



Senator Susan McDonald
Chair
Senate Standing Committees on Rural and Regional Affairs and Transport
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Dear Senator McDonald

I would like to update the Committee in relation to the Australian Maritime Safety Authority's progress with the changes to Marine Order 504 (Certificates of operation and operation requirements – national law) on passenger safety.

We have drafted the attached amendments to Marine Order 504 to strengthen and clarify requirements for monitoring and accounting for passengers. The key changes are new requirements for:

- operators of certain vessels to count all passengers on board a vessel, at any point where one or more passengers embark or disembark from the vessel, including at a landing point or to undertake a water activity
- recording results of passenger counts in the vessel logbook
- procedures for passenger monitoring so that the master can know or find out the number of passengers on board at any time.

Public consultation opened on 16 December 2019. Given the summer season is a particularly busy period for passenger vessel operators, the consultation period will run for nine weeks and we will accept submissions until 16 February 2019.

Please do not hesitate to contact me if the Committee would like a briefing on AMSA's regulatory approach to enhance passenger safety.

Yours sincerely

MICK KINLEY

20 December 2019

Att. (1)



Australian Government
Australian Maritime Safety Authority

AMSA MO 2020/[number]

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

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority, (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this Marine Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

2020

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

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1 Name of Order

This Order is *Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment 2020*.

2 Commencement

This Order commences on 1 July 2020.

3 Amendment of *Marine Order*

Schedule 1 amends *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*.

Schedule 1 Amendment

[1] Section 10

omit

section 9 of Marine Order 501

insert

section 9 of Marine Order 501, include

[2] Schedule 1, subclause 2(3), note

omit

subparagraph (b)(iv)

insert

paragraph (c)

[3] Schedule 1, paragraph 6(6)(b)

substitute

(b) the number of persons to be carried on the vessel and the effectiveness and timeliness of arrangements for passenger monitoring, taking into account that the master of the vessel must be able to find out the number of passengers on board the vessel at any time;

[4] Schedule 1, paragraph 7(6)(b)

omit

passenger vessel

insert

vessel that carries passengers

[5] Schedule 1, after paragraph 7(6)(b)

insert

(ba) for a Class 1 vessel, or a Class 2 vessel that is permitted to carry passengers — an effective and verifiable means of passenger

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monitoring to ensure that the master of the vessel is able to find out the number of passengers on board the vessel at any time;

(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:

- (i) the vessel is permitted to carry no more than 75 passengers; and
- (ii) the scheduled duration of the voyage is at least 30 minutes and no more than 12 hours; and
- (iii) the vessel is not scheduled to stop for embarkation or disembarkation in the first 30 minutes; and
- (iv) the vessel is operating in:
 - (A) B, C or D waters; or
 - (B) E waters outside of daylight hours.

[6] Schedule 1, subclause 7(6), after the note

insert

Note for paragraph (ba) Examples of passenger monitoring systems include counting, monitored or recorded closed circuit television, crew stationed as sentries to visually monitor, configuration of the vessel that allows the master of the vessel to see passengers.

[7] Schedule 1, subclause 7(7)

omit

The

insert

For a vessel to which NSCV Part F1C applies — the

[8] Schedule 1, paragraph 8(3)(b)

omit

overboard

insert

overboard or unaccountably missing

[9] Schedule 1, paragraph 11(4)(f)

substitute

- (f) all passenger counts conducted for the vessel;
- (g) any operation of the vessel for recreational purposes.

[10] Schedule 1, subclause 11(9)

omit

Note

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.

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