

**Queensland**



**Subordinate Legislation 2000 No. 117**

*Transport Operations (Marine Safety) Act 1994*

**TRANSPORT OPERATIONS (MARINE  
SAFETY—EXAMINING AND TRAINING  
(COMMERCIAL AND FISHING SHIPS))  
STANDARD 2000**

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### **Short title**

1. This standard may be cited as the *Transport Operations (Marine Safety—Examining and Training (Commercial and Fishing Ships)) Standard 2000*.

### **Commencement**

2. This standard commences on 16 June 2000.

### **Definitions**

3. In this standard—

“**commercial ship**” see the Marine Safety Regulation, schedule 11.

“**conviction**” includes a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

“**executive officer**”, of a body corporate, means a person who is concerned with, or takes part in, the body corporate’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

“**fishing ship**” see the Marine Safety Regulation, schedule 11.

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

“**VETE Act**” means the *Vocational Education, Training and Employment Act 1991*.

### **Application of standard**

4. This standard applies to commercial ships and fishing ships.

### **Qualifying of entity to conduct examinations—Marine Safety Regulation, s 72(1)**

5. An entity qualifies under the Marine Safety Regulation, section 72(1) as an entity to conduct examinations for licences for ships if—

- (a) the entity is—
  - (i) registered as an approved training organisation under the VETE Act to conduct the examinations; or
  - (ii) similarly registered under the law of another State corresponding to the VETE Act; and
- (b) the chief executive is satisfied that the entity's competence, expertise, quality assurance systems and resources are adequate for conducting the examinations.

**Qualifying of entity to provide training—Marine Safety Regulation,  
s 73(1)**

6. An entity qualifies under the Marine Safety Regulation, section 73(1) as an entity to provide training programs in the operation of ships if—

- (a) the entity is—
  - (i) registered as an approved training organisation under the VETE Act to provide the training programs; or
  - (ii) similarly registered under the law of another State corresponding to the VETE Act; and
- (b) the chief executive is satisfied that the entity's competence, expertise, quality assurance systems and resources are adequate for providing the training programs.

**Competence of entity**

7. In deciding whether an entity is competent for section 5(b) or 6(b) to conduct examinations or provide training programs, the chief executive must have regard to whether the entity—

- (a) has paid an infringement notice penalty under the *Justices Act 1886*, part 4A<sup>1</sup> for an offence against this Act in the last 2 years; or

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<sup>1</sup> *Justices Act 1886*, part 4A (Infringement notices)

- (b) has been convicted of an offence against this Act in the last 5 years.

### **When an entity does not qualify**

**8.** Despite sections 5 and 6, an entity is not qualified to conduct examinations or provide training programs—

- (a) if the entity is an individual who—
  - (i) has been convicted of an indictable offence in the last 5 years; or
  - (ii) has had a licence to operate a ship suspended or cancelled in the last 5 years; or
  - (iii) is an undischarged bankrupt; or
- (b) if the entity is a body corporate that—
  - (i) has been convicted of an indictable offence in the last 5 years; or
  - (ii) has an executive officer who—
    - (A) has been convicted of an indictable offence in the last 5 years; or
    - (B) has had a licence to operate a ship suspended or cancelled in the last 5 years.

### **Expiry**

**9.** This standard expires 7 years after it commences.

ENDNOTES

1. Made by the chief executive on 6 June 2000.
2. Approved by the Governor in Council on 14 June 2000.
3. Notified in the gazette on 16 June 2000.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Transport.