



Consultation Feedback Report

Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment 2020 – Passenger safety

Summary

This report summarises feedback on the draft *Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment 2020* (marine order 504 amendments).

The marine order 504 amendments aim to improve passenger safety by strengthening and clarifying requirements for passenger monitoring and counting, and for managing missing passenger situations. We have set out the minimum requirements in marine order 504 to give operators and masters a clear understanding of their obligations.

From 31 May 2020, passenger vessel operators must do the following:

- Have a procedure in their safety management system (SMS) that provides an effective and verifiable means of passenger monitoring to ensure the master of the vessel is able to find out the number of passengers on board the vessel at any time.
- Have an emergency procedure in their SMS for responding to a situation where a passenger is unaccounted for.
- If the operation meets certain criteria, have a procedure for counting passengers at specified points to ensure an accurate number of the number of passengers embarking or disembarking the vessel. This will include a count:
 - at or around the time passengers embark or disembark the vessel at the start and end of voyage, or at an intermediate stop, and
 - before departing any point where passengers have disembarked for a water activity such as diving, snorkelling or swimming.
- Record passenger counts in the vessel's logbook.

We invited submissions on the draft *Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment 2020* instrument over a nine week period from 16 December 2019 to 16 February 2020.

We also released a consultation paper explaining the amendments, and asked stakeholders to respond to specific questions about the amendments. We received a total of 26 submissions on the draft amendments.

We received mixed feedback on whether the new requirements were appropriate. Seven submissions supported the criteria for requirements, although two of these indicated it was unnecessary for smaller vessels. Three submissions indicated industry already implemented effective measures and two others said the requirements are too prescriptive and they ought to be risk-based and fit for purpose. Five submissions indicated that certain vessels with perceived low risk should be exempt from requirements; but two suggested the requirements should apply to a broader or different range of passenger vessels.

We are committed to clarifying and strengthening passenger count requirements particularly for higher risk operations. We maintain that the current criteria best targets this subset of passenger carrying vessels.

Five submissions raised an issue with passenger counts at disembarkation, highlighting limited time at the wharf, passenger scattering and the difficulty in managing a count discrepancy after passengers have left the vessel. In taking these submissions into account, we have clarified that a count can be made 'at or around the time' of embarkation or disembarkation provided that the time and location chosen will allow for an accurate record of the number of passengers who embarked or disembarked the vessel.

Three submissions highlighted the existing Queensland Recreational Diving, Technical Diving and Snorkelling Code of Practice 2018 and Safety in Recreational Waters Activities Regulation 2011 which address passenger counts at a water-based activity (such as dive, snorkel and swim). AMSA has taken this feedback on board and clarified the wording in the marine order 504 amendment to be consistent with those requirements and to make it clear that it will not be necessary to do a full passenger count every time someone gets in or out of the water while the vessel is at the water activity site. Instead, a passenger count must be made before a vessel departs from a water activity site.

The majority of submissions indicated that three months was sufficient time to update their SMSs and a number of submissions supported the proposal for AMSA to offer complementary guidance material and information sessions.

Next steps

We have made the [amendment to marine order 504](#) identified above. The changes will commence on 31 May 2020.

We will also publish guidance material and information to assist industry in implementing these requirements.

Purpose

AMSA is strengthening and clarifying requirements for passenger monitoring and counting, and for managing missing passenger situations. These new requirements have been made in response to fatal incidents and serious non-fatal incidents on domestic commercial vessels.

Consultation

We consulted industry and the public on ways to improve passenger safety in 2019. We then published a draft marine order 504 amendment for stakeholder feedback over a nine week period from 16 December 2019 to 16 February 2020.

The consultation process was published on the AMSA website and social media pages. An email was sent to members of the domestic commercial vessel industry registered with AMSA to receive communication and were invited to provide feedback. Tourism and charter associations were also notified. A reminder of the consultation was also sent in late January 2020 before the submission period closed.

In conjunction with the draft marine order 504 amendment order, we released a [consultation paper](#) explaining the amendments and asking stakeholders to respond to the following questions:

1. Are the criteria for applying the more prescriptive passenger counts appropriate?
2. Do you have to comply with any state or territory laws that would conflict with these changes?
3. Is a transition period of three months long enough to update your safety management system?
4. Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed?

We received 26 submissions. Of these, 19 were marked public and these are included in this consultation feedback report.

A summary of the key issues raised and our responses are explained below.

Question 1 – Are the criteria for applying the more prescriptive passenger counts appropriate?

We asked whether the proposed criteria for the more prescriptive passenger counts were appropriate, and we received mixed feedback.

Feedback received

Seven submissions indicated the criteria were appropriate. Three indicated that passenger counting should be risk-based, fit for purpose and determined in the safety management system. Two submissions highlighted that passenger monitoring and counting was already undertaken by industry.

AMSA comments

We are committed to strengthening and clarifying existing safety management system requirements for all vessels that carry passengers, and applying more prescriptive requirements for vessels or voyages where there is a higher risk of a missing passenger occurrence. We understand that many operators already implement these or similar measures, and some may have additional measures in place developed in accordance with their SMS. We encourage all operators to review and if necessary update their SMS to comply with the marine order 504 amendments.

Feedback received

Some submissions suggested that the requirements should not apply to vessels where the risk of passengers going overboard is low—for example, vessels that are enclosed. Similarly, some submissions argued that the requirements were unnecessary for vessels with very few passengers, because a missing passenger would be easily noticed. On the other hand, two submissions suggested the prescriptive requirements should apply to a broader range of passenger vessels, including ferries be applied on the basis of a different criterion (less than 24 metres in length) for the size of vessels to be subject to the prescriptive requirements.

AMSA comments

The prescriptive requirement applies to passenger vessels permitted to carry up to 75 passengers because this is a reasonable number to count using basic, inexpensive methods such as visual counts, wristbands or lanyards, clicker counts or roll calls. The exact method(s) will be chosen by the vessel owner, depending on the specific operation.

We also 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. These include basic counting methods, as well as methods such as:

- ***crew whose primary role is to supervise or manage passengers***
- ***electronic monitoring systems***
- ***crowd management systems of controlling passenger access so they are always in monitored, supervised or indoor areas.***

The prescriptive rules do not apply to commuter ferries which stop frequently and have large numbers of passengers embarking and disembarking at each stop. Feedback received during our consultation in August to October 2019 clearly showed us that this would be impractical.

Feedback received

Five submissions raised the difficulty the timing of the passenger count at disembarkation where there are time restrictions at wharfs and passengers scatter at the end of a voyage. This makes passenger counts and recounts very challenging and an increases the chance of an emergency procedure being invoked based on a miscount.

AMSA comments

We acknowledge the challenge of counting passengers at the end of a voyage. We have clarified that the count at the end of the voyage can be made at or around the time of embarkation or disembarkation. The outcome must be an accurate record of the number of passengers embarking or disembarking the vessel. This allows time to count, recount, and resolve any count discrepancy before passengers leave the vessel.

Feedback received

Two submissions highlighted that the new requirements would have implications for crewing and crew training. Further, one submission suggested an alternative methodology of applying the prescriptive requirements to all passenger vessels under 24 metres in length rather than the proposed 75 passenger capacity, to better align with crewing requirements.

AMSA comments

Crewing is relevant to passenger monitoring and counting, and applying the requirements to all vessels under 24 metres in length would align with the crewing requirements. However we decided against applying vessel length as a criteria because passenger capacity on a 24 metre vessel can vary greatly depending on the configuration of the vessel (multiple decks, and seating). We use passenger capacity as the threshold criteria as the purpose of the requirement is most relevant to passengers. We encourage operators to take crewing and crew training into consideration when developing their passenger counting procedures and SMS.

Feedback received

One submission suggested that it was not necessary to apply the requirements to vessels operating in partially smooth waters (D waters) as certain risks of offshore waters (B and C waters) are not present in partially smooth waters, for example ocean swells.

AMSA comments

We agree that risks in partially smooth waters are not the same risks as offshore waters. However, the risk of a missing passenger is not entirely avoided in partially smooth waters.

Question 2 – Do you have to comply with any state or territory laws that would conflict with these changes?

AMSA sought feedback on whether the proposed amendments conflicted with any requirements under state or territory regulations.

Feedback received

Three submissions highlighted that the existing Queensland Recreational Diving, Technical Diving and Snorkelling Code of Practice 2018 and Safety in Recreational Waters Activities Regulation 2011 address passenger counts associated with water-based activities. Those submissions asserted that compliance with existing Queensland requirements should satisfy any passenger count requirements in the marine order 504 amendments.

AMSA comments

We have clarified the marine order 504 amendments relating to the water-based activity passenger to be consistent with existing Queensland requirements. That is, a passenger count does not have to be made every time a person enters or leaves the water for a water-based recreational activity, but a count must be made before a vessel departs from a water activity site.

Question 3 – Is a transition period of three months long enough to update your safety management system?

AMSA sought feedback on whether a three month timeframe was sufficient to review and revise (as necessary) safety management systems.

Feedback received

The majority submissions (15 submissions) indicated three months was sufficient. Five respondents indicated that either more time (6 to 12 months) was needed to come into compliance, particularly for fleet operations. Five suggested that the SMS should be updated at the time of the annual SMS review. Three submissions specifically mentioned that a deadline of 1 July 2020 would be achievable.

AMSA comments

We considered the feedback and decided to publish the marine order 504 amendment by 28 February 2020, with commencement on 31 May 2020. This allows a three month period for industry to come into compliance. We decided against tying the new arrangements to the annual SMS review. That would have been inequitable, because it would allow limited time to operators immediately due for SMS review and prolonged compliance for operators who had just completed their SMS review for up to 12 months.

We are applying the soonest practical commencement of the marine order 504 amendments of 31 May 2020.

Question 4 – Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed?

We indicated that we would offer guidance to industry to assist them in implementing the new requirements. This includes guidance material on:

- **Risk assessment**
 - Identifying risks to passenger safety.
 - Barriers and control measures to minimise persons overboard under various environmental conditions.
 - Including operational controls to minimise the risk to passengers such as:
 - passenger briefings—including advice to passengers to watch out for fellow passengers
 - wearing of lifejackets
 - serving of alcohol
 - movement of passengers (indoor/outdoor).
- **Effective emergency procedures**
 - Particular focus on person overboard.
 - Person unaccounted for.

- **Crewing assessment**
 - Ensuring appropriate crewing considers passenger monitoring.
 - Crew training.
- **Passenger count requirements**
 - The various types of passenger counts.
 - Requirements for procedures for passenger counts.
 - Recording passenger counts.
 - Ensuring robust and accurate passenger counts.
 - Technical solutions that can be considered by operators to achieve this outcome (lanyards, electronic ticketing).

Feedback received

There was good support (11 submissions) for the proposed guidance to industry. Three indicated that templates and guidance for SMS would be useful.

AMSA comments

We will publish guidance material and information to assist industry implementing the new requirements.



Public submissions received through our online submission form

The following table includes only the submissions with consent for publication. Submissions are presented verbatim.

#	Is a transition period of three months long enough to update your safety management system?	Are the criteria for applying the more prescriptive passenger counts appropriate?	Do you have to comply with any state or territory laws that would conflict with these changes?	Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed?
2	Yes	Yes, but seems unnecessary for smaller vessels to count passengers when disembarking.	No	Yes
5	Yes I believe it is sufficient time to update the SMS on this topic.	Yes I believe they are appropriate, but for some vessels they may require an extra qualified crew member to perform the extra duties.	No. But I believe changes need to be made to the NSCV Part E Operations for "Appropriate Crew" on passenger vessels that carry more than 150 passengers. As it is now the requirements for the "Kookaburra Queen" paddle boats are 2 qualified crew and 4 unqualified crew. I would like to see a minimum of 3 qualified crew and 4 unqualified crew, the extra crew to hold a MED 3 and Certificate Of Safety Training because we can carry up 378 passengers according to the Operations Certificate, and we do not have sufficient trained crew to act fast enough in an emergency situation. The 4 unqualified crew are Bar staff who serve drinks, the rest of the crew	The support is helpful but some vessels need more qualified crew to maintain the Safety of the vessels Key daily tasks.

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			onboard are international students whose first language is not english.	
6	Yes we have it implemented anyway like most vessels	Time could be better spent on other things than this as we all do passenger counts any way how long and how many people did it take to brainstorm this marine order	No and I was of the understanding that amsa was in control of everything now and not states	-
7	Yes	Yes	No	-
10	No, if anything that time could be shorter to 6 week period, but having 3 months is a good time to get everyone into alignment.	Yes I believe so. The Master of the vessel has a responsibility for the safety of all passengers and crew at all times. Therefore they need to know at all times how many passengers are onboard their vessel for the unlikely event of an emergency, and safety. There are challenging situations for this and I think the answer for this is in a digital solution/s, not only for reliability but also in the reduction of human errors. Solutions such as sensors placed over gangways, load sensor mats, single file entry/exit to allow for easy counting, possibly having more than one entry/exit location to help speed up onboarding/exiting, yet also keeping an accurate count. Digital	No	Yes if anything is seems like basic common sense, along with increasing the health and safety aspects of our commercial vessels and operations. This has been an on-going challenge for many years and as a Master myself and Operations Manager of a fast-paced Water Taxi operation, this was one of the main reasons I invested in technology and a digital logbook and fleet management solution. Commercial Operators can not only record their Passenger numbers onboard and the changes of passengers at each stop location, but this information is synced directly to the cloud, so Shore Base and other personnel have an unlimited access to that vessel, the Crew

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		logbooks that are easy to use and show the most up to date information.		Members onboard, and live, up to date passenger numbers at all times. This solution is called SeaLogs and is being used in New Zealand and Australia.
12	Yes	Yes	No	Yes
13	No, the next due update should be the trigger for introducing the changes. Your way adds \$\$\$ of impost to the operation.	Yes, agreed.	No conflicts.	Insufficient support. Building an effective SMS takes years, not weeks or months. You need like a 3 year plan to effectively change and implement those chss as ages.
14	Yes	I think there should be a minimum number where head counts are not required. I only carry a maximum of 7 passengers, and any absence would immediately be noticeable.	No	This is not helpful for a small operator. Only another layer of administration.
15	Not really - 9 - 12 months allowing for annual reviews of SMS in the allocated time	Not necessarily. You can't stop stupid people (passengers) jumping off; falling overboard; or misleading crew about other passengers. Allow the operators to work out how and why - it is the outcome that matters i.e. accurate	No.	What support other than prescriptive legislation? Needed - A cheap supply of proximity bracelets linked to an app / software program for a smart device. They need to be cheap or disposable

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		<p>counts so as to know how many on board.</p> <p>Disembarkation is a problem to manage. Passengers are in a hurry to get off, and once off recount is impossible. We are directly aware of two cases where discrepancies have occurred at disembarkation – and other passengers have sworn that they have accounted for / observed (sic) the missing passengers and they had already left the vessel / jetty. In both cases they were in the water – with the other passengers misleading the crew and subsequent search.</p>		<p>as passengers will get off with them or lose them - adding to cost.</p>
16	<p>No. Currently I'm meeting owners and operators who are still unaware that MO 504 replaced the NSCV Part E Operations in July 2018.</p>	<p>In my opinion all vessels that carry passengers should be conducting passenger counts including commuter ferries.</p> <p>I understand that, at times this may be difficult for ferry operations but the Master must know how many persons are onboard at all times to ensure the safety of all.</p>	<p>Each state and territory should be operating under MO504 and not have local laws on top which makes it confusing for many operators.</p>	<p>All support is welcomed but I've witnessed and/or heard from owners/operators that there can be very different recommendations or advice from AMSA across the board.</p>

#	Is a transition period of three months long enough to update your safety management system?	Are the criteria for applying the more prescriptive passenger counts appropriate?	Do you have to comply with any state or territory laws that would conflict with these changes?	Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed?
17	No need 12months, due to workload and other commitments	-	-	Not sure
19	Yes	Na	Na	Every boat off any size must transmit AIS
20	No. Minimum 6 months. If the changes take effect at the beginning of the season most companies are running around like crazy doing twice the hours of a normal worker in peak season (12-14 hour days, with break of course) to make up for off seasons. Being hit with something like this at the wrong time would be really impactful to a business who needs to focus on bookings and just getting through the season. We don't all have teams of safety or ops personnel hat can just action this and roll it across staff training. Most of us are 1 or 2 man bands and playing multiple roles at any given day - skipper, crew, marketing, ops, admin, safety, maintenance etc. 6 months minimum, 12 months preferably to get the operational guidelines updated, processes adjusted (which may impact	No. Requiring a head count every time a single person gets in/out of the water is not a practical solution to addressing risk. When there are large groups of 20+ people it's absolutely impossible to know where every person is at every minute of the day. We could have someone entering the water from the front stairs, and another from the rear platform. Then we might have 2 others getting into a kayak at the same time, whilst 3 people got back on the boat. Some guests get in and out of the water every 10 minutes - especially kids!	Not that we are aware of.	Haven't read up on it yet - will do so and provide feedback separately.

#	Is a transition period of three months long enough to update your safety management system?	Are the criteria for applying the more prescriptive passenger counts appropriate?	Do you have to comply with any state or territory laws that would conflict with these changes?	Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed?
	ways in which we run tours), and staff educated.			
22*	As a past fleet manager, it probably is not long enough, especially for operators with multiply vessels that maybe impacted (This will depend on the final MO504 changes and vessels that it applies to however). I recommend this is extended to at least 6 months. (or a start date of Jan 2021)	<p>No, I don't believe they are sufficiently risk based and are perhaps applied to vessels that aren't passenger vessels (Class 2 vessels). A Class 2 vessel is not a passenger vessel and can only take a maximum of 12 passengers.</p> <p>Generally, Class 2 vessels have 2 crew and either 10 passengers or 12 passengers. Most of the Class 2 vessels, primarily engaged in ecotourism, charters and dive/snorkelling operations etc are less than 12m in measured length. This creates a scenario of heightened crew passenger awareness in a relatively small vessel/space with visual contact maintained most of the time. It also creates a heightened passenger to passenger relationship, where passengers would almost certainly notice and raise the alarm if a passenger was missing or was in a dangerous unsafe position.</p>	As I'm not an operator, no comment.	<p>It all looks helpful. However, as a past manager of a SMS for a fleet of vessels, it is time consuming and probably largely neglected within smaller and even medium operations. One needs to amend the SMS, implement and monitor how successful it is. Depending on the fleet there could be multiple SMS to cover different vessel types and operations.</p> <p>The ISM code has a mandatory master's review to be completed every 12 months (It covers how well the SMS has been implemented onboard and provides that information to the designated person ashore and the owner/company). Too many SMS are written and used as shelf ware, hence I believe why industry wants increased enforcement in the feedback you received.</p> <p>The other thing I would say developing an SMS for one vessel is completely</p>

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		<p>I would recommend that Class 2 operators carrying more than 6 passenger to 1 crew ratio establish a buddy system within their SMS and this could be covered in the departure briefing (a simple look out for each other and to notify a crew member if you see a passenger in distress etc).</p> <p>Class 1 vessels (Passenger Vessels).</p> <p>Risk drivers for class one vessels: (Example only) (sic) Refer table below</p> <p>I would also recommend looking what the MCA and European Union have in place for passenger vessel counting and registration.</p> <p>MCA - MSN1794 2005 European Commission (they have European Directives on passenger counting)</p> <p>https://ec.europa.eu/transport/modes/maritime/safety-and-environment/safety-passenger-ships_en</p>		<p>different to developing an SMS or SMS's for a fleet of vessels. Industry really struggles with this, to some degree it is a commercial decision to engage someone to assist. (Not sure how AMSA can connect business with specialist in developing an SMS and the DCV industry?) ...but worth considering.</p>

Additional feedback received as part of submission 22*

Lowered Risk Areas	Reduced Hazards (mitigation)
Seagoing operations (C and B waters etc.)	Large waves, rogue waves, high winds, reduced ability to hear due to conditions, reduced visibility, weather changes, distance to safe haven etc
Any operation serving alcohol to passengers	Passengers are more likely to have falls and accidents, partake in high risk activities (like climbing guardrails etc) altered behaviour and conflict etc.
Length of passage/journey (over 30 min seems reasonable to ensure the Master has an accurate count)	Increased distance from a safe haven, weather more likely due to the decreased protection from wind that land can provide. Fatigue of passengers in heavy weather (holding on, using legs as suspension to reduce the impacts of vessel roll etc). Note: This hazard can be reduced by a vessel with motion control
Operations where passengers enter the water (e.g. snorkelling, diving, swimming with sea life etc. and could be left behind)	
Operations where passengers disembark multiply times and embark the vessel (Ecotourism and charter)	Being left on land, potentially on isolated land masses, especially in Northern parts of Australia without mobile phone coverage etc. Confusion at the end of the voyage if the total first departed passenger count can't be replicated (where was the person lost? At sea, left on land etc)
Night operations of any kind	Reduced visibility and ability to monitor passengers, fatigue, tiredness. Ability to see a man overboard even if altered.
High speed fast craft, especially vessels under 18m (Note a step change in fast craft from 30 knots to 40 knots and then over 45 knots+, high speed fast craft are becoming more common also)	High speed and acceleration forces applied to the human body, high G-force
High passenger numbers (200+).	I have encountered firsthand the confusion and generally poor manual counting by clickers in the reef industry in Cairns (with vessels taking 300 passengers daily). Unfortunately, this is just an example of the domestic commercial vessel fleet around Australia. Cruise ships around the world are aware of this risk and have generally sophisticated computerised systems to managed passengers embarking and disembarking etc The quarter Master controls passenger movement through control stations.

Lowered Risk Areas	Reduced Hazards (mitigation)
High passenger numbers to vessel size (for vessels over 12m generally but less than 24m owned and operated by families or small business)	Power cats due to the beam can take a large number of passengers in relation to their measured length. A 16m cat can carry 80 people over two levels of superstructure. Several operations exist up and down the coast that are very basic family run operations with vessels <24m with high passenger payload (Spread over multiple decks). The qualifications and manning requirements of these vessels are also on the lower side. The SMS associated with the operations can be very basic. The passenger crew ratio can be as high as 50 passengers to 1 crew on 23m vessels. (This ratio is well establishing in the airline industry and guidelines should really be developed for Class 1 DCV)
Inland water operations	Generally close to land, less than 0.5km in class E operations. Swimmable distance to shore. Low wave height and vessel motion.
Class 2 vessels (less than 12 passengers)	Results in a passenger to crew ratio generally of 6:1. Passengers more aware of each other due to low numbers and high interaction between passengers.
Short length of passage/journey (under 30 minutes)	
Partially smooth operations with two nautical miles of land	Proximity to land and a safe haven. Generally, will remain within mobile reception in populated locations. Only moderate waves and wind etc.
Vessels built and operated to a five-star safety system (transitional vessels, grandfather vessels etc)	Vessels that don't fully comply with the current National Standard for Commercial Vessels (NSCV) across all sections potentially are not as safe as newer or fully upgraded vessels that do. A voluntary system should really be looked at and vessels that achieve five stars will undoubtedly promote this fact without much involvement from AMSA (This could be assessed at the Certificated of Survey assessment process) .Even Transitional vessels don't quite provide the same level of safety as a new or fully NSCV compliant vessel.
Sunlight operations with condition (restricted to good weather operations only)	Less than 20 knots of wind, less than one metre significant wave height, good visibility etc.

Public submissions received through email

#	Submission
A	<p>Thank you for the opportunity to provide feedback on the proposed amendments to Marine Order 504 with respect to clarifying the requirements for monitoring and accounting for passengers on domestic commercial vessels.</p> <p>The intent behind the strengthening of the existing marine order is not disputed and I and the industry I represent fully support any initiative to ensure that nobody gets left behind.</p> <p>Having said that it is very obvious that there has been no consideration of the marine tourism industry, in particular, operations within the Great Barrier Reef Zone and other areas where operators in Queensland must comply with the Recreational Diving, Technical Diving and Snorkelling Code of Practice 2018.</p> <p>Section 2.1 of this code addresses the need to ensure that nobody gets left behind. In particular it refers to the Safety in Recreational Waters Activities Regulation 2011 and states:</p> <p>SRWA Regulation sections 6 and 12: If the duty holder uses a boat to transport persons to, or to the vicinity of, a recreational diving, recreational technical diving or recreational snorkelling site, before the boat departs for the site and before the boat departs from the site, the duty holder must nominate at least two crew members and ensure those crew members do all of the following:</p> <ol style="list-style-type: none"> (a) independently count all persons on board (b) compare the counts to ensure the counts agree (c) make a written record of the counts (d) verify the counts <ol style="list-style-type: none"> i. by signing the record or ii. if the record is made electronically—by entering in the record the name of, and a unique identifier for, each crew member. <p>The same requirements apply if anyone leaves the boat permanently or joins the boat.</p> <p>However, if only one crew member is aboard the boat, the crew member must do the count twice, using:</p> <ol style="list-style-type: none"> (a) an active count system for one count and (b) a different active count system or a passive count system for the other count. <p>The duty holder must keep each record made for at least one year.</p> <p>Head counts are required:</p> <ul style="list-style-type: none"> • before the boat departs for the dive or snorkelling site • if anyone leaves the boat permanently for alternative transport or joins the boat to participate in any of the activities • before the boat departs from any dive or snorkelling site or its vicinity (e.g. from one dive site to another in the same reef area). <p>This record of the total number on board must be compared with and agree with the previous record after taking into account any permanent changes.</p>

#	Submission
	<p>Each crew member carrying out the counts must verify each count record and comparison by signing each record; or if the record is made electronically—by entering in the record the name of, and a unique identifier for, the crew member.</p> <p>If the comparison shows the count does not match, a recount must be done. If there is still a mismatch, then procedures set down in the emergency plan must be followed.</p> <p>Two types of systems are described in the SRWA Regulation:</p> <ul style="list-style-type: none"> • Passive count systems, for example, a head count <p>These systems require little participation by the people being counted. They tend to be quicker and less obtrusive but are also more susceptible to error. If passive systems are used, the count must be conducted twice, and independently, by different crew members.</p> <ul style="list-style-type: none"> • Active count systems for example, roll calls, tagging or signing systems <p>Active count systems require the people being counted to actively participate in the counting process. These systems tend to be slower than passive systems but are less prone to error. The use of an active system is preferred, but for vessels carrying over 50 people, passive systems may be more appropriate. As with any other system, it is important the adopted process is clearly known to all workers and the responsibility for completing the count is clearly allocated to a person or people on each day. The person conducting the business or undertaking should ensure all other people on board the vessel are clearly informed of the counting process to be followed.</p> <p>The SRWA Regulation requires that at least two crew members on board the vessel independently conduct, record and verify counts of people on board whenever a count is required. Where there is only one crew member on board the vessel, at least two counts must be conducted by this one person using either two active or one active and one passive count systems. In each instance the numbers recorded must agree.</p> <p>Carrying more than 2.2 million visitors to the Great Barrier Reef each year, operators comply with what is believed some of the toughest laws in the world when it comes to diving and snorkelling and the Code of Practice developed over many years has kept our passengers safe and accounted for. The way the proposed changes as they are currently written, would mean, in addition to what is listed above in the code:</p> <ul style="list-style-type: none"> • Arrive at the destination and passengers disembark to go snorkelling – Headcount • Whilst they are in the water 6 passengers do diving – Headcount • A snorkeller feeling unwell returns to the boat – Headcount • The 6 divers return to the boat – Headcount • Some more snorkellers return to be boat for a rest – Headcount • 15 passengers transfer to the glass bottom boat – Headcount • The master of the glass bottom boat embarks the 15 pax – Headcount • More snorkellers return to the boat – Headcount • The next group of divers head out – Headcount

#	Submission
	<p>I could probably write another two pages on the number of head counts that would be required. This is totally impractical, unnecessary and yet another financial burden which will necessitate the engagement of onboard mathematicians to work all of this out, that is something that industry should not have to bear. It would damage the reputation of the industry as passengers would lose an enormous amount of time whilst headcounts are conducted and I guess some will just have to tread water until the head counts are complete. We could be faced with up to 50 head counts a day and let's not forget we have other recording measures that require passenger signatures including dive logs.</p> <p>I would strongly suggest and recommend that the Authority include a reference that simply states that owners /operators of domestic commercial vessels who comply with the Recreational Diving, Technical Diving and Snorkelling Code of Practice 2018 are deemed to satisfy the requirements of this section of the marine order.</p> <p>Notwithstanding that – there is one gap that still could be closed. I have raised the issue of multi-user facilities at a number of meetings but there still seems to be no appetite to address my concerns.</p> <p>To conduct headcounts upon arrival at one of these facilities, and I will use the Cairns Marina as an example would impracticable, chaotic and would once again damage our industry. To try and hold up to a thousand people at time – people who have connections, people who are tired and just want to go home, mothers with babies in arms, the elderly, the disabled – this is ridiculous and the chances of getting a correct headcount at that time would be impossible. So, if this as to be implemented, I would suggest that you base another jet in Cairns to conduct an immediate Search and Rescue response the moment the call is made – which will be around 1700 daily.</p> <p>So, in addition to my recommendation above I would like to suggest that the statement be expanded as follows: owners /operators of domestic commercial vessels who comply with the Recreational Diving, Technical Diving and Snorkelling Code of Practice 2018 in Queensland are deemed to satisfy the requirements of this section of the marine order. Owners / operators will however, undertake a final headcount within the final 20 minutes of arriving at their disembarkation point.</p> <p>I would also like to object to the insinuation that operators carrying less than 75 passengers may not have appropriate safety measures or well-developed procedures in place. It is already widely recognised that the Authority does not have an intimate understanding of our industry and I can assure you there will always be rogues at every level regardless of the number of passenger numbers carried. Your statement is insulting. There are a lot of owners / operators in our industry who go above and beyond to make sure their operations are the safest they can be. Then of course, you will always get the bad apple like the one that created this enquiry. One that should have been dealt with swiftly and effectively by the regulator at the time – up to and including legal action.</p> <p>The consultation time frame – whilst the Authority may be getting pushed to have this dealt with – you have gone out for consultation over the festive and holiday period? I have no issue with the start date but in reality, by the time people are back on deck and gearing up again you have basically given us no time for proper consideration. Consultation should be extended by at least one month then it will be up to the Authority to engage more resources to meet their deadlines.</p> <p>With regards implementation – if the recommendations made here are accepted then the implementation date of July 1st is achievable (sic) for our industry but I cannot say the same for the rest of the nation – feedback would have to come from outside [state].</p> <p>Having said that, if there is no reasonable consideration of the recommendations contained herein or the proposed actions delivered post consultation would have a negative impact on our operations you can expect the issue to be escalated. I say that with all due respect – I know the task before you is not easy and the parliamentary pressure is enormous.</p>

#	Submission
	<p>I do however, honestly believe that by working together we can get this across the line to everyone's satisfaction.</p> <p>Please do not hesitate to contact me at any time should you wish to discuss this further.</p>
B	<p>In regards to the proposed changes to Marine order 504, I would firstly like to provide my whole hearted support to the attached letter from [sic submission A]. This response best relates to what we as tourism operators on the GBR feel is the best approach in managing our head counting systems.</p> <p>The Recreational Diving, Technical Diving and Snorkeling Code of Practise 2018 is the benchmark for our safe head counting systems across the industry. It is monitored and regulated by WH&S officers ensuring that we uphold best practice at all times.</p> <p>As a Marine tourism operation that operates out of Port Douglas and Cairns ports with 28 DVC's and up to 250 crew, suggesting that a head count be enforced at all times throughout the day whenever one or more passengers disembark or embark either from a landing point or an undertaking of a water activity is just not practical in any form.</p> <p>I can only put forward the strongest support for the attached letter [sic submission A], and hope that tourism operations like ourselves, are exempt to these changes and continue to follow best practice using the Diving and Snorkeling code of conduct in relation to head counting systems.</p>
C	<ol style="list-style-type: none"> 1. In Queensland, operators who conduct Recreational Diving and Snorkelling have the headcount requirement picked up under the Safety in Recreational Water Activities Regulation. Any introduction of further legislation will need to ensure it is not contradictive or opposes requirements under this current existing regulation. The Great Barrier Reef tourism operators carry close to 3 million passengers per annum and currently comply with a high level of legislation from WH&S Queensland and AMSA and have robust systems and procedures in place when it comes to ensuring headcounts are completed in accordance with current legislation. On vessels where 250 plus passenger are onboard, headcounts can often take up to 10 minutes to complete as passengers need to remain exactly where they are for the counts, which can be a difficult task when there are upwards of 10 languages spoken by passengers onboard and often recounts may occur 2-3 times or more. To add further counts to the day will impact on the day's activities and duration of time spent at leisure for the passengers. 2. Whilst the number of 75 passengers seems to have been chosen, this may unintendedly pick up Glass Bottom Boats and Semi Submersibles who conduct voyages over 30 minutes in duration and operate from a tourist pontoon or island within the Great Barrier Reef. These activities are what would be considered to be low risk in terms of a passenger ending up overboard or unaccounted for. Even smaller RIB's that carry 10-15 pax who operate on tours of more than 30 minutes, all passengers are often located forward of the master and a watch can easily be kept by the master during regular operation or in a chamber/hull space below decks observing the coral and marine life. Would it be considered to allow in these sort of circumstances the Owner and Operator to complete a Risk Assessment to determine if the headcounts are required? 3. To conduct a count of "all passengers" when perhaps only a small number get on and off a vessel during a voyage may be too onerous and time consuming. Could a count be made of the number off and or the number on and that documented as added or subtracted from the total number onboard to give the new total, rather than having to complete a complete headcount of all persons onboard during this process?

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	<p>4. I agree with the change that SMS's should have a detailed procedure about passenger monitoring and that all crew should be trained and familiar with this requirement.</p> <p>5. A point that I did not think was that clear and would like further clarification Schedule 1, paragraph 6 (6) (b). "the master of the vessel must be able to find out the number of passengers onboard at any time" am I correct the interpret this as follows??: Is it simply that if the need arises that the master has concern over the number of passengers and needs to reconfirm a number due to a report of a person overboard or unaccounted for, the master is able to muster crew to complete a headcount of all passengers onboard using a predetermined method or system at a moment's notice? If this is the case then I do not see that is being a big issue in terms of compliance for the majority of operators.</p> <p>6. Again (as per my previous submission and comments at DCVIAC) I would like to reiterate the problem with counting all passengers off the vessel at the end of the voyage. Speaking from experience, as passengers disembark a vessel they are generally in quite a rush to get to their transport home, flights at an airport or simply wanting to get back on to solid land after a rough day at sea! While the boarding process at the start of the voyage is generally very orderly, passengers exiting the vessel can be quite the contrast. As passengers rush off the vessel there is a big opportunity for a miscount to occur by the crew conducting the headcount. If this occurs, there may well be no person overboard or unaccounted person, it could well be a miscount, but how is this to be managed by the crew? It is impossible to round up all of the passengers for a recount.</p> <p>7. Depending of the level/number of changes that end up being made to MO504 and the uptake of any feedback from operators, so long as the new order is out by early April I think that July compliance should not be an issue for most operators.</p>
D	<p>Thank you for the opportunity to provide comment on the proposed changes to Marine Order 504, intended to improve passenger vessel safety. [Submitter name] welcomes the opportunity to contribute to the improvement of safety standards in the wake of the terrible loss of life resulting from the Ten Sixty Six tragedy.</p> <p>[Submitter name] is keen to ensure that the resulting changes to regulation have the impact of improving safety outcomes in high risk circumstances, without resulting in an unnecessary and impractical burden on operators where there is no evidence that an inherent safety risk to passengers exists and that change is necessary.</p> <p>1. RESPONSES TO ON-LINE QUESTIONS FORM</p> <p>1) Is a transition period of three months long enough to update your safety management system? This is a reasonable amount of time to allow for an SMS to be updated.</p> <p>2) Are the criteria for applying the more prescriptive passenger counts appropriate? [Submitter name] does not support a prescriptive approach to requiring passenger counts. Effective safety management systems should be fit for purpose, account for higher risk operations and circumstances and prescribe headcounts where necessary and appropriate to ensure the safety of passengers.</p> <p>It is strongly in the interest of maritime operators whose businesses rely on taking passengers to have implemented appropriate safety management systems that properly take into account relevant risks prescribe measures that must be taken to mitigate those risks and protect the safety of passengers.</p>

#	Submission												
	<p>Notwithstanding [submitter name] general objection to this prescriptive approach, we suggest some alternative language for the proposed amendments to Marine Order 504 in section 2 of our submission below.</p> <p>3) Do you have to comply with any state or territory laws that would conflict with these changes? If so, please provide as much detail as possible. [Submitter name] is not aware of any state or Territory laws that would conflict with the proposed changes.</p> <p>4) Is the support we are proposing to give helpful? Does it help you to build an effective and compliant safety management system? What else is needed? Further guidance on safety management systems will no doubt be of assistance to industry.</p> <p>2. SUGGESTED ALTERNATIVE LANGUAGE TO PROPOSED MO 504 AMENDMENTS</p> <p>(bb) for a Class 1 vessel, or a Class 2 vessel that is permitted to carry passengers – a passenger count on embarkation and disembarkation if:</p> <table border="1" data-bbox="255 655 1621 1308"> <thead> <tr> <th data-bbox="255 655 712 687">Current proposal</th> <th data-bbox="712 655 1167 687">[Submitter name] comment</th> <th data-bbox="1167 655 1621 687">[Submitter name] alternative proposal</th> </tr> </thead> <tbody> <tr> <td data-bbox="255 687 712 895">(i) the vessel is permitted to carry no more than 75 passengers; and</td> <td data-bbox="712 687 1167 895">The use of 75 passengers seems an arbitrary number. [Submitter name] is of the view that a more logical approach would be to link the requirement with an existing parameter, such as vessel length (<24m) and the required Near Coastal Qualifications.</td> <td data-bbox="1167 687 1621 895">(i) the vessel is <24 meters in length</td> </tr> <tr> <td data-bbox="255 895 712 1043">(iii) the vessel is not scheduled to stop for embarkation or disembarkation in the first 30 minutes; and</td> <td data-bbox="712 895 1167 1043">If the purpose is to avoid impractical application to commuter ferries and the like, [Submitter name] is of the view that the language used is quire (sic) arbitrary (sic) and potentially too narrow</td> <td data-bbox="1167 895 1621 1043">(iii) the vessel is not a ferry operating on a dedicated timetable; and</td> </tr> <tr> <td data-bbox="255 1043 712 1308">(iv) the vessel is operating in: (A) B, C or D waters (B) E waters outside of daylight hours</td> <td data-bbox="712 1043 1167 1308">The amendments to MO 504 are being proposed to address risks identified in the wake of the Ten Sixty Six tragedy. There are a number of inherent risks associated with vessel operations in B and C waters, such as oceanic swell, that do not exist in D waters. In [Submitter name]'s view, it would not be necessary to apply these requirements to D waters in daylight hours.</td> <td data-bbox="1167 1043 1621 1308">(iv) the vessel is operating in: (A) B and C waters (B) D and E waters outside of daylight hours</td> </tr> </tbody> </table>	Current proposal	[Submitter name] comment	[Submitter name] alternative proposal	(i) the vessel is permitted to carry no more than 75 passengers; and	The use of 75 passengers seems an arbitrary number. [Submitter name] is of the view that a more logical approach would be to link the requirement with an existing parameter, such as vessel length (<24m) and the required Near Coastal Qualifications.	(i) the vessel is <24 meters in length	(iii) the vessel is not scheduled to stop for embarkation or disembarkation in the first 30 minutes; and	If the purpose is to avoid impractical application to commuter ferries and the like, [Submitter name] is of the view that the language used is quire (sic) arbitrary (sic) and potentially too narrow	(iii) the vessel is not a ferry operating on a dedicated timetable; and	(iv) the vessel is operating in: (A) B, C or D waters (B) E waters outside of daylight hours	The amendments to MO 504 are being proposed to address risks identified in the wake of the Ten Sixty Six tragedy. There are a number of inherent risks associated with vessel operations in B and C waters, such as oceanic swell, that do not exist in D waters. In [Submitter name]'s view, it would not be necessary to apply these requirements to D waters in daylight hours.	(iv) the vessel is operating in: (A) B and C waters (B) D and E waters outside of daylight hours
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E	<p>[Submitter name] welcomes the opportunity to provide its views on AMSA's proposals to strengthen existing requirements for the monitoring and accounting for passengers on domestic commercial vessels in Marine order 504 (MO504).</p> <p>Given recent fatal and serious non-fatal incidents, [submitter name] broadly supports the proposed amendments to strengthen and clarify the requirements for passenger safety in MO504. Our detailed feedback on the consultation proposals is attached.</p> <p>However, [submitter name] would welcome clarification as to why AMSA has limited the proposed passenger counting requirements only to those vessels that carry up to 75 passengers. Based on data from a 2018 Government Licensing Service report, an estimated 16% of 'Passenger Charter vessels' in [state] were permitted to carry 75 or more passengers. [submitter name] suggests that AMSA should consider extending the proposed counting requirements to all charter and party cruise vessels.</p> <p>We note that the proposed criteria for passenger counts also exclude commuter ferry operations. This is not mentioned in MO504 and we therefore suggest that the conditions given at 7(6)(bb) (ii) & (iii) be amended so it is made clear that commuter ferry operations are excluded.</p> <p>As noted by AMSA, the proposed changes will impact owners, operators, masters and crew of domestic commercial vessels. [Submitter name] therefore welcomes AMSA's proposed support activities that will assist industry in developing effective and compliant safety management systems. We believe that industry could further benefit if AMSA were to provide additional support mechanisms, such as templates for impacted vessels with examples of risk registers as well as procedures for emergency and passenger monitoring.</p> <table border="1" data-bbox="264 799 1850 1361"> <thead> <tr> <th data-bbox="264 799 792 831">Consultation questions</th> <th data-bbox="792 799 1321 831">[Submitter name] response</th> <th data-bbox="1321 799 1850 831">Additional comments from [Submitter name]</th> </tr> </thead> <tbody> <tr> <td data-bbox="264 831 792 1038"> 1. Is a transition period of three months enough to update your safety management system? Note that: <ul style="list-style-type: none"> There is an existing requirement that a review of all safety procedures must be conducted every 12 months. </td> <td data-bbox="792 831 1321 1038">Yes</td> <td data-bbox="1321 831 1850 1038"></td> </tr> <tr> <td data-bbox="264 1038 792 1361"> 2. Are the criteria for applying the more prescriptive passenger counts appropriate? Note that the criteria are intended to: <ul style="list-style-type: none"> Include charter and party cruise operations and exclude commuter ferry operations. Be simple and measurable </td> <td data-bbox="792 1038 1321 1361"> The 75-passenger limitation should be removed so that all charter and party cruise vessels are required to complete a count on embarkation and disembarkation. Based on estimates from [state] data from May 2018, approx. 16% of 'Passenger Charter' vessels in NSW are permitted to carry 75 or more passengers. Further, at no point does M0504 mention that commuter ferry operations are excluded from the criteria. [Submitter name] suggests making an </td> <td data-bbox="1321 1038 1850 1361"> Will the criteria appear as an interpretation in the AMSA website? Some water taxis may carry more than 30 passengers but only for voyages of less than 30 minutes? Would they fall under the provisions of a ferry or a charter vessel? </td> </tr> </tbody> </table>	Consultation questions	[Submitter name] response	Additional comments from [Submitter name]	1. Is a transition period of three months enough to update your safety management system? Note that: <ul style="list-style-type: none"> There is an existing requirement that a review of all safety procedures must be conducted every 12 months. 	Yes		2. Are the criteria for applying the more prescriptive passenger counts appropriate? Note that the criteria are intended to: <ul style="list-style-type: none"> Include charter and party cruise operations and exclude commuter ferry operations. Be simple and measurable 	The 75-passenger limitation should be removed so that all charter and party cruise vessels are required to complete a count on embarkation and disembarkation. Based on estimates from [state] data from May 2018, approx. 16% of 'Passenger Charter' vessels in NSW are permitted to carry 75 or more passengers. Further, at no point does M0504 mention that commuter ferry operations are excluded from the criteria. [Submitter name] suggests making an	Will the criteria appear as an interpretation in the AMSA website? Some water taxis may carry more than 30 passengers but only for voyages of less than 30 minutes? Would they fall under the provisions of a ferry or a charter vessel?
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