

Queensland



Transport Operations (Marine Safety) Act 1994

TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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[as amended by all amendments that commenced on or before 1 July 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Transport Operations (Marine Safety) Regulation 1995*.

2 Commencement

This regulation commences on 1 January 1996.

3 Role of this regulation compared to the standards

(1) The role of this regulation is to prescribe various matters for the purposes of the Act.

(2) Some of the sections of this regulation specify various matters with which certain people must comply.

(3) Compliance with the sections is in addition to any requirement under the Act to comply with a section of the Act, including, for example, the sections about the general safety obligations.¹

(4) The role of the standards is to help people understand the general safety obligations.²

1 See sections 40 (General safety obligation of ship designers and builders and marine surveyors about condition of ships) and 41 (General safety obligation of ship owners and masters about condition of ships) of the Act.

2 See section 31 (What is a standard) of the Act.

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(5) Section 42³ of the Act states the relationship between provisions in the regulation and standards and the general safety obligations about the condition of ships by providing as follows—

‘42.(1) In this section—

“certificate of compliance” includes an equivalent certificate issued under a law of the Commonwealth or another State.

“general safety provision” means either of the following sections—

- *section 40 (General safety obligation of ship designers and builders and marine surveyors about condition of ships)*
- *section 41 (General safety obligation of ship owners and masters about condition of ships).*

“regulatory provision” means a provision of a regulation or standard about the condition, equipping or crewing of ships.

‘(2) This section applies if—

- (a) *it is claimed in a proceeding that a person contravened a safety provision because of the condition of a ship or its equipping or crewing (the “safety issue”); and*
- (b) *a regulatory provision provided a way of dealing with the safety issue to achieve safety.*

‘(3) If it is proved that the safety issue was not dealt with in the way provided by the regulatory provision, the general safety provision is taken to have been contravened unless—

(a) the court is satisfied that—

- (i) *a certificate of survey or a certificate of compliance issued by someone other than the defendant was in force for the ship and the certificate covered the safety issue (in whole or in part); and*
- (ii) *it was reasonable for the defendant to rely on the certificate to satisfy compliance with the general safety provision; or*

3 Section 42 (Relationship between regulatory provisions and general safety obligations about the condition of ships) of the Act. See also current reprint of *Transport Operations (Marine Safety) Act 1994* for section 42 as currently in force.

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(b) the court is satisfied that the general safety provision was complied with, despite noncompliance with the regulatory provision.

‘(4) In deciding whether the general safety provision had been complied with despite noncompliance with the regulatory provision, the court must have regard to the objectives of this Act.’⁴

4 Definitions—the dictionary

(1) The dictionary in schedule 11, defines particular words used in this regulation.

(2) Definitions found elsewhere in the regulation are signposted in the dictionary.

4A References to latitude or longitude

A reference in this regulation to latitude or longitude is a reference to latitude or longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

PART 2—SAFETY EQUIPMENT

Division 1—Introduction

5 Purpose of part etc.

(1) The purpose of this part is to—

- (a) require certain ships to be equipped with safety equipment; and
- (b) declare the equipment that is safety equipment for certain ships and to which section 44⁵ of the Act applies.

4 Italic text indicates that the text is section 42(1) to (4) of the Act.

5 Section 44 (Safety equipment obligation) of the Act

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(2) Subsection (1)(a) is achieved in part, by giving effect to sections 10 and 11⁶ of the Code, with changes.

(3) Standards specify equipment, other than safety equipment mentioned in this part, with which a ship may be equipped.

Examples of standards—

Transport Operations (Marine Safety—Commercial and Fishing Ships Miscellaneous Equipment) Interim Standard 1996

Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard 1996.

Division 2—EPIRB is safety equipment for all ships in Queensland waters

6 All ships in Queensland waters to be equipped with an EPIRB

(1) A ship in Queensland waters must be equipped with an EPIRB complying with MS 241 or MS 309.

(2) Subsection (1) does not apply to a ship within—

- (a) smooth waters; or
- (b) partially smooth waters; or
- (c) 2 n miles of land.⁷

(3) An EPIRB complying with MS 241 or MS 309 is safety equipment to which section 44⁸ of the Act applies.

(4) If the EPIRB has an expiry date by which it should be serviced or replaced, it must be serviced or replaced before the expiry date.

(5) If the EPIRB is not serviced or replaced as required by subsection (4), the ship is taken not to be equipped with an EPIRB.

6 Sections 10 (Lifesaving appliances) and 11 (Fire appliances) of the Code

7 'n mile' is the symbol for 'international nautical mile'.

8 Section 44 (Safety equipment obligation) of the Act

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Division 3—Other safety equipment for commercial ships

7 Commercial ships to comply with Code with changes

(1) This section applies to—

- (a) a ship registered under this regulation as—
 - (i) a commercial ship, class 1 passenger vessel—class 1B to 1F;⁹ or
 - (ii) a commercial ship, class 2 non-passenger vessel—class 2B to 2E; and
- (b) a ship that is registrable under this regulation as a commercial ship in a class mentioned in paragraph (a), but is not registered; and
- (c) a commercial ship mentioned in section 37(2), other than in paragraph (aa).

(2) If the ship is a ship mentioned in section 11¹⁰ of the Code, it must be equipped with the fire appliances required for the class of ship under section 11 of the Code.

(2A) For subsection (2), a reference in section 11 of the Code to a portable fire extinguisher is taken to be a reference to a fire extinguisher that—

- (a) complies with Australian Standard 1850; and
- (b) has a rating of at least 2A30B(E).

(3) If the ship is a ship mentioned in section 10, part 3¹¹ of the Code, it must be equipped with the lifesaving appliances required for the class of ship under section 10, part 3 of the Code.

(4) Subsection (3) has effect with the following changes—

- (a) for a class 1D or 2D ship operating only in daylight hours—if the ship is not equipped with 3 distress rockets as required by

9 Section 1, part 3, clause 6 of the Code describes the classifications of commercial and fishing ships for this regulation.

10 Section 11 (Fire appliances) of the Code

11 Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances) of the Code

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section 10, part 3 of the Code, the ship is required to be equipped with 3 orange smoke signals;

- (b) for a class 1E, 1F or 2E ship—if the ship is not equipped with the distress signals required by section 10, part 3 of the Code, the ship is required to be equipped with a V sheet, 2 hand held red flares and 2 orange smoke flares;
- (c) for a ship less than 7 m—the ship may be operated without lifebuoys;
- (e) for a ship that is involved in diving operations—the ship may be operated without the lifejackets stated in section 10, part 3 of the Code for anyone wearing an inflatable divers jacket with a wet suit;
- (f) for a ship that is more than 1 class—the ship need only be equipped with the lifesaving equipment required for the class in which it is then operating.

Example for paragraph (f)—

A ship is a class 1C, 1D and 1E ship. When it is operating as a class 1D ship, it is only necessary for the ship to be equipped with the lifesaving equipment for a class 1D ship.

(4A) Subject to section 4(b) and (c), if the ship is a class 1F ship—

- (a) when operating within partially smooth waters—the ship must be equipped as if it were a class 2D ship; or
- (b) when operating within smooth waters—the ship must be equipped as if it were a class 2E ship; or
- (c) when operating beyond partially smooth waters, the ship must be equipped as if it were a class 2C ship with the following exceptions—
 - (i) the ship need not be fitted with the life rafts required for a class 2C ship if it has a tender, liferaft or lifeboat able to carry everyone on board the ship and the tender, liferaft or lifeboat has positive flotation and is marked or coloured in a way that helps to make it visible in the water; and
 - (ii) if the ship operates only during daylight hours, a coastal lifejacket required under section 10 of the Code need not be fitted with a light; or

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(d) if the ship is less than 6 m—the ship must be equipped as required for a recreational ship under section 15, 16 or 18.

(5) If the ship is a class 1D, 1E, 1F, 2D or 2E ship, it must be equipped with emergency portable lighting devices, capable of giving off reasonable light in an emergency, for every crew member of the ship.

(6) If the ship is other than a class 1F ship, it must be equipped with the daylight signalling lamp or signalling light stated for the class of ship in section 13, part 3¹² of the Code.

(7) If the ship is a class 1F ship, it must be equipped with the signalling device stated in section 14(1)¹³ for a recreational ship.

(8) If a provision of section 10, part 3¹⁴ of the Code requires the ship to be equipped with life jackets, lifeboats or life rafts, by reference to the number of persons the ship is certified to carry (however expressed), the reference is taken to be the number of persons on board the ship.

(9) However, if the ship is required under subsection (3) to be equipped with lifeboats, life rafts or buoyant appliances, the requirement does not apply if the ship—

- (a) may, under section 10, part 3 of the Code, have, and does have, internal buoyancy as stated in section 10, appendix N of the Code;¹⁵ or
- (b) is under 6 m and has positive flotation; or
- (c) is an inflatable ship that has positive flotation when its largest air chamber is deflated; or
- (d) is a class 1E ship and carries the buoyant appliances or the life jackets stated in section 10, part 3 of the Code.

(10) If this section does not otherwise state the safety equipment the ship must be equipped with, it must be equipped with the safety equipment for a recreational ship required under division 5.

12 Section 13 (Miscellaneous equipment), part 3 (Scales of miscellaneous equipment) of the Code

13 Section 14 (Signalling devices for recreational ships on the water at night)

14 Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances) of the Code

15 Section 10 (Lifesaving appliances), appendix N (Internal buoyancy in small vessels) of the Code

8 Safety equipment to comply with other parts of Code and be current

(1) The safety equipment with which a commercial ship must be equipped under section 7 must be stowed, marked and of a type set out in section 10, parts 1, 2 and 4¹⁶ of the Code.

(2) If the safety equipment with which a commercial ship must be equipped under section 7 has an expiry date by which it should be serviced or replaced, the equipment must be serviced or replaced before the expiry date for the equipment.

(3) If a ship's safety equipment must comply with subsection (1) or (2) and the equipment does not comply with the relevant subsection, the ship is taken not to be equipped with the safety equipment.

9 Declaration applying Act, s 44 to certain equipment

The equipment required under section 7 for a ship is safety equipment for the ship to which section 44¹⁷ of the Act applies.

Division 4—Other safety equipment for fishing ships

10 Fishing ships to comply with Code with changes

(1) This section applies to—

- (a) a ship registered under this regulation as a fishing ship—class 3B to 3E; or
- (b) a ship that is registrable under this regulation as a fishing ship in a class mentioned in paragraph (a), but is not registered; or
- (c) a fishing ship mentioned in section 37(2), other than—
 - (i) a fishing ship used for fishing in the net fishery (ocean beach) described in the *Fisheries Regulation 1995*, schedule 13, part 7, section 5; or

16 Section 10 (Lifesaving appliances), parts 1 (Preliminary), 2 (General provisions) and 4 (Types of lifesaving appliances) of the Code

17 Section 44 (Safety equipment obligation) of the Act

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- (ii) a tender mentioned in section 37(2)(f) that is not powered, or if powered, is powered by an engine of less than 3 kW.

(2) If the ship is a ship mentioned in section 11¹⁸ of the Code, it must be equipped with the fire appliances required for the class of ship under section 11 of the Code.

(3) If the ship is a ship mentioned in section 10, part 3¹⁹ of the Code, it must be equipped with the lifesaving appliances required for the class of ship under section 10, part 3 of the Code.

(4) Subsection (3) has effect with the following changes—

- (a) for a class 3D ship operating only in daylight hours—if the ship is not equipped with 3 distress rockets as required by section 10, part 3 of the Code, the ship is required to be equipped with 3 orange smoke signals;
- (b) for a class 3E fishing ship—if the ship is not equipped with the distress signals required by section 10, part 3 of the Code, the ship is equipped with a V sheet, 2 hand held red flares and 2 orange smoke flares;
- (c) for a ship less than 7 m—the ship may be operated without lifebuoys.

(5) The ship must be equipped with the daylight signalling lamp or signalling light stated for the class of ship in section 13, part 3²⁰ of the Code.

(6) If the ship is a class 3D or 3E ship, it must be equipped with emergency portable lighting devices, capable of giving off reasonable light in an emergency, for every crew member of the ship.

(7) If a provision of section 10, part 3 of the Code requires the ship to be equipped with life jackets, lifeboats or life rafts, by reference to the number of persons the ship is certified to carry (however expressed), the reference is taken to be to the number of persons on board the ship.

18 Section 11 (Fire appliances) of the Code

19 Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances) of the Code

20 Section 13 (Miscellaneous equipment), part 3 (Scales of miscellaneous equipment) of the Code

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(8) However, if the ship is required under subsection (1) to be equipped with lifeboats, life rafts or buoyant appliances, the requirement does not apply if the ship may have, under section 10, part 3 of the Code, and it does have, internal buoyancy as stated in section 10, appendix N²¹ of the Code.

(9) The provisions of the Code about distress signals, life jackets and lifeboats or life rafts do not apply to a fishing ship licensed as a tender commercial fishing boat under the *Fisheries Regulation 1995* or a fishing ship under 10 m if they are equipped with the safety equipment required by section 16²² for a recreational ship operating beyond smooth waters.

(10) If this section does not otherwise state the safety equipment the ship must be equipped with, it must be equipped with the safety equipment for a recreational ship required under division 5.

11 Safety equipment to comply with other provisions of Code

(1) The safety equipment with which a fishing ship must be equipped under section 10 must be stowed, marked and of a type as stated in section 10, parts 1, 2 and 4²³ of the Code.

(2) If the safety equipment with which a fishing ship must be equipped under section 10 has an expiry date by which it should be serviced or replaced, the equipment must be serviced or replaced before the expiry date for the equipment.

(3) If a ship's safety equipment must comply with subsection (1) or (2) and the equipment does not comply with the relevant subsection, the ship is taken not to be equipped with the safety equipment.

12 Declaration applying Act, s 44 to certain equipment

The equipment required under section 10 for a ship is safety equipment for the ship to which section 44²⁴ of the Act applies.

21 Section 10 (Lifesaving appliances), appendix N (Internal buoyancy in small vessels) of the Code

22 Section 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond)

23 Section 10 (Life-saving appliances), part 1 (Preliminary), section 10 (Life-saving appliances), part 2 (General provisions) and section 10 (Life-saving appliances), part 4 (Types of life-saving appliances) of the Code

24 Section 44 (Safety equipment obligation) of the Act

Division 5—Other safety equipment for recreational ships

13 Application of division

This division applies to—

- (a) a ship registered under this regulation as a recreational ship; and
- (b) a ship that is registrable under this regulation as a recreational ship but is not registered; and
- (c) a recreational ship mentioned in section 37(2), other than—
 - (i) a ship mentioned in section 37(2)(d); and
 - (ii) a tender mentioned in section 37(2)(g) that is not powered, or if powered, is powered by an engine of less than 3 kW.

14 Signalling devices for recreational ships on the water at night

(1) A recreational ship including, despite section 13(c), a recreational ship mentioned in section 37(2)(d) and (g) on the water at any time between sunset and sunrise must be equipped with a lighting device for signalling to attract attention.

Examples of lighting devices—

Torches, lanterns fluorescent lights and cyalume sticks.

(2) Subsection (1) does not limit the obligation of the person operating the ship to equip the ship with navigation lights required under section 94.²⁵

15 Safety equipment for recreational ship operating in smooth waters

(1) A recreational ship, other than a personal watercraft, operating in smooth waters must be equipped with—

- (a) a PFD type 1, 2 or 3 for each person on board the ship; and
- (b) if the ship is more than 5 m—fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.

(2) However, subsection (1)(a) does not apply if the ship—

25 Section 94 (Person operating ship to comply with Collision Regulations)

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- (a) operates in a river, creek, stream or the waters contained within breakwaters or revetments; and
- (b) has positive flotation and is equipped with grab lines, grab rails or something else that gives a person in the ship a way of keeping a secure hold to the ship.

16 Safety equipment for recreational ship operating in partially smooth waters and beyond

(1) A recreational ship, other than a personal watercraft, operating in partially smooth waters and beyond must be equipped with—

- (a) for each person on board the ship—if the ship is operating—
 - (i) in partially smooth waters—a PFD type 1 or 2; or
 - (ii) beyond partially smooth waters—a PFD type 1; and
- (b) a V sheet; and
- (c) 2 hand held red flares; and
- (d) 2 orange smoke flares; and
- (e) if the ship is more than 5 m—fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.

(2) The flares mentioned in subsection (1)(c) and (d) must conform to Australian Standard 2092.

17 Exceptions for anyone on recreational ship wearing a divers jacket

(1) This section applies if a person on a recreational ship is wearing an inflatable divers jacket and wet suit.

(2) Despite sections 15 and 16, the ship need not be equipped with a personal flotation device for the person.

18 Safety equipment for personal watercraft

The operator of, and any passenger on, a personal watercraft must each wear—

- (a) if the craft is operating in smooth waters—a PFD type 2 or 3; or

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- (b) if the craft is operating in partially smooth waters or beyond—a PFD type 2.

19 Safety equipment to be serviced etc.

(1) If the safety equipment with which a recreational ship must be equipped under sections 15 and 16 has an expiry date by which it should be serviced or replaced, the equipment must be serviced or replaced before the expiry date for the equipment.

(2) If a recreational ship's safety equipment must comply with subsection (1) but does not comply with it, the ship is taken not to be equipped with the safety equipment.

20 Declaration applying Act, s 44 to certain equipment

The equipment required under sections 14, 15 and 16 for a ship is safety equipment for the ship to which section 44²⁶ of the Act applies.

Division 6—Life jacket and PFD sizes

21 Life jacket and PFD sizes

(1) This section applies if the requirements under this regulation for a ship's safety equipment includes life jackets and personal flotation devices for each person on board the ship.

(2) The ship is taken not to be equipped with safety equipment comprising life jackets and personal flotation devices unless there is an appropriate size life jacket or personal flotation device for each person on the ship.

(3) In this section—

“**person**” means a person 12 months and over.

26 Section 44 (Safety equipment obligation) of the Act

PART 3—ACCREDITATION, SHIP BUILDING AND REGISTRATION OF SHIPS

Division 1—Accreditation of ship designers, ship builders and marine surveyors

22 Application of Act, pt 5, div 4

(1) Part 5, division 4²⁷ of the Act applies to commercial and fishing ships that—

- (a) the chief executive would not be able to register under division 3²⁸ unless an application to register the ship were accompanied by a certificate of compliance for the ship; or
- (b) are built in Queensland but are to be operated in another State, or a foreign country and for which—
 - (i) an accredited ship designer, builder or marine surveyor has been requested to issue a certificate of compliance; or
 - (ii) the chief executive has been requested to issue a certificate of survey under division 7.²⁹

(2) For this division and section 56³⁰ only, a ship mentioned in subsection (1)(b) is a ship connected with Queensland.

(3) However, section 67³¹ of the Act does not apply to a commercial ship under 6 m that operates only within 15 n miles of land, or in smooth or partially smooth waters.

27 Part 5 (Registration, licensing, permits and accreditation), division 4 (Accreditation of ship designers, ship builders and marine surveyors) of the Act

28 Division 3 (Registration of ships)

29 Division 7 (Certificates of survey)

30 Section 56 (Chief executive may issue certificate of survey for ship)

31 Section 67 (Restriction on building of ships) of the Act

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23 Declaration of alterations or replacements that may affect marine safety—Act, s 4, definition “building”

(1) This section is about the definition “building” in section 4³² of the Act that provides as follows—

‘ **“building”** of a ship includes altering the ship, or replacing a part of the ship, if the alteration or replacement is declared, under a regulation, to be an alteration or replacement that may affect marine safety.’³³

(2) This section declares the alterations or replacements that may affect marine safety.

(3) An alteration or replacement affecting any of the following, in a substantial way (**“further building”**), is an alteration or replacement that may affect marine safety—

- (a) electrical systems;

Example—

If an electrical contractor’s installation statement has not been obtained—an alteration or replacement of components or wiring in systems 32 volts and above.

- (b) machinery and associated systems;

Example—

Alteration or replacement of engines, winches, pumping systems, stern gear.

- (c) stability;

Examples—

Alteration in position or amount of permanent ballast.

Alterations to scuppers and freeing ports impairing drainage.

Alteration or replacement of any part of a ship (including machinery), that, because of its weight or location, alters the stability of the ship.

- (d) structural sufficiency;

Example—

Alterations or replacements to the hull, bulkheads, deck and superstructure.

- (e) watertight integrity and subdivision.

32 Section 4 (Definitions) of the Act

33 Italic text indicates that the text is section 4, definition “building” of the Act.

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Example—

Alterations or replacements to the hull watertight bulkheads, decks, enclosed superstructures and weathertight watertight closing devices.

24 Accreditation as a ship designer, builder or marine surveyor

(1) The chief executive may accredit a person as a ship designer or builder or marine surveyor.

(2) The chief executive may accredit a person as a ship designer, ship builder or marine surveyor only if the person satisfies the chief executive the person qualifies for accreditation under the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Standard 1998*.

(3) The procedure for accreditation is in part 6.³⁴

25 Categories of accreditation (ship designer)

The categories of accreditation for a ship designer are as follows—

- (a) for hulls—
 - aluminium hull
 - ferro-cement hull
 - fibre reinforced plastic hull
 - steel hull
 - timber hull;
- (b) for superstructures—for any of the hull materials mentioned in paragraph (a);
- (c) machinery—including propulsion, associated systems and electrical;
- (d) load line;
- (e) safety equipment;
- (f) stability—including subdivision.

26 Categories of accreditation (ship builder)

The categories of accreditation as a ship builder are as follows—

- (a) for hulls—
 - aluminium hull
 - ferro-cement hull
 - fibre reinforced plastic hull
 - steel hull
 - timber hull;
- (b) for superstructures—for any of the hull materials mentioned in paragraph (a);
- (c) machinery—including propulsion, associated systems and electrical;
- (d) safety equipment.

27 Categories of accreditation (marine surveyor)

The categories of accreditation as a marine surveyor are as follows—

- (a) for hulls—
 - aluminium hull
 - ferro-cement hull
 - fibre reinforced plastic hull
 - steel hull
 - timber hull;
- (b) for superstructures—for any of the hull materials mentioned in paragraph (a);
- (c) machinery—including propulsion, associated systems and electrical);
- (d) load line;
- (e) MARPOL requirements;
- (f) safety equipment;
- (g) stability—including subdivision.

28 Hulls and superstructures taken to be of a certain material

In sections 25, 26 and 27(a) or (b), a hull or superstructure is to be taken to be built of a material mentioned in each subsection if it is primarily built of the material.

29 Authority given by accreditation

(1) An accredited ship designer, ship builder or marine surveyor may issue a certificate of compliance in the approved form for a ship in the category for which the person is accredited.

(2) Subsection (1) is subject to the conditions stated in the Act, this regulation and the relevant accreditation.

(3) However, an accredited ship designer, ship builder or marine surveyor that is a corporation must not issue a certificate of compliance for a ship unless the individual having the supervision and management of the designing, building or surveying of the ship has the same accreditation as the corporation.

Maximum penalty—200 penalty units.

30 Accredited persons to keep documents

(1) This section applies to an accredited ship designer, builder and marine surveyor (an **“accredited person”**) who carries on a business (**“business”**) of ship designing, ship building or marine surveying.

(2) An accredited person must make the following documents (**“documents”**) for the business within the time stated in subsection (3)—

- (a) an operational plan (the **“operational plan”**) showing—
 - (i) the management structure; and
 - (ii) individual responsibilities and professional or trade qualifications of employees of the business; and
 - (iii) a system for monitoring, at each critical stage, the quality and integrity of the process of—
 - (A) for a ship designer—designing a ship or part of a ship;
or
 - (B) for a ship builder—building a ship or part of a ship; or

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- (C) for a marine surveyor—surveying a ship or part of a ship;
- (b) a record (the **“production record”**) showing details of the following—
 - (i) ships, or parts of ships, designed, built or surveyed by the accredited person;
 - (ii) the carrying out of the monitoring stated in paragraph (a)(iii);
 - (iii) any significant rectification or alteration found necessary during the designing, building or surveying process.

Maximum penalty—100 penalty units.

(3) The documents must be made—

- (a) if the document is the operational plan—within 28 days of starting the business; or
- (b) if the document is the production record—every week after starting the business.

(4) An accredited person is taken to comply with subsection (2)(a) if the person has an operational plan that is a current operational quality management and assurance system certified by a certification entity.

(5) The accredited person must ensure that—

- (a) entries in the documents are complete and accurate; and
- (b) if there is a change to any of the things mentioned in subsection (2)(a)—the documents are amended to show the change within 14 days of the change; and
- (c) the documents are kept—
 - (i) at the accredited person’s place of business; and
 - (ii) for at least 5 years from the date they were made.

Maximum penalty—100 penalty units.

(6) In this section—

“accredited” includes being temporarily accredited under section 128.³⁵

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“certification entity” means an entity that—

- (a) is accredited by the Council of Joint Accreditation Systems of Australia and New Zealand; and
- (b) the council maintains on its register of certification entities.

31 Accredited person to take out product liability insurance

(1) It is a condition of accreditation that an accredited ship designer, ship builder or marine surveyor (an **“accredited person”**) must, within 30 days—

- (a) of becoming accredited, take out, and keep in force while the person continues to be accredited, a product liability policy (a **“policy”**) for not less than \$2 000 000 to cover the person’s legal liability arising out of or in respect of a ship, or part of a ship, designed, built or surveyed by the person while the person was accredited; and
- (b) of taking out or renewing a policy, give the chief executive a copy of the certificate of insurance or renewal of the policy.

(2) Despite subsection (1), a condition under section 130³⁶ may require an accredited person to take out a policy for an amount more than \$2 000 000.

Division 1A—Other provisions about ship design and survey

31A Application of Act, pt 5, div 5

Part 5, division 5³⁷ of the Act applies to the ships mentioned in section 22(1).

36 Section 130 (Grant of authority on conditions)

37 Part 5 (Registration, licensing, permits and accreditation), division 5 (Other provisions about ship design and survey) of the Act

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Division 2—Building of ships

32 Application

This division applies to a ship—

- (a) mentioned in section 22(1); or
- (b) registered under this regulation if—
 - (i) the documents produced to the chief executive with the registration application are the documents mentioned in section 43(2)(c) or section 46(3)(c); and
 - (ii) the ship is the subject of further building mentioned in section 23.

33 Certificate for design and other documents to chief executive before building commences

A person (including an accredited ship builder) must not start building a ship, or part of a ship, unless the person has given the chief executive written notice of the person's intention to build the ship together with—

- (a) a copy of the certificate of compliance for the design of the ship or part and the plans and other documents mentioned in the certificate; or
- (b) particulars of the design approval certificate for the ship, or part.

Maximum penalty—100 penalty units.

34 Builder usually responsible for ensuring certificate of compliance for survey issued

(1) This section applies if—

- (a) a person (a “**builder**”) is building a ship or part of a ship; and
- (b) the builder is not an appropriately accredited ship builder to build the ship or part; and
- (c) if the builder is building the ship or part for another person—before the building starts, the person has not given the builder a signed notice stating the person does not require the builder to comply with subsections (2) and (3).

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(2) The builder must, at the appropriate stages during the building of the ship or part—

- (a) ensure the ship or part is surveyed by a marine surveyor who is accredited to survey the ship or part; and
- (b) obtain a certificate of compliance for survey for the ship or part from the surveyor.

Maximum penalty—100 penalty units.

(3) If the ship, or part, is being built for a person other than the builder, the builder must give the certificate to the person when delivering the ship, or part.

Maximum penalty—100 penalty units.

35 Certificate cease to have effect if further building, or need for further building

(1) A certificate of compliance or design approval certificate for a ship, or part of a ship, ceases to have effect to the extent stated in subsection (2) if—

- (a) further building of the ship takes place; or
- (b) something happens to the ship that requires further building of the ship before it may be operated safely.

Example of paragraph (b)—

The ship strikes a reef and suffers major damage to its hull.

(2) The certificate of compliance or design approval certificate ceases to have effect so far as it relates to the section of the ship, or part, that is the subject of the further building.

36 Copy of certificate to chief executive

(1) This section applies if—

- (a) further building of a registered ship, or part of a ship, has been completed; and
- (b) an accredited ship designer, builder or marine surveyor issues a certificate of compliance for the ship or part.

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(2) The accredited ship designer, builder or marine surveyor must, within 28 days of issuing the certificate, give the chief executive a copy of it.

Maximum penalty—100 penalty units.

Division 3—Registration of ships

Subdivision 1—Application of Act, pt 5, div 2 to certain ships and requirement to register the ships

37 Application of Act, pt 5, div 2

(1) The following are ships to which part 5, division 2³⁸ of the Act applies—

- (a) all ships operating in Queensland waters owned or chartered by—
 - (i) an individual whose place of residence, or principal place of residence, is in Queensland; or
 - (ii) a person whose place of business, or principal place of business, is in Queensland; or
 - (iii) a person whose principal place of business for managing the ship's operations is in Queensland;
- (b) all ships not mentioned in paragraph (a)—
 - (i) on Queensland intrastate voyages; or
 - (ii) on interstate voyages while they are in Queensland waters.

(2) However part 5, division 2 of the Act does not apply to the following ships—

- (a) a ship that must be, and is, registered under the *Shipping Registration Act 1981* (Cwlth);
- (aa) a commercial ship (other than a barge) that is unpowered, or if powered is powered by an engine of less than 3 kW;

38 Part 5 (Registration, licensing, permits and accreditation), division 2 (Registration of ships) of the Act

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- (b) a commercial ship that is a barge and—
 - (i) is less than 15 m; and
 - (ii) is not powered, or if powered, is powered by an engine of less than 3 kW; and
 - (iii) is used for a purpose other than—
 - (A) carrying persons, other than employees of the person operating the ship; or
 - (B) carrying bulk petroleum or gas products; or
 - (C) living aboard or entertainment; or
 - (D) operating a pile frame; and
 - (iv) is not equipped with—
 - (A) a crane with a safe working load of more than 3 t; or
 - (B) dredging machinery having a total brake power of 500 kW or more;
- (c) a fishing ship less than 10 m;
- (d) a recreational ship that is not powered or if powered, is powered by an engine of less than 3 kW;
- (e) a recreational ship on a Queensland intrastate voyage if the ship—
 - (i) is registered under a law of another State about the registration of ships; and
 - (ii) the owner of the ship is not an individual or person mentioned in subsection (1)(a);
- (f) a tender (other than a tender commercial fishing boat within the meaning of the *Fisheries Regulation 1995*) to a fishing ship if the tender is operated only within the same distance from the ship it attends, as a tender commercial fishing boat may operate from its primary commercial fishing boat under the *Fisheries Regulation 1995*;
- (g) a tender to a registered recreational ship if the tender is operated only within 2 n miles from the ship;
- (h) a tender to a registered commercial ship if the tender is—

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- (i) less than 6 m; and
- (ii) operated only within 5 n miles of the ship;
- (i) a ship displaying a restricted use flag under part 3, division 6;³⁹
- (j) a recreational ship from a foreign country, if—
 - (i) the ship is in Queensland waters for less than 1 year; and
 - (ii) the ship's owner is not an individual or person mentioned in subsection (1)(a).

(3) Also part 5, division 2⁴⁰ of the Act does not apply to a ship that is not on or in water.

Example of subsection (3)—

If the registration of a ship expires while the owner has the ship out of water, the owner need only register the ship when the owner intends to put the ship back in the water.

38 Ships that must be registered

(1) The owner of a ship to which part 5, division 2 of the Act applies must register the ship unless the owner has a reasonable excuse.

Maximum penalty—200 penalty units.

(2) The procedure for registration is in part 6.⁴¹

39 Commercial or fishing ship used for owner's recreational use

If a registered commercial or fishing ship is being used for genuine private recreational use by its owner, while the ship is being so used—

- (a) it is taken to be registered as a recreational ship; and
- (b) the provisions of this regulation for, or a condition of registration applying to the ship or its operation as, a commercial or fishing ship, do not apply to the ship; and

39 Part 3 (Accreditation, ship building and registration of ships), division 6 (Restricted use flag)

40 Part 5 (Registration, licensing, permits and accreditation), division 2 (Registration of ships) of the Act

41 Part 6 (Authorities)

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- (c) the provisions of this regulation about recreational ships and their operation apply to the ship with all necessary changes.

Subdivision 2—Type and class of registration

40 Chief executive may register ships

The chief executive may register a registrable ship according to—

- (a) its type as a commercial, fishing or recreational ship; and
- (b) if the ship is a commercial or fishing ship—its class under the Code.

Examples of registration—

- commercial ship—class 1 passenger vessel, class 1B
- fishing ship—class 3 fishing ship, class 3B.

41 Class of registration (commercial ships)

The registration classes under the Code for a commercial ship are—

- (a) class 1 passenger vessels as stated in section 1, part 3, clause 6.1⁴² of the Code—class 1B to 1F; and
- (b) class 2 non-passenger vessels as stated in section 1, part 3, clause 6.2⁴³ of the Code—class 2B to 2E.

42 Class of registration (fishing ships)

The registration classes under the Code for a fishing ship are class 3 fishing ship or ships as stated in section 1, part 3, clause 6.3⁴⁴ of the Code—class 3B to 3E.

42 Section 1 (Introduction, definitions and general requirements), part 3 (Operational areas and classification of vessels), clause 6.1 (class 1 passenger vessels) of the Code

43 Section 1 (Introduction, definitions and general requirements), part 3 (Operational areas and classification of vessels), clause 6.2 (class 2 non-passenger vessels) of the Code

44 Section 1 (Introduction, definitions and general requirements), part 3 (Operational areas and classification of vessels), clause 6.3 (class 3 fishing vessels) of the Code

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Subdivision 3—First registration of commercial ship

43 Requirements for first registration of commercial ship

(1) This section applies if—

- (a) an application is made to the chief executive to register a ship as a commercial ship; and
- (b) the ship—
 - (i) has not previously been registered as a commercial ship under this regulation; or
 - (ii) if it has been previously registered as a commercial ship under this regulation—
 - (A) the registration was cancelled by the chief executive under part 6; or
 - (B) the registration expired and more than 6 months has elapsed since the expiry.

(2) If the ship is a ship mentioned in subsection (1)(b)(i), the chief executive may register it as a commercial ship only if its registration application is accompanied by—

- (a) certificates of compliance for the whole ship from—
 - (i) an accredited ship designer; and
 - (ii) an accredited ship builder or an accredited marine surveyor; or
- (b) the following documents for the whole ship—
 - (i) for the ship design—
 - (A) a design approval certificate for the ship; and
 - (B) any other certificates of compliance for the design of the ship not covered by the design approval certificate;
 - (ii) certificates of compliance from an accredited ship builder or an accredited marine surveyor; or
- (c) a current certificate of survey for the ship issued—
 - (i) under this regulation or the law of the Commonwealth or another State; or

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(ii) by a classification society.

(3) Subsection (2)(a)(i) does not apply if—

- (a) a ship's design has been approved under the laws of the Commonwealth or another State; and
- (b) the approved plans are submitted with the application.

(4) However, if the ship is a commercial ship mentioned in subsection (1)(b)(ii), the chief executive may register it as a commercial ship if its registration application is accompanied by—

- (a) a certificate of compliance for survey of the whole ship from an accredited marine surveyor issued not more than 1 month before the day the application was made; or
- (b) a current certificate of survey for the ship issued—
 - (i) under section 56 or the law of the Commonwealth or another State; or
 - (ii) by a classification society.

(5) If a certificate of survey is issued by a classification society for a commercial ship and the certificate does not relate to the whole ship, the chief executive may only register the ship if its registration application is accompanied by a certificate of compliance mentioned in subsection (2)(a) or (4)(a) for those parts of the ship not covered by the certificate of survey.

44 Exception for certain ships

Despite section 43, the chief executive may register a commercial ship less than 6 m that operates within 15 n miles of land, or in smooth or partially smooth waters, if the application for registration of the ship is accompanied by—

- (a) documentary evidence that satisfies the chief executive the ship has positive flotation; or
- (b) a certificate of compliance for the building or surveying of the whole ship from an accredited ship builder or marine surveyor.

45 Exception for sailing school training ships

(1) Despite section 43, the chief executive may register a commercial ship used as a training ship by a sailing school for teaching sailing if the

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application for registration of the ship is accompanied by a completed safety compliance form for the ship issued by the Australian Yachting Federation.

(2) In this section—

“**sailing school**” means an entity that—

- (a) gives training in sailing; and
- (b) is approved by the Australian Yachting Federation as a training centre under its national training scheme.

“**training ship**” means a ship that—

- (a) is 6 m or more but less than 16 m; and
- (b) does not carry anybody other than its crew (including trainee crew).

Subdivision 4—First registration of fishing ship

46 Requirements for first registration etc. of fishing ship

(1) This section applies if—

- (a) an application is made to the chief executive to register a ship over 10 m as a fishing ship; and
- (b) the ship—
 - (i) has not previously been registered as a fishing ship under this regulation; or
 - (ii) if it has been previously registered as a fishing ship under this regulation—
 - (A) the registration was cancelled by the chief executive under part 6; or
 - (B) the registration expired and more than 6 months has elapsed since the expiry.

(2) However, this section does not apply if the ship—

- (a) is less than 14 m; and
- (b) operates only in a pilotage area; and

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(c) was built before 1 January 1988.

(3) The chief executive may register a ship mentioned in subsection (1)(b)(i) as a fishing ship only if the application for registration of the ship is accompanied by—

- (a) certificates of compliance for the whole ship from—
 - (i) an accredited ship designer; and
 - (ii) an accredited ship builder or an accredited marine surveyor; or
- (b) the following documents for the whole ship—
 - (i) for the ship design—
 - (A) a design approval certificate for the ship; and
 - (B) any other certificates of compliance for the design of the ship not covered by the design approval certificate;
 - (ii) certificates of compliance from an accredited ship builder or an accredited marine surveyor; or
- (c) a current certificate of survey for the ship issued—
 - (i) under this regulation or the law of the Commonwealth or another State; or
 - (ii) by a classification society.

(4) Subsection (3)(a)(i) does not apply if—

- (a) a ship's design has been approved under the laws of the Commonwealth or another State; and
- (b) the approved plans are submitted with the application.

(5) However, if the ship is a fishing ship mentioned in subsection (1)(b)(ii), the chief executive may register it as a fishing ship if its registration application is accompanied by—

- (a) a certificate of compliance for the survey of the whole ship from an accredited marine surveyor issued not more than 1 month before the day the application was made; or
- (b) a current certificate of survey for the ship issued—

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- (i) under section 56⁴⁵ or the law of the Commonwealth or another State; or
- (ii) by a classification society.

(6) If a certificate of survey is issued by a classification society for a fishing ship and the certificate does not relate to the whole ship, the chief executive may only register the ship if its registration application is accompanied by a certificate of compliance mentioned in subsection (3)(a) or (5)(a) for those parts of the ship not covered by the certificate of survey.

Subdivision 5—Declarations by accredited persons

47 Declaration about ship's seaworthiness etc. in certificate of compliance

(1) A certificate of compliance for a ship, or part of a ship, must include the appropriate declaration stated in schedule 1⁴⁶ about the seaworthiness of the ship or part.

(2) The certificate may also include other issues about the ship or part's condition affecting marine safety.

Division 4—Ship register

48 Registered ships register

(1) The chief executive must keep a register of registered ships.

(2) The chief executive must record in the register the following particulars for a ship—

- (a) the owner's name and address;
- (b) the registration number;
- (c) the type of registration and class;
- (d) a description of the ship including length and beam, engine details and construction materials.

45 Section 56 (Chief executive may issue certificate of survey for ship)

46 Schedule 1 (Declaration about ship's seaworthiness)

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(3) The register may also include other particulars for a ship decided by the chief executive.

(4) Within 21 days after changes to a particular of a ship's registration other than a change in the ship's ownership, the holder of the ship's registration certificate must give the chief executive written notice of the change in the approved form.

Maximum penalty—50 penalty units.

(5) A person may, on payment of the appropriate fee for the inspection and on reasonable conditions imposed by the chief executive—

- (a) inspect the register at the chief executive's office when the office is open to the public; and
- (b) take extracts from, or obtain a copy of particulars in, the register.

Division 5—Display of registration documents and markings on ships

Subdivision 1—Registered ships

49 Registration number to be displayed on registered commercial or recreational ships

(1) The owner and master of a registered commercial or recreational ship must ensure the ship's registration number is displayed on the ship as required by this section.

Maximum penalty—50 penalty units.

(2) The registration number must be—

- (a) above the water line when the ship is afloat; and
- (b) permanently and legibly displayed—
 - (i) in dark colours on a light background; or
 - (ii) in light colours on dark background.

(3) Also, the registration number must be—

- (a) for a ship capable of achieving a planing attitude (other than a personal watercraft)—displayed on both sides of the ship in characters not less than 200 mm high; or

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- (aa) for a personal watercraft—displayed on both sides of the watercraft in characters not less than 75 mm high; or
- (b) for all other ships—displayed on both sides of the ship or its stern in characters not less than 75 mm high.

50 Displaying registered commercial or fishing ship’s registration certificate

(1) The owner and master of a registered commercial or fishing ship must ensure the ship’s registration certificate is displayed in a conspicuous place, and in a way that it can be read by anyone, on the ship.

Maximum penalty—100 penalty units.

(2) However, if it is not reasonably practicable to comply with subsection (1), the ship’s owner and master must ensure that the ship’s registration certificate is kept aboard the ship.

Maximum penalty—100 penalty units.

51 Registration label for registered recreational ship

(1) The owner and master of a registered recreational ship must ensure that the ship’s current registration label is attached to the ship as required by this section.

Maximum penalty—50 penalty units.

(2) The label must be—

- (a) attached to the exterior of the ship in a conspicuous place, near the registration number, on its port side, or stern; and
- (b) above the waterline when the ship is afloat.

51A Ride smart sticker to be displayed on personal watercraft

(1) The owner and master of a personal watercraft must ensure a ride smart sticker is displayed on the personal watercraft so that it can be seen clearly from the operator’s position.

Maximum penalty—50 penalty units.

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(2) In this section—

“**ride smart sticker**” means a ride smart sticker issued by the chief executive.

Subdivision 2—Tenders

52 Markings for tender to commercial, fishing or recreational ship if tender not required to be registered

(1) This section applies to—

- (a) a tender (other than a tender commercial fishing boat within the meaning of the *Fisheries Regulation 1995*) to a fishing ship if the tender is not required to be registered because of section 37(2)(f);⁴⁷ and
- (b) a tender to a registered commercial or recreational ship if the tender is not required to be registered because of section 37(2)(g) or (h).

(2) The owner and master of the tender must ensure the tender is marked as required by subsections (3) to (6).

Maximum penalty—50 penalty units.

(3) The tender must be clearly, legibly and permanently marked on its exterior, above the waterline when the ship is afloat, with the word ‘TENDER’ and—

- (a) for a tender mentioned in subsection (1)(a)—the same markings required by the *Fisheries Regulation 1995*, section 61⁴⁸ for the ship to which it is a tender; and
- (b) for a tender mentioned in subsection (1)(b)—the registration number of the ship to which it is a tender.

(4) The markings required under subsection (3) must be in characters not smaller than 75 mm.

47 Section 37 (Application of Act, pt 5, div 2)

48 *Fisheries Regulation 1995*, section 61 (Authority holder only needs 1 authority for an activity)

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(5) However, if a tender cannot be practicably marked on its exterior as required by subsection (3) or in the size of characters required by subsection (4), it must be marked on its interior in the largest characters practicable.

(6) If a tender does not permanently attend the same ship but is used by its owner to attend a number of ships owned by the owner, the tender may be marked with the owner's name instead of the marking or number required under subsection (3)(a) or (b).

Division 6—Restricted use flag

53 Authority to use restricted use flag

(1) The chief executive may issue an authority to use a restricted use flag for a ship.

(2) The chief executive may only issue an authority for a ship if the chief executive is satisfied the ship is safe to operate for its intended use in its intended area of operation.

(3) The procedure for obtaining an authority is in part 6.⁴⁹

54 Operation of ship under authority

(1) The holder of an authority must not operate, or allow someone else to operate, a ship for which a restricted use flag has been issued under the authority unless—

- (a) the authority or a copy—
 - (i) is carried on the ship while it is operating; and
 - (ii) if it reasonably practical to do so—is displayed in a conspicuous place on the ship and in a way that it can be read by anyone on the ship; and
- (b) the holder tells a person who is to operate the ship as its master, or to act as crew member of the ship, how the ship may be operated under the authority and the conditions to which it is subject; and

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(c) the ship prominently displays the flag.

Maximum penalty—50 penalty units.

(2) An authority's conditions may require a person operating the ship as its master, or acting as a crew member to hold an appropriate licence stated in the conditions.

(3) The holder of an authority must not operate, or allow someone else to operate, a ship displaying a restricted use flag unless the ship is a ship that may display the flag.

Maximum penalty—50 penalty units.

(4) A person must not operate a ship displaying a restricted use flag if the person knows the authority to use the flag does not apply to the ship.

Maximum penalty—50 penalty units.

(5) A person operating a ship displaying a restricted use flag must not operate the ship for a purpose other than the purpose stated in the authority.

Maximum penalty—50 penalty units.

(6) Each of the following must comply with an authority's conditions—

- (a) the holder of the authority;
- (b) a person operating the ship as its master;
- (c) a person acting as crew member of the ship.

Maximum penalty—50 penalty units.

55 Flag to be returned

A person to whom a restricted use flag was issued under an authority must return the flag to the chief executive within 14 days of any of the following unless the person has a reasonable excuse—

- (a) the expiration or cancellation of the authority;
- (b) the suspension of the authority and the chief executive's request for the return of the flag.

Maximum penalty—50 penalty units.

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Division 7—Certificates of survey

56 Chief executive may issue certificate of survey for ship

(1) A person may apply to the chief executive for the issue of a certificate of survey for a ship.

(2) Before the chief executive may issue the certificate, the person asking for it must give the chief executive—

- (a) certificates of compliance for the whole ship from—
 - (i) an accredited ship designer; and
 - (ii) an accredited marine surveyor; or
- (b) the following documents for the whole ship—
 - (i) for the ship design—
 - (A) a design approval certificate for the ship; and
 - (B) any other certificates of compliance for the design of the ship not covered by the design approval certificate;
 - (ii) a certificate of compliance for survey for the whole ship issued by an accredited marine surveyor.

(2A) The chief executive may issue the certificate only if—

- (a) the chief executive has been given the certificates or documents required under subsection (2); and
- (b) the chief executive has inspected the ship if the chief executive considers an inspection is necessary; and
- (c) the chief executive is satisfied the design or survey conforms with the requirements of any standard about ship design or survey made under part 4, division 2⁵⁰ of the Act and applying to the ship.

(2B) However it is sufficient compliance with subsection (2)(a) if a person gives the chief executive a certificate of compliance for the survey of the whole ship, if the ship is a ship for which—

50 Part 4 (General safety obligations and standards), division 2 (Standards) of the Act

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- (a) a replacement certificate has been, or could be, issued under section 191;⁵¹ or
- (b) design plans, subdivision and stability documents had been approved as part of an application for the survey and registration of the ship under the *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987*.⁵²

(3) The certificate of compliance for survey must have been issued within 1 month of the date of the application for the certificate of survey.

(4) The procedure for obtaining a certificate of survey for a ship is in part 6.⁵³

PART 4—LICENCES FOR OPERATING SHIPS

Division 1—Application of Act for licensing of masters, crew members and pilots

57 Application of Act, pt 5, div 3

(1) The following are ships to which part 5, division 3⁵⁴ of the Act applies—

- (a) for the licensing of a person to operate a ship as its master or to act as a crew member of a ship—the ships mentioned in section 11(1)⁵⁵ of the Act;
- (b) for the licensing of a person to have the conduct of a ship as its pilot—the ships to which part 8⁵⁶ of the Act applies.

51 Section 191 (Existing certificates of survey) expired 1 January 1997.

52 The *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987* expired 31 December 1995.

53 Part 6 (Authorities)

54 Part 5 (Registration, licensing, permits and accreditation), division 3 (Licensing of masters, crew members and pilots) of the Act

55 Section 11 (General application of Act to ships) of the Act

56 Part 8 (Pilots) of the Act

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(2) However part 5, division 3 of the Act does not apply to the following ships—

- (a) a ship connected with Queensland under section 6(c)⁵⁷ of the Act while the ship is not operating in Queensland waters;
- (b) an unpowered commercial or fishing ship or a powered commercial or fishing ship that is powered by an engine of less than 3 kW power;
- (c) a commercial ship less than 6 m used as a training ship (a **“training ship”**)—
 - (i) provided by a training provider for a person participating in a training program, conducted by the provider, in operating of ships; and
 - (ii) operated by the person under the direct and immediate supervision of the provider who—
 - (A) accompanies the training ship in another ship; and
 - (B) if a licence is required to operate the accompanying ship—holds the appropriate licence to operate it not less than a coxswain’s licence;
- (d) a commercial hire ship that—
 - (i) is incapable of achieving a planing attitude; or
 - (ii) if the ship’s provider holds a licence to operate a ship issued under this regulation or the law of another State—
 - (A) is operated by a person under the direct supervision of the ship’s provider; and
 - (B) the provider has a way of immediately helping the person should the need arise;
- (e) an unpowered recreational ship or a powered recreational ship that is any of the following—
 - (i) is powered by an engine of 4.5 kW power or less;
 - (ii) is not capable of a speed greater than 10 knots;
 - (iii) does not have a planing or non-displacement hull;

57 Section 6 (Meaning of ship “connected with Queensland”) of the Act

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- (f) a commercial ship owned and operated by any of the following entities if the ship is being operated in the course of the entities' activities (other than a training course or program about ships' operations open to the public) by a person who holds a current certificate issued by the relevant entity authorising the person to operate the ship—
 - (i) a volunteer marine rescue association or a surf lifesaving association accredited by the emergency services department;
 - (ii) the emergency services department;
- (g) a fishing ship less than 10 m or a recreational ship operated by a person holding a current certificate to operate a fishing ship less than 10 m issued by the Queensland Fishing Industry Training Council.

(3) In subsection (2)(c) and (d)—

“**provider**” includes an employee of the provider.

Division 2—Masters, crew members and pilots to be licensed

Subdivision 1—Commercial ships

58 Licence required to operate etc. commercial ship

(1) In this section—

“**commercial ship**” means a commercial ship to which part 5, division 3⁵⁸ of the Act applies, other than a commercial ship that—

- (a) is less than 6 m; and
- (b) does not carry persons other than the ship owner's employees, unless the ship is operated by—
 - (i) the Queensland Police Service on an official purpose; or

58 Part 5 (Registration, licensing, permits and accreditation), division 3 (Licensing of masters, crew members and pilots) of the Act

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- (ii) the emergency services department on an official purpose but only in an emergency; or
 - (iii) a department or instrumentality of the State, another State, the Commonwealth or a university for a genuine research or scientific purpose; and
- (c) is operated by the holder of a recreational ship master's licence or a current licence to operate a recreational ship issued under the law of another State.

“crew member” means a person who is a chief mate, deck watch keeper, chief engineer, second engineer or engineer watch keeper, within the meaning of section 2, part 4, clause 34⁵⁹ of the Code.

(2) A person must hold the appropriate licence—

- (a) to operate a commercial ship as its master; or
- (b) to act as a crew member of a commercial ship.

(3) The appropriate licence for a person to hold for a commercial ship operating in an area is, at least, the class of certificate stated in section 2, part 4, clause 37⁶⁰ of the Code for the area.

(4) For subsection (3)—

- (a) a reference in section 2, part 4, clause 37 of the Code to—
 - (i) a trading vessel is taken to be a reference to a commercial ship; and
 - (ii) a certificate or a certification requirement is taken to be a reference to a licence or a licensing requirement; and
 - (iii) a class of certificate ‘master class 5 endorsed’ is a reference to ‘master class 5’; and
- (b) the relativity between the classes of certificates is stated in section 2, part 2, clause 9⁶¹ of the Code.

(5) Subsection (6) applies if—

59 Section 2 (Qualifications and manning, trading vessels), part 4 (Minimum safety manning of trading vessels), clause 34 (Interpretation) of the Code

60 Section 2 (Qualifications and manning, trading vessels), part 4 (Minimum safety manning of trading vessels), clause 37 (Particular provisions) of the Code

61 Section 2 (Qualifications and manning, trading vessels), part 2 (General provisions), clause 9 (Relative value of certificates) of the Code

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- (a) a commercial ship is designed to operate with an unattended machinery space; and
- (b) the ship's propulsion machinery may be operated from the bridge or wheelhouse; and
- (c) the ship is on a voyage that—
 - (i) is to be less than 12 hours; and
 - (ii) starts and ends at the same place.

(6) For subsection (3), in working out the ship's propulsion power for section 2, part 4, clause 37 of the Code a reference in section 2, part 4, clause 34(h)(i) of the Code to "35 metres" is taken to be a reference to "50 metres".

59 Licensing exceptions for commercial ships in certain places

Despite section 58(3), the appropriate licence is, for a person who—

- (a) operates as its master, or acts as a chief mate of, a commercial ship 35 m or over but less than 80 m within 50 n miles of the coast or in the Great Barrier Reef Region or the Torres Strait Zone—
 - (i) for the master—at least a master class 4 licence; or
 - (ii) for the chief mate—at least a master class 5 licence; or
- (b) operates as its master a ship mentioned in section 79(6)⁶²—at least a coxswains licence; or
- (c) acts as chief engineer of a commercial ship in the Great Barrier Reef Region or the Torres Strait Zone—
 - (i) if the propulsion power of the ship is 1 500 kW or more but less than 3 000 kW—at least an engineer class 3 licence; or
 - (ii) if the propulsion power of the ship is 750 kW or more but less than 1 500 kW—at least a marine engine driver grade 1 licence.

62 Section 79 (Operational area of commercial or fishing ships)

Subdivision 2—Fishing ships

60 Licence required to operate etc. fishing ship

(1) In this section—

“**crew member**” of a fishing ship, means a person who is the chief mate or chief engineer, within the meaning of section 3, part 4, clause 21⁶³ of the Code.

“**fishing ship**” means a fishing ship to which part 5, division 3⁶⁴ of the Act applies, other than a fishing ship that—

- (a) is a tender to another fishing ship; and
- (b) does not carry persons other than employees of the ship’s owner; and
- (c) is operated by the holder of a recreational ship master’s licence.

(2) A person must hold the appropriate licence to operate a fishing ship as its master or act as a crew member of a fishing ship.

(3) The appropriate licence for a person to hold for a ship operating in an area is at least the class of certificate stated in section 3, part 4, clause 24⁶⁵ of the Code for the area.

(4) In subsection (3)—

- (a) a reference in section 3, part 4, clause 24 of the Code to a certificate or a certification requirement is taken to be a reference to a licence or a licensing requirement; and
- (b) the relativity between the classes of certificates is as stated in section 3, part 2, clause 6⁶⁶ of the Code.

63 Section 3 (Qualifications and manning, fishing vessels), part 4 (Minimum safety manning of fishing vessels), clause 21 (Interpretation) of the Code

64 Part 5 (Registration, licensing, permits and accreditation), division 3 (Licensing of masters, crew members and pilots) of the Act

65 Section 3 (Qualifications and manning, fishing vessels), part 4 (Minimum safety manning of fishing vessels), clause 24 (Particular provisions. Fishing vessels—Minimum safety manning) of the Code

66 Section 3 (Qualifications and manning, fishing vessels), part 2 (General provisions), clause 6 (Relative value of certificates) of the Code

61 Licensing exceptions (fishing ship's master)

(1) The appropriate licence is, at least, a coxswain's licence for a person operating a fishing ship as its master if the ship is—

- (a) less than 15 m; and
- (b) operating within the fishing ship operating area.

(2) The appropriate licence is, at least, a skipper grade 3 licence for a person operating a fishing ship as its master if the ship is—

- (a) less than 24 m; and
- (b) operating—
 - (i) not more than 200 n miles from the coast; or
 - (ii) if the ship is operating within the fishing ship operating area—any distance from the coast more than 200 n miles within the area.

(3) The appropriate licence is a licence to operate a recreational ship as its master for a person operating a fishing ship as its master if the ship is—

- (a) a tender commercial fishing boat licensed under the *Fisheries Act 1994*; and
- (b) operating only in its licensed area of operation under the *Fisheries Act 1994*.

(4) Subsections (1) to (3) apply despite section 60(3).

62 Licensing exceptions (fishing ship's chief engineer)

(1) The appropriate licence is, at least a marine engine driver grade 3 licence for a person acting as the chief engineer of a fishing ship if—

- (a) the propulsion power of the ship is less than 300 kW; and
- (b) the ship is operated—
 - (i) not more than 200 n miles from the coast; or
 - (ii) if the ship is operating within the fishing ship operating area—any distance from the coast more than 200 n miles within the area.

(2) The appropriate licence is, at least, a marine engine driver grade 1 licence for a person acting as the chief engineer of a fishing ship if—

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- (a) the propulsion power of the ship is more than 750 kW but less than 1 500 kW; and
- (b) the ship is operated—
 - (i) not more than 50 n miles from the coast; or
 - (ii) if the ship is operating within the fishing ship operating area—any distance from the coast more than 50 n miles within the area.

(3) The appropriate licence is, at least, an engineer, class 3 for a person acting as the chief engineer of a fishing ship if—

- (a) the propulsion power of the ship is 1500 kW or greater; and
- (b) the ship is operated within 600 n miles from the coast.

(4) Subsections (1) to (3) apply despite section 60(3).

Subdivision 3—Recreational ships

63 Licence required to operate recreational ship as its master

(1) A person must hold an appropriate licence to operate a recreational ship as its master.

(2) In this section—

“appropriate licence” means any of the following—

- (a) a recreational ship master’s licence;
- (b) a current licence to operate a recreational ship issued under the law of another State;
- (c) a licence to operate a commercial or fishing ship as its master.

Subdivision 4—Pilot’s licence

64 Licence required to have the conduct of a ship as its pilot

A person must hold a pilot’s licence to have the conduct of a ship as its pilot.

Division 3—Issue of and qualifications for licences

65 Chief executive may issue licences

(1) The chief executive may issue the classes of licences in schedule 2⁶⁷—

- (a) to operate a ship as its master; or
- (b) to act as a crew member of a ship; or
- (c) to have the conduct of a ship as its pilot.

(2) The procedure for obtaining a licence is in part 6.⁶⁸

66 Qualifications for licences for commercial and fishing ships

The chief executive may grant an application for a licence of the type specified in schedule 2, column 1⁶⁹ only if the applicant has the qualifications under section 2 or 3⁷⁰ of the Code for the certificate appearing opposite in schedule 2, column 2.⁷¹

67 Qualifications for recreational ship master's licence

(1) The chief executive may grant an application for a licence to operate a recreational ship as its master only if the applicant—

- (a) is 16 years or more; and
- (b) has a reasonable knowledge of—
 - (i) the Act and this regulation as they effect recreational ships; and
 - (ii) the Collision Regulations; and

67 Schedule 2 (Classes of licences)

68 Part 6 (Authorities)

69 Schedule 2 (Classes of licences), column 1 (Licences)

70 Section 2 (Qualifications and manning, trading vessels) or 3 (Qualifications and manning, fishing vessels) of the Code

71 Schedule 2 (Classes of licences), column 2 (Certificates under Code)

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- (c) is reasonably competent in seafaring skills and safe operating practices for recreational ships; and
- (d) passes an eyesight test conducted by the chief executive.

(2) A person is taken to have the competency required under subsection (1)(c) if the person has satisfactorily completed a course in seafaring skills and safe operating practices for recreational ships provided by a training provider approved by the chief executive under section 73.

68 Chief executive may recognise other qualifications

(1) This section applies despite sections 66 and 67 if—

- (a) an applicant for a licence under section 66 or 67 does not have the qualifications required for the licence under the section; and
- (b) the chief executive is satisfied the applicant has other qualifications, experience or training the chief executive is satisfied is equivalent to, or better than, the qualifications required under the section.

(2) Despite the sections, the chief executive may issue the licence to the applicant.

69 Qualifications for licence as ship's pilot

(1) The chief executive may grant an application for a licence to have the conduct of a ship as its pilot in a pilotage area, or part of a pilotage area, only if the applicant satisfies the chief executive the applicant has—

- (a) either—
 - (i) a licence to operate a ship as its master of a class appropriate for the ships (“**ships**”) the person would have the conduct of as pilot in the pilotage area; or
 - (ii) skills and experience that in the opinion of the chief executive are equivalent to the skills and experience of a person holding a licence mentioned in subparagraph (i); and
- (b) appropriate ship handling ability to have the conduct of the ships as its pilot; and
- (c) a detailed knowledge of the pilotage area, or part of the pilotage area, for which the licence is sought.

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(2) However, if the class of licence applied for by an applicant is probationary pilot, the chief executive may grant the application for the licence despite the applicant not satisfying the chief executive under subsection (1)(b).

71 Chief executive may conduct examinations of applicants for licences

The chief executive may conduct examinations, in any way the chief executive considers necessary, to test whether an applicant for a licence has the qualifications for the licence under this regulation.

72 Approval of entity to conduct examinations

(1) The chief executive may, on any conditions the chief executive considers reasonable, approve an entity to conduct examinations for licences only if the entity qualifies as an entity to conduct the examinations under a standard made for this section.

(2) An entity approved under subsection (1) may conduct examinations as if it were the chief executive.

(3) In exercising a power under subsection (2), an approved entity is subject to any conditions of the approval and directions of the chief executive about the conduct of examinations.

(4) The procedure for obtaining the approval is in part 6.⁷²

(5) The chief executive may not approve an entity under this section if the entity already holds an approval under section 73 for conducting training programs in the operation of recreational ships.

73 Approval of entity to provide training

(1) The chief executive may, on any conditions the chief executive considers reasonable, approve an entity to conduct training programs in the operation of ships only if the entity qualifies as an entity to conduct training programs under a standard made for this section.

(2) The procedure for obtaining the approval is in part 6.

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(3) The chief executive may not approve an entity under this section if the entity already holds an approval under section 72 for conducting examinations for recreational ship master's licences.

Division 4—Hovercraft

74 Hovercraft

(1). A person who holds a licence to operate a commercial ship as its master is not appropriately licensed to operate a commercial ship that is a hovercraft unless—

- (a) the person satisfies the chief executive the person is competent to operate a hovercraft of the intended size in the intended area of operation; and
- (b) the chief executive amends the person's licence to permit the operation of the hovercraft in the intended area of operation.

(2) The chief executive may require the person to give the chief executive a practical demonstration of the person's skills in operating a hovercraft.

(3) If the chief executive is satisfied a person is competent to operate a hovercraft the chief executive must amend the person's licence accordingly.

(4) The procedure for amending the licence is in part 6, division 4.⁷³

(5) This section applies despite sections 58 and 66.

Division 5—Temporary permits

75 Application

This division applies to the following ships—

⁷³ Part 6 (Authorities), division 4 (Amendment of authority)

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- (a) a commercial ship within the meaning of section 58(1);⁷⁴
- (b) a fishing ship within the meaning of section 60(1).⁷⁵

76 Chief executive may issue temporary permit for master or crew member

(1) The chief executive may issue a permit to a person to operate a ship as its master, or to act as crew member of a ship, on a particular voyage.

(2) The chief executive may only issue a permit if the chief executive is satisfied—

- (a) the person is, for the voyage, competent to—
 - (i) operate the ship as its master; or
 - (ii) act as crew member of the ship; and
 - (b) maritime safety will not be endangered on the voyage; and
 - (c) the voyage is necessary to maintain the effectiveness and efficiency of the Queensland maritime industry.
- (3) The term of the permit must not be longer than 28 days.
- (4) The procedure for obtaining the permit is in part 6.⁷⁶
- (5) Subsection (1) applies despite another provision of this part.

77 Permit holder taken to be appropriately licensed if complying with conditions

(1) A person to whom a permit under section 76(1) is issued is taken to be appropriately licensed to operate the relevant ship as its master, or act as crew member of the relevant ship, for section 58 or 60.⁷⁷

(2) However, if the person does not comply with the conditions to which the permit is subject, subsection (1) does not apply to the person.

74 Section 58 (Licence required to operate etc. commercial ship)

75 Section 60 (Licence required to operate etc. fishing ship)

76 Part 6 (Authorities)

77 Section 58 (Licence required to operate etc. commercial ship) or 60 (Licence required to operate etc. fishing ship)

PART 5—OPERATING SHIPS

Division 1—Regulations to which section 43(2)(b)(ii) of the Act applies

78 Declaration about provisions for general safety obligation

The sections stated in schedule 3⁷⁸ are the provisions of this regulation to which section 43(2)(b)(ii)⁷⁹ of the Act applies.

Division 2—Operational areas and persons carried

79 Operational area of commercial or fishing ships

(1) This section applies if a commercial or fishing ship's registration certificate does not include a condition about the ship's operational area.

(2) The owner or master of the ship must not operate the ship in waters beyond the waters stated in the Code for a ship of the same class as the ship unless another operational area is stated for the ship in this regulation.

Maximum penalty—200 penalty units.

(3) The operational area for a class 1C or 2C commercial ship and a class 3C fishing ship is—

- (a) not more than 50 n miles from the coast; or
- (b) if the ship is operated within the Great Barrier Reef Region or the Torres Strait zone—any distance from the coast more than 50 n miles within the region or zone.

(4) A class 1E commercial ship that is a pontoon may operate within the Great Barrier Reef Region.

(5) For subsection (4)—

“pontoon” means a pontoon that—

- (a) is unpowered and permanently anchored; and

78 Schedule 3 (Provisions of regulation to which section 43(2)(b)(ii) of the Act applies)

79 Section 43 (General obligation on persons involved with operation of ship to operate it safely) of the Act

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(b) if a class 1 commercial ship capable of carrying everyone on the pontoon is not moored to it—is equipped with the safety equipment that would be required for a class 1 commercial ship operating lawfully in the area where the pontoon is anchored.

(6) The operational area for a class 1D or E or a class 2D or E commercial ship that is permanently based at a pontoon mentioned in subsection (4) is, if the pontoon is anchored outside the operational area for those ships, the area in which the ship is in sight of and is able to communicate with the pontoon.

(7) The operational area for a class 1D, 1E, 2D or 2E commercial ship that is a tender to a commercial ship (the “**main ship**”) is within 5 n miles of the main ship.

80 Commercial ship not to carry excess persons

The owner or master of a commercial ship must not carry on the ship, or on a part of the ship, more persons than is stated for the ship, or part, in the ship’s registration certificate.

Maximum penalty—200 penalty units.

Division 3—Compliance with certain provisions of Code

81 Ship to be operated as required by Code, s 15

The master of a registrable commercial or fishing ship must comply with section 15, parts 1 and 2⁸⁰ of the Code when operating the ship.

Maximum penalty—200 penalty units.

Division 4—Load line certificates

82 Definitions

In this division—

80 Section 15 (Emergency procedures and safety of navigation), parts 1 (Preliminary) and 2 (Emergency procedures) of the Code

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“appropriately accredited”, for a ship designer or marine surveyor, means accredited as a ship designer or marine surveyor for load line.

“ship” means a registrable commercial ship other than a ship for which—

- (a) a load line certificate, or an exemption from a requirement for a load line certificate, has been granted under the law of another State; or
- (b) a current restricted use flag has been issued.

83 Application

(1) This division applies to a ship that is a **“vessel”** within the meaning of section 7, part 1, clause 3.15⁸¹ of the Code as changed by this section.

(2) A reference in section 7, part 1, clause 3.15 of the Code to “16 metres” is taken to be a reference to “24 metres”.

84 Chief executive may issue load line certificate for ship

(1) A person may apply to the chief executive for a load line certificate for a ship.

(2) The chief executive may issue the certificate only if the person asking for it gives the chief executive a certificate of compliance for the ship’s load lines from an appropriately accredited ship designer or marine surveyor.

(3) The certificate of compliance must have been issued within 1 month before the date of the application for the load line certificate.

(4) The procedure for obtaining a ship’s load line certificate is in part 6.⁸²

81 Section 7 (Load lines), part 1 (Preliminary) of the Code

82 Part 6 (Authorities)

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85 Code, s 7 applies to assignment of freeboard etc.

(1) Section 7, parts 2, 3, 5, 6, 10 and 11⁸³ of the Code apply with the changes made by subsection (3) and all other necessary changes when a ship's freeboard is being assigned and its load line marked.

(2) Only an appropriately accredited ship designer or marine surveyor may assign a ship's freeboard and mark the ship's load line.

(3) In section 7, parts 2, 3, 5, 6, 10 and 11 of the Code, a reference to “**authority**”, “**assigning authority**” or “**survey authority**” is taken to be a reference to an appropriately accredited ship designer or marine surveyor.

(4) For section 7, part 6, clause 56 of the Code,⁸⁴ the mark of the assigning authority that assigns the ship's freeboard is to be “QA”.

86 Ship not to be operated unless load line certificate issued

(1) The owner and master of a ship must not operate the ship unless a current load line certificate has been issued for the ship.

Maximum penalty—100 penalty units.

(2) In this section—

“**load line certificate**” means a load line certificate issued—

- (a) under this regulation; or
- (b) by another State, a classification society or a marine authority of a foreign country under the International Convention on Load Lines 1966.

86A Displaying ship's load line certificate

(1) The owner and master of a ship for which a current load line certificate is issued must ensure that the certificate is displayed in a conspicuous place, and in a way that it can be read by anyone, on the ship.

83 Section 7 (Load lines), parts 2 (Conditions of assignment), 3 (Structural strength and stability of vessels), 5 (Calculation and assignment of freeboards), 6 (Marking load lines and associated marks), 10 (Appropriate load lines) and 11 (Modifications applicable to seagoing vessels less than 24 m in length and to vessels operating within smooth and partially smooth waters) of the Code

84 Section 7 (Load lines), part 6 (Marking load lines and associated marks), clause 56 (Assigning authority marks) of the Code

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Maximum penalty—100 penalty units.

(2) However, if it is not reasonably practicable to comply with subsection (1), the ship's owner and master must ensure that the ship's load line certificate is kept aboard the ship.

Maximum penalty—100 penalty units.

87 Code, s 7 applies to operation of ship

(1) The owner and master of a ship must, when operating the ship, comply with section 7, part 14 of the Code.⁸⁵

Maximum penalty—200 penalty units.

(2) The owner and master of a ship does not commit an offence under subsection (1) if section 7, part 15, clause 78⁸⁶ of the Code applies to the ship.

88 Stability documents to be carried on ship

The owner and master of a ship must, when operating the ship, have aboard it the stability documents stated for the ship in section 8, subsection A, clause A.4 of the Code.⁸⁷

Maximum penalty—100 penalty units.

89 Renewal of load line certificate

(1) The chief executive may renew a load line certificate only if the person asking for the renewal gives the chief executive a certificate of compliance about the ship's load line from an appropriately accredited ship designer or marine surveyor.

(2) The certificate of compliance must have been issued within 1 month before the date of the application for the renewal of the load line certificate.

(3) Subsection (1) applies despite part 6.

85 Section 7 (Load lines), part 14 (Overloading) of the Code

86 Section 7 (Load lines), part 15 (Miscellaneous), clause 78 (Permissible overloading) of the Code

87 Section 8 (Stability), subsection A (Preliminary), clause A.4 (Presentation of data) of the Code

Division 5—Signals

90 Signals of distress

(1) The following signals are to be used as prescribed signals of distress⁸⁸—

- (a) a V sheet;
- (b) the signals stated in section 16, annex IV, clauses 1 and 3⁸⁹ of the Code.

(2) A person may use or display a prescribed signal of distress only for indicating distress or a need for help.

(3) A person must revoke a prescribed signal of distress when the distress or need for help finishes.

91 Authority to use or display prescribed signal for training or demonstration

(1) Despite section 90(2), the chief executive may authorise a person to use or display a prescribed signal of distress for genuine training or demonstration purposes.

(2) The procedure for obtaining the authority is stated in part 6.⁹⁰

92 Prescribed signal and information—Act, s 129

(1) The signal for section 129(2)⁹¹ of the Act is the word ‘SECURITE’ spoken 3 times.

(2) The information required under section 129(2) and (3) of the Act about a danger to navigation is the information appropriate to the danger stated in section 15, clause 18⁹² of the Code.

88 See also section 214 (Regulations about signals of distress) of the Act.

89 Section 16 (Collision Regulations), Annex IV (Distress signals), clauses 1 and 3 of the Code

90 Part 6 (Authorities)

91 Section 129 (Report of dangers to navigation) of the Act

92 Section 15 (Emergency procedures and safety of navigation), clause 18 (Information required in messages) of the Code

Division 5A—Reporting ship movements to VTS

92A Definitions for div 5A

In this division—

“**area VTS**”, for a pilotage area, means the vessel traffic services operated by the chief executive in the pilotage area.

“**dangerous cargo**” means dangerous cargo under division 11.

“**radio**” means VHF radio.

“**small ship**” means a ship less than 35 m.

92B Application of div 5A

This division, other than section 92H, applies to a ship only if it is 1 of the following and is fitted with radio—

- (a) a ship that is 35 m or more;
- (b) a small ship (the “**relevant ship**”) if—
 - (i) it is combined with another small ship for propelling one of the ships; and
 - (ii) the length of the combined ships is 35 m or more; and
 - (iii) the master of the relevant ship has command of the combination;
- (c) a small ship whose master asks for the services of a pilot;
- (d) a small ship whose master is directed by a harbour master to use the services of a pilot;
- (e) a small ship carrying dangerous cargo;
- (f) a small ship (the “**relevant ship**”) if—
 - (i) it is combined with another small ship for propelling one of the ships; and
 - (ii) the length of the combined ships is less than 35 m and either of the ships is carrying dangerous cargo; and
 - (iii) the master of the relevant ship has command of the combination;

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- (g) a small ship that is a fishing ship that is 10 m or more and operating in a pilotage area or part of a pilotage area stated in schedule 3A;
- (h) a small ship that is 10 m or more and operating in a pilotage area or part of a pilotage area stated in schedule 3B.

92C Entering pilotage area

The master of a ship that is underway and entering, or about to enter, a pilotage area must report to the area VTS by radio the following particulars for the ship—

- (a) the ship's name;
- (b) the ship's position with reference to the closest aid to navigation;
- (c) the place in the pilotage area the ship is navigating to;
- (d) the name and quantity of all dangerous cargo the ship is carrying;
- (e) details of damage to, and defects and deficiencies in, the ship that could affect the safety of the ship, a person or the environment;
- (f) if requested by the harbour master for the area—
 - (i) the ship's draught fore and aft; and
 - (ii) the expected arrival time at the place the ship is navigating to.

Maximum penalty—100 penalty units.

92D Navigating ship from berth or anchorage

(1) This section applies if the master of a ship that is at a berth, or at anchor, in a pilotage area is about to navigate the ship in the pilotage area.

(2) The master must report to the area VTS by radio the following particulars for the ship—

- (a) the ship's name;
- (b) the name of the berth, or if at anchor, the name of the anchorage or the position where the ship is anchored with reference to the closest aid to navigation;

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- (c) if the ship is to leave the area—the place where it will leave the area;
- (d) if the ship is not leaving the area—the place the ship is navigating to;
- (e) the name and quantity of all dangerous cargo the ship is carrying;
- (f) details of damage to, and defects and deficiencies in, the ship that could affect the safety of the ship, a person or the environment;
- (g) if requested by the harbour master for the area—
 - (i) the ship's draught fore and aft; and
 - (ii) the expected arrival time at the place the ship is navigating to.

Maximum penalty for subsection (2)—100 penalty units.

92E Reaching destination

(1) When a ship mentioned in section 92C or 92D arrives at its destination in a pilotage area, its master must, as soon as practicable after the ship has been made fast or is anchored, report to the area VTS by radio the following particulars for the ship—

- (a) if the ship is secured at a berth—the time at which the ship was fully secured; or
- (b) if the ship is anchored—the time at which the ship was brought up at anchor.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to a ship leaving a pilotage area.

(3) However, when a ship leaves a pilotage area its master must report to the area VTS by radio the time of leaving the area.

Maximum penalty for subsection (3)—100 penalty units.

92F Ships entering pilotage area using services of a pilot

(1) This section applies if a ship entering a pilotage area is to be navigated in the area using the services of a pilot.

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(2) As soon as practicable after the pilot transfers to the ship, its master must report to the area VTS by radio when the transfer was made.

Maximum penalty for subsection (2)—100 penalty units.

92G Ships navigating in pilotage area using services of a pilot

(1) This section applies if a ship mentioned in section 92D is being navigated in the area using the services of a pilot.

(2) As soon as practicable after the ship stops being navigated using the pilot's services, its master must report to the area VTS by radio when the pilot transfers, or is expected to transfer from the ship.

Maximum penalty for subsection (2)—100 penalty units.

92H Report requested by harbour master

(1) The harbour master of a pilotage area may direct the master of any ship navigating in the area and equipped with radio to report to the area VTS by radio the following particulars for the ship—

- (a) its name;
- (b) its position by reference to an aid to navigation;
- (c) the place in the pilotage area to which it is navigating.

(2) The ship's master must not contravene the direction unless the master has a reasonable excuse.

Maximum penalty for subsection (2)—200 penalty units.

92I Obligation under s 153 not limited

This division is in addition to and does not limit a person's obligations under section 153.⁹³

⁹³ Section 153 (Owner or master to report shipping movements in pilotage area)

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92J Radio frequencies

The radio frequencies used by an area VTS are stated in notices to mariners published by the department.⁹⁴

Division 6—Prevention of collisions

93 Application of Collision Regulations

The Collision Regulations have effect as if they were part of this regulation.

94 Person operating ship to comply with Collision Regulations

(1) A person involved with a ship's operation (including the owner, master, pilot and a member of the crew) must comply with the Collision Regulations.

(2) Subsection (1) is a regulation to which section 211(2)⁹⁵ of the Act applies.

(3) In this section—

“**ship**” includes an aircraft when it is on water or is taking off, or landing on, water.

Division 7—Speed limits and wash

95 Speed limit for ship operating near person in water etc.

(1) A person must not operate a ship (including a personal watercraft) at a speed of more than 6 knots in waters—

(a) within 30 m of any of the following—

(i) a person in the waters;

94 The notices are available for inspection at the offices of the department during normal office hours and on the department's web site at www.transport.qld.gov.au on the internet.

95 Section 211 (Regulation may give effect to treaties, conventions or international agreements or documents) of the Act

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- (ii) a ship at anchor, moored or made fast to the shore or aground;
 - (iii) a jetty, wharf, boat ramp or pontoon in or on the waters;
 - (iv) a float or structure exhibiting a code A flag or other commonly accepted signal indicating the presence of a diver in the waters; and
- (b) for which a speed limit of 6 knots or lower has not been stated under a gazette notice.

Maximum penalty—200 penalty units.

(2) Also, a person must not operate a personal watercraft at a speed of more than 6 knots in waters within 60 m of a person in the waters.

Maximum penalty—200 penalty units.

96 Speed limit if ship causing damage by its wash

A person must not operate a ship at a speed at which the ship's wash is reasonably capable of causing—

- (a) a marine incident; or
- (b) damage to the shoreline.

Maximum penalty—200 penalty units.

97 No offence if ship operated at speed necessary for safety

A person does not commit an offence against section 95 or 96 if—

- (a) a ship must be operated at a speed (the “**ship's control speed**”) more than the highest speed at which the ship may be operated under section 95 or 96 (the “**statutory speed**”) because it is unsafe for the ship to be operated at a speed less than the ship's control speed; and
- (b) the person operated the ship at a speed more than the statutory speed only to the extent that it was reasonable for the safe operation of the ship.

Division 8—Certain provisions not applicable to enforcement officers

104 Certain operational and licensing provisions not to apply to enforcement officers

(1) This section applies to an enforcement officer who—

- (a) holds a licence to operate a commercial ship as its master; and
- (b) operates a ship in carrying out the officer’s duties.

(2) Despite sections 58, 94 to 96, 179 and 180 the officer may, if reasonably necessary in performing the officer’s duties, operate the ship—

- (a) beyond the operational area stated in the officer’s licence; or
- (b) at any safe speed; or
- (c) displaying lights and sounding a repeater horn or siren in addition to the lights and sound devices required for operating the ship under the Collision Regulations; or
- (d) in a place mentioned in section 179 or 180.

(3) In this section—

“enforcement officer” means—

- (a) a police officer; or
- (b) an officer of the Queensland Boating and Fisheries Patrol.

“operate” a ship, includes anchor, berth and moor the ship.

Division 9—Operating documents and records for ship

106 Certain documents to be kept on certain ships etc.

(1) This section applies to a ship over 6 m if it is—

- (a) a registrable commercial ship operating within Queensland waters; or
- (b) a registrable fishing ship operating beyond partially smooth waters.

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(2) The owner and master of the ship must ensure the following documents are aboard the ship, are available to the ship's crew and the crew is familiar with the contents—

- (a) the operational manual for the ship;
- (b) the technical manual for the ship;
- (c) the maintenance and service manual for the ship;
- (d) the marine occupational health and safety manual for the ship;
- (e) the safety management plan for the ship for onboard emergencies.

Maximum penalty—100 penalty units.

107 Owner and master of ship to ensure records etc. are kept

(1) This section applies to the following ships—

- (a) a registered commercial ship;
- (b) a registered fishing ship;
- (c) a registrable ship mentioned in paragraph (a) or (b) that is not registered.

(2) The owner and master of a ship must ensure the operating records about the matters mentioned in schedule 5⁹⁶ are kept.

Maximum penalty—100 penalty units.

(3) The owner and master of a ship must ensure that—

- (a) entries in the operating records are complete, accurate and up-to-date; and
- (b) the operating records are kept in a secure place; and
- (c) an entry in the operating records is kept for at least 5 years from the day it was made.

Maximum penalty—100 penalty units.

(4) The owner and master of a ship must not, before the time mentioned in subsection (3)(c)—

96 Schedule 5 (Operating records for a ship)

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- (a) deface, erase or obliterate an entry in the operating records; or
- (b) allow someone else to do an act mentioned in paragraph (a).

Maximum penalty—100 penalty units.

(5) Subsection (3)(b) does not apply to an open ship if it is impracticable to keep the documents aboard the ship.

108 Shipping inspector may require production of licence

(1) A shipping inspector who boards a ship under section 165⁹⁷ of the Act may require a person holding a licence to operate the ship as its master, or to act as a crew member of the ship, to produce the licence for inspection.

(2) The person must produce the licence, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(3) However, a person required by a shipping inspector to produce the person's licence does not commit an offence if the person—

- (a) holds the appropriate licence; and
- (b) produces the licence to the officer in charge of an office specified by the shipping inspector within 48 hours after the requirement is made.

(4) In this section—

“office” means—

- (a) an office of the department; or
- (b) an office of the Queensland Boating and Fisheries Patrol; or
- (c) a police station.

97 Section 165 (Boarding of ships and entry of vehicles) of the Act

Division 10—Orderly control for certain ships

109 Application of Act, pt 14, div 2

All commercial ships on Queensland intrastate voyages⁹⁸ are ships to which part 14, division 2⁹⁹ of the Act applies.

Division 11—Dangerous cargoes

110 Definitions

In this division—

“approved chemist” has the meaning given by part 41 of the Marine Orders.

“combination carrier” has the meaning given by MARPOL.

“dangerous cargo” means any of the following cargoes, whether packaged, carried in bulk packagings or in bulk—

- (a) crude oil and petroleum products with a flash point not more than 60° C;
- (b) dangerous goods;
- (c) liquefied gases mentioned in the Codes for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk issued by the IMO;
- (d) liquid chemicals mentioned in the Codes for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk issued by the IMO and Annex II of MARPOL.

“dangerous cargo code” means any of the following—

- (a) the Code of Safe Practice for Solid Bulk Cargoes issued by the IMO, as it applies to materials mentioned in Appendix B of that Code;
- (b) the IMDG Code;

98 See section 11(1)(c) (General application of Act to ships) of the Act and section 4 (Definitions) of the Act, definition “Queensland intrastate voyage”.

99 Part 14 (Orderly control over ships), division 2 (Passenger carrying ships) of the Act

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- (c) the International Safety Guide for Oil Tankers and Terminals (“**ISGOTT**”) issued by the International Chamber of Shipping, the Oil Companies International Marine Forum and the International Association of Ports and Harbours;
- (d) the Ship to Ship Transfer Guide (Liquefied Gases) issued by the International Chamber of Shipping and the Oil Companies International Marine Forum;
- (e) the Ship to Ship Transfer Guide (Petroleum) issued by the International Chamber of Shipping and the Oil Companies International Marine Forum;
- (f) the Tanker Safety Guide (Chemicals) issued by the International Chamber of Shipping;
- (g) the Tanker Safety Guide (Liquefied Gas) issued by the International Chamber of Shipping.

“dangerous cargo event” means—

- (a) for a dangerous cargo—
 - (i) the loss, or likely loss, of the cargo from a ship into Queensland waters; or
 - (ii) a breach, or danger of a breach, of the containment of the cargo that could endanger marine safety; or
 - (iii) anything else involving, or that could involve, the cargo that causes risk of explosion, fire, a person’s death, or grievous bodily harm to a person; or
- (b) for a cargo that is an MHB—an event that causes a risk of explosion, fire, a person’s death, or grievous bodily harm to a person.

“dangerous goods” means the goods mentioned in the IMDG Code.¹⁰⁰

“explosives” has the meaning given by the IMDG Code.

“gas free”, for a place on a combination carrier, means enough fresh air has been introduced into the place to lower the level of any toxic or

¹⁰⁰ The dangerous goods mentioned are the dangerous goods to which part A, chapter 7 of the International Convention for the Safety of Life at Sea, 1974, and its Protocols of 1978 (SOLAS) applies.

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flammable inert gas or vapour in the atmosphere in the place to the following levels—

- (a) for a place that contained toxic gas—the level at which the atmosphere in the place contains a concentration of the gas less than the concentration stated for the gas in Exposure Standards for Atmospheric Contaminants in the Occupational Environment published by the Standards Association of Australia;
- (b) for a place that contained flammable gas—the level at which the atmosphere in the place contains a concentration of the flammable gas not more than 1% of the lower flammable limit for the gas when sampled at ambient temperature in the way stated in ISGOTT.

“handle” includes carry, discharge, load, move, restow, stack, stow and unload and an operation incidental to any of those activities.

“IMDG Code” means the International Maritime Dangerous Goods Code published by IMO.

“IMO” means the International Maritime Organization.

“inert condition” has the meaning given by ISGOTT.

“local marine service” means a shipping service where a ship is operated on Queensland intrastate voyages to handle dangerous cargo.

“lower flammable limit”, for a hydrocarbon gas, means the concentration of the gas in the air below which there is not enough hydrocarbon to support and propagate combustion.

“materials hazardous only in bulk” or **“MHBs”** has the meaning given by the Code of Safe Practice for Solid Bulk Cargoes issued by IMO.

111 Duties of person sending dangerous cargo by ship

(1) A person must not send a dangerous cargo (other than dangerous goods) by ship unless, before sending the cargo, the person gives the master of the ship a written notice about the cargo stating the following—

- (a) the proper shipping name of the cargo;
- (b) the UN number for the cargo stated in the IMDG Code;
- (c) the quantity of the cargo;
- (d) if the cargo has a flash point—its flash point or flash point range.

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Maximum penalty—200 penalty units.

(2) A person must not send dangerous goods by ship unless the person—

- (a) packs, secures, marks, labels, placards (for a cargo transport unit) and documents the goods as required by the IMDG Code; and
- (b) gives to the master of the ship the documents required under the IMDG Code.

(3) Subsection (2) is a regulation to which section 213(3)¹⁰¹ of the Act applies.

112 Application of dangerous cargo codes

The dangerous cargo codes have effect as if they were part of this regulation.

113 Duties of owner and master of ship about dangerous cargo

(1) The owner and master of a ship handling a dangerous cargo (other than dangerous goods) on the ship must, so far as is reasonably practicable, comply with the appropriate dangerous cargo code for the cargo while handling the cargo.

Maximum penalty—200 penalty units.

(2) The owner and master of a ship handling dangerous goods on the ship must, so far as is reasonably practicable, comply with the IMDG Code.

(3) Section 213(3) of the Act applies to subsection (2).

(4) In this section—

“**dangerous cargo**” includes a cargo that is an MHB.

114 Reporting requirements for ships loading etc. dangerous cargo

(1) This section applies if a ship—

- (a) other than a ship mentioned in paragraph (c) is carrying dangerous cargo and—

101 Section 213 (Regulations about dangerous substances) of the Act

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- (i) is to arrive at, or depart from, a pilotage area; or
- (ii) at a berth or anchorage in a pilotage area—
 - (A) is to be removed to another berth or anchorage in the pilotage area; or
 - (B) is to transfer the cargo to another ship in the pilotage area; or
- (b) other than a ship mentioned in paragraph (c)—is to load dangerous cargo while in a pilotage area; or
- (c) is to be operated on a local marine service.

(2) The owner and master of the ship must report the following in the approved form and as otherwise required by this section—

- (a) the expected arrival, departure, removal, transfer, or loading of the ship;
- (b) the start of the local marine service and voyages under it.

Maximum penalty—200 penalty units.

(3) However if, for an event mentioned in subsection (1), the dangerous cargo is dangerous goods—

- (a) the penalty provision for subsection (2) does not apply; and
- (b) subsection (2) is a regulation to which section 213(3) of the Act applies.

(4) A report under subsection (2) must be made as follows—

- (a) for an arrival—not less than 48 hours before the expected arrival;
- (b) for a departure or removal—not less than 3 hours before the expected departure or removal;
- (c) for a transfer—not less than 24 hours before the expected transfer;
- (d) for the loading of a ship—not less than 24 hours before loading is expected to start;
- (e) for a local marine service—
 - (i) for the start of the service—not less than 48 hours before the start of the service; and

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- (ii) for subsequent voyages—at the time (if any) the person to whom the report is made under paragraph (f) considers reasonable and gives written notice of the time to the owner or master of the ship.

(5) If the event mentioned in subsection (4) is—

- (a) in a pilotage area—the report must be made to the relevant harbour master; or
- (b) outside a pilotage area—the report must be made to the chief executive.

(6) The chief executive may, by gazette notice, change a time mentioned in subsection 4(a) to (e)(i), for a particular place, if the chief executive is satisfied the change is necessary in the place to—

- (a) ensure marine safety; or
- (b) enable the effectiveness and efficiency of the Queensland marine industry to be developed.

(7) The owner and master of a ship operating the ship on a local marine service must notify the chief executive within 14 days after the owner and master stops the service.

Maximum penalty—50 penalty units.

115 Reporting dangerous cargo event

(1) This section applies if a person in charge of a place where a ship is, or is about to be, berthed, or the owner or master of a ship, becomes aware that a dangerous cargo event has happened at the place or on the ship.

(2) The person, or the owner or master of the ship, must report the incident in the approved form and as required by subsection (3).

Maximum penalty—100 penalty units.

(3) The report of the incident must be made—

- (a) as soon as reasonably practicable after the person or owner or master finds out about it; and
- (b) if the incident happens in—
 - (i) a pilotage area—to the harbour master of the area; or

- (ii) in Queensland waters outside a pilotage area—to the chief executive.

116 Chief executive may require declaration about ship's cargo

(1) This section applies if the chief executive believes on reasonable grounds that a ship in Queensland waters, other than the waters of a pilotage area, is carrying dangerous cargo.

(2) The chief executive may ask the owner or master of the ship to tell the chief executive about the cargo the ship is carrying.

(3) The request may be made in the quickest and most convenient way.

(4) If the request is not written, the chief executive must make a written note of the request and its details.

(5) The note is evidence that the request was made.

(6) The owner and master of the ship must comply with the request by radio, or another form of electronic communication, in the shortest practicable time unless the owner or master has a reasonable excuse.

Maximum penalty—200 penalty units.

117 Restriction on loading combination carrier

The owner and master of a combination carrier that has carried bulk liquid dangerous cargo must not, in a pilotage area, load it with bulk solid cargo unless—

- (a) an approved chemist has—
 - (i) tested the atmosphere in all places on the carrier that have previously contained the dangerous cargo to ensure that they are gas free in the way stated in ISGOTT; and
 - (ii) verified that the ship's tanks containing slops are in an inert condition; and
 - (iii) if the places are gas free and the tanks are in an inert condition—issued a safety test certificate in the approved form for the ship; and

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- (b) the owner or master has given the harbour master a copy of the certificate.

Maximum penalty—200 penalty units.

118 Exceptions to restrictions under s 117

(1) Section 117 does not apply to a combination carrier if—

- (a) the carrier has not been loaded with bulk liquid dangerous cargoes on its 3 latest loaded voyages; and
- (b) after the latest voyage when the carrier carried a bulk liquid dangerous cargo, consisting of something mentioned in the definition “dangerous cargo”, paragraph (a), an approved chemist—
 - (i) tested the atmosphere in all places on the carrier that have previously contained the cargo in the way stated in ISGOTT; and
 - (ii) verified that tanks on the ship containing slops are in an inert condition; and
 - (iii) issued a safety test certificate in the approved form for the ship; and
- (c) the owner or master of the carrier has given the harbour master—
 - (i) a copy of the certificate; and
 - (ii) a statement in the approved form about the voyages and cargoes mentioned in paragraph (a).

(2) In this section—

“**approved chemist**” includes a person authorised under a law of a foreign country about marine safety to issue a certificate that a ship, or a place on a ship, is gas free.

119 Obligations under s 113 not limited

Sections 117 and 118 do not limit the obligations of the owner and master of the ship under section 113.

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Division 12—Other operational issues

122A Start of certain business activities to be notified

(1) This section applies if the owner or master of a commercial ship starts using the ship in carrying on business for any of the following purposes—

- (a) carrying passengers for reward;
- (b) providing the ship for someone else to use as a commercial hire ship;
- (c) providing a leisure tourism or entertainment activity for a person (other than a passenger mentioned in paragraph (a)) for reward, for example parasailing or waterskiing.

(2) The owner or master must give a written advice of the starting of the business as required by subsection (3).

Maximum penalty—50 penalty units.

(3) The written advice must—

- (a) if the business is started in—
 - (i) a pilotage area—be given to the harbour master of the area;
or
 - (ii) waters outside a pilotage area—be given to the chief executive; and
- (b) contain the following particulars—
 - (i) the person's name and address;
 - (ii) the starting date of the business;
 - (iii) a brief description of the business and the waters where it will be mainly carried on.

(4) If the owner or master stops carrying on the business, the owner or master must notify the harbour master or the chief executive in writing within 1 month of when the person stopped carrying on the business.

Maximum penalty—50 penalty units.

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PART 6—AUTHORITIES

Division 1—Definition

123 Definition

An “**authority**” is any of the following—

- (a) an approval;
- (b) an approval of an entity to conduct exams;
- (c) an approval of an entity to provide training;
- (d) an authority to establish a buoy mooring;
- (e) an authority to hold an aquatic event;
- (f) an authority to use a restricted use flag;
- (g) an authority to use or display prescribed signals of distress for training or demonstration;
- (h) a certificate of survey issued under section 56;¹⁰²
- (i) a load line certificate;
- (j) a permit issued under section 76;¹⁰³
- (k) a pilotage exemption;
- (l) a design approval certificate.

Division 2—How authority is obtained

124 Way application made

An application for an authority must—

- (a) be made to the chief executive in the approved form; and

¹⁰² Section 56 (Chief executive may issue certificate of survey for ship)

¹⁰³ Section 76 (Chief executive may issue temporary permit for master or crew member)

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- (b) be supported by enough information to enable the chief executive to decide the application; and
- (c) be accompanied by the appropriate fee for the application.

125 Chief executive to decide application within 28 days

(1) The chief executive must decide each application for an authority within 28 days after the application is made.

(2) If within the 28 days, the chief executive has told an applicant that the application is not supported by enough information to enable the chief executive to decide the application, the chief executive must decide the application within 28 days after the further information is given to the chief executive.

(3) If an application for an authority is an application for the accreditation of a person as a ship designer or builder or a marine surveyor and the chief executive grants temporary accreditation to the person under section 128, the chief executive must decide the application for accreditation before the temporary accreditation ends.

(4) Subsections (2) and (3) apply despite subsection (1).

126 Issuing of authority if application granted

(1) If the chief executive decides to grant an application for an authority, the chief executive must issue the appropriate authority in the approved form to the applicant within 10 days after making the decision.

(2) The authority must include any conditions to which the authority is subject under section 130.¹⁰⁴

127 Term of authority

(1) The term of an authority is the term stated in it.

(2) However, term of a licence to act as coxswain of a commercial ship or master of a fishing ship is unlimited.

¹⁰⁴ Section 130 (Grant of authority on conditions) allows the chief executive to grant an authority on conditions.

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128 Temporary accreditation

(1) This section applies if an application for an authority is an application for the accreditation of a person as a ship designer or builder or a marine surveyor.

(2) The chief executive may grant temporary accreditation to the applicant.

(3) The temporary accreditation is in force until the earliest of the following happens—

- (a) the term of (not longer than 6 months) stated in the accreditation ends;
- (b) the application is finally decided by the chief executive and the chief executive notifies the applicant of the chief executive's decision;
- (c) the temporary accreditation is revoked by the chief executive by written notice given to the applicant.

(4) Subject to subsections (1) to (3), a reference in this regulation to an authority includes a reference to a temporary accreditation in force under this section.

129 Refusal of application for authority

(1) If the chief executive decides to refuse an application for an authority, the chief executive must give written notice to the applicant of the decision within 10 days of the making of the decision.

(2) The notice must state—

- (a) the reasons for the refusal; and
- (b) that the person may appeal against the decision under part 16¹⁰⁵ of the Act.

(3) Without limiting subsection (1), the chief executive may refuse an application for an authority if the chief executive is satisfied—

- (a) the applicant has contravened marine safety legislation; or

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- (b) the applicant has had another authority under the Act cancelled or suspended; or
- (c) the applicant has been found guilty, on a plea of guilty or otherwise, of an indictable offence; or
- (d) the applicant has not paid fees payable under this Act; or
- (e) if the application is for the registration of a ship—the chief executive is satisfied, on reasonable grounds, the ship is not seaworthy even though a certificate of compliance or survey has been issued for the ship.

130 Grant of authority on conditions

The chief executive may grant an application for an authority on conditions the chief executive considers reasonable and relevant.

Division 3—Renewal of authority

131 Renewal of authority

(1) The holder of an authority may apply for its renewal to the chief executive.

(2) The application must—

- (a) be made in the approved form; and
- (b) be supported by enough information to enable the chief executive to decide the application; and
- (c) be accompanied by the appropriate fee for the application.

132 Div 2 applies to application for renewal

(1) Division 2¹⁰⁶ applies to an application for renewal of an authority in the same way it applies to an application for an authority.

(2) However, the chief executive may also refuse an application for renewal of an authority if—

106 Division 2 (How authority is obtained)

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- (a) the authority was issued in error or because of a document or representation that is—
 - (i) false, misleading or omits a material particular; or
 - (ii) obtained or made in another improper way; or
- (b) the applicant has not complied with a condition of the authority; or
- (c) if the authority is to establish a buoy mooring—there has been a significant change in circumstances affecting marine safety in the vicinity of the buoy mooring.

Division 4—Amendment of authority

133 Amendment of authority at holder’s request

(1) The holder of an authority may apply to the chief executive for an amendment of the authority.

- (2) The application for an amendment must—
- (a) be made to the chief executive in the approved form; and
 - (b) be supported by enough information to enable the chief executive to decide the application; and
 - (c) be accompanied by the appropriate fee for the application.

134 Div 2 applies to application for amendment

Division 2 applies to an application for an amendment of an authority in the same way it applies to an application for an authority.

135 Amendment of authority on chief executive’s initiative

- (1) The chief executive may amend an authority at any time if—
- (a) the holder of the authority agrees to the amendment; or
 - (b) the chief executive considers it necessary or desirable because—
 - (i) the holder has contravened the Act or this regulation; or

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- (ii) the authority was granted because of a materially false or misleading representation or declaration (made either orally or in writing).

(2) If the chief executive considers it necessary or desirable to amend an authority, the chief executive must give its holder a written notice under this section.

(3) The notice must—

- (a) state the proposed amendment and the grounds for it; and
- (b) outline the facts and circumstances forming the basis for the grounds; and
- (c) invite the holder to make representations to the chief executive to show why the authority should not be amended; and
- (d) state the term (at least 28 days after the notice is given to the holder) within which the representations may be made.

(4) The representations must be made in writing.

(5) After the end of the term stated in the notice, the chief executive must consider the representations properly made by the holder.

(6) The chief executive may amend the authority if the chief executive is satisfied the amendment is necessary or desirable.¹⁰⁷

(7) If the chief executive is not satisfied the amendment is necessary or desirable, the chief executive must promptly give written notice to the holder, of the chief executive's decision.

136 Procedure for amending authority

(1) This section applies if the chief executive—

- (a) grants an application to amend an authority; or
- (b) decides to amend an authority.

(2) The chief executive must amend the authority.

(3) The amended authority takes effect from—

- (a) the day the authority is amended; or

¹⁰⁷ Part 16 of the Act provides for appeals.

- (b) if the chief executive provided for a later day when granting or deciding the amendment—the later day.

137 Notice to return authority for alteration after amendment

(1) The chief executive may, by written notice, ask the holder of an authority to return the authority to the chief executive within a stated time, of at least 28 days, to enable the chief executive to alter the authority to reflect an amendment made to it.

(2) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—50 penalty units.

(3) After altering the authority, the chief executive must return it to the holder.

(4) The amendment of an authority by the chief executive does not depend on it being altered under this section.

Division 5—Suspension and cancellation of authorities

138 Grounds for suspension or cancellation of authorities

The chief executive may suspend or cancel an authority on any of the following grounds—

- (a) the holder has contravened marine safety legislation;
- (b) the authority was issued in error or because of a document or representation that is—
 - (i) false, misleading or omits a material particular; or
 - (ii) obtained or made in another improper way;
- (c) the holder has not complied with a condition of the authority;
- (d) the holder has been convicted of an indictable offence;
- (e) the holder has not paid fees payable under this Act;
- (f) if the authority is the registration of a ship—the chief executive is satisfied, on reasonable grounds, the ship is not seaworthy even

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though a certificate of compliance or survey has been issued for the ship.

139 Procedure for suspension or cancellation

(1) If the chief executive considers a ground exists to suspend or cancel an authority (the “**proposed action**”), the chief executive may give the holder of the authority a written notice that—

- (a) states the proposed action; and
- (b) states the grounds for the proposed action; and
- (c) outlines the facts and circumstances forming the basis for the grounds; and
- (d) if the proposed action is suspension of the authority—states the proposed suspension term; and
- (e) invites the holder to show, within a stated time of at least 28 days, why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the chief executive still considers grounds to take the proposed action exist, the chief executive may—

- (a) if the proposed action was to suspend the authority for a stated term—suspend the authority for not longer than the proposed suspension term; or
- (b) if the proposed action was to cancel the authority—cancel the authority or suspend it for a term.

(3) The chief executive must inform the holder of the decision by written notice.

(4) The notice must be given within 10 days after the chief executive makes the decision.

(5) If the chief executive decides to suspend or cancel the authority, the notice must state—

- (a) the reasons for the decision; and

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- (b) that the holder may appeal against the decision under part 16¹⁰⁸ of the Act.
- (6) The decision takes effect on the later of—
- (a) the day when the notice is given to the holder; or
 - (b) the day of effect stated in the notice.
- (7) However, if the authority is suspended or cancelled because of the conviction of a person for an offence—
- (a) the suspension or cancellation does not take effect until—
 - (i) the end of the time to appeal against the conviction; and
 - (ii) if an appeal is made against the conviction—the appeal is finally decided; and
 - (b) the suspension or cancellation has no effect if the conviction is quashed on appeal.

140 Action by chief executive following marine incident

(1) This section applies if the chief executive has required a shipping inspector to investigate a marine incident under section 126¹⁰⁹ of the Act.

(2) The chief executive may, by signed notice, suspend or amend the authority of a person involved in the incident.

- (3) The notice must—
- (a) be given to the holder of the authority; and
 - (b) state the grounds for suspension or amendment; and
 - (c) outline the facts and circumstances forming the basis of the chief executive's decision; and
 - (d) if the notice suspends the authority—state the suspension term (not longer than 6 months); and
 - (e) if the notice amends the authority—state the way the authority is amended and the term of the amendment; and

108 Part 16 (Appeals) of the Act

109 Section 126 (Investigation process into marine incident) of the Act

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- (f) state that the holder of the authority may appeal against the suspension or amendment under part 16¹¹⁰ of the Act.
- (4) The suspension or amendment takes effect on the later of—
 - (a) the day on which the notice is given; or
 - (b) the day specified in the notice.
- (5) The procedure under section 139 for cancelling, suspending or refusing to renew an authority is separate from the procedure for suspending or amending an authority under this section.

141 Extension of term of suspension or amendment under s 140

(1) This section applies if an authority has been suspended or amended under section 140(2).

(2) If, within 14 days after the chief executive has considered the inspector's report about the incident a board of inquiry is not established but the chief executive issues a notice under section 139 to the holder of the authority before its suspension or amendment under section 140 ends, the suspension or amendment of the authority continues until the chief executive informs the holder of the chief executive's decision about the notice under section 139(3).

(3) However, if a board of inquiry has been established within 14 days after the chief executive has considered the inspector's report about the incident, the chief executive may, by signed notice to the holder of the authority suspended or amended under section 140, extend the term of the suspension or amendment of the authority until 7 days after the board has given the Minister its report under section 132¹¹¹ of the Act.

(4) If a notice under section 139(1) has been given to the holder of the authority before the end of 7 days after the board has given the Minister its report, the suspension or amendment of the authority under section 140 continues until the chief executive informs the holder of the authority of the chief executive's decision about the show cause notice under section 139(3).

(5) If within 14 days after the chief executive has considered the inspector's report about the incident, a board of inquiry has not been

110 Part 16 (Appeals) of the Act

111 Section 132 (Role of board of inquiry) of the Act

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established and the chief executive has not issued a notice under section 139 to the holder of the authority, a suspension or amendment of the authority under section 140 ends and the chief executive must promptly notify the holder of the authority accordingly.

142 Effect of suspension on renewal of authority

If an authority is suspended, it may be renewed but the suspension continues until the end of the suspension term.

143 Authority to be returned

(1) A person whose authority is suspended or cancelled must return the authority to the chief executive within 7 days after the suspension or cancellation takes effect unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) If a suspended authority is returned to a chief executive, the chief executive must return it to the holder at the end of the suspension term.

Division 6—Replacement and surrender of authorities

144 Replacement of authority

(1) The holder of a lost, damaged or destroyed authority may apply to the chief executive for a replacement authority.

(2) The application must—

- (a) be made in the approved form; and
- (b) be accompanied by the appropriate fee for the application.

(3) The chief executive may replace the authority only if the chief executive is satisfied it has been lost, damaged or destroyed.

145 Surrender of authority

(1) The holder of an authority may surrender it by written notice given to the chief executive.

(2) The notice must be accompanied by the authority.

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- (3) The surrender of the authority takes effect—
- (a) on the day on which the notice is given; or
 - (b) if a later day is stated in the notice—the later day.

Division 7—Transfer of ship’s registration

146 Transfer of ship’s registration

(1) The chief executive may transfer the registration of a ship.

(2) A person (the “**new owner**”) who acquires a registered ship from another person (the “**seller**”) must, within 14 days of acquiring the ship, request the chief executive to transfer the ship’s registration to the new owner.

Maximum penalty—40 penalty units.

(3) The seller may apply for transfer of the ship’s registration to the new owner if the seller—

- (a) sold or otherwise disposed of the ship to a new owner; and
- (b) reasonably believes the new owner has not applied for transfer of the ship’s registration within 14 days after acquiring it.

(4) Until the chief executive receives notice of the transfer of a ship’s registration, the person in whose name the ship is registered is taken to be the owner of the ship for this regulation.

147 Certain sections about authorities apply to transfer of ship’s registration

(1) Sections 124 to 126 and 129¹¹² apply, with all necessary changes, to an application for the transfer of a ship’s registration in the same way they apply to an application for an authority.

(2) If the chief executive decides to transfer a ship’s registration, the chief executive must, within 10 days after making the decision—

112 Sections 124 (Way application is made), 125 (Chief executive to decide application within 28 days), 126 (Issuing of authority if application granted) and 129 (Refusal of application for authority)

- (a) issue an amended certificate of registration for the ship in the new owner's name; and
- (b) record the new owner's name and address in the register.

(3) If the ship's registration is subject to conditions imposed by the chief executive under section 130,¹¹³ the conditions apply to the new owner when the registration is transferred.

PART 7—PILOTAGE AREAS, COMPULSORY PILOTAGE AREAS AND PILOTS

Division 1—Pilotage areas and compulsory pilotage areas

148 Declaration of pilotage areas and compulsory pilotage areas—Act, s 71(a)

(1) Schedule 6 states the areas of Queensland waters that are pilotage areas.

(2) Schedule 6B states the pilotage areas, or parts of the pilotage areas, that are compulsory pilotage areas.

Division 2—Pilots

149 Application of Act, pt 8

(1) The following are ships to which part 8¹¹⁴ of the Act applies—

- (a) an Australian registered ship that is 50 m or more;
- (b) a ship that is 35 m or more (other than an Australian registered ship);

113 Section 130 (Grant of authority on conditions)

114 Part 8 (Pilots) of the Act

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- (c) for a small ship combined with another small ship for propelling one of the ships—the ship whose master has command of the combination—if the length of the combined ships is—
 - (i) if all of the ships are Australian registered—50 m or more; or
 - (ii) if any of the ships is not an Australian registered ship—35 m or more;
- (d) if the owner or master of a ship asks for the services of a pilot—the ship;
- (e) if a harbour master directs the master of a ship to use the services of a pilot—the ship.

(2) Part 8 of the Act does not apply to a ship mentioned in subsection (1)(a) to (c) if—

- (a) the ship is operated in a pilotage area by a master who holds an exemption from pilotage for the ship in the area and the master personally has the conduct of the ship; or
- (b) for a ship that is a dredge operating only in a pilotage area under the charge of a master who holds a pilotage exemption for the dredge for the area but who is not personally conducting the dredge—the dredge is being conducted on dredging operations by a dredge master who—
 - (i) holds a licence to operate a commercial ship as its master; and
 - (ii) has satisfied the chief executive the person is competent to conduct the dredge on dredging operations in the area.

(3) In this section—

“propelling” includes towing.

“small ship” means—

- (a) an Australian registered ship that is less than 50 m; or
- (b) a ship that is less than 35 m (other than an Australian registered ship).

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150 Master to ensure safety of pilot

(1) Part 18 and part 23, section 9¹¹⁵ of the Marine Orders (“**the relevant provisions**”) have effect with all necessary changes as if they were part of this regulation.

(2) When a pilot is transferring to or from a ship or conducting a ship as its pilot, the master of the ship must comply with—

- (a) the relevant provisions; and
- (b) any reasonable directions of the master of the pilot ship, or person in charge of the helicopter from which the pilot is being transferred about safely transferring the pilot to or from the ship; and
- (c) the pilot’s reasonable directions about the pilot’s personal safety.

Maximum penalty—200 penalty units.

151 Transfer of pilot to ship

(1) A pilot may be transferred to or from a ship—

- (a) from a pilot ship flying the proper distinguishing flag or showing the proper distinguishing lights; or
- (b) by a helicopter, landing on the ship or lowering the pilot by winch.

(2) The way the pilot is transferred to a ship under subsection (1) is at the sole discretion of the harbour master.

(3) The master of a ship to or from which a pilot is transferring by helicopter must give the harbour master all information to determine the suitability of the ship for landing the helicopter on the ship or transferring the pilot by winch.

Maximum penalty—50 penalty units.

115 Part 18 (Helicopter operations) and part 23 (Equipment–miscellaneous and safety measures), section 9 (Pilot transfer arrangements) of the Marine Orders

151A Master to give pilotage charge to pilot

After a pilot has transferred to a ship and the ship is about to be navigated in a pilotage area, the master of the ship must, when requested by the pilot, give pilotage charge of the ship to the pilot, unless the master has a reasonable excuse.

Maximum penalty—100 penalty units.

152 Conditions for exemption from pilotage

(1) The chief executive may grant an exemption to a person for a ship, or class of ship, from pilotage for a pilotage area only if the person—

- (a) holds an appropriate licence to conduct the ship, or class of ship, as its master issued under this regulation or the law of the Commonwealth or another State; and
- (b) satisfies the chief executive—
 - (i) the person has completed a reasonable number of voyages in the area as the master, or crew member in charge of a navigation watch, of a ship comparable in size to the ship, or class of ship; and
 - (ii) marine safety in the pilotage area will not be endangered by granting the exemption; and
- (c) passes—
 - (i) a written test about the person's knowledge of the pilotage area; and
 - (ii) a practical ship handling test in the pilotage area.

(2) However, the chief executive may grant an exemption to a person for a ship under subsection (1) only if the ship is—

- (a) an Australian registered ship, other than a tank ship; or
- (b) an Australian registered tank ship under 200 m; or
- (c) a foreign registered ship—
 - (i) under 100 m; and

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(ii) operating in a pilotage area stated in schedule 6A.¹¹⁶

(3) In this section—

“**tank ship**” means a ship that is any of the following—

- (a) an oil tanker;
- (b) a chemical carrier;
- (c) a liquefied gas carrier.

(4) The procedure for obtaining an exemption from pilotage is stated in part 6.¹¹⁷

Division 3—Reporting movements of ships

153 Owner or master to report shipping movements in pilotage area

(1) This section applies if a ship mentioned in section 149(1)(a) to (d)—

- (a) is to arrive at, or depart from, a pilotage area; or
- (b) is to be removed from a berth or anchorage in a pilotage area to another berth or anchorage in the pilotage area.

(2) The owner or master of the ship must report its expected arrival, departure or removal to the harbour master in the approved form and in the times stated in subsection (3).

Maximum penalty—100 penalty units.

(3) A report under subsection (2) must be made—

- (a) for an arrival—not less than 48 hours before the ship’s expected arrival; or
- (b) for a departure or for a removal to another berth or anchorage—not less than 24 hours before the ship’s expected departure or removal.

116 Schedule 6A (Pilotage areas for limited exemption)

117 Part 6 (Authorities)

PART 8—PILOTAGE FEES, CONSERVANCY DUES ETC.

Division 1—Pilotage fees

154 Application

This division applies to a ship to which part 8 of the Act applies under section 149.¹¹⁸

155 Pilotage fees for pilotage service

Pilotage fees are payable when a person navigates a ship in a pilotage area and uses the services of a pilot.¹¹⁹

155A Pilotage fees if pilotage cancelled

(1) Pilotage fees are payable if an owner or master of a ship who has arranged pilotage for the ship with a harbour master cancels the pilotage without giving the harbour master at least 2 hours notice of the cancellation.

(2) However, the chief executive may, by gazette notice, specify another time, not less than 2 hours, for subsection (1) for a pilotage area if the chief executive considers another time is necessary for the effective and efficient operation of the pilotage service in that area.

156 Pilotage fees if pilot cannot leave ship

(1) Pilotage fees are payable if the pilot cannot leave the ship after the pilotage ends.

(2) Subsection (1) does not apply if the pilot is not able to leave the ship after the pilotage ends because of something beyond the control of the master of the ship.

118 Section 149 (Application of Act, pt 8)

119 Under section 99 (Pilots required for ship navigation in pilotage areas) of the Act a person must not navigate a ship in a pilotage area unless the person uses the services of a pilot.

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Division 2—Conservancy dues

157 Conservancy dues for ships

(1) Conservancy dues are payable for the ships mentioned in section 149(1)(a) to (d).

(2) A conservancy due is payable on the day of the ship's first arrival at, or departure from, a pilotage area.

(3) The fee payable under subsection (2) includes all the ship's arrivals at, or departures from, any pilotage area for 30 days after the fee is payable.

(4) After the 30 days, subsections (2) and (3) again apply.

(5) However, subsection (1) does not apply to a ship that arrives at a pilotage area for any of the following purposes and does not discharge or load any cargo or land or take on board any passenger in the pilotage area—

- (a) discharging residues or slops;
- (b) relieving stress of weather or distress to the ship from anything else;
- (c) taking off a sick or injured passenger or crew member;
- (d) effecting repairs;
- (e) refitting or docking;
- (f) obtaining fuel or provisions for the ship.

Division 3—General

158 Definition

In this division—

“fees” means pilotage fees or conservancy dues payable for a ship under this part.

159 Who is liable to pay fees

The owner of a ship must pay—

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- (a) the fees payable for the ship; and
- (b) interest on unpaid fees under section 161.

160 Time for paying fees

The owner of a ship must pay fees for the ship within 30 days after the day the invoice for the fees was issued.

161 Interest on unpaid fees

Interest calculated daily at the rate stated in schedule 7¹²⁰ is payable on fees that are not paid as required by section 160.

162 Recovery of fees and interest

Unpaid fees for a ship and interest on them may be recovered by the State from the ship's owner as a debt by action in a court with jurisdiction for the amount claimed.

PART 9—OTHER MATTERS ABOUT MARINE SAFETY

Division 1—Approval of harbour masters for this part

163 Definition

In this part—

“**harbour master**” means a harbour master approved by the chief executive under section 164.

164 Chief executive may approve harbour master and give directions

(1) The chief executive may approve a harbour master to exercise powers under this part.

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(2) The powers may be limited by the approval or by a later notice of the chief executive to the harbour master.

(3) The chief executive may also give a harbour master any directions about the exercise of the harbour master's powers that the chief executive considers necessary for marine safety.

165 Limitation on exercise of power under this part

(1) A harbour master may exercise a power under this part only if the harbour master considers it necessary to ensure safety.

(2) The powers under sections 166 and 167 for a marine incident may only be exercised during the shorter of—

- (a) the continuance of a marine incident; or
- (b) 14 days after the harbour master first exercises a power under this part for the marine incident.

(3) A harbour master must comply with a direction of the chief executive under section 164(3).

Division 2—Marine incidents outside of pilotage area

166 Harbour master's powers for marine incident outside of pilotage area

(1) This section applies if a harbour master believes a marine incident has happened, or is likely to happen, in an area (a “**relevant area**”) of waters outside a pilotage area.

(2) The harbour master has, with all necessary changes, the same power the harbour master has under section 88(1) or 89(1)¹²¹ of the Act to direct—

- (a) the master of a ship in or adjacent to the relevant area; or
- (b) a person in charge of a place in or adjacent to the relevant area.

(3) A person must comply with a direction under subsection (2) unless the person has a reasonable excuse.

121 Section 88 (Direction to master about operation of ship) or 89 (Direction to person in charge of a place) of the Act

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Maximum penalty—200 penalty units.

(4) A direction under subsection (2)(a) may be given to a crew member of a ship if it is not possible to give the direction to the master of the ship.

(5) A direction given to a crew member of a ship is taken to have been given to the master of the ship.

Division 3—Removal of obstruction to navigation outside of pilotage area

167 Direction to person about obstruction

(1) A harbour master may direct a person who is responsible for a buoy, mooring or anything that is obstructing, or may obstruct, navigation outside of a pilotage area, to remove it.

(2) A person must comply with a direction under subsection (1) unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

Division 4—Harbour master's directions

168 Harbour master may carry out direction

(1) This section applies if a person has not complied with a direction given to the person by a harbour master under section 166, 167, 176 or 177.

(2) This section also applies if—

- (a) it appears to a harbour master there is no-one to whom a direction under section 166, 167, 176 or 177 may be given; and
- (b) the harbour master is satisfied on reasonable grounds the harbour master must act urgently without giving the direction.

(3) The harbour master may carry out the direction or proposed direction.

(4) Without limiting subsection (3), the harbour master may—

- (a) board a ship and operate it, including, for example, by moving or navigating it; or

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- (b) enter or remain in a place in, or adjacent to, the relevant area to board a ship and anchor, berth, moor or move it.

169 Recovery by State of expenses of carrying out direction

(1) This section applies if a harbour master incurs expense (whether the expense is the harbour master's expense or the State's expense) in exercising a power under section 168.

(2) The amount of the expense may be recovered as a debt by the State by action in a court with jurisdiction for the amount claimed.

(3) The following persons are liable for the expense—

- (a) if a direction under section 166(2)(a) or 167(1) was given to the master of a ship and the master did not comply with the direction—the master and the owner of the ship;
- (b) if a direction under section 166(2)(a) or 167(1) could have been given to the master of a ship but was not given for the reasons mentioned in section 168(2)—the master and the owner of the ship;
- (c) if a direction was given to a person under section 166(2)(b) or 167(1) and the person did not comply with the direction—the person;
- (d) if a direction under section 166(2)(b) or 167(1) could have been given to a person but was not given for the reasons mentioned in section 168(2)—the person.

(4) If, under subsection (3), more than 1 person is liable for the same expense, the persons who are liable for the expense are jointly and severally liable.

Division 5—Buoy moorings

169A Buoy mooring category areas

(1) The chief executive may, by gazette notice, define areas of Queensland waters as category areas for buoy moorings.

(2) The chief executive may define an area as—

- (a) a category 1 area; or

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(b) a category 2 area.

(3) An area that is not defined as a category 1 or 2 area is a category 3 area.

(4) The chief executive may, by written agreement with a person (a “**mooring manager**”), vest in the person the management and control of buoy moorings within a category 1 area.

Example of management and control—

1. The authority to charge fees for the use of a buoy mooring.
2. The authority to set conditions on the placement of a buoy mooring.
3. The authority to set conditions on the use of a buoy mooring.

170 Issue of buoy mooring authorities

(1) The chief executive may issue a buoy mooring authority for—

- (a) a category 2 area; or
- (b) a category 3 area.

(2) The classes of buoy mooring authorities are—

- (a) a restricted buoy mooring authority under which only a particular ship owned by the holder of the authority and stated in the authority may be moored at the mooring; and
- (b) an unrestricted buoy mooring authority under which any ship may, with the consent of the authority holder, be moored at the mooring.

(3) The procedure for obtaining a buoy mooring authority is in part 6.¹²²

(4) However, the assessment component of the application fee for the authority is not payable by a person who, before the commencement of this regulation, established a buoy mooring in accordance with—

- (a) the *Queensland Marine Act 1958*; or
- (b) this Act.

171 Limitations on issue of buoy mooring authorities

(1) The chief executive may issue a buoy mooring authority only if the chief executive is satisfied that the mooring does not significantly interfere with—

- (a) marine safety; or
- (b) the effectiveness or efficiency of the Queensland maritime industry.

(2) If a buoy mooring is to be established within a port, the chief executive may authorise a person to establish a buoy mooring only if the applicant satisfies the chief executive the port authority for the port has approved of the establishment.

172 Conditions of authority for buoy moorings

(1) The conditions the chief executive may impose for a buoy mooring authority may include conditions about the colour, shape and size of the buoy.

(2) Subsection (1) does not limit section 130.¹²³

173 Buoy mooring to display identifying number

The holder of a buoy mooring authority must ensure—

- (a) the identifying number issued by the chief executive for the buoy mooring is permanently and legibly displayed on the buoy; and
- (b) the buoy and its identifying number are not obscured from view.

Maximum penalty—50 penalty units.

174 Unlawful use of buoy mooring

(1) A person must not moor a ship to a restricted buoy mooring unless the ship is the ship stated in the relevant authority.

Maximum penalty—50 penalty units.

¹²³ Section 130 (Grant of authority on conditions)

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(2) A person must not moor a ship to an unrestricted buoy mooring unless the person has the authority holder's consent.

Maximum penalty—50 penalty units.

(3) In this section—

“restricted buoy mooring” means a buoy mooring to which a restricted buoy mooring authority relates.

“unrestricted buoy mooring” means a buoy mooring to which an unrestricted buoy mooring authority relates.

175 Notice of establishment of buoy mooring

(1) A person who establishes a buoy mooring under a buoy mooring authority must give written notice, containing the details required by the chief executive when issuing the authority, to—

- (a) for a buoy mooring established in a pilotage area—the harbour master; or
- (b) for a buoy mooring established outside a pilotage area—the chief executive.

Maximum penalty—50 penalty units.

(2) The details required by the chief executive may include the following—

- (a) the date the buoy mooring was placed;
- (b) the precise location of the buoy mooring;
- (c) the type and size of the mooring apparatus.

Examples of details required for paragraph (c)—

The shape, construction and dimensions of the mooring block.

The length and diameter of chain or rope connecting the buoy to the mooring block.

(3) The notice must be given within 14 days of establishing the buoy mooring.

(4) This section does not apply to a person who, before the commencement of this regulation, established a buoy mooring in accordance with—

- (a) the repealed *Queensland Marine Act 1958*; or
- (b) this Act.

176 Removal of buoy mooring on expiry, cancellation or surrender of authority

(1) The holder of a buoy mooring authority that has expired or has been cancelled or surrendered under part 6¹²⁴ must remove the buoy, its mooring apparatus and its mooring block, within the time stated in subsection (2), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) The buoy, its mooring apparatus and its mooring block must be removed—

- (a) if the buoy mooring authority has expired or been surrendered—within 14 days of the expiry; or
- (b) if the buoy mooring authority has been cancelled and—
 - (i) no appeal is made against the cancellation under part 16¹²⁵ of the Act—within 14 days after the time for making an appeal ends; or
 - (ii) an appeal is made against the cancellation and the court confirms the cancellation—within 14 days after the confirmation of the cancellation.

(3) If the holder fails to remove the buoy mooring within the time stated in subsection (2), the harbour master may direct the holder to remove the buoy mooring.

(4) The holder must comply with the direction unless the holder has a reasonable excuse.

Maximum penalty—50 penalty units.

177 Unauthorised buoy mooring

(1) A person must not establish a buoy mooring—

124 Part 6 (Authorities)

125 Part 16 (Appeals) of the Act

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- (a) in a category 1 area except with the consent of the mooring manager for the area; or
- (b) in a category 2 or 3 area unless the chief executive has issued a buoy mooring authority for it under section 170.

Maximum penalty—50 penalty units.

(1A) If a person establishes a buoy mooring in contravention of subsection (1), a harbour master may direct the person to remove the buoy mooring.

(1B) The holder must comply with the direction unless the holder has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) A person must not use a buoy mooring unless it is an authorised buoy mooring.

Maximum penalty—50 penalty units.

Division 6—Aquatic events

178 Aquatic events

(1) This section applies to a carnival, fire works display, race, regatta, speed trial, swimming race or water skiing competition (an “**aquatic event**”) if—

- (a) the holding of the event will affect marine safety; or
- (b) the holding of the event will affect the effectiveness or efficiency of the Queensland maritime industry.

Examples of paragraphs (a) and (b)—

Paragraph (a)—an aquatic event involves people swimming in a well used area.

Paragraph (b)—an aquatic event will be held in a river where commercial ships will continue to operate.

(2) The person holding an aquatic event must obtain an authority from—

- (a) if the event is to be held wholly within a pilotage area—the relevant harbour master; or
- (b) in any other case—the chief executive.

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Maximum penalty—50 penalty units.

(3) An authority to conduct an aquatic event does not include an authority to hold an event involving a person not complying with this regulation.¹²⁶

Division 7—Ships not to operate etc. in certain places

179 Anchoring prohibited near boat ramps etc.

(1) The owner and master of a ship must not anchor the ship—

- (a) within 10 m of a boat ramp or jetty; or
- (b) within 50 m of an underwater cable or pipeline if a sign indicates the presence of the cable or pipeline; or
- (c) in waters where the presence of the ship involves danger to aircraft or other ships.

Maximum penalty—100 penalty units.

(2) For subsection (1)(c), the chief executive, by gazette notice, may state the waters where the presence of anchored ships involves danger to aircraft or other ships.

180 Ships operation prohibited near dam walls

(1) The owner and master of a ship must not anchor, berth, moor or operate the ship within 100 m of a dam wall, spillway or weir.

Maximum penalty—100 penalty units.

(2) However, subsection (1) does not apply to the owner or master of a ship engaged on genuine repairs to, or maintenance work on, a dam wall, spillway or weir.

126 Section 18 of the Act—

18 Exemption of person or ship from Act

- (1) A regulation may exempt a person from this Act or any of its provisions.
- (2) The exemption may be given on specified conditions.
- (3) If an exemption is given on conditions, the exemption operates only if the conditions are complied with.

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181 Ships and activities prohibited in certain waters

(1) The owner and master of a ship, or type of ship, must not anchor, berth, moor or operate the ship in waters if doing so endangers marine safety.

Maximum penalty—100 penalty units.

(2) A person must not conduct an activity in waters if doing so in the waters endangers marine safety.

Maximum penalty—100 penalty units.

Examples of an activity—

Water skiing or tobogganing.

(3) For subsection (1) and (2), the chief executive, by gazette notice, may state the waters where the anchoring, berthing, mooring or operating of a ship, or type of ship, or the conducting of a stated activity endangers marine safety.

Example of subsection (3)—

1. The chief executive may publish a gazette notice prohibiting a person operating a ship within 60 m either side of the boundaries of a flagged swimming area.
2. The chief executive may publish a gazette notice prohibiting a person operating a personal watercraft on Tallebudgera Creek, except at a speed of 6 knots and only to enable the person to transverse the creek to reach the ocean.

Division 8—Miscellaneous safety requirements

182 Operation of ship by unlicensed person

(1) A master of a recreational ship must not allow a person, who does not have an appropriate licence to operate the ship as its master, to operate the ship unless—

- (a) the person is under the direct supervision of the master; and
- (b) the master is immediately able to resume operating the ship.

Maximum penalty—50 penalty units.

(2) A master of a commercial or fishing ship must not allow a person, who does not have an appropriate licence to operate the ship as its master, to operate the ship unless the master—

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- (a) believes, on reasonable grounds, the person is competent to operate the ship; and
- (b) gives the person clear instructions on the way the person is to operate the ship; and
- (c) is aboard the ship and able to resume operating it.

Maximum penalty—200 penalty units.

(3) A master of a ship must not allow a person, who does not have an appropriate licence to operate the ship as its master, to operate the ship while towing someone else by a line attached to the ship, including for example, a person water skiing or riding on a toboggan or tube.

Maximum penalty—100 penalty units

(4) In this section—

“**ship**” means a ship (other than a recreational ship that may be operated by a person without a licence) powered by an engine of 3 kW power or more.

183 Water skiing or riding on toboggan or tube

(1) A person (a “**skier**”) being towed by a line attached to a ship, including for example a person water skiing or riding on a toboggan or tube, must wear a PFD type 2 or 3.

Maximum penalty—100 penalty units.

(2) A skier does not commit an offence against subsection (1) if the skier is participating in any of the following and it is impractical or unsafe to wear a PFD—

- (a) a commercial display;
- (b) a trick or novelty skiing event in a program of events organised by a genuine water sports entity;
- (c) a genuine practice session for a display or event mentioned in paragraph (a) or (b).

(3) A person (an “**operator**”) must not operate a ship towing a skier unless—

- (a) if the skier must wear a PFD under subsection (1)—the skier is wearing the PFD; and

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- (b) there is another person (an “**observer**”) on the ship, who is more than 12, watching the skier at all times.

Maximum penalty—100 penalty units.

- (4) The observer is to immediately tell the operator if—
- (a) there is a danger, or potential for danger, to the skier; or
 - (b) the skier signals the observer; or
 - (c) the skier has a mishap.

184 Interfering with speed sign

(1) A person must not interfere with a speed sign, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) In this section—

“**interfere with**” includes damage, destroy, mark and remove.

PART 10—MISCELLANEOUS

185 Approval of forms

The chief executive may approve forms for use under the Act.

186 Appropriate fees and refund in certain cases

(1) The fees for this regulation are stated in schedule 7.¹²⁷

(2) If the chief executive refuses an application for any of the following, the chief executive must promptly refund the fees paid by the applicant, other than the chief executive’s reasonable costs of assessing the application—

- (a) an authority;

127 Schedule 7 (Fees)

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- (b) a renewal, or an amendment, of an authority;
- (c) a transfer of the registration of a ship.

187 Refund of fees on surrender of ship's registration

(1) This section applies if the chief executive receives a surrender of a ship's registration under section 145.¹²⁸

(2) The chief executive must refund to the person in whose name the ship was registered the unexpired part (the “**refund**”) of the registration fee.

(3) The refund is to be worked out on a proportional basis according to the number of whole months from the end of the month when the registration was surrendered to the beginning of the month in which the ship's registration would have otherwise expired.

(4) The chief executive may deduct from the refund the administration fee prescribed for this section.

187A Safety equipment for ships under a standard practice instruction

(1) This section applies if—

(a) a commercial or fishing ship that—

(i) sections 7 and 8 or 10 and 11¹²⁹ apply to; and

(ii) was—

(A) the subject of an application mentioned in section 196 for the survey and registration of the ship under the *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987*; or

(B) built and operating immediately before 1 January 1996; and

128 Section 145 (Surrender of authority)

129 Sections 7 (Commercial ships to comply with Code with changes) and 8 (Safety equipment to comply with other parts of Code and be current) or 10 (Fishing ships to comply with Code with changes) and 11 (Safety equipment to comply with other provisions of Code)

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- (b) a standard practice instruction that stated safety equipment for ships and how the equipment should be marked, stowed, replaced or serviced applied to the ship; and
 - (c) there is an inconsistency between the instruction and sections 7, 8, 10 and 11 for the ship; and
 - (d) the ship is equipped with the safety equipment required under the sections as changed by the instruction; and
 - (e) the equipment is marked, stowed, replaced or serviced as required by the instruction.
- (2) The ship is taken to comply with sections 7, 8, 10 and 11.

187B Design and construction of ships under a standard practice instruction

- (1) This section applies if—
- (a) a commercial or fishing ship was—
 - (i) the subject of an application mentioned in section 196 for the survey and registration of the ship under the *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987*; or
 - (ii) built and operating immediately before 1 January 1996; and
 - (b) a standard practice instruction about the design or construction of ships applied to the ship; and
 - (c) there is an inconsistency between the instruction and a standard about design or construction of ships that applies to the ship; and
 - (d) the ship is designed or constructed as required under the standards as changed by the instruction.
- (2) The ship is taken to comply with the standard.

188 Review of regulation

- (1) The Minister must start a review of this regulation within 1 year of its commencement.

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(2) Before starting the review the chief executive must give notice of it in the gazette and in a newspaper likely to be read by people particularly affected by the regulation.

(3) The notice must state—

- (a) that anyone may comment on the regulation; and
- (b) where a copy of the regulation may be obtained or inspected; and
- (c) how and when comments may be made; and
- (d) that anyone may comment on the regulation; and
- (e) how consultation about the regulation will take place.

(4) The notice must allow at least 28 days from publication of the notice for the making of comments.

(5) The review must be completed and a report on the review prepared within 1 year after the review started.

(6) The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the completion of the report.

(7) If, at the time the Minister would otherwise be required to lay a copy of the report before the Legislative Assembly, the Legislative Assembly is not in session or not actually sitting, the Minister must give a copy of the report to the clerk of the Parliament.

(8) The clerk must cause a copy of the report to be laid before the Legislative Assembly on its next sitting day.

(9) For the purposes of its printing and publication, a report that is given to the clerk under subsection (7) is taken to have been laid before the Legislative Assembly, and to have been ordered to be printed by the Legislative Assembly, when it is given to the clerk.

189 Fatigue management

(1) A person who employs pilots to perform pilotage services on its behalf at a port must devise and implement, for the pilots, a fatigue management program complying with subsections (2) and (3).

Maximum penalty—40 penalty units.

(2) The program, when implemented, must be capable of ensuring that the pilots are properly rested and fit to perform their duties.

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(3) Without limiting subsection (2), the program must make suitable provision for maximum work times, maximum pilotage times and minimum rest times.

(4) The person must take reasonable steps to ensure the pilots comply with the program.

Maximum penalty—40 penalty units.

(5) A pilot to whom the program applies must not have the conduct of a ship as its pilot if—

- (a) the pilot's fatigue level may cause the ship to be operated unsafely; or
- (b) the pilot has not substantially complied with the program.

Maximum penalty for subsection (5)—40 penalty units.

SCHEDULE 1

DECLARATION ABOUT SHIP'S SEAWORTHINESS

section 47

PART 1—DECLARATION OF ACCREDITED SHIP DESIGNER

Declaration by accredited ship designer (hull, superstructure or machinery) about seaworthiness of ship—design

I, (name), accredited ship designer for the category (state category of accreditation relevant for this certificate) make the following declarations for the ship (“**ship**”), or part of the ship (“**part**”), specified in the plans attached to my certificate of compliance for the ship or part—

- (a) the ship or part is designed to comply with the following standards or practices (declarant to state fully and clearly the design standards or, if no standard has been used, the practices applied in designing the ship);
- (b) for a ship or part (other than a ship, or part designed to comply with part 2 of the *Transport Operations (Marine Safety—Designing and Building Commercial and Fishing Ships) Interim Standard 1996*—I have verified the sufficiency of the design of the ship or part by—
 - (i) making all the necessary calculations to ensure its sufficiency; or
 - (ii) appropriate tests;
- (c) the ship or part is designed to be operated as a (state class) ship or part of a class (state class) ship;

SCHEDULE 1 (continued)

- (d) the ship or part is of a seaworthy design on the following conditions—
- (i) the ship, or the ship which is to include the part, is to be operated—
 - (A) for the following purpose **(state purpose)**; and
 - (B) in **(state operational area)**;
 - (ii) the number of persons the ship is designed to carry is **(state number together with any restrictions on the number of persons that may be permitted in a specific area of the ship)**;
 - (iii) the quantity of cargo the ship is designed to carry is **(declarant to state together with any conditions about where cargo may be positioned on the ship to ensure its stability)**;
 - (iv)**(declarant to state all other conditions about the ship's seaworthiness or without which the certificate of compliance would be false, misleading or incomplete in a material particular)**.

Signed by the declarant at _____ the _____ day of
_____ 19__.

SCHEDULE 1 (continued)

**PART 2—DECLARATION OF ACCREDITED SHIP
BUILDER**

**Declaration by accredited ship builder (hull,
superstructure or machinery) about
seaworthiness of ship—construction**

I, (name), accredited ship builder for the category of (state category of accreditation relevant for this certificate) make the following declarations for the ship (“**ship**”), or part of the ship (“**part**”) specified in the plans and specifications (“**design documents**”) (describe design documents by number or other identifying mark)—

- (a) the ship or part is built as required by—
- (i) the design documents; and
 - (ii) the following ship building standards, practices or techniques—

(declarant to state—eg the *Transport Operations (Marine Safety—Designing and Building Commercial and Fishing Ships) Interim Standard 1996*):

- (b) the ship or part is built to be operated as a (class to be stated) ship, or part of a class (state class) ship;
- (c) the ship or part is of a seaworthy construction on the following conditions—
- (i) the ship, or the ship that is to include the part, is to be operated—
 - (A) for the following purpose (state purpose); and
 - (B) in (state operational area); and
 - (ii) the number of persons the ship is built to carry is (state number together with any restrictions on the number of persons that may be permitted in a specific area of the ship); and
 - (iii)(declarant to state all other conditions the declarant wishes to impose about the ship’s seaworthiness or without which the

*Transport Operations (Marine Safety)
Regulation 1995*

SCHEDULE 1 (continued)

certificate of compliance would be false, misleading or incomplete in a material particular).

Signed by the declarant at _____ the _____ day of
_____ 19__.

SCHEDULE 1 (continued)

**PART 3—DECLARATION OF ACCREDITED MARINE
SURVEYOR****Declaration by accredited marine surveyor
(hull, superstructure or machinery) about
seaworthiness of ship—survey**

I, (name), accredited marine surveyor for the category of (state category of accreditation relevant for this certificate) make the following declarations for the ship (“**ship**”), or part of the ship (“**part**”) I have surveyed—

(a) the ship or part is built as required by the design plans and specifications (“**design documents**”) (describe design documents by number or other identifying mark);

(b) the ship or part has been built using the following ship building standards, practices or techniques—

(declarant to state—eg the Transport Operations Marine Safety—Designing and Building Commercial and Fishing Ships) Interim Standard 1996);

(c) the ship or part is in sound condition;

(d) the ship or part is suitable to be operated as a (state class) ship, or part of a class (state class) ship;

(e) at the time of survey the ship or part was of seaworthy construction on the following conditions—

(i) the ship, or the ship that is to include the part, is to be operated—

(A) for the following purpose (state purpose); and

(B) in (state operational area); and

(ii) the number of persons the ship may carry is (state number together with any restrictions on the number of persons that may be permitted in a specific area of the ship); and

(iii)(declarant to state all other conditions the declarant wishes to impose about the ship’s seaworthiness or without which the

SCHEDULE 1 (continued)

certificate of compliance would be false, misleading or incomplete in a material particular).

Signed by the declarant at _____ the _____ day of
_____ 19__.

SCHEDULE 1 (continued)

**PART 4—DECLARATION FOR CERTIFICATE OF
COMPLIANCE ABOUT SAFETY EQUIPMENT****Declaration by accredited ship designer, ship
builder or marine surveyor (safety equipment)
about seaworthiness of ship—safety equipment**

I, (name), accredited (**declarant to insert ship designer, ship builder or marine surveyor as appropriate**) for safety equipment, declare as follows for the ship described in the certificate of compliance, of which this declaration is part—

- (a) the ship is equipped with the following safety equipment required for the ship under the *Transport Operations (Marine Safety) Regulation 1995*, part 2—
 - (i) **(declarant to list all safety equipment the ship is equipped with under part 2)**;
- (b) the safety equipment—
 - (i) is stowed, marked and of a type required by section 8(1) of the regulation; and
 - (ii) if it has an expiry date by which it should be serviced or replaced—it has been serviced and replaced as required by section 8(2) of the regulation;
- (c) the ship may be operated as a (state class);
- (d) the number of persons the ship may carry is **(state number together with any restrictions on the number of persons that may be permitted in a specific area of the ship)**;
- (e) so far as relates to the things mentioned in paragraphs (a) to (d), the ship is seaworthy on the following conditions—**(declarant to state any conditions the declarant wishes to impose about the ship's seaworthiness or without which the certificate of compliance would be false, misleading or incomplete in a material particular)**.

*Transport Operations (Marine Safety)
Regulation 1995*

SCHEDULE 1 (continued)

Signed by the declarant _____ the _____ day of
_____ 19__.

SCHEDULE 1 (continued)

**PART 5—DECLARATION FOR STABILITY OF
ACCREDITED SHIP DESIGNER OR MARINE
SURVEYOR**

**Declaration by accredited ship designer or
marine surveyor (stability) about
seaworthiness of ship—stability**

I, (name), accredited (declarant to insert ship designer or marine surveyor) for stability declare as follows for the ship (“**ship**”) described in the certificate of compliance of which this declaration is part—

- (a) I have assessed the ship for stability under the following standards or practices—

(declarant to state fully and clearly the design standards for stability, eg—the Transport Operations (Marine Safety—Designing and Building Commercial and Fishing Ships) Interim Standard 1996 or, if no standard has been used, the practices applied, in assessing the ship for stability);

- (b) I have assessed the stability of the ship by doing all the appropriate tests or checking all the appropriate calculations;
- (c) I have assessed the subdivision of the ship by doing all the appropriate tests or checking all the appropriate calculations;
- (d) the ship is suitable to be operated as a (state class) ship;
- (e) I have assessed the ship to be seaworthy for stability on the following conditions—
- (i) the ship is to be operated—
- (A) for the following purpose (state purpose); and
- (B) in (state operational area);
- (ii) the number of persons the ship may carry is (state number together with any restrictions on the number of persons that may be permitted in a specific area of the ship);

SCHEDULE 1 (continued)

- (iii) the quantity of cargo the ship may carry is **(declarant to state together with any conditions about where cargo may be positioned on the ship to ensure its stability);**
- (iv)**(declarant to state all other conditions about the ship's seaworthiness or without which the certificate of compliance would be false, misleading or incomplete in a material particular).**

Signed by the declarant at _____ the _____ day of
_____ 19__.

SCHEDULE 1 (continued)

**PART 6—DECLARATION FOR LOAD LINE BY
ACCREDITED SHIP DESIGNER OR MARINE
SURVEYOR**

**Declaration by ship designer or marine
surveyor (accredited for load line) about
seaworthiness of ship—load line**

I, (name) _____, accredited _____ **(declarant to insert ship designer or marine surveyor as appropriate)** for load line declare as follows for the ship (“**ship**”) described in the certificate of compliance of which this declaration is part—

- (a) I have assigned the ship’s freeboard as denoted on the enclosed “load line assignment work sheet” under section 85(1) of the regulation;
- (b) I have marked the ship for its load line under section 85(1) of the regulation;
- (c) the ship is seaworthy for load line under section 85(1) of the regulation on the following conditions—**(declarant to state any conditions about the ship’s seaworthiness or without which the certificate of compliance would be false, misleading or incomplete in a material particular)**.

Signed by the declarant at _____ the _____ day of
_____ 19__.

SCHEDULE 2

CLASSES OF LICENCES

sections 65 and 66

Column 1 Licences	Column 2 Certificates under Code
<p>1. Licences (commercial ships)</p> <ul style="list-style-type: none"> • master class 3 • master class 4 • mate class 4 • master class 5 	<p>Certificates (commercial ships)</p> <ul style="list-style-type: none"> • master class 3 • master class 4 • mate class 4 • master class 5
<p>2. Licences (fishing ships)</p> <ul style="list-style-type: none"> • skipper grade 1 • skipper grade 2 • skipper grade 3 	<p>Certificates (fishing ships)</p> <ul style="list-style-type: none"> • skipper grade 1 • skipper grade 2 • skipper grade 3
<p>3. Licence (recreational ships)</p> <ul style="list-style-type: none"> • recreational ship master's licence 	
<p>4. Licences (commercial or fishing ships)</p> <ul style="list-style-type: none"> • coxswain • engineer class 3 • marine engine driver grade 1 (MED grade 1) • marine engine driver grade 2 (MED grade 2) • marine engine driver grade 3 (MED grade 3) 	<p>Certificates (commercial or fishing ships)</p> <ul style="list-style-type: none"> • coxswain • engineer class 3 • marine engine driver grade 1 (MED grade 1) • marine engine driver grade 2 (MED grade 2) • marine engine driver grade 3 (MED grade 3)

SCHEDULE 2 (continued)

5. Pilot licences

- pilot
- probationary pilot

SCHEDULE 3

PROVISIONS OF REGULATION TO WHICH SECTION 43(2)(B)(II) OF THE ACT APPLIES

section 78

1. Section 79 (Operational area of commercial or fishing ships)
2. Section 80 (Commercial ship not to carry excess persons)
3. Section 81 (Ship to be operated as required by Code, s 15)
4. Section 94 (Person operating ship to comply with Collision Regulations)
5. Part 5 (Operating ships), division 7 (Speed limits and wash)
6. Section 113 (Duties of owner and master of ship about dangerous cargo)
7. Section 114 (Reporting requirements for ships loading etc. dangerous cargo)
8. Section 150 (Master to ensure safety of pilot)
9. Section 151 (Transfer of pilot to ship)
10. Section 166 (Harbour master's powers for marine incident outside of pilotage area)

SCHEDULE 3A

PILOTAGE AREAS FOR FISHING SHIPS FOR VESSEL TRAFFIC SERVICES

section 92B(g)

1 Gladstone pilotage area

The following parts of the area—

- (a) South channel;
- (b) Gatcombe channel;
- (c) Auckland channel;
- (d) Auckland bypass channel;
- (e) Clinton channel;
- (f) Clinton bypass channel;
- (g) Targinnie channel.

SCHEDULE 3B

PILOTAGE AREAS FOR SMALL SHIPS 10 M OR MORE FOR VESSEL TRAFFIC SERVICES

section 92B(h)

1 Karumba pilotage area

The following parts of the area—

- (a) Karumba entrance channel;
- (b) Elbow Bank reach;
- (c) Karumba Point reach.

SCHEDULE 5

OPERATING RECORDS FOR A SHIP

section 107

OPERATING RECORDS FOR REGISTERED COMMERCIAL SHIPS

1. General

Testing of machinery, steering gear, navigation and communication equipment;

Departure and arrival times;

Passenger safety briefings;

Verification of passenger numbers;

Bunkering/refuelling operations;

Safety equipment tests, servicing, repairs or replacements, accidents, incidents and discharges of oily bilges;

Crew training in emergency procedures;

Radio communication with shore stations or other ships;

Stability information for loading of ships.

2. Maintenance

Machinery service checks;

Propulsion, steering, pumping, cargo, equipment repairs or modification;

Slipping periods and repair work carried out;

Practical tests of repaired equipment.

3. Certificates as appropriate

Electrical contractor's statement;

SCHEDULE 5 (continued)

Gas examiner's certificate;
Inflatable liferaft certificate;
Fixed fire smothering installation certificate;
Accredited builder/marine surveyor certificate of compliance;
Shipping Inspector's record of inspection;
Fire extinguishing equipment service certificate;
Load line certificate.

OPERATING RECORDS FOR REGISTERED FISHING SHIPS

1. General

Testing of machinery, steering gear, navigation and communication equipment;
Departure and arrival times;
Bunkering/refuelling operations;
Safety equipment tests, servicing, repairs or replacements, accidents, incidents and discharge of oily bilges etc;
Crew training in emergency procedures;
Radio communications with shore stations or other ships.

2. Maintenance

Machinery service checks;
Propulsion, steering, pumping, equipment repairs or modification;
Slipping period and repair work carried out;
Trawl equipment, test, repairs and renewals;
Practical tests of repaired equipment.

SCHEDULE 5 (continued)

3. Certificates as appropriate

Electrical contractor's statement;

Gas examiner's certificate;

Inflatable liferaft certificate;

Fixed fire smothering installation certificate;

Accredited builder/marine surveyor certificate of compliance;

Shipping inspector's record of inspection;

Fire extinguishing equipment service certificate.

SCHEDULE 6

PILOTAGE AREAS

section 148(1)

1 Southport pilotage area

The Southport pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at a point where latitude 27°39.90' south meets the eastern shoreline of the mainland
 - then due east to the high water mark on the western shoreline of North Stradbroke Island at latitude 27°39.90' south
 - then by the high water mark in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline of North Stradbroke Island to the south-eastern extremity of the island at approximate latitude 27°43.64' south, longitude 153°27.10' east
 - then across to the high water mark on the northern extremity of South Stradbroke Island at approximate latitude 27°45.29' south, longitude 153°26.69' east
 - then in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline of South Stradbroke Island to the seaward extremity of the northern breakwater at the entrance to the Gold Coast Seaway
 - then in an easterly direction to latitude 27°55.90' south, longitude 153°27.06' east
 - then due south to latitude 27°56.10' south, longitude 153°27.06' east
 - then in a westerly direction to the seaward extremity of the southern breakwater at the entrance to the Gold Coast Seaway

SCHEDULE 6 (continued)

- then by the high water mark in a westerly direction along the northern shoreline and in a southerly direction along the western shoreline of The Spit, returning in a northerly direction along the eastern shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

2 Brisbane pilotage area

The Brisbane pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
 - starting at the high water mark at the north head of the Maroochy River entrance
 - then in a direction due east to longitude 153°10.06' east
 - then in a south-south-easterly direction to latitude 26°49.90' south, longitude 153°15.06' east
 - then in a south-easterly direction to the high water mark on the north-eastern extremity of Cape Moreton on Moreton Island
 - then by the high water mark in a westerly direction along the northern shoreline and in a southerly direction along the western shoreline of Moreton Island to the southern extremity of the island
 - then across to the high water mark on the northern extremity of North Stradbroke Island
 - then by the high water mark in a southerly direction along the western shoreline of North Stradbroke Island to latitude 27°39.90' south
 - then due west to the high water mark on the mainland at latitude 27°39.90' south
 - then by the high water mark in a northerly direction along the eastern shoreline of the mainland returning to the starting point; and

SCHEDULE 6 (continued)

- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

3 Noosa pilotage area

The Noosa pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
- the Noosa River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters within a 1 n mile radius centered at the south head of the Noosa River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

4 Maryborough pilotage area

The Maryborough pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at a point where latitude 25°06.90' south meets the eastern shoreline of the mainland
 - then in a north-easterly direction to latitude 24°44.90' south, longitude 152°45.06' east
 - then due east to the high water mark on the western shoreline of Fraser Island at latitude 24°44.90' south
 - then by the high water mark in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline and in a northerly direction along the eastern shoreline of Fraser Island to a point where latitude 25°44.90' south meets the eastern shoreline of the island
 - then due east for 2 n miles to latitude 25°44.90' south, longitude 153°08.06' east
 - then in a south-south-easterly direction to the high water mark on the northern extremity of Double Island Point

SCHEDULE 6 (continued)

- then by the high water mark from Double Island Point in a northerly direction along the eastern shoreline of the mainland and returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

5 Bundaberg pilotage area

The Bundaberg pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
 - the Burnett River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters within a 4 n mile radius centered at the Burnett Heads lighthouse; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

6 Gladstone pilotage area

The Gladstone pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
 - starting at the high water mark at Connor Bluff, Curtis Island at approximate latitude 23°42.91' south, longitude 151°17.66' east
 - then to latitude 23°49.51' south, longitude 151°34.66' east
 - then to latitude 23°56.51' south, longitude 151°34.66' east
 - then to a point at the high water mark on the northern extremity of Tiber Point on Hummock Hill Island
 - then due west to the high water mark on Wild Cattle Island
 - then by the high water mark in a northerly direction along the eastern shoreline of Wild Cattle Island to the northern extremity of the island

SCHEDULE 6 (continued)

- then due west to the high water mark on the eastern shoreline of the mainland
 - then by the high water mark in a northerly direction along the eastern shoreline of the mainland to latitude 23°38.41' south
 - then due east to the high water mark of the western shoreline of Curtis Island at latitude 23°38.41' south
 - then by the high water mark in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline and in a northerly direction along the eastern shoreline of Curtis Island, returning to the starting point at Connor Bluff; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

7 Rockhampton pilotage area

The Rockhampton pilotage area is the area of—

- (a) waters at the high water mark consisting of the Fitzroy River and connected waterways system from the head of navigation to the river mouth; and
- (b) waters bounded by an imaginary line drawn—
- from the high water mark at the river mouth at Cattle Point on the mainland across to Arch Rock
 - then across to the high water mark on the northern extremity of Cape Keppel
 - then by the high water mark in a westerly direction along the northern shoreline and in a southerly direction along the western shoreline of Curtis Island to latitude 23°38.41' south
 - then due west to the high water mark on the mainland at latitude 23°38.41' south
 - then by the high water mark in a northerly direction along the shoreline of the mainland returning to the starting point at the Fitzroy River mouth; and

SCHEDULE 6 (continued)

- (c) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraphs (a) and (b).

8 Hay Point pilotage area

The Hay Point pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at the north head of the Bakers Creek entrance
 - then in an east-north-easterly direction to latitude 21°09.91' south, longitude 149°20.06' east
 - then due east to latitude 21°09.91' south, longitude 149°30.06' east
 - then due south to latitude 21°17.91' south, longitude 149°30.06' east
 - then due west to the high water mark on the mainland at latitude 21°17.91' south
 - then by the high water mark in a north-westerly direction along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

9 Mackay pilotage area

The Mackay pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the northern extremity of Slade Point
 - then due east to longitude 149°22.06' east
 - then due south to latitude 21°09.91' south, longitude 149°22.06' east

SCHEDULE 6 (continued)

- then due west to latitude 21°09.91' south, longitude 149°20.06' east
 - then in a west-south-westerly direction to the high water mark on the north head of the Bakers Creek entrance
 - then by the high water mark in a northerly direction along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

10 Whitsundays pilotage area

The Whitsundays pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at the northern extremity of George Point on the mainland
 - then to latitude 20°01.19' south, longitude 148°52.84' east
 - then to latitude 20°02.94' south, longitude 148°58.63' east
 - then to the high water mark at the north-eastern extremity of Deloraine Island
 - then along the high water mark of the eastern shore of Deloraine Island to its south-eastern extremity
 - then to the high water mark at the northern extremity of Harold Island
 - then along the high water mark of the eastern shore of Harold Island to its southern extremity
 - then to the high water mark at the northern extremity of Jesuit Point on Maher Island
 - then along the high water mark of the western shore of Maher Island to its southern extremity
 - then to the high water mark at the northern extremity of Shaw Island

SCHEDULE 6 (continued)

- then along the high water mark of the western shore of Shaw Island to its south-western extremity
 - then to the southern extremity of Cape Conway on the mainland
 - then by the high water mark initially in a general north-westerly direction, returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

11 Bowen pilotage area

The Bowen pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the southern extremity of Dalrymple Point
 - then $286^{\circ}(T)$ by a straight line to the port entrance beacon to Bowen Boat Harbour ($20^{\circ}01.34'$ south, $148^{\circ}15.39'$ east)
 - then $303^{\circ}(T)$ by a straight line to the intersection of the high water mark and the northern edge of the wharf at Bowen ($20^{\circ}01.05'$ south, $148^{\circ}14.91'$ east)
 - then by the high water mark in an easterly direction along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

12 Abbot Point pilotage area

The Abbot Point pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the eastern shoreline of the mainland at longitude $147^{\circ}59.07'$ east

SCHEDULE 6 (continued)

- then due north to latitude 19°47.91' south, longitude 147°59.07' east
 - then due east to latitude 19°47.91' south, longitude 148°08.07' east
 - then in a south-easterly direction to the high water mark on the northern extremity of Gloucester Head on Gloucester Island
 - then in a southerly direction by the high water mark along the western shoreline of Gloucester Island to the southern extremity of the island
 - then across to the high water mark on the northern extremity of Cape Gloucester on the mainland
 - then by the high water mark along the shoreline of the mainland to the intersection of the high water mark and the northern edge of the wharf at Bowen (20°01.05' south, 148°14.91' east)
 - then 123°(T) by a straight line to the port entrance beacon to Bowen Boat Harbour (20°01.34' south, 148°15.39' east)
 - then 106°(T) by a straight line to the high water mark on the southern extremity of Dalrymple Point
 - then along the shoreline of the mainland at the high water mark returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

13 Townsville pilotage area

The Townsville pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the northern extremity of Cape Cleveland
 - then to latitude 19°04.91' south, longitude 146°52.07' east

SCHEDULE 6 (continued)

- then due west to latitude 19°04.91' south, longitude 146°45.07' east
 - then due south to the high water mark on the mainland at longitude 146°45.07' east
 - then by the high water mark along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

14 Lucinda pilotage area

The Lucinda pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at George Point on Hinchinbrook Island
 - then east to latitude 18°29.11' south, longitude 146°26.07' east
 - then due south to latitude 18°34.91' south, longitude 146°26.07' east
 - then due west to the high water mark on the mainland at latitude 18°34.91' south
 - then by the high water mark in a northerly direction along the eastern shoreline of the mainland to approximate latitude 18°31.41' south, longitude 146°19.87' east
 - then 352°(T) by a straight line returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

15 Mourilyan pilotage area

The Mourilyan pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—

SCHEDULE 6 (continued)

- the Moresby River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters within a 2 n mile radius centered at the south-eastern extremity of Goodman Point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

16 Cairns pilotage area

The Cairns pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the north-western extremity of Cape Grafton
 - then due north for 2 n miles
 - then across to the high water mark on the northern extremity of Taylor Point
 - then by the high water mark in a southerly direction along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

17 Port Douglas pilotage area

The Port Douglas pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
- Dicksons Inlet and connected waterways system from the head of navigation to the inlet mouth
 - from the inlet mouth, the waters within a 1 n mile radius centered at the northern extremity of Island Point on the mainland; and

SCHEDULE 6 (continued)

- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

18 Daintree River pilotage area

The Daintree River pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
- the Daintree River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters within a 2 n mile radius centered at the south head of the Daintree River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

19 Cooktown pilotage area

The Cooktown pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
- the Endeavour River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters bounded by an imaginary line drawn from the high water mark on Monkhouse Point due north to the high water mark on the mainland at the southern extremity of Indian Head; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

20 Cape Flattery pilotage area

The Cape Flattery pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the northern extremity of Lookout Point

SCHEDULE 6 (continued)

- then due east to longitude 145°15.87' east
 - then in a south-easterly direction to latitude 14°55.11' south, longitude 145°22.17' east
 - then south to latitude 14°59.91' south, longitude 145°23.07' east
 - then due west to the high water mark on the mainland at latitude 14° 59.91' south
 - then by the high water mark north along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

21 Thursday Island pilotage area

The Thursday Island pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at the western extremity of Smith Point on Horn Island
 - to the high water mark at the northern extremity of Heath Point (also known as Kiwain Point) on Prince of Wales Island
 - to the high water mark at the eastern extremity of Webb Point on Friday Island
 - along the high water mark of Friday Island, initially in a westerly direction, to the western extremity of Friday Island
 - to the high water mark at the western extremity of Tucker Point on Goods Island
 - along the high water mark of Goods Island, initially in a south-easterly direction, to the eastern extremity of Tessa Head on Goods Island
 - to the high water mark at the western extremity of Hammond Island (known as Diamond Point)

SCHEDULE 6 (continued)

- along the high water mark of Hammond Island, initially in a south-easterly direction, to the eastern extremity of Menmuir Point (also known as Gobau Point) on Hammond Island
 - to the high water mark at the northern extremity of King Point on Horn Island
 - along the high water mark of Horn Island, initially in a westerly direction, returning to the starting point; and
- (b) the navigable waters rivers of and creeks flowing, directly or indirectly, into the waters in paragraph (a).

22 Skardon River pilotage area

The Skardon River pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at approximate latitude 11°47.00' south, longitude 141°58.54' east on the mainland, south of the entrance of the Skardon River
 - then west to latitude 11°47.00' south, longitude 141°57.00' east
 - then north to latitude 11°44.50' south, longitude 141°57.00' east
 - then east to the high water mark on the mainland at approximate latitude 11°44.50' south, longitude 142°00.12' east
 - then by the high water mark initially in a southerly direction, returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

23 Weipa pilotage area

The Weipa pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—

SCHEDULE 6 (continued)

- starting at the high water mark on the western extremity of Jantz Point (west of Duyfken Point)
 - then in a southerly direction across to the high water mark on the western extremity of Boyd Point
 - then by the high water mark north along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

24 Karumba pilotage area

The Karumba pilotage area is the area of—

- (a) waters at the high water mark consisting of the following—
- the Norman River and connected waterways system from the head of navigation to the river mouth
 - from the river mouth, the waters within a 10 n mile radius centered at the north head of the Norman River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

SCHEDULE 6A

PILOTAGE AREAS FOR LIMITED EXEMPTION

section 152(2)(c)(ii)

Karumba pilotage area

SCHEDULE 6B

COMPULSORY PILOTAGE AREAS

section 148(2)

Southport pilotage area

Brisbane pilotage area

Noosa pilotage area

Maryborough pilotage area

Bundaberg pilotage area

Gladstone pilotage area

Rockhampton pilotage area

Part of the Hay Point pilotage area

The part of the Hay Point pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at the north head of the Bakers Creek entrance
 - then to latitude 21°10.76' south, longitude 149°17.73' east
 - then to latitude 21°13.50' south, longitude 149°19.00' east
 - then to latitude 21°14.00' south, longitude 149°20.50' east

SCHEDULE 6B (continued)

- then to latitude 21°17.91' south, longitude 149°20.50' east
 - then due west to the high water mark on the mainland at latitude 21°17.91' south
 - then by the high water mark in a northerly direction along the shoreline of the mainland returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Part of the Mackay pilotage area

The part of the Mackay pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the northern extremity of Slade Point
 - then due east to longitude 149°16.00' east
 - then to latitude 21°07.00' south, longitude 149°16.00' east
 - then to latitude 21°10.76' south, longitude 149°17.73' east
 - then in a west-south-westerly direction to the high water mark at the north head of the Bakers Creek entrance
 - then by the high water mark of the mainland in a northerly direction returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Bowen pilotage area

Abbot Point pilotage area

Townsville pilotage area

SCHEDULE 6B (continued)

Lucinda pilotage area

Mourilyan pilotage area

Cairns pilotage area

Port Douglas pilotage area

Daintree River pilotage area

Cooktown pilotage area

Part of the Cape Flattery pilotage area

The part of the Cape Flattery pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the northern extremity of Lookout Point
 - then due east to longitude 145°15.23' east
 - then to latitude 14°54.71' south, longitude 145°21.65' east
 - then to latitude 14°59.91' south, longitude 144°22.51' east
 - then due west to the high water mark on the mainland at latitude 14°59.91' south
 - then by the high water mark of the mainland in a northerly direction returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Part of the Skardon River pilotage area

The part of the Skardon River pilotage area that is the area of—

SCHEDULE 6B (continued)

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark at approximate latitude 11°46.73' south, longitude 141°58.63' east on the mainland, south of the entrance of the Skardon River
 - then west to latitude 11°46.73' south, longitude 141°57.28' east
 - then north to latitude 11°44.77' south, longitude 141°57.28' east
 - then east to the high water mark on the mainland at latitude 11°44.77' south, longitude 142°00.12' east
 - then by the high water mark, initially in a southerly direction, returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Thursday Island pilotage area

Weipa pilotage area

Karumba pilotage area

SCHEDULE 7

FEES

section 186

1 Accreditation of ship designers, ship builders and marine surveyors

(1) This section sets the fees for accreditation of ship designers, ship builders and marine surveyors.

(2) The fee for initial accreditation is the total of the following—

- (a) application fee—\$176.60;
- (b) approval fee—\$419.40.

(3) The fee for renewal of accreditation is \$176.60.

(4) The fee for replacing a certificate of accreditation is \$22.95.

2 Registration of recreational ships

(1) This section sets the fees for registration of recreational ships.

(2) The fee is the total of the registration and recreational use components.

(3) The registration component for a recreational ship is—

- (a) for a ship not over 4.5 m—\$43.75; or
- (b) for a ship over 4.5 m but not over 6 m—\$76.60; or
- (c) for a ship over 6 m but not over 10 m—\$109.40; or
- (d) for a ship over 10 m but not over 15 m—\$131.25; or
- (e) for a ship over 15 m but not over 20 m—\$164.10; or
- (f) for a ship over 20 m—\$207.85.

(4) The recreational use component for a recreational ship is \$12.00.

SCHEDULE 7 (continued)

3 Pensioner concessions

(1) This section applies to the owner of a recreational ship.

(2) The owner is exempt from paying the registration fee for 1 recreational ship if the owner receives a totally and permanently incapacitated war pension.

(3) The owner is exempt from paying 50% of the registration component for 1 recreational ship if the owner holds a pensioner concession card or receives—

- (a) a full rate age pension; or
- (b) a disability support pension; or
- (c) an Australian/United Kingdom reciprocal pension; or
- (d) a service or general rate disability pension.

(4) The owner is exempt from paying 50% of the registration component for 1 recreational ship if the owner holds a seniors card.

(5) In this section—

“pensioner concession card” means a card known as a pensioner concession card issued under a Commonwealth law.

“seniors card” means a Queensland Government seniors card.

4 Registration of commercial ships

(1) This section sets the fees for registration and renewal of registration of commercial ships.

(2) The fee is the total of the registration, boating facilities and compliance monitoring components.

(3) The registration component for a commercial ship is—

- (a) for a ship not over 4.5 m—\$44.30; or
- (b) for a ship over 4.5 m—\$76.25.

(4) The boating facilities component for a commercial ship is as follows—

- (a) for a ship not over 10 m—\$7.85 for each metre or part of a metre;

SCHEDULE 7 (continued)

- (b) for a ship over 10 m but not over 35 m—\$78.50 plus \$12.90 for each additional metre, or part of a metre;
- (c) for ship over 35 m—\$403.70.

(5) The compliance monitoring component for class 1B, C, D and E ships and class 2B, C, D and E ships is as follows—

- (a) for a ship not over 7 m—\$112.15;
- (b) for a ship over 7 m but not over 10 m—\$274.75;
- (c) for a ship over 10 m but not over 15 m—\$342.05;
- (d) for a ship over 15 m but not over 20 m—\$420.50;
- (e) for a ship over 20 m but not over 25 m—\$482.20;
- (f) for a ship over 25 m but not over 35 m—\$543.85;
- (g) for a ship over 35 m but not over 50 m—\$644.80;
- (h) for a ship over 50 m but not over 75 m—\$695.25;
- (i) for a ship over 75 m but not over 100 m—\$796.20;
- (j) for a ship over 100 m—\$992.40.

(6) The compliance monitoring component for class 1F ships is as follows—

- (a) for a ship not over 7 m—\$43.20;
- (b) for a ship over 7 m but not over 10 m—\$72.90;
- (c) for a ship over 10 m but not over 15 m—\$107.65;
- (d) for a ship over 15 m but not over 20 m—\$145.80;
- (e) for a ship over 20 m but not over 25 m—\$213.05;
- (f) for a ship over 25 m but not over 35 m—\$252.30;
- (g) for a ship over 35 m—\$285.95.

(7) The compliance monitoring component for commercial hovercraft is as follows—

- (a) for a hovercraft not over 5 m—\$107.65;
- (b) for a hovercraft over 5 m but not over 7.5 m—\$145.80;

SCHEDULE 7 (continued)

- (c) for a hovercraft over 7.5 m but not over 10 m—\$224.25;
- (d) for a hovercraft over 10 m but not over 15 m—\$291.55;
- (e) for a hovercraft over 15 m but not over 20 m—\$442.95;
- (f) for a hovercraft over 20 m but not over 30 m—\$588.75;
- (g) for a hovercraft over 30 m—\$734.50.

(8) A ship owned by any of the following and used for rescue purposes is exempt from payment of the registration fees—

- (a) the emergency services department;
- (b) a volunteer marine rescue association or a surf lifesaving association accredited by that department.

(9) A ship used exclusively for a marine studies course provided by a high school or secondary college (including a senior college) is exempt from payment of registration fees.

5 Registration of fishing ships

(1) This section sets the fees for registration of fishing ships.

(2) The fees consist of the following compliance monitoring components—

- (a) for a ship over 10 m but not over 15 m—\$123.35;
- (b) for a ship over 15 m but not over 20 m—\$336.40;
- (c) for a ship over 20 m but not over 25 m—\$414.90;
- (d) for a ship over 25 m but not over 35 m—\$521.45;
- (e) for a ship over 35 m but not over 50 m—\$644.80;
- (f) for a ship over 50 m but not over 75 m—\$695.25;
- (g) for a ship over 75 m but not over 100 m—\$796.20;
- (h) for a ship over 100 m—\$992.40.

SCHEDULE 7 (continued)

6 Other registration fees

(1) This section sets the fees for miscellaneous aspects of ships registration.

(2) The fees are as follows—

- (a) for a replacement registration label and certificate of registration for a commercial or a fishing ship—\$37.00;
- (b) for an extract from the registered ships register from information in the register—
 - (i) when the application is made—\$11.20;
 - (ii) on another day—\$17.95.

7 Restricted use flags

(1) This section sets the fee for the issue and replacement of restricted use flags.

(2) The fees are as follows—

- (a) for an initial flag—\$162.60;
- (b) for a second or subsequent flag—\$66.15;
- (c) for a replacement flag—\$34.75;
- (d) for a flag for up to 1 month—\$58.30.

8 Design approval certificates

(1) This section sets the fee for issuing a design approval certificate.

(2) The fees are as follows—

- (a) application fee for the issue of the certificate and if requested by the applicant, the giving of a quote for the design examination fee—\$92.70;
- (b) design examination fee—
 - (i) if an appropriately accredited ship designer has issued a certificate of compliance for the design and the certificate, or a copy of it, is given to the chief executive with the

SCHEDULE 7 (continued)

application—\$82.80 an hour of examination time, to the nearest 15 minutes;

- (ii) otherwise—\$110.40 an hour of examination time to the nearest 15 minutes.

(3) Despite subsection (2)(b), if the chief executive has given a written quotation for the design examination fee and the applicant has accepted the quotation, the design examination fee is the lesser of—

- (a) the quoted fee; and
- (b) the fee that would otherwise be payable under subsection (2)(b) for the time taken to examine the design.

9 Certificates of survey

(1) This section sets the fee for a certificate of survey.

(2) The fees are as follows—

- (a) application fee for the issue of a certificate of survey—\$94.20;
- (b) for inspecting the ship (if necessary) and examining the documents required to be submitted with the application—\$82.80 an hour of inspection or examination time (excluding travelling time) to the nearest 15 minutes;
- (c) the reasonable travelling expenses for inspecting the ship;
- (d) for issuing the certificate of survey—\$7.15.

10 Licences to operate commercial or fishing ships

(1) This section sets the fees for licences to operate commercial or fishing ships as master and to act as crew for ships.

(2) The fees for full licences are as follows—

- (a) for a master class 3 and skipper grade 1—\$173.80;
- (b) for a master class 4, mate class 4 and skipper grade 2—\$173.80;
- (c) for a master class 5 and skipper grade 3—\$123.35;
- (d) for a coxswain—\$56.10;

SCHEDULE 7 (continued)

- (e) engineer class 3—\$218.65;
 - (f) marine engine driver grade 1—\$140.15;
 - (g) marine engine driver grade 2—\$103.15;
 - (h) marine engine driver grade 3—\$103.15.
- (3) The fees for subjects taken separately are as follows—
- (a) for a licence mentioned in subsection (2)(a) or (b)—\$31.95;
 - (b) for a licence mentioned in subsection (2)(c) or (d)—\$25.25;
 - (c) for another licence mentioned in subsection (2)—\$51.00.

11 Licences to operate recreational ships

(1) This section sets the fee for a licence to operate a recreational ship as its master.

(2) The fee is \$32.05.

12 Pilot licence and exemption from pilotage

(1) This section sets the fees for licences to have the conduct of a ship as its pilot and for the granting of an exemption from pilotage.

(2) The fees for an application are as follows—

- (a) for a pilot's licence (prescribed entity) competency examination—\$157.00;
- (b) for a pilotage exemption competency examination—\$157.00;
- (c) for an amendment of a pilotage exemption—\$157.00;
- (d) for an amendment of a pilot licence (prescribed entity)—\$157.00.

(3) The fee for issue of any of the following is \$157.00—

- (a) a pilot's licence (prescribed entity);
- (b) a pilotage exemption;

SCHEDULE 7 (continued)

- (c) an amended pilot's licence;
- (d) an amended pilot's licence (prescribed entity).

13 Other licence fees

(1) This section sets the fees for miscellaneous aspects of licensing to operate ships.

(2) The fees are as follows—

- (a) for issue of a licence for a commercial or fishing ship if no written examination is required—\$48.20;
- (b) for issue of a load line certificate for a ship—\$100.90;
- (c) for an assessment for a commercial hovercraft endorsement—\$196.25;
- (d) for an application for—
 - (i) an eyesight or colour vision test for a licence (other than a recreational ship master's licence)—\$16.25;
 - (ii) an additional condition on licences—\$31.95;
- (e) for a sea time assessment—\$32.55;
- (f) for a temporary permit to operate a commercial or fishing ship as a master or crew member—\$90.85;
- (g) for replacement of a recreational ship master's licence—\$13.90;
- (h) for replacement of a commercial ship licence, fishing ship licence, pilot licence or pilotage exemption—\$24.10;
- (i) for renewal of a commercial or fishing ship licence—\$31.95;
- (j) for renewal of pilot's licence (prescribed entity)—\$77.35;
- (k) for renewal of pilotage exemption—\$77.35.

14 Training approval

(1) This section sets the fee for approval of an entity to provide training.

(2) The fee is \$319.35.

SCHEDULE 7 (continued)

15 Pilotage fees

(1) This section sets the fees for pilotage.

(2) The fees are as follows—

(a) for the Brisbane pilotage area—

(i) per gross ton or part of a gross ton—

(A) for the first 10 000 gt 21.1c;

(B) over 10 000 gt to 20 000 gt 12.4c;

(C) over 20 000 gt to 30 000 gt 8.2c;

(D) over 30 000 gt 2.2c;

(ii) minimum charge \$726.10;

(b) for the Southport, Maryborough, Port Douglas and Cooktown pilotage areas—

(i) per gross ton or part of a gross ton—

(A) for the first 20 000 gt 10.2c;

(B) over 20 000 gt to 40 000 gt 6.3c;

(C) over 40 000 gt 4.0c;

(ii) minimum charge \$366.60;

(c) for pilotage areas other than the areas mentioned in paragraphs (a) and (b)—the fee to be fixed by the relevant port authority.

16 Other pilotage fees

(1) This section sets other fees about pilotage.

(2) The fees for the Brisbane, Southport, Maryborough, Port Douglas and Cooktown pilotage areas are as follows—

*Transport Operations (Marine Safety)
Regulation 1995*

SCHEDULE 7 (continued)

- (a) removal charges if the ship's gross register tonnage—
- | | \$ | \$ | \$ |
|---|---------------------|---------------------|----------------------|
| (i) is not over 1 000 tons | 163.30 ¹ | 239.70 ² | 313.70 ³ |
| (ii) over 1 000 tons but not over
6 000 tons | 307.85 ¹ | 412.40 ² | 518.15 ³ |
| (iii) over 6 000 tons but not over
10 000 tons | 450.00 ¹ | 585.10 ² | 704.95 ³ |
| (iv) over 10 000 tons | 630.95 ¹ | 735.50 ² | 868.30; ³ |
- (b) if the pilot cannot leave the ship after the pilotage ends—the reasonable costs of returning the pilot to the relevant pilotage area.

¹ for the first 3 n mile

² over 3 n mile up to 10 n mile

³ over 10 n mile

(3) For pilotage areas other than the areas mentioned in subsection (2), other fees about pilotage are the fees to be fixed by the relevant port authority.

17 Conservancy fees

(1) This section sets the fees for conservancy.

(2) The fees are as follows—

- (a) for a ship on an interstate voyage, per gross ton or part of a gross ton—
- | | |
|------------------------------------|--------|
| (i) for the first 500 gt | 8.9c; |
| (ii) over 500 gt | 14.4c; |
- (b) any other ship, per gross ton or part of a gross ton 14.4c.

SCHEDULE 7 (continued)

18 Interest rate

(1) This section sets the interest rate for section 161.¹³⁰

(2) The rate is 10% a year.

19 Gross tonnage for certain ships

For sections 15 to 17,¹³¹ the gross tonnage of a ship stated in table A, column 1, with the Lloyds register number stated in table A, column 2, is the gross tonnage stated in table A, column 3.

Table A

Column 1	Column 2	Column 3
Ship	Lloyds No.	Tonnage
Texas	8204963	26790
Toba	7705972	20623
Taiko	8204975	27902
Tourcoing	7705946	21054
Tapiola	7705934	21049
Tampa	8204951	26790
Tampere	7718577	21318
Nedlloyd Rochester	7704605	19072
CGM Renoir	7702877	15632
CGM Ronsard	7702889	15632

¹³⁰ Section 161 (Interest on unpaid fees)

¹³¹ Sections 15 (Safety equipment for recreational ship operating in smooth waters), 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond) and 17 (Exceptions for anyone on recreational ship wearing a divers jacket)

SCHEDULE 7 (continued)

20 Buoy moorings

(1) This section sets the fees for buoy moorings.

(2) The application fee is the total of the assessment and occupation components.

(3) The assessment component is \$54.70.

(4) The occupation component is—

(a) for a mooring for restricted use—

(i) in a category 2 area—\$54.70; or

(ii) in a category 3 area—\$32.80; or

(b) for a mooring for unrestricted use—

(i) in a category 2 area—\$109.40; or

(ii) in a category 3 area—\$54.70.

(5) The renewal fee is—

(a) for a mooring for restricted use—

(i) in a category 2 area—\$54.70; or

(ii) in a category 3 area—\$32.80; or

(b) for a mooring for unrestricted use—

(i) in a category 2 area—\$109.40; or

(ii) in a category 3 area—\$54.70.

21 Concession for certain unrestricted use buoy moorings

(1) This section applies if the holder of an unrestricted use buoy mooring authority who carries on a business allows business clients to use the mooring free of charge.

(2) The application and renewal fees for the authority, for each mooring after the first 5 moorings, are—

(a) in a category 2 area—\$43.75; or

(b) in a category 3 area—\$32.80.

SCHEDULE 7 (continued)

22 Aquatic events

- (1) This section sets the fees for aquatic events.
- (2) The fees are as follows—
 - (a) for an application for an aquatic event authority—\$22.10 for each event;
 - (b) for an application by a genuine boating or sporting club for an aquatic event authority for an events program that is not longer than 3 months, is held at the same venue and where the conditions imposed under the authority for each event in the program are substantially the same conditions—\$22.10.

23 Administration fee on registration refund

- (1) This section sets the administration fee on a refund of a ship's registration under section 187.¹³²
- (2) The fee is \$10.40.

132 Section 187 (Refund of fees on surrender of ship's registration)

SCHEDULE 8

PARTIALLY SMOOTH WATERS

schedule 11, definition “partially smooth waters”

1 Brisbane

The waters bounded by an imaginary line drawn—

- from parallel 27°05.90' south on the mainland
- to South Point, Bribie Island
- along the southern shore of Bribie Island to Skirmish Point
- to Comboyuro Point, Moreton Island
- along the western shore of Moreton Island to Reeders Point
- to Amity Point, North Stradbroke Island
- to Cleveland Point on the mainland.

2 Maryborough

The waters bounded by an imaginary line drawn—

- from Burrum Point on the mainland
- to the Fairway Beacon, Hervey Bay
- to Rooney Point, Fraser Island
- along the western shore of Fraser Island to latitude 25°22.90' south
- to latitude 25°24.90' south, longitude 152°58.06' east
- due west to the mainland at latitude 25°24.90' south.

3 Gladstone

The waters bounded by an imaginary line drawn—

- from Clews Point on the mainland

SCHEDULE 8 (continued)

- to East Point, Facing Island
- along the southern shore of Facing Island to latitude 23°51.91' south
- due west to South Trees Island at latitude 23°51.91' south
- along the northernmost shore of South Trees Island to latitude 23°51.91' south at its western shore
- due west to the mainland at latitude 23°51.91' south.

4 Keppel Bay

The waters bounded by an imaginary line drawn—

- from Cattle Point on the mainland
- to Sea Hill Point, Curtis Island
- along the northern shore of Curtis Island to Cape Keppel
- to a point situated .5 n miles east of Egg Rock
- to a point situated .5 n miles east of The Child
- to a point situated .5 n miles east of Outer Rocks
- to Water Park Point on the mainland.

5 Llewellyn Bay

The waters bounded by an imaginary line drawn—

- from the high water mark on the northern extremity of Cape Palmerston
- to latitude 21°18.00' south, longitude 149°20.00' east
- to the high water mark on the mainland at latitude 21°18.00' south.

6 Mackay/Hay Point

The waters bounded by an imaginary line drawn—

SCHEDULE 8 (continued)

- from the high water mark on the mainland at latitude 21°18.00' south
- to latitude 21°18.00' south, longitude 149°30.00' east
- to latitude 21°10.00' south, longitude 149°30.00' east
- to latitude 21°07.00' south, longitude 149°18.50' east
- to latitude 21°02.50' south, longitude 149°15.00' east
- to the high water mark on the mainland at the northern extremity of Slade Point.

7 Sand Bay

The waters bounded by an imaginary line drawn—

- from the high water mark on the mainland at the northern extremity of Slade Point
- to latitude 21°02.50' south, longitude 149°15.00' east
- to latitude 20°57.00' south, longitude 149°11.00' east
- to latitude 20°52.90' south, longitude 149°04.40' east
- to the high water mark on the mainland at the north-eastern extremity of Cape Hillsborough.

8 St Helens Bay

The waters bounded by an imaginary line drawn—

- from the high water mark on the mainland at the north-eastern extremity of Cape Hillsborough
- to latitude 20°52.90' south, longitude 149°04.40' east
- to latitude 20°45.00' south, longitude 148°53.00' east
- to latitude 20°36.00' south, longitude 148°55.00' east
- to the high water mark at the eastern extremity of the southern bank of the mouth of Hervey Creek on the mainland.

SCHEDULE 8 (continued)

9 Bowen, Whitsunday Passage and Edgcumbe Bay

The waters bounded by an imaginary line drawn—

- from the high water mark at the eastern extremity of the southern bank of the mouth of Hervey Creek on the mainland
- to the south-western extremity of Shaw Island
- along the western shore of Shaw Island and Gaibirra Island to the northern extremity of Gaibirra Island
- to the southern extremity of Maher Island
- along the western shore of Maher Island to Jesuit Point
- to the southern extremity of Harold Island
- along the eastern shore to the northern extremity of Harold Island
- to the south-eastern extremity of Deloraine Island
- along the eastern shore to the north-eastern extremity of Deloraine Island
- to a point situated 1 n mile north-east of Pinnacle Point, Hook Island
- to a point situated 1 n mile north of Dolphin Point, Hayman Island
- to a point situated 1 n mile north of the northern extremity of Eshelby Island
- to a point situated 1 n mile north of the northern extremity of Rattray Island
- to a point situated 1 n mile north of Gloucester Head, Gloucester Island
- to the north headland at the mouth of the Don River on the mainland.

10 Upstart Bay

The waters of Upstart Bay south of a line between the north-western extremity of Cape Upstart to the high water mark at approximate latitude 19°40.02' south, longitude 147°36.44' east, in the vicinity of Rita Island

SCHEDULE 8 (continued)

11 Townsville

The waters bounded by an imaginary line drawn—

- from Cape Pallarenda on the mainland
- to Bay Rock
- to a point situated .5 n miles north of White Rock
- to a point situated .5 n miles north of The Point, Magnetic Island
- to a point situated .5 n miles north of Orchard Rocks
- to Cape Cleveland on the mainland.

12 Palm Islands

The waters bounded by an imaginary line drawn—

- from Lucinda Point on the mainland
- to George Point, Hinchinbrook Island
- to the northern extremity of Pelorus Island
- along the western shore of Pelorus Island to its south-western extremity
- to Iris Point, Orpheus Island
- along the western and southern shores of Orpheus Island to latitude 18°39.31' south on the eastern side of the island
- to the western extremity of Curacoa Island
- along the northern and eastern shores of Curacoa Island to its eastern extremity
- to the northern extremity of Great Palm Island
- along the western shore of Great Palm Island to latitude 18°44.91' south
- due west to the mainland.

SCHEDULE 8 (continued)

13 Rockingham Bay

The waters bounded by an imaginary line drawn—

- from Ninney Point on the mainland
- to a point situated .5 n miles east of Clump Point on the mainland
- to a point situated .5 n miles east of South Island in the Brook Islands Group
- to Cape Sandwich, Hinchinbrook Island
- along the northern shore of Hinchinbrook Island to Hecate Point
- to the high water mark at latitude 18°14.91' south on the mainland.

14 Cairns

The waters bounded by an imaginary line drawn—

- from Buchan Point on the mainland
- to a point situated .5 n miles north of the northern extremity of Double Island
- to a point situated .5 n miles north of Upolu Reef
- then following the northern and eastern edges of Upolu Reef at a distance of .5 n miles from the reef
- to a point situated .5 n miles off the eastern extremity of Upolu Reef
- to the eastern extremity of Green Island
- to the eastern extremity of Little Fitzroy Island
- along the south-eastern shore to the southern extremity of Little Fitzroy Island
- to the north-eastern extremity of Fitzroy Island
- along the western shore of Fitzroy Island to its south-western extremity
- to the southern headland of Little Turtle Bay on the mainland.

SCHEDULE 8 (continued)

15 Port Douglas

The waters bounded by an imaginary line drawn—

- from Island Point on the mainland
- to a point situated .5 n miles east of the Low Islets
- to Cape Tribulation on the mainland.

16 Thursday Island

The waters bounded by an imaginary line drawn—

- from Van Speult Point on the mainland
- to a point situated .5 n miles south-west of Barn Island (also known as Parau Island)
- to latitude 10°43.51' south, longitude 142°15.87' east on Prince of Wales Island in the vicinity of Rattlesnake Point
- along the eastern and northern shores of Prince of Wales Island to Hochepped Head
- to the western extremity of Friday Island
- to Harrison Rock
- to Hammond Rock
- to a point situated .5 n miles north of Ince Point, Wednesday Island
- to Strait Rock
- to King Point, Horn Island
- along the eastern and southern shores of Horn Island to Garagar Point
- to Peak Point on the mainland
- along the shore to Van Speult Point.

17 Weipa

The waters bounded by an imaginary line drawn—

SCHEDULE 8 (continued)

- from Duyfken Point on the mainland
- to Thud Point on the mainland
- along the shore to Duyfken Point.

18 Karumba

The waters from the river mouth within a 7.5 n mile radius of the north head of the Norman River entrance.

SCHEDULE 9

SMOOTH WATERS

schedule 11, definition “smooth waters”

1 Brisbane

(1) The waters bounded by an imaginary line drawn—

- from Cleveland Point on the mainland
- to Amity Point, North Stradbroke Island
- along the western shore of North Stradbroke Island to longitude 153°26.56' east
- due south to South Stradbroke Island
- along the western shore of South Stradbroke Island to the outer northern breakwater of the Gold Coast Seaway
- to the outer southern breakwater of the Gold Coast Seaway at The Spit on the mainland.

(2) The waters bounded by an imaginary line drawn—

- from latitude 27°05.90' south on the mainland
- to South Point, Bribie Island
- along the western shore of Bribie Island to its northern extremity
- to the high water mark at longitude 153°07.81' east on the mainland.

2 Maryborough

The waters bounded by an imaginary line drawn—

- from latitude 25°24.90' south on the mainland
- due east to longitude 152°58.06' east
- then in a north easterly direction to the intersection of latitude 25°22.90' south and Fraser Island

SCHEDULE 9 (continued)

- along the western shore of Fraser Island to longitude 153°04.06' east
- to Inskip Point on the mainland.

3 Gladstone

The waters bounded by an imaginary line drawn—

- from latitude 23°51.91' south on the mainland
- due east to Facing Island
- along the western shore of Facing Island to North Point
- to Connor Bluff, Curtis Island
- along the southern and western shores of Curtis Island to latitude 23°33.91' south
- due west to Division Point on the mainland.

4 Port Alma

The waters bounded by an imaginary line drawn—

- from Cattle Point on the mainland
- to Sea Hill Point, Curtis Island
- along the western shore of Curtis Island to latitude 23°33.91' south
- due west to Division Point on the mainland.

5 Bowen

The waters bounded by an imaginary line drawn—

- from Dalrymple Point on the mainland
- to Adelaide Point on the mainland
- along the shore to Dalrymple Point.

SCHEDULE 9 (continued)

6 Lucinda

The waters bounded by an imaginary line drawn—

- from Lucinda Point on the mainland
- to George Point, Hinchinbrook Island
- along the southern and western shores of Hinchinbrook Island to Hecate Point
- to the high water mark at latitude 18°14.91' south on the mainland.

7 Mourilyan

The waters bounded by an imaginary line drawn—

- from Goodman Point on the mainland
- to Camp Point on the mainland
- along the shore to Goodman Point.

8 Cairns

The waters bounded by an imaginary line drawn—

- from Bessie Point on the mainland
- to Ellie Point on the mainland
- along the shore to Bessie Point.

9 Port Douglas

The waters bounded by an imaginary line drawn—

- from Island Point on the mainland
- due north to latitude 16°28.41' south
- due west to the mainland.

SCHEDULE 9 (continued)

10 Cooktown

The waters bounded by an imaginary line drawn—

- from the vicinity of Queens Chair at longitude 145°15.39' east on the mainland
- to latitude 15°27.01' south, longitude 145°15.67' east
- due west to the mainland.

11 Thursday Island

The waters bounded by an imaginary line drawn—

- from longitude 142°15.37' east on Horn Island
- due north to latitude 10°33.01' south, near Channel Rock
- due west to Hammond Island at latitude 10°33.01' south
- along the southern shore of Hammond Island to Kate Point
- to Heath Point (also known as Kiwain Point), Prince of Wales Island
- along the eastern shore of Prince of Wales Island to Red Point
- to Garagar Point, Horn Island
- along the western shore to longitude 142°15.37' east on Horn Island.

12 Weipa

The waters bounded by an imaginary line drawn—

- from Wooldrum Point on the mainland
- to latitude 12°35.01' south, longitude 141°47.67' east on the mainland
- along the shore to Wooldrum Point.

SCHEDULE 9 (continued)

13 Karumba

The waters from the river mouth within a 4 n mile radius of the north head of the Norman River entrance.

SCHEDULE 10

TORRES STRAIT ZONE

schedule 11, definition “Torres Strait zone”

The Torres Strait zone is the area of waters enclosed by an imaginary line drawn—

- starting at latitude 10°40.91' south, longitude 145°00.06' east
- then due west to the high water mark on the eastern shoreline of Eborac Island at latitude 10°40.91' south
- then by the high water mark in a south-westerly direction along the shoreline of Eborac Island to the south-western extremity of the island
- then across to the high water mark on the northern extremity of Cape York
- then by the high water mark in a westerly direction along the northern shoreline and in a south-westerly direction along the western shoreline of Cape York Peninsula to the western extremity of Vrilya Point at approximate latitude 11°13.41' south, longitude 142°07.07' east
- then in a north-westerly direction to the south-western extremity of the protected zone at latitude 10°27.91' south, longitude 141°20.07' east
- then due north along longitude 141°20.07' east to where the boundary of the protected zone intersects the boundary of the fisheries jurisdiction line at latitude 10°10.31' south
- then in an easterly direction along the boundary of the fisheries jurisdiction line to where the line intersects the longitude 145°00.06' east at latitude 10°13.31' south
- then due south along longitude 145°00.06' east to latitude 10°40.91' south at the starting point.

SCHEDULE 10A

FISHING SHIP OPERATIONAL AREA

schedule 11, definition “fishing ship operational area”

The fishing ship operational area is the area of—

- (a) waters bounded by an imaginary line—
- starting at a point that is the intersection of the coastline at the mean high water mark at the boundary of the Northern Territory of Australia and the State of Queensland
 - then in a north-easterly direction to latitude 15°54.91' south, longitude 138°30.07' east
 - then due north along longitude 138°30.07' east to its intersection with latitude 14°29.91' south
 - then due east along latitude 14°29.91' south to its intersection with longitude 139°15.07' east
 - then due north along longitude 139°15.07' east to its intersection with latitude 11°10.91' south
 - then in a north-easterly direction along the fisheries jurisdiction line to latitude 10°58.91' south, longitude 140°00.07' east
 - then in a north-easterly direction along the fisheries jurisdiction line to latitude 10°10.31' south, longitude 141°20.07' east, which is where the fisheries jurisdiction line intersects the western boundary of the protected zone
 - then in a general easterly direction along the boundary of the fisheries jurisdiction line to where the line intersects longitude 145°00.07' east, latitude 10°13.31'
 - then due south along longitude 145°00.07' east to its intersection with latitude 12°59.91' south
 - then in a south-easterly direction to the point of latitude 14°59.91' south, longitude 146°00.07' east

SCHEDULE 10A (continued)

- then in a south-easterly direction to the point of latitude 18°19.91' south, longitude 148°20.06' east
 - then in an easterly direction to the point of latitude 18°44.91' south, longitude 152°35.06' east
 - then in a south-easterly direction to the point of latitude 22°14.90' south, longitude 154°40.06' east
 - then due south along longitude 154°40.06' east to its intersection with latitude 27°47.32' south
 - then in a westerly direction to the point of latitude 27°47.90' south, longitude 154° 22.06' east
 - then in a south-westerly direction to the point of latitude 27°57.90' south, longitude 154°00.06' east
 - then in a south-westerly direction to the intersection of the eastern shore of Australia with latitude 28°09.90' south
 - then along the shoreline of the mainland at the mean high water mark returning to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

SCHEDULE 11

DICTIONARY

section 4

“approved chemist” see section 110.

“approved form” means a form approved by the chief executive under section 185.

“area VTS” for part 5, division 5A, see section 92A.

“Australian registered ship” means a ship registered under—

- (a) the Act; or
- (b) the *Shipping Registration Act 1981* (Cwlth); or
- (c) a law of another State about the registration of ships.

“authority” see section 123.

“boat harbour” means a boat harbour mentioned in the *Transport Infrastructure (Management of Harbour Works) Regulation 1992*, schedule 2.

“class” of a ship means the class of the ship under the Code.

“classification society” means a classification society approved by the Australian Maritime Safety Authority.

“coast” means the high water mark on the shoreline of Queensland or any island forming part of the State.

“Code” means the Uniform Shipping Laws Code adopted by the Commonwealth, State and Territory Ministers.

“Collision Regulations” means the Prevention of Collision Convention within the meaning of the Commonwealth Navigation Act.

“combination carrier” see section 110.

“commercial hire ship” means a commercial ship without master or crew, hired or made available by a person (the **“provider”**) for the

SCHEDULE 11 (continued)

recreational use of another person (the “**user**”) under a commercial arrangement between the provider and the user.

Examples of a commercial hire ship—

A cruiser, dinghy, houseboat, personal watercraft and yacht hired for recreational use.

“**commercial ship**” means—

- (a) a ship other than a fishing or recreational ship; or
- (b) a tender to a ship mentioned in paragraph (a).

“**convicted**” of an offence means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction was recorded.

“**dangerous cargo**” see section 110.

“**dangerous cargo code**” see section 110.

“**dangerous cargo event**” see section 110.

“**dangerous goods**” see section 110.

“**design approval certificate**” means a certificate issued by the chief executive certifying that the chief executive has approved the design for a ship, or part of a ship, under section 70A of the Act.

“**emergency services department**” means the department within which the *State Counter-Disaster Organisation Act 1975* is administered.

“**employee**” means—

- (a) a natural person; or
- (b) an agent who is a natural person.

“**EPIRB**” means an emergency position indicating radio beacon.

“**explosives**” see section 110.

“**fisheries jurisdiction line**” means the line stated in annex 8 to the Torres Strait Treaty.

“**fishing ship**” means a ship—

- (a) operated and licensed as a primary or tender commercial fishing under the *Fisheries Regulation 1995*; or

SCHEDULE 11 (continued)

(b) otherwise, authorised under an authority under the *Fisheries Act 1994* for fishing or aquaculture purposes.

“fishing ship operating area” means the waters described in schedule 10A.

“further building” see section 23(3).

“gas free” see section 110.

“Great Barrier Reef Region” has the meaning given by the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

“gross tonnage” or **“gt”** of a ship means the gross tonnage of the ship calculated in the way authorised in the International Convention on the Tonnage Measurement of Ships 1969.

“handle” see section 110.

“holder” of an authority means—

(a) for the registration of a ship—the person in whose name the ship is registered; or

(b) in any other case—the person to whom the authority is granted.

“IMDG Code” see section 110.

“IMO” see section 110.

“inert condition” see section 110.

“inflatable ship” means a ship to which International Standards Organisation Standard 6185 for small craft-inflatable boats, parts 1 to 3 applies.

“land” means a part of earth’s surface (other than a reef) above the highest water mark.

“length” means measured length within the meaning of section 1, part 2 of the Code.

“local marine service” see section 110.

“lower flammable limit” see section 110.

“Marine Orders” means the Marine Orders made under section 425(1AA) of the Commonwealth Navigation Act.

“marine safety legislation” means any of the following—

SCHEDULE 11 (continued)

- (a) the Act;
- (b) the *Queensland Marine Act 1958*;
- (c) a law of the Commonwealth, a State or a foreign country about marine safety.

“MARPOL” has the meaning given by the *Transport Operations (Marine Pollution) Act 1995*.

“materials hazardous only in bulk” or **“MHBs”** see section 110.

“metres” or **“m”**, in relation to a ship, means—

- (a) if used as a stated number of metres—the length of the ship in metres; or
- (b) if used as more or less than a stated number of metres—the length of the ship is more or less than the stated number of metres.

“MS” means a standard made under the *Radiocommunications Act 1983* (Cwlth).

“official traffic sign” has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

“partially smooth waters” means the Queensland waters stated in schedule 8 other than to the extent the waters are within .5 n miles from land.

“personal flotation device” or **“PFD”** means a buoyancy aid that a person wears to keep the person afloat in the water.

“personal watercraft” means a power driven ship that—

- (b) has a fully enclosed hull that does not take on water if capsized; and
- (c) is designed to be operated by a person standing, crouching or kneeling on it or sitting astride it.

“PFD type 1” means any of the following—

- (a) a personal flotation device complying with Australian Standard 1512;
- (b) a lifejacket that conforms with chapter III, regulation 32 of SOLAS;

SCHEDULE 11 (continued)

(c) a coastal lifejacket approved under section 10, appendix R of the Code.

“PFD type 2” means a personal flotation device complying with Australian Standard 1499.

“PFD type 3” means a personal flotation device complying with Australian Standard 2260.

“port” has the meaning given by the *Transport Infrastructure Act 1994*.

“port authority” has the meaning given by the *Transport Infrastructure Act 1994*.

“positive flotation”, for a ship, means an attribute of the ship to remain afloat in the upright position when it is filled with water, and support its normal complement of passengers and crew, because of the way the ship is built or the materials from which it is constructed, or both.

“protected zone” means the zone stated in annex 9 of the Torres Strait Treaty.

“qualifications” includes experience.

“radio” for part 5, division 5A, see section 92A.

“recreational ship” means—

- (a) a ship used exclusively for private recreation; or
- (b) a tender to a ship mentioned in paragraph (a).

“register” means the register of registered ships kept by the chief executive under section 48.

“registered” means registered under this regulation.

“registrable ship” means a ship to which part 5, division 2 of the Act applies.

“restricted use flag” means a flag authorising the operation of a ship for any of the following—

- (a) for a genuine trial test or demonstration of the ship’s seaworthiness or some other operational aspect of the ship or its equipment;
- (b) for building, disposing of, fitting out, relocating, removing or repairing, the ship;

SCHEDULE 11 (continued)

- (c) if a completed ship is intended to be used as a commercial or fishing ship and an accredited ship designer, builder or marine surveyor has been requested to issue a certificate of compliance for the ship—for use as a commercial or fishing ship for a term not longer than 28 days;
- (d) for another purpose necessary to maintain the effectiveness and efficiency of the Queensland marine industry for a term not longer than 28 days.

“small ship” for part 5, division 5A, see section 92A.

“smooth waters” means the waters—

- (a) of rivers, creeks, streams and lakes; or
- (b) within breakwaters or revetments; or
- (c) the waters described in schedule 8 that are within .5 n miles from land; or
- (d) described in schedule 9.

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974, and its Protocols of 1978.

“speed” means speed over the ground.

“speed sign” means a sign erected or marked under section 97.

“tender”, for a ship, means an auxiliary ship employed to attend the ship excluding a lifeboat for a commercial or fishing ship required under sections 7 and 10.

“Torres Strait Treaty” has the meaning given by the *Torres Strait Fisheries Act 1984*.

“Torres Strait zone” means the waters described in schedule 10.

“training provider” means—

- (a) a high school or secondary college, including a senior college; or
- (b) an entity carrying on the business of providing training in the operation of ships.

“V sheet” means a rectangular sheet of water resistant material that—

- (a) is fluorescent orange or red; and

SCHEDULE 11 (continued)

- (b) has the letter 'V' displayed prominently on it in black; and
- (c) is of a minimum size of 1.8 m x 1.2 m.

“whole ship” means all the aspects of designing, building or surveying a ship, or part of a ship that, when combined, ensure that the ship is seaworthy and appropriately equipped to meet the ordinary perils of voyages within its intended operational area.

ENDNOTES

1 Index to 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). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2002. Future amendments of the Transport Operations (Marine Safety) Regulation 1995 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

*Transport Operations (Marine Safety)
Regulation 1995*

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 431 of 1996	7 February 1997
1A	to SL No. 96 of 1997	2 May 1997
1B	to SL No. 120 of 1997	25 July 1997
1C	to SL No. 348 of 1997	3 December 1997
1D	to SL No. 163 of 1998	5 June 1998
1E	to SL No. 187 of 1998	3 July 1998
2	to SL No. 351 of 1998	8 January 1999
2A	to SL No. 113 of 1999	6 October 1999
2B	to SL No. 332 of 1999	7 January 2000
2C	to SL No. 62 of 2000	21 April 2000
2D	to SL No. 152 of 2000	7 July 2000
2E	to SL No. 218 of 2000	1 September 2000
3	to SL No. 218 of 2000	3 November 2000
3A	to SL No. 218 of 2000	30 March 2001
3B	to SL No. 93 of 2001	16 November 2001
3C	to SL No. 32 of 2002	15 March 2002
3D	to SL No. 105 of 2002	23 May 2002

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Corrected minor errors	1, 2

6 List of legislation

Transport Operations (Marine Safety) Regulation 1995 SL No. 369

made by the Governor in Council on 14 December 1995

notfd gaz 15 December 1995 pp 1560–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 1996 (see s 2)

exp 1 September 2006 (see SIA s 54)

amending legislation—

*Transport Operations (Marine Safety)
Regulation 1995*

**Department of Transport (Variation of Fees) Regulation (No. 2) 1996 SL No. 114
ss 1–2, 3(e) sch 5**

notfd gaz 31 May 1996 pp 823–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1996 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 1) 1996
SL No. 430**

notfd gaz 20 December 1996 pp 1588–98
ss 1–2 commenced on date of notification
ss 4–10, 16, 18–19 commenced 6 January 1997 (see s 2 and 1996 SL No. 429)
remaining provisions commenced on date of notification
Note—A regulatory impact statement and an explanatory note were prepared

**Transport Operations (Marine Safety) Amendment Regulation (No. 2) 1996
SL No. 431**

notfd gaz 20 December 1996 pp 1588–98
ss 1–2 commenced on date of notification
s 5(4) commenced on 1 January 1996 (see s 2(1))
s 54(6) commenced on 1 January 1997 (see s 2(2))
remaining provisions commenced on date of notification

**Transport Operations (Marine Safety) Amendment Regulation (No. 1) 1997
SL No. 96**

notfd gaz 18 April 1997 pp 1621–2
commenced on date of notification

**Department of Transport (Variation of Fees) Regulation (No. 1) 1997 SL No. 120
ss 1–2, 3(i) sch 9**

notfd gaz 16 May 1997 pp 242–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1997 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 2) 1997
SL No. 348**

notfd gaz 17 October 1997 pp 671–3
commenced on date of notification

**Transport Operations (Marine Safety) Amendment Regulation (No. 3) 1997
SL No. 443**

notfd gaz 12 December 1997 pp 1631–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1998 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 4) 1997
SL No. 444**

notfd gaz 12 December 1997 pp 1631–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1998 (see s 2)

*Transport Operations (Marine Safety)
Regulation 1995*

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 1998

SL No. 18

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)

Transport Operations (Marine Safety) Amendment Regulation (No. 2) 1998

SL No. 163

notfd gaz 22 May 1998 pp 509–14
commenced on date of notification

Transport Operations (Marine Safety) Amendment Regulation (No. 3) 1998

SL No. 181

notfd gaz 12 June 1998 pp 894–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1998 (see s 2)

Transport Operations (Marine Safety) Amendment Regulation (No. 4) 1998

SL No. 187

notfd gaz 26 June 1998 pp 1036–7
commenced on date of notification

Transport Operations (Marine Safety) Amendment Regulation (No. 5) 1998

SL No. 241

notfd gaz 28 August 1998 pp 2036–7
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 1998 SL No. 254 ss 1–2, 3(e)

sch 5

notfd gaz 18 November 1998 pp 239–40
ss 1–2 commenced on date of notification
remaining provisions commenced 1 November 1998 (see s 2)

Transport Operations (Marine Transport) Amendment Regulation (No. 6) 1998

SL No. 351

notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 1999

SL No. 15

notfd gaz 5 March 1999 pp 950–53
commenced on date of notification

Transport Operations (Marine Safety) Amendment Regulation (No. 2) 1999

SL No. 50

notfd gaz 1 April 1999 pp 1534–6
commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 1999 SL No. 113 ss 1–2, 3(b)

sch 2

notfd gaz 11 June 1999 pp 675–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1999 (see s 2)

*Transport Operations (Marine Safety)
Regulation 1995*

Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2

notfd gaz 19 November 1999 pp 1149–52

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 1999 (see s 2(2))

**Transport Operations (Marine Safety) Amendment Regulation (No. 3) 1999
SL No. 332**

notfd gaz 17 December 1999 pp 1586–9

commenced on date of notification

**Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2000
SL No. 62**

notfd gaz 14 April 2000 pp 1402–3

commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 2000 SL No. 89 pts 1, 4

notfd gaz 19 May 2000 pp 218–19

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 2) 2000
SL No. 152**

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 immediately after the commencement of 2000 SL No. 89 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 3) 2000
SL No. 218**

notfd gaz 18 August 2000 pp 1394–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 pts 1, 5

notfd gaz 25 May 2001 pp 334–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2001 (see s 2)

**Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2001
SL No. 93**

notfd gaz 29 June 2001 pp 822–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2001 immediately after the commencement of the Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 2002 SL No. 32 pts 1, 4

notfd gaz 1 March 2002 pp 850–2

commenced on date of notification

**Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2002
SL No. 105**

notfd gaz 17 May 2002 pp 235–6
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2002 SL No. 112 pts 1, 8

notfd gaz 24 May 2002 pp 308–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2)

7 List of annotations

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s 6 amd 1996 SL No. 431 s 4

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s 7 amd 1996 SL No. 431 s 5; 1998 SL No. 18 s 4

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s 14 amd 1996 SL No. 431 s 8

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s 101 om 1996 SL No. 430 s 11

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s 125 amd 1996 SL No. 431 s 37

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s 164 amd 2002 SL No. 32 s 7

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s 168 amd 1997 SL No. 443 s 4

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s 176 amd 1997 SL No. 443 s 10(2)–(5)

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s 182 amd 1996 SL No. 431 s 46

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s 192 exp 1 January 1997 (see s 192(3))

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s 193 exp 1 January 1997 (see s 193(3))

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s 194 exp 1 January 2001 (see s 194(5))

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Interim power of chief executive to increase quantity of dangerous goods handled in pilotage area

- s 196** prev s 196 amd 1996 SL No. 431 s 51
 exp 1 January 1997 (see s 196(4))
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 exp 31 December 1999 (see s 196(6))

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- sub 1996 SL No. 431 s 53

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- amd 2001 SL No. 93 s 7

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- ins 1997 SL No. 444 s 5
 amd 1998 SL No. 163 s 3; 1999 SL No. 50 s 3
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- ins 2000 SL No. 62 s 4

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- ins 2000 SL No. 62 s 4

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- om 1996 SL No. 430 s 17

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- sch hdg** sub 2002 SL No. 105 s 5

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- s 1** sub 2002 SL No. 105 s 5

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- s 2** sub 2002 SL No. 105 s 5

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- s 3** sub 2002 SL No. 105 s 5

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- s 4** sub 2002 SL No. 105 s 5

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- s 5** sub 2002 SL No. 105 s 5

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- s 6** prev s 6 om 1997 SL No. 444 s 6
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s 11 prev s 11 om 1997 SL No. 444 s 6
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s 13 sub 2002 SL No. 105 s 5

Lucinda pilotage area

s 14 sub 2002 SL No. 105 s 5

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s 19 prev s 19 om 1997 SL No. 444 s 6
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SL No. 89 s 8; 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

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s 1 amd 1996 SL No. 431 s 54(1)
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SL No. 112 s 16

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s 2 amd 1996 SL No. 114 s 3(e) sch 5
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 181 s 4; 1998 SL No. 254
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- s 3** amd 1996 SL No. 431 s 54(2)
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 s 3(e) sch 5; 1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8
 amd 2000 SL No. 218 s 4
 sub 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

Registration of commercial ships

- s 4** amd 1996 SL No. 114 s 3(e) sch 5; 1996 SL No. 431 s 54(3)–(4)
 sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

Registration of fishing ships

- s 5** amd 1996 SL No. 114 s 3(e) sch 5
 sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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- s 6** amd 1996 SL No. 114 s 3(e) sch 5
 sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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- s 7** amd 1996 SL No. 114 s 3(e) sch 5
 sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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- s 8** (prev s 7A) ins 1996 SL No. 430 s 18(1)
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 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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- s 9** (prev s 8) amd 1996 SL No. 114 s 3(e) sch 5; 1996 SL No. 430 s 18(2)
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 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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- s 10** (prev s 9) amd 1996 SL No. 114 s 3(e) sch 5; 1996 SL No. 431 s 54(5)
 sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
 SL No. 112 s 16

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Licences to operate recreational ships

- s 11** (prev s 10) amd 1996 SL No. 114 s 3(e) sch 5
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
SL No. 112 s 16

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- s 12** (prev s 11) amd 1996 SL No. 114 s 3(e) sch 5
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8
amd 2000 SL No. 152 s 4(1)
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- s 13** (prev s 12) amd 1996 SL No. 114 s 3(e) sch 5
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8
amd 2000 SL No. 152 s 4(2)–(3)
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- s 14** (prev s 13) amd 1996 SL No. 114 s 3(e) sch 5
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999
SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
SL No. 112 s 16

Pilotage fees

- s 15** (prev s 14) sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5;
1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10
amd 2001 SL No. 93 s 9(1)–(2)
sub 2002 SL No. 112 s 16

Other pilotage fees

- s 16** (prev s 15) sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5;
1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10
amd 2001 SL No. 93 s 9(3)–(4)
sub 2002 SL No. 112 s 16

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- s 17** (prev s 16) amd 1996 SL No. 431 s 54(6)
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SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
SL No. 112 s 16

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- s 18** (prev s 16A) ins 1996 SL No. 431 s 55
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SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002
SL No. 112 s 16

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- s 19** (prev s 17) sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

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- s 20** (prev s 18) sub 1997 SL No. 120 s 3(i) sch 9; 1997 SL No. 443 s 13(1) amd 1998 SL No. 241 s 3
sub 1998 SL No. 254 s 3(e) sch 5
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sub 1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

Concession for certain unrestricted use buoy moorings

- s 21** (prev s 19) sub 1997 SL No. 120 s 3(i) sch 9
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sub 1998 SL No. 254 s 3(e) sch 5; 1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

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- s 22** (prev s 20) ins 1996 SL No. 431 s 56
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- s 23** (prev s 21) ins 1996 SL No. 431 s 56
sub 1997 SL No. 120 s 3(i) sch 9; 1998 SL No. 254 s 3(e) sch 5; 1999 SL No. 113 s 3(b) sch 2; 2000 SL No. 89 s 8; 2001 SL No. 57 s 10; 2002 SL No. 112 s 16

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- sub 1996 SL No. 431 s 57
amd 1998 SL No. 241 s 4
sub 2002 SL No. 105 s 7

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- sub 1996 SL No. 431 s 58; 2002 SL No. 105 s 7

SCHEDULE 10—TORRES STRAIT ZONE

- sub 1996 SL No. 431 s 59; 2002 SL No. 105 s 7

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- ins 1996 SL No. 431 s 60
sub 2002 SL No. 105 s 7

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- def “**area VTS**” ins 2000 SL No. 62 s 5
def “**boat harbour**” ins 1996 SL No. 431 s 61(3)
def “**coast**” ins 1996 SL No. 431 s 61(3)
def “**design approval certificate**” ins 1996 SL No. 430 s 19
def “**fishing ship**” sub 1996 SL No. 431 s 61(1), (3)
def “**fishing ship operating area**” ins 1996 SL No. 431 s 61(3)

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def “**inflatable ship**” ins 1996 SL No. 431 s 61(3)
def “**official traffic sign**” amd 1999 SL No. 286 s 4 sch 2
def “**partially smooth waters**” amd 2002 SL No. 105 s 8(1)
def “**personal watercraft**” amd 1997 SL No. 348 s 11
def “**radio**” ins 2000 SL No. 62 s 5
def “**restricted use flag**” amd 1996 SL No. 431 s 61(2)
def “**small ship**” ins 2000 SL No. 62 s 5
def “**smooth waters**” amd 2002 SL No. 105 s 8(2)
def “**whole ship**” ins 1996 SL No. 431 s 61(3)

**INFORMATION ABOUT OMITTED SCHEDULE 4 AS
APPLIES UNDER S 230 OF THE ACT AND DOES NOT
FORM PART OF REPRINT**

The following schedule from the *Transport Operations (Marine Safety) Regulation 1995* no longer forms part of this regulation.

However, the speed limits stated in the schedule are taken to be speed limits fixed by the chief executive under s 230 of the Act until changed by the chief executive by gazette notice.

Section 230 reads as follows—

‘230 Transitional provision about speed limits

‘(1) On the commencement of this section, a speed limit fixed under a regulation and in force immediately before the commencement is taken to be a speed limit fixed by the chief executive.

‘(2) However, a speed limit taken under subsection (1) to have been fixed by the chief executive is repealed on the commencement of a gazette notice under section 206A replacing the speed limit.

‘(3) This section expires 2 years after it commences.’.

SCHEDULE 4

GENERAL SPEED LIMITS

section 95

Column 1	Column 2	Column 3
Waters	Ships	Maximum speed knots
1. The waters of all canals	All	6
2. The waters of all boat harbours	All	6
3. Smooth water limits	All	40
4. Brisbane River—	Ships of draft over 3 m	
(a) entrance channel seaward of No. 9 beacons;		13
(b) Trinity Inlet inshore from No. 9 beacons;		8
5. Cairns—	Ships of draft over 3 m	
(a) entrance channel seaward of No. 9 beacons;		10
(b) Trinity Inlet inshore from No. 9 beacons;		8
(c) Smith's Creek.		4
6. Weipa—	Ships of draft over 3 m	
(a) entrance channel seaward of No. 9 beacons;		10
(b) Trinity Inlet inshore from No. 9 beacons;		8

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