vessels in the WA fleet have insufficient number of employees to effectively apply this Act requirement, 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.

#### 2.4.2 Resolution of Safety and Health Issues

For most vessels resolution 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 such that the situation is truly resolved and not just moved to another place. External qualified safety practitioners can be of great assistance in resolving issues. Arbitration by a 'WorkSafe' inspector may also be available on request.

### 2.5 Hazard Identification

Be constantly vigilant in looking for hazards - watch and learn, listen and hear, look and see. Constantly think about, 'what might happen if .....?'

Check and review your work and procedures

What is a Hazard? The term 'hazard' has been variously used to describe that which could cause harm. As you can see it is a very broad and non-descriptive term and can include chemicals, radiation, moving objects (a boat for instance) or processes of work and of course many many others.

Reflecting back on the earlier discussions in this document you should by now begin to appreciate how impossible is the task of compiling a simple 'catch all' code of practice. No one person or document can provide all the answers for your vessel or operation and to top that off, what may be right today may change tomorrow. It is for this reason that 'duty of care' and 'due diligence' is so critically important.

### **2.5.1 Regular and dedicated inspection of the workplace**

Good managers will already have in place regimes of regular inspection of their vessels. This starts as simply as checking the engine on a daily basis before starting and going up to 2 or 5 year structural checks. The size type and function of your vessel will determine the extent to which you need to address this procedure. Appendix II of Section 14 of the Uniform Shipping Laws Code provides a good starting point for engineering checks.

## **2.6 Hazard Control**

Fix it or tell someone who can.

The following 'hierarchy of controls' describes the order of preference through 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. - Eg; Using air tools in place of 240v electric tools.
- **Substitution**  
Replace existing hazard with a lower grade hazard. - Eg; Can you use diesel engines in place of petrol engines?
- **Isolation**  
Separating the hazard from persons or action. - Eg; Install engines in a closed compartment.
- **Engineering Control**  
Fitting of guards or other modification to reduce potential for exposure to the hazard. - Eg; Install guard rails around the deck.
- **Administrative Control**  
Modification to process, policy or procedure. - Eg; Enforce 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. - Eg; Wear ear muffs when entering the engine room.

A very notable piece of PPE is the humble life jacket. Although prescriptive specifications are given under the Marine Act 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.

### **2.6.1 Accident and near-miss investigation procedure**

The review process must include a method of identifying the cause of the accident and recommendations for remedial action.

Although investigations are reactions after an event, they are useful through identifying processes whose upgrading will prevent other accidents with similar characteristics. It is often 'by the grace of God' that near misses are not severe incidents and it is this reason why they should also be treated like accidents.

### **2.6.2 Accident Reporting Requirements**

*Ref Section 19 OSH Act & WA Marine Act*

## **2.7 Training**

### **2.7.1 Induction Program for New Employees**

All new staff or staff taking up a new position within the organisation should be provided with 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 to all legislation, eg Skipper engineer deckhand jetty hand plant operator

### **2.7.2 Work Experience Personnel**

## **2.8 Training Schedules - Min Qualifications or Training for Each Position**

A clear understanding of what training must be completed before certain tasks can be performed. ie crane driver, Forklift operator and slinging loads where judgement must be exercised - training and certification requirements for each task. (these may require internal or external certification). Mandatory training for Safety and Health representatives. Consider a matrix approach.

## Example

Training	Master/Mate	Engineer	Deckhand	Bar & Kitchen	Diving Attendant	Other
Induction	Ship Management	Ship Systems	General Duties	Bar and Kitchen Special Needs	Special Systems and Diving Procedures	As determined by position.
Certificate	USL	USL				
1 <sup>st</sup> aid	USL	USL?	Basic	Basic	Basic	Basic
Crane/Lifting device	Designated operator	Designated operator	Designated operator		Designated operator	
Communication	RROCP		Intercom	Intercom/ Public address		
House keeping	General Health and Safety	Specialist Fire safety standards	Basic Health and Safety	Health Standards	General Health and Safety	As determined by position

### 2.8.1 Special Hazards Instructions and Training

Where a policy or procedure is established, training should be provide to ensure those staff affected by that policy or procedure know and understand their responsibility with respect to that policy or procedure.

Eg. Procedure for leaving and

- accounting for persons who leave the vessel other than at a designated embarkation place;
- safety of passengers who consume alcohol; and
- tying up and release of vessel at a jetty.

Follow up training should be provided at regular intervals.

### 2.8.2 Use of Substances Training

### 2.8.3 First Aid Training

## 2.9 Policy Plans and Procedures

The primary objective to ensure a profitable business with a safe and healthy workplace may to some sound contradictory. The fact however remains that organisations that promote and operate under policies which encourage safety and health also maximise their opportunities in wealth creation through side benefits from OSH programs.

Clear Policies and Procedures relative to the size and complexity of the vessel, should 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.
- The process by which improvement identified by any person is analysed and implemented.

## **2.10 Typical Suggestions for Policy or Procedures Applicable to All Vessels**

### Housekeeping procedure

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

### Specific Safety and Health issues relative to the vessel

Equipment tag out system - Refer to Regulation 4.37(3)  
 Electrical safety  
 Manual handling policy - See WorkSafe code of practice  
 Entry into confined spaces.

### Vessel operations

Operation of communication equipment including emergency use  
 Manoeuvring and control of the vessel including emergency control  
 Purchase and review of safest equipment

### Crew and Passenger

Alcohol and other drug use and handling persons under the effect of drugs.  
 Control and protection of passenger/s including disruptive persons  
 Claustrophobia and similar conditions.

### Emergency procedures

Evacuation of each part of the workplace including shore based parts to the vessels operations.  
 Panic control  
 Medical emergencies  
 Medical evacuation  
 Emergency - less urgent matters

### **2.10.1 Format for Writing Vessel Procedures.**

Provide a consistent format - as a minimum it should provide;

Title;  
 Objective;  
 Procedure;  
 Review Date;  
 Document owner; and  
 Authorisation Signature

## **2.10.2 "Review of Procedures" Protocol**

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

## **2.11 Specific Policy and Systems**

### **2.11.1 Systems of Work to be Observed by Outside Contractors**

The operator/manager must ensure that any outside contractor present on or at the vessel understand, respect and comply with the same safety and health objectives as apply to the operators and crew.

### **2.11.2 Min Weather Conditions for Operation**

Prevailing weather conditions give differing effects to different vessels. As an example, one may ride smoothly while another may toss heavily. Your vessel should have a policy guiding operations with respect to the effect upon your vessel by various weather conditions and sea states. This policy should reflect minimum safe conditions for leaving Port or while operating.

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 the direction 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.

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

### **2.11.3 Min Manning for the Vessel**

Although consideration must be given to minimum-manning requirements under the WA Marine Act, the minimum staff required to safely operate a vessel may in reality exceed the legislated number. When determining the crew for your vessel, consideration must be given to conditions under which the vessel is operated. Conditions include weather, purpose under which the vessel is operated, number of passengers, type of passengers, length of voyage and destination etc.

### **2.11.4 Personal Protection Equipment**

In the hierarchy of hazard controls, Personal Protection Equipment (PPE) although the least preferred option is nevertheless widely needed and used. The owner/manager must take particular care to ensure the provision of PPE that is appropriate and correctly sized. Types of PPE include foot, head, eye, uv, and hearing protectors. Items of PPE such as lifejackets and breathing apparatus that are required under the vessel's conditions of 'Survey' must also be considered for size and appropriateness.

Consider using a matrix to identify whom might need which type of PPE.

### 2.11.5 Employee Fatigue Policy

Fatigue is becoming more recognised as one of the major contributors to accidents. Although maximum hours of duty have been established for the management of motor vehicle driver fatigue, establishing those limits on a vessel is a much more difficult task due to the vessels motion pattern. The code of practice 'FATIGUE MANAGEMENT FOR COMMERCIAL VEHICLE DRIVERS' published by WorkSafe is a good starting point for establishing your vessel's policy.

### 2.11.6 Docking and Departure Procedures

Rope handling.

Provision and control of accessways for boarding and exiting.

Procedure for passing mooring lines between vessel and wharf.

### 2.12 Assistance and Advice

Further assistance and advice can be obtained through

OSH Act	WorkSafe Inspectorate Safetyline online
WA Marine Act	Marine Safety Division Dept Planning & Infrastructure (Transport)
Safety practitioners	Safety Institute of Australia – WA Division
Charter Boat and Ferry Industry	Charter Boat Owner Association
High Speed Craft	???
Industry Management Concerns	Charter Passenger Vessel Advisory Committee (CPVAC) – C/o DPI (Transport)

### 2.13 Typical Job Descriptions And Responsibilities

#### 2.13.1 Owner/Owners Principle Representative

The Owner has a primary interest in the vessel/organisation through investing money in order to return an income. The return on investment is directly related to the net value of income to the business. The net income to the business is directly related to the quality and efficiency of the business.

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,

- Master is provided with copies of all relevant company policies and procedures
- Master is provided with copies of all relevant licences and certificates
- Master is provided with copies of 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.

### **2.13.2 Master**

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 on board the vessel. Where the owner or other body influences the ability of the Master to make decisions without fear of favour, the owner or other body may therein assume partial liability for any such decision made.

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

- copies of all necessary licences and certification are onboard and are 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 duration of the voyage,
- there is sufficient equipment and supplies to meet the needs of the voyage and intended duty,
- copies of all relevant company policies and procedures are available
- copies of all relevant authorizations are available.

The Masters duty is to ensure:

- the vessel safely and satisfactorily commences a voyage,
- the duration of the voyage is safely and satisfactorily undertaken,
- the vessel safely and satisfactorily concludes a voyage.

### **2.13.3 Engineer**

The Engineer's employed position is to ensure the safe and effective functioning of the vessels systems and machinery. 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.

### **2.13.4 Deckhand**

### **3. PROCEDURES AND GUIDELINES RELATING TO FERRY VOYAGES**

### **4. PROCEDURES AND GUIDELINES RELATING TO PARTY VOYAGES**

Party voyages can be described as voyages solely undertaken to provide entertainment for passengers. Such entertainment includes, but is not restricted to, dinner, dance, wine tasting, weddings and other special occasions.

The purpose is to provide facilities where patrons may enjoy their 'party' among a changing scenic outlook.

#### **4.1 Owner's Responsibilities**

- 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.
- All staff members involved with the preparation and serving of food and alcohol are trained in the responsible service of these commodities.
- The Master of the vessel is aware that he is acting as the Approved Manager for the purposes of the Liquor Licensing Act.
- A written policy on refunds is available to all passengers and charter clients prior to departure.
- Charter contracts do not preclude the owner from any of his or her responsibilities.
- All crew employed on the vessels have appropriate qualifications in their duties as Master, Engineer and Deckhand.
- Minimum manning levels apply to each vessel as per USL Code.
- Only fit and proper persons are permitted to work the vessel.
- In addition to radio communication it is recommended that a mobile telephone (in good working order) be carried on board in the event of any passenger mishap or emergency.

#### **4.2 Master's Responsibilities**

- All crew have reported for duty at the appropriate time and replacements are found for any crewmember not fit for duty.
- Sufficient staff are available to cater for the expected number of passengers. In addition to minimum manning levels there should be one crew member per 100 passengers.
- Engine checks are completed, all hatches are closed and the vessel has a secure gangway in place prior to passengers boarding.
- Any entertainer's equipment is safely stowed with particular regard to lighting effects, speakers and electrical cords.
- Proper visibility is maintained for night cruising given any special lighting effects or equipment for entertaining passengers or otherwise.
- Noise levels on open deck areas are kept to acceptable levels when the vessel is navigating close to suburban areas.

- Mooring ropes are checked and secured or adjusted to allow for any tidal movement or vessel wash that may adversely affect passengers when boarding.
- A crewmember is at hand alongside the gangway to assist passenger embarkation/disembarkation.
- Proper communication or direct eyesight of crew handling ropes is available when manoeuvring in or out of jetties.
- The Master agrees to perform his duties as Acting Licensee of the vessel with regard to the responsible serving or supply of any alcoholic refreshments and the safety of passengers in the vicinity of the jetty.
- Any portable heating appliances used in the serving or preparation of food are in good working order and that a fire extinguisher is at hand during the operation of these appliances.
- Emergency muster stations and safety procedures specific to the area of operation are made known to crewmembers prior to boarding of passengers.

#### **4.3 Master's Responsibilities - When Also Acting as Engineer of the Vessel**

- The Master shall instruct crewmembers to maintain communication with him or her with specific regard to regular engine room checks or vessel defects that may arise during the cruise.
- The Master shall accept and abide by all the responsibilities of the engineer.

#### **4.4 Engineer's Responsibilities**

- The engineer shall check all vessel systems and navigational equipment prior to passenger boarding time.
- All hatches and crew access ways should be closed prior to and during the cruise.
- Should access to any hatch be required during the cruise then appoint a crewmember to standby that hatch to warn passengers of the danger.

#### **4.5 Deckhand Responsibilities**

- Safe stowage of all equipment used during the cruise with particular regard to bar, catering and entertainers equipment.
- To be familiar with the vessel's safety equipment and operation.
- To have completed an approved Responsible Service of Alcohol Course before serving alcohol.
- To have completed a similar food handling course for hygiene.
- When acting in the capacity of deckhand for minimum manning requirements then an 'Elements of Shipboard Safety Certificate' or similar is required.
- All deckhands should be familiar with crowd control basic procedures.
- Basic first aid is required although Senior First Aid is the preferred option when dealing with the public.

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

- Regular safety drills for man overboard, dropping anchor and fire.
- Adverse weather conditions eg, fog and/or strong wind warnings.
- Other boating traffic (especially on weekends and twilight races).
- Radio communication with relevant marine authority.
- Safety gear is to be maintained in good order and regular checks on passenger's behaviour to ensure equipment is not being tampered with.

## **5. PROCEDURES AND GUIDELINES RELATING TO FISHING CHARTER OPERATION**

## **6. PROCEDURES AND GUIDELINES RELATING TO ECOTOURISM OPERATION**

This part of the code provides employers, employee's, contractors and recreational divers with guidance on safe working practices that are applicable to charter diving vessels.

### **6.1 Purpose**

The purpose of this unit is to:

- Identify practices and activities that have the potential to be hazardous.
- Suggest safety systems that may be used by individuals or organisations to control reduce the hazard to an acceptable level.

### **6.2 Objective**

The objective of this unit of the code of safe working practice is to encourage dive charter organisations to adopt a system's safety approach to the organisation and operation of their businesses.

### **6.3 Variables**

Dive charters that offer:

- Short term vessel only charter. (Businesses that provide transport to and from nominated local dive sites)
- Short term vessel and education charters. (Businesses that provide transport to local dive sites - on site education/instruction/assessment - transport from dive site to point of origin)
- Extended vessel charter (businesses that provide transport to remote dive sites - 'live aboard' facilities, transport from remote dive sites to point of origin.

### **6.4 Method**

Every dive charter boat operation is unique in terms of its organisational structure, market focus and layout. In recognising these individualities, it becomes obvious that a code of practice endorsed and used by the dive charter industry has to be flexible enough to accommodate these variables, while still being focused on meeting individual organisations statutory obligations.

To accommodate these organisational variables and assist in meeting its 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 regulation and utilising the practical experience and detailed vessel knowledge of owners and their 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 existing procedure (where it exists)
- Provide the basis of new procedure (where none exists)
- Define essential equipment purchases and maintenance requirements.
- Clarify employee roles/job descriptions.
- Clarify employee induction/training requirements.

## **6.5 Presentation**

The method of presentation used on the following pages reflects a logical sequence of events experienced by both dive charter providers and recreational divers arriving at charter vessels prior to departure. This method of presentation is deliberate, it is intended that users of the code consider the diving related elements of their own operations/activities when reading the code and take notes accordingly. Where relevant Australian Standards exist, they are referenced.

## **6.6 Time Of Booking.**

When the booking is made it is recommended that clients receive (by hand/mail/fax or web (site) an information hand out providing the following information:

- Certification/medical documentation to be sighted on the day of the charter. (I.A.W - AS 4005/ AS 2299.3, S1.5.60)
- Statement of drugs and alcohol policy.
- Minimum age requirements.
- Procedure for confirming departure on the day of the charter (re: required time of arrival/time of departure/vessel location)
- Cancellation/refund policy.
- Availability of nearby vehicle parking.
- Minimum breathing gas requirement for planned dive.
- Transferring of equipment to vessel.
- Protocol to be observed prior to boarding the vessel.
- Advice on the hazards of flying after diving.
- Emergency contact details.

## **6.7 Arrival at the Vessel (Staff)**

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

- Staff liaison (confirm program/re-affirm responsibilities for the charter)
- Confirm adequate supply of fuels, 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 temp correct and batteries are charging)
- Obtain weather update/check tidal data.
- Electronics checks. (radio, radar, sounder, GPS and EPIRB)
- Ensure safe access from jetty/quay onto vessel.
- Lodge charter program with relevant rescue authorities.

## **6.8 Arrival At The Vessel (Divers)**

With the arrival of the clients, the following subjects may be addressed:

- Certification/medical documentation checks. (if instructors and trainee's are present, requirements to be discussed with dive supervisor)
- Protocols for stowage of equipment discussed.
- Head count prior to boarding.
- On board Orientation (facilities, non English speaking divers, staff responsibilities)
- Overview of emergency management (vessel, diver and medical)
- Charter Program for the day (dive planning - buddy pairs, dive site brief, breathing gas requirements and surface intervals and following dives)
- Snorkelling protocol.
- Decompression diving policy?
- Night dive protocols if applicable?
- Environmental influences (dehydration and D.C.S.)

## **6.9 Pre - Dive (At The Dive Site)**

- Drop anchor/pick up mooring.
- Review of environmental conditions at the site.
- Dive flag in place.
- Mermaid/shot line set.
- Look out in position.
- Recap on site brief/establish dive plan
- Kit-up/buddy checks.

## **6.10 Commencing the Dive**

Dive supervisor/marshal to record the following:

- 5.5.1 Names of 'buddy' pairs.
- 5.5.2 Each individuals repetitive dive group/factor and pressure group.
- 5.5.3 Cylinder content (volume/pressure of breathing gas available).
- 5.5.4 Time in (time of diver beginning decent)

### **6.11 Duration of Dive**

- Time out (the time a diver surfaces at the end of a dive)
- Bottom Time (period of time between the diver leaving the surface at the start of the dive and the diver arriving at the safety stop at the end of the dive.
- Dive Time (Period of time between the diver leaving the surface at the start of the dive and surfacing at the end of a dive)

### **6.12 Post Dive**

Where divers are likely to be conducting further dives they should be advised to/assisted in - establishing the following:

- Repetitive dive group/pressure group (indicates residual nitrogen level in a divers tissue following a dive)
- repetitive factor/pressure group (indicates residual nitrogen level in a divers tissue following a multiple dives and surface intervals)
- Surface interval required prior to next dive.

Following stowage of equipment, divers should be encouraged to discuss the conduct of the dive (opinion of the site, problems experienced) with the dive supervisor/dive marshal.

Significant incidents involving both divers and staff 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.

### **6.13 Emergency Management**

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

- Diver in distress/panic on surface
- Diver 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
- Medical emergency. (refer AS 4005.1)
- Fatality. (seizing and securing of equipment)
- Evacuation of vessel (at sea/at jetty)
- Fire aboard vessel
- Engine failure
- Location of documentation. (dive supervisors records, to assist in planning hyperbaric treatment by medical practitioners)
- Authorised spokesperson for the organisation.

Note: Some scenarios may require a diver to be recovered from open water some distance from the charter vessel.

#### **6.14 Tender Vessels**

Charter providers should carefully evaluate the following issues when considering the purchase and installation of a small tender/rescue boat.

- Problems of rapidly buoying and dropping an anchor line from the principle vessel.
- Dangers of starting engines/manoeuvring a charter vessel with divers, in water nearby.
- Draft of their vessel in relation to dive sites frequented.

#### **6.15 Extended Charter**

When extended vessel charter is offered the following issues should be considered:

- Crew fatigue.
- Provisioning for extended periods.
- Emergency management for live-aboard.
- Consumption of alcohol.
- 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.
- Use of on board compressor to fill cylinders. (refer AS/NZ 2299.1 and AS 3848.2)

#### **6.16 Appendix**

The following publications should be read in conjunction with this document:

- 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 W A (Department of Sport and Recreation)

## **7. PROCEDURES AND GUIDELINES RELATING TO SAILING VESSEL OPERATION**

*Safety briefing prior to commencement of the voyage*

*access over sloping decks*

*deck clutter from sheet ropes and other sail control equipment*

*sudden movement of sail booms etc.*

*Definition of sailing vessel*

### **7.1 Docked Vessel:**

#### **7.1.1 Maintenance -**

- A regular maintenance procedure and scheduled checks of the vessel, equipment and ppe will help maintain a safe vessel.
- Appropriate stowage of equipment for both long and short term stowage should be considered to prolong the safety and use of the equipment

#### **7.1.2 Housekeeping -**

- Regular housekeeping practices to help prevent deck clutter (trip hazards) and aid with better maintenance

### **7.2 Prior To Sailing:**

To ensure a safer trip for all aboard the vessel the following should be considered.

#### **7.2.1 Safety Equipment-**

The following items of safety equipment should be considered and regularly maintained prior to sailing, particularly for ocean going yachts.

- Navigation lights appropriate to the size of the vessel.
- An inflatable life raft that will take the whole crew of the yacht.
- Two lifebuoys
- A life jacket for each person on board
- Flares
- Fluorescent orange-red distress sheet ,
- Ground tackle of size, weight and strength suitable for the particular yacht
- A storm rig including a storm trisail
- Appropriate charts and sailing directions
- A serviceable two way radio
- Two fire buckets and at least two suitable fire extinguishers
- Two permanently secured bilge pumps of adequate capacity
- Two magnetic compasses
- A safety harness complying with the requirements of Australian Standard 2227 for each person on board
- An emergency tiller
- Adequate kits for sail and hull repairs and an adequate tool set.

- 5 litres of fresh water per man for each 100 nautical miles of the distances between ports

The following safety equipment should be considered for a Keel type or ballasted yacht;

- At least one anchor and warp of suitable size
- Lifejacket or buoyancy vest for each person on board
- Two buckets of stout construction
- At least one suitable fire extinguisher
- First aid kit
- Waterproof torch
- If not fitted with engine, two paddles or oars
- Chart or map of the area
- Navigation lights
- Compass
- Portable radio
- Pump
- "V" distress sheet

### **7.2.2 Training -**

Ensure all crewmembers have appropriate training in the vessels operation and with any developed policies and procedures.

### **7.2.3 Emergency Procedures -**

Ensure that there are copies of emergency procedures on board and available. Eg.

- Man overboard
- Vessel evacuation (at sea or on land)
- Medical emergency
- Rowdy passenger
- Bomb threat
- Deploy life rafts and lifesavers.
- Emergency operation of radio.
- Stop engine

### **7.2.4 Weather -**

A full assessment of weather conditions for all days of the journey should be assessed including –

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

Procedures developed for such conditions will benefit the safety of the members and the vessel itself. A copy of these should be kept upon the vessel at all times

#### **7.2.5 MSDS -**

A set of MSDS should be kept aboard the vessel for all chemicals used and kept aboard the vessel. Also crewmembers should be aware of there location.

#### **7.2.6 Confined Spaces -**

A procedure should be developed and appropriate training provided for confined spaces upon the vessel.

#### **7.2.7 Food And Refreshments –**

The vessel should meet health and safety regulations regarding the serving and storage of food and refreshments.

Crew should have training in food handling for hygienic reasons.

#### **7.3 Departing And Docking -**

A policy or procedure for safe departing and docking the vessel should be developed and recognised by all crewmembers.

##### **7.3.1 Boarding:**

The following points should be considered to provide a safer vessel and journey for passengers aboard the vessel.

##### **7.3.2 Access And Egress -**

A safe access and egress should be provided (such as a gang plank with crew assistance) from the vessel to the land (jetty, sand, riverbank)

##### **7.3.3 Induction -**

An induction for passengers should be considered once boarded before sailing. An induction could cover the following;

- Use of safety equipment
- What to do in an emergency

#### **7.4 Sailing:**

The following points should be considered during the journey of the sail, to provide a safer journey for both crewmembers and passengers.

- Safe access and egress from the vessel into the water
- Safe practices in place for crewmembers working on the mast (falls from height - the use of safety harnesses, appropriate training)

- Measures in place to lower the exposure from UV
- Measures in place for electrical safety aboard the vessel
- Rope safety
- Noise levels

## APPENDIX 1

### RELEVANT OTHER CODES AND REFERENCE DOCUMENTS

- WA Marine Act 1982 & Regulations.
- Occupational Safety & Health Act 1984 & Regulations
- WAFIC - Occupational Safety and Health Code for the Commercial Fishing Industry in Western Australia.
- The National Tourism Accreditation Program - Tourism Council of W A.
- The National Marine Guidance Manual - Guidelines for On board Safety Training - Australian Domestic Vessels. - NMSC
- Guidelines for the Development of Industry Codes of Practice for Approval Under the Occupational Safety and Health Act 1984 - Safetyline online
- Duty of Care in Western Australia - Safetyline online.
- Fatigue Management for Commercial Vehicle Drivers - Safetyline online.
- Underwater Recreational Diving Taskforce Report (1999) WWW .harvestroad.com.au/-srres/page3.html
- Safety Management Guidelines - Safety management for Tasmanian passenger carrying vessels. Marine and Safety Tasmania.

WorkSafe (1998). **GUIDELINES FOR THE DEVELOPMENT OF INDUSTRY CODES OF PRACTICE FOR APPROVAL UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT 1984**. Available online. [www.safetyline.wa.gov.au/pagebin/pg004247.htm](http://www.safetyline.wa.gov.au/pagebin/pg004247.htm)

WorkSafe (Mar. 2002). Code of Practice: **Managing Noise at Workplaces**. Perth, W A: Ministry for Consumer and Employment Protection.

The WorkSafe Western Australia Commission has developed the Code of Practice: Managing Noise at Workplaces (Mar. 2002) to provide practical guidance on meeting the requirements in the Occupational Safety and Health Regulations relating to noise.

Standards Australia (2000). **Occupational safety and health systems, AS 4801-2000**. Strathfield , NSW:Standards Association of Australia.

An industry standard specification with guidance notes for the development and implementation of. setting auditable criteria.

Standards Australia (1999). **A basic introduction to managing risks: Using the Australian and New Zealand Risk Management Standard AS/NZS 4360: 1999**. Strathfield, NSW: Standards Association of Australia.

Standards Australia. (1999). **Guidelines for managing risk in Australia and New Zealand Public Sector, HB 143:1999**. Strathfield, NSW: Standards Association of Australia.

Standards Australia (1997). **Occupational Health and Safety Systems – General Guidelines on Principles, Systems and Supporting Techniques, AS/NZS 4804:1997**. Sydney, Standards Australia

An industry guide produced to assist in the implementation, development, or improvement of occupational health and safety management systems. Similar to AS/NZS ISO 14004 and includes comparison to AS /NZS ISO 14004 and AS /NZS ISO 9004.

Taylor, G., Easter, K., & Hegney, R. (1996). *Enhancing safety. An Australian workplace primer*. Perth, W A: Technical Publications.

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: WAG P

Report of a royal commission investigating marine safety in Western Australia as it existed in 1964. This was the foundation document for the development of the West Australian Marine and Harbours Act, 1981 and the West Australian Marine Act 1982.

## **SIGNIFICANT LEGISLATION**

Australian Transport Council 1993, ***Uniform Shipping Laws Code***, AGPS, Canberra

A standardised prescriptive code of practice for use by designers, builders and operators of commercial vessels in Australia.

***Western Australian Marine Act 1982***. (1982,5 November) Perth: WAGP

***Western Australian Marine Act 1982 Regulations***. (1983,1 July) Perth: WAGP

***Occupational Safety and Health Act 1984***. (W A, 1995, 16 November) Perth: W AGP  
Statutory management requirements relating to Occupational Health and Safety as are applicable to workplaces within Western Australia.

***Occupational Safety and Health Regulations 1996***. (WA, 1996, 1 October) Perth: WAGP  
Prescriptive statutory requirements supporting management of Occupational Health and safety within Western Australian workplaces. -

The text of legislation can also be located on the Internet for example, via

- the Australian Legal Information Institute at [www.austlii.edu.au](http://www.austlii.edu.au)
- Western Australian Legislation - State Law Publisher, Government of Western Australia, [www.slp.wa.gov.au/statutes/index.nsf/pt](http://www.slp.wa.gov.au/statutes/index.nsf/pt)