

Marine Information Bulletin

New measures for hire and drive personal watercraft

Background

The coroner's report of March 2010 into a fatality occurring at a Gold Coast hire and drive personal watercraft (PWC) operation resulted in a number of recommended changes for the industry.

Maritime Safety Queensland (MSQ) released a consultation paper in November 2010 seeking stakeholder feedback on the recommended changes and other regulatory options for hire and drive PWC. The consultation period closed 4 February 2011 and MSQ received 82 written submissions.

Consultation outcomes report

MSQ has released the *Hire and drive personal watercraft safety: Consultation outcomes report*. The report is the result of close engagement with the hire and drive PWC industry and other waterway users, analysis of the operation of PWC and a review of international approaches to making PWC operation safer. The full detail of the consultation outcomes report can be found at www.msq.qld.gov.au.

New measures

New conditions of registration for hire and drive PWC are that:

- Providers must assess the skills and abilities of each rider to operate the hire and drive PWC against the MSQ-approved competency standard and record the competency of each driver on a MSQ-approved competency assessment record.
- Provider's safety management plans must comply with the requirements of the leisure craft section of the *National Standard for Commercial Vessels* with some changes: Queensland will require a minimum pillion passenger age of eight years, consistent with motor cycle requirements – MSQ will publish a model safety management plan as a benchmark to assist industry.
- All hire and drive PWC must be fitted with a device to govern maximum speed to 30 knots within two years.

MSQ will also:

- gazette a 30 knot speed limit for hire and drive PWC
- gazette a 10 knot speed limit for hire and drive PWC in certain, designated high-traffic speed zones and periods

- examine the need for further hire and drive PWC exclusive use areas
- continue to audit every provider of hire and drive PWC every 12 months of operation, including covert audits.

Information

For further information about this Marine Information Bulletin, email msqmail@msq.qld.gov.au.

Other Marine Information Bulletins covering various topics relating to the safe operation of vessels can be obtained from Maritime Safety Queensland's website www.msq.qld.gov.au and from the following Maritime Safety Queensland regional offices:

Airlie Beach	(07) 4946 2200
Bundaberg	(07) 4131 8500
Cairns	(07) 4052 7400
Gladstone	(07) 4973 1200
Hervey Bay	(07) 4194 9600
Mackay	(07) 4944 3700
Mooloolaba	(07) 5477 8425
Pinkenba	(07) 3860 3500
Southport	(07) 5539 7300
Townsville	(07) 4726 3400

Questions and answers

How will Maritime Safety Queensland (MSQ) impose the new speed limits for hire and drive PWCs?

In addition to the currently gazetted and regulated speed limits, hire and drive personal watercraft (PWC) are subject to the following additional limits:

- Providers of hire and drive PWC must install 30 knot speed limiters on all PWC by 1 May 2013.
- MSQ will also gazette new speed limits for hire and drive PWCs reducing the speed limit from 40 knots to 30 knots and even further down to 10 knots for group tours in high traffic areas and periods.
- MSQ will impose additional conditions on the registration, including a speed restriction of 30 knots, on all hire and drive PWCs.

Will the 30 knot speed restriction apply to tour guides?

- The 30 knot speed restriction applies only to hire and drive PWCs when used as hire and drive PWCs. Employees of the hire and drive PWC provider, operating a hire and drive PWC, may operate the PWC at greater than 30 knots if they are appropriately licensed and are not otherwise restricted in terms of operating speed.
- A speed limit of 40 knots applies in all smooth waters in Queensland.

Do the restrictions apply to licensed hirers of PWCs?

- The restrictions, including the 30 knot speed restriction, apply to all hirers of PWC whether the hirer holds a PWC licence or not.

What must the provider do under the competency standard?

- The provider must have reasonable grounds to believe a potential user of a hire and drive PWC has the necessary skills and abilities to operate the PWC safely.
- Hire and drive PWC providers must assess the skills and abilities of users against the MSQ-approved competency standard and record the competency of each user on a MSQ-approved competency assessment record.

Does the user need to physically perform the basic competencies?

- The provider must observe the physical performance of all of the basic competencies by the user to have reasonable grounds to assess the skills and abilities of the user as competent to operate the PWC.

Do providers need to assess the user's ability to stop alongside a floating object?

- Stopping alongside a floating object is an important basic competency for a user of hire and drive PWC to demonstrate that they can safely manoeuvre and stop the PWC alongside an object or person in the water if required. In the event of a pillion passenger coming off the PWC, the user will need to stop alongside a floating object in order for the pillion passenger to reboard the PWC. The object in the water can be a personal flotation device (PFD) or a buoy or similar marker. It helps provide evidence to the provider that the user has the skills to operate the PWC safely.

Do providers need to assess the user reversing the PWC?

- If the PWC is fitted with a device to operate the PWC in reverse, hire and drive PWC providers are required, under the competency standard in order to have reasonable grounds to assess the driver as competent to operate the PWC, to assess the driver's skill and ability to operate the reverse mechanism safely. If the PWC does not have a reverse mechanism, or it is disabled, there is no requirement for the reverse competency assessment.

What is the standard of performance required in the competency standard?

- The competency standard describes the type and quality of evidence that must be seen by a provider before a PWC is hired. The competency standard provides detail on how providers obtain 'reasonable grounds to assess the skills and abilities for the user to operate the PWC safely, while it is hired' as required in section 9 of the hire and drive standard.
- The provider must observe the user safely perform the basic competency tasks listed on page 3 of the competency standard in order for the provider to have reasonable grounds to believe the user has the skills and abilities necessary to operate the PWC safely.
- The user's performance of the basic tasks in the competency standard example record are the minimum competencies that would enable the provider to have reasonable grounds to assess that user as competent. There are no grades of competency in the competency standard. Either the user is assessed as competent or not.

Does the user need to physically perform the advanced competencies?

- The provider must ensure the user has knowledge of all of the advanced competencies, have reasonable grounds to assess the skills and abilities of the user as competent to operate the PWC in a tour operation.

Does the person providing the safety briefing need to physically demonstrate how to operate the PWC on the water?

- The person providing the safety briefing must physically demonstrate how to handle the PWC while it is underway unless the provider considers, on reasonable grounds, that the practical demonstration is unnecessary if the provider has observed that the user's skills and ability are adequate to operate the PWC safely. The word 'underway' means that a vessel is not at anchor or made fast to the shore or aground. The safety briefing practical demonstration must be on the water.

Does the national leisure craft standard apply?

- Providers of PWC for hire must comply with the requirements of the leisure craft section of the *National Standard for Commercial Vessels*, with two changes.
- The two changes are the minimum age (eight years old) of pillion passengers for hire and drive PWCs (minimum age of 12 in the leisure craft standard) and the application of chapter 10 of the leisure craft standard to hire and drive PWCs in all operational areas.

Are hire and drive PWC providers required to use the competency standard example record?

- Hire and drive PWC providers may adapt the example record to the specific needs of their operation, but must include references to all of the competencies and information contained on the example record.
- Hire and drive PWC providers must include the revised record or form in their safety management plan and keep user assessment records for five years.

Who is a hire and drive PWC provider?

- Anyone who provides a hire and drive PWC for hire is a hire and drive PWC provider. This includes employees and authorised agents of the hire and drive PWC provider. An employee, if so authorised, may sign the competency assessment record on behalf of the hire and drive PWC provider.

What if a hire and drive PWC provider does not agree to conditions on the registration?

- If a hire and drive PWC provider does not agree to additional conditions on the registration, MSQ may impose the additional conditions upon the registration renewal. MSQ will impose the additional conditions on all new registrations of hire and drive PWCs.

Will hire and drive providers be audited?

- MSQ will audit all providers of hire and drive PWCs at least once every 12 months of operation. If an audit reveals a serious non-conformity with legislative requirements, MSQ will consider asking the provider to give reasons why the registration of the PWC should not be suspended and/or imposing additional conditions on the registration of hire and drive PWC operated by the hire and drive PWC provider.
- Audits will include covert audits.

Has MSQ published enforcement guidelines?

- MSQ published enforcement guidelines for enforcement agencies as well as information sharing in 2008. The enforcement guidelines are available on the MSQ website.

How will MSQ determine the 10 knot high-traffic speed zones and periods?

- To identify the need for and location of 10 knot high-traffic speed zones and periods, MSQ will consult with relevant stakeholders including providers of hire and drive PWCs, waterway users and local government partners and other government agencies.

Will MSQ create exclusive use areas for hire and drive PWCs?

- MSQ is assessing whether there is a need to create further exclusive use zones similar to those implemented for hire and drive PWC 'pens' on the Sunshine Coast and whether 'tour' operations can be safely continued on the crowded waterways of south-east Queensland. Setting up exclusive use areas would require further consultation with stakeholders.