



Queensland

# Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Standard 2006

Subordinate Legislation 2006 No. 19

made under the

*Transport Operations (Marine Safety) Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

This standard may be cited as the *Transport Operations (Marine Safety—Recreational 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 Purpose of standard**

This standard will help people to understand the general safety obligation under section 41<sup>1</sup> of the Act for recreational ships.

## **Part 2 Miscellaneous equipment for all recreational ships**

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

- (1) This part applies to a person who is the owner or master of a recreational ship, whether or not the ship is required to be registered under part 3, division 4<sup>2</sup> of the regulation.

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

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

- (2) However, this part does not apply to a person who is the owner or master of a recreational ship that is a personal watercraft.

## 6 Navigation

A recreational ship operating in or beyond partially smooth waters should be equipped with a liquid damped compass and a navigation chart appropriate to the operational area.

## 7 Anchoring

- (1) A recreational ship should be equipped with—
- (a) for a ship less than 5m operating in smooth waters—an anchor with at least 18m of cable; or
  - (b) for a ship less than 5m operating in or beyond partially smooth waters—an anchor with at least 27m of cable; or
  - (c) for a ship 5m or more but less than 8m operating in any operational area—an anchor with at least 27m of cable; or
  - (d) for a ship 8m or more operating in any operational area—2 anchors each with at least 37m of cable.
- (2) Despite subsection (1), the type and weight of anchor and the length and thickness of the cable should be appropriate for—
- (a) the type and weight of ship; and
  - (b) the weather and sea conditions; and
  - (c) the nature of the seabed.
- (3) In this section—
- cable*** means—
- (a) for a ship less than 5m—a chain or rope; or
  - (b) for a ship 5m or more—
    - (i) a chain; or
    - (ii) a chain of at least 2m attached to the anchor and a rope.

## **8 Baling**

A recreational ship should be equipped with—

- (a) for a ship less than 5m—baling equipment appropriate for the type of ship; or
- (b) for a ship 5m or more but less than 8m—a pump or other baling equipment with a minimum capacity of 45L per minute; or
- (c) for a ship 8m or more—a pump or other baling equipment with a minimum capacity of 70L per minute.

## **9 Manual propulsion**

A recreational ship less than 6m should be equipped with a way of manually propelling the ship.

*Examples—*

oars, paddles

## **10 Drinking water**

A recreational ship should be equipped with enough drinking water for everyone on board for the duration of the intended voyage.

## **11 Equipment to be in working order**

The equipment mentioned in this part should be in good working order.

## **Part 3**                      **Miscellaneous equipment for particular recreational ships that do not require registration**

### **Division 1**                **Preliminary**

#### **12**        **Definitions for pt 3**

In this part—

*PFD type 1* see schedule 15 of the regulation.

*PFD type 2* see schedule 15 of the regulation.

*PFD type 3* see schedule 15 of the regulation.

### **Division 2**                **Miscellaneous equipment for particular recreational ships other than particular personal watercraft**

#### **13**        **Definitions for div 2**

In this division—

*person*, for sections 15, 16 and 17, means an individual who is 1 year or more.

*personal flotation device* see schedule 15 of the regulation.

*positive flotation* see schedule 15 of the regulation.

#### **14**        **Application of div 2**

- (1) This division applies to a person who is the owner or master of a recreational ship mentioned in section 60(2)(f) or (i)<sup>3</sup> of the regulation.

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<sup>3</sup> Section 60 (Application of Act, pt 5, div 2) of the regulation

- (2) However, this division does not apply to a person who is the owner or master of a recreational ship mentioned in section 60(2)(i) of the regulation, if the ship is a personal watercraft.<sup>4</sup>

## **15 Safety equipment in smooth waters**

- (1) A recreational ship operating in smooth waters should be equipped with—
- (a) a PFD type 1, 2 or 3 for each person on board; and
  - (b) if the ship is more than 5m, fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.
- (2) However, subsection (1)(a) does not apply if—
- (a) the ship operates in a river, creek, stream or the waters contained within breakwaters or revetments; and
  - (b) the ship is equipped with grab lines, grab rails or other permanent means of giving each person on board a way of keeping a secure hold to the ship; and
  - (c) there is a statement in the approved form for the ship that the ship has positive flotation.
- (3) Despite subsection (1)(a), a tender operating in smooth waters is not required to be equipped with a PFD type 1, 2 or 3 for each person on board if—
- (a) the tender is used within 1km of the ship for which it is a tender; and
  - (b) there is a statement in the approved form for the tender that the tender has positive flotation.
- (4) The ship is taken not to be equipped with the safety equipment mentioned in subsection (1)(a) unless there is an appropriate size life jacket or personal flotation device for each person on board.

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<sup>4</sup> See division 3 (Miscellaneous equipment for particular personal watercraft).

## **16 Safety equipment in or beyond partially smooth waters**

- (1) A recreational ship operating in or beyond partially smooth waters should be equipped with—
  - (a) if the ship is operating in partially smooth waters—a PFD type 1 or 2 for each person on board; and
  - (b) if the ship is operating beyond partially smooth waters—a PFD type 1 for each person on board; and
  - (c) a V sheet; and
  - (d) 2 hand held red flares; and
  - (e) 2 hand held orange smoke signals; and
  - (f) if the ship is more than 5m—fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.
- (2) The flares and signals mentioned in subsection (1)(d) and (e) should conform to AS 2092—2004.<sup>5</sup>
- (3) The ship is taken not to be equipped with the safety equipment mentioned in subsection (1)(a) or (b) unless there is an appropriate size life jacket or personal flotation device for each person on board.
- (4) In this section—

*V sheet* see schedule 15 of the regulation.

## **17 Exception for person wearing diver's jacket**

Despite sections 15 and 16, a recreational ship need not be equipped with a personal flotation device for a person on

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<sup>5</sup> AS 2092–2004 (Pyrotechnic marine distress flares and signals for pleasure craft)



board if the person is wearing an inflatable diver's jacket complying with BS EN 12628:1999.<sup>6</sup>

## **Division 3                      Miscellaneous equipment for particular personal watercraft**

### **18            Safety equipment for particular personal watercraft**

- (1) A recreational ship mentioned in section 60(2)(i) of the regulation that is a personal watercraft should be equipped with a PFD for the operator of, and each passenger on, the watercraft.
- (2) For subsection (1), if the operator of, or a passenger on, the personal watercraft is not wearing a PFD with which the personal watercraft is equipped, the personal watercraft is taken not to be equipped with the PFD.
- (3) In this section—  
*PFD* means—
  - (a) if the watercraft is operating in smooth waters—a PFD type 2 or 3; or
  - (b) if the watercraft is operating in partially smooth waters or beyond—a PFD type 2.

## **Division 4                      Servicing or replacing safety equipment**

### **19            Safety equipment to be serviced or replaced**

- (1) This section applies if a recreational ship's safety equipment under section 15, 16 or 18 has an expiry date by which it should be serviced or replaced.

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<sup>6</sup> BS EN 12628:1999 (Diving accessories. Combined buoyancy and rescue devices. Functional and safety requirements, test methods)

- (2) The ship is taken not to be equipped with safety equipment under section 15, 16 or 18 unless the equipment has been serviced or replaced before the expiry date.

## **Part 4                      Repeal and references to former standards**

### **20      Repeal**

The Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005 SL No. 183 is repealed.

### **21      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—Recreational Ships Miscellaneous Equipment) Standard 1998*
  - *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard 2005.*
  - *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005.*
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.<sup>7</sup>

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<sup>7</sup> *Acts Interpretation Act 1954*, section 14H (References taken to be included in reference to law)

## Schedule Dictionary

### section 3

*partially smooth waters* see schedule 15<sup>8</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*.

*smooth waters* see schedule 15 of the regulation.

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#### 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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