



*Transport Operations (Marine Safety) Act 1994*

# **Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005**

**Current as at 15 December 2014**

**Reprint note**

This is the last reprint before repeal. Repealed on 1 September 2016 by 2016 SL No. 154 s 214.





Queensland

# Transport Operations (Marine Safety— Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
3	Dictionary .....	3
4	Purpose of standard .....	3
<b>Part 2</b>	<b>Examining approvals</b>	
5	Application of pt 2 .....	4
6	Qualifying for examining approval .....	4
<b>Part 3</b>	<b>Training program approvals</b>	
7	Application of pt 3 .....	5
8	Qualifying for training program approval .....	5
<b>Part 4</b>	<b>Suitability of entities for examining approvals or training program approvals</b>	
9	Suitability of entity .....	7
<b>Part 5</b>	<b>Repeal and references to former standards</b>	
10	Repeal .....	7
11	References to former standards .....	8
<b>Schedule</b>	<b>Dictionary .....</b>	<b>9</b>



# Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005

## Part 1 Preliminary

### 1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005*.

### 2 Commencement

This standard commences on 1 January 2006.

### 3 Dictionary

The dictionary in the schedule defines words used in this standard.

### 4 Purpose of standard

The purpose of this standard is to help people understand how an entity qualifies for—

- (a) an examining approval; or
- (b) a training program approval.

## **Part 2                      Examining approvals**

### **5            Application of pt 2**

This part applies to an entity wishing to qualify for an examining approval.

### **6            Qualifying for examining approval**

- (1) An entity qualifies for an examining approval if the general manager is satisfied the entity—
  - (a) has knowledge and skills at least equivalent to the competencies for which the entity will assess candidates; and
  - (b) for an application for an approval in relation to recreational marine driver licences—holds a licence to operate a commercial ship as its master; and
  - (c) for an application for an approval in relation to personal watercraft licences—holds a licence or certificate of competency the general manager considers reasonable and relevant to conducting examinations; and
  - (d) has completed either of the following—
    - (i) the assessment-related units of competency from a Certificate IV level qualification in training and assessment under the AQF;
    - (ii) other studies the general manager considers are at least equivalent to the units of competency under subparagraph (i); and
  - (e) has knowledge and skills for conducting examinations for issuing licences; and
  - (f) is suitable for an examining approval.
- (2) If the entity is a corporation, the general manager must apply—
  - (a) subsection (1)(f) to the entity; and

- (b) subsection (1) to an individual nominated by the entity, as if the individual were the entity.
- (3) If the entity is an unincorporated body, the general manager must apply subsection (1) to an individual nominated by the entity, as if the individual were the entity.

## **Part 3 Training program approvals**

### **7 Application of pt 3**

This part applies to an entity wishing to qualify for a training program approval.

### **8 Qualifying for training program approval**

- (1) An entity qualifies for a training program approval if the general manager is satisfied—
  - (a) the entity has all of the following available for providing training programs—
    - (i) training facilities and equipment;  
*Example of subparagraph (i)—*  
training room with adequate seating and lighting, whiteboard, overhead projector
    - (ii) a registered commercial ship;
    - (iii) training and assessment documents; and  
*Example of subparagraph (iii)—*  
documents recording attendance and assessment results
  - (b) the entity is suitable for a training program approval; and
  - (c) if the entity—

- (i) is an individual providing training programs—the individual meets the requirements under subsection (2); or
  - (ii) is a corporation, unincorporated body or individual who nominates another individual—the entity has nominated an individual who meets the requirements under subsection (2).
- (2) An individual nominated under subsection (1)(c) must—
  - (a) have knowledge and skills at least equivalent to the competencies for which the entity will assess candidates; and
  - (b) for an application for an approval in relation to recreational marine driver licences—hold a licence to operate a commercial ship as its master; and
  - (c) for an application for an approval in relation to personal watercraft licences—hold a licence or certificate of competency the general manager considers reasonable and relevant to conducting training and assessment; and
  - (d) have either—
    - (i) a Certificate IV level qualification in training and assessment under the AQF; or
    - (ii) a qualification mentioned in the *Education (Queensland College of Teachers) Regulation 2005*, section 5.



## **Part 4**                                      **Suitability of entities for examining approvals or training program approvals**

### **9**                      **Suitability of entity**

- (1) For section 6(1)(f) or 8(1)(b), an entity is not suitable for examining approval or training program approval—
  - (a) if the entity is an individual—the individual is an insolvent under administration; or
  - (b) if the entity is a corporation—the corporation is an externally-administered body corporate; or
  - (c) if the entity is an unincorporated body—the individual applying on behalf of the unincorporated body is an insolvent under administration.

- (2) In this section—

*externally-administered body corporate* has the meaning given by the Corporations Act, section 9.

*insolvent under administration* see section 71 of the regulation.

## **Part 5**                                      **Repeal and references to former standards**

### **10**                      **Repeal**

The Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005 SL No. 182 is repealed.

## **11 References to former standards**

- (1) In a document or instrument, other than an Act or regulation, a reference to the following is, if the context permits, a reference to this standard—
  - *Transport Operations (Marine Safety—Recreational Ship Masters Licence Approvals) Standard 1998*
  - *Transport Operations (Marine Safety—Marine Driver Licence Approvals) Interim Standard 2005*
  - *Transport Operations (Marine Safety—Marine Driver Licence Approvals) Interim Standard (No. 2) 2005.*
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

---

# Schedule Dictionary

## section 3

**AQF** means the Australian Qualifications Framework under the *Higher Education Support Act 2003* (Cwlth).

**examining approval** means an approval of an entity to conduct examinations for issuing licences to operate recreational ships or personal watercraft as its master under section 103 of the regulation.

*Note—*

See section 103 of the regulation.

**personal watercraft** see schedule 15 of the regulation.

**recreational ship** see schedule 15 of the regulation.

**regulation** means the *Transport Operations (Marine Safety) Regulation 2004*.

**training program approval** means an approval of an entity to provide training programs in the operation of recreational ships or personal watercraft under section 104 of the regulation.

*Note—*

See section 104 of the regulation.

**USL code** see schedule 15 of the regulation.

*Editor's note—*

A copy of the USL code is available from the National Marine Safety Committee, PO Box 1773, Rozelle, NSW, 2039 <[www.nmsc.gov.au/uslcode\\_1.htm](http://www.nmsc.gov.au/uslcode_1.htm)>.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amd</b>	= amendment	<b>prov</b>	= provision
<b>t</b>			
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renu</b>	= renumbered
		<b>m</b>	
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro</b>	= retrospectively
		<b>)</b>	
<b>notf</b>	= notified	<b>rv</b>	= revised edition
<b>d</b>			
<b>num</b>	= numbered	<b>s</b>	= section

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2002</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### **3 Table of reprints**

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the Reprints Act 1992 used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 January 2006	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
15 December 2014	2014 SL No. 262	RA ss 26(1), 44A

## **4 List of legislation**

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

#### **Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005 SL No. 327**

made by the general manager on 28 October 2005  
notfd gaz 16 December 2005 pp 1490–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2006 (see s 2)  
Note— An explanatory note was prepared.  
amending legislation—

#### **Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Amendment Standard (No. 1) 2014 SL No. 262**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 13 November 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 15 December 2014 (see s 2)

## **5 List of annotations**

### **Qualifying for examining approval**

s 6 amd 2014 SL No. 262 s 4

### Qualifying for training program approval

s 8 amd 2014 SL No. 262 s 5

### **SCHEDULE—DICTIONARY**

def *AQF* sub 2014 SL No. 262 s 6