



Queensland

Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006

Subordinate Legislation 2006 No. 16

made under the

Transport Operations (Marine Safety) Act 1994

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Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006

1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006*.

2 Commencement

This standard commences on 1 March 2006.

3 Dictionary

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

4 Application of standard

This standard applies to a person who is the owner or master of a commercial ship or fishing ship that is required to be registered under part 3, division 4¹ of the regulation.

5 Purpose of standard

- (1) This standard will help people to understand the general safety obligation under section 41² of the Act for commercial ships and fishing ships.
- (2) The equipment mentioned in section 6 is in addition to the safety equipment required under part 2,³ and part 5, division 8⁴ of the regulation.

1 Part 3 (Accreditation, ship building and registration of ships), division 4 (Registration of ships) of the regulation

2 Section 41 (General safety obligation of ship owners and masters about condition of ships) of the Act

3 Part 2 (Safety equipment) of the regulation

4 Part 5 (Ship operations), division 8 (Prevention of collisions) of the regulation

6 Miscellaneous equipment

- (1) A commercial ship or fishing ship should be equipped in accordance with the USL code, sections 12, 13 and 18.⁵
- (2) Alternatively, a commercial ship or fishing ship should be equipped to provide a level of safety at least equivalent to the level of safety under the USL code, sections 12, 13 and 18—
 - (a) to safely navigate the ship in the ship's intended operational area in all expected weather conditions for the area; and

Examples of equipment for paragraph (a)—

charts, radar, compasses

- (b) to safely secure the ship in the ship's intended operational area in all expected weather conditions for the area if the ship becomes disabled and afloat; and
- (c) to enable the ship to communicate with another ship, or a shore based radio station, in the ship's intended operational area in all expected weather conditions for the area; and
- (d) to provide a safe environment, first aid and reasonable comfort to anyone on board; and

Examples of equipment for paragraph (d)—

handrails, stairs

- (e) to allow anyone safe, unhindered access to and from the ship; and

Example of equipment for paragraph (e)—

a sturdy passenger gangway with handrails

- (f) to safely secure the ship in the ship's intended operational area in all expected weather conditions for the area to enable—
 - (i) anyone to embark or disembark; or

5 USL code, sections 12 (Radio equipment), 13 (Miscellaneous equipment) and 18 (Hire and drive vessels)

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- (ii) cargo to be transferred to or from the ship; and
 - (g) to indicate weather changes within the ship's intended operational area.
- (3) The equipment mentioned in this section should be in good working order.

7 Repeal

The Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005 SL No. 179 is repealed.

8 References to former standards

- (1) In a document or instrument a reference to the following standards may, if the context permits, be taken to be a reference to this standard—
- *Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 1998.*
 - *Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Interim Standard 2005.*
 - *Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005.*
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.⁶

⁶ *Acts Interpretation Act 1954*, section 14H (References taken to be included in reference to law)

Schedule Dictionary

section 3

commercial ship see schedule 15⁷ of the regulation.

fishing ship see schedule 15 of the regulation.

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

USL code see schedule 15⁸ of the regulation.

ENDNOTES

- 1 Made by the general manager on 22 December 2005.
- 2 Approved by the Governor in Council on 23 February 2006.
- 3 Notified in the gazette on 24 February 2006.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Department of Transport.

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7 Schedule 15 (Dictionary) of the regulation

8 A copy of the USL code is available from the National Marine Safety Committee, PO Box 1773, Rozelle, NSW, 2039 <www.nmsc.gov.au>.