



Queensland

# Transport Operations (Marine Safety) Legislation Amendment Regulation 2024

## Subordinate Legislation 2024 No. 188

made under the

*Transport Operations (Marine Safety) Act 1994*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Marine Safety) Legislation Amendment Regulation 2024*.

### 2 Commencement

- (1) Sections 8 to 11 and sections 14 to 16 commence on 9 September 2024.
- (2) Sections 4, 7 and 13 commence on 1 December 2024.

## Part 2 Amendment of Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2017

### 3 Standard amended

This part amends the *Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2017*.

*Note—*

See also the amendments in schedule 1.

### 4 Amendment of s 20 (Safety equipment in or beyond partially smooth waters)

Section 20—

*insert—*

- (2) For subsection (1)(a), a Queensland regulated ship is taken not to be equipped with a required

lifejacket for an individual on board who is 1 year or more while the ship is crossing a coastal bar if—

- (a) for a Queensland regulated ship that is an open boat—the individual is not wearing the required lifejacket for the individual; or
  - (b) for another Queensland regulated ship—the individual is occupying an open area of the ship and is not wearing the required lifejacket for the individual.
- (3) In this section—
- coastal bar* see section 24(6) of the regulation.
- open area* see section 24(6) of the regulation.
- open boat* see section 24(6) of the regulation.

## **5 Amendment of s 26 (Application of provision about personal flotation devices under 2004 regulation)**

Section 26(1)—

*insert—*

- (d) a reference in the transitional provision to the end of the personal flotation device's serviceable life is taken to be a reference to the end of the personal flotation device's serviceable life or 1 September 2025, whichever is sooner.

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## Part 3 **Amendment of Transport Operations (Marine Safety) Regulation 2016**

### 6 **Regulation amended**

This part amends the *Transport Operations (Marine Safety) Regulation 2016*.

*Note—*

See also the amendments in schedule 1.

### 7 **Amendment of s 24 (When ship is taken to be equipped with required lifejacket)**

(1) Section 24(1), ‘If a ship is not a tender, the ship’—

*omit, insert—*

A ship that is not a tender

(2) Section 24(2)—

*omit, insert—*

(2) A ship that is an open boat is taken to be equipped with a required lifejacket for each individual on board who is 1 year or more while the ship is underway only if—

(a) for a ship that is less than 4.8m, has only 1 individual on board who is 12 years or more and is underway during daytime—

(i) the individual who is 12 years or more is wearing the required lifejacket for the individual; and

(ii) each individual on board who is 1 year or more but less than 12 years is wearing the required lifejacket for the individual; or

[s 7]

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- (b) for a ship that is less than 4.8m and is underway during night-time—each individual on board who is 1 year or more is wearing the required lifejacket for the individual; or
    - (c) in any other case—each individual on board who is 1 year or more but less than 12 years is wearing the required lifejacket for the individual.
  - (2A) A ship that is not an open boat is taken to be equipped with a required lifejacket for each individual on board who is 1 year or more while the ship is underway only if each individual on board who is 1 year or more but less than 12 years and who is occupying an open area of the ship is wearing the required lifejacket for the individual.
  - (2B) A ship is taken to be equipped with a required lifejacket for each individual on board who is 1 year or more while the ship is crossing a coastal bar only if—
    - (a) for a ship that is an open boat—each individual on board who is 1 year or more is wearing the required lifejacket for the individual; or
    - (b) for another ship—each individual on board who is 1 year or more and who is occupying an open area of the ship is wearing the required lifejacket for the individual.
- (3) Section 24(4), definition *open boat*—  
*omit.*
- (4) Section 24(4)—  
*insert—*

***daytime*** means the period between sunrise and sunset on a day.

***night-time*** means the period between sunset on a

day and sunrise on the next day.

***open area***, for a ship that is not an open boat, means an area of the ship other than an area located in—

- (a) a permanent, rigid deckhouse or cabin; or
- (b) another space that is—
  - (i) suitable for a person to occupy; and
  - (ii) enclosed, except for 1 opening suitable for a person to enter or leave the space.

***open boat*** means a ship the structure of which does not include, or have attached to it—

- (a) a permanent, rigid deckhouse or cabin; or
- (b) another space that is—
  - (i) suitable for a person to occupy; and
  - (ii) enclosed, except for 1 opening suitable for a person to enter or leave the space.

- (5) Section 24(2A) to (4)—  
*renumber* as section 24(3) to (6).

## **8 Amendment of s 41 (Application of part)**

Section 41(6), definition *sailing ship*—  
*omit*.

## **9 Amendment of s 177 (Marine zones)**

Section 177(2), after ‘off’—  
*insert*—  
from

[s 10]

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**10 Amendment of s 178 (Operating ship in marine zone in contravention of requirement)**

Section 178(3), after ‘off’—

*insert—*

from

**11 Amendment of s 212 (Appointment of shipping inspectors)**

Section 212(1)(d)—

*omit, insert—*

(d) an employee of the Queensland Bulk Water Supply Authority.

**12 Amendment of s 225 (Personal flotation devices under 2004 regulation taken to be lifejackets)**

Section 225(2), after ‘serviceable life’—

*insert—*

or 1 September 2025, whichever is sooner

**13 Amendment of sch 1 (Coastal bars)**

Schedule 1, authorising provision, ‘section 24(4)’—

*omit, insert—*

section 24(6)

**14 Amendment of sch 5 (Marine zones)**

Schedule 5—

*insert—*

**Part 4 Lake Wivenhoe**



## 1 Marine zone

The area shown on the map in schedule 5A as the Lake Wivenhoe Marine Zone is a marine zone.

## 2 Requirements for marine zone

- (1) The requirements for the marine zone are as follows—
  - (a) the following ships must not be operated in the marine zone—
    - (i) a personal watercraft;
    - (ii) a ship that is powered by an engine other than an electric engine, a 4-stroke engine or a 2-stroke direct injection engine;
  - (b) a ship must not be operated in the marine zone at a speed of more than 6kn;
  - (c) a ship must not be operated in the marine zone to tow a person or thing;
  - (d) a ship must not be operated in the marine zone between sunset on a day and sunrise on the next day;
  - (e) a ship must not be operated in the prohibited area of the marine zone.
- (2) In this section—

***prohibited area*** means the area in the marine zone shown on the map in schedule 5A as the prohibited area.

## 3 Exceptions from requirements for marine zone

- (1) The requirements in section 2(1) do not apply to the operation of a ship by—

[s 15]

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- (a) an employee of the Queensland Bulk Water Supply Authority who is a shipping inspector performing a function under section 153 of the Act; or
  - (b) an employee of, or a person otherwise engaged by, the Queensland Bulk Water Supply Authority who is performing a function of the authority under the *South East Queensland Water (Restructuring) Act 2007*, section 9.
- (2) The requirement in section 2(1)(b) does not apply to the operation of a ship if—
- (a) the ship is operated by a person who is carrying out an activity under an authority issued under the *Fisheries Act 1994*, section 49 for the purposes of fish stocking; or
  - (b) the ship is a sailing ship—
    - (i) operating in the marine zone as part of an aquatic event held in accordance with an aquatic event authority; and
    - (ii) being propelled by a sail.

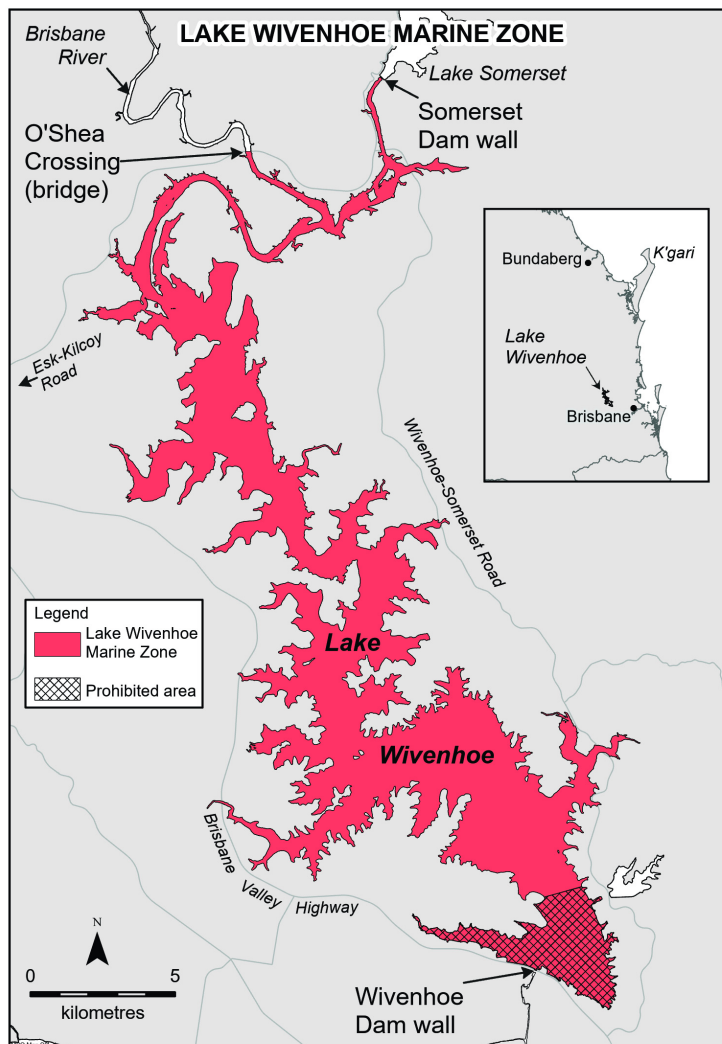
## 15 Insertion of new sch 5A

After schedule 5—

*insert—*

### **Schedule 5A Lake Wivenhoe Marine Zone and prohibited area**

schedule 5, part 4, sections 1 and 2(2), definition *prohibited area*



## 16 Amendment of sch 9 (Dictionary)

Schedule 9—

*insert—*

***Queensland Bulk Water Supply Authority*** means  
the Queensland Bulk Water Supply Authority

[s 17]

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continued in existence under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

***sailing ship*** means a ship designed to use sails as its primary means of propulsion, whether or not the ship also has an auxiliary mechanical means of propulsion.

## **Part 4                      Other amendments**

### **17            Legislation amended**

Schedule 1 amends the legislation it mentions.

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## Schedule 1      Other amendments

section 17

### Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2017

**1      Section 23(1)(a), from ‘smooth waters’—**

*omit, insert—*

smooth waters—

- (i) a compliant inflatable diver’s jacket; or
- (ii) a lifejacket level 50; or
- (iii) a lifejacket level 50S; or
- (iv) a lifejacket level 100;

**2      Section 23(1)(b)(i), from ‘smooth waters’—**

*omit, insert—*

smooth waters—

- (A) a compliant inflatable diver’s jacket; or
- (B) a lifejacket level 50; or
- (C) a lifejacket level 100; or

**3      Section 23(1)(c)(i), from ‘smooth waters’—**

*omit, insert—*

smooth waters—

- (A) a lifejacket level 50; or

(B) a lifejacket level 50S; or

(C) a lifejacket level 100; or

**4 Section 23(1)(c)(ii), ‘100 or 50’—**

*omit, insert—*

50 or lifejacket level 100

## **Transport Operations (Marine Safety) Regulation 2016**

**1 Section 14, heading, ‘in partially smooth waters or beyond’—**

*omit, insert—*

**in or beyond partially smooth waters**

**2 Section 20, heading, ‘in partially smooth waters and beyond’—**

*omit, insert—*

**in or beyond partially smooth waters**

**3 Section 22(b) and (c)(ii), ‘in partially smooth waters or beyond’—**

*omit, insert—*

**in or beyond partially smooth waters**

ENDNOTES

- 1 Made by the Governor in Council on 29 August 2024.
- 2 Notified on the Queensland legislation website on 30 August 2024.
- 3 The administering agency is the Department of Transport and Main Roads.

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