

Queensland



Subordinate Legislation 1995 No. 369

Transport Operations (Marine Safety) Act 1994

TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995

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PART 1—PRELIMINARY

Short title

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

Commencement

2. This regulation commences on 1 January 1996.

Role of this regulation compared to the standards

3.(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

(5) Section 42 of the Act³ 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.

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(1) (What is a standard?) of the Act.

³ Section 42 (Relationship between regulatory provisions and general safety obligations about the condition of ships)

“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
- (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 Italics text indicates that the text is section 42(2) to (4) of the Act.

Definitions—the dictionary

4.(1) The dictionary in schedule 11, defines particular words used in this regulation.⁵

(2) Definitions found elsewhere in the regulation are signposted in the dictionary.⁶

PART 2—SAFETY EQUIPMENT*Division 1—Introduction***Purpose of part etc.**

5.(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 44⁷ of the Act applies.

(2) Subsection (1)(a) is achieved in part, by giving effect to sections 10 and 11 of the Code, with changes.⁸

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

⁵ In some regulations, definitions are contained in a dictionary that appears as the last schedule and forms part of the regulation—see *Acts Interpretation Act 1954*, section 14 and *Statutory Instruments Act 1992*, section 14.

⁶ The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the regulation and tell the reader where these definitions can be found.

⁷ Section 44 (Safety equipment obligation)

⁸ Section 10 of the Code (Lifesaving appliances)
Section 11 of the Code (Fire appliances)

Examples of standards—

Transport Operations (Marine Safety—Miscellaneous Equipment for Commercial and Fishing Ships) Interim Standard 1995

Transport Operations (Marine Safety—Miscellaneous Equipment for Recreational Ships) Interim Standard 1995.

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

All ships in Queensland waters to be equipped with an EPIRB

6.(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.⁹

(3) An EPIRB complying with MS 241 or MS 309 is safety equipment to which section 44¹⁰ of the Act applies.

Division 3—Other safety equipment for commercial ships

Commercial ships to comply with Code with changes

7.(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;¹¹ or

⁹ 'n mile' is the symbol for 'international nautical mile'.

¹⁰ Section 44 (Safety equipment obligation)

¹¹ Section 1, part 3, clause 6 of the Code describes the classifications of commercial and fishing ships for this regulation.

- (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.

(2) If the ship is a ship mentioned in section 11¹² 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 3¹³ 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 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;
- (d) for a class 1F ship—
 - (i) when operating within partially smooth waters—the ship must be equipped as if it were a class 2D ship; or
 - (ii) when operating within smooth waters—the ship must be equipped as if it were a class 2E ship;
- (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.

¹² Section 11 of the Code (Fire appliances)

¹³ Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances)

(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 3¹⁴ 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)¹⁵ for a recreational ship.

(8) If a provision of section 10, part 3¹⁶ 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 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.¹⁷

(10) Subsections (3) and (4) do not apply to a commercial ship that is a tender to a commercial ship if the tender—

- (a) operates only within 5 n miles of the ship; and
- (b) is equipped with the safety equipment for a recreational ship required under division 5.¹⁸

¹⁴ Section 13 (Miscellaneous equipment), part 3 (Scales of miscellaneous equipment) of the Code

¹⁵ Section 14 (Signalling devices for recreational ships on the water at night)

¹⁶ Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances) of the Code

¹⁷ Section 10 (Lifesaving appliances), appendix N (Internal buoyancy in small vessels) of the Code

¹⁸ Division 5 (Other safety equipment for recreational ships)

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

8.(1) The safety equipment with which a commercial ship must be equipped under section 7¹⁹ must be stowed, marked and of a type set out in section 10, parts 1, 2 and 4²⁰ of the Code.

(2) If the safety equipment with which a commercial ship must be equipped under section 7²¹ 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.

Declaration applying Act, s 44 to certain equipment

9. The equipment required under section 7 for a ship is safety equipment for the ship to which section 44²² of the Act applies.

*Division 4—Other safety equipment for fishing ships***Fishing ships to comply with Code with changes**

10.(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.

¹⁹ Section 7 (Commercial ships to comply with Code with changes)

²⁰ Section 10 (Lifesaving appliances), part 1 (Preliminary), part 2 (General provisions), part 4 (Types of lifesaving appliances) of the Code

²¹ Section 7 (Commercial ships to comply with Code with changes)

²² Section 44 (Safety equipment obligation)

(2) If the ship is a ship mentioned in section 11²³ 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 3²⁴ 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 3²⁵ 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.

²³ Section 11 of the Code (Fire appliances)

²⁴ Section 10 (Lifesaving appliances), part 3 (Scales of lifesaving appliances)

²⁵ Section 13 (Miscellaneous equipment), part 3 (Scales of miscellaneous equipment) of the Code

(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 N²⁶ 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 16²⁷ for a recreational ship operating beyond smooth waters.

(10) Despite subsection (1), a fishing ship tender not required to be registered under section 37(2)(f)²⁸ must be equipped with the safety equipment required by section 16 for a recreational ship operating beyond smooth waters.

Safety equipment to comply with other provisions of Code

11.(1) The safety equipment with which a fishing ship must be equipped under section 10²⁹ must be stowed, marked and of a type as stated in section 10, parts 1, 2 and 4³⁰ 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.

²⁶ Section 10 (Lifesaving appliances), appendix N (Internal buoyancy in small vessels) of the Code

²⁷ Section 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond)

²⁸ Section 37 (Application of Act, pt 5, div 2)

²⁹ Section 10 (Fishing ships to comply with Code with changes)

³⁰ Section 10 (Life-saving appliances), part 1 (Preliminary) of the Code
Section 10 (Life-saving appliances), part 2 (General provisions) of the Code
Section 10 (Life-saving appliances), part 4 (Types of life-saving appliances) of the Code

Declaration applying Act, s 44 to certain equipment

12. The equipment required under section 10 for a ship is safety equipment for the ship to which section 44³¹ of the Act applies.

Division 5—Other safety equipment for recreational ships**Application of division**

13. 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.

Signalling devices for recreational ships on the water at night

14.(1) A recreational ship 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 94.³²

Safety equipment for recreational ship operating in smooth waters

15.(1) A recreational ship 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—

³¹ Section 44 (Safety equipment obligation)

³² Section 94 (Person operating ship to comply with Collision Regulations)

- (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.

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

16. A recreational ship 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.

Exceptions for anyone on recreational ship wearing a divers jacket

17.(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 16,³³ the ship need not be equipped with a personal flotation device for the person.

³³ Section 15 (Safety equipment for registrable ship operating in smooth waters)
Section 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond)

Exceptions for personal watercraft

18. A recreational ship that is a personal watercraft is not required to be equipped under section 15 or 16 if the craft's operator and any passenger on the craft each wear—

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

Safety equipment to be serviced etc.

19.(1) If the safety equipment with which a recreational ship must be equipped under sections 15 and 16³⁴ 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.

Declaration applying Act, s 44 to certain equipment

20. The equipment required under sections 14,³⁵ 15 and 16 for a ship is safety equipment for the ship to which section 44³⁶ of the Act applies.

*Division 6—Life jacket and PFD sizes***Life jacket and PFD sizes**

21.(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.

³⁴ Section 15 (Safety equipment for recreational ship operating in smooth waters)
Section 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond)

³⁵ Section 14 (Signalling devices for recreational ships on the water at night)

³⁶ Section 44 (Safety equipment obligation)

(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.

PART 3—ACCREDITATION, SHIP BUILDING AND REGISTRATION OF SHIPS

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

Application of Act, pt 5, div 4

22.(1) Part 5, division 4³⁷ of the Act applies to commercial and fishing ships that—

- (a) the chief executive would not be able to register under division 3³⁸ 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 the chief executive is requested to issue a certificate of survey under division 7.³⁹

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

³⁷ Part 5 (Registration, licensing, permits and accreditation), division 4 (Accreditation of ship designers, ship builders and marine surveyors)

³⁸ Division 3 (Registration of ships)

³⁹ Division 7 (Certificates of survey)

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

23.(1) This section is about the definition “building” in section 440 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.’⁴¹

(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;

⁴⁰ Section 4 (Definitions)

⁴¹ Italics text indicates that the text is section 4, definition “building” of the Act.

Example—

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

Accreditation as a ship designer, builder or marine surveyor

24.(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) Standard 1995*.

(3) The procedure for accreditation is in part 6.⁴²

Categories of accreditation (ship designer)

25. 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.

⁴² Part 6 (Authorities)

Categories of accreditation (ship builder)

26. 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.

Categories of accreditation (marine surveyor)

27. 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.

Hulls and superstructures taken to be of a certain material

28. In sections 25, 26 and 27(1)(a) or (b),⁴³ 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.

Authority given by accreditation

29.(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, when the corporation issues the certificate, it has an employee with the same accreditation as the corporation.

Maximum penalty—200 penalty units.

Accredited persons to keep documents

30.(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—

⁴³ Section 25 (Categories of accreditation (ship designer)), section 26 (Categories of accreditation (ship builder)) and section 27 (Categories of accreditation (marine surveyor))

- (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
 - (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 128.⁴⁴

“**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.

Accredited person to take out public liability insurance

31.(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 public 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 130⁴⁵ may require an accredited person to take out a policy for an amount more than \$2 000 000.

Division 2—Building of ships

Application

32. This division applies to the following ships—

⁴⁴ Section 128 (Temporary accreditation)

⁴⁵ Section 130 (Grant of authority on conditions)

- (a) a commercial ship, other than a ship mentioned in sections 44 and 45,⁴⁶ that the chief executive may not register, unless the certificates of compliance mentioned in section 43⁴⁷ are issued;
- (b) a fishing ship, other than a ship mentioned in section 46(2),⁴⁸ that the chief executive may not register, unless the certificates of compliance mentioned in the section are issued.

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

33. A person (including an accredited ship builder) who intends to build a ship, or part of a ship, must not start to build the ship, or part, unless the person has given the chief executive a copy of—

- (a) the certificate of compliance for the design of the ship or part; and
- (b) the drawings and plans mentioned in the certificate.

Maximum penalty—100 penalty units.

Builder usually responsible for ensuring certificate of compliance for survey issued

34.(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).

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

⁴⁶ Section 44 (Exception for certain ships with positive flotation), section 45 (Exception for sailing school training ships)

⁴⁷ Section 43 (Requirements for first registration etc. of commercial ship)

⁴⁸ Section 46 (Requirements for first registration etc. of fishing ship)

- (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.

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

35.(1) A certificate of compliance 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 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.

Copy of certificate to chief executive

36.(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 builder or marine surveyor issues a certificate of compliance for the ship or part.

(2) The accredited ship 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****Application of Act, pt 5, div 2**

37.(1) The following are ships to which part 5, division 2⁴⁹ 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);
- (b) a commercial ship that—
 - (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—

⁴⁹ Part 5 (Registration, licensing, permits and accreditation), division 2 (Registration of ships)

- (A) carrying passengers, other than employees of the person operating the ship; or
 - (B) carrying bulk petroleum or gas products; or
 - (C) living aboard or tourism 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 5 n miles from the ship;
- (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—
- (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;⁵⁰
- (j) a recreational ship from a foreign country in Queensland waters for less than 1 year.

⁵⁰ Part 3 (Accreditation, ship building and registration of ships), division 6 (Restricted use flag)

(3) Also part 5, division 2⁵¹ 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.

Ships that must be registered

38.(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 6.⁵²

Commercial or fishing ship used for owner's recreational use

39. 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
- (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

Chief executive may register ships

40. The chief executive may register a registrable ship according to—

- (a) its type as a commercial, fishing or recreational ship; and

⁵¹ Part 5 (Registration, licensing, permits and accreditation), division 2 (Registration of ships)

⁵² Part 6 (Authorities)

- (b) if the ship is a commercial or fishing ship—its class under the Code.

Example of registration—

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

Class of registration (commercial ships)

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

- (a) class 1 passenger vessels as stated in section 1, part 3, clause 6.1⁵³ of the Code—class 1B to 1F; and
- (b) class 2 non-passenger vessels as stated in section 1, part 3, clause 6.2⁵⁴ of the Code—class 2B to 2E.

Class of registration (fishing ships)

42. 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 6.3⁵⁵ of the Code—class 3B to 3E.

Subdivision 3—First registration of commercial ship

Requirements for first registration etc. of commercial ship

43.(1) This section applies when—

⁵³ 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

⁵⁴ 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

⁵⁵ 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

- (a) a ship is to be registered under this regulation as a commercial ship for the first time; or
- (b) if the ship was registered in Queensland as a commercial ship but its registration was cancelled—the ship is registered after its cancellation; or
- (c) if the ship was registered in Queensland as a commercial ship and the registration ended (the “**original registration**”)—the ship is registered again more than 6 months after the original registration ended.

(2) The chief executive may register a commercial 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) 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.

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

Exception for certain ships with positive flotation

44. Despite section 43,⁵⁶ 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 documentary evidence that satisfies the chief executive the ship has positive flotation.

⁵⁶ Section 43 (Requirements for first registration etc. of commercial ship)

Exception for sailing school training ships

45.(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 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**Requirements for first registration etc. of fishing ship**

46.(1) This section applies when—

- (a) a ship over 10 m is to be registered under this regulation in Queensland as a fishing ship for the first time; or
- (b) if the ship was registered in the State as a fishing ship but its registration was cancelled—the ship is registered after its cancellation; or
- (c) if the ship was registered in Queensland as a fishing ship and the registration ended (the **“original registration”**)—the ship is registered again more than 6 months after the original registration ended.

(2) This section does not apply if the ship—

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

(c) was built before 1 January 1988.

(3) The chief executive may register a ship 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) 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.

Subdivision 5—Declarations by accredited persons

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

47.(1) A certificate of compliance for a ship, or part of a ship, must include the appropriate declaration stated in schedule 1⁵⁷ 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

Registered ships register

48.(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;

⁵⁷ Schedule 1 (Declaration about ship's seaworthiness)

- (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.

(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

Registration number to be displayed on registered commercial or recreational ships

49.(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) 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
- (b) for all other ships—displayed on both sides of the ship or its stern in characters not less than 75 mm high.

Registration certificate etc. for registered commercial or fishing ship

50.(1) The owner and master of a registered commercial or fishing ship must ensure that the ship's registration certificate and registration label (the "ship's papers") are displayed on the ship as required by subsection (2).

Maximum penalty—100 penalty units.

(2) The ship's papers must be displayed together in a conspicuous place and in a way that they can be read by anyone on the ship.

(3) However, if it is not reasonably practicable to comply with subsection (1), the owner and master of the ship must ensure that the ship's papers are kept aboard the ship.

Maximum penalty—100 penalty units.

Registration label for registered recreational ship

51.(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 on its port side, or stern; and
- (b) above the waterline when the ship is afloat.

Subdivision 2—Tenders**Markings for tender to commercial, fishing or recreational ship if tender not required to be registered**

52.(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)(e);⁵⁸ 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)(f) or (g).

(2) The owner and master of the tender must ensure the tender is marked as required by subsections (3) and (4).

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 61⁵⁹ 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.

⁵⁸ Section 37 (Application of Act, pt 5, div 2)

⁵⁹ Section 61 (Marking of commercial fishing boats)

Division 6—Restricted use flag**Authority to use restricted use flag**

53.(1) The chief executive may issue an authority to use a restricted use flag for a ship that is not registered.

(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 6.⁶⁰

Operation of ship under authority

54.(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
- (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.

⁶⁰ Part 6 (Authorities)

(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.

Flag to be returned

55. 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.

Division 7—Certificates of survey

Chief executive may issue certificate of survey for ship

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

(2) The chief executive may only issue a certificate of survey if the person asking for the certificate gives the chief executive—

- (a) a certificate of compliance for the design of the ship issued by an appropriately accredited ship designer; and
- (b) a certificate of compliance for survey issued for the ship by an appropriately accredited marine surveyor.

(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 6.⁶¹

PART 4—LICENCES FOR OPERATING SHIPS

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

Application of Act, pt 5, div 3

57.(1) The following are ships to which part 5, division 3⁶² 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)⁶³ 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 8⁶⁴ of the Act applies.

⁶¹ Part 6 (Authorities)

⁶² Part 5 (Registration, licensing, permits and accreditation), division 3 (Licensing of masters, crew members and pilots)

⁶³ Section 11 (General application of Act to ships)

⁶⁴ Part 8 (Pilots) of the Act

(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)⁶⁵ 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) holds an appropriate commercial licence to operate the accompanying ship;
- (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;

⁶⁵ Section 6 (Meaning of ship “connected with Queensland”)

- (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 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

Licence required to operate etc. commercial ship

58.(1) In this section—

“**commercial ship**” means a commercial ship to which part 5, division 3⁶⁶ of the Act applies, other than a commercial ship that—

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

⁶⁶ Part 5 (Registration, licensing, permits and accreditation), division 3 (Licensing of masters, crew members and pilots)

(ii) the emergency services department on an official purpose but only in an emergency; and

(c) is operated by the holder of a recreational ship master's licence.

“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 34⁶⁷ 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 37⁶⁸ 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 9⁶⁹ of the Code.

⁶⁷ Section 2 (Qualifications and manning, trading vessels), part 4 (Minimum safety manning of trading vessels), clause 34 (Interpretation) of the Code

⁶⁸ Section 2 (Qualifications and manning, trading vessels), part 4 (Minimum safety manning of trading vessels), clause 37 (Particular provisions) of the Code

⁶⁹ Section 2 (Qualifications and manning, trading vessels), part 2 (General provisions), clause 9 (Relative value of certificates) of the Code

Chief engineers licensing exceptions for commercial ships in certain places

59. Despite section 2, part 4, clause 377⁰ of the Code, the appropriate licence for a person who acts as chief engineer of a commercial ship in the Great Barrier Reef Region or the Torres Strait Zone is—

- (a) if the propulsion power of the ship is 1 500 kW or more but less than 3 000 kW—an engineer class 3 licence; or
- (b) if the propulsion power of the ship is less than 1 500 kW—a marine engine driver grade 1 licence.

Subdivision 2—Fishing ships

Licence required to operate etc. fishing ship

60.(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 217¹ of the Code.

“fishing ship” means a fishing ship to which part 5, division 37² of the Act applies, other than a fishing ship that—

- (a) is a tender to another fishing ship; and
- (b) does not carry passengers 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.

⁷⁰ Section 2 (Qualifications and manning, trading vessels), part 4 (Minimum safety manning of trading vessels), clause 37 (Particular provisions) of the Code

⁷¹ Section 3 (Qualifications and manning, fishing vessels), part 4 (Minimum safety manning of fishing vessels), clause 21 (Interpretation) of the Code

⁷² Part 5 (Registration, licensing, permits and accreditation), divisions 3 (Licensing of masters, crew members and pilots)

(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 24⁷³ 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 6⁷⁴ of the Code.

Licensing exceptions (fishing ship's master)

61.(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—
 - (i) not more than 15 n miles from the coast; or
 - (ii) despite subparagraph (i), if the ship is operating within the Great Barrier Reef Region or the Torres Strait zone—anywhere within the Region or zone.

(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 Great Barrier Reef Region or the Torres Strait zone—any distance from the coast more than 200 n miles within the Region or zone.

⁷³ 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

⁷⁴ Section 3 (Qualifications and manning, fishing vessels), part 2 (General provisions), clause 6 (Relative value of certificates) of the Code

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

(4) Subsections (1), (2) and (3) apply despite section 60(3).⁷⁵

Licensing exceptions (fishing ship's chief engineer)

62.(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 operated within the Great Barrier Reef Region or the Torres Strait zone—any distance from the coast more than 200 n miles within the Region or zone.

(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—

- (a) the propulsion power of the ship is more than 750 kW but less 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 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.

(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

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

(b) the ship is operated within 600 n miles from the coast.

(4) Subsections (1), (2) and (3) apply despite section 60(3).⁷⁶

Subdivision 3—Recreational ships

Licence required to operate recreational ship as its master

63.(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

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

64. 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

Chief executive may issue licences

65.(1) The chief executive may issue the classes of licences in schedule 2⁷⁷—

- (a) to operate a ship as its master; or

⁷⁶ Section 60 (Licence required to operate etc. fishing ship)

⁷⁷ Schedule 2 (Classes of licences)

- (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 6.⁷⁸

Qualifications for licences for commercial and fishing ships

66. The chief executive may grant an application for a licence of the type specified in schedule 2, column 1⁷⁹ only if the applicant has the qualifications under section 2 or 3⁸⁰ of the Code for the certificate appearing opposite in schedule 2, column 2.⁸¹

Qualifications for recreational ship master's licence

67.(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
- (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.

⁷⁸ Part 6 (Authorities)

⁷⁹ Schedule 2 (Classes of licences), column 1 (Licences)

⁸⁰ Section 2 (Qualifications and manning, trading vessels), section 3 (Qualifications and manning, fishing vessels) of the Code

⁸¹ Schedule 2 (Classes of licences), column 2 (Certificates under Code)

(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 73.⁸²

Chief executive may recognise other qualifications

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

- (a) an applicant for a licence under section 66 or 67⁸³ 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.

Qualifications for licence as ship's pilot

69. 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) 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; 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.

⁸² Section 73 (Approval of entity to provide training)

⁸³ Section 66 (Qualifications for licences for commercial and fishing ships)
Section 67 (Qualifications for recreational ship master's licence)

Prescribed entity—Act, s 60

70. Brisbane Marine Pilots Pty Ltd (ACN 010 836 496) is a prescribed entity for section 60(2)(b) of the Act.⁸⁴

Chief executive may conduct examinations of applicants for licences

71. 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.

Approval of entity to conduct examinations

72.(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 6.⁸⁵

Approval of entity to provide training

73.(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 6.⁸⁶

⁸⁴ Section 60 (Regulation may require licences)

⁸⁵ Part 6(Authorities)

⁸⁶ Part 6(Authorities)

Division 4—Hovercraft**Hovercraft**

74.(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 4.⁸⁷

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

Division 5—Temporary permits**Application**

75. This division applies to the following ships—

- (a) a commercial ship within the meaning of section 58(1);⁸⁸
- (b) a fishing ship within the meaning of section 60(1).⁸⁹

⁸⁷ Part 6 (Authorities), division 4 (Amendment of authority)

⁸⁸ Section 58 (Licence required to operate etc. commercial ship)

⁸⁹ Section 60 (Licence required to operate etc fishing ship)

Chief executive may issue temporary permit for master or crew member

76(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 6.⁹⁰

(5) Subsection (1) applies despite another provision of this part.

Permit holder taken to be appropriately licensed if complying with conditions

77.(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.

(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.

⁹⁰ Part 6 (Authorities)

PART 5—OPERATING SHIPS

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

Declaration about provisions for general safety obligation

78. The sections stated in schedule 3⁹¹ are the provisions of this regulation to which section 43(2)(b)(ii)⁹² of the Act applies.

Division 2—Operational areas and passenger numbers

Operational area of commercial or fishing ships

79.(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.

⁹¹ Schedule 3 (Provisions of regulation to which section 43(2)(b)(ii) of the Act applies)

⁹² Section 43 (General obligation on persons involved with operation of ship to operate it safely)

(5) For subsection (4)—

“**pontoon**” means a pontoon that—

- (a) is unpowered and permanently anchored; and
- (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 1C, D or E or a class 2C, D 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.

Commercial ship not to carry excess passengers

80. 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

Ship to be operated as required by Code, s 15

81. The master of a registrable commercial or fishing ship must comply with section 15, parts 1 and 2⁹³ of the Code when operating the ship.

Maximum penalty—200 penalty units.

⁹³ Section 15 (Emergency procedures and safety of navigation), part 1 (Preliminary), part 2 (Emergency procedures) of the Code

Division 4—Load line certificates

Definitions

82. In this division—

“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.

Application

83.(1) This division applies to a ship that is a **“vessel”** within the meaning of section 7, part 1, clause 3.15⁹⁴ 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”.

Chief executive may issue load line certificate for ship

84.(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 6.⁹⁵

⁹⁴ Section 7 (Load lines), part 1 (Preliminary) of the Code

⁹⁵ Part 6 (Authorities)

Code, s 7 applies to assignment of freeboard etc

85.(1) Section 7, parts 2, 3, 5, 6, 10 and 11 of the Code⁹⁶ 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,⁹⁷ the mark of the assigning authority that assigns the ship's freeboard is to be "QA".

Ship not to be operated unless load line certificate issued

86. 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.

Code, s 7 applies to operation of ship

87.(1) The owner and master of a ship must, when operating the ship, comply with section 7, part 14 of the Code.⁹⁸

Maximum penalty—200 penalty units.

⁹⁶ Section 7 (Load lines), part 2 (Conditions of assignment), part 3 (Structural strength and stability of vessels), part 5 (Calculation and assignment of freeboards), part 6 (Marking load lines and associated marks), part 10 (Appropriate load lines), part 11 (Modifications applicable to seagoing vessels less than 24 m in length and to vessels operating within smooth and partially smooth waters)

⁹⁷ Section 7 (Load lines), part 6 (Marking load lines and associated marks), clause 56 (Assigning authority marks) of the Code

⁹⁸ Section 7 (Load lines), part 14 (Overloading) of the Code

(2) The owner and master of a ship does not commit an offence under subsection (1) if section 7, part 15, clause 78⁹⁹ of the Code applies to the ship.

Stability documents to be carried on ship

88. 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.¹⁰⁰

Maximum penalty—100 penalty units

Renewal of load line certificate

89.(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 builder 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.

Division 5—Signals

Signals of distress

90.(1) The following signals are to be used as prescribed signals of distress¹⁰¹—

(a) a V sheet;

⁹⁹ Section 7 (Load lines), part 15 (Miscellaneous), clause 78 (Permissible overloading) of the Code

¹⁰⁰ Section 8 (Stability), subsection A (Preliminary), clause A.4 (Presentation of data)

¹⁰¹ Section 214 (Regulations about signals of distress) of the Act

(b) the signals stated in section 16, annex IV, clauses 1 and 3¹⁰² 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.

Authority to use or display prescribed signal for training or demonstration

91.(1) Despite section 90(2),¹⁰³ 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 6.¹⁰⁴

Prescribed signal and information—Act, s 129

92.(1) The signal for section 129(2)¹⁰⁵ 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 18¹⁰⁶ of the Code.

¹⁰² Section 16 (Collision Regulations), Annex IV (Distress signals), clauses 1 and 3 of the Code

¹⁰³ Section 90 (Signals of distress)

¹⁰⁴ Part 6 (Authorities)

¹⁰⁵ Section 129 (Report of dangers to navigation)

¹⁰⁶ Section 15 (Emergency procedures and safety of navigation section), clause 18 (Information required in messages) of the Code

Division 6—Prevention of collisions

Application of Collision Regulations

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

Person operating ship to comply with Collision Regulations

94.(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)¹⁰⁷ 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

General speed limits

95.(1) The general speed limits for ships are stated in schedule 4.¹⁰⁸

(2) A person must not, in the waters stated in schedule 4, column 1, operate a ship mentioned in schedule 4, column 2, at a speed more than the speed stated in schedule 4, column 3.

Maximum penalty—200 penalty units.

(3) Subsection (2) is subject to sections 99 and 100.¹⁰⁹

¹⁰⁷ Section 211 (Regulations may give effect to treaties, conventions or international agreements or documents)

¹⁰⁸ Schedule 4 (General speed limits)

¹⁰⁹ Section 99 (Compliance with speed signs)
Section 100 (Speed limit for ship operating near person in water etc.)

Chief executive may erect etc. speed signs

96.(1) This section applies if the chief executive considers a speed limit for waters mentioned in section 95¹¹⁰ is inappropriate, having regard to—

- (a) regulating the maritime industry to ensure marine safety; or
- (b) enabling the effectiveness and efficiency of the Queensland marine industry to be further developed in the waters.

(2) The chief executive may erect, or mark, at a place in waters or adjacent to waters, a sign (a “**speed sign**”) stating another speed for the waters.

(3) A speed sign applies to all ships operating in the waters unless the sign indicates it applies only to particular ships.

(4) The speed indicated by a speed sign in waters applies until—

- (a) another speed sign in, or adjacent to, the waters indicates a different speed; or
- (b) another sign erected or marked, at a place in the waters or adjacent to the waters by the chief executive, indicates the speed stated by the speed sign ends; or
- (c) the waters become unnavigable.

(5) A speed sign may be an official traffic sign except that the speed indicated by the number on the sign is the speed in knots.

Advertising of speed sign

97.(1) This section applies if the chief executive erects, or marks, a speed sign stating a speed for waters under section 96.

(2) The chief executive must, by gazette notice and in a newspaper circulating near or adjacent to the waters that the sign is for, advertise the erecting or marking of the sign.

(3) The advertisement must state the following—

- (a) the waters the sign is for;

¹¹⁰ Section 95 (General speed limits)

- (b) the speed for the waters;
- (c) for a sign applying only to particular ships—the ships the sign applies to.

Advertising changing or taking away speed sign

98.(1) This section applies if the chief executive changes, or takes away, a speed sign stating a speed for waters under section 96.¹¹¹

(2) The chief executive must, by gazette notice and in a newspaper circulating near or adjacent to the waters that the sign is for, advertise the changing or taking away of the sign.

(3) The advertisement must state the following—

- (a) for a sign that has been changed—the details of the change;
- (b) for a sign that has been taken away—the waters from which the sign was taken.

Compliance with speed signs

99. In waters to which a speed sign applies, a person must not operate a ship to which the sign applies at a speed more than the speed stated in the sign for the ship.

Maximum penalty—200 penalty units.

Speed limit for ship operating near person in water etc.

100.(1) This section applies to a ship in waters within 30 m of any of the following—

- (a) a person in the waters;
- (b) a ship at anchor or made fast to the shore or aground;
- (c) a jetty, wharf, boat ramp or pontoon in or on the waters;
- (d) a float or structure exhibiting a Code A flag or other commonly accepted signal indicating the presence of a diver in the waters.

¹¹¹ Section 96 (Chief executive may erect etc. speed signs)

(2) A person must not operate the ship at a speed of—

- (a) more than 6 knots; or
- (b) if a lesser speed is stated under the sections—more than the stated speed.

Maximum penalty—200 penalty units.

(3) Subsection (2) applies despite sections 95 and 99.¹¹²

Speed limit if ship causing damage by its wash

101.(1) 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.

(2) This section applies despite sections 95 to 100.¹¹³

No offence if ship operated at speed necessary for safety

102.(1) A person does not commit an offence against a provision of this division about the speed of a ship if—

- (a) the ship must be operated at a speed (the “**ship’s control speed**”) more than the greatest speed at which the ship may be operated under sections 95 to 101¹¹⁴ (the “**statutory speed**”) because it is unsafe for the ship to be operated at a speed less than the ship’s

¹¹² Section 95 (General speed limits), section 99 (Compliance with speed signs)

¹¹³ Sections 95 (General speed limits), 96 (Chief executive may erect etc. speed signs), 97 (Advertising of speed sign), 98 (Advertising changing or taking away speed sign), 99 (Compliance with speed signs) and 100 (Speed limit for ship operating near person in water etc.)

¹¹⁴ Sections 95 (General speed limits), 96 (Chief executive may erect etc. speed signs), 97 (Advertising of speed sign), 98 (Advertising changing or taking away speed sign), 99 (Compliance with speed signs), 100 (Speed limit for ship operating near person in water etc.) and 101 (Speed limit if ship causing damage by its wash)

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.

Safe speed under Collision Regulations prevails over other speeds

103.(1) In this section—

“**safe speed**” has the meaning given by the Collision Regulations.

(2) If there is a conflict between a speed requirement in sections 95 to 101 and a requirement in the Collision Regulations to operate a ship at a safe speed, the requirement in the Collision Regulations prevails.

Division 8—Exceptions for police officers etc

Exceptions for police officers during emergency

104.(1) This section applies to a police officer who—

- (a) holds a licence to operate a commercial ship as its master; and
- (b) operates a ship under the control of the Queensland Police Service during an emergency.

(2) Despite part 5, division 7 and section 58,¹¹⁵ during the emergency the police officer may operate the ship—

- (a) beyond the operational area stated in the officer’s licence; and
- (b) at any speed that is reasonable in the circumstances of the emergency.

Ships operated by Queensland Police Service etc

105.(1) This section applies to the following officers—

¹¹⁵ Part 5 (Operating ships), division 7 (Speed limits and wash) and section 58 (Licence required to operate etc. commercial ship)

- (a) a police officer operating a ship operated by the Queensland Police Service;
- (b) an officer of the Queensland Boating and Fisheries Patrol operating a ship operated by the Patrol.

(2) The officers may operate the ships displaying lights and sounding a repeater horn or siren in addition to the lights and sound devices required for the operation of the ships under the Collision Regulations.

(3) Subsection (2) applies despite section 94.¹¹⁶

Division 9—Operating documents and records for ship

Certain documents to be kept on certain ships etc.

106.(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.

(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.

¹¹⁶ Section 94 (Person operating ship to comply with Collision Regulations)

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

107.(1) This section applies to the following ships—

- (a) a registered commercial ship;
- (b) a registered fishing ship;
- (c) a registrable ship mentioned in paragraphs (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 5¹¹⁷ 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)—

- (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.

¹¹⁷ Schedule 5 (Operating records for a ship)

Shipping inspector may require production of licence

108.(1) A shipping inspector who boards a ship under section 165¹¹⁸ 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.

Division 10—Orderly control for certain ships

Application of Act, pt 14, div 2

109. All commercial ships on Queensland intrastate voyages¹¹⁹ are ships to which part 14, division 2¹²⁰ of the Act applies.

¹¹⁸ Section 165 (Boarding of ships and entry of vehicle)

¹¹⁹ See section 11(1)(c) of the Act (General application of Act to ships) and section 4 of the Act (Definitions) “Queensland intrastate voyage”.

¹²⁰ Part 14 (Orderly control over ships), division 2 (Passenger carrying ships)

Division 11—Dangerous cargoes***Subdivision 1—General provisions*****Definitions**

110. 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;
- (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;
- (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.¹²¹

“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 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;

¹²¹ 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.

- (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.

Duties of person sending dangerous cargo by ship

111.(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.

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)¹²² of the Act applies.

Application of dangerous cargo codes

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

Duties of owner and master of ship about dangerous cargo

113.(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.

Reporting requirements for ships loading etc. dangerous cargo

114.(1) This section applies if a ship—

- (a) other than a ship mentioned in paragraph (c) is carrying dangerous cargo and—
- (i) is to arrive at, or depart from, a pilotage area; or
 - (ii) at a berth or anchorage in a pilotage area—

¹²² Section 213 (Regulations about dangerous substances)

- (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

- (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.

Reporting dangerous cargo event

115.(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.

Chief executive may require declaration about ship's cargo

116.(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.

Restriction on loading combination carrier

117. 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

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

Maximum penalty—200 penalty units.

Exceptions to restrictions under s 117

118.(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 paragraph (a) of the definition “dangerous cargo”, 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.

Obligations under s 113 not limited

119. Sections 117 and 118¹²³ do not limit the obligations of the owner and master of the ship under section 113.¹²⁴

Subdivision 2—Restrictions on certain dangerous goods**Definition**

120. In this subdivision—

“**dangerous goods**” means any of the following dangerous goods—

- (a) ammonium nitrate or ammonium nitrate fertiliser as classified in the IMDG Code that have been classified under the United Nations classification as class 5.1—oxidising substances;
- (b) explosives as classified in the IMDG Code that have been classified under the United Nations classification as class 1—explosives;
- (c) organic peroxide as classified in the IMDG Code that has been classified under the United Nations classification as class 5.2—organic peroxides.

Handling of dangerous goods in pilotage area

121.(1) The owner and master of a ship in a pilotage area must not handle, or allow to be handled, on the ship any more than the following quantities of dangerous goods—

- (a) for ammonium nitrate or ammonium nitrate fertiliser—400 t;
- (b) for explosives—25 kg net explosive mass;
- (c) for organic peroxides—125 kg.

¹²³ Section 117 (Restriction on loading combination carrier), section 118 (Exceptions to restrictions under section 117)

¹²⁴ Section 113 (Duties of owner and master of ship about dangerous cargo)

(2) Subsection (1) is a regulation to which section 213(3)¹²⁵ of the Act applies.

Obligations under sdiv 1 not limited

122. Section 121 does not limit the obligations of a person under subdivision 1 for dangerous goods.

PART 6—AUTHORITIES

Division 1—Definition

Definition

123. 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;¹²⁶
- (i) a load line certificate;

¹²⁵ Section 213 (Regulations about dangerous substances)

¹²⁶ Section 56 (Chief executive may issue certificate of survey for ship)

- (j) a permit issued under section 76;¹²⁷
- (k) a pilotage exemption.

Division 2—How authority is obtained

Way application made

124. An application for an authority 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.

Chief executive to decide application within 28 days

125.(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) Despite subsection (1), 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 128,¹²⁸ the chief executive must decide the application for accreditation before the temporary accreditation ends.

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

¹²⁷ Section 76 (Chief executive may issue temporary permit for master or crew member)

¹²⁸ Section 128 (Temporary accreditation)

Issuing of authority if application granted

126.(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 130.¹²⁹

Term of authority

127.(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.

Temporary accreditation

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

Refusal of application for authority

129.(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 16¹³⁰ 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
- (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.

Grant of authority on conditions

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

Division 3—Renewal of authority**Renewal of authority**

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

¹³⁰ Part 16 (Appeals)

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.

Div 2 applies to application for renewal

132.(1) Division 2¹³¹ 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—

- (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

Amendment of authority at holder's request

133.(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—

¹³¹ Division 2 (How authority is obtained)

- (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.

Div 2 applies to application for amendment

134. Division 2¹³² applies to an application for an amendment of an authority in the same way it applies to an application for an authority.

Amendment of authority on chief executive's initiative

135.(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
 - (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.

¹³² Division 2 (How authority is obtained)

(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.¹³³

(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.

Procedure for amending authority

136.(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
- (b) if the chief executive provided for a later day when granting or deciding the amendment—the later day.

Notice to return authority for alteration after amendment

137.(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.

¹³³ Part 16 of the Act provides for appeals.

(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

Grounds for suspension or cancellation of authorities

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

Procedure for suspension or cancellation

139.(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
- (b) that the holder may appeal against the decision under part 16¹³⁴ 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.

¹³⁴ Part 16 (Appeals)

Action by chief executive following marine incident

140.(1) This section applies if the chief executive has required a shipping inspector to investigate a marine incident under section 126¹³⁵ 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
- (f) state that the holder of the authority may appeal against the suspension or amendment under part 16¹³⁶ 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 139¹³⁷ for cancelling, suspending or refusing to renew an authority is separate from the procedure for suspending or amending an authority under this section.

Extension of term of suspension or amendment under s 140

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

¹³⁵ Section 126 (Investigation process into marine incident)

¹³⁶ Part 16 (Appeals)

¹³⁷ Section 139 (Procedure for suspension or cancellation)

(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 139¹³⁸ to the holder of the authority before its suspension or amendment under section 140¹³⁹ 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 132¹⁴⁰ 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 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.

Effect of suspension on renewal of authority

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

¹³⁸ Section 139 (Procedure for suspension or cancellation)

¹³⁹ Section 140 (Action by chief executive following marine incident)

¹⁴⁰ Section 132 (Role of board of inquiry)

Authority to be returned

143.(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**Replacement of authority**

144.(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.

Surrender of authority

145.(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.

(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

Transfer of ship’s registration

146.(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.

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

147.(1) Sections 125, 126 and 129¹⁴¹ 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—

- (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.

¹⁴¹ Section 125 (Chief executive to decide application within 28 days), section 126 (Issuing of authority if application granted) and section 129 (Refusal of application for authority)

(3) If the ship's registration is subject to conditions imposed by the chief executive under section 130,¹⁴² the conditions apply to the new owner when the registration is transferred.

PART 7—PILOTAGE AREAS AND PILOTS

Division 1—Pilotage areas

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

148. The areas of Queensland waters stated in schedule 6¹⁴³ are pilotage areas.

Division 2—Pilots

Application of Act, pt 8

149.(1) The following are ships to which part 8¹⁴⁴ 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);
- (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;

¹⁴² Section 130 (Grant of authority on conditions)

¹⁴³ Schedule 6 (Pilotage areas)

¹⁴⁴ Part 8 (Pilots) of the Act

- (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—

“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).

“propelling” includes towing.

Master to ensure safety of pilot

150.(1) Part 18 and part 23, section 9¹⁴⁵ of the Marine Orders (**“the relevant provisions”**) have effect with all necessary changes as if they were part of this regulation.

¹⁴⁵ Part 18 (Helicopter operations), part 23 (Equipment–miscellaneous and safety measures), section 9 (Pilot transfer arrangements) of the Marine Orders

(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.

Transfer of pilot to ship

151.(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.

Conditions for exemption from pilotage

152.(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 must not grant a person a pilotage exemption for a ship that is not an Australian registered ship or a tank ship over 200 m.

(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 6.¹⁴⁶

Division 3—Reporting movements of ships

Owner or master to report shipping movements in pilotage area

153.(1) This section applies if a ship mentioned in section 149(1)(a) to (d)¹⁴⁷—

- (a) is to arrive at, or depart from, a pilotage area; or

¹⁴⁶ Part 6 (Authorities)

¹⁴⁷ Section 149 (Application of Act, pt 8)

- (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.

PART 8—PILOTAGE FEES, CONSERVANCY DUES ETC.

Division 1—Pilotage fees

Application

154. This division applies to a ship to which part 8 of the Act applies under section 149.¹⁴⁸

Pilotage fees for pilotage service

155. Pilotage fees are payable when a person navigates a ship in a pilotage area and uses the services of a pilot.¹⁴⁹

¹⁴⁸ Section 149 (Application of Act, pt 8)

¹⁴⁹ 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.

Pilotage fees if pilot cannot leave ship

156.(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.

Division 2—Conservancy dues**Conservancy dues for ships**

157.(1) Conservancy dues are payable for the ships mentioned in section 149(1)(a) to (d).¹⁵⁰

(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 while it is laid up in a pilotage area, or 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.

¹⁵⁰ Section 149 (Application of Act, pt 8)

Division 3—General**Definition**

158. In this division—

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

Who is liable to pay fees

159. The owner of a ship must pay—

- (a) the fees payable for the ship; and
- (b) interest on unpaid fees under section 161.¹⁵¹

When fees become payable

160. Fees must be paid before 30 days after the day of issue of an invoice for the fees.

Interest on unpaid fees

161.(1) Interest at the rate stated in schedule 7,¹⁵² and compounding daily, is payable on fees that are not paid as required by section 160.

(2) If the fees are not paid as required by section 160, interest is payable on unpaid fees from the day of issue of the invoice for the fees until all the fees mentioned in the invoice, and interest, are paid.

Recovery of fees and interest

162. 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.

¹⁵¹ Section 161 (Interest on unpaid fees)

¹⁵² Schedule 7 (Fees)

PART 9—OTHER MATTERS ABOUT MARINE SAFETY

Division 1—Approval of harbour masters for this part

Definition

163. In this part—

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

Chief executive may approve harbour master and give directions

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

(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.

Limitation on exercise of power under this part

165.(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 155 and 156¹⁵³ 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.

¹⁵³ Section 155 (Pilotage fees for pilotage service), section 156 (Pilotage fees if pilot cannot leave ship)

(3) A harbour master must comply with a direction of the chief executive under section 164(3).¹⁵⁴

Division 2—Marine incidents outside of pilotage area

Harbour master’s powers for marine incident outside of pilotage area

166.(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)¹⁵⁵ 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.

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

Direction to person about obstruction

167.(1) A harbour master may direct a person who is responsible for a buoy, mooring or anything that is obstructing, or may obstruct, navigation

¹⁵⁴ Section 164 (Chief executive may approve harbour master and give directions)

¹⁵⁵ Section 88 (Direction to master about operation of ship), section 89 (Direction to person in charge of a place)

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

Harbour master may carry out direction

168.(1) This section applies if a person has not complied with a direction given to the person by a harbour master under section 166 or 167.¹⁵⁶

(2) This section also applies if—

- (a) it appears to a harbour master there is no-one to whom a direction under section 166 or 167 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
- (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.

Recovery by State of expenses of carrying out direction

169.(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 168.¹⁵⁷

¹⁵⁶ Section 166 (Harbour master's powers for marine incident outside of pilotage area)

Section 167 (Direction to person about obstruction)

¹⁵⁷ Section 168 (Harbour master may carry out direction)

(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(1)(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

Issue of buoy mooring authorities

170.(1) The chief executive may issue a buoy mooring authority.

(2) The classes of buoy mooring authorities are—

- (a) a restricted buoy mooring authority under which only a 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 6.¹⁵⁸

Limitations on issue of buoy mooring authorities

171.(1) The chief executive may issue a buoy mooring authority only if the chief executive is satisfied that the mooring does not 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.

Conditions of authority for buoy moorings

172.(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 130.¹⁵⁹

Buoy mooring to display identifying number

173. 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.

¹⁵⁸ Part 6 (Authorities)

¹⁵⁹ Section 130 (Grant of authority on conditions)

Unlawful use of buoy mooring

174.(1) This section applies if a buoy mooring authority is a restricted buoy mooring authority.

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

Maximum penalty—50 penalty units.

Notice of establishment of buoy mooring

175.(1) A person who establishes a buoy mooring under a buoy mooring authority must, within 14 days of establishing it, give written notice containing the details mentioned in subsection (2) 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 notice must include the following details—

- (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.

Removal of buoy mooring on expiry or cancellation of authority

176.(1) The holder of a buoy mooring authority that has expired or has been cancelled under part 6¹⁶⁰ must remove the buoy, its mooring apparatus and its mooring block, within the time stated in subsection (2),

¹⁶⁰ Part 6 (Authorities)

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—within 14 days of the expiry; or
- (b) if the buoy mooring has been cancelled and—
 - (i) no appeal is made against the cancellation under part 16¹⁶¹ 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.

Unauthorised buoy mooring

177.(1) A person must not establish a buoy mooring unless the chief executive has issued a buoy mooring authority for it under section 170.¹⁶²

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

Aquatic events

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

¹⁶¹ Part 16 (Appeals)

¹⁶² Section 170 (Issue of buoy mooring authorities)

- (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.

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.¹⁶³

Division 7—Ships not to operate etc. in certain places

Anchoring prohibited near boat ramps etc.

179.(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.

¹⁶³ Section 18 of the Act provides as follows—

‘**18.(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.’

(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.

Ships operation prohibited near dam walls

180.(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.

Water skiing etc. prohibited in certain waters

181.(1) The owner and master of a ship must not operate the ship towing anyone by a line attached to the ship, including for example, a person water skiing or riding on a toboggan or tube, in waters if operating the ship in that way endangers marine safety.

(2) For subsection (1), the chief executive, by gazette notice, may state the waters where the operation of a ship in the way mentioned in subsection (1) endangers marine safety.

Division 8—Miscellaneous safety requirements

Operation of ship by unlicensed person

182.(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—

- (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.

(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.

Water skiing or riding on toboggan or tube

183.(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 paragraphs (a) or (b).

(3) A person (an “operator”) must not operate a ship towing a skier unless 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.

Interfering with speed sign

184.(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

Approval of forms

185. The chief executive may approve forms for use under the Act.

Appropriate fees and refund in certain cases

186.(1) The fees for this regulation are stated in schedule 7.¹⁶⁴

(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—

¹⁶⁴ Schedule 7 (Fees)

- (a) an authority;
- (b) a renewal, or an amendment, of an authority;
- (c) a transfer of the registration of a ship.

Refund of fees on surrender of ship's registration

187.(1) This section applies if the chief executive receives a surrender of a ship's registration under section 145.¹⁶⁵

(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.

Review of regulation

188.(1) The Minister must start a review of this regulation within 1 year of its commencement.

(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.

¹⁶⁵ Section 145 (Surrender of authority)

(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.

Repeal

189. The *Transport Operations (Marine Safety) (Transitional) Regulation 1994* is repealed.

PART 11—TRANSITIONAL

PFD's and flares for recreational ships

190.(1) Sections 15(1)(a), 16(a) and 17¹⁶⁶ do not apply to a recreational ship until 1 July 1997, if the ship is equipped with a personal flotation device for each person on board the ship.

¹⁶⁶ Section 15 (Safety equipment for recreational ship operating in smooth waters), section 16 (Safety equipment for recreational ship operating in partially smooth waters and beyond) and section 17 (Exceptions for personal watercraft)

(2) Section 16(c) and (d) does not apply to a recreational ship operating in partially smooth waters and beyond until 1 July 1997, if the ship is equipped with 3 hand held red flares.

(3) This section expires on 2 July 1997.

Existing certificates of survey

191.(1) This section applies if a certificate (an “**old certificate**”) of survey is issued and in force under the *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987* immediately before the commencement of this regulation for a commercial ship or a fishing ship.

(2) The old certificate is taken to be an authority under part 6¹⁶⁷ and expires, unless it is sooner suspended or cancelled under this regulation, when the chief executive issues the replacement certificate mentioned in subsection (3).

(3) The chief executive must, as soon as is reasonably practicable after the commencement of this section, issue a certificate (a “**replacement certificate**”) of survey for the ship in the approved form.

(4) However, for subsection (3)—

- (a) no application need be made; and
- (b) no fee is payable; and
- (c) no certificate of compliance need be given.

(5) The replacement certificate is—

- (a) issued on the same conditions (with all necessary changes) as were stated in the old certificate and any other conditions the chief executive considers appropriate; and
- (b) taken to be an authority under part 6 except that—
 - (i) it is not renewable; and
 - (ii) is issued for an unlimited term; and

¹⁶⁷ Part 6 (Authorities)

(c) valid only for part 4¹⁶⁸ of the Act and sections 43(2)(b)(i) and 46(3)(b).¹⁶⁹

(6) This section expires 12 months after its commencement.

Interim display requirements for registration label for registered recreational ship

192.(1) This section applies if—

- (a) a recreational ship is taken to be registered under section 225 or 228¹⁷⁰ of the Act immediately before the commencement of this section; and
- (b) the ship's registration label is displayed in the way required under the *Marine Safety (Private Pleasure Vessels) Regulation 1984* immediately before the commencement.

(2) Section 51¹⁷¹ does not apply to the ship.

(3) This section expires 1 year after its commencement.

Continuation of certain licences

193.(1) A licence to operate a commercial or fishing ship as its master, or to act as a crew member of a commercial or fishing ship, issued under the *Marine Safety (Transitional) Regulation 1994* and in force immediately before the commencement of this regulation, continues in force under this regulation and is as valid and effectual as if it were issued under this regulation.

(2) Part 6,¹⁷² other than division 2¹⁷³ applies to the licence.

¹⁶⁸ Part 4 (General safety obligations and standards)

¹⁶⁹ Section 43 (Requirements for first registration of commercial ship) and section 46 (Requirements for first registration etc. of fishing ship)

¹⁷⁰ Section 225 (Registration of ship continues), section 228 (Issue of approval without formal application)

¹⁷¹ Section 51 (Registration label for registered recreational ship)

¹⁷² Part 6 (Authorities)

¹⁷³ Division 2 (How authority is obtained)

(3) This section expires 1 year after it commences.

Transitional registration for certain commercial ships

194.(1) This section applies to a ship (“ship”) in service with any of the following entities, and used for the genuine purposes of the entity, immediately before the commencement of this regulation—

- (a) a volunteer marine rescue association or a surf lifesaving association accredited by the emergency services department;
- (b) the emergency services department.

(2) Despite section 43(2),¹⁷⁴ the chief executive may register the ship as a commercial ship without a certificate of compliance or certificate of survey mentioned in section 43(2) and renew its registration.

(3) The combined term of the initial registration of the ship and any renewals of it must not be longer than—

- (a) if the ship is less than 6 m—3 years; or
- (b) if the ship is 6 m or more—5 years.

(4) When the ship’s registration and any renewal of it under this section ceases, part 3, division 2, subdivision 3 (other than section 43)¹⁷⁵ applies to the ship.

(5) This section expires 5 years after it commences.

Existing load line certificates

195.(1) A load line certificate for a ship issued under the *Queensland Marine (Registration, Survey, Equipment and Load Line) Regulation 1987*, and in force immediately before the commencement of this section, is taken to be a load line certificate issued under this regulation.

(2) A certificate mentioned in subsection (1) expires on the day stated in it unless it is sooner suspended or cancelled under this regulation.

¹⁷⁴ Section 43 (Requirements for first registration etc of commercial ship)

¹⁷⁵ Part 3 (Accreditation, ship building and registration of ships), division 2 (Building of ships), subdivision 2 (Type and class of registration), section 43 (Requirements for first registration etc. of commercial ship)

(3) This section expires 5 years after it commences.

Applications under existing regulations

196.(1) This section applies if—

- (a) an application has been made for an approval, consent, licence or permit under an existing regulation mentioned in section 231¹⁷⁶ of the Act; and
- (b) the application complies fully with the requirements of the existing regulation; and
- (c) there is an equivalent authority that may be issued for the approval, consent, licence or permit under part 6;¹⁷⁷ and
- (d) the application has not been finally decided under the old regulation before the commencement of this regulation.

(2) The application is taken to be an application for the equivalent authority under this regulation and all requirements about the application for the authority under this regulation are taken to have been complied with.

(3) The chief executive must deal with the application as required by part 6.

(4) This section expires 1 year after it commences.

Interim power of chief executive to increase quantity of dangerous goods handled in pilotage area

197.(1) The purpose of this section is to allow the chief executive to temporarily vary the quantities of dangerous goods that may be carried or handled in pilotage areas while a full review of the quantities of dangerous goods that may be handled in the areas is carried out.

(2) The section applies if the chief executive considers a quantity of dangerous goods stated in section 121(1)¹⁷⁸ should be greater for a

¹⁷⁶ Section 231 (Existing regulations)

¹⁷⁷ Part 6 (Authorities)

¹⁷⁸ Section 121 (Handling of dangerous goods in pilotage area)

particular pilotage area having regard to—

- (a) regulating the maritime industry to ensure marine safety; and
- (b) enabling the effectiveness and efficiency of the Queensland marine industry to be further developed.

(3) Despite section 121, the chief executive may, by gazette notice, approve another quantity of dangerous goods for the pilotage area.

(4) The owner and master of a ship, in a pilotage area to which the gazette notice applies, must not handle, or allow to be handled, on the ship more than the quantities of dangerous goods approved for the pilotage area in the gazette notice.

(5) Section 213(3)¹⁷⁹ of the Act applies to subsection (4).

(6) The approval expires when this section expires.

(7) This section does not limit the obligations of a person under part 5, division 10.¹⁸⁰

(8) In this section—

“**dangerous goods**” has the meaning given by section 120.¹⁸¹

(9) This section expires 1 year after it commences.

¹⁷⁹ Section 213 (Regulations about dangerous substances)

¹⁸⁰ Part 5 (Operating ships), division 10 (Dangerous cargoes)

¹⁸¹ Section 120 (Definition)

SCHEDULE 1

DECLARATION ABOUT SHIP'S SEAWORTHINESS

section 47

PART 1—DECLARATION OF ACCREDITED SHIP DESIGNERS

Declaration by accredited ship designer (hull, superstructure or machinery) about seaworthiness of ship

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**”), I have designed and that is 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 B of the *Transport Operations (Marine Safety—Design and Building of Commercial and Fishing Ships) Interim Standard 1995*—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;

SCHEDULE 1 (continued)

- (c) I have designed the ship or part to be operated as a **(class to be stated)** ship or part of a class **(class to be stated)** ship;
- (d) I have designed the ship or part to be seaworthy 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 **(purpose to be stated)**; and
- (B) in **(operational area to be stated)**;
- (ii) the number of persons the ship may carry is **(number to be stated together with any restrictions on the number of persons that may be on a stated part of the ship)**;
- (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 2—DECLARATION OF ACCREDITED SHIP BUILDERS**Declaration by accredited ship builder (hull, superstructure or machinery) about seaworthiness of ship**

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**”) I have built and that is specified in the plans and specifications (“**design documents**”) **(design documents to be described by number or other identifying mark)**—

- (a) I have built the ship or part 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—Design and Building of Commercial and Fishing Ships) Interim Standard 1995*);
- (b) I have built the ship or part to be operated as a **(class to be stated)** ship, or part of a class **(class to be stated)** ship;
- (c) I have built the ship or part to be seaworthy 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 **(purpose to be stated)**; and
 - (B) in **(operational area to be stated)**; and

SCHEDULE 1 (continued)

- (ii)(declarant to state all other 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).

Signed by the declarant at _____ the _____ day of
_____ 19 _____.

SCHEDULE 1 (continued)

**PART 3—DECLARATION OF ACCREDITED
MARINE SURVEYORS**

**Declaration by accredited marine surveyor
(hull, superstructure or machinery) about
seaworthiness of ship**

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**”) (**design documents to be described 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—Design and Building of Commercial and Fishing Ships) Interim Standard 1995);

- (c) the ship or part is in sound condition;
- (d) the ship or part is suitable to be operated as a **(class to be stated)** ship, or part of a class **(class to be stated)** ship;
- (e) the ship or part is built to be seaworthy 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 **(purpose to be stated)**; and
 - (B) in **(operational area to be stated)**; and

SCHEDULE 1 (continued)

- (ii) **.....(declarant to state all other 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).**

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**

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;

SCHEDULE 1 (continued)

- (c) so far as relates to the things mentioned in paragraphs (a) and (b) only, 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).**

Signed by the declarant at _____ the _____ day of
_____ 19_____.

SCHEDULE 1 (continued)

PART 5—DECLARATION FOR STABILITY OF ACCREDITED SHIP DESIGNERS**Declaration by accredited ship designer (stability) about seaworthiness of ship**

I, **(name)** _____, accredited ship designer 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—Design and Building of Commercial and Fishing Ships) Interim Standard 1995* or, if no standard has been used, the practices applied, in assessing the ship for stability);

- (b) in assessing the ship for stability, I have done all the appropriate tests and calculations;

- (c) I have assessed the subdivision of the ship for operation in **(operational area to be stated)**;

- (d) 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 **(purpose to be stated)**; and

(B) in **(operational area to be stated)**;

- (ii) the number of persons the ship may carry is **(number to be stated together with any restrictions on the number of persons that may be carried on a stated part 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**

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 and marked the ship for its load line under section 85(1) of the regulation;
- (b) the ship is seaworthy for load line 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 3 (continued)

5. Pilots licences
 - 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 recreational ship)
2. Section 80 (Commercial ship carrying passengers not to carry more passengers than ship registered to carry)
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, carrying or discharging 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 4**GENERAL SPEED LIMITS**

section 95

Column 1 Waters	Column 2 Ships	Column 3 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	
(a) between entrance beacons and Luggage Point;	over 3 m	13
(b) upstream from Luggage Point.		8
5. Cairns—	Ships of draft	
(a) entrance channel seaward of No. 9 beacons;	over 3 m	10
(b) Trinity Inlet inshore from No. 9 beacons;		8
(c) Smith's Creek.		4
6. Weipa—	Ships of draft	
(a) to seaward of a line joining Gonbung Point and No. 19 beacon;	over 3 m	10
(b) upstream from a line joining Gonbung Point and No. 19 beacon.		8

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

SCHEDULE 5 (continued)

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;
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;

SCHEDULE 5 (continued)

Trawl equipment, test, repairs and renewals;
Practical tests of repaired equipment.

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

Brisbane pilotage area

1. 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 the meridian of longitude $153^{\circ}10'$ east
 - then in a south-south-easterly direction to the position of latitude $26^{\circ}50'$ south, longitude $153^{\circ}15'$ 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 the parallel of latitude $27^{\circ}40'$ south
 - then west along the parallel of latitude $27^{\circ}40'$ south to a point at the high water mark where the parallel meets the mainland
 - then by the high water mark in a northerly direction along the eastern shoreline of the mainland returning to the starting

SCHEDULE 6 (continued)

point; and

- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Southport pilotage area

2. The Southport pilotage area is the area of waters bounded by an imaginary line drawn—

- starting at the high water mark at a point where the parallel of latitude $27^{\circ}40'$ south meets the eastern shoreline of the Queensland mainland
- then east along the parallel of latitude $27^{\circ}40'$ south to a point at the high water mark where the parallel meets the western shoreline of North Stradbroke Island
- 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
- then across to the high water mark on the northern extremity of South Stradbroke Island
- 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 the position of latitude $27^{\circ}56'$ south, longitude $153^{\circ}27'$ east
- then south along meridian of longitude $153^{\circ}27'$ east to the parallel of latitude $27^{\circ}56.2'$ south
- then in a westerly direction to the seaward extremity of the southern breakwater at the entrance to the Gold Coast Seaway
- then by the high water mark in a westerly direction along the northern shoreline and in a southerly direction along the western

SCHEDULE 6 (continued)

shoreline of The Spit and returning in a northerly direction along the eastern shoreline of the mainland to the starting point.

Noosa pilotage area

3. The Noosa pilotage area is the area of waters at the high water mark consisting of—

- 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 centred at the south head of the Noosa River entrance.

Maryborough pilotage area

4. The Maryborough pilotage area is the area of waters bounded by an imaginary line drawn—

- starting at the high water mark at a point where the parallel of latitude $25^{\circ}07'$ south meets the eastern shoreline of the Queensland mainland
- then in a north-easterly direction to the position of latitude $24^{\circ}45'$ south, longitude $152^{\circ}45'$ east
- then in an east direction along the parallel of latitude $24^{\circ}45'$ south to a point where the parallel meets the western shoreline of Fraser Island
- 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 the parallel of latitude $25^{\circ}45'$ south meets the eastern shoreline of the island
- then due east for 2 n miles to the position of latitude $24^{\circ}45'$ south, longitude $153^{\circ}08'$ 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 Queensland mainland and returning to the starting point.

Bundaberg pilotage area

5. The Bundaberg pilotage area is the area of waters at the high water mark consisting of—

- 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 centred at the Burnett Heads lighthouse.

Kolan pilotage area

6. The Kolan pilotage area is the area of waters at the high water mark consisting of—

- the Kolan 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 centred at the south head of the Kolan River entrance.

Baffle Creek pilotage area

7. The Baffle Creek pilotage area is the area of waters at the high water mark consisting of—

- Baffle Creek and connected waterways system from the head of navigation to the creek mouth
- from the creek mouth, the waters within a 1 n mile radius centred at the south head of the Baffle Creek entrance.

SCHEDULE 6 (continued)

Gladstone pilotage area

8. 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 in approximate position latitude $23^{\circ}43'$ south, longitude $151^{\circ}17.6'$ east
 - then to the position of latitude $23^{\circ}49.6'$ south, longitude $151^{\circ}34.6'$ east
 - then to the position of latitude $23^{\circ}56.6'$ south, longitude $151^{\circ}34.6'$ east
 - then to a point at the high water mark on the northern tip 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 tip of the island
 - then due west to the high water mark on the eastern shoreline of the Queensland mainland
 - then by the high water mark in a northerly direction along the eastern shoreline of the Queensland mainland to the parallel of latitude $23^{\circ}38.5'$ south
 - then in an easterly direction to a point, at the high water mark, where the parallel of latitude $23^{\circ}38.5'$ south meets the western shoreline of Curtis Island
 - 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 and 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).

SCHEDULE 6 (continued)

Rockhampton pilotage area

9. 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
 - from the river mouth, the waters bounded by an imaginary line drawn from the high water mark at Cattle Point on the Queensland mainland across to Arch Rock
 - then across to the high water mark on the northern tip 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 the parallel of latitude $23^{\circ}38.5'$ south
 - then west along the parallel of latitude $23^{\circ}38.5'$ south to the high water mark on the Queensland mainland
 - then by the high water mark in a northerly direction along the shoreline of the mainland returning to the Fitzroy River mouth; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Port Clinton pilotage area

10. The Port Clinton pilotage area is the area of—

- (a) waters bounded by an imaginary line—
- starting at the high water mark on the southern extremity of Perforated Point in approximate position latitude $22^{\circ}28.8'$ south, longitude $150^{\circ}45.43'$ east
 - then in a southerly direction across to the high water mark on the northern tip of Round Island

SCHEDULE 6 (continued)

- then from the high water mark on the southern tip of Round Island across to the high water mark on the adjacent northern tip of the Queensland mainland in approximate position latitude 22°31.4′ south, longitude 150°46.1′ east
 - then by the high water mark in a southerly, westerly and northerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, in to the waters in paragraph (a).

St Lawrence pilotage area

11. The St Lawrence pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on North Red Bluff in approximate position latitude 22°15.2′ south, longitude 149°35.9′ east
 - then in an easterly direction across to approximate position latitude 22°16.1′ south, longitude 149°55.4′ east on the Queensland mainland
 - then by the high water mark in a southerly, then westerly and then northerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable of waters rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Hay Point pilotage area

12. 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 Baker Creek entrance
 - then in an east-north-easterly direction to the position of

SCHEDULE 6 (continued)

latitude 21°10′ south, longitude 149°20′ east

- then east along the parallel of latitude 21°10′ south to the meridian of longitude 149°30′ east
 - then south along the meridian of longitude 149°30′ east to the parallel of latitude 21°18′ south
 - then in a westerly direction along the parallel of latitude 21°18′ south to a point at the high water mark where the parallel meets the mainland
 - then by the high water mark in a north-westerly direction along the 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).

Mackay pilotage area

13. 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 the meridian of longitude 149°22′ east
 - then south along the meridian of longitude 149°22′ east to the parallel of latitude 21°10′ south
 - then west along the parallel of latitude 21°10′ south to the meridian of longitude 149°20′ east
 - then in a west-south-westerly direction to the high water mark on the north head of the Baker Creek entrance
 - then by the high water mark in a northerly direction along the 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).

SCHEDULE 6 (continued)

Bowen pilotage area

14. The Bowen pilotage area is the area of—

- (a) waters bounded by an imaginary line—
- starting at the high water mark on the southern extremity of Dalrymple Point
 - then 286°(T) by a straight line to the port entrance beacon to Bowen Boat Harbour (20°01.43′ south, 148°15.32′ east)
 - then 303°(T) by a straight line to the intersection of the high water mark and the northern edge of the wharf at Bowen (20°01.14′ south, 148°14.84′ east)
 - then by the high water mark in an easterly direction along the 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).

Abbot Point pilotage area

15. The Abbot Point pilotage area is the area of—

- (a) waters bounded by an imaginary line—
- starting at the high water mark where the meridian of longitude 147°59′ east meets the eastern shoreline of the mainland
 - then north along the meridian of longitude 147°59′ east to the parallel of latitude 19°48′ south
 - then east along the parallel of latitude 19°48′ south to the meridian of longitude 148°08′ east
 - then in a south-easterly direction to the high water mark on the northern extremity of Gloucester Head on Gloucester Island

SCHEDULE 6 (continued)

- 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°01.14′ south, 148°14.84′ east)
 - then 123°(T) by a straight line to the port entrance beacon to Bowen Boat Harbour (20°01.43′ south, 148°15.32′ 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).

Townsville pilotage area

16. The Townsville pilotage area is the area of—

- (a) waters bounded by an imaginary line—
- starting at the high water mark on the northern extremity of Cape Cleveland
 - then to the position of latitude 19°05′ south, longitude 146°52′ east
 - then west along the parallel of latitude 19°05′ south to the meridian of longitude 146°45′ east
 - then south along the meridian of longitude 146°45′ east to a point at the high water mark where the meridian meets the mainland

SCHEDULE 6 (continued)

- 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).

Lucinda pilotage area

17. The Lucinda pilotage area is the area of—

- (a) Queensland waters bounded by an imaginary line—
 - starting at the high water mark at George Point on Hinchinbrook Island
 - then east along the parallel of latitude 18°29.20′ south to the meridian of longitude 146°26′ east
 - then south along the meridian 146°26′ east to the parallel of latitude 18°35′ south
 - then west along the parallel of latitude 18°35′ south to the high water mark where the parallel meets the eastern shoreline of the mainland
 - then by the high water mark in a northerly direction along the eastern shoreline of the mainland where the intersection of the northern edge of the offshore wharf structure and the high water mark at approximately latitude 18°31.5′ south, longitude 146°19.8′ east
 - then 352°(T) by a straight line to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Murray River pilotage area

18. The Murray River pilotage area is the area of waters at the high water mark consisting of—

- the Murray River and connected waterways system from the head of navigation to the river mouth

SCHEDULE 6 (continued)

- from the river mouth, the waters within a 2 n mile radius centred at the south head of the Murray River entrance.

Tully River pilotage area

19. The Tully River pilotage area is the area of waters at the high water mark consisting of—

- the Tully 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 centred at the south head of the Tully River entrance.

Mourilyan pilotage area

20. The Mourilyan pilotage area is the area of waters at the high water mark consisting of—

- 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 centred at the south-eastern extremity of Goodman Point.

Innisfail pilotage area

21. The Innisfail pilotage area is the area of waters at the high water mark consisting of—

- the Johnstone 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 centred at the southern extremity of Flying Fish Point.

Cairns pilotage area

22. The Cairns 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 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).

Port Douglas pilotage area

23. The Port Douglas pilotage area is the area of waters at the high water mark consisting of—

- 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 centred at the northern extremity of Island Point on the mainland.

Mossman River pilotage area

24. The Mossman River pilotage area is the area of waters at the high water mark consisting of—

- the Mossman 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 centred at the south head of the Mossman River entrance.

Daintree River pilotage area

25. The Daintree River pilotage area is the area of waters at the high water mark consisting of—

SCHEDULE 6 (continued)

- 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 centred at the south head of the Daintree River entrance.

Bloomfield River pilotage area

26. The Bloomfield River pilotage area is the area of waters at the high water mark consisting of—

- the Bloomfield 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 centred at the south head of the Bloomfield River entrance.

Cooktown pilotage area

27. The Cooktown pilotage area is the area of waters at the high water mark consisting of—

- 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.

Cape Flattery pilotage area

28. 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
 - then due east to the meridian of longitude 145°15.8' east

SCHEDULE 6 (continued)

- then in a south-easterly direction to the position of latitude 14°55.2′ south, longitude 145°22.1′ east
 - then south to the position of latitude 15° south, longitude 145°23′ east
 - then west along the parallel of latitude 15° south to a point at the high water mark where the parallel meets the mainland
 - 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).

Thursday Island pilotage area

29. The Thursday Island pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the western extremity of Smith Point on Horn Island
 - then west across to the high water mark on Kiwain Point on Prince of Wales Island
 - then west across to the high water mark on Webb Point on Friday Island
 - then in a westerly direction by the high water mark along the northern shoreline of Friday Island to Pott Point
 - then north across to the high water mark on Tucker Point on Goods Island
 - then in an easterly direction by the high water mark along the southern shoreline of Goods Island to Tessa Head
 - then across to the high water mark on Diamand Point on Hammond Island
 - then in an easterly direction by the high water mark along the southern shoreline of Hammond Island to Menmuir Point

SCHEDULE 6 (continued)

- then south-east across to the high water mark on King Point on Horn Island
 - then in a westerly direction by the high water mark along the northern shoreline of Horn Island to the starting point at Smith Point on Horn Island; and
- (b) the navigable waters rivers of and creeks flowing, directly or indirectly, into the waters in paragraph (a).

Weipa pilotage area

30. The Weipa pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high water mark on the western extremity 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).

Karumba pilotage area

31. The Karumba pilotage area is the area of—

- (a) waters at the high water mark consisting of—
- 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 centred at the north head of the Norman River entrance.

SCHEDULE 6 (continued)

Burketown pilotage area

32. The Burketown pilotage area is the area of waters at the high water mark consisting of—

- the Albert River and connected waterways system from the head of navigation to the river mouth
- from the river mouth, the waters within a 12.5 n mile radius centred at the eastern head of the Albert River at Kangaroo Point

SCHEDULE 7

FEEES

section 150

Accreditation of ship designers, ship builders and marine surveyors

1.(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—\$160.00;
- (b) approval fee—\$380.00.

(3) The fee for renewal of accreditation is \$160.00.

Registration of recreational ships

2.(1) This section sets the fees for registration of recreational ships.

(2) The fee is the total of the registration, boating facilities, drive fee and recreational use components.

(3) The registration component for a recreational ship is—

- (a) for a ship not over 4.5 m—\$38.40; or
- (b) for a ship over 4.5 m—\$65.70.

(4) The boating facilities component for a recreational ship is—

- (a) for a ship not over 10 m—\$6.80 for each metre or part of a metre; or
- (b) for a ship over 10 m but not over 35 m—\$67.90 plus \$11.30 for each metre, or part of a metre, over 10 metres; or
- (c) for a ship over 35 m—\$350.40.

SCHEDULE 7 (continued)

(5) The drive fee component for a recreational ship for which a licence to operate the ship as its master is required is \$5.50.

(6) The recreational use component for a recreational ship is \$12.00.

Pensioner concessions

3.(1) The owner of a recreational ship who receives a totally and permanently incapacitated war pension is exempt from payment of the registration fees payable for 1 recreational ship.

(2) The owner of a recreational ship who is in receipt of a full rate age, disability support, Australian/United Kingdom reciprocal pension, or a service or general rate disability pension, is exempt from payment of half the registration and boating facilities components of the total registration fee for 1 recreational ship.

(3) If the owner of a recreational ship holds a seniors card, the owner is exempt from payment of half the registration component of the total registration fee for 1 recreational ship.

Registration of commercial ships

4.(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—\$38.40; or

(b) for a ship over 4.5 m—\$65.70.

(4) The boating facilities component for a commercial ship is as follows—

(a) for a ship over than 10 m—\$6.80 for each metre or part of a metre;

(b) for a ship over 10 m but not over 35 m—\$67.90 plus \$11.30 for each additional metre, or part of a metre;

SCHEDULE 7 (continued)

(c) for ship over 35 m—\$350.40.

(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—\$96.50;
- (b) for a ship over 7 m but not over 10 m—\$237.80;
- (c) for a ship over 10 m but not over 15 m—\$297.00;
- (d) for a ship over 15 m but not over 20 m—\$362.70;
- (e) for a ship over 20 m but not over 25 m—\$414.20;
- (f) for a ship over 25 m but not over 35 m—\$471.30;
- (g) for a ship over 35 m but not over 50 m—\$556.50;
- (h) for a ship over 50 m but not over 75 m—\$601.00;
- (i) for a ship over 75 m but not over 100 m—\$686.00;
- (j) for a ship over 100 m—\$857.50.

(6) The compliance monitoring component for class 1F ships is as follows—

- (a) for a ship not over 7 m—\$37.30;
- (b) for a ship over 7 m but not over 10 m—\$62.50;
- (c) for a ship over 10 m but not over 15 m—\$93.10;
- (d) for a ship over 15 m but not over 20 m—\$123.80;
- (e) for a ship over 20 m but not over 25 m—\$186.30;
- (f) for a ship over 25 m but not over 35 m—\$217.00;
- (g) for a ship over over 35 m—\$248.90.

(7) The compliance monitoring component for commercial hovercraft is as follows—

- (a) for a hovercraft over 5 m—\$93.10;
- (b) for a hovercraft over 5 m but not over 7.5 m—\$124.90;
- (c) for a hovercraft over 7.5 m but not over 10 m—\$192.90;

SCHEDULE 7 (continued)

- (d) for a hovercraft over 10 m but not over 15 m—\$253.10;
- (e) for a hovercraft over 15 m but not over 20 m—\$381.30;
- (f) for a hovercraft over 20 m but not over 30 m—\$508.50;
- (g) for a hovercraft over 30 m—\$634.00.

(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.

Registration of fishing ships

5.(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—\$107.44;
- (ii) for a ship over 15 m but not over 20 m—\$289.40;
- (iii) for a ship over 20 m but not over 25 m—\$359.50;
- (iv) for a ship over 25 m but not over 35 m—\$451.50;
- (v) for a ship over 35 m but not over 50 m—\$556.50;
- (vi) for a ship over 50 m but not over 75 m—\$601.00;
- (vii) for a ship over 75 m but not over 100 m—\$686.00;
- (viii) for a ship over 100 m—\$857.50

Other registration fees

6.(1) This section sets the fees for miscellaneous aspects of ships registration.

(2) The fees are as follows—

SCHEDULE 7 (continued)

- (a) for a replacement registration label and certificate of registration for a commercial or a fishing ship—\$31.80;
- (b) for an extract from the registered ships register from information in the register—
 - (i) when the application is made—\$9.80;
 - (ii) on another day—\$15.30.

Restricted use flags

7.(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—\$138.00;
- (b) for a second or subsequent flag—\$57.10;
- (c) for a replacement flag—\$30.00;
- (d) for a flag for up to 1 month—\$50.00.

Certificates of survey

8.(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—\$81.00;
- (b) issue of certificate of survey—\$6.50.

Licences to operate commercial or fishing ships

9.(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—\$152.40;
- (b) for a master class 4, mate class 4 and skipper grade 2—\$152.40;

SCHEDULE 7 (continued)

- (c) for a master class 5 and skipper grade 3—\$104.10;
 - (d) for a coxswain—\$48.20;
 - (e) engineer class 3—\$190.80;
 - (f) marine engine driver grade 1—\$122.70;
 - (g) marine engine driver grade 2—\$88.70;
 - (h) marine engine driver grade 3—\$88.70.
- (3)** The fees for subjects taken separately are as follows—
- (a) for a licence mentioned in subsection (2)(a) or (b)—\$27.40;
 - (b) for a licence mentioned in subsection (2)(c)—\$21.80;
 - (c) for another licence mentioned in subsection (2)—\$43.90.

Licences to operate recreational ships

10.(1) This section sets the fee for a licence to operate a recreational ship as its master.

- (2)** The fee is \$28.40.

Pilot licence and exemption from pilotage

11.(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 fee for an application for any of the following is \$137.00—
- (a) pilot's licence (prescribed entity) competency examination;
 - (b) pilotage exemption competency examination;
 - (c) amendment of pilotage exemption;
 - (d) amendment of pilot licence (prescribed entity).
- (3)** The fee for issue of any of the following is \$137.00—
- (a) pilot's licence (prescribed entity);
 - (b) pilotage exemption;

SCHEDULE 7 (continued)

- (c) amended pilot's licence;
- (d) amended pilot's licence (prescribed entity).

Other licence fees

12.(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—\$41.60;
- (b) for issue of a load line certificate for a ship—\$87.50;
- (c) for a practical demonstration of skill and licence condition for commercial hovercraft endorsement—\$170.00;
- (d) for an application for—
 - (i) an eyesight or colour vision test for a licence (other than a recreational ship master's licence)—\$14.20;
 - (ii) an additional condition on licences—\$27.40;
- (e) for a sea time assessment—\$28.00;
- (f) for a temporary permit to operate a commercial or fishing ship as a master or crew member—\$78.00;
- (g) for replacement of a recreational ship master's licence—\$12.60;
- (h) for replacement of a commercial ship licence, fishing ship licence, pilot licence or pilotage exemption—\$20.80;
- (i) for renewal of a commercial or fishing ship licence—\$27.40;
- (j) for renewal of pilot's licence (prescribed entity)—\$66.80;
- (k) for renewal of pilotage exemption—\$66.80

SCHEDULE 7 (continued)

Training approval

13.(1) This section sets the fee for approval of an entity to provide training.

(2) The fee is \$280.00.

Pilotage fees

14.(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	18.0c
(B) over 10 000 gt to 20 000 gt	10.6c
(C) over 20 000 gt to 30 000 gt	7.0c
(D) over 30 000 gt	1.9c

(ii) minimum charge \$618.00

(b) for the pilotage area other than the Brisbane pilotage area—

(i) per gross ton or part of a gross ton—

	\$
(A) for the first 20 000 gt	8.7c
(B) over 20 000 gt to 40 000 gt	5.4c
(C) over 40 000 gt	3.4c

(ii) minimum charge \$312.00.

Other pilotage fees

15.(1) This section sets other fees about pilotage.

(2) The fees are as follows—

SCHEDULE 7 (continued)

- (a) removal charges if the ship's gross register tonnage—
- | | \$ | \$ | \$ |
|---|---------------------|---------------------|-----------------------|
| (i) is not over 1 000 tons | 139.00 ¹ | 204.00 ² | 267.00 ³ |
| (ii) over 1 000 tons but not over
6 000 tons | 262.00 ¹ | 351.00 ² | 441.00 ³ |
| (iii) over 6 000 tons but not over
10 000 tons | 383.00 ¹ | 498.00 ² | 600.00 ³ |
| (iv) over 10 000 tons | 537.00 ¹ | 626.00 ² | 739.00 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

Conservancy fees

16.(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 | 10.8c |
| (ii) over 500 gt | 18.3c |
- (b) any other ship, per gross ton or part of a gross ton 18.3c

Gross tonnage for certain ships

17. For sections 14 to 16, 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.

SCHEDULE 7 (continued)

Table A

Column 1 Ship	Column 2 Lloyds No.	Column 3 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

Buoy moorings

18.(1) This sections sets the fees for buoy moorings.

(2) The application fees for buoy moorings are as follows—

- (a) for a mooring for restricted use—\$100.00;
- (b) for a mooring for unrestricted use—\$200.00.

(3) The renewal fees for buoy moorings are as follows—

- (a) for a mooring for restricted use—\$75.00;
- (b) for a mooring for unrestricted use—\$200.00

Concession for certain unrestricted use buoy moorings

19.(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.

SCHEDULE 7 (continued)

- (2) The application and renewal fee for the authority is—
- (a) for each of the first 5 moorings—\$200.00;
 - (b) for each additional mooring—\$40.00.

SCHEDULE 8

PARTIALLY SMOOTH WATERS

schedule 11, definition “partially smooth waters”

Brisbane

1. The waters bounded by an imaginary line drawn—
 - from parallel 27°06′ 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.

Maryborough

2. The waters bounded by an imaginary line drawn—
 - from Burrum Point on the mainland
 - to the Fairway Buoy, Hervey Bay
 - to Rooney Point, Fraser Island
 - along the western shore of Fraser Island to parallel 25°25′ south
 - due west to the mainland.

Gladstone

3. The waters bounded by an imaginary line drawn—
 - from Clews Point on the mainland
 - to East Point, Facing Island

SCHEDULE 8 (continued)

- along the southern shore of Facing Island to parallel 23°52′ south
- due west to the mainland.

Keppel Bay

4. 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 half a n mile east of Egg Rock
 - to a point situated half a n mile east of The Child
 - to a point situated half a n mile east of Outer Rock
 - to Water Park Point on the mainland.

Mackay/Hay Point

5. The waters bounded by an imaginary line drawn—
- from Slade Point on the mainland
 - to a point situated 1 n mile east of Slade Island
 - to parallel 21°10′ south, meridian 149°30′ east
 - to parallel 21°18′ south, meridian 149°30′ east
 - due west to the mainland.

Whitsunday Passage/Edgecumbe Bay

6. The waters bounded by an imaginary line drawn—
- from the southern shore of Hervey Creek on the mainland
 - to the south-western extremity of Shaw Island
 - along the western shore of Shaw Island to its northern extremity

SCHEDULE 8 (continued)

- to the southern extremity of Maher Island
- along the western shore of Maher Island to Jesuit Point
- to Harold Island
- to Deloraine Island
- to a point situated 1 n mile north-east of Pinnacle Peak, Hook Island
- to a point situated 1 n mile north of Dolphin Point, Hayman Island
- to Eshelby Island
- to the southern extremity of Gloucester Island
- along the western shore of Gloucester Island to Gloucester Head
- to the north headland at the mouth of the Don River on the mainland.

Townsville

7. The waters bounded by an imaginary line drawn—
- from Cape Pallarenda on the mainland
 - to Bay Rock
 - to a point situated half a n mile north of White Rocks
 - to a point situated half a n mile north of The Point, Magnetic Island
 - to a point situated half a n mile north of Orchard Rocks
 - to Cape Cleveland on the mainland.

Palm Isles

8. The waters bounded by an imaginary line drawn—
- from Lucinda Point on the mainland
 - to George Point, Hinchinbrook Island

SCHEDULE 8 (continued)

- 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 parallel 18°39.4′ south
- 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 parallel 18°45′ south
- due west to the mainland.

Rockingham Bay

9. The waters bounded by an imaginary line drawn—
- from Ninney Point on the mainland
 - to a point situated half a n mile east of Clump Point on the mainland
 - to a point situated half a n mile 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 parallel 18°15′ south on the mainland.

Cairns

10. The waters bounded by an imaginary line drawn—
- from Buchan Point on the mainland

SCHEDULE 8 (continued)

- to a point situated half a n mile north of the northern extremity of Double Island
- to a point situated half a n mile north of Upolu Reef Cay
- then following the northern and eastern edges of Opolu Reef at a distance of half a n mile from the reef
- to a point situated half a n mile off the eastern extremity of Opolu Reef
- to Green Island
- to Little Fitzroy Island
- to 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.

Port Douglas

- 11.** The waters bounded by an imaginary line drawn—
- from Island Point on the mainland
 - to a point situated half a n mile east of the Low Islets
 - to Cape Tribulation on the mainland.

Thursday Island

- 12.** The waters bounded by an imaginary line drawn—
- from Van Speult Point on the mainland
 - to a point situated half a n mile south-west of Barn Island
 - to parallel 10°43.6′ south, meridian 142°15.8′ east on Prince of Wales Island (Rattlesnake Point)
 - along the eastern and northern shores of Prince of Wales Island to Hochepped Head

SCHEDULE 8 (continued)

- to Pott Point, Friday Island
- to Harrison Rock
- to Hammond Rock
- to a point situated half a n mile 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.

Weipa

- 13.** The waters bounded by an imaginary line drawn—
- from Duyfken Point on the mainland
 - to Thud Point on the mainland
 - along the shore to Duyfken Point.

SCHEDULE 9**SMOOTH WATERS**

schedule 11, definition “smooth waters”

Brisbane

1.(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 meridian $153^{\circ}26.5'$ east
- due south to South Stradbroke Island
- along the western shore of South Stradbroke Island to the outer northern breakwater
- to the outer southern breakwater at The Spit on the mainland.

(2) The waters bounded by an imaginary line drawn—

- from parallel $27^{\circ}06'$ south on the mainland
- to South Point, Bribie Island
- along the western shore of Bribie Island to its northern extremity
- to meridian $153^{\circ}07.75'$ east on the mainland.

Maryborough

2. The waters bounded by an imaginary line drawn—

- from parallel $25^{\circ}25'$ south on the mainland
- due east to longitude $152^{\circ}58'$ east
- thence in a north easterly direction

SCHEDULE 9 (continued)

- to the intersection of the parallel of $25^{\circ}23'$ south and Fraser Island
- along the western shore of Fraser Island to meridian $153^{\circ}04'$ east
- to Inskip Point on the mainland.

Gladstone

3. The waters bounded by an imaginary line drawn—
- from parallel $23^{\circ}52'$ 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 parallel $23^{\circ}34'$ south
 - due west to Division Point on the mainland.

Port Alma

4. 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 parallel $23^{\circ}34'$ south
 - due west to Division Point on the mainland.

Bowen

5. 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)

Lucinda

6. 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 parallel 18°15′ south on the mainland.

Mourilyan

7. 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.

Cairns

8. 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.

Port Douglas

9. The waters bounded by an imaginary line drawn—
- from Island Point on the mainland
 - due north to parallel 16°28.5′ south
 - due west to the mainland.

SCHEDULE 9 (continued)

Cooktown

10. The waters bounded by an imaginary line drawn—
- from Queens Chair on the mainland
 - to parallel $15^{\circ}27.1'$ south, meridian $145^{\circ}15.6'$ east
 - due west to the mainland.

Thursday Island

11. The waters bounded by an imaginary line drawn—
- from meridian $142^{\circ}15.3'$ east on Horn Island
 - due north to parallel $10^{\circ}33.1'$ south (near Channel Rock)
 - to Hammond Island
 - along the southern shore of Hammond Island to Kate Point
 - to Kirwan 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 meridian $142^{\circ}15.3'$ east on Horn Island.

Weipa

12. The waters bounded by an imaginary line drawn—
- from Wooldrum Point on the mainland
 - to parallel $12^{\circ}35.1'$ south, meridian $141^{\circ}47.6'$ east on the mainland
 - along the shore to Wooldrum Point.

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° south, longitude 145° east
- then due west along the parallel of latitude 10° south to where it meets the high water mark on the eastern shoreline of Eborac Island
- 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 in approximate position latitude 1° south, longitude 142° east
- then in a north westerly direction to the south western extremity of the protected zone at latitude 10° south, longitude 141° east
- then north along the meridian of longitude 141° east to where the boundary of the protected zone intersects the boundary of the fisheries jurisdiction line at the parallel of latitude 1° south
- then in an easterly direction along the boundary of the fisheries jurisdiction line to where the line intersects the meridian of longitude 145° east at the parallel of latitude 1° south

SCHEDULE 10 (continued)

- then south along the meridian of longitude 145° east to where meridian intersects the parallel of latitude 10° south at the starting point

SCHEDULE 11**DICTIONARY**

section 4

“approved chemist” see section 110.

“approved form” means a form approved by the chief executive under section 185.

“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.

“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.

“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 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.

SCHEDULE 11 (continued)

“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.

“emergency services department” means the department within which the *State Counter- Disaster Organization 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 operated and licensed as a primary or tender commercial fishing boat under the *Fisheries Regulation 1995*.

“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.

SCHEDULE 11 (continued)

“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.

“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—

- (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.

SCHEDULE 11 (continued)

“**MS**” means a standard made under the *Radiocommunications Act 1983* (Cwlth).

“**official traffic sign**” has the meaning given by the *Traffic Act 1949*.

“**partially smooth waters**” means the Queensland waters stated in schedule 8.

“**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—

- (a) is not more than 3.5 m in length; and
- (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;
- (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*.

SCHEDULE 11 (continued)

“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 compliment 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 to the Torres Strait Treaty.

“qualifications” includes experience.

“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.

“registrable ship” means a ship to which part 5, division 2 of the Act applies.

“registered” means registered under this regulation.

“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;
- (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.

“smooth waters” means the waters—

- (a) of rivers, creeks, streams and lakes; or
- (b) within breakwaters or revetments; or

- (c) within .5 n mile of the shore within partially smooth waters; 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
- (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.

ENDNOTES

1. Made by the Governor in Council on 14 December 1995.
2. Notified in the gazette on 15 December 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.