

Queensland



Subordinate Legislation 1998 No. 24

Transport Operations (Marine Safety) Act 1994

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

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Short title

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

Commencement

2. This standard commences on 1 March 1998.

Definitions

3. In this standard—

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

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

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

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

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

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

- (a) holds a current appropriate licence² to operate a recreational ship as its master; and
- (b) has a reasonable knowledge of—
 - (i) the Act, the regulation and other standards made under the Act; and
 - (ii) the Collision Regulations; and

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

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

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

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

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

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

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

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

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

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

Suitability for approval

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

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

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

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

Expiry

7. This standard expires 7 years after it commences.

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ENDNOTES

1. Made by the chief executive on 29 January 1998.
2. Approved by the Governor in Council on 26 February 1998.
3. Notified in the gazette on 27 February 1998.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Transport.