



Hire and drive personal watercraft safety

Consultation outcomes report
April 2011

Executive summary

This report summarises consultation outcomes on regulatory options to improve safety in hire and drive personal watercraft operations after the death of Doctor Shekar in 2008 when he was driving a hire and drive personal watercraft (jet ski).

On 11 March 2010 Coroner Hutton delivered his findings into the Doctor Shekar's death after sustaining injuries when the hire and drive personal watercraft he was operating collided with the anchor chain of a vessel. The vessel was anchored adjacent to the nominated circuit on the Southport Broadwater on 28 April 2008.

Coroner Hutton's report criticised Queensland legislation that provides for the unlicensed operation of hire and drive personal watercraft. It also criticised Maritime Safety Queensland's capacity to regulate the industry. In his report Coroner Hutton made four marine safety recommendations:

- licensing of hire and drive personal watercraft drivers
- personal watercraft drivers to wear a helmet
- annual covert audits of hire and drive personal watercraft providers
- develop enforcement guidelines and facilitate information sharing between enforcement agencies.

Consultation

Maritime Safety Queensland sought the views of personal watercraft hire and drive providers and other people with an interest in this marine sector, on how to improve the safety of hire and drive personal watercraft riders in Queensland.

In November 2010 Maritime Safety Queensland released the Hire and Drive Personal Watercraft Safety Consultation Paper (the consultation paper, Attachment A) to give stakeholders an 11-week opportunity to comment.

The consultation paper analysed the safety record of the industry, made comparisons to other adventure activities and examined the notion of rider acceptance of risk.

During the consultation period, Maritime Safety Queensland with all of the 26 providers of hire and drive personal watercraft currently operating in Queensland.

Maritime Safety Queensland received 82 written responses on the consultation paper during the consultation period, which ended on 4 February 2011.

Personal watercraft providers are organising themselves into personal watercraft hire and drive safety committees on the Sunshine Coast, and expect to formalise their structure in March 2011. Providers on the Gold Coast and in Airlie Beach are discussing similar initiatives. The proactive nature of these industry-led safety committees indicates that a culture of safety is beginning to take root.

Outcomes from consultation

The majority of stakeholders who responded during consultation did not support the compulsory licensing recommendation or the recommendation for personal watercraft drivers to wear a helmet (table 1).

Respondents were however, much more favourably disposed to the four regulatory options presented in the consultation paper as an alternative to mandatory licensing. This report analyses each regulatory option separately.

Table 1: Summary table of stakeholder feedback

Coroner recommendation	Stakeholders in favour
1. Licensing	19%
1A. Regulatory options to licensing:	
• assess driver skills and abilities with an approved competency standard	65%
• engine governors	65%
• safety management plans to comply with the national leisure craft section	78%
• set up personal watercraft areas	62%
2. Mandatory helmets	9%
3. Annual provider audits	79%
4. Publish enforcement guidelines	91%

Note: 'In favour' selected either 'agree' or 'somewhat agree'.

Recommendations

In response to Coroner Hutton's four recommendations and as a result of feedback received during consultation on the *Hire and Drive Personal Watercraft Consultation Paper*, Maritime Safety Queensland proposes the following regulatory responses:

1. Not require mandatory licensing of all hire and drive personal watercraft drivers but implement ALL of the following four regulatory options:
 - Providers to assess the skills and abilities of each rider to operate a hire and drive personal watercraft against an approved competency standard and record the competency of each rider on an approved competency assessment record.
 - Providers' safety management plans to comply with the requirements of the leisure craft section of the *National Standard for Commercial Vessels* – with the exception of operating restrictions outside smooth waters and age restrictions on pillion passengers (minimum pillion passenger age is 12 under the leisure craft section, but Maritime Safety Queensland recommends a minimum of 8 years of age consistent with motorcycle requirements).
 - Require all hire and drive personal watercraft to be fitted with a device to govern power to restriction maximum speed to 30 knots within two years. In the interim Maritime Safety Queensland will gazette a general 30 knot speed limit for hire and drive personal watercraft other than in high-traffic speed zones and periods.
 - Consult with local government partners and other stakeholders to investigate the need for more personal watercraft exclusive use areas similar to those implemented for hire and drive personal watercraft 'pens' on the Sunshine Coast. Maritime Safety Queensland will also gazette a 10 knot limit for hire and drive personal watercraft in high-traffic speed zones and periods.
2. Not make helmets a mandatory requirement for use of a personal watercraft.
3. Support the coroner's recommendation for every personal watercraft hire and drive operation be audited (including covert audits) using quality assurance methods at least once in every 12 months of operation.
4. Publish enforcement guidelines for enforcement agencies as well as information sharing.

Background

On 11 March 2010 Coroner Hutton delivered his findings into the death of a driver of a hire and drive personal watercraft (or jetski). The driver, Doctor Sridhar Shekar, died from injuries sustained when the hire and drive personal watercraft he was operating collided with the anchor chain of a vessel. The vessel was anchored adjacent to the nominated circuit on the Southport Broadwater on 28 April 2008. The coroner concluded the rider's inexperience in personal watercraft operations was the primary cause of the incident.

The coroner criticised Queensland legislation that provides for the unlicensed operation of hire and drive personal watercraft. He also criticised Maritime Safety Queensland's capacity to regulate the industry. In his report Coroner Hutton made four marine safety recommendations:

- licensing of hire and drive personal watercraft riders
- all personal watercraft drivers to wear a helmet
- annual covert audits of hire and drive personal watercraft providers
- develop enforcement guidelines and facilitate information sharing between enforcement agencies.

Current Queensland regulations

The *Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2007* governs the operation of hire and drive personal watercraft operations in Queensland. It provides a risk based alternative to licensing for riders of hire and drive personal watercraft.

An unlicensed rider is permitted to operate a hire and drive personal watercraft if supervised by the provider or a tour guide. The standard also requires the provider to ensure the rider has sufficient skills and abilities to operate the personal watercraft safely.

The provider must ensure that the rider is briefed on the safe operation of the personal watercraft before a rider operates the craft. The briefing must include a practical demonstration of the handling of the personal watercraft while it is underway.

The practical demonstration is not required if the provider considers the rider already has sufficient skills and ability to operate the personal watercraft safely (for example, the hirer is the holder of a current personal watercraft licence).

Interstate regulations

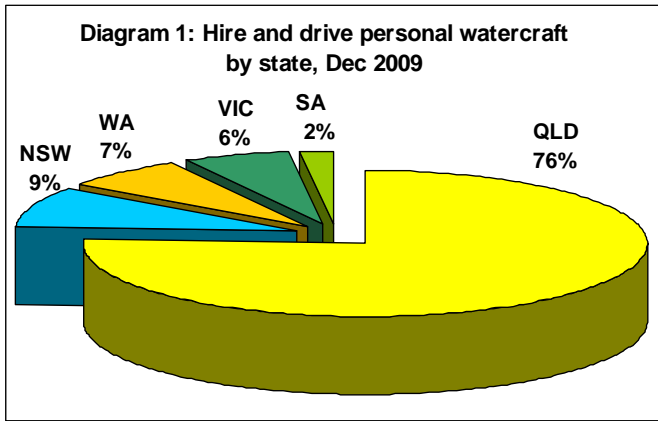
Tasmania, Victoria and New South Wales require a personal watercraft licence or endorsement on a general boating licence to hire a personal watercraft.

New South Wales has several hire and drive businesses that were operating before the licensing requirements changed in 2006. Since the requirement to hold a personal watercraft licence as a personal watercraft hirer came into effect, only one new provider has started business in that state, making a total of five providers in that state. Queensland has 26 providers of hire and drive personal watercraft.

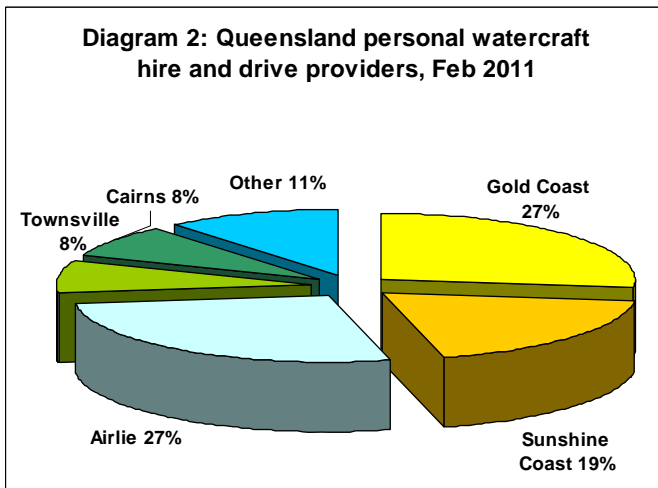
Western Australia permits unlicensed riders to hire personal watercraft provided it has a governor to limit its maximum speed to 20 knots and a remote engine cut-off switch allowing the supervisor to stop the vessel. South Australia also permits unlicensed riders to hire personal watercraft provided they have received prescribed practical instruction from the provider. There is no recreational boating or personal watercraft licensing requirements in the Northern Territory.

Industry profile

Research indicates that annual income to Queensland's tourism industry is about \$21.8 million. Queensland has the largest hire and drive personal watercraft industry in Australia. More than three quarters of Australia's hire and drive personal watercraft are registered in Queensland (diagram 1). Page 6 of the consultation paper provides a table summarising the number of hire and drive personal watercraft operating in each state and territory.



There are now 26 providers of hire and drive personal watercraft in Queensland. Provider numbers have contracted from 29 providers 12 months ago after some providers merged or closed. Diagram 2 shows the geographic breakdown of hire and drive personal watercraft operation in Queensland.



Safety record of industry

There were 29 hire and drive providers operating a total of 218 personal watercraft in Queensland as of 31 December 2009. In comparison, there were 14,730 recreational registered personal watercraft and 73,386 personal watercraft licence holders.

The consultation paper indicated for the period from 1 January 2000 to 31 December 2009, there were 84 reported marine incidents involving hire and drive personal watercraft in Queensland resulting in one fatality and 19 serious injuries resulting in hospital admission.

Personal watercraft riding is an intrinsically high-risk recreational activity. To put the safety record of the industry into perspective the figures need to be compared to other common adventure activities.

The consultation paper provided a comparison of fatal and serious injuries sustained per 100,000 hours of operation for a variety of marine sectors and other adventure activities. The table indicates the safety record of the hire and drive personal watercraft sector is similar to or better than other adventure activities.

Incident and injury reports provided by hire and drive personal watercraft providers are typically more reliable than those provided by recreational personal watercraft users generally, primarily because of the insurance implications for hire and drive providers. Marine incident and hospital admission data for personal watercraft related injuries demonstrates this point.

Comparatively, the estimated fatal and serious injury rate for unlicensed hire and drive personal watercraft operations (1.14 per 100,000 hours of operation) is significantly lower than the rate for licensed recreational personal watercraft operations determined using hospitalisation data (2.06 per 100,000 hours of operation).

Since the coroner made his recommendations there have been two serious injury incidents involving hire and drive personal watercraft. The most significant incident was when state windsurfing champion Ms Peffchier collided with a hire and drive personal watercraft on the Gold Coast Broadwater on 28 February 2011.

Consultation

On 23 November 2010 Maritime Safety Queensland released the *Hire and Drive Personal Watercraft Safety Consultation Paper* for public comment.

The consultation paper analysed the safety record of the industry, made comparisons to other high-risk recreational pursuits and examined rider acceptance of risk. It also provided a breakdown of Queensland's personal watercraft hire and drive industry.

During the 11-week consultation period, Maritime Safety Queensland sought the views of personal watercraft hire

and drive providers and other people with an interest in this marine sector, on how to improve the safety of hire and drive personal watercraft riders in Queensland. The consultation paper was available on the Maritime Safety Queensland website.

Maritime Safety Queensland consulted with stakeholders on the Gold Coast, Sunshine Coast, Airlie Beach, Cairns, Mackay, Brisbane and Hervey Bay and Townsville. All 26 personal watercraft providers currently operating in Queensland were consulted in person, except one provider from Long Island in Airlie Beach, which was consulted using teleconference facilities.

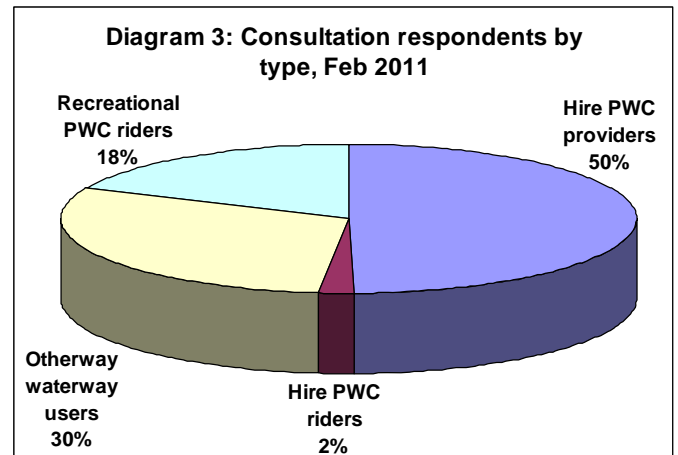
Safety committees

Shortly after the consultation meetings on the Sunshine Coast, hire and drive personal watercraft providers discussed forming the Sunshine Coast Personal Watercraft Hire and Drive Safety Committee. This industry-led proactive initiative would seek to facilitate raising safety awareness among providers as well as airing safety concerns and discussion responses. The group planned to formalise its structure in March 2011.

Providers on the Gold Coast and Airlie Beach also plan to form similar industry-led personal watercraft hire and drive safety groups. These safety committees have the potential to form a state wide network of personal watercraft hire and drive providers sharing safety best practice. The responsible and proactive nature of the personal watercraft safety committee initiatives demonstrates that a culture of safety is beginning to take root.

Who responded

The consultation period closed on 4 February 2011. Maritime Safety Queensland received 82 responses, half of which were through the Queensland government's Get Involved website.



Half of the respondents were providers of hire and drive personal watercraft. Other waterway users and recreational personal watercraft riders made up most of the other half of respondents.

Licensing

Coroner Hutton recommended:

- **that legislation be developed requiring all persons who use a personal watercraft in Queensland be licensed.**

Diagram 4 shows that only 26% of stakeholders that provided feedback support mandatory licensing of hire and drive personal watercraft drivers. Some respondents expressed concern that a requirement for a licence would reduce the volume of potential clients to levels that would threaten the financial viability of personal watercraft hire and drive businesses.

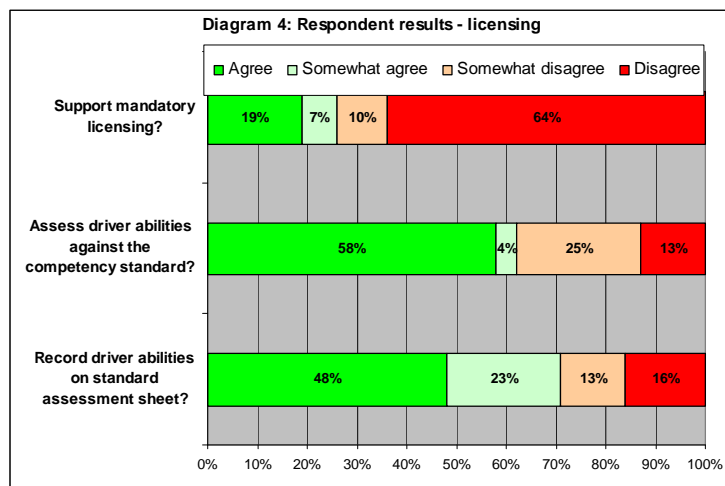
The signs of decline in the industry in New South Wales following the introduction of mandatory licence requirements to hire and drive personal watercraft demonstrate the economic impact it had in that state. There are now only five providers in New South Wales as opposed to 26 providers in Queensland.

Tourism Queensland has consistently targeted the youth and adventure tourism market in its international tourist marketing campaigns. Adventure water sports such as hire and drive of a personal watercraft contribute to Queensland's overall reputation as a fun tourist destination that offers a range of adventure activities. Requiring a licence to hire and drive a personal watercraft would severely reduce the opportunity for the overseas youth and adventure market.

Most drivers of hire and drive personal watercraft in Queensland are interstate and international tourists. Unlike Queensland, an interstate or international personal watercraft licence or equivalent can be obtained in most instances without undertaking an on-water practical assessment and has limited value as an indication that a rider can safely drive a personal watercraft. Unless a driver has at least occasionally operated a personal watercraft to develop their skills (which a driver hiring a personal watercraft is unlikely to have done) they will be no more competent than an unlicensed driver.

Providers state that licensed personal watercraft drivers that are infrequent or occasional users are often over-

confident and require the most supervision. For example, during a personal watercraft hire in favourable conditions in July 2009 at Daydream Island a licensed personal watercraft driver misjudged his trajectory over a wave causing serious injuries requiring hospitalisation for both he and his female passenger. Holding an Australian personal watercraft or international licence is not a reliable indicator of the skills of infrequent drivers.



The consultation paper indicated that administration of the *Transport Operations (Marine Safety – Hire and Drive Ships) Standard 2007* could be enhanced in several ways to achieve an equivalent level of safety to requiring riders to hold a licence when hiring and driving a personal watercraft.

These regulatory options would be effective as long as hire and drive personal watercraft providers implement them diligently. Annual audits of provider operations (covered later under enforcement and audits) will ensure providers comply.

If providers do not comply with these changes or the changes are not effective in improving the safety record of the industry, then further consideration will need to be given to implementing the coroner's recommendation that all hire and drive personal watercraft drivers be licensed.

The consultation paper outlined four regulatory options as an alternative to the coroner's mandatory licensing recommendation:

- providers assess driver skills and abilities against an approved driver competency standard and record the competency of each

rider on an approved competency assessment record

- providers' safety management plans to comply with the national leisure craft section
- providers to ensure all hire and drive personal watercraft providers are fitted with operational devices to govern engine power
- Maritime Safety Queensland to establish personal watercraft exclusive use areas

This report analyses each of these options and summarises stakeholder feedback separately.

Regulatory option to licensing 1: Driver assessment against an approved competency standard

The consultation paper considered the effectiveness of requiring providers to assess the skills and abilities of each rider to operate a hire and drive personal watercraft against an approved competency standard. It also discussed the benefits of recording the competency of each rider in an approved competency assessment record.

The competency standard benchmarks the skills and abilities that a potential driver of a hired personal watercraft must demonstrate to the provider. It outlines the skills and abilities that they must show to allow the provider to assess the driver's ability to operate the personal watercraft safely.

The competency standard requires that a practical demonstration must be undertaken by all unlicensed personal watercraft riders to satisfy the *Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2007*. The practical demonstration must include demonstration of the hirer's ability to start, manoeuvre and stop the personal watercraft in normal and emergency situations.

During consultation providers gave support for most of the elements of the competency standard. Some providers however, thought that there would be practical difficulties in recording driver competency at the beginning of the hire for all of the competencies.

Some providers use a two or three stage driver assessment process. The first stage assesses the driver's knowledge and understanding of the safety briefing. The second assesses the attentiveness and basic handling skills to board, start and operate the personal watercraft at 6 knots or under. The third stage completes the driver assessment on the water and requires manoeuvring and turning at speed.

Due to their location, some providers must complete their assessment at an appropriate location that is some distance from the starting point. Drivers transit in single file at 6 knots to the final driver assessment area.

Some providers support an ongoing or continual assessment of driver abilities throughout the hire period. Recording the competency of the driver would be complete at the end of the hire. The provider would record evidence of the driver's assessment to operate the hired personal watercraft safely in those conditions.

Maritime Safety Queensland supports ongoing assessment and staged assessments of the driver (in two or three stages) but requires recording competency at the completion of the driver assessment.

Providers agreed to terminate a hire during the assessment if the driver failed to perform any of the required competencies to a satisfactory level.

Some stakeholders suggested minor changes to the contents of the competency standard during consultation, including ongoing or continual assessment of driver ability. The revised competency standard is attachment A.

Diagram 4 shows that 58% of respondents agreed that providers should assess drivers using the competency standard. On the recording assessment requirement, 71% of respondents supported recording driver assessments and competency on a standard sheet. Requiring providers to use an approved assessment record to record their assessment of the skills and abilities of a rider will encourage providers to use greater diligence in these assessments. Maritime Safety Queensland will also be able to undertake more effective auditing of this aspect of a provider's operation.

Maritime Safety Queensland recommends, as the first of four regulatory options to licensing, providers of hire and drive personal watercraft must assess and record the skills and abilities of each rider against an approved competency standard

Regulatory option to licensing 2: Compliance with the leisure craft section

The National Marine Safety Committee has been developing the National Standard for Commercial Vessels (NSCV) that will gradually replace the Uniform Shipping Laws Code (USL Code). Section two of Part F of the NSCV covers hire and drive vessels. It is called the leisure craft section.

Most of the requirements in the leisure craft section are similar in thrust to the requirements in Queensland's *Transport Operations (Marine Safety – Hire and Drive Ships) Standard 2007*. The national section is more detailed and comprehensive and slightly more prescriptive. During this interim period Maritime Safety Queensland will require compliance with the leisure craft section as a condition of registration of hire and drive personal watercraft.

The national section differs from the Queensland standard in two important ways:

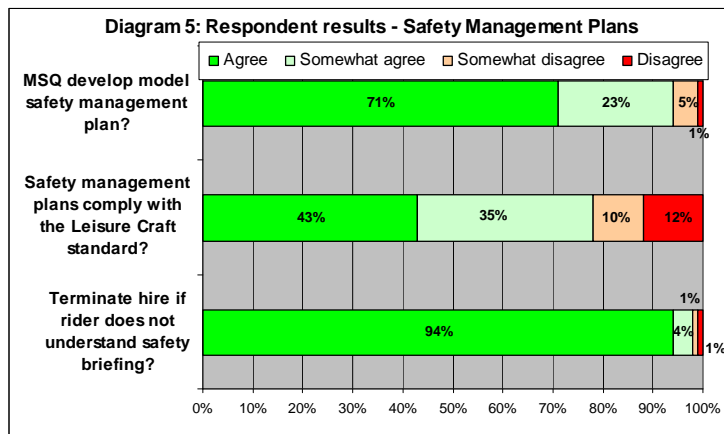
- hire and drive personal watercraft pillion passengers must be over the age of 12 but there is no age restriction in the Queensland's standard; and
- unlicensed hire and drive operations are permitted only in declared smooth waters but the Queensland standard permits unlicensed hire in declared smooth and partially smooth waters.

Most of the hire and drive personal watercraft providers in Queensland, with the exception of some of the providers in the Whitsunday Island archipelago, operate within smooth waters. Providers in the Airlie region that operate tours outside smooth waters were concerned about the restriction to smooth waters. Hire and drive personal watercraft providers in the Airlie region have, on average, a lower incidence of reported marine incidents than the rest of the state.

Under the Queensland standard, all providers of hire and drive personal watercraft must have a written safety management plan. The safety management plan must cover safety precautions for the safe operation of the personal watercraft, rescue procedures and action to take in specific emergency scenarios.

Maritime Safety Queensland has published a model safety management plan (Attachment C). Maritime Safety Queensland distributed this model safety plan as part of the consultation process with stakeholders to receive their feedback. The model safety management plan incorporates most of the requirements of the leisure craft section (excluding the two main differences - passengers under 12 and drivers without a licence in partially smooth waters).

One important element in the model safety management plan is the inclusion of a rule that one warning terminates the hire. This means that providers agree to terminate the hire if a driver intentionally or irresponsibly demonstrates unsafe operation of the personal watercraft during the hire. The provider must also terminate the hire if the prospective driver does not demonstrate understanding of the safety briefing or does not fulfil perform the driver assessment tasks.



During consultation, most providers supported the content of the leisure craft section (diagram 5), but objected to the age restriction on passengers. Many providers thought this would negatively affect their industry. Maritime Safety Queensland therefore proposes that pillion passengers must be at least 8 years old consistent with motorcycle requirements.

Maritime Safety Queensland supports the adoption of NSCV leisure craft section into personal watercraft hire and drive operator's safety management plans – with the two exceptions noted above.

Maritime Safety Queensland recommends as the second of four regulatory options to licensing, that all providers' safety management plans must comply with the requirements of the leisure craft section of the National Standard for Commercial Vessels– with the exception of operating restrictions outside smooth waters and a minimum 8 year age restriction on pillion passengers consistent with motorcycle requirements).

Regulatory option to licensing 3: Engine governors

There have been significant advances in personal watercraft design and performance in the past 20 years. Personal watercraft have evolved from pole skis, suitable for use by one person only, to current models capable of carrying three adults, towing skiers and surfers, and achieving extremely high speeds.

Imposing a requirement to govern the power output or maximum speed would improve the safety of hire and drive personal watercraft.

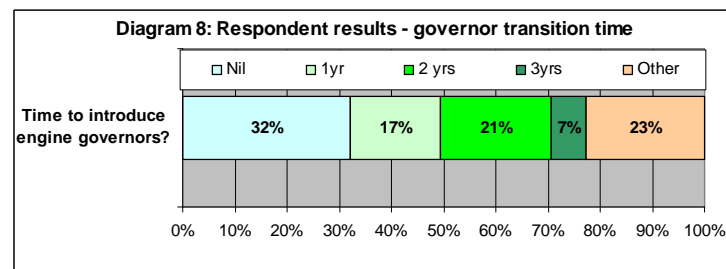
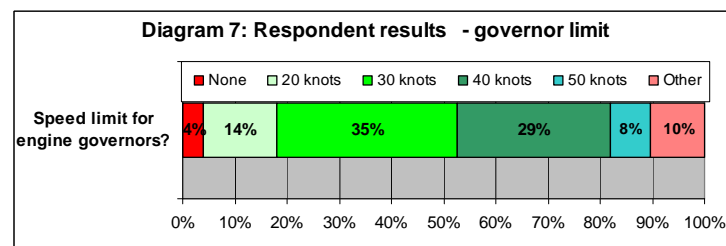
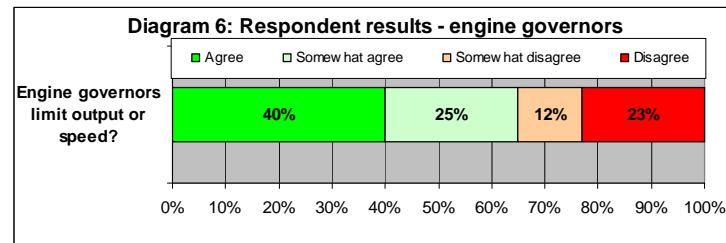
Research involving various manufacturers has revealed most personal watercraft manufacturers offer a 'learner key' which can limit engine revolutions per minute (RPM) and top speeds to about 30 knots.

Maritime Safety Queensland sought feedback to determine an appropriate maximum power output or speed and to determine an appropriate transition period for existing craft to be modified or replaced.

Most (40%) respondents agreed with engine governors as seen in diagram 6. A large proportion of personal watercraft providers that submitted feedback during consultation already use some form of learner key or engine governor.

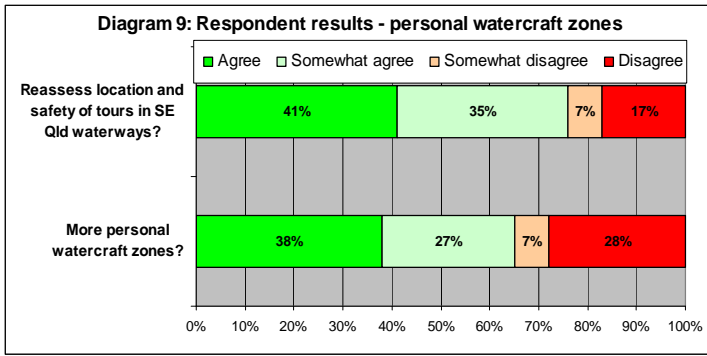
Diagram 7 shows that the most favoured speed for engine power to be governed at would be 30 knots, with a transition period of up two years, as shown in diagram 8.

The two-year transition period will allow the retirement or phasing out of existing personal watercraft. In the interim Maritime Safety Queensland will impose a general 30 knot speed limit for hire and drive personal watercraft operations in other than high traffic zones and locations.



Maritime Safety Queensland recommends, as the third of four regulatory options to licensing, to require all hire and drive personal watercraft be fitted with a device to govern power to limit to a maximum speed of 30 knots within two years – in the interim impose a general 30 knot speed limit for hire and drive personal watercraft other than in high traffic locations.

Regulatory option to licensing 4: Personal watercraft exclusive use areas and high-traffic speed zones



The national leisure craft section recommends pen and tour operations involving unlicensed riders would only be suitable in areas contained by relatively benign waters that are subject to limited maritime traffic.

Forty one percent of respondents agreed that Maritime Safety Queensland should assess existing hire and drive personal watercraft operations to determine any potential conflict with other maritime traffic and the potential for incidents involving swimmers or other craft.

Thirty eight percent of respondents supported the proposal to create hire and drive personal watercraft areas. Maritime Safety Queensland has gazetted two such areas in 2008 for hire and drive personal watercraft on the Sunshine Coast. Maritime Safety Queensland will commence consultation with local government partners and other stakeholders to gazette more areas as required.



The Gold Coast Broadwater – one of the busiest waterways in Queensland.

To improve the safety of tour operations on the crowded waterways of south-east Queensland Maritime Safety

Queensland will gazette 10 knot speed zones for hire and drive personal watercraft in high-traffic zones and periods - for example, on busy waterways such as the Gold Coast Broadwater. This is similar to the speed limit for unlicensed drivers of other hire and drive boats.

Maritime Safety Queensland will undertake consultation with local government partners and other stakeholders to create more hire and drive personal watercraft exclusive use areas as the fourth of four regulatory options to licensing.

Maritime Safety Queensland will gazette 10 knot speed limit for hire and drive personal watercraft in high-traffic zones and periods.

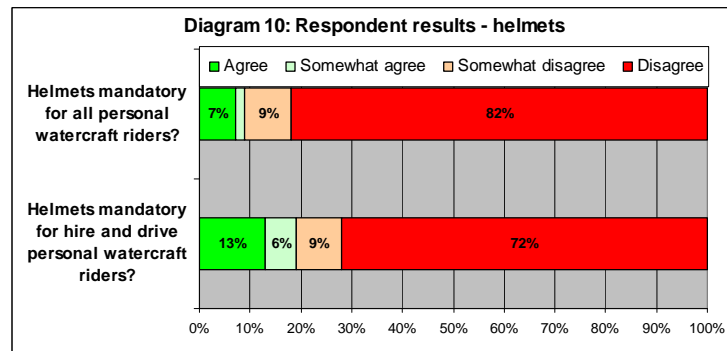
Helmets

Coroner Hutton recommended:

- **That legislation be put in place requiring all personal watercraft riders to wear appropriately designed helmets for personal watercraft.**

Maritime Safety Queensland undertook research into personal watercraft related helmet standards and safety issues to determine if sufficient evidence exists to support such a legislative requirement.

Maritime Safety Queensland was not able to identify any country that presently mandates the use of helmets by personal watercraft riders.



During consultation many personal watercraft providers opposed helmets (diagram 10), based mainly on the need for optimum peripheral vision and hearing to maintain situational awareness and the risk of injury from what is colloquially known as 'the bucketing effect'.

Independent research by a working group of the Special Commission for Sport and Pleasure Navigation within the Permanent International Association of Navigation Congresses, identified that helmet wearing by personal watercraft riders:

- caused accelerated fatigue
- reduced the rider's ability to move their head in order to use peripheral vision
- increased the risk of neck injury (compared to the more statistically remote likelihood of head injury from a collision involving personal watercraft).

Research suggest that helmets are likely to reduce the number and severity of non-facial head injuries sustained in personal watercraft related accidents, but are unlikely to substantially improve injury outcomes where facial injuries are sustained as a result of frontal impact/blunt force trauma.

The likelihood of serious neck or spinal injury from impact with the water is significantly increased for riders with helmets even at normal operating speeds.

Helmets have the potential to exacerbate non-head injuries or cause additional injuries such as neck and spinal injuries where the mechanism of injury involves the head hitting the water. Research suggests the upper neck twisting force increased 160% at 30 miles per hour for a rider wearing a full face helmet compared to the bare head.

Peripheral vision is a critical issue for personal watercraft riders in maintaining situational awareness and a proper lookout but is unlikely to be adversely impacted by most helmets currently available.

The hearing of a personal watercraft rider will be impaired to some degree dependent on the type of helmet being worn (compared with their hearing without a helmet).

While two providers, of the current 26 personal watercraft hire and drive providers, require helmets as part of their safety management procedures – only 19% of respondents supported mandatory helmets for hire and drive personal watercraft.

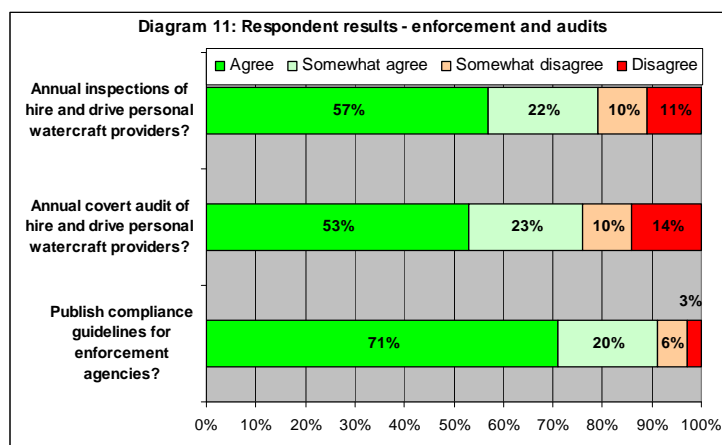
Maritime Safety Queensland does not recommend that helmets should be a requirement for use of a personal watercraft

Enforcement and audits

Coroner Hutton recommended:

- **That all personal watercraft hire and drive operations be inspected and audited on a regular basis, including at least one yearly covert audit.**
- **That full records and documentation be maintained of all interaction between Maritime Safety Queensland officers and personal watercraft hire and drive operations.**
- **That a quality assurance program for all hire and drive operations be developed.**

In 2010 Maritime Safety Queensland conducted state-wide audits of 28 hire and drive personal watercraft businesses operating in Queensland. The audit closely scrutinised compliance with safety management procedures and practices employed by hire and drive providers to assess the competency of unlicensed personal watercraft riders. The audits were not covert but were unannounced visits.



The audit team focussed on how the providers' safety management plans were being applied to the actual operation of the business. A standard template for reporting the audit encompassing operational and administrative compliance to the *Transport Operations*

(Marine Safety—Hire and Drive Ships) Standard 2007 was used.

Only one business was not audited as part of the 2010 audit program - one business at Brampton Island Resort. This business is not currently operating.

Serious non-conformances with the *Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2007* were detected in 26 of the 28 audits undertaken. The remaining businesses only had minor non-conformances.

The 2010-2011 Maritime Safety Queensland operational plan includes a state-wide compliance strategy that focuses on a collaborative approach with enforcement partners (Water Police and Boating and Fisheries Patrol Officers).

Enforcement initiatives with Maritime Safety Queensland and enforcement partners (joint operational plans) are already underway, with trials in the Gold Coast region in progress.

Maritime Safety Queensland evaluates incident, accident and compliance data to inform delivery of regional compliance and safety culture development programs.

Maritime Safety Queensland has developed a model Hire and Drive Safety Management Plan to assist providers. It has also developed and applied a system of auditing providers using comprehensive checklists and reporting mechanisms in accordance with quality management processes.

During consultation the providers of hire and drive supported ongoing audits of their operation. Many providers developed or reworked and substantially improved their safety management plans with the help of local Maritime Safety Queensland personnel. Diagram 11 shows that more than half of respondents (57%) supported ongoing annual audits, with a smaller percentage (53%) supporting covert audits.

Maritime Safety Queensland supports the coroner's recommendation for every personal watercraft hire and drive operation be audited using quality assurance methods (including covert audits), at least once in every 12 months of operation.

Enforcement guidelines

Coroner Hutton recommended:

- ***Maritime Safety Queensland develops guidelines for all enforcement agencies to assess compliance with the Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2007 and facilitate the sharing of information between enforcement agencies.***

Since the incident that gave rise to the coroner's recommendations, Maritime Safety Queensland has established an enforcement guideline (in 2008) which is consistent with the compliance and enforcement policies of our safety enforcement partners. A copy of the guideline is available on the Maritime Safety Queensland website at www.msg.qld.gov.au.

The enforcement guideline determines the enforcement action that will be taken in any given situation and, as far as possible, provide guidance on what behaviour will result in prosecution or other enforcement action.

By clearly defining the types of behaviour that demonstrate compliance with marine safety legislation, the enforcement guideline aims to ensure industry members and the wider boating community understand their obligations. This in turn will help to prevent the types of unintentional breaches that occur when people are unaware of or do not clearly understand their obligations. By identifying what is the most appropriate enforcement action in any given situation the enforcement guideline will also ensure that public resources are allocated and used in an effective and efficient manner.

Sharing the enforcement guidelines with enforcement partners made progress in the context of the state-wide compliance strategy, focussing on a collaborative approach with our enforcement partners.

During consultation a substantial 91% of respondents supported publishing compliance guidance material for enforcement agencies.

Maritime Safety Queensland supports, and has published, enforcement guidelines for enforcement agencies as well as information sharing.

Implementation

All of Maritime Safety Queensland's recommendations can be implemented without legislative change.

Maritime Safety Queensland will impose as conditions of registration (upon renewal) on each hire and drive personal watercraft operating in Queensland that:

- providers must assess the skills and abilities of each rider to operate a hire and drive personal watercraft against an approved competency standard and record the competency of each rider on an approved competency assessment record;
- providers' safety management plans must comply with the more comprehensive requirements of the new leisure craft section of the National Standard for Commercial Vessels (with the two exceptions noted above); and
- all hire and drive personal watercraft must be fitted with a device to govern maximum speed to 30 knots within 2 years.

Maritime Safety Queensland, through its regional offices, will consult with local government partners and other stakeholders to determine the location of further personal watercraft exclusive use areas and the high traffic speed zones and periods for which a 10 knot limit should be gazetted.

Maritime Safety Queensland will continue to conduct annual audits (including covert audits) of hire and drive personal watercraft at least once every 12 months of operation, including joint compliance and enforcement activities with enforcement partners.

This will assess ongoing compliance with and the effectiveness of these changes. If providers do not comply with these changes or the changes are not effective in improving the safety record of the industry then further consideration will need to be given to implementing the coroner's recommendation that all hire and drive personal watercraft drivers to be licensed.

An implementation plan (Attachment E) provides further detail of the proposed timeframes and responsibilities.

Attachment A: PERSONAL WATERCRAFT HIRE AND DRIVE

Location: _____ Hire date/time: _____ Expected return:: _____ : Actual return: _____

Driver's name: _____ Age: _____ Emergency contact: _____

Address: _____ Phone: _____

Licence(s): **RMDL/PWC/Coxswain/Rd vehicle** (circle) number(s): _____ Expiry: _____

Hired personal watercraft registration: _____ Max passengers: _____ (including driver)

Passenger(s) name: _____ Age: _____ Passenger(s) name: _____ Age: _____

Passenger(s) name: _____ Age: _____ Passenger(s) name: _____ Age: _____

PEN OPERATIONS – basic competencies	TOUR OPERATIONS – advanced competencies
Identifies main parts of a personal watercraft and its equipment	Aware of reefs, anchorages and other hazards to navigation
Wears and operates lifesaving appliances correctly	Aware of coral visibility conditions
Safety lanyard attached to hirer	Maintains required distance in tour
Understands person in water signal	Aware of relevant collision regulations
Start, stop, use kill switch and throttle	Min depth to prevent engine sand damage (600 mm for example)
Smooth and controlled departure	Identifies potential hazards
Steer at slow speed & reverse (if fitted)	Corrective procedures for hazards
User operates at six knots	Righting a capsized personal watercraft
User operates at speed	What to do if there is a fire
Stop alongside a floating object	What to do if you come off
Determine a distance of 60 metres	What to do if you collide
Crosses wakes/wash at safe speed	What to do if you lose power
Maintains situational awareness, safe speed and lookout	What to do on grounding or stranding
Steering (lack) in off-throttle situation	What to do in severe weather
Makes allowance for traffic conditions	Respond to medical emergency
Performs signal to gain assistance	Can initiate rescue from tour operator

Briefer

I delivered a safety briefing as required, gave a demonstration and observed the driver perform the competencies above.

Signed: _____ (Briefer) Briefer's licence: _____ Date: _____

Driver

I have no medical condition that is likely to affect my ability to operate a personal watercraft. I received and understood the safety briefing, personal watercraft demonstration and performed the required basic/advanced competencies.

Signed _____ (Driver) Date: _____

Briefer

I provided this personal watercraft to this driver in accordance with the terms of the safety management plan.

Signed: _____ (Provider) Date: _____