



Queensland

Transport Operations (Marine Safety) Amendment Regulation (No. 3) 2008

Subordinate Legislation 2008 No. 243

made under the

Transport Operations (Marine Safety) Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Transport Operations (Marine Safety) Amendment Regulation (No. 3) 2008*.

2 Commencement

This regulation commences on 1 August 2008.

3 Regulation amended

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

4 Amendment of s 84 (Application of Act, pt 5, div 3)

(1) Section 84(2)(i)—

omit.

(2) After section 84(2)—

insert—

‘Editor’s note—

See also section 239.’.

5 Amendment of s 86 (Owner or master to ensure master and crew members appropriately licensed)

(1) Section 86(2)(a), ‘for the ship’s operational area’—

omit.

(2) Section 86—

insert—

‘(4) Subsection (2)(b) does not apply to a fishing ship if the ship is—

(a) less than 10m; and

(b) being operated by a holder of a coxswain licence; and

(c) operating within the fishing ship operational area.’.

6 Amendment of s 87 (Operation of ship by unlicensed person)

(1) Section 87(2)(a)(ii), from ‘or’ to ‘Council’—

omit.

(2) After section 87(2)(a)(ii)—

insert—

‘Editor’s note—

See also section 239.’.

7 Amendment of s 99A (Qualifications for personal watercraft licence)

(1) Section 99A(a), ‘1’—

omit, insert—

‘either’.

(2) Section 99A(a)(iii)—

omit.

(3) After section 99A(a)—

insert—

‘Editor’s note—

See also section 239.’.

8 Insertion of new s 239

After section 238—

insert—

‘239 Transitional provision for the Transport Operations (Marine Safety) Amendment Regulation (No. 3) 2008

‘(1) Despite the amendment of section 84(2) by the amending regulation, part 5, division 3 of the Act does not apply until 1 August 2009 to a ship that is—

- (a) a fishing ship less than 10m or a recreational ship; and
- (b) operated by a certificate holder.

[s 8]

- ‘(2) Despite the amendment of section 87(2)(a)(ii) by the amending regulation, section 87 as in force immediately before the commencement continues to apply until 31 July 2009 in relation to a certificate holder.
- ‘(3) Despite the amendment of section 99A(a) by the amending regulation, section 99A as in force immediately before the commencement continues to apply until 31 July 2009 in relation to a certificate holder.
- ‘(4) A certificate holder is exempt from paying the fee for a coxswain licence stated in schedule 10, section 12(2)(d) if the person applies for the licence before 1 August 2009.
- ‘(5) In this section—

amending regulation means the *Transport Operations (Marine Safety) Amendment Regulation (No. 3) 2008*.

certificate means a certificate to operate a fishing ship less than 10m issued by the Queensland Fishing Industry Training Council or the Queensland Seafood Industry Association Inc.

certificate holder means a person who—

- (a) at the commencement, holds a current certificate to operate a fishing ship less than 10m issued by the Queensland Fishing Industry Training Council or the Queensland Seafood Industry Association Inc; or
- (b) before the commencement, had started a training course for a certificate, but was not issued with a certificate until after the commencement.

commencement means the commencement of this section.’

ENDNOTES

- 1 Made by the Governor in Council on 24 July 2008.
- 2 Notified in the gazette on 25 July 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.

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