

COMMERCIAL CHARTER VESSEL CODE OF CONDUCT

Swan Canning Riverpark and the Perth Metropolitan Coast

November 2019





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“The Code of Conduct has been created to provide guidance on several aspects of ‘safe on water’ conduct, to ensure safe operations on our waters, that maintain our high social and environmental values.”





Introduction

The waterways within and surrounding Perth provide significant environmental and social value to our State. Our coast and rivers are major drawcards for tourists from all over the world, and as charter vessel operators, we provide direct access to explore and showcase this great feature of Western Australia.

The *Commercial Charter Vessel Code of Conduct Swan Canning Riverpark and the Perth Metropolitan Coast* has been created to provide guidance on several aspects of 'safe on water' conduct, from general guidelines, to interacting between charter vessels and other waterway users, adapting to environmental factors, passenger safety and incident reporting.

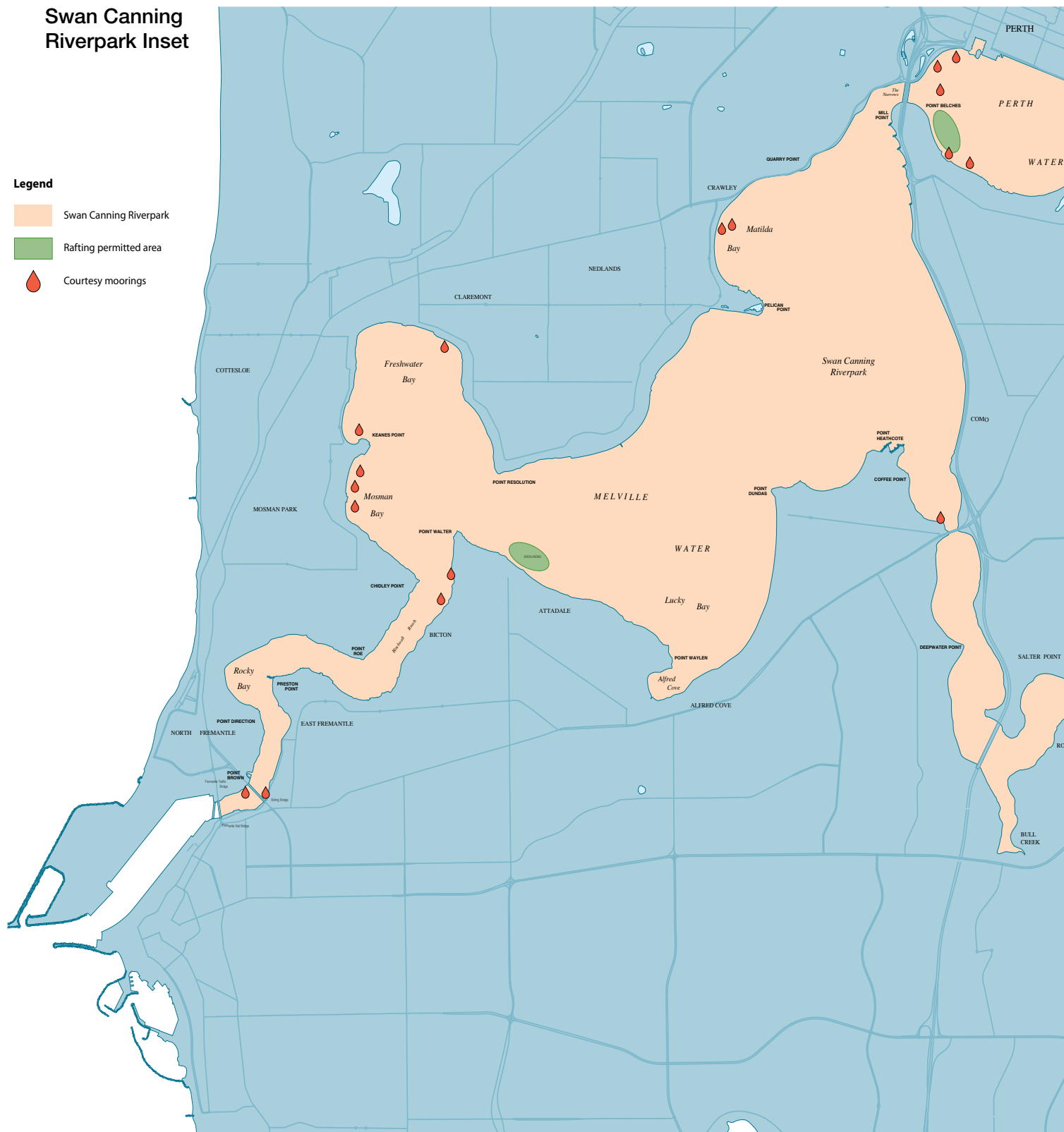
This document contains a list of guidelines and voluntary practices that complement Government regulations. A comprehensive list of applicable legislation is provided in annexure 1.

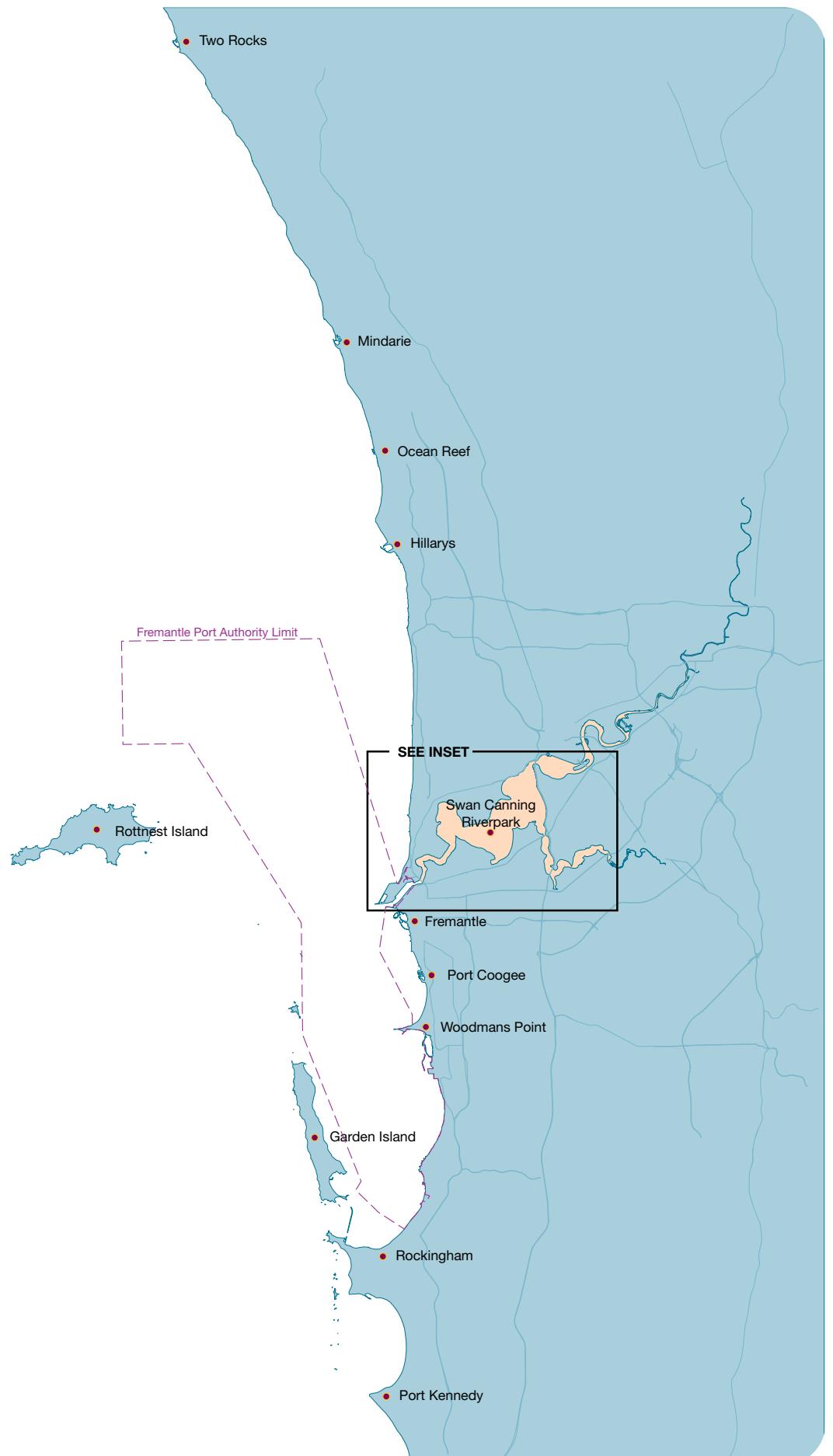
The Code was developed by the Department of Transport (DoT) in partnership with Marine Tourism Western Australia (MTWA), Department of Biodiversity, Conservation and Attractions (DBCA) and the Australian Maritime Safety Authority (AMSA).

Application

The Code covers charter vessels operating in the Swan Canning Riverpark and off the Perth metropolitan coast from Port Kennedy to Two Rocks.

Swan Canning Riverpark Inset





Roles and responsibilities under the Code

Owners and operators

Charter vessel owners and operators are responsible for ensuring their vessel masters and staff are aware of the Code, and that all staff read and understand the Code as part of their job induction. Owners, operators and booking agents are to advise customers of the existence of the Code at the time of booking and provide a copy on their websites.

Vessel masters

Vessel masters are responsible for the safety and behaviour of everyone on board their vessel and adherence to legislation and the Code.

The vessel master is to provide an overview of the relevant sections of the Code to passengers during their briefing at the commencement of each charter.

Passengers

Passengers have a responsibility to abide by relevant sections of the Code as provided by the owners or operators at the time of booking, and as outlined by the vessel master in their briefing.



Industry Code of Conduct

Setting expectations

Customer service

Owners and operators of charter vessels, including booking agents, will provide the following as a minimum to their customers:

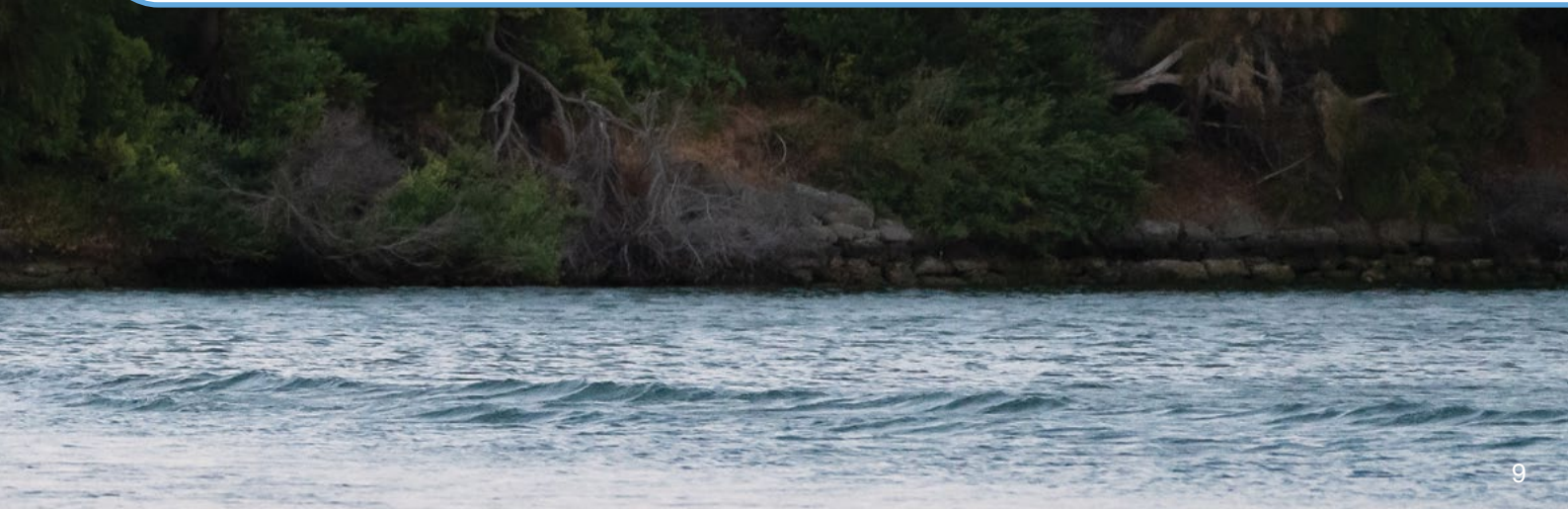
- Access to the Code on their website or to clients at the time of booking.
- A clear cancellation policy, either on their website or in writing to the customer at the time of booking.
- Clear information detailing what is and is not included in the price at the time of booking, and a clear indication of any possible price variations or additions that may be incurred.
- Clarity that the vessel master is responsible for behaviour of all those on board and any breaches of the Code by passengers may result in the cessation of the charter, with passengers being returned to shore.
- Reference to the Department of Local Government, Sport and Cultural Industries Charter Boats Policy in relation to management of alcohol, and how it will be applied to their charter.

Customer briefings

At the commencement of any charter, the vessel master is to provide an appropriate briefing to ensure passengers are aware of emergency procedures, behaviour standards and the environmental and social values of the area. This briefing does not have to be completed while at the berth but should be delivered as soon as possible.

This briefing is to include the following advice to passengers:

- The vessel master has overall control and responsibility during the entire voyage, including:
 - passenger safety and providing instruction during an emergency;
 - the volume of noise coming from the vessel; and
 - the behaviour of passengers on the vessel.
- Expected behaviour of passengers, including what is not acceptable, such as nudity and the use of offensive language in close proximity to other waterway users.
- Management of alcohol while on board, including requirements to abide by the Department of Local Government, Sport and Cultural Industries Charter Boats Policy.
- Environmental and social values of the areas they are operating in and the impact of littering, noise and excessive wake.



Managing your impact

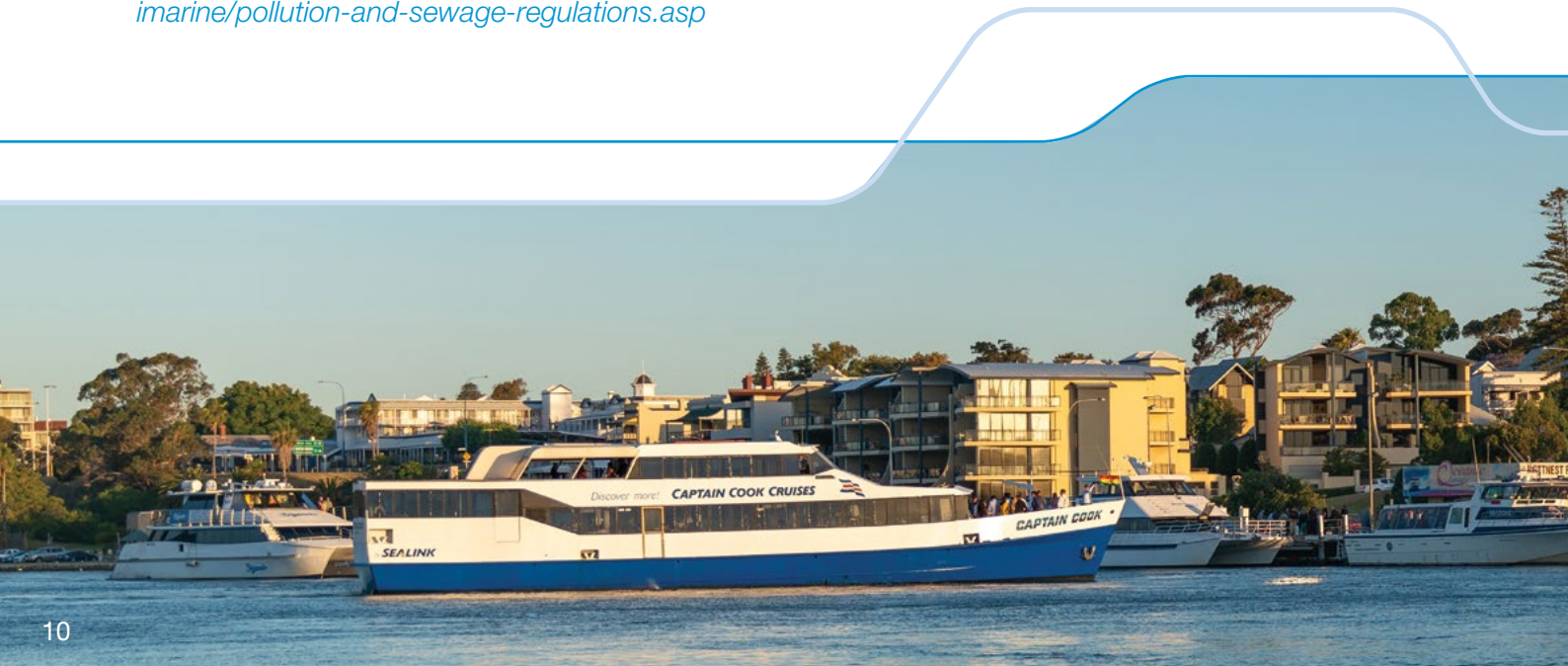
Environmental awareness

- Minimise waste through bulk purchasing where possible, recycling of glass and aluminium, and sorting of waste.
- Ensure all waste is removed from the vessel and disposed of at the vessel's home berth. This includes those vessels stored on moorings.
- Ensure passengers and crew are reminded of the requirement to use onboard bins only for all waste/rubbish including cigarette butts. All occurrences of overboard littering should be dealt with and offenders appropriately challenged and warned about this behaviour.
- Use the bins provided at passenger pick up points at DoT facilities only for conducting back to back charters, where it is not practical to return to your home berth between charters.
- Install oil separation/absorption pillows in bilges of vessels with automatic bilge pumps. Provide training for vessel master and crew on impact, use and options for bilge pillows.
- Ensure bilge water contaminated with substances such as detergents and degreasers is removed and disposed of appropriately.
- Check the vessel master and crew are trained in refuelling procedures and the use of spill kits.
- Only discharge sullage as per the DoT Sewerage Strategy. <https://www.transport.wa.gov.au/marine/pollution-and-sewage-regulations.asp>

- Be aware of A-Class Nature and Marine Reserves at Alfred Cove, Pelican Point and Milyu and the environmental significance of these areas.
- Avoid travelling close to any birds while moving at speed or scaring birds to flight.

Social values

- Ensure the vessel does not create a wash that could cause a marine incident.
- Communicate with other commercial vessels and river users in a courteous and professional manner.
- Ensure you are aware of the rules and restrictions regarding shipping vessels to prevent interaction issues and incidents occurring.
- Clearly state your intentions to ships or other traffic that may be operating in Fremantle Port waters when they are transiting in close proximity.
- When operating in Fremantle Port waters, Vessel masters must monitor marine VHF Channel 12 and obey directions from Fremantle Port, ship pilots or other port vessels.



Specific issue guidelines

Alcohol

Owners/operators and vessel masters are required to follow the Department of Local Government Sport and Cultural Industries Charter Boats Policy in relation to the supply and service of alcohol. <https://www.rgl.wa.gov.au/docs/default-source/rgl/charter-boats.doc?sfvrsn=4>

No alcohol is to be consumed on any public jetty. Passengers should be advised of this at the time of booking to ensure they are not consuming alcohol while waiting for their vessel to be loaded. Vessel masters must ensure no open alcohol containers are taken from the vessel when passengers disembark and should call last drinks 15 minutes prior to dropping off passengers.

Rafting

Rafting of commercial vessels is permitted, however this can carry higher safety risks. Each vessel involved in a raft up must consider the risks associated in their Safety Management Systems (SMS), including the identification and management of risks that maybe specific to their vessel and any others involved in rafting. The SMS documentation needs to be carried on board the vessel and understood by the vessel master and crew. Regular discussions and training/drills associated with the SMS should be conducted by all crew to ensure it remains understood, current and relevant. It is recommended SMS training or drills are noted in the vessel's log including the names of all participants.

It is a requirement under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* that the SMS is provided to Marine Safety Inspectors upon request. It is the responsibility of the vessel masters to ensure passenger numbers are not exceeded on any vessel at any time during an event.

Rafting of commercial vessels is limited to Brick Landing in Melville Waters and to the south east of the Narrows in Perth Waters due to the noise and other social impacts associated with raft ups. Vessel masters are to make allowances for prevailing wind and for the impacts of noise travel. Refer to Map One for locations.

Noise

The Swan Canning Riverpark is mostly surrounded by residential areas, and vessel masters must be considerate of all residents, as everyone has a right to peaceful enjoyment of their residence.

Noise on windless evenings can travel more than five kilometres and impact a large number of people. Volume should be controlled by the vessel master (not the client) and be maintained at a level that does not negatively impact surrounding residences and other waterway users.

If complaints are received by WA Police Force, the vessel master/operator listed on DoT's database will be contacted to reduce volume. Failure to abide may result in police attendance and a breach of the *Environmental Protection (Noise) Regulations 1997*.





Public facility guidelines

Department of Transport Facilities

DoT manages a number of facilities in the metropolitan area. The drop off and pick up at all locations is based on a self-managed system and relies on all commercial operators and public sharing these facilities in an equitable manner.

Note that all commercial vessels using DoT facilities require a berthing permit. Commercial vessels with paid annual vessel accommodation in a DoT managed maritime facility are entitled to free use of a service wharf or jetty for up to one (1) hour in a 24-hour period at any DoT facility in the State.

All vessels are required to apply for and display a berthing permit sticker. To apply for a permit or to discuss applicable fees and charges please contact DoT harbour management. To view DoT fees and charges visit <https://www.transport.wa.gov.au/marine/marine-fees-and-payments.asp>

It is not practical or economically viable to develop and run facilities that allow for unlimited pick up and drop off during peak periods. In the Swan Canning Riverpark a vessel must not stay alongside any service wharf or jetty for more than 15 minutes at a time. DoT will enforce time limits to ensure all operators can safely pick up and drop off passengers.

To assist, vessel masters should clearly communicate their intentions to other vessels in the area, with operators staggering pick up and drop off times when bookings are made.

Passengers should be advised to arrive at the jetty 15 minutes prior to the planned departure. For large

scale raft ups, operators should consider providing a partial safety briefing to passengers prior to boarding by shore-based crew on the jetty. Once the vessel is securely alongside the jetty, food, drink and passengers are to be loaded as quickly and safely as possible and the vessel is to depart the berth immediately to allow other vessels to unload and load.

The 15-minute limit applies even when conducting back to back charters. If the vessel needs to be cleaned, operators must untie and clean away from the berth between charters.

Operators should also note CCTV is in operation at a majority of DoT facilities and any vessel found disposing of waste other than when conducting a back to back charter will be invoiced according to the estimated cost of disposing of the waste at commercial rates.

Barrack St Jetty

Barrack St Jetty is one of the busiest jetties in the metropolitan area, with four berths available on the finger jetties on Jetty 1. The finger jetties operate on a 'first come, first served' basis. During peak times it can be congested – security officers will be present to monitor use and ensure equitable access to the facility.

All operators are to communicate on marine VHF channel 9. Vessels waiting to access berths should stand off well to the east of the jetties. Vessel masters are to make their intentions clear via radio and communicate to establish the order of berthing.

East St Jetty

East St Jetty can accommodate up to three commercial vessels. Dependent on tides vessel masters are requested to berth at one end of the jetty if no vessels are in berth, and immediately behind if another vessel is on the berth. This ensures the maximum use of the jetty, particularly during peak times.

Vessel masters need to be aware of the tidal movements in this area to avoid collision with transiting vessels, and should remain well outside the channel when waiting for access to a berth.

There is one bin located on East St Jetty for back to back charters only, and any vessel found dumping rubbish outside of bins or at conclusion of their last charter will be invoiced for disposal costs at commercial rates. Additional bins are put in place during peak times.

Sardine Jetty

The Sardine Jetty at Fremantle Fishing Boat Harbour (FFBH) can accommodate up to two vessels. Due to restricted fairways and the proximity of other private facilities at this location, it is preferable for vessels to berth on the northern most section of the wharf, closest to the boat lifters, if no other vessels are in berth. This allows another incoming vessel to berth to the south.

Bins are located at the wharf for all operators finishing charters at FFBH. Any vessel found dumping rubbish outside of bins will be invoiced for disposal costs at commercial rates.

Woodman Point

Woodman Point is a recreational boating facility built for recreational vessel launching. Commercial vessels are permitted to pick up and drop off passengers, however the 15-minute limit applies. There are no rubbish facilities for commercial vessels.

Hillarys Loading Wharf

The Hillarys Service Wharf adjacent to the DoT harbour management building can accommodate a number of vessels for pick up and drop off. Vessel masters are requested to berth on the eastern most section of the wharf if no other vessels are in berth and immediately behind if another vessel is on the berth.

Should the wharf be required for use outside the above scope, please contact the Harbour Management Office on (08) 9216 8530.

Two Rocks Marina

Although Two Rocks is not ideal for charter vessels, the landing jetty located on the southern side of the marina can be used. Vessel masters are requested to berth on the western most section of the landing jetty if no other vessels are in berth.

Rubbish facilities are not available and charter operators are requested to dispose of rubbish at their home berth.

Should the landing jetty be used outside the above scope, please contact the Harbour Management Office on (08) 9561 1100 or Hillarys Boat Harbour on (08) 9216 8530.

Burswood Jetty

Burswood Jetty is a DoT managed public jetty with three berths.

Berth 1 is an exclusive use berth with a licence issued to Captain Cook Cruises, applicable during scheduled stadium events only.

Berth 2 is for other commercial vessels on a 'first come, first served' basis.

Berth 3 is for use by recreational vessels, and can only be used by commercial vessels when Berth 2 is occupied. It can only be used for picking up and dropping off passengers, with a 15-minute time limit applicable to all vessels.

Vessel masters are to follow any directions from authorised DoT contracted security when on site. There are no refuse facilities on the jetty and all rubbish is to remain on the vessel for disposal at the vessel's home berth.

Development WA

Elizabeth Quay

Elizabeth Quay is currently managed by Development WA with the intent to transfer to City of Perth. It has limited commercial berthing on the western side of the inlet, and operators require a licence from MRA or the City of Perth to berth there.

Due to the limited size, operators accessing Elizabeth Quay are requested to radio Public Transport Authority (PTA) ferries on marine VHF channel 9 and make their intentions clear prior to entering the quay.

Incident reporting

Under the *Navigable Water Regulations 1957* an incident report must be submitted to DoT if the vessel is lost or sustains damage rendering it unseaworthy or incapable of being safely navigated; or there is loss of life or serious injury. The vessel master is required to report this to the DoT on the Incident report form within seven days.

The incident report form can be found on the DoT Website at https://www.transport.wa.gov.au/mediaFiles/marine/MAC_F_MarineIncidentReport.pdf

The vessel master of a charter vessel being a Domestic Commercial Vessel (DCV) must also submit a marine incident report (Form 19) to the National Regulator AMSA as soon as reasonably practicable. A DCV owner or master must also submit a written report on the approved form within 72 hours of the vessel owner or master becoming aware of an incident.

Incident report forms are available on the AMSA website at <https://www.amsa.gov.au/forms/incident-report>

The reporting of incidents and noncompliance is critical to ensure the safety of all waterways users. Information from incident reports provides regulators valuable insight and intelligence on trends or patterns of behaviour that helps AMSA and DoT target their education and compliance activities.

Contacts

ORGANISATION	PHONE NUMBER	VHF RADIO
Water Police	(08) 9442 8600	(Ch 16)
Department of Transport Harbour Management Office Hillarys - Barrack Square Fremantle - East St Jetty and Fishing Boat Harbour Marine Safety Report an oil spill in the water	(08) 9435 7500 (08) 9216 8530 (08) 9431 1023 13 11 56 (08) 9480 9924	
AMSA	1800 627 484	
Department of Biodiversity, Conservation and Attractions <i>(Reporting of incidents)</i>	(08) 9278 0981 <i>(after hours)</i> 0419 192 845	
Wildcare (Wildlife in distress)	(08) 9474 9055	
Fremantle Sea Rescue	(08) 9336 3443	(Ch 73)
Whitfords Sea Rescue	(08) 9401 3757	(Ch 73)
Cockburn Sea Rescue	(08) 9410 1544	(Ch 73)
Fishwatch Hotline	1800 815 507	
Fremantle Port Security	(08) 9335 1300	
Pollution Response of Department of Water and Environmental Regulation (DWER)	1300 784 782	

Annexure 1 Legislation

Legislation

As outlined in the introduction, the Code does not replace the requirement for owners, operators or vessel masters to abide by all applicable legislation.

Legislation provides the standards and minimum requirements for a business to operate. Legislation focuses primarily on safety and addresses associated risks with the operation, and covers issues such as the standard of the vessel construction, the qualifications and experience of the skipper, minimum safety equipment to be carried and the approvals required to operate.

The list provided below is not exhaustive but outlines the main legislation and associated regulations applicable to all commercial vessels operating in WA, along with an outline of responsibilities of the marine tourism owners, operators and vessel masters.

Marine Safety (Domestic Commercial Vessel) National Law Act 2012 and associated requirements:

- Vessel Certificate of Survey including manning and berthing.
- Vessel Certificate of Operation.
- Certificates of Competency for vessel master and crew.
- Marine Orders 504 – Operations.

Western Australian Marine Act 1982 and associated regulations:

- International Regulations for Preventing Collisions at Sea (COLREGS).
- Navigable Waters Regulations including speed limits and safe navigation.

Jetties Act 1926 and Jetties Regulations 1940:

- Berthing permits, associated fees, time limits and rubbish.

Swan and Canning Rivers Management Act 2006 and associated regulations:

- Permits and licensing of operations within the Swan Canning Riverpark.
- Access and use of courtesy moorings.

Conservation and Land Management Act 1984 and associated regulations:

- Permits to operate within Marine Parks.

Biodiversity Conservation Act 2016 and associated regulations:

- Management of nature based tourism.
- Wildlife interaction licensing.

Fish Resources Management Act 1994:

- Fishing licensing.

Environmental Protection Act 1986 and associated regulations:

- Litter.
- Unauthorised discharge.

FEEDBACK

Feedback on the Code of Conduct can be provided to:
Marine Tourism Western Australia - marinetourismwa@gmail.com, or
Department of Transport Marine Safety - MarineSafetyEngagement@transport.wa.gov.au

The information contained in this publication is provided in good faith and believed to be accurate at time of publication.
The State shall in no way be liable for any loss sustained or incurred by anyone relying on the information.
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