

Queensland



Transport Operations (Marine Safety) Act 1994

TRANSPORT OPERATIONS (MARINE SAFETY— RECREATIONAL SHIP MASTERS LICENCE APPROVALS) STANDARD 1998

**Reprinted as in force on 6 March 1998
(standard not amended up to this date)**

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2005 SL No. 20 s 10

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This standard is reprinted as at 6 March 1998.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

See endnotes for information about when provisions commenced.

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TRANSPORT OPERATIONS (MARINE SAFETY—RECREATIONAL SHIP MASTERS LICENCE APPROVALS) STANDARD 1998

[reprinted as in force on 6 March 1998]

1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Recreational Ship Masters Licence Approvals) Standard 1998*.

2 Commencement

This standard commences on 1 March 1998.

3 Definitions

In this standard—

“**Collision Regulations**” see schedule 11 of the regulation.¹

“**commercial ship**” see schedule 11 of the regulation.

“**recreational ship**” see schedule 11 of the regulation.

“**regulation**” means the *Transport Operations (Marine Safety) Regulation 1995*.

4 Qualification to conduct examinations—regulation, s 72(1)

To qualify to conduct examinations for licences to operate a recreational ship as its master, the chief executive must be satisfied an applicant—

- (a) holds a current appropriate licence² to operate a recreational ship as its master; and

1 These are defined as the Prevention of Collision Convention under the *Navigation Act 1912* (Cwlth).

2 As to what is the appropriate licence, see section 63 of the regulation.

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- (b) has a reasonable knowledge of—
 - (i) the Act, the regulation and other standards made under the Act; and
 - (ii) the Collision Regulations; and
- (c) is reasonably competent in seafaring skills and safe operating practices for recreational ships; and
- (d) has—
 - (i) at least 3 years practical experience in operating a recreational ship as its master; or
 - (ii) other appropriate expertise acceptable to the chief executive; and
- (e) is competent to conduct the examinations; and
- (f) is suitable for approval to conduct examinations for licences.

5 Qualification to provide training—regulation, s 73(1)

(1) To qualify to conduct training programs in the operation of recreational ships, the chief executive must be satisfied an applicant—

- (a) holds a current appropriate licence³ to operate a commercial ship as its master; and
- (b) has a reasonable knowledge of—
 - (i) the Act, the regulation and other standards made under the Act; and
 - (ii) the Collision Regulations; and
- (c) is reasonably competent in seafaring skills and safe operating practices for recreational ships; and
- (d) has—
 - (i) at least 3 years practical experience in operating a recreational ship; or
 - (ii) other appropriate expertise acceptable to the chief executive; and

3 As to what is the appropriate licence, see section 58 of the regulation.

- (e) is competent to conduct the training programs; and
- (f) is suitable for approval to conduct the training programs.

(2) If the applicant is a corporation or unincorporated body, the chief executive must discharge the responsibility under subsection (1) by applying—

- (a) subsection (1)(e) and (f) to the applicant; and
- (b) subsection (1)(a) to (f) to a person nominated by the applicant, as if the person were the applicant.

6 Suitability for approval

(1) An applicant is not suitable for approval if—

- (a) the applicant has been convicted of an indictable offence in the last 5 years; or
- (b) the applicant has had a licence to operate ships suspended or cancelled in the last 5 years; or
- (c) for an approval under section 73 of the regulation—the applicant is an undischarged bankrupt.

(2) In deciding whether an applicant is suitable for approval, the chief executive must consider whether the applicant has—

- (a) paid a penalty, for an offence under the Act or regulation, under an infringement notice under the *Justices Act 1886*, part 4A in the last 2 years; or
- (b) been convicted of an offence under the Act or regulation in the last 5 years.

7 Expiry

This standard expires 7 years after it commences.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Operations (Marine Safety—Recreational Ship Masters Licence Approvals) Standard 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

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made by the chief executive on 29 January 1998

notfd gaz 27 February 1998 pp 884–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 1998 (see s 2)

exp 1 March 2005 (see s 7)

Note—A regulatory impact statement and an explanatory note were prepared