



Queensland

Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007

Subordinate Legislation 2007 No. 111

made under the

Transport Operations (Marine Safety) Act 1994

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1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007*.

2 Commencement

This standard commences on 15 June 2007.

3 Definitions

In this standard—

corresponding law means a corresponding law for the *Vocational Education, Training and Employment Act 2000*, chapter 2 or for a provision of that chapter.

Note—

See the *Vocational Training, Education and Employment Act 2000*, section 19, definition *corresponding law*

examination includes assessment.

VETE Act means the *Vocational Education, Training and Employment Act 2000*.

4 Application of standard

This standard applies to commercial ships and fishing ships.

5 Main purpose of standard

The main purpose of this standard is to state how entities qualify for approvals mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, sections 103 and 104.

6 Qualification of entity

An entity qualifies for an approval mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, section 103 or 104 if the entity—

- (a) is either of the following—
 - (i) a registered training organisation under the VETE Act;
 - (ii) a registered training organisation under a corresponding law; and
- (b) is able to satisfy the general manager that the entity's expertise and resources are adequate for conducting examinations or providing training programs about the operation of ships; and
- (c) is able to provide the information mentioned in section 9 to a shipping inspector for inspection; and
- (d) is solvent as described in section 10.

7 Expertise of entity

- (1) In deciding an entity's expertise for section 6(b), the general manager may have regard to matters the general manager considers appropriate and relevant including, for example, the qualifications, knowledge and skills of the individuals who will conduct examinations and provide training for the entity.
- (2) Without limiting subsection (1), the general manager may consider an entity's expertise to be adequate if training is provided and examinations are conducted for the entity by an individual with—
 - (a) a current open licence at a level higher than the level of examinations being conducted or training being provided; or
 - (b) both of the following—
 - (i) a current open licence at the same level as the level of examinations being conducted or training being provided;
 - (ii) relevant industry experience; or

Example for paragraph (b)—

A person who holds a master class 5 licence and has at least 12 months sea service on a commercial ship as its master, including

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operations during the hours of darkness, may conduct examinations and provide training for levels up to master class 5.

- (c) both of the following—
 - (i) units of competency at the same level or a level higher than the level of examinations being conducted or training being provided;
 - (ii) a significant degree of relevant industry experience.
- (3) For subsection (2)(b) and (c), a person has relevant industry experience if the general manager is satisfied, on reasonable grounds, that the person's experience—
 - (a) is relevant to the training being provided or examination being conducted; and
 - (b) enables an examiner to conduct examinations or a trainer to provide training.
- (4) In this section—

open licence means a licence other than—

 - (a) a restricted licence; or
 - (b) a licence limited by a condition mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, section 155, if that condition limits—
 - (i) the geographical area of operation for the licence; or
 - (ii) the power or type of ship the licence holder may use.

8 Resources of entity

In deciding an entity's resources for section 6(b), the general manager may have regard to matters the general manager considers appropriate and relevant including, for example, whether the entity can provide, for training or examinations—

- (a) facilities and equipment; and

Examples for paragraph (a)—

training rooms, computers, navigation equipment, charts

- (b) the use of a registered commercial ship or engineering facility as a workplace environment.

9 Information for inspection

For section 6(c), the information that may be inspected by a shipping inspector includes—

- (a) students' names, addresses and telephone numbers; and
- (b) a daily record of attendance for each training program activity, including the name of the trainer; and
- (c) for 3 years after each examination, each record of examination for each student, with details of who conducted the examination and when and where it was conducted; and

Examples of record of examination for paragraph (c)—

assignment, workbook, record of service, observation checklist, written assessment

- (d) comprehensive details about how examinations and training programs are conducted, including, for example—
 - (i) whether examinations or training programs are conducted at sea, in a workplace or in a classroom; and
 - (ii) whether training programs are conducted on a full-time or part-time basis; and
 - (iii) whether examinations are oral, written or practical; and
 - (iv) learning and assessment strategies, assessment instruments and examiner checklists.

10 Solvency of entity

- (1) For section 6(d), an entity is solvent if the entity is not—

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- (a) an individual who is an insolvent under administration; or
 - (b) a corporation that is an externally-administered body corporate; or
 - (c) an unincorporated body, if the individual applying for the unincorporated body is an insolvent under administration.
- (2) In this section—

externally-administered body corporate has the meaning given by the *Corporations Act 2001* (Cwlth), section 9.¹

insolvent under administration see the *Transport Operations (Marine Safety) Regulation 2004*, section 71.

11 Repeal

The Transport Operations (Marine Safety—Examining and Training (Commercial and Fishing Ships)) Standard 2000 SL No. 117 is repealed.

¹ *Corporations Act 2001* (Cwlth), 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.

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ENDNOTES

- 1 Made by the general manager on 24 April 2007.
- 2 Approved by the Governor in Council on 14 June 2007.
- 3 Notified in the gazette on 15 June 2007.
- 4 Laid before the Legislative Assembly on . . .
- 5 The administering agency is the Department of Transport.