



JCU BOATING WORK HEALTH AND SAFETY MANAGEMENT FRAMEWORK

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Approved by: TBA

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3 Boating legislation and how it applies to JCU

This section provides an overview of Australian Maritime Safety Authority (AMSA) legislation as it applies to Domestic Commercial Vessels (DCV):

3.1 Law (Must Follow)

3.1.1 Act and Regulations

- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (the National Law)
- *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* (the regulations)

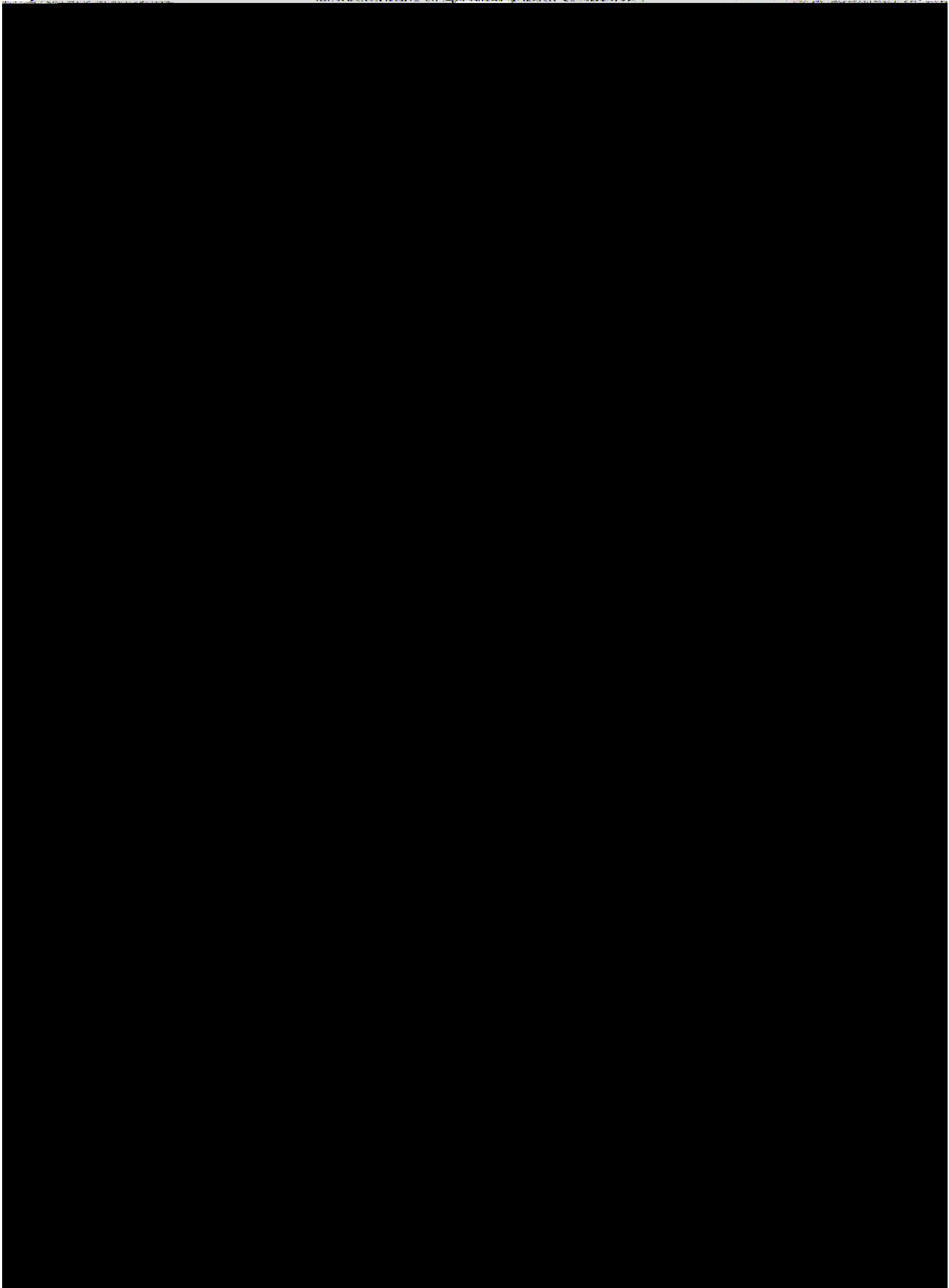
3.1.2 Marine Orders

Marine orders are regulations made under Commonwealth legislation, they contain detailed requirements and processes ensuring legislation keeps up to date with technical and operational advances in maritime safety environment protection.

For marine orders that apply to DCVs, marine orders are made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*. Marine orders that relate to DVCs include marine orders 500-507.

3.1.3 Exemptions

The National Law allows the National Regulator, in certain cases, to grant exemptions from the



4.2 Vessel Safety Management System (SMS)

Each vessel is required to have an SMS that is specific to the vessel.

The objective of the vessel SMS is *'to prevent human injury or loss of life, avoid losses due to damage and avoid damage to the environment'* (NSCV Part E).

SMS's must be implemented and maintained for every vessel owned by JCU.

All Vessel Masters must have an understanding of the SMS for the vessel they intend to operate.

JCU has created a SMS template as the base document. This template is modified for each JCU owned vessel with the vessel's unique procedures.

JCU SMS Template:

- The Boating and Diving Office are responsible for the creation and maintenance of the SMS template.
- The SMS template is reviewed annually, or earlier, if required due to changes to the SMS template, legislative changes, Vessel Masters reports or incidents.
- The SMS template is endorsed by the B&D committee and WHSAC.
- The SMS template is approved by the B&D committee Chair.
- The latest SMS template is posted on JCU WHS Website with the JCU Boating WHS Management Framework.

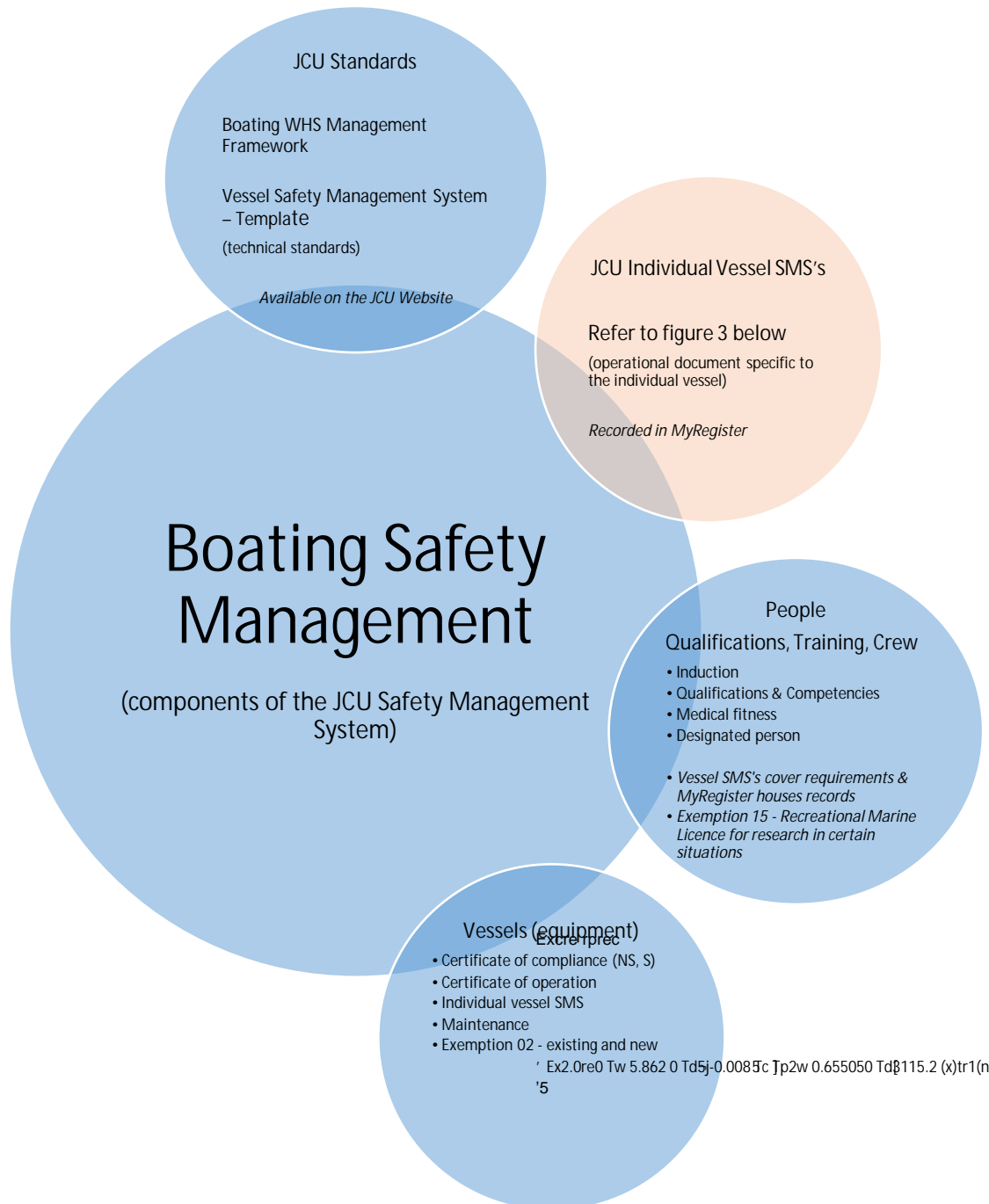
Individual Vessel SMS:

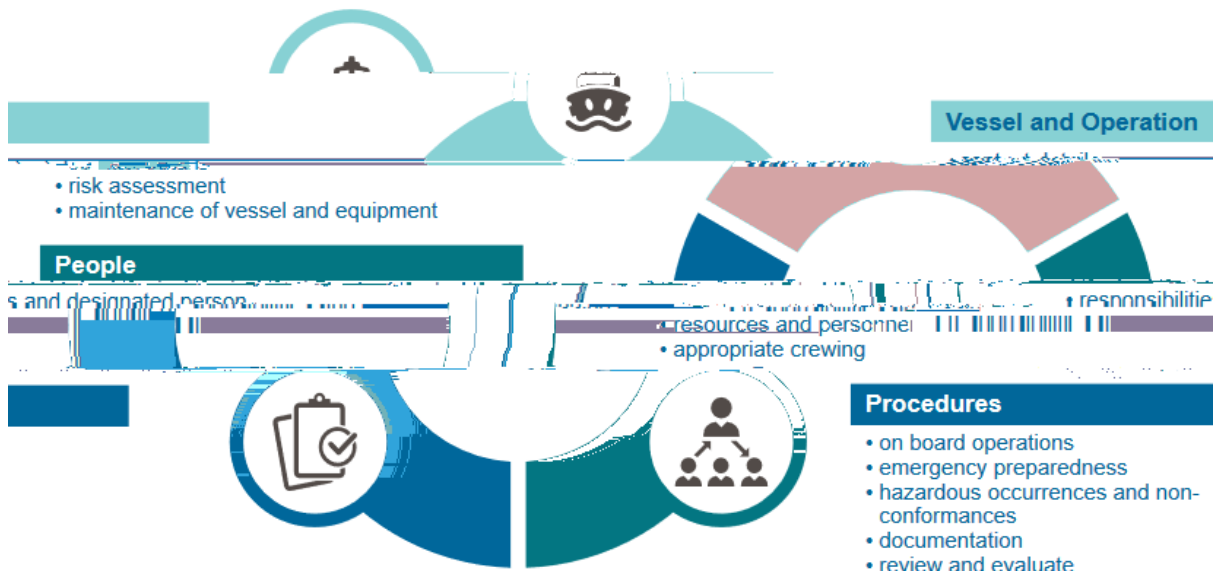
- Each vessel's SMS must be tailored to reflect the size, complexity and area of operation, as well as the risks unique to the vessel and its operation. The JCU SMS Template is used as a base document and modified to suit the vessel.
- Each Boating Officer is responsible for the creation and maintenance of the vessel's SMS.

The Sub-

5 Components of JCU WHS boating safety management system

As with every safety management system, the Boating Safety Management System at JCU involves a number of key components. As illustrated in the figure 2, ensuring safe boating activities requires all of the components of the system to be working effectively. JCU Boating WHS Management System follow the principles provided by *AS/NZS ISO 45001:2018 Occupational health and safety management systems*. By adopting this framework, JCU can demonstrate continuous improvement, fulfilment of legal and other requirements and achievement of objectives:





6 Domestic Commercial Vessel Compliance

This section discusses the compliance requirements for DCVs and how JCU manages each requirement.

6.1 Certificate of Survey (Marine Order 503)

A certificate of survey demonstrates that a vessel meets the design, construction, stability and safety equipment standards required for the vessel. It confirms that the vessel is compliant with Australian laws and accepted standards.

The Boating Officers are responsible for ensuring a certificate of survey is maintained for each vessel in the JCU fleet that is required to have one. All records are maintained in MyRegister under the individual vessel documents.

There are JCU vessels that are exempt from requiring a certificate of survey. The following AMSA exemptions apply to vessels at JCU:

- Exemption 02 – Marine Safety (Certificates of survey) Exemption 2020;
- Exemption 40 – Marine Safety (Class C restricted operations).

Where a vessel is covered by an exemption, the conditions detailed in schedule 1 of the exemption must be applied.

Where an exemption applies to a vessel, the Boating Officer is responsible for reviewing the exemption conditions and integrating them into the vessel SMS.

The minimum and appropriate crewing for each vessel can be found in procedures section of the Vessel SMS, under

8.1 Monitoring the safety of the vessel, the environment and all persons on or near the vessel

Monitoring the safety of the vessel:

- The fleet is managed and maintained by the Boating and Diving Office. Prior to a vessel being used for a trip, the Boating Officer (or their delegate) conducts a visual check of the safety of the vessel and confirms compliance records are up to date in MyRegister;
- The Vessel Master is responsible for ensuring prescribed vessel safety checks are conducted before a voyage and monitoring the safety of the vessel during the trip;
- The Boating Officers ensure that there is appropriate crewing for the trip and that the crew onboard have the required training and qualifications relevant to the vessel and operations as part of the boating activity approval process;
- The Vessel Master is responsible for monitoring the safety of the environment and all people on board during the trip;
- The B&D Office has

Audits shall assess:

- Boating WHS Management Framework (desktop audit):
 - Boating and Diving Sub-Committee functions meet the Terms of Reference and the needs of the University;
 - Boating Officer and other key roles and responsibilities are being carried out in accordance with this framework;
 - Framework and SMS's (including the template) are reviewed and managed as detailed in this framework.
- JCU boating activities (desktop and in the field audits):
 - Desktop (reviewing Riskware Field Trip Module, Riskware Risk Assessments and MyRegister);
 - In the field (reviewing the Master compliance, suitability of equipment in use, the competence of the Master and crew, the safety briefing and operational documentation, etc.)

Equipment servicing records will be periodically reviewed to confirm they are being carried out in accordance with the manufacturer's instructions.

14 Responsibilities

Owner= James Cook University

Vice Chancellor Deputy Vice Chancellor Dean of Research

The Vessel Owner has obligations under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* to 'so far as is reasonably practicable' ensure the safety of the vessels, safety equipment that relates to the vessels and the operation of vessels.

14.1 James Cook University

In accordance with the *Work Health and Safety Act 2011*, the University as a Person Conducting A Business Or Undertaking (PCBU), has a primary duty of care to ensure workers and others are not exposed to a risk to their health and safety when undertaking boating activities.

A primary duty of care is owed by the University when it:

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14.2 Dean Research Infrastructure

The Dean Research Infrastructure responsibilities include:

- Overseeing the Boating WHS Management System;
- Appointing Boating Officer's in line with the management system; Apclase migli Ofe magechibis7 (c)5.9 ak5 (y

Definitions

Term	Definition
Boating and Diving Register (MyRegister)	An electronic system that is used for the management of diving and boating operations at JCU.
Boating Officers	Persons appointed by the Dean, Research Infrastructure who are responsible for overseeing all vessel-based operations at James Cook University.
Boat Owner	For the purpose of this Framework, the Boat Owner is the person that has legal interest in the boat i.e. James Cook University.
Crew	All persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation; or to provide services for other persons on board.
Domestic commercial vessel (DVC)	Domestic commercial vessel means a vessel that is for use in connection with a commercial, governmental or research activity.
Field Trip Leader	The person authorised by the Director / Dean to lead the field trip, and is responsible for the health and safety for all persons attending for the duration of the field trip.
Master	Master of a vessel means the person who has command or charge of the vessel, but does not include a pilot.
Passenger	Passenger, for a vessel, means any person other than: <ul style="list-style-type: none"> (a) the master or a member of the crew; or (b) special personnel; or (c) a child not more than 1 year old; or (d) a person on board the vessel because of the master's obligation to carry shipwrecked or distressed persons or because of circumstances the master or owner could not prevent.
Special personnel	For a vessel, means a person who is: <ul style="list-style-type: none"> a. all of the following: <ul style="list-style-type: none"> i. not the master, a pilot or a member of the crew; ii. not a passenger of the vessel; iii. on the vessel to perform or assist the performance of the special work being carried out on board the vessel; or b. an observer, trainee, person being coached or a coach; or c. employed by or a volunteer for an emergency services organisation.
Vessel	Under the national law, a vessel is described as a craft for use, or that is capable of being used, in navigation by water, no matter how it is propelled or moved. <p>Examples of vessels:</p> <ul style="list-style-type: none"> • a boat, canoe or kayak • a dragon boat, tinnie or dinghy • a jet ski or sailing boat • a floating pontoon or barge

Term	Definition
	<ul style="list-style-type: none"> • a hovercraft or underwater submersible • a fishing trawler, charter boat or houseboat • a car or passenger ferry. <p>Things that are not vessels under the national system:</p> <ul style="list-style-type: none"> • an aquaculture pen or aquaplane • a boogie board, surfboard, surf ski, or waterski • an unpowered inflatable raft or inner tube • a kiteboard, sailboard, or paddleboard • a pontoon connected to the mainland or floating structure permanently connected to shore <p>If the craft is not a vessel, then the national system requirements do not apply to the vessel. Things that are not vessels are managed through JCU generic risk management processes, refer to WHS-PRO-002 Work Health and Safety Risk Management Procedure.</p>

Related policy instruments

Work Health and Safety Policy

WHS-PRO-005 Incident Management Procedure

WHS-PRO-015 Field Trip Procedure

JCU Diving WHS Management Framework

[Australian Maritime Safety Authority \(AMSA\)](#)

[Maritime Safety Queensland \(MSQ\)](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2011](#)

[Maritime Safety Queensland Act 2002](#)

[Maritime Safety Queensland Regulation 2002](#)

[Transport Operations \(Marine Safety\) Act 1994](#)

[Transport Operations \(Marine Safety\) Regulation 2016](#)

[Marine Safety \(Domestic Commercial Vessel\) National Law Act 2012](#)

[Marine Safety \(Domestic Commercial Vessel\) National Law Regulation 2013](#)

[National Standard for Commercial Vessels \(NSCV\)](#)

Other related documents

Security Control Centre Protocol – JCU Boating and Diving Incident Response

WHS-PRO-INFO-

Administration

NOTE: Printed copies of this framework are uncontrolled, and currency can only be assured at the time of printing.

Approval Details

Policy Domain	Work Health and Safety
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Policy Sponsor

Deputy Vice Chancellor, Services and Resources