



Queensland

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

Subordinate Legislation 2005 No. 327

made under the

*Transport Operations (Marine Safety) Act 1994*

## Contents

---

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

## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Commencement**

This standard commences on 1 January 2006.

### **3 Dictionary**

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

### **4 Purpose of standard**

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

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

## **Part 2 Examining approvals**

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

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

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

- (1) An entity qualifies for an examining approval if the general manager is satisfied the entity—

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

---

- (a) has knowledge and skills at least equivalent to the competencies for which the entity will assess candidates; and
  - (b) for an application for an approval in relation to recreational marine driver licences—holds a licence to operate a commercial ship as its master; and
  - (c) for an application for an approval in relation to personal watercraft licences—holds a licence or certificate of competency the general manager considers reasonable and relevant to conducting examinations; and
  - (d) has completed either of the following—
    - (i) the assessment-related units of competency from a Certificate IV level qualification in training and assessment under the AQF;
 

*Examples of units of competency for subparagraph (i)—*

      - Certificate IV in Assessment and Workplace Training (BSZ40198), units of competency BSZ401A, BSZ402A and BSZ403A
      - Certificate IV in Training and Assessment (TAA40104), units of competency TAAASS401A, TAAASS402A and TAAASS404A
    - (ii) other studies the general manager considers are at least equivalent to the units of competency under subparagraph (i); and
  - (e) has knowledge and skills for conducting examinations for issuing licences; and
  - (f) is suitable for an examining approval.
- (2) If the entity is a corporation, the general manager must apply—
    - (a) subsection (1)(f) to the entity; and
    - (b) subsection (1) to an individual nominated by the entity, as if the individual were the entity.
  - (3) If the entity is an unincorporated body, the general manager must apply subsection (1) to an individual nominated by the entity, as if the individual were the entity.

## **Part 3 Training program approvals**

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

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

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

- (1) An entity qualifies for a training program approval if the general manager is satisfied—
  - (a) the entity has all of the following available for providing training programs—
    - (i) training facilities and equipment;  
*Example of subparagraph (i)—*  
training room with adequate seating and lighting, whiteboard, overhead projector
    - (ii) a registered commercial ship;
    - (iii) training and assessment documents; and  
*Example of subparagraph (iii)—*  
documents recording attendance and assessment results
  - (b) the entity is suitable for a training program approval; and
  - (c) if the entity—
    - (i) is an individual providing training programs—the individual meets the requirements under subsection (2); or
    - (ii) is a corporation, unincorporated body or individual who nominates another individual—the entity has nominated an individual who meets the requirements under subsection (2).
- (2) An individual nominated under subsection (1)(c) must—

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

---

- (a) have knowledge and skills at least equivalent to the competencies for which the entity will assess candidates; and
- (b) for an application for an approval in relation to recreational marine driver licences—hold a licence to operate a commercial ship as its master; and
- (c) for an application for an approval in relation to personal watercraft licences—hold a licence or certificate of competency the general manager considers reasonable and relevant to conducting training and assessment; and
- (d) have either—
  - (i) a Certificate IV level qualification in training and assessment under the AQF; or

*Examples of Certificate IV level qualification for subparagraph (i)—*

- Certificate IV in Assessment and Workplace Training (BSZ40198)
- Certificate IV in Training and Assessment (TAA40104)

- (ii) a teaching diploma or degree recognised by the Queensland Studies Authority and either—

- (A) at least the assessment-related units of competency from a Certificate IV level qualification in training and assessment under the AQF; or

*Examples of units of competency for subparagraph (A)—*

- Certificate IV in Assessment and Workplace Training (BSZ40198), units of competency BSZ401A, BSZ402A and BSZ403A
- Certificate IV in Training and Assessment (TAA40104), units of competency TAAASS401A, TAAASS402A and TAAASS404A

- (B) other studies the general manager considers are at least equivalent to the units of competency under subparagraph (A).

## Part 4

# Suitability of entities for examining approvals or training program approvals

### 9 Suitability of entity

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

*externally-administered body corporate* has the meaning given by the Corporations Act, section 9.<sup>1</sup>

*insolvent under administration* see section 71<sup>2</sup> of the regulation.

---

1 Corporations Act, section 9—

*externally-administered body corporate* means a body corporate—

- (a) that is being wound up; or
- (b) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
- (c) that is under administration; or
- (ca) that has executed a deed of company arrangement that has not yet terminated; or
- (d) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

2 Section 71 (Definitions for div 6) of the regulation

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

### **10**      **Repeal**

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

### **11**      **References to former standards**

- (1) In a document or instrument, other than an Act or regulation, a reference to the following is, if the context permits, a reference to this standard—
  - *Transport Operations (Marine Safety—Recreational Ship Masters Licence Approvals) Standard 1998*
  - *Transport Operations (Marine Safety—Marine Driver Licence Approvals) Interim Standard 2005*
  - *Transport Operations (Marine Safety—Marine Driver Licence Approvals) Interim Standard (No. 2) 2005.*
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.<sup>3</sup>

---

<sup>3</sup> *Acts Interpretation Act 1954*, section 14H (References taken to be included in reference to law)

## Schedule Dictionary

### section 3

**AQF** see the *Vocational Education, Training and Employment Act 2000*, section 19.<sup>4</sup>

**examining approval** means an approval of an entity to conduct examinations for issuing licences to operate recreational ships or personal watercraft as its master under section 103<sup>5</sup> of the regulation.

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

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

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

**training program approval** means an approval of an entity to provide training programs in the operation of recreational ships or personal watercraft under section 104<sup>6</sup> of the regulation.

**USL code** see schedule 15<sup>7</sup> of the regulation.

---

4 *Vocational Education, Training and Employment Act 2000*, section 19—

**AQF** means the policy framework entitled ‘Australian Qualifications Framework’ that defines all qualifications (whether as defined under this chapter or otherwise) recognised nationally in education and training within Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs so as to commence on 1 January 1995 and that policy framework as amended from time to time.

5 See section 103 (Approval of entity to conduct examinations) of the regulation.

6 See section 104 (Approval of entity to provide training) of the regulation.

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



#### ENDNOTES

- 1 Made by the general manager on 28 October 2005.
- 2 Approved by the Governor in Council on 15 December 2005.
- 3 Notified in the gazette on 16 December 2005.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Department of Transport.