



FACT SHEET

GENERAL SAFETY DUTIES Domestic Commercial Vessels

Who should read this fact sheet?

- owners
- masters
- crew members
- passengers, and
- vessel designers, builders and maintenance workers.

General safety duties according to role

Table Key of Roles

- O Owner
 M Master
 C Crew
 P Passenger
D Designers / Builders / Suppliers
 OP Other People

Safety duties	
O [*] M [*]	Ensure the safety of the vessel, marine safety equipment, and the operation of the vessel
O [*]	Provide and maintain the vessel so that it is safe
O [*]	Implement and maintain a safety management system (SMS) that ensures that the vessel and its operations are safe
M [*]	Implement and comply with the SMS for the vessel and its operations
O [*]	Provide information, instruction, training or supervision to people on board the vessel as necessary to ensure safety
O [*] M	Do not operate, or cause the vessel to be operated, if it is an unsafe vessel
O C P OP	Do not prevent or restrict the master of the vessel from making or implementing a decision that, in the professional opinion of the master, is necessary for the safety of a person or the vessel
M C OP	Take reasonable care for the safety of persons who may be affected by their acts or omissions

Safety duties	
D [*]	<p>If you design, commission, construct, manufacture, supply, maintain, repair or modify a domestic commercial vessel or marine safety equipment, you have a duty to ensure it is safe when used for its intended purpose, including:</p> <ul style="list-style-type: none"> • carrying out (or arranging) testing to confirm that the vessel or the marine safety equipment is safe when used for its intended purpose • making sure there is adequate information available about the testing that has been carried out, including information on any conditions necessary to ensure the vessel or equipment is safe.
M C P OP	Take reasonable care for own safety
C P	Comply with reasonable and lawful directions (of the master and crew)
M C P OP	Do not unreasonably place the safety of another person at risk
M C P	Do not interfere with or misuse anything provided on the vessel in the interest of the safety of the vessel
OP	Do not do an act, or omit to do an act that may cause the loss, destruction of or serious damage to a vessel
OP	Take actions to prevent loss of, destruction of, or serious damage to, a vessel

*Duty holders must comply with the duty so far as reasonably practicable

Why follow the general safety duties?

Under the National Law, the general safety duties are a legal requirement for everyone working, travelling on, or servicing domestic commercial vessels.

The benefits of fulfilling your safety duties include:

- **Immediate safety**
You are taking appropriate action to minimise risks for yourself, those around you and the vessel.
- **Shared safety**
Each person following their safety duties contributes to a broader level of safety shared by everyone working, travelling or servicing domestic commercial vessels.
- **Valuable knowledge**
When you move between vessels or jobs, you already understand your safety duties.

My vessel is under grandfathering arrangements. Do the general safety duties apply to me?

Yes. The general safety duties apply to all domestic commercial vessels.

How do I prepare a safety management system and put it into practice?

One of the key general safety duties of the vessel owner is to implement and maintain an SMS. Similarly, a master is required to implement and comply with an SMS.

Your SMS must address the specific risks and conditions for your vessel, operation, area of operation and crew.

It's a good idea to invite your master and crew to help identify all the risks in your operation. This encourages everyone to think about their specific role in ensuring the safety of the vessel and its operations.

Read about how to create and implement an SMS in the *Safety management systems* fact sheet.

How does AMSA check whether I am complying with the general safety duties?

AMSA and marine safety agencies can ask you to show evidence that you are complying with your general safety duties at any time. This may be:

- at the time you apply for a certificate of operation (CoO). When assessing whether to issue you a CoO AMSA may ask for information on how you make sure your vessel is safe for others, that the

vessel's marine safety equipment is maintained and accessible and the vessel is operated safely. This may involve reviewing your SMS, or inspecting your vessel

- if an incident occurs in your operation (including near misses and minor accidents), or AMSA receives advice that you are not complying with your general safety duties
- during the conduct of AMSA's random compliance and enforcement activities under the National Law.

You may also be asked to demonstrate that you have thought about the risks and hazards in your operation and taken steps to eliminate or minimise these.

To determine whether you have done this, they may ask for evidence showing that you have undertaken a risk assessment and other safety tasks such as crew briefings, inductions, training on safety procedures and emergency drills.

More information

For more information about the general safety duties:

- visit www.amsa.gov.au/domestic
- read the Advisory on the general safety duties for more detail on the legal requirements (available from www.amsa.gov.au/domestic)
- call **AMSA Connect 02 6279 5000**
- contact your local marine safety agency.

For the latest news about general safety duties, subscribe to *Domestic Vessels e-News* and *Working Boats* magazine at www.amsa.gov.au/domestic

The rules about general safety duties are contained in:

Schedule 1, Part 3, of the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012*

- **Section 12**—duties of the vessel owner
- **Section 14**—duties relating to design, manufacture of domestic commercial vessels
- **Section 16 & 1**—duties of the Master
- **Section 19**—crew
- **Section 21**—passengers
- **Section 23**—people getting on, on board, or getting off a vessel
- **Section 25**—people whose actions affect a vessel.