



Queensland

*Transport Operations (Marine Safety) Act 1994*

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

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Queensland

# Transport Operations (Marine Safety) Regulation 2016

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# Transport Operations (Marine Safety) Regulation 2016

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Marine Safety) Regulation 2016*.

### 2 Commencement

This regulation commences on 1 September 2016.

### 3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

### 4 Vessels that are not ships—Act, s 10

For section 10(4) of the Act, a thing mentioned in the national regulation, section 12 is not a ship.

### 5 References to latitude or longitude

A reference in this regulation to latitude or longitude is a reference to latitude or longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

### 6 References to length of ship

For working out the length of a ship for this regulation, the length is—

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- (a) for sections 24 and 163, and schedule 6, part 1, division 2, item 5 and part 2, division 1—the distance measured from the foremost tip of the hull to the aftermost part of the hull, excluding appendages; or
- (b) otherwise—the measured length of the ship within the meaning of the NSCV, part B.

## **Chapter 2            Safety equipment for                               Queensland regulated ships**

### **Part 1                General**

#### **7                      Purpose of chapter**

The purpose of this chapter is to—

- (a) require particular Queensland regulated ships to be equipped with particular equipment; and

*Note—*

The *Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006* also provides for equipment with which particular Queensland regulated ships may be equipped.

- (b) declare the equipment to be safety equipment to which section 44 of the Act applies.

#### **8                      Equipment to which s 44 of the Act applies**

Equipment with which a ship must be equipped under this chapter is safety equipment to which section 44 of the Act applies.





## **12 Lighting devices for signalling for ship on water at night**

- (1) A ship on water at any time between sunset and sunrise must be equipped with a lighting device for signalling to attract attention.

*Examples of lighting devices—*

torches, lanterns, fluorescent lights and cyalume sticks

- (2) Also, a ship operated on the Brisbane River must display a flashing white all-round light if the ship—
- (a) is used for training or competition; and
  - (b) is not powered but is propelled by using oars or paddles.
- (3) Subsections (1) and (2) do not limit the obligation of the person operating the ship to equip the ship with navigation lights as required under section 79.

*Note—*

Section 79 requires compliance with the collision regulations, which include requirements about navigation lights.

## **13 Safety equipment for ship, other than a personal watercraft or tender, operating in smooth waters**

- (1) A ship, other than a personal watercraft or tender, operating in smooth waters must be equipped with—
- (a) a required lifejacket for each individual on board who is 1 year or more; and
  - (b) if the ship is more than 5m—firefighting equipment capable of extinguishing a 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 waters 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

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- (c) there is a statement in the approved form for the ship that the ship has level flotation.

**14 Safety equipment for ship, other than a personal watercraft or tender, operating in partially smooth waters or beyond**

A ship, other than a personal watercraft or tender, operating in or beyond partially smooth waters must be equipped with—

- (a) a required lifejacket for each individual on board who is 1 year or more; and
- (b) a V sheet; and
- (c) 2 compliant handheld red flares; and
- (d) 2 compliant handheld orange smoke signals; and
- (e) if the ship is more than 5m—firefighting equipment capable of extinguishing a fire on the ship quickly and effectively.

**15 Safety equipment for a personal watercraft**

- (1) A personal watercraft must be equipped with a required lifejacket for each individual on the watercraft who is 1 year or more.
- (2) For subsection (1), if an individual on a personal watercraft is not wearing the required lifejacket for the individual with which the watercraft is equipped, the watercraft is taken not to be equipped with the lifejacket.
- (3) Also, a personal watercraft operating in or beyond partially smooth waters must be equipped with—
  - (a) a V sheet; and
  - (b) 2 compliant handheld red flares; and
  - (c) 2 compliant handheld orange smoke signals.
- (4) However, subsection (3) does not apply to a personal watercraft operating—

- (a) as part of an aquatic event held in accordance with an aquatic event authority; or
- (b) beyond partially smooth waters and within 0.5n miles from land.

## **16 Stowage and accessibility of safety equipment**

A ship is taken to be equipped with safety equipment under this part only if the owner or master gives each person on board information about where the safety equipment is kept, including, for example, by giving the information orally, in a demonstration or on a printed sign.

*Note—*

See also section 24 in relation to lifejackets.

## **Part 4 Other safety equipment for particular tenders**

### **17 Application of part**

This part applies to a tender to a Queensland regulated ship, if the tender is required to be registered.

### **18 Lighting device for signalling for tender on water at night**

- (1) A tender on the water at any time between sunset and sunrise must be equipped with a lighting device for signalling to attract attention.

*Examples of lighting devices—*

torches, lanterns, fluorescent lights and cyalume sticks

- (2) Subsection (1) does not limit the obligation of the person operating the tender to equip the tender with navigation lights as required under section 79.

*Note—*

Section 79 requires compliance with the collision regulations, which include requirements about navigation lights.

## **19 Safety equipment for tender operating in smooth waters**

- (1) A tender operating in smooth waters must be equipped with—
  - (a) a required lifejacket for each individual on board who is 1 year or more; and
  - (b) if the tender is more than 5m—firefighting equipment capable of extinguishing a fire on the tender quickly and effectively.
- (2) Subsection (1)(a) does not apply—
  - (a) if—
    - (i) the tender is used within 1km of the ship for which it is a tender; and
    - (ii) there is a statement in the approved form for the tender that the tender has level flotation; or
  - (b) if—
    - (i) the tender operates in a river, creek, stream or waters within breakwaters or revetments; and
    - (ii) the tender 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 tender; and
    - (iii) there is a statement in the approved form for the tender that the tender has level flotation.

## **20 Safety equipment for tender operating in partially smooth waters and beyond**

- (1) A tender operating in or beyond partially smooth waters must be equipped with—





## **22 What is the *required lifejacket* for a ship**

The *required lifejacket* for an individual on board a ship is a lifejacket of an appropriate size for the individual of the following type—

- (a) for a ship, other than a personal watercraft, operating in smooth waters—a lifejacket level 100, 50 or 50S or a compliant inflatable diver’s jacket;
- (b) for a ship, other than a personal watercraft, operating in partially smooth waters or beyond—
  - (i) if the ship is operating in partially smooth waters—a lifejacket level 100 or 50 or a compliant inflatable diver’s jacket; or
  - (ii) if the ship is operating beyond partially smooth waters—a lifejacket level 100 or a compliant inflatable diver’s jacket;
- (c) for a personal watercraft—
  - (i) if the personal watercraft is operating in smooth waters—a lifejacket level 50 or 50S; or
  - (ii) if the personal watercraft is operating in partially smooth waters or beyond—a lifejacket level 50.

## **23 Using custom-made lifejacket instead of required lifejacket**

- (1) This section applies if a ship, required under this regulation to be equipped with a required lifejacket for an individual on board the ship, is equipped with a custom-made lifejacket for the individual.
- (2) The ship is taken to be equipped with the required lifejacket for the individual if—
  - (a) there is a manufacturer’s declaration for the custom-made lifejacket; and
  - (b) the required lifejacket for the individual is of the type in place of which the manufacturer’s declaration states the custom-made lifejacket may be used; and

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- (c) the master of the ship—
- (i) keeps a copy of the manufacturer's declaration while the individual is on board; and
  - (ii) reasonably believes the individual on board is the individual stated in the manufacturer's declaration.
- (3) If a ship is equipped with a custom-made lifejacket for an individual, section 24 applies as if a reference in that section to the required lifejacket for the individual included a reference to the custom-made lifejacket.
- (4) In this section—

***custom-made lifejacket***, for an individual, means a lifejacket that—

- (a) has been constructed using the same materials and methods of construction as—
  - (i) for a custom-made lifejacket that is used in place of a lifejacket level 100—a lifejacket level 100; or
  - (ii) for a custom-made lifejacket that is used in place of a lifejacket level 50—a lifejacket level 50; or
  - (iii) for a custom-made lifejacket that is used in place of a lifejacket level 50S—a lifejacket level 50S; and
- (b) has flotation appropriate to the type and body mass of the individual.

***manufacturer's declaration***, for a custom-made lifejacket, means a declaration by the manufacturer of the custom-made lifejacket that states the following—

- (a) the type of lifejacket in place of which the custom-made lifejacket may be used;
- (b) that the custom-made lifejacket has been constructed using the same materials and methods of construction as the type of lifejacket in place of which the custom-made lifejacket may be used;

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- (c) the name of the individual for whom the custom-made lifejacket has been manufactured;
- (d) that the custom-made lifejacket has flotation appropriate to the type and body mass of the individual for whom the custom-made lifejacket has been manufactured;
- (e) how the custom-made lifejacket may be identified.

## **24 When ship is taken to be equipped with required lifejacket**

- (1) If a ship is not a tender, the ship is taken to be equipped with a required lifejacket for each individual on board who is 1 year or more only if the required lifejacket for each individual is—
  - (a) clearly visible while the individual is on board; or
  - (b) kept in a place—
    - (i) from which the lifejacket is readily accessible; and
    - (ii) that is indicated by a sign that is clearly visible and has a white background and the word ‘lifejackets’ marked in red letters.
- (2) If a ship is an open boat that is less than 4.8m, the ship is taken to be equipped with a required lifejacket for each individual on board who is 1 year or more only if—
  - (a) while the ship is underway, each individual on board who is 1 year or more but less than 12 years is wearing the required lifejacket, or a lifejacket level 100 of appropriate size, for the individual; and
  - (b) while the ship is crossing a coastal bar, each individual on board who is 1 year or more is wearing the required lifejacket, or a lifejacket level 100 of an appropriate size, for the individual.
- (3) If a ship is equipped with a compliant inflatable diver’s jacket for an individual, the ship is taken to be equipped with the required lifejacket for the individual only if the individual is wearing the jacket.
- (4) In this section—



## **Chapter 3      Registration of Queensland regulated ships and related matters**

### **Part 1            Registration of Queensland regulated ships**

#### **26      Application of registration requirements—Act, s 54**

- (1) Part 5, division 1 of the Act applies to the following Queensland regulated ships—
  - (a) all Queensland regulated ships operating in Queensland waters and owned or chartered by—
    - (i) an individual whose place of residence, or principal place of residence, is in Queensland; or
    - (ii) a person whose place of business, or principal place of business, is in Queensland; or
    - (iii) a person whose principal place of business for managing the ship's operations is in Queensland;
  - (b) all Queensland regulated ships not mentioned in paragraph (a)—
    - (i) on Queensland intrastate voyages; or
    - (ii) on interstate voyages while they are in Queensland waters.
- (2) However, part 5, division 1 of the Act does not apply to the following ships—
  - (a) a Queensland regulated ship that—
    - (i) is not powered; or
    - (ii) is powered by an engine of less than 3kW;
  - (b) a recreational ship on a Queensland intrastate voyage, or an interstate voyage in Queensland waters, if—

- 
- (i) the ship is registered under a law of another State about the registration of ships; and
  - (ii) the ship's owner is not a person mentioned in subsection (1)(a)(i), (ii) or (iii);
  - (c) a tender to a registered Queensland regulated ship if the tender is operated only within a radius of 2n miles from the ship;
  - (d) a Queensland regulated ship the subject of a restricted use authority;
  - (e) a recreational ship from a foreign country if—
    - (i) the ship is in Queensland waters for less than 1 year; and
    - (ii) the ship's owner is not a person mentioned in subsection (1)(a)(i), (ii) or (iii);
  - (f) an other Queensland regulated ship that—
    - (i) is less than 10m; and
    - (ii) is the subject of a licence granted under the *Torres Strait Fisheries Act 1984* (Cwlth);
  - (g) a Queensland regulated ship that is not on or in water.

*Example of operation of paragraph (g)—*

If the registration of a Queensland regulated ship expires while the ship is out of water, the ship may be required to be registered only if and when it is placed on or in the water.

*Note—*

Generally speaking, a regulation may only require a Queensland regulated ship to which part 5, division 1 of the Act applies to be registered.

## **27 Requirement to register**

- (1) A Queensland regulated ship must be registered as—
  - (a) if the ship is a recreational ship—a recreational ship; or
  - (b) if the ship is an other Queensland regulated ship—an other Queensland regulated ship.

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- (2) The owner of a Queensland regulated ship must ensure the ship is registered as mentioned in subsection (1) unless the owner has a reasonable excuse.

Maximum penalty for subsection (2)—200 penalty units.

*Note—*

The procedure for registration of Queensland regulated ships is in chapter 6, part 2.

## 28 General power to register

- (1) The chief executive may register a ship as a recreational ship if the chief executive considers the ship is, or will be, a recreational ship.
- (2) The chief executive or the general manager may register a ship as an other Queensland regulated ship if the chief executive or the general manager considers the ship is, or will be, an other Queensland regulated ship.

## 29 New registration of prescribed other Queensland regulated ship

- (1) This section applies if—
  - (a) a person (the *applicant*) applies to the chief executive or the general manager (the *registering entity*) to register an other Queensland regulated ship that is, or is intended to be, a prescribed other Queensland regulated ship; and
  - (b) the ship has not been registered as an other Queensland regulated ship and has not been a prescribed other Queensland regulated ship at any time in the last 6 months.
- (2) The registering entity may ask the applicant—
  - (a) to give the entity a survey report for the ship issued by—
    - (i) if the entity considers it is necessary in the circumstances—an individual accredited under the national law as a marine surveyor to survey in a category that covers the ship's, or a part of the



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- ship's, seaworthiness in relation to the aspects mentioned in the report; or
- (ii) otherwise—a competent person; or
- (b) to allow the entity to inspect the ship, and to pay the fee for the inspection.
- (3) The registering entity may make a request under subsection (2) only if the entity has reasonable grounds to make the request.
- Examples of reasonable grounds—*
- the ship is not a standard model
  - the ship has been involved in a marine incident
  - the use of the ship may involve activities that create a high risk to safety
  - for making a request under subsection (2)(a)(i)—the ship is to carry a large number of people and operate far from land
- (4) The registering entity may accept, as a substitute for a survey report mentioned in subsection (2)(a), a certificate of operation under the national law for the ship that—
- (a) is current; or
- (b) expired less than 6 months before the application is made.
- (5) The registering entity may refuse to register the ship if the applicant does not comply with the request.
- (6) If the registering entity registers the ship, the ship's registration certificate must indicate that the ship is a prescribed other Queensland regulated ship.

### **30 Statutory conditions of registration of other Queensland regulated ship**

- (1) An other Queensland regulated ship is registered on the following conditions—
- (a) the owner or master of the ship must have a safety management system for the ship that—

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- (i) deals with the matters mentioned in the NSCV, part E that are relevant to the ship's operation; or
    - (ii) is approved by the registering entity as an appropriate safety management system for the ship;
  - (b) the owner or master of the ship must not, without a reasonable excuse, carry on the ship, or on a part of the ship, more persons than is stated for the ship, or for the part of the ship, in—
    - (i) the builders plate for the ship; or
    - (ii) if there is no builders plate for the ship—the ship's registration certificate;
  - (c) the owner or master of the ship must not operate the ship—
    - (i) if the ship has basic flotation—outside of smooth waters; or
    - (ii) if the ship has level flotation—more than 15n miles from land.
- (2) Subsection (1)(c) does not apply to an other Queensland regulated ship if the ship's registration certificate indicates it is a prescribed other Queensland regulated ship.

- (3) In this section—

***basic flotation*** means basic flotation within the meaning of the ABP Standard.

*Note—*

See section 57(4) of the Act in relation to contravening conditions of the registration of a ship.

### **31 Imposition of conditions on registration of prescribed other Queensland regulated ship**

- (1) The registering entity may impose any of the following conditions on the registration of an other Queensland regulated ship that is, or is intended to be, a prescribed other Queensland regulated ship—

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- (a) a condition that the owner or master of the ship must not operate the ship other than in waters stated in the ship's registration certificate;
  - (b) a condition that a person must not operate the ship as its master or act as a crew member unless the person holds a stated licence;
  - (c) a condition that the ship must be equipped with a particular type of safety equipment.

*Note—*

Under section 107, the document evidencing the registration of a Queensland regulated ship must state all conditions imposed on the registration under this regulation.

- (2) Subsection (3) applies if—
  - (a) the registering entity imposes a condition that the ship must be equipped with safety equipment under subsection (1)(c); and
  - (b) the equipment is an inflatable life raft or is mentioned in section 25(1).
- (3) The ship is taken to have complied with the condition only if the safety equipment complies with section 25(2).
- (4) This section does not limit the ability of the registering entity to impose other conditions on the registration under section 105.

*Note—*

See section 57(4) of the Act in relation to contravening conditions of the registration of a ship.

## **32 Ship may not be registered without builders plate**

- (1) This section applies to a ship to which a builders plate is required to be fixed under part 4.
- (2) The registering entity may refuse to register a ship if—
  - (a) a person applies for the ship for the first time to be registered under the Act; and

- (b) either—
  - (i) a builders plate is not fixed to the ship in accordance with the ABP Standard; or
  - (ii) the registering entity reasonably believes information on a builders plate fixed to the ship is incorrect or has not been approved by a builders plate approver.

### **33 Use of registered other Queensland regulated ship for private recreation**

- (1) The owner or master of a ship registered as an other Queensland regulated ship may operate the ship for private recreation as provided under this section.
- (2) Before the ship is used for private recreation, the owner must state in the ship's records—
  - (a) the date and time when the use of the ship for private recreation starts; and
  - (b) if a nominated person is to use the ship for private recreation—the name of the nominated person.

Maximum penalty—20 penalty units.

- (3) The following provisions apply for the period the ship is used for private recreation—
  - (a) the ship is taken to be registered as a recreational ship;
  - (b) the provisions of this regulation about recreational ships and their operation apply to the ship;
  - (c) the provisions of this regulation about the operation of the ship as an other Queensland regulated ship do not apply to the ship;
  - (d) a condition of registration applying to the ship does not apply to the ship.
- (4) After the use of the ship for private recreation ends, the owner must state in the ship's records the date and time when the use ended.



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interest in obtaining access to information about a particular ship in the register because—

- (a) the person is proposing to sign, or has signed, a contract to buy, sell, lease or insure the ship or to otherwise deal with the ship; or
  - (b) the person is proposing to start, or has started, a relevant proceeding for which information in the register about the ship is, or may be, relevant; or
  - (c) the person has another interest that justifies the person having access to the register.
- (2) The person may, on payment of the fee and on reasonable conditions imposed by the chief executive or the general manager—
- (a) inspect the register of registered Queensland regulated ships at the office of the chief executive or the general manager when the office is open to the public; and
  - (b) take extracts from, or obtain a copy of particulars in, the register.
- (3) However, the person may only inspect the part of the register that is relevant to the person's interest.
- (4) In this section—

*relevant proceeding* means—

- (a) a proceeding in a court about—
  - (i) a marine incident involving the ship; or
  - (ii) the registered owner of the ship being or possibly becoming an insolvent under administration within the meaning of the Corporations Act, section 9; or
  - (iii) the application, or the possible application, to the registered owner of the ship, of the provisions of the Corporations Act relating to external administration; or
  - (iv) fraudulent activities of the registered owner of the ship; or

- (b) a proceeding before the Family Court of Australia that involves the registered owner of the ship; or
- (c) another proceeding in a court, if in the course of the proceeding, the court decides information about the registered owner of the ship is required, including, for example, to help to finalise the proceeding.

### **36 Release of ship-related information for particular purposes**

- (1) The chief executive or the general manager may give ship-related information about a ship to a person if reasonably satisfied the information will inform the person about—
  - (a) whether the ship is or is not registered; or
  - (b) the ship's purpose or use.

- (2) In this section—

*give*, for ship-related information about a ship, includes giving the information electronically or orally.

*ship-related information*, about a ship, means information about the ship from the register, other than personal information about a current or previous registered owner of the ship.

## **Part 3 Display of registration material on Queensland regulated ships**

### **37 Registration number**

- (1) The owner or master of a registered Queensland regulated ship must ensure the ship's registration number is displayed on the ship in the way required under this section.

Maximum penalty—50 penalty units.

- (2) The registration number must be—
  - (a) above the waterline when the ship is afloat; and

- (b) permanently displayed—
    - (i) in dark colours on a light background; or
    - (ii) in light colours on a dark background; and
  - (c) legible from 30m away.
- (3) Also, the registration number must be displayed—
- (a) for a ship capable of achieving a planing attitude, other than a personal watercraft—on both sides of the ship in characters at least 150mm high; or
  - (b) for a personal watercraft—on both sides of the watercraft in characters at least 100mm high; or
  - (c) for all other ships—either on both sides of the ship or on its stern, in characters at least 75mm high.

### 38 Registration label

- (1) The owner or master of a registered Queensland regulated ship must ensure that the ship's current registration label is attached to the ship in the way required under this section.

Maximum penalty—10 penalty units.

- (2) The registration label must be—
- (a) on the exterior of the ship in a conspicuous place; and
  - (b) above the waterline when the ship is afloat.
- (3) Also, the registration label must be—
- (a) if the ship's registration number is displayed on the stern of the ship—on the ship's stern; or
  - (b) if the ship's registration number is displayed on the sides of the ship—on the ship's port side near the registration number.
- (4) In this section—
- registration label***, for a registered Queensland regulated ship, means a label issued for the ship by the administering agency



when the ship is registered and containing details about the ship's registration.

### **39 Markings for particular tenders**

- (1) This section applies to a tender to a Queensland regulated ship, if the tender is not required to be registered because the tender is operated only within a radius of 2n miles from the ship.
- (2) The owner or master of the tender must ensure the tender is marked in the way required under this section.  
Maximum penalty—50 penalty units.
- (3) The tender must be clearly, legibly and permanently marked on its exterior, above the waterline when the ship is afloat, with the word 'TENDER' and the registration number of the ship to which the tender is a tender.
- (4) The markings required under subsection (3) must be in characters at least 75mm high.
- (5) However, if a tender can not be practicably marked on its exterior in the way required under subsection (3) or in the size of characters required under subsection (4), it must be marked on its interior in the largest characters practicable.
- (6) If a tender does not permanently attend the same ship but is used by its owner to attend a number of ships owned by the owner, the tender may be marked with the owner's name instead of the marking or number required under subsection (3).

## **Part 4                      Builders plates**

### **Division 1                Preliminary**

#### **40            Main purpose of part**

- (1) The main purpose of this part is to give effect to the ABP Standard (which is a national standard applying to builders plates for recreational ships).
- (2) The main purpose is achieved by—
  - (a) requiring builders plates to be fixed to particular Queensland regulated ships when they are sold in Queensland; and
  - (b) requiring information on the builders plates, fixed to the particular Queensland regulated ships, to promote the safe use of the ships.

#### **41            Application of part**

- (1) This part applies to a Queensland regulated ship unless this section provides otherwise.
- (2) This part does not apply to any of the following—
  - (a) a second-hand ship;
  - (b) an amphibious vehicle;
  - (c) a canoe, kayak, surf ski or similar ship designed to be powered by paddle;
  - (d) a pedal-powered boat;
  - (e) a rowing shell used for racing or rowing training;
  - (f) a sailboard, sail kite or other similar ship;
  - (g) a surf row boat;
  - (h) a hydrofoil or hovercraft;
  - (i) a sailing ship;

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- (j) a submersible;
  - (k) an aquatic toy.
- (3) This part does not apply to a Queensland regulated ship that, before 29 September 2006, had reached a stage of construction of having the keel laid or a stage of construction at which—
- (a) the ship was identifiable as a ship of a particular type; and
  - (b) a part of the ship had been fabricated and assembled and that part had a mass of at least 50t or 1% of the mass of all structural material of the proposed completed ship, whichever is the lesser.
- (4) This part does not apply to a Queensland regulated ship that is a personal watercraft if the following information is written on or attached to the ship in a clearly visible place—
- (a) the total weight, expressed in kilograms, of persons and equipment that the ship may carry, as recommended by the builder of the ship;
  - (b) the maximum number of persons the ship may carry, as recommended by the builder of the ship.
- (5) This part does not apply to a Queensland regulated ship that is an inflatable boat to which ISO 6185 (Inflatable boats) applies if the ship—
- (a) has a plate attached to it stating the ship complies with the requirements of the relevant European Recreational Craft Directive; or
  - (b) has a plate attached to it stating that the ship complies with the requirements of the US National Marine Manufacturers Association set out in the association's handbook called the NMMA Certification Handbook.
- (6) In this section—
- aquatic toy*** means an object designed primarily for play in or on water, including, for example—

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- (a) an object designed solely to be towed behind a recreational ship; and
- (b) an inflatable boat to which ISO 6185 (Inflatable boats) does not apply.

**ISO** means a standard published by the International Organization for Standardization.

**owner builder**, of a ship, means an individual who builds the ship for the individual's own use.

**relevant European Recreational Craft Directive** means a directive made by the European Parliament and the Council of the European Union relating to recreational craft that was in force at the time the ship was built.

*Note—*

At the commencement of this definition, relevant European Recreational Craft Directives are available at [http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/recreational-craft/index\\_en.htm](http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/recreational-craft/index_en.htm).

**sailing ship** means a ship designed to have sail as the primary way of propulsion, with or without an auxiliary way of mechanical propulsion.

**second-hand ship** means a ship that has been used previously, other than used only as follows—

- (a) in the course of being built or tested;
- (b) by the owner builder of the ship;
- (c) by the builder of the ship;
- (d) for transporting the ship for sale;
- (e) for demonstrating the ship to a purchaser.

## 42 Variation of ABP Standard

For this part—

- (a) a requirement of the ABP Standard to the effect that information on a builders plate for a ship must include

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the name of the builder of the ship is to be read as a requirement that the information must include—

- (i) the name of the builders plate approver who approves the information; and
  - (ii) the capacity in which the person approves the information; and
- (b) for paragraph (a), a reference in the ABP Standard to the boat's builder is, if the context permits, taken to be a reference to the builders plate approver mentioned in paragraph (a)(i).

## **Division 2                      Selling Queensland regulated ships without builders plate**

### **43      Ship for sale must have builders plate**

- (1) A person must not sell a ship unless—
- (a) a builders plate is fixed to the ship in accordance with the ABP Standard; and
  - (b) the builders plate contains the information required by the ABP Standard; and
  - (c) the information has been approved by a builders plate approver; and
  - (d) the information is correct at the time of the sale.

Maximum penalty—50 penalty units.

- (2) In this section—  
*sell* includes the following—

- (a) supply for sale;
- (b) offer or display for sale.

**44 Defence relating to prescribed other Queensland regulated ships**

It is a defence to a prosecution for an offence against section 43 if the defendant establishes that, at the time of the sale, a survey report for the ship—

- (a) had been obtained; or
- (b) was to be obtained for the purpose of section 29.

**45 Defence that plate already fixed**

It is a defence to a prosecution for an offence against section 43 if the defendant establishes that—

- (a) the defendant was not the builder of the ship; and
- (b) there was a builders plate fixed to the ship when it was sold by the defendant and the defendant reasonably believed the plate was a builders plate for the ship; and
- (c) the defendant had no reason to believe the information on the builders plate was incorrect or had not been approved by a builders plate approver; and
- (d) the defendant was not aware of any modification of the ship that would affect the accuracy of the information on the builders plate.

**46 Defence if ship to be exported**

It is a defence to a prosecution for an offence against section 43 if the defendant establishes that, at the time of the sale, the ship was to be exported overseas.

**47 Defence if ship for racing purposes**

It is a defence to a prosecution for an offence against section 43 if the defendant establishes that, at the time of the sale, the ship was to be used only for racing in organised events.

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## Division 3 Requirements about builders plates

### 48 Application of division

This division applies to a ship required under section 43 to have a builders plate fixed to it when sold in Queensland.

### 49 Who may approve information on builders plate

(1) The information on a builders plate fixed to, or to be fixed to, a ship may only be approved by 1 of the following persons (a *builders plate approver*)—

- (a) the builder of the ship;
- (b) an ABP competent person;
- (c) a person who imported the ship into Australia from overseas.

(2) In this section—

*ABP competent person* means a person who, because of the person's training, qualifications or experience, has the knowledge and skills to enable the person to competently decide and approve the information on a builders plate.

### 50 Offence about approval of information on builders plate

A person must not approve information on a builders plate fixed to, or to be fixed to, a ship unless—

- (a) the person is a builders plate approver; and
- (b) the information is correct and complies with the ABP Standard; and
- (c) the person is—
  - (i) an individual residing in Australia; or
  - (ii) a corporation registered in Australia.

Maximum penalty—20 penalty units.

## **51 Offence about fixing builders plates to ships**

A person must not fix a builders plate to a ship if—

- (a) the person has reason to believe information on the builders plate is incorrect or does not comply with the ABP Standard; or
- (b) the information on the plate has not been approved by a builders plate approver.

Maximum penalty—20 penalty units.

## **52 Builders plate not to be changed**

- (1) A person must not change a builders plate fixed to a ship unless—

- (a) the person is a builders plate approver; or
- (b) the change is approved by a builders plate approver.

Maximum penalty—20 penalty units.

- (2) A person must not change a builders plate fixed to a ship if the person has reason to believe the information on the builders plate, after the change, will be incorrect or will not comply with the ABP Standard.

Maximum penalty—20 penalty units.

- (3) In this section—

*change*, in relation to a builders plate, means alter, conceal, deface, remove or obliterate the builders plate or information on the builders plate.

# **Part 5 Restricted use authorities for Queensland regulated ships**

## **53 Granting a restricted use authority**

- (1) The general manager may grant a restricted use authority for a Queensland regulated ship if the general manager is



reasonably satisfied the ship is safe to operate for 1 or more of the following uses in its intended area of operation—

- (a) a genuine trial, test or demonstration of the ship's seaworthiness or some other operational aspect of the ship or its equipment;
- (b) a demonstration or display purpose associated with the sale of the ship;
- (c) building, disposing of, fitting out, relocating, removing or repairing the ship;
- (d) for a prescribed other Queensland regulated ship—use of the ship while a survey report under section 29 is being obtained for the ship;
- (e) use of the ship for a purpose necessarily directed at maintaining the effectiveness and efficiency of the Queensland maritime industry.

*Note—*

The procedure for obtaining a restricted use authority is in chapter 6, part 2.

- (2) The conditions of a restricted use authority for a ship must include the uses for which the ship may be operated under the authority.

*Note—*

Under section 107, the document evidencing the restricted use authority must state all conditions imposed on the authority under this regulation.

## **54 Offences relating to restricted use authority**

- (1) A person must not operate a Queensland regulated ship the subject of a restricted use authority for a use other than the use stated in the conditions of the authority.

Maximum penalty—50 penalty units.

- (2) Each of the following persons must comply with the conditions of a restricted use authority for a Queensland regulated ship—
  - (a) the holder of the authority;

- (b) a person operating the ship as its master;
- (c) a person acting as a crew member of the ship.

Maximum penalty—50 penalty units.

- (3) The holder of a restricted use authority for a Queensland regulated ship must not operate, or allow someone else to operate, the ship unless—

- (a) the document evidencing the authority or a copy of it—
  - (i) is carried on the ship while it is operating; and
  - (ii) if it reasonably practical to do so, is displayed in a conspicuous place on the ship and in a way that allows it to be read by anyone on board; and
- (b) the holder tells a person who is to operate the ship as its master, or to act as a crew member of the ship—
  - (i) how the ship may be operated under the authority; and
  - (ii) the conditions to which the authority is subject.

Maximum penalty—20 penalty units.

- (4) A person must not purport to operate a ship in accordance with a restricted use authority unless it is the Queensland regulated ship for which the authority was granted.

Maximum penalty—50 penalty units.

- (5) The holder of a restricted use authority for a Queensland regulated ship must not allow someone else to purport to operate any other ship in accordance with the authority.

Maximum penalty—50 penalty units.

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## **Chapter 4      Licences to operate particular Queensland regulated ships**

### **Part 1            Licensing of masters and crew members**

#### **Division 1        Application of licensing requirement**

##### **55      Ships to which pt 5, div 2 of the Act applies—Act, s 59A**

Part 5, division 2 of the Act applies to a Queensland regulated ship mentioned in section 11(1) of the Act, unless the ship is—

- (a) a ship connected with Queensland under section 6(c) of the Act but not operating in Queensland waters; or
- (b) a personal watercraft that—
  - (i) is registered as a Queensland regulated ship; and
  - (ii) is provided and operated by a person being assessed in relation to an application for a personal watercraft licence; or
- (c) a tender to an other Queensland regulated ship, other than a tender that is a personal watercraft, operating within a radius of 1,000m from the other Queensland regulated ship if—
  - (i) the tender is operated by a person under the direct supervision and in the sight of the master of the other Queensland regulated ship; and
  - (ii) the master of the other Queensland regulated ship has a way of immediately helping the person if the need arises; or

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- (d) a ship that—
  - (i) is not powered; or
  - (ii) is powered by an engine of 4.5kW or less; or
- (e) an other Queensland regulated ship owned or operated by an accredited surf life saving club that is being operated in the course of the club's activities by a person who holds a certificate issued by the club authorising the person to operate the ship.

## **Division 2                      Licensing requirement**

### **56            Purpose of division**

This division states, for section 60(1) of the Act, the licence a person is required to hold to operate a Queensland regulated ship as its master or act as a crew member.

*Notes—*

- 1 See section 60 for circumstances in which an unlicensed person may operate a Queensland regulated ship.
- 2 See section 75 for circumstances in which the holder of a permit mentioned in that section is taken to hold a licence required under this division.

### **57            Required licence if s 58 does not apply**

- (1) This section applies to a Queensland regulated ship other than a ship to which section 58 applies.
- (2) To operate a Queensland regulated ship, other than a personal watercraft, as its master, a person must hold one of the following licences—
  - (a) a recreational marine driver licence;
  - (b) a licence issued under the law of another State, or a foreign licence, equivalent to a recreational marine driver licence;

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- (c) a certificate of competency issued, or taken to have been issued, under the national law authorising a person to operate a ship as its master;
  - (d) a licence issued under the law of another country that is recognised under the national law and authorises a person to operate a ship as its master.
- (3) To operate a Queensland regulated ship that is a personal watercraft as its master, a person must hold—
- (a) a licence or certificate mentioned in subsection (2); and
  - (b) either of the following—
    - (i) a personal watercraft licence;
    - (ii) a licence issued under the law of another State, or a foreign licence, equivalent to a personal watercraft licence.
- (4) A foreign licence to operate a recreational ship or personal watercraft as its master ceases to be recognised by the chief executive or the general manager for this section—
- (a) if the holder is granted another licence required to be held under this section—when the other licence is granted; or
  - (b) if the holder is an Australian citizen—3 months after the holder enters Australia; or
  - (c) if the holder is not an Australian citizen but is granted a resident visa before entering Australia—3 months after the holder enters Australia; or
  - (d) if the holder is not an Australian citizen but is granted a resident visa after entering Australia—3 months after the visa is granted.
- (5) In this section—
- Australia*** means the mainland of Australia or the coastal waters of a State.

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*foreign licence*, for a recreational marine driver licence or a personal watercraft licence, means a licence to operate a recreational ship or personal watercraft as its master—

- (a) issued or recognised under the law of another country; and
- (b) recognised for this section by the chief executive or the general manager.

*resident visa* means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).

## **58 Required licence for particular ships**

- (1) This section applies to a prescribed other Queensland regulated ship if the ship's registration is subject to a condition that a person must not operate the ship as its master or act as a crew member unless the person holds a stated licence.
- (2) To operate the prescribed other Queensland regulated ship as its master or act as a crew member, a person must hold the stated licence.

## **Division 3 Licensing responsibilities of owners and masters**

### **59 Ensuring master and crew members hold required licence**

- (1) The owner of a Queensland regulated ship must ensure a person operating the ship as its master holds the required licence.

Maximum penalty—50 penalty units.

- (2) The owner of a recreational ship does not contravene subsection (1) if—

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- (a) the owner believes, on reasonable grounds, the person operating the ship as its master holds the required licence; or
  - (b) the ship is being operated without the knowledge or consent of the owner.
- (3) The owner or master of an other Queensland regulated ship must ensure a person acting as a crew member of the ship holds the required licence.

Maximum penalty—50 penalty units.

## **60 Operation of Queensland regulated ship by unlicensed person**

- (1) The master of a Queensland regulated ship must not allow an unlicensed person to operate the ship unless—
- (a) the unlicensed person is under the direct supervision of the master; and
  - (b) the master is immediately able to resume operating the ship; and
  - (c) if the ship is a personal watercraft—
    - (i) the master and the unlicensed person are the only persons on board; and
    - (ii) a kill switch safety lanyard is attached to the master and the personal watercraft.

Maximum penalty—50 penalty units.

- (2) The master of a Queensland regulated ship must not allow an unlicensed person to operate the ship while the ship is towing someone else by a line attached to the ship, including for example, someone waterskiing.

Maximum penalty—100 penalty units.

- (3) In this section—

***kill switch safety lanyard*** means a device that—

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- (a) is designed to be attached to a person and a personal watercraft; and
- (b) if the person is no longer on board, will immediately stop the engine of the personal watercraft.

## **Division 4                    Grant of licences**

### **61            Chief executive or general manager may grant licence**

The chief executive or the general manager may grant a recreational marine driver licence or personal watercraft licence to a person.

*Note—*

The procedure for obtaining a recreational marine driver licence or personal watercraft licence is in chapter 6, part 3.

### **62            Qualifying for recreational marine driver licence**

- (1) The chief executive or the general manager may grant a recreational marine driver licence to an applicant only if the applicant—
  - (a) is 16 years or more; and
  - (b) has knowledge, to the reasonable satisfaction of the chief executive or the general manager, of—
    - (i) the Act and this regulation as they affect recreational ships; and
    - (ii) the collision regulations; and
  - (c) has demonstrated competency in safe operating practices for recreational ships to the reasonable satisfaction of the chief executive or the general manager.
- (2) Subsection (3) applies if the applicant does not have the knowledge or competency required for a recreational marine driver licence under subsection (1).



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- (3) The chief executive or the general manager may grant the licence to the applicant if reasonably satisfied the applicant has other qualifications, training or experience at least equivalent to the knowledge or competency required under subsection (1).

### **63 Qualifying for personal watercraft licence**

- (1) The chief executive or the general manager may grant a personal watercraft licence to an applicant only if the applicant—
- (a) holds—
    - (i) a recreational marine driver licence; or
    - (ii) a licence issued under the law of another State equivalent to a recreational marine driver licence; or
    - (iii) a certificate of competency issued, or taken to have been issued, under the national law authorising a person to operate a ship as its master; and
  - (b) is 16 years or more; and
  - (c) has knowledge, to the reasonable satisfaction of the chief executive or the general manager, of—
    - (i) the Act and this regulation as they affect personal watercraft; and
    - (ii) the collision regulations; and
  - (d) has demonstrated competency in safe operating practices for personal watercraft to the reasonable satisfaction of the chief executive or the general manager.
- (2) Subsection (3) applies if the applicant does not have the licence, certificate of competency, knowledge or competency required for a personal watercraft licence under subsection (1).

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- (3) The chief executive or the general manager may grant the licence to the applicant if reasonably satisfied the applicant has other qualifications, training or experience at least equivalent to the licence, certificate of competency, knowledge or competency required under subsection (1).

## **64 Examination of applicant for licence**

The chief executive or the general manager may conduct examinations, in the way the chief executive or the general manager considers necessary and appropriate in the circumstances, to establish whether an applicant for a recreational marine driver licence or personal watercraft licence has the qualifications for the licence under this division.

## **Division 5 Examining approvals and training program approvals**

### **65 Grant of examining approval**

- (1) The chief executive or the general manager may grant an approval to an entity to conduct examinations mentioned in section 64 only if the entity qualifies for an examining approval under section 66.

*Note—*

The procedure for obtaining an examining approval is in chapter 6, part 2.

- (2) An entity granted an examining approval may conduct examinations mentioned in section 64 as if it were the chief executive or the general manager.
- (3) In exercising a power under subsection (2), the entity is subject to any conditions of the approval and directions of the chief executive or the general manager about the conduct of the examinations.

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## 66 Qualifying for examining approval

- (1) An entity qualifies for an examining approval if the chief executive or the general manager is reasonably satisfied the entity—
  - (a) has knowledge and skills at least equivalent to the competencies for which the entity will assess candidates; and
  - (b) for an approval in relation to recreational marine driver licences—holds—
    - (i) a certificate of competency issued under the national law to operate a commercial ship as its master; or
    - (ii) another licence or certificate that the chief executive or the general manager is reasonably satisfied is at least equivalent to the certificate of competency; and
  - (c) for an approval in relation to personal watercraft licences—holds a licence or certificate of competency the chief executive or the general manager considers reasonable and relevant to operating a personal watercraft as its master; and
  - (d) has completed either of the following—
    - (i) the assessment-related units of competency from a Certificate IV level qualification in training and assessment under the AQF;
    - (ii) other studies the chief executive or the general manager considers are at least equivalent to the units of competency under subparagraph (i); and
  - (e) has knowledge and skills for conducting examinations mentioned in section 64; and
  - (f) is suitable for an examining approval, having regard to all relevant matters, including, for example, any criminal history check obtained in relation to the application for the approval.

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- (2) If the entity is a corporation, an unincorporated body or an individual who nominates another individual for subsection (1), the chief executive or the general manager must apply—
- (a) subsection (1) to the individual nominated by the entity, as if the individual were the entity; and
  - (b) subsection (1)(f) to the entity.

## **67 Grant of training program approval**

The chief executive or the general manager may grant an approval to an entity to provide training programs for the operation of recreational ships and personal watercraft only if the entity qualifies for a training program approval under section 68.

*Note—*

The procedure for obtaining a training program approval is in chapter 6, part 2.

## **68 Qualifying for training program approval**

- (1) An entity qualifies for a training program approval if the chief executive or the general manager is reasonably satisfied the entity—
- (a) has all of the following available for providing training programs—
    - (i) appropriate training facilities and equipment;  
*Examples for subparagraph (i)—*
      - training facilities with adequate seating and workspaces, access to drinking water and access to toilets
    - (ii) appropriate training and assessment documents;  
*Examples for subparagraph (ii)—*
      - documents recording attendance and assessment results
    - (iii) an appropriate ship; and

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- (b) has knowledge and skills at least equivalent to the competencies for which the entity will train and assess candidates; and
  - (c) for an approval in relation to recreational marine driver licences—holds—
    - (i) a certificate of competency issued under the national law to operate a commercial ship as its master; or
    - (ii) another licence or certificate that the chief executive or the general manager is reasonably satisfied is at least equivalent to the certificate of competency; and
  - (d) for an approval in relation to personal watercraft licences—holds a licence or certificate of competency the chief executive or the general manager considers reasonable and relevant to operating a personal watercraft as its master; and
  - (e) has completed either of the following—
    - (i) a Certificate IV level qualification in training and assessment under the AQF;
    - (ii) a qualification mentioned in the *Education (Queensland College of Teachers) Regulation 2016*, section 5; and
  - (f) is suitable for an examining approval, having regard to all relevant matters, including, for example, any criminal history check obtained in relation to the application for the approval.
- (2) If the entity is a corporation, an unincorporated body or an individual who nominates another individual for subsection (1), the chief executive or the general manager must apply—
- (a) subsection (1)(b) to (f) to the individual nominated by the entity, as if the individual were the entity; and
  - (b) subsection (1)(a) and (f) to the entity.
- (3) In this section—



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## 72 Qualifying for pilot licence

The general manager may grant an application for a pilot licence for a pilotage area, or part of a pilotage area, to an applicant only if—

- (a) the applicant has either—
  - (i) a licence to operate a ship as its master of a class appropriate for the ships (*piloted ships*) the person would have the conduct of as a pilot in the pilotage area; or
  - (ii) skills and experience that in the opinion of the general manager are equivalent to the skills and experience of a person holding a licence mentioned in subparagraph (i); and
- (b) the general manager is reasonably satisfied the applicant has—
  - (i) appropriate ship-handling ability to have the conduct of the piloted ships as its pilot; and
  - (ii) a detailed knowledge of the pilotage area, or the part of the pilotage area, for which the licence is sought.

## 73 Examination of applicant for pilot licence

The general manager may conduct examinations, in the way the general manager considers necessary and appropriate in the circumstances, to establish whether an applicant for a pilot licence has the qualifications for the licence under this part.

## **Part 3**

# **Temporary permits for prescribed other Queensland regulated ships**

### **74 Application of part**

This part applies to prescribed other Queensland regulated ships.

### **75 General manager may grant temporary permit for master or crew member**

- (1) The general manager may grant a permit to a person to operate a prescribed other Queensland regulated ship as its master, or to act as a crew member of a prescribed other Queensland regulated ship, on a stated voyage or for a stated period.

*Note—*

The procedure for obtaining the permit is in chapter 6, part 2.

- (2) The general manager may grant a permit under subsection (1) only if the general manager is reasonably satisfied—
  - (a) the person is, for the voyage or the period, competent to operate the ship as its master or act as a crew member of the ship; and
  - (b) marine operations will not be endangered on a voyage on which the person operates the ship as its master or acts as a crew member under the permit; and
  - (c) the voyage mentioned in paragraph (b) is necessary to maintain the effectiveness and efficiency of the Queensland maritime industry.
- (3) The term of the permit must not be longer than 30 days.
- (4) A person to whom a permit is granted under subsection (1) is taken to hold the required licence to operate the prescribed other Queensland regulated ship as its master, or act as a crew member of the ship.



- (5) However, if the person does not comply with the conditions of the permit for a period, subsection (4) does not apply to the person for that period.

## Chapter 5 Ship operations

### Part 1 Signals

#### 76 Signals of distress—Act, s 206

- (1) This section prescribes matters about signals of distress for section 206 of the Act.
- (2) Each of the following is a prescribed signal of distress—
- (a) a V sheet;
  - (b) the signals stated in the collision regulations, annex IV.
- (3) A person may use or display a prescribed signal of distress only for—
- (a) indicating distress and a need for help; or
  - (b) if the general manager has given consent to the use or display of the signal for genuine training or demonstration purposes under section 77—those purposes.
- (4) A person using or displaying a prescribed signal of distress under subsection (3)(a) must revoke the signal when the distress or need for help ends.

#### 77 Consent to use or display prescribed signal for training or demonstration

The general manager may consent to the use or display of a prescribed signal of distress by a person for genuine training or demonstration purposes.

*Note—*

The procedure for obtaining the consent is in chapter 6, part 2.

## **78 Prescribed signal and information—Act, s 129**

- (1) The signal for section 129(2) of the Act is the word ‘SECURITE’ spoken 3 times.
- (2) The information required under section 129(2) and (3) of the Act is the information relevant to the particular danger to navigation.
- (3) However, subsection (2) only applies to a serious danger to navigation mentioned in the *Navigation Act 2012* (Cwlth), section 187(6).

## **Part 2 Prevention of collisions**

### **79 Application of collision regulations**

- (1) The collision regulations have effect as if they were part of this regulation.
- (2) A person involved with the operation of a ship (including the ship’s owner, master, pilot or deck watchkeeper) must comply with the collision regulations.
- (3) Subsection (2) is a regulation to which section 211(2) of the Act applies.

*Note—*

Section 211(2) of the Act provides for a penalty of 500 penalty units or imprisonment for 1 year for a contravention of a regulation declared to be a regulation to which the subsection applies.

- (4) In this section, *ship* includes an aircraft when it is on water or is taking off, or landing on, water.
- (5) In this section—

*deck watchkeeper* means the person in charge of the navigational watch of a ship.

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**80 Particular ships must use light while underway**

- (1) This section applies to a ship that is more than 20m, is capable of a speed of more than 20kn and only operates in smooth waters, other than—
    - (a) a fishing ship; or
    - (b) a recreational ship.
  - (2) The owner and master must ensure that—
    - (a) the ship is equipped with a flashing yellow all-round light; and
    - (b) the light is used while the ship is underway.
- Maximum penalty—200 penalty units.

**Part 3** **Speed limits and other restrictions**

**81 Speed limit for ship, other than personal watercraft, operating in particular places**

- (1) This section applies to a ship other than a personal watercraft.
  - (2) A person must not operate a ship at a speed of more than 6kn if the ship is within 30m of any of the following—
    - (a) a person in the water;
    - (b) a ship at anchor, moored, made fast to the shore or aground;
    - (c) a jetty, wharf, boat ramp or pontoon in or on waters.
- Maximum penalty—200 penalty units.
- (3) Subsection (2) does not apply to a ship if the ship is in waters for which a speed limit of 6kn or less has been fixed under section 206A or 206AA of the Act.

## **82 Speed limit for personal watercraft operating in particular places**

- (1) A person must not—
- (a) operate a personal watercraft at a speed of more than 6kn if the personal watercraft is within 60m of any of the following—
    - (i) a person in the water;
    - (ii) a ship at anchor, moored, made fast to the shore or aground;
    - (iii) a jetty, wharf, boat ramp or pontoon in or on the waters;
    - (iv) the boundary of a bathing reserve;
    - (v) the shore; or
  - (b) operate a personal watercraft at a speed of more than 10kn if the personal watercraft is within 30m of another moving ship.

Maximum penalty—200 penalty units.

- (2) Despite subsection (1)(a)(v), a person may operate a personal watercraft in waters within 60m of the shore at a speed of more than 6kn but no more than the speed limit if—
- (a) the personal watercraft is being operated for waterskiing; or
  - (b) all of the following apply—
    - (i) the waters are less than 120m wide;
    - (ii) the person is operating the personal watercraft along or near the centre of the waters, or within a marked channel;
    - (iii) the person uses the personal watercraft to move through the waters in a straight line or in the most appropriate or direct route taking into account the circumstances of the waters; or
  - (c) complying with subsection (1)(a)(v) would endanger the person or another person.

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- (3) Despite subsection (1)(b), a person may operate, within 30m of another moving ship, a personal watercraft at a speed of more than 10kn but no more than the speed limit if—
    - (a) the personal watercraft is being operated as part of an aquatic event held in accordance with an aquatic event authority; or
    - (b) complying with subsection (1)(b) would endanger the person or another person.
  - (4) Subsections (1)(a) and (2) do not apply to a personal watercraft if the personal watercraft is in waters for which a speed limit of 6kn or less has been fixed under section 206A or 206AA of the Act.
  - (5) Subsections (1)(b) and (3) do not apply to a personal watercraft if the personal watercraft is in waters for which a speed limit of 10kn or less has been fixed under section 206A or 206AA of the Act.
  - (6) The collision regulations continue to apply to a personal watercraft being operated as provided under subsection (2), (3), (4) or (5).
  - (7) In this section—

*bathing reserve* means a bathing reserve under the control of a local government under the *Local Government Regulation 2012*, section 62.

### **83 Speed limit for ship if wash can cause marine incident or shoreline damage**

- (1) A person must not operate a ship at a speed at which the ship's wash is reasonably capable of causing—
  - (a) a marine incident; or
  - (b) damage to the shoreline.

Maximum penalty—200 penalty units.
- (2) Subsection (1) applies even if a speed limit is fixed under section 206A or 206AA of the Act.

*Note—*

See section 206A(7) or 206AA(7) of the Act.

#### **84 Exception for ship operated at speed necessary for safety**

- (1) A person does not commit an offence against section 81(2), 82(1) or 83(1) if—
  - (a) a ship must be operated at a control speed that is more than the highest speed at which the ship may be operated under the section (the *statutory speed*) because it is unsafe for the ship to be operated at a speed less than the ship's control speed; and
  - (b) the person operates the ship at a speed more than the statutory speed only to the extent that it is reasonably necessary for the safe operation of the ship.

- (2) In this section—

*control speed*, of a ship, means the minimum speed at which the ship can be kept on its course in the prevailing circumstances and conditions.

#### **85 Interfering with speed sign**

- (1) A person must not interfere with a speed sign erected or marked by the general manager under section 206A(4) of the Act, or by the Gold Coast Waterways Authority under section 206AA(4) of the Act, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) In this section—

*interfere with* includes damage, destroy, mark and remove.

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**86 Other restrictions for personal watercraft operating in particular places**

- (1) A person must not, while operating a personal watercraft, freestyle, surf or wave jump within 200m of the shore if—
- (a) the personal watercraft is being operated in coastal waters; and
  - (b) 1 or more dwellings are within 100m of the shore and are visible from, and in the vicinity of, where the personal watercraft is being operated.

Maximum penalty—200 penalty units.

- (2) In this section—

*coastal waters* means the coastal waters of the State, and includes other waters within the limits of the State that are subject to the ebb and flow of the tide.

## **Part 4 Dangerous cargo**

### **Division 1 General duties**

#### **87 Duties of person sending dangerous cargo by ship**

- (1) A person must not send dangerous cargo, other than dangerous goods, by ship unless, before sending the cargo, the person gives the master of the ship a written notice about the cargo stating each of the following—
- (a) the proper shipping name of the cargo;
  - (b) the UN number for the cargo stated in the IMDG code;
  - (c) the quantity of the cargo;
  - (d) if the cargo has a flash point—its flash point or flash point range.

Maximum penalty—200 penalty units.

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- (2) A person must not send dangerous goods by ship unless, before sending the goods, the person—
  - (a) packs, secures, marks, labels, placards (for a cargo transport unit) and documents the goods in the way required under the IMDG code; and
  - (b) gives the master of the ship the documents required under the IMDG code.
- (3) Subsection (2) is a regulation to which section 213(3) of the Act applies.

*Note—*

Section 213(3) of the Act provides for a penalty of 500 penalty units for a contravention of a regulation declared to be a regulation to which the subsection applies.

## **88 Duties of owner or master about dangerous cargo**

- (1) The owner or master of a ship handling dangerous cargo, other than dangerous goods, must, to the extent it is reasonably practicable, comply with the appropriate dangerous cargo code for the cargo while handling that cargo.  
Maximum penalty—200 penalty units.
- (2) The owner or master of a ship handling dangerous goods must, to the extent it is reasonably practicable, comply with the IMDG code while handling the goods.
- (3) Subsection (2) is a regulation to which section 213(3) of the Act applies.

*Note—*

Section 213(3) of the Act provides for a penalty of 500 penalty units for a contravention of a regulation declared to be a regulation to which the subsection applies.



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## Division 2                      Dangerous cargo codes

### 89      Application of dangerous cargo codes

The dangerous cargo codes have effect as if they were part of this regulation.

## Division 3                      General reporting requirements for ship with dangerous cargo

### 90      Reporting requirement for ship other than ship operated on local marine service

- (1) This section applies if—
  - (a) a ship, other than a ship that is to be operated on a local marine service, is carrying dangerous cargo and any of the following (each a *relevant event*) is to happen—
    - (i) the ship is to arrive at, or depart from, a pilotage area;
    - (ii) the ship is at a berth or anchorage in a pilotage area and—
      - (A) the ship is to be removed to another berth or anchorage in the pilotage area; or
      - (B) the dangerous cargo on the ship is to be transferred to another ship in the pilotage area; or
  - (b) a ship, other than a ship that is to be operated on a local marine service, is to be loaded with dangerous cargo while in a pilotage area (also a *relevant event*).
- (2) The owner or master of the ship must report the following information in the way and to the person required under subsection (3)—
  - (a) the expected time of the relevant event;

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- (b) the information mentioned in AS 3846—2005 (The handling and transport of dangerous cargoes in port areas), section 3.

Maximum penalty—200 penalty units.

- (3) The report under subsection (2) must be made within the time mentioned in section 92 and—
  - (a) if the relevant event is to happen in a pilotage area other than the Brisbane pilotage area—in the approved form to a harbour master for the pilotage area; or
  - (b) if the relevant event to be reported is to happen in the Brisbane pilotage area—
    - (i) for information mentioned in subsection (2)(a) and (b) other than DGTrac information—in the approved form to a harbour master for the pilotage area; and
    - (ii) for DGTrac information—to the DGTrac system; or
  - (c) if the relevant event is to happen outside a pilotage area—in the approved form to the general manager.
- (4) However, if the dangerous cargo is dangerous goods—
  - (a) the penalty provision for subsection (2) does not apply; and
  - (b) subsection (2) is a regulation to which section 213(3) of the Act applies.

*Note—*

Section 213(3) of the Act provides for a penalty of 500 penalty units for a contravention of a regulation declared to be a regulation to which the subsection applies.

- (5) In this section—

***DGTrac information*** means the information mentioned in AS 3846—2005 (The handling and transport of dangerous cargoes in port areas), section 3, clause 3.3, paragraphs (d) to (k) and clause 3.4, paragraphs (d) to (h).

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***DGTrac system*** means an electronic system operated by Port of Brisbane Pty Ltd, a subsidiary of Port of Brisbane Pty Ltd, or a port operator, that is used for the reporting of dangerous goods and dangerous cargo carried by ships in the Brisbane pilotage area.

***Port of Brisbane Pty Ltd*** means Port of Brisbane Pty Ltd ACN 143 384 749.

## **91 Reporting requirement for ship operated on local marine service**

- (1) This section applies if a ship is to be operated on a local marine service.
- (2) The owner or master of the ship must report the following matters in the way and to the person required under subsection (3)—
  - (a) the start of the local marine service and the nature of the dangerous cargo to be handled on voyages that are part of the service;
  - (b) each voyage that is part of the local marine service and the nature of the dangerous cargo to be handled on the voyage.

Maximum penalty—200 penalty units.

- (3) The report under subsection (2) must be made within the time mentioned in section 92 and—
  - (a) if an event to be reported is to happen in a pilotage area—in the approved form to a harbour master for the pilotage area; or
  - (b) if an event to be reported is to happen outside a pilotage area—in the approved form to the general manager.
- (4) However, if the dangerous cargo to be handled is dangerous goods—
  - (a) the penalty provision for subsection (2) does not apply; and

- (b) subsection (2) is a regulation to which section 213(3) of the Act applies.

*Note—*

Section 213(3) of the Act provides for a penalty of 500 penalty units for a contravention of a regulation declared to be a regulation to which the subsection applies.

- (5) The owner or master of a ship operating on a local marine service must notify the general manager within 14 days after the person stops operating the service.

Maximum penalty for subsection (5)—50 penalty units.

## **92 Time for giving report**

- (1) A report under section 90 must be made—
  - (a) for the arrival of a ship—at least 48 hours before the expected arrival; or
  - (b) for the departure or removal of a ship—at least 3 hours before the expected departure or removal; or
  - (c) for the transfer of dangerous cargo to another ship—at least 24 hours before the transfer is expected to start; or
  - (d) for the loading of dangerous cargo on a ship—at least 24 hours before the loading is expected to start.
- (2) A report under section 91 must be made—
  - (a) for the start of the local marine service—at least 48 hours before the start of the service; and
  - (b) for each voyage that is a part of the local marine service—at the time the person to whom the report is made considers reasonable and of which written notice is given to the owner or master of the ship.
- (3) The general manager may, by gazette notice, change a time mentioned in subsection (1) or (2)(a), for a particular place, if the general manager is reasonably satisfied the change is necessary for the particular place—
  - (a) to ensure marine safety; or

- (b) to maintain the effectiveness and efficiency of the Queensland maritime industry.

## Division 4 Other reporting requirements

### 93 Reporting dangerous cargo event

- (1) This section applies to a person if—
  - (a) the person is—
    - (i) in charge of a place where a ship is, or is about to be, berthed; or
    - (ii) the owner or master of a ship; and
  - (b) the person becomes aware that a dangerous cargo event has happened at the place or on the ship.

- (2) The person must report the dangerous cargo event in the way and to the person required under subsections (3) and (4).

Maximum penalty—100 penalty units.

- (3) The person must report the dangerous cargo event in the approved form and as soon as reasonably practicable after the person finds out about it.
- (4) The person must report the dangerous cargo event—
  - (a) if the event happens in a pilotage area—to a harbour master for the area; or
  - (b) otherwise—to the general manager.
- (5) In this section—

*dangerous cargo event* means—

- (a) for dangerous cargo—
  - (i) the loss, or likely loss, of the cargo from a ship into Queensland waters; or
  - (ii) a breach, or danger of a breach, of the containment of the cargo that could endanger marine safety; or

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- (iii) another event involving, or that could involve, the cargo that causes risk of an explosion, a fire, a person's death or grievous bodily harm to a person;  
or
- (b) for cargo that is materials that are hazardous only in bulk under the IMSBC Code—an event that causes a risk of an explosion, a fire, a person's death or grievous bodily harm to a person.

#### **94 General manager may require declaration about ship's cargo**

- (1) This section applies if the general manager believes on reasonable grounds that a ship in Queensland waters, other than the waters of a pilotage area, is carrying dangerous cargo.
- (2) The general manager may ask the owner or master of the ship to tell the general manager about the cargo the ship is carrying.
- (3) The request may be made in the quickest and most convenient way.
- (4) If the request is not written, the general manager must make a written note of the request and its details.
- (5) The written note is evidence that the request was made.
- (6) The person given the request must comply with the request by radio or any form of electronic communication in the shortest practicable time, unless the person has a reasonable excuse.

Maximum penalty for subsection (6)—200 penalty units.

### **Division 5 Loading restriction**

#### **95 Restriction on loading combination carrier**

- (1) This section applies if the owner of a combination carrier has carried—

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- (a) bulk liquid dangerous cargo consisting of crude oil or petroleum products with a flash point of not more than 60°C on a previous voyage (a *relevant voyage*) made by the carrier; or
  - (b) other bulk liquid dangerous cargo on 1 or more of its last 3 voyages (the last of which is also a *relevant voyage*).
- (2) The owner or master of the combination carrier must not load the carrier with bulk solid cargo in a pilotage area unless—
- (a) an approved chemist has issued a safety test certificate for the ship certifying that, after the relevant voyage, the approved chemist—
    - (i) tested the atmosphere, in the way stated in ISGOTT, in all places on the carrier that had previously contained the dangerous cargo to ensure that they are gas free; and
    - (ii) verified that all tanks on the ship containing slops are in an inert condition under ISGOTT; and
  - (b) the owner or master of the carrier has given a harbour master for the pilotage area—
    - (i) a copy of the safety test certificate; and
    - (ii) if subsection (1)(a) applies—a statement in the approved form about the carrier’s last 3 loaded voyages and the cargoes it carried on each voyage.

Maximum penalty—200 penalty units.

- (3) This section does not limit the obligations of the owner or master of a ship under section 88.
- (4) In this section—

*approved chemist* means a competent person within the meaning of AS 3846—2005 (The handling and transport of dangerous cargoes in port areas).

*combination carrier* means a ship designed to carry either oil or solid cargoes in bulk.

*gas free* see AS 3846—2005 (The handling and transport of dangerous cargoes in port areas).

## Part 5 Other provisions

### 96 Operation of ship by enforcement officer

- (1) This section applies to an enforcement officer who—
  - (a) holds a certificate of competency to operate a ship as its master under the national law; and
  - (b) is operating a ship in carrying out the officer's duties.
- (2) The enforcement officer may, if reasonably necessary in performing the officer's duties—
  - (a) operate the ship at any safe speed, which may be higher than a speed limit applying under another provision of this regulation; or
  - (b) operate the ship displaying lights and sounding a repeater horn or siren in addition to the lights and sound devices required for operating the ship under the collision regulations; or
  - (c) operate the ship in a marine zone contrary to section 178; or
  - (d) anchor the ship in a place contrary to section 195; or
  - (e) anchor, berth, moor or operate the ship in a place contrary to section 196; or
  - (f) anchor, berth, moor or operate the ship in a way contrary to section 197.
- (3) An enforcement officer does not commit an offence against this regulation for doing something authorised by subsection (2).
- (4) In this section—

*enforcement officer* means—



- (a) a police officer; or
- (b) an officer of the Queensland Boating and Fisheries Patrol; or
- (c) an officer of MSQ who is a shipping inspector.

**97 Application of pt 14, div 2 of the Act—Act, s 187**

Part 14, division 2 of the Act applies to ships, other than recreational ships, in Queensland waters.

*Note—*

Part 14, division 2 of the Act contains provisions about passengers on ships.

**98 Start and end of particular business activities to be notified**

- (1) This section applies if the owner or master of a ship starts using the ship in carrying on business for any of the following purposes—
  - (a) carrying passengers for reward;
  - (b) providing the ship as a hire ship;
  - (c) providing a leisure tourism or entertainment activity for a person for reward, including, for example, parasailing or waterskiing.
- (2) Before starting the business, the owner or master must give written advice about starting the business—
  - (a) to—
    - (i) if the business is started in a pilotage area—a harbour master for the pilotage area; or
    - (ii) otherwise—the general manager; and
  - (b) that contains the following particulars—
    - (i) the person's name and address;
    - (ii) the starting date of the business;

- (iii) a brief description of the business and the waters where it will be mainly carried on.

Maximum penalty—50 penalty units.

- (3) If the owner or master stops carrying on the business, the owner or master must notify the harbour master or the general manager in writing within 1 month after the person stops carrying on the business.

Maximum penalty—50 penalty units.

- (4) In this section—

***hire ship*** means a ship, without master or crew, hired or made available by a person for the recreational use of someone else under a commercial arrangement between those persons.

*Examples of a hire ship—*

a cruiser, dinghy, houseboat, personal watercraft or yacht hired for recreational use

## Chapter 6 Authorities, marine licences and marine licence indicators

### Part 1 Interpretation

#### 99 Who is an *administering agency*

The *administering agency* is—

- (a) for an authority—the entity who may grant the authority under this regulation; or
- (b) for a marine licence—the entity who may grant the marine licence under this regulation; or

- (c) for a marine licence indicator—the entity who, under this regulation, may grant the marine licence to which the indicator relates.

## **100 What is an *authority***

- (1) An *authority* is any of the following—
  - (a) an approval, other than a marine licence;
  - (b) a restricted use authority;
  - (c) an examining approval;
  - (d) a temporary permit;
  - (e) a consent under section 77 to use or display a prescribed signal of distress for genuine training or demonstration purposes;
  - (f) a pilotage exemption certificate;
  - (g) a buoy mooring approval;
  - (h) an aquatic event authority.
- (2) A reference in this regulation to an authority, other than in this chapter, includes a reference to a temporary authority in force under section 104.

## **Part 2 Authorities**

### **Division 1 How authority is obtained**

#### **101 Making application**

- (1) A person may apply to the administering agency for an authority.
- (2) The application must be—
  - (a) in the approved form or, if there is no approved form for the application, in writing; and

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- (b) supported by enough information to enable the administering agency to decide the application; and
- (c) accompanied by the fee for the authority (if any).

### **102 Administering agency may request further information**

- (1) If the administering agency considers the application is not supported by enough information to enable the administering agency to decide the application, the administering agency may give the applicant a written notice—
  - (a) requesting the further information necessary to decide the application; and
  - (b) stating the reasonable period, of at least 30 days after the notice is given, within which the information must be given to the administering agency.
- (2) The administering agency and the applicant may, within the period stated in the notice, agree to extend the period to a later day.
- (3) If the further information requested is not given within the period stated in the notice, the administering agency may refuse to consider the application for the authority.

### **103 Administering agency to decide application within 30 days**

The administering agency must decide each application for an authority within 30 days after—

- (a) the application is made; or
- (b) if the administering agency has given the applicant a notice requesting further information under section 102—the further information is given.

### **104 Temporary authority for registration of particular ships or pilot licence**

- (1) This section applies if a person applies for—

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- (a) the registration of an other Queensland regulated ship;  
or
  - (b) a pilot licence for a pilotage area.
- (2) The administering agency may grant a temporary registration or temporary pilot licence for a pilotage area (a **temporary authority**) to the applicant for a term of not more than 6 months.
  - (3) The administering agency must issue to the applicant a document evidencing the temporary authority.
  - (4) The temporary authority is in force until the earliest of the following happens—
    - (a) the term of the temporary authority ends;
    - (b) the application for the registration or pilot licence is finally decided by the administering agency and the administering agency notifies the applicant of the decision;
    - (c) the temporary authority is suspended under section 117.

## 105 Grant of authority on conditions

The administering agency may grant an authority on conditions the administering agency considers reasonable and relevant.

*Notes—*

- 1 Under section 107, the document evidencing an authority must state all conditions imposed on the authority under this regulation.
- 2 Part 16 of the Act provides for the review of a decision made by the administering agency under this section.
- 3 For consequences for a contravention of a condition of an authority, see—
  - section 57(4) of the Act in relation to the registration of a ship
  - section 54 in relation to restricted use authorities
  - section 75(5) in relation to temporary permits
  - sections 110(2) and 115 in relation to all authorities
  - section 198(4) in relation to aquatic event authorities.

## **106 Term of authority**

The term of an authority is the term stated in the document evidencing the authority.

## **107 Issuing of document evidencing authority if application granted**

- (1) If the administering agency decides to grant an application for an authority and the applicant pays the fee for the authority (if any), the administering agency must, within 30 days after making the decision, issue to the applicant a document evidencing the authority in the approved form.
- (2) The document evidencing the authority must state all conditions imposed on the authority under a provision of this regulation.

*Note—*

See also section 53(2).

- (3) Without limiting subsection (2), a condition may be stated by—
  - (a) referring to the provision of this regulation that imposes the condition; or
  - (b) indicating the condition imposed by the administering agency under section 31, 105 or 188.
- (4) In this regulation, a reference to a document evidencing an authority is a reference to the document issued under this section for the authority.

## **108 Refusal of application**

- (1) If the administering agency decides to refuse an application for an authority, the administering agency must give the applicant written notice of the decision within 14 days after making the decision.
- (2) Without limiting subsection (1), the administering agency may refuse an application for an authority if—

- (a) the applicant has contravened marine safety legislation; or
  - (b) the applicant has had another authority or marine licence under the Act cancelled or suspended; or
  - (c) the applicant has been convicted of an indictable offence; or
  - (d) the applicant has not paid fees payable under the Act; or
  - (e) if the application is for the registration of a ship—the administering agency is reasonably satisfied that the ship is not seaworthy even if a survey report has been issued for the ship.
- (3) The notice of the decision must state—
- (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.

## **Division 2                      Renewal of authority**

### **109      Application for renewal**

- (1) The holder of an authority may apply to the administering agency for the renewal of the authority.
- (2) The application must be—
  - (a) for an authority other than the registration of a ship—in the approved form or, if there is no approved form for the application, in writing; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) accompanied by the fee for the renewal (if any).

## **110 Div 1 applies to application for renewal**

- (1) Division 1 applies to an application for renewal of an authority in the same way it applies to an application for an authority.
- (2) However, the administering agency may also refuse an application for renewal of an authority if—
  - (a) the authority was granted in error or because of a document or representation that—
    - (i) was false or misleading; or
    - (ii) was obtained or made in another improper way; or
  - (b) the applicant has contravened a condition of the authority; or
  - (c) for a buoy mooring approval—there has been a significant change in circumstances affecting marine safety in the vicinity of the buoy mooring.

## **Division 3 Amendment of authority**

### **111 Amendment at holder's request**

- (1) The holder of an authority may apply to the administering agency for an amendment of the authority.
- (2) The application must be—
  - (a) in the approved form or, if there is no approved form for the application, in writing; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) accompanied by the fee for the amendment (if any).
- (3) Division 1 applies to an application for an amendment of an authority in the same way it applies to an application for an authority.



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## **112 Amendment on administering agency's initiative**

- (1) The administering agency may amend an authority at any time if—
  - (a) the holder of the authority agrees to the amendment; or
  - (b) the administering agency considers it necessary or desirable because—
    - (i) the holder has contravened the Act; or
    - (ii) the authority was granted in error or because of a document or representation that—
      - (A) was false or misleading; or
      - (B) was obtained or made in another improper way.
- (2) If the administering agency proposes to amend an authority for a reason mentioned in subsection (1)(b), the administering agency must give the holder a written notice under this section.
- (3) The notice must state the following—
  - (a) the proposed amendment;
  - (b) the grounds for the proposed amendment;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) that the holder may, within the period of at least 30 days stated in the notice, make written representations showing cause why the amendment should not be made.
- (4) If, after considering all written representations made within the stated time, the administering agency still considers the amendment is necessary or desirable, the administering agency may amend the authority.
- (5) If the administering agency decides to amend an authority, the administering agency must give the holder of the authority written notice of the decision, which must state—
  - (a) the reasons for the decision; and

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- (b) the prescribed review information for the decision.
- (6) If, after considering the written representations, the administering agency decides the amendment should not be made, the administering agency must give the holder written notice of the decision within 14 days after making the decision.

### **113 When amendment takes effect**

If the administering agency amends an authority, the amendment takes effect from—

- (a) the day the authority is amended; or
- (b) if the administering agency stated a later day when granting or deciding the amendment, the later day.

### **114 Document evidencing authority to be updated after amendment**

- (1) The administering agency may, by written notice, ask the holder of an authority to return the document evidencing the authority to the administering agency within a stated time, of at least 30 days, to enable the administering agency to update the document to reflect an amendment made to the authority.
- (2) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) The administering agency must return the document evidencing the authority to the holder after—
  - (a) the agency has updated the document; and
  - (b) the holder has paid the fee for the amendment of the authority (if any).
- (4) The amendment of an authority by the administering agency does not depend on the document evidencing the authority being updated under this section.

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## **Division 4                      Suspension or cancellation of                                          authority and action after marine                                          incident**

### **115      Grounds for suspension or cancellation**

The administering agency may suspend or cancel an authority on any of the following grounds—

- (a) the holder has contravened marine safety legislation;
- (b) the authority was granted in error or because of a document or representation that—
  - (i) was false or misleading; or
  - (ii) was obtained or made in another improper way;
- (c) the holder has contravened a condition of the authority;
- (d) the holder has been convicted of—
  - (i) an indictable offence; or
  - (ii) if the authority is a licence—an offence against the *Transport Operations (Road Use Management) Act 1995*, section 79 or 80;
- (e) the holder has not paid fees payable under the Act;
- (f) for the registration of a Queensland regulated ship—the administering agency is reasonably satisfied that the ship is not seaworthy even if a survey report has been issued for the ship.

### **116      Procedure for suspension or cancellation**

- (1) If the administering agency considers a ground exists to suspend or cancel an authority (the *proposed action*), the administering agency may give the holder of the authority a written notice stating the following—
  - (a) the proposed action;
  - (b) the grounds for the proposed action;

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- (c) an outline of the facts and circumstances forming the basis for the grounds;
  - (d) if the proposed action is to suspend the authority—the proposed suspension term;
  - (e) that the holder may, within the period of at least 30 days stated in the notice, make written representations showing cause why the proposed action should not be taken.
- (2) If, after considering all written representations made within the stated time, the administering agency still considers grounds to take the proposed action exist, the administering agency may—
- (a) if the proposed action was to suspend the authority for a stated term—suspend the authority for not longer than the proposed suspension term; or
  - (b) if the proposed action was to cancel the authority—cancel the authority or suspend it for a term.
- (3) The administering agency must give the holder written notice of the decision within 14 days after the administering agency makes the decision.
- (4) If the administering agency decides to suspend or cancel the authority, the notice must state—
- (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.
- (5) The decision takes effect on the later of the following—
- (a) the day when the notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (6) However, if the authority is suspended or cancelled because of the conviction of a person for an offence—
- (a) the suspension or cancellation does not take effect until—
    - (i) the end of the time to appeal against the conviction; and

- (ii) if an appeal is made against the conviction—the appeal is finally decided; and
- (b) the suspension or cancellation has no effect if the conviction is quashed on appeal.

## **117 Action by general manager after marine incident**

- (1) This section applies to any of the following involved in a marine incident if the general manager has required a shipping inspector to investigate the marine incident under section 126 of the Act—
  - (a) a person who holds any of the following (each a *relevant authority*)—
    - (i) a pilot licence;
    - (ii) a temporary permit;
    - (iii) a temporary pilot licence under section 104;
    - (iv) a pilotage exemption certificate;
  - (b) a ship that is the subject of either of the following (each also a *relevant authority*)—
    - (i) registration;
    - (ii) temporary registration under section 104;
  - (c) an entity that holds a training program approval (also a *relevant authority*).
- (2) The general manager may, by signed notice given to the person, to the owner or master of the ship, or to the entity, suspend or amend the relevant authority.
- (3) The notice must state each of the following—
  - (a) the grounds for suspension or amendment;
  - (b) an outline of the facts and circumstances forming the basis of the general manager’s decision;
  - (c) if the relevant authority is suspended—

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- (i) the suspension term, which must be reasonable in the circumstances but not longer than 6 months; or
    - (ii) if the relevant authority is a temporary pilot licence or temporary registration under section 104—that the effect of the suspension is that the temporary authority ends under section 104(4)(c);
  - (d) if the relevant authority is amended—the way the authority is amended and for how long the amendment is to be in effect;
  - (e) the prescribed review information for the general manager’s decision.
- (4) The suspension or amendment takes effect on the later of the following—
- (a) the day when the notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (5) This section does not limit sections 115 and 116.

## **118 Extension or ending of suspension or amendment after marine incident**

- (1) This section applies if—
- (a) under section 117(2), the general manager suspends or amends an authority after a marine incident; and
  - (b) while the suspension or amendment is still in effect, the general manager receives a shipping inspector’s report about the marine incident; and
  - (c) the suspension term or the period for which the amendment is to be in effect under section 117 does not end within 14 days after the general manager receives the report.
- (2) If the general manager gives a notice under section 116(1) to the holder of the authority within 14 days after receiving the inspector’s report, the suspension or amendment of the authority under section 117 continues until the general manager gives the holder written notice under section 116(3).

- (3) If the general manager does not give a notice under section 116(1) to the holder of the authority within 14 days after receiving the inspector's report—
  - (a) the suspension or amendment of the authority under section 117 ends at the end of the 14 days; and
  - (b) the general manager must notify the holder of the authority that the effect of the suspension or amendment has ended.

### **119 Effect of suspension on renewal of authority**

- (1) An authority that is suspended under section 116(2) or 117(2) may be renewed.
- (2) However, the suspension continues until the end of the suspension term.

### **120 Document evidencing authority to be returned after suspension or cancellation**

- (1) A person whose authority or temporary pilot licence is suspended or cancelled must return the document evidencing the authority or temporary pilot licence to the administering agency within 7 days after the suspension or cancellation takes effect, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If the document evidencing an authority is returned to the administering agency after the authority is suspended, the administering agency must return it to the holder at the end of the suspension term.
- (3) In this section—

*temporary pilot licence* means a temporary pilot licence under section 104.

## **Division 5                      Other provisions about authorities**

### **121      Holder to notify change of address**

- (1) If the holder of an authority changes a relevant address, the holder must, within 14 days after the change, give the administering agency written notice of the change, unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) In this section—

*relevant address*, for a holder of an authority, means the following—

- (a) the holder's address;
- (b) if there is a current postal address for the holder—the postal address.

### **122      Keeping document evidencing authority**

The holder of an authority must keep the document evidencing the authority, or a document about the granting of the authority, until the holder no longer holds the authority.

Maximum penalty—20 penalty units.

### **123      Defacing or changing document evidencing authority**

The holder of an authority must not deface or otherwise change the document evidencing the authority.

Maximum penalty—20 penalty units.

### **124      Replacement of document evidencing authority**

- (1) If the document evidencing an authority is damaged, lost or stolen, the holder of the authority may apply to the administering agency for a replacement document.
- (2) The application must be—



- (a) in the approved form or, if there is no approved form for the application, in writing; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) accompanied by the fee for the replacement document (if any).
- (3) The administering agency may replace the document evidencing the authority only if the administering agency is reasonably satisfied it has been damaged, lost or stolen.
- (4) In this section—  
*damaged* includes destroyed, defaced, mutilated or made illegible.

## **125 Surrender of authority**

- (1) The holder of an authority may surrender it by written notice given to the administering agency.
- (2) The notice must be accompanied by the document evidencing the authority.
- (3) The surrender of the authority takes effect on—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the later day.

# **Part 3 Marine licences and marine licence indicators**

## **Division 1 How marine licence or marine licence indicator is obtained**

### **126 Making application**

- (1) A person may apply to the administering agency for a marine licence or a marine licence indicator for a marine licence.

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- (2) The application must be—
  - (a) in the approved form; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) for a marine licence—accompanied by the fee for the licence.

### **127 Administering agency to decide application within 30 days**

The administering agency must decide each application for a marine licence or a marine licence indicator for a marine licence within 30 days after the application is made.

*Note—*

See the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the administering agency must refuse to consider an application relating to a marine licence or marine licence indicator for a marine licence.

### **128 Grant of marine licence on conditions**

- (1) The administering agency may grant a marine licence on conditions the administering agency considers reasonable and relevant.

*Notes—*

- 1 Under section 131, the marine licence indicator for a marine licence must indicate all conditions imposed on the licence under this regulation.
  - 2 Part 16 of the Act provides for the review of a decision made by the administering agency under this section.
- (2) If the administering agency imposes a condition on a marine licence, the administering agency must give the holder of the licence written notice of the condition.
  - (3) If the administering agency imposes a condition on a marine licence, the holder of the licence must not operate a ship in contravention of the condition.

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Maximum penalty for subsection (3)—20 penalty units.

**129 Term of marine licence and smartcard marine licence indicator**

- (1) The term of a marine licence is unlimited.
- (2) The term of a smartcard marine licence indicator for a marine licence is up to 10 years.
- (3) The day a smartcard marine licence indicator for a marine licence expires must be stated on the indicator.

**130 Giving of marine licence indicator if application granted**

- (1) If the administering agency decides to grant an application for a marine licence or a marine licence indicator for a marine licence, the administering agency must, within 30 days after making the decision, give to the applicant a marine licence indicator for the licence.
- (2) The marine licence indicator for a marine licence may be in the form of—
  - (a) a marine licence indicator receipt; or
  - (b) a smartcard marine licence indicator given under the Act; or
  - (c) a Queensland driver licence with a marine licence indicator code on it.
- (3) Subsection (2) does not limit the form of a marine licence indicator for a marine licence.
- (4) In this section—

***marine licence indicator receipt***, for chapter 6, part 3, means a receipt given to a person that has effect as a marine licence indicator until the person receives—

  - (a) a smartcard marine licence indicator given under the Act; or

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- (b) a smartcard driver licence with a marine licence indicator code on it.

*Queensland driver licence* see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

*smartcard driver licence* see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9.

### **131 Codes on marine licence indicators**

- (1) A marine licence indicator for a marine licence must indicate all conditions imposed on the licence under this regulation.
- (2) Without limiting subsection (1), the conditions may be indicated by using a code—
  - (a) stated on the marine licence indicator; or
  - (b) if it is a smartcard marine licence indicator—stored on the marine licence indicator.
- (3) The following codes may be used on a marine licence indicator for a marine licence—
  - ‘S’ stored on a smartcard marine licence indicator to show that the holder of the marine licence may only operate a ship while wearing corrective lenses
  - ‘TEXT’ stored on a smartcard marine licence indicator to show that the marine licence is subject to a condition.

### **132 Refusal of application for marine licence or marine licence indicator**

- (1) If the administering agency decides to refuse an application for a marine licence or a marine licence indicator for a marine licence, the administering agency must give the applicant written notice of the decision within 14 days after making the decision.

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- (2) Without limiting subsection (1), the administering agency may refuse an application for a marine licence if the administering agency is reasonably satisfied—
- (a) the applicant has contravened marine safety legislation; or
  - (b) the applicant has had an authority, a marine licence or other authority under the Act cancelled or suspended; or
  - (c) the applicant has been convicted of an indictable offence; or
  - (d) the applicant has not paid fees payable under the Act.
- (3) Also, the administering agency may refuse an application for a marine licence or a marine licence indicator for a marine licence if the administering agency is not reasonably satisfied—
- (a) with the applicant's identification for the licence or indicator; or
  - (b) for a smartcard marine licence indicator for a marine licence—that the applicant is the holder of a marine licence.
- (4) The notice of the decision must state—
- (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.

## **Division 2                      Renewal of smartcard marine licence indicator**

### **133      Application for renewal**

- (1) The holder of a marine licence may apply to the administering agency for the renewal of a smartcard marine licence indicator for the licence.
- (2) The application must be—
- (a) made in the approved form; and

- (b) supported by enough information to enable the administering agency to decide the application.
- (3) A smartcard marine licence indicator for a marine licence given under the Act may be renewed for a term of up to 10 years.

### **134 Application for renewal by electronic communication**

- (1) A person who has a smartcard marine licence indicator for the person's marine licence may apply by electronic communication for a new smartcard marine licence indicator if—
  - (a) the person's smartcard marine licence indicator is about to expire; and
  - (b) there are at least 5 years before the end of the shelf life, or the end of the most recent extension of the shelf life under the *Transport Planning and Coordination Act 1994*, section 28EB of the holder's most recent digital photo and most recent digitised signature; and
  - (c) the administering agency has given the holder written notice that the person may apply by electronic communication for a new smartcard marine licence indicator.
- (2) The application must be—
  - (a) made in the approved form; and
  - (b) made before the person's smartcard marine licence indicator for the marine licence expires.
- (3) In this section—

*most recent digital photo*, of a person, see the *Transport Planning and Coordination Act 1994*, section 28E.

*most recent digitised signature*, of a person, see the *Transport Planning and Coordination Act 1994*, section 28E.

*shelf life*, of a person's digital photo or digitised signature, see the *Transport Planning and Coordination Act 1994*, section 28E.

### **135 Div 1 applies to application for renewal**

- (1) Division 1 applies to an application for renewal of a smartcard marine licence indicator for a marine licence in the same way it applies to an application for a marine licence indicator.
- (2) However, the administering agency may also refuse an application for renewal of a smartcard marine licence indicator for a marine licence if the smartcard marine licence indicator was issued in error or because of a document or representation that—
  - (a) was false or misleading; or
  - (b) was obtained or made in another improper way.

## **Division 3 Amendment of marine licence**

### **136 Amendment at holder's request**

- (1) The holder of a marine licence may apply to the administering agency for an amendment of the licence.
- (2) The application for an amendment must be—
  - (a) in writing; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) accompanied by the marine licence indicator for the licence, unless it has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.

*Note—*

See the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the administering agency must refuse to consider

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an application relating to a marine licence or marine licence indicator for a marine licence.

- (3) Division 1 applies to an application for an amendment of a marine licence in the same way it applies to an application for a marine licence.

### **137 Amendment on administering agency's initiative**

- (1) The administering agency may amend a marine licence at any time if—
  - (a) the holder of the licence agrees to the amendment; or
  - (b) the administering agency considers it necessary or desirable—
    - (i) because the holder has contravened the Act; or
    - (ii) because the licence was granted in error or because of a document or representation that—
      - (A) was false or misleading; or
      - (B) was obtained or made in another improper way; or
    - (iii) to ensure marine safety.

*Example for subparagraph (iii)—*

The administering agency considers it necessary or desirable to impose a condition on the marine licence because of the holder's medical condition.

- (2) If the administering agency proposes to amend a marine licence for a reason mentioned in subsection (1)(b), the administering agency must give the holder a written notice under this section.
- (3) The notice must state the following—
  - (a) the proposed amendment;
  - (b) the grounds for the proposed amendment;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;



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- (d) that the holder may, within the period of at least 30 days stated in the notice, make written representations showing cause why the amendment should not be made.
  - (4) If, after considering all written representations made within the stated time, the administering agency still considers the amendment is necessary or desirable, the administering agency may amend the marine licence.
  - (5) If the administering agency decides to amend the marine licence, the administering agency must give the holder of the licence written notice of the decision, which must state—
    - (a) the reasons for the decision; and
    - (b) the prescribed review information for the decision.
  - (6) If, after considering the written representations, the administering agency decides the amendment should not be made, the administering agency must give the holder written notice of the decision within 14 days after making the decision.

### **138 When amendment takes effect**

If the administering agency amends a marine licence, the amendment takes effect from—

- (a) the day the licence is amended; or
- (b) if the administering agency stated a later day when granting or deciding the amendment, the later day.

### **139 Marine licence indicator to be updated or replaced after amendment or correction**

- (1) The administering agency may, by written notice, ask the holder of a marine licence to return the marine licence indicator for the licence to the administering agency within a stated time, of at least 30 days, to allow the administering agency to update or replace the indicator—
  - (a) to reflect an amendment made to the licence; or

- (b) to correct information on the indicator, if the administering agency reasonably believes the error was caused by the administering agency.
- (2) The holder must comply with the notice, unless the holder has a reasonable excuse.

*Example of reasonable excuse—*

The marine licence indicator has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

- (3) After receiving the marine licence indicator for a marine licence, the administering agency must—
- (a) update the marine licence indicator and return it to the holder; or
  - (b) give the holder a replacement marine licence indicator for the licence.
- (4) If the marine licence indicator for a marine licence required updating or replacement for the reason mentioned in subsection (1)(a), the updated or replacement marine licence indicator must reflect the amendment made to the licence.
- (5) If the marine licence indicator for a marine licence required updating or replacement for the reason mentioned in subsection (1)(b), the updated or replacement marine licence indicator must state the correct information.
- (6) The amendment of a marine licence by the administering agency does not depend on the marine licence indicator for the licence being updated or replaced under this section.

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## Division 4                      **Suspension or cancellation of marine licence and action after marine incident**

### 140      **Grounds for suspension or cancellation**

The administering agency may suspend or cancel a marine licence on any of the following grounds—

- (a) the holder has contravened marine safety legislation;
- (b) the licence was granted in error or because of a document or representation that—
  - (i) was false or misleading; or
  - (ii) was obtained or made in another improper way;
- (c) the holder has contravened a condition of the marine licence;
- (d) the holder has been convicted of—
  - (i) an indictable offence; or
  - (ii) an offence against the *Transport Operations (Road Use Management) Act 1995*, section 79 or 80;
- (e) the holder has not paid fees payable under the Act;
- (f) the administering agency is no longer reasonably satisfied with the holder's identification for the licence.

### 141      **Procedure for suspension or cancellation**

- (1) If the administering agency considers a ground exists to suspend or cancel a marine licence (the ***proposed action***), the administering agency may give the holder of the licence a written notice stating the following—
  - (a) the proposed action;
  - (b) the grounds for the proposed action;
  - (c) an outline of the facts and circumstances forming the basis for the grounds;

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- (d) if the proposed action is to suspend the licence—the proposed suspension term;
  - (e) that the holder may, within the period of at least 30 days stated in the notice, make written representations showing cause why the proposed action should not be taken.
- (2) If, after considering all written representations made within the stated time, the administering agency still considers grounds to take the proposed action exist, the administering agency may—
- (a) if the proposed action was to suspend the marine licence for a stated term—suspend the licence for not longer than the proposed suspension term; or
  - (b) if the proposed action was to cancel the marine licence—cancel the licence or suspend it for a term.
- (3) The administering agency must give the holder written notice of the decision within 14 days after the administering agency makes the decision.
- (4) If the administering agency decides to suspend or cancel the marine licence, the notice must state—
- (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.
- (5) The decision takes effect on the later of the following—
- (a) the day when the notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (6) However, if the marine licence is suspended or cancelled because of the conviction of a person for an offence—
- (a) the suspension or cancellation does not take effect until—
    - (i) the end of the time to appeal against the conviction; and
    - (ii) if an appeal is made against the conviction—the appeal is finally decided; and

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- (b) the suspension or cancellation has no effect if the conviction is quashed on appeal.

## **142 Action by general manager after marine incident**

- (1) This section applies to a person involved in a marine incident if the general manager has required a shipping inspector to investigate the marine incident under section 126 of the Act.
- (2) The general manager may, by signed notice given to the person, suspend or amend the person's marine licence.
- (3) The notice must state each of the following—
  - (a) the grounds for suspension or amendment;
  - (b) an outline of the facts and circumstances forming the basis of the general manager's decision;
  - (c) if the marine licence is suspended—the suspension term, which must be reasonable in the circumstances but not longer than 6 months;
  - (d) if the marine licence is amended—the way the licence is amended and for how long the amendment is to be in effect;
  - (e) the prescribed review information for a decision.
- (4) The suspension or amendment takes effect on the later of the following—
  - (a) the day when the notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (5) This section does not limit sections 140 and 141.

## **143 Extension or ending of suspension or amendment after marine incident**

- (1) This section applies if—
  - (a) under section 142(2), the general manager suspends or amends a marine licence after a marine incident; and

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- (b) while the suspension or amendment is still in effect, the general manager receives a shipping inspector's report about the marine incident; and
  - (c) the suspension term or the period for which the amendment is to be in effect under section 142 does not end within 14 days after the general manager receives the report.
- (2) If the general manager gives a notice under section 141(1) to the holder of the marine licence within 14 days after receiving the inspector's report, the suspension or amendment of the licence continues until the general manager gives the holder written notice under section 141(3).
- (3) If the general manager does not give a notice under section 141(1) to the holder of the marine licence within 14 days after receiving the inspector's report—
- (a) the suspension or amendment of the licence under section 142 ends at the end of the 14 days; and
  - (b) the general manager must notify the holder of the licence that the effect of the suspension or amendment has ended.

#### **144 Smartcard marine licence indicator to be returned after cancellation of marine licence**

- (1) A person whose marine licence is cancelled by the administering agency and who has a smartcard marine licence indicator for the licence must return the smartcard marine licence indicator to the administering agency within 7 days after the cancellation takes effect, unless the person has a reasonable excuse.

*Example of reasonable excuse—*

The smartcard marine licence indicator has been, or the person reasonably suspects it has been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

- (2) A person whose marine licence is suspended by the administering agency and who has a smartcard marine licence

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indicator for the licence is not required to return the smartcard marine licence indicator to the administering agency.

## **Division 5                    Other provisions**

### **145    Holder to notify change of name or address**

- (1) If the holder of a marine licence changes any of the following, the holder must, within 14 days after the change, give the administering agency written notice of the change, unless the holder has a reasonable excuse—
  - (a) the holder's name or address;
  - (b) if there is a current postal address for the holder—the postal address.

Maximum penalty—10 penalty units.

- (2) If the administering agency is reasonably satisfied the information given by the holder is correct, the administering agency must give the holder—
  - (a) for a change of name—a replacement marine licence indicator for the marine licence with the holder's new name; or
  - (b) for a change of address—a change of address label.

- (3) On receipt of a change of address label, the holder must promptly attach the label to the back of the smartcard marine licence indicator for the marine licence, in the space provided for change of address labels.

Maximum penalty—20 penalty units.

### **146    Replacement label**

- (1) This section applies if the holder of a marine licence becomes aware, or reasonably suspects, that a change of address label, that has not been attached to a smartcard marine licence indicator for the licence, has been damaged, lost or stolen.

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- (2) The holder must promptly apply to the administering agency for a replacement label.

Maximum penalty—20 penalty units.

- (3) If the administering agency is reasonably satisfied the change of address label has been damaged, lost or stolen, the administering agency must issue a replacement label to the holder.

- (4) On receipt of a replacement label, the holder must promptly attach the label to the back of the smartcard marine licence indicator for the marine licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.

- (5) In this section—

*damaged* includes destroyed, defaced, mutilated or made illegible.

#### **147 Keeping marine licence indicator**

The holder of a marine licence must keep the marine licence indicator for the licence until the holder no longer holds the licence.

Maximum penalty—20 penalty units.

#### **148 Damaging or changing marine licence indicator**

The holder of a marine licence must not wilfully damage or otherwise change the marine licence indicator for the licence.

Maximum penalty—20 penalty units.

#### **149 Administering agency may direct destruction of superseded marine licence indicator**

- (1) The administering agency may direct a person to destroy a superseded marine licence indicator.
- (2) The person must comply with the direction.



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Maximum penalty for subsection (2)—20 penalty units.

## **150 Replacement of marine licence indicator**

- (1) If the holder of a marine licence becomes aware, or reasonably suspects, the holder's marine licence indicator for the licence has been damaged, lost or stolen, the holder may apply to the administering agency for a replacement marine licence indicator.
- (2) An application under this section must be—
  - (a) made in the approved form; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) accompanied by the marine licence indicator for the marine licence, unless it has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.
- (3) Subsection (2) does not apply to an application for the replacement of a smartcard marine licence indicator for a marine licence if the administering agency is reasonably satisfied the smartcard marine licence indicator was not received by the holder because it has been lost or stolen.

*Note—*

See the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the administering agency must refuse to consider an application relating to a marine licence or marine licence indicator for a marine licence.

- (4) The administering agency must give the holder a replacement marine licence indicator for the marine licence if the administering agency is reasonably satisfied the marine licence indicator has been damaged, lost or stolen.

## **151 Surrender of marine licence**

- (1) The holder of a marine licence may surrender it by written notice given to the administering agency.

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- (2) If a smartcard marine licence indicator has been given to the person for the marine licence, the notice must be accompanied by the smartcard marine licence indicator, unless the holder has a reasonable excuse.
- (3) The surrender of the marine licence takes effect on—
  - (a) the day the notice is given; or
  - (b) if a later day is stated in the notice—the later day.

## **152 Only 1 marine licence of the same type to be held at the same time**

A person must not hold, at the same time—

- (a) more than 1 recreational marine driver licence; or
- (b) more than 1 personal watercraft licence.

Maximum penalty—40 penalty units.

## **153 Notifiable events under other Acts**

- (1) This section applies if the holder of a marine licence—
  - (a) has an obligation under the Act to notify the administering agency of a notifiable event; and
  - (b) has an obligation under a prescribed smartcard Act to notify the chief executive of the same notifiable event; and
  - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the administering agency of a notifiable event is taken to have been reasonably satisfied if any time allowed to make the notification under the Act has not expired.
- (3) In this section—

***notifiable event***, for the holder of a marine licence, means any of the following—

- (a) a change of the holder's name;
- (b) a change of the holder's address;
- (c) if there is a current postal address for the holder—a change of the postal address.

***prescribed smartcard Act*** means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

#### **154 Possessing another person's smartcard marine licence indicator**

- (1) A person must not possess another person's smartcard marine licence indicator for a marine licence unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's smartcard marine licence indicator for a marine licence to another person if the person knows, or ought reasonably to know, the other person intends to use the smartcard marine licence indicator to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

**155 Document purporting to be smartcard marine licence indicator**

- (1) A person must not possess a document that resembles a smartcard marine licence indicator for a marine licence and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles a smartcard marine licence indicator for a marine licence and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

## **Part 4 Other provisions**

### **Division 1 Particular provisions about restricted licences and licence disqualifications**

**156 Application for variation of restrictions—Act, s 202K**

For section 202K(4) of the Act, the written notice must be given to the chief executive—

- (a) in the approved form; and  
(b) at the address stated in the approved form as the address for giving the notice.

**157 Notice about application for removal of disqualification—Act, s 202L**

For section 202L(4) of the Act, the written notice must be given to the chief executive—

- (a) in the approved form; and
- (b) at the address stated in the approved form as the address for giving the notice.

## **Division 2                      Transfer of Queensland regulated ship's registration**

### **158      Transfer of Queensland regulated ship's registration**

- (1) The administering agency may transfer the registration of a Queensland regulated ship.
- (2) A person (the *new owner*) who buys or otherwise acquires a registered Queensland regulated ship from another person must, within 14 days after acquiring the ship, apply to the administering agency for the transfer of the ship's registration.  
Maximum penalty—20 penalty units.
- (3) A Queensland regulated ship's registered owner may apply for the transfer of the ship's registration to the new owner if—
  - (a) the ship has been sold or otherwise disposed of to the new owner; and
  - (b) the ship's registered owner reasonably believes the new owner has not applied for transfer of the ship's registration within 14 days after acquiring the ship.
- (4) The new owner must pay the fee for the transfer of the registration of the ship either—
  - (a) when applying for the transfer of registration under subsection (2); or
  - (b) if the transfer has been applied for by the registered owner under subsection (3)—when the new owner pays the first registration fee after purchasing or acquiring the ship.
- (5) Until the administering agency transfers the registration of a ship, the ship's registered owner is taken to be, for this regulation, an owner of the Queensland regulated ship.

- (6) The administering agency may amend the conditions of registration, or impose new conditions, at the time of the transfer of the registration if the agency considers it is necessary to ensure marine safety.

**159 Particular provisions of part 2 apply to transfer of Queensland regulated ship's registration**

- (1) Sections 101 to 103, 107 and 108 apply, with all necessary changes, to an application for the transfer of a Queensland regulated ship's registration.

*Example of necessary change—*

If an application for the transfer is made by the current owner, references in section 108 to the applicant are taken to be references to the new owner.

- (2) If the administering agency decides to transfer the ship's registration, the administering agency must, within 14 days after making the decision—
  - (a) record the name and address of the new owner of the ship in the register; and
  - (b) issue an amended certificate of registration for the ship in the new owner's name.
- (3) If the ship's registration is subject to conditions imposed by the administering agency under section 31 or 105, the conditions continue to apply after the registration is transferred.

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## Chapter 7 Pilotage areas, compulsory pilotage areas and pilots

### Part 1 Pilotage areas and compulsory pilotage areas

#### 160 Declaration of pilotage areas and compulsory pilotage areas—Act, s 71(a)

- (1) Schedule 2 states the areas of Queensland waters that are pilotage areas.
- (2) Schedule 3 states the pilotage areas, or parts of pilotage areas, that are compulsory pilotage areas.

#### 161 Responsible pilotage entities for compulsory pilotage areas—Act, s 71A

The responsible pilotage entity for a compulsory pilotage area is the entity stated in schedule 4, column 2 opposite the area.

#### 162 Harbour masters for pilotage area

In this regulation, a reference to a harbour master for a pilotage area is a reference to a harbour master who may perform functions and exercise powers in the pilotage area.

### Part 2 Pilots

#### 163 Application of pt 8 of the Act—Act, s 98

- (1) The following ships are ships to which part 8 of the Act applies—
  - (a) a ship that is 50m or more;
  - (b) a small ship (the *relevant ship*) if—

- (i) it is combined with another small ship for propelling 1 of the ships; and
    - (ii) the combined length of the ships is 50m or more; and
    - (iii) the master of the relevant ship has command of the combined ships;
  - (c) a ship whose owner or master asks for the services of a pilot;
  - (d) a ship whose master is directed by a harbour master to use the services of a pilot.
- (2) However, part 8 of the Act does not apply to a ship mentioned in subsection (1)(a) or (b) if—
- (a) the ship is being operated in a pilotage area by a master who holds a pilotage exemption certificate for the ship for the area and who is personally operating the ship; or
  - (b) the ship—
    - (i) is a dredge operating only in a pilotage area; and
    - (ii) is under the charge of a master who holds a pilotage exemption certificate for the ship for the area but who is not personally operating the ship; and
    - (iii) is being operated by a person—
      - (A) who holds a relevant authority; and
      - (B) who the general manager considers is competent to operate the ship in the area.
- (3) In this section—
- relevant authority*** means—
- (a) a certificate of competency under the national law to operate a domestic commercial vessel as its master; or
  - (b) a licence issued under the law of another country that is—



- (i) issued by the same country in which the ship is registered; and
- (ii) the equivalent of the certificate mentioned in paragraph (a).

*small ship* means a ship that is less than 50m.

## 164 Transfer of pilot to ship

- (1) A harbour master for a pilotage area may decide, at the harbour master's sole discretion, which of the following ways a pilot is to be transferred to or from a ship for the pilot's operations in the pilotage area—
  - (a) by a pilot ship flying the appropriate distinguishing flag or showing the appropriate distinguishing lights;
  - (b) by a helicopter that lands on the ship or from which the pilot is raised or lowered by winch.
- (2) The master of a ship to or from which a pilot is to be transferred must give a harbour master for the pilotage area in which the pilot is to be transferred all information necessary to determine the suitability of the ship for transferring the pilot by a helicopter.

Maximum penalty—50 penalty units.

- (3) When a pilot is transferring to or from a ship or conducting a ship as its pilot, the master of the ship must comply with—
  - (a) the following—
    - (i) if the pilot is transferred to or from a ship by a pilot ship—*Marine Order 21 (Safety and emergency arrangements) 2016* (Cwlth), section 12;
    - (ii) if the pilot is transferred to or from a ship by a helicopter—*Marine Order 57 (Helicopter operations) 2016* (Cwlth); and
  - (b) any reasonable directions of the master of the pilot ship, or person in charge of the helicopter, from which the

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pilot is being transferred, about safely transferring the pilot to or from the ship; and

- (c) the pilot's reasonable directions about the pilot's personal safety.

Maximum penalty—200 penalty units.

### **165 Master to give pilotage charge to pilot**

After a pilot has transferred to a ship and the ship is about to be navigated in a pilotage area, the master of the ship must, when requested by the pilot, give pilotage charge of the ship to the pilot, unless the master has a reasonable excuse.

Maximum penalty—100 penalty units.

### **166 Pilotage exemption certificate**

- (1) The general manager may grant a pilotage exemption certificate to a person for a ship or type of ship for a pilotage area.

*Note—*

The procedure for obtaining a pilotage exemption certificate is in chapter 6, part 2.

- (2) The general manager may grant a pilotage exemption certificate to a person only if—
  - (a) the person holds an appropriate licence or certificate of competency to operate the ship, or type of ship, as its master under—
    - (i) the Act; or
    - (ii) a law of the Commonwealth or another State; or
    - (iii) for a certificate issued to a person for a foreign registered ship—the law of the country under whose laws the ship is registered; and
  - (b) the person passes a pilotage exemption test comprising—

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- (i) a written test about the person's knowledge of the pilotage area; and
  - (ii) a practical ship-handling test in the pilotage area; and
  - (c) the general manager is reasonably satisfied—
    - (i) the person has completed a reasonable number of voyages in the area as the master, or the chief mate in charge of a navigation watch, of a ship comparable in size to the ship or type of ship; and
    - (ii) marine operations in the pilotage area will not be endangered by granting the certificate.
  - (3) The general manager may grant a pilotage exemption certificate only for a ship that is—
    - (a) an Australian registered ship, other than a tank ship of 200m or more; or
    - (b) a foreign registered ship that is a dredging plant, or is part of a dredging plant, and operating in a pilotage area, or part of a pilotage area, stated in a direction of a harbour master under section 88 of the Act.

- (4) In this section—

***Australian registered ship*** means a ship—

- (a) registered under—
  - (i) the Act; or
  - (ii) the *Shipping Registration Act 1981* (Cwlth); or
  - (iii) a law of another State about the registration of ships; or
- (b) for which the national regulator has issued a certificate of operation under the national law.

***chief mate*** means the second in command of a ship.

***dredging plant*** means a ship, a group of ships or a combination of ships, operating solely for the purpose of conducting or assisting dredging operations.

***foreign registered ship*** means a ship registered under a law of a foreign country about the registration of ships.

***tank ship*** means a ship that is—

- (a) an oil tanker; or
- (b) a chemical carrier; or
- (c) a liquefied gas carrier.

## **167 Pilots and fatigue management**

- (1) A person who employs pilots to perform pilotage services on the person's behalf at a port must devise and implement, for the pilots, a fatigue management program complying with subsections (2) and (3).

Maximum penalty—40 penalty units.

- (2) The program, when implemented, must be capable of ensuring that the pilots are properly rested and fit to perform their duties.
- (3) Without limiting subsection (2), the program must make suitable provision for maximum work times, maximum pilotage times and minimum rest times.
- (4) The person must take reasonable steps to ensure the pilots comply with the program.

Maximum penalty—40 penalty units.

- (5) A pilot to whom the program applies must not have the conduct of a ship as its pilot if—
- (a) the pilot's fatigue level may cause the ship to be operated unsafely; or
  - (b) the pilot has not substantially complied with the program.

Maximum penalty—40 penalty units.

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## Part 3 Reporting obligations

### Division 1 General reporting obligations

#### 168 Reporting movement of ship mentioned in s 163(1)

- (1) This section applies if a ship mentioned in section 163(1) is to do any of the following (each a *movement*)—
  - (a) arrive at a pilotage area;
  - (b) depart from a pilotage area;
  - (c) move from a berth or anchorage in a pilotage area to another berth or anchorage in the pilotage area.
- (2) The owner or master of the ship must report the expected time of the movement to a harbour master for the pilotage area in the approved form within the time stated in subsection (3).

Maximum penalty—100 penalty units.
- (3) The report must be made—
  - (a) for the arrival of the ship—at least 48 hours before the expected arrival; or
  - (b) for another movement—at least 24 hours before the expected movement.

#### 169 Reporting movement of ship 35m or more but less than 50m

- (1) This section applies if a ship that is 35m or more but less than 50m is to do any of the following (each a *movement*)—
  - (a) arrive at a pilotage area;
  - (b) depart from a pilotage area;
  - (c) move from a berth or anchorage in a pilotage area to another berth or anchorage in the pilotage area.

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- (2) The owner or master of the ship must report the expected time of the movement to a harbour master for the pilotage area in the approved form within the time stated in subsection (3).

Maximum penalty—40 penalty units.

- (3) The report must be made—
- (a) for the first movement of the ship in the pilotage area in a reporting period for the ship—at least 24 hours before the movement; and
  - (b) for a subsequent movement of the ship in the pilotage area in a reporting period for the ship—within the time decided by a harbour master necessary to maintain the effectiveness and efficiency of the Queensland maritime industry.

- (4) In this section—

*reporting period*, for a ship, means a period of 30 days from the day of a movement of the ship in a pilotage area not otherwise covered by an existing reporting period for the ship for the pilotage area.

## Division 2                      Reporting ship movements to vessel traffic services

### 170      Application of division

- (1) This division applies to a ship that is 35m or more and fitted with VHF radio.
- (2) This division also applies to a ship that is less than 35m and fitted with VHF radio if—
- (a) all of the following apply—
    - (i) the ship (the *relevant ship*) is combined with another ship less than 35m for propelling 1 of the ships;
    - (ii) the combined length of the ships is 35m or more;

- (iii) the master of the relevant ship has command of the combined ships; or
- (b) the master of the ship asks for the services of a pilot, or is directed by a harbour master to use the services of a pilot; or
- (c) the ship is carrying dangerous cargo; or
- (d) all of the following apply—
  - (i) the ship (the *relevant ship*) is combined with another ship less than 35m and either of the ships is carrying dangerous cargo;
  - (ii) the combined length of the ships is less than 35m;
  - (iii) the ships are combined for propelling 1 of the ships;
  - (iv) the master of the relevant ship has command of the combined ships; or
- (e) the ship is 10m or more and operating in any of the following parts of the Karumba pilotage area—
  - (i) Karumba entrance channel;
  - (ii) Elbow Bank reach;
  - (iii) Karumba Point reach; or
- (f) the ship is a fishing ship that is 10m or more and operating in any of the following parts of the Gladstone pilotage area—
  - (i) South Channel;
  - (ii) Gatcombe Channel;
  - (iii) Auckland Channel;
  - (iv) Auckland bypass channel;
  - (v) Clinton channel;
  - (vi) Clinton bypass channel;
  - (vii) Targinie channel.

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- (3) This division is in addition to and does not limit a person's obligations under section 168 or 169.

### **171 Entering pilotage area**

The master of a ship that is underway and entering, or about to enter, a pilotage area must report to the area VTS by VHF radio the following particulars for the ship—

- (a) the ship's name;
- (b) the ship's position with reference to the closest aid to navigation;
- (c) the place in the pilotage area to which the ship is navigating;
- (d) the name and quantity of all dangerous cargo (if any) the ship is carrying;
- (e) details of damage to, and defects and deficiencies in, the ship that could affect the safety of the ship, a person or the environment;
- (f) if requested by a harbour master for the pilotage area—
  - (i) the ship's draught fore and aft; and
  - (ii) the expected arrival time of the ship at the place to which the ship is navigating.

Maximum penalty—100 penalty units.

### **172 Navigating ship from berth or anchorage**

- (1) This section applies if the master of a ship that is at a berth, or at anchor, in a pilotage area is about to navigate the ship in the pilotage area.
- (2) The master must report to the area VTS by VHF radio the following particulars for the ship—
  - (a) the ship's name;



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- (b) the name of the berth or, if at anchor, the name of the anchorage or the position where the ship is anchored with reference to the closest aid to navigation;
  - (c) if the ship is to leave the pilotage area—the place where it will leave the area;
  - (d) if the ship is not leaving the pilotage area—the place to which the ship is navigating;
  - (e) the name and quantity of all dangerous cargo (if any) the ship is carrying;
  - (f) details of damage to, and defects and deficiencies in, the ship that could affect the safety of the ship, a person or the environment;
  - (g) if requested by a harbour master for the pilotage area—
    - (i) the ship's draught fore and aft; and
    - (ii) the expected arrival time of the ship at the place to which the ship is navigating.

Maximum penalty—100 penalty units.

### **173 Reaching destination**

- (1) When a ship mentioned in section 171 or 172 arrives at its destination in a pilotage area, its master must, as soon as practicable after the ship has been made fast or is anchored, report to the area VTS by VHF radio the following particulars for the ship—
  - (a) if the ship is secured at a berth—the time when the ship was fully secured;
  - (b) if the ship is anchored—the time when the ship was brought up at anchor.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a ship leaving a pilotage area.
- (3) However, when a ship leaves a pilotage area, its master must report to the area VTS by VHF radio the time the ship leaves the area.

Maximum penalty—100 penalty units.

**174 Ship entering pilotage area using services of a pilot**

- (1) This section applies if a ship entering a pilotage area is to be navigated in the area using the services of a pilot.
- (2) As soon as practicable after the pilot transfers to the ship, its master must report to the area VTS by VHF radio the time the transfer happened.

Maximum penalty—100 penalty units.

**175 Ship navigating in pilotage area using services of a pilot**

- (1) This section applies if a ship mentioned in section 172 is being navigated in a pilotage area using the services of a pilot.
- (2) As soon as practicable after the ship stops being navigated using the pilot's services, its master must report to the area VTS by VHF radio when the pilot transfers, or is expected to transfer, from the ship.

Maximum penalty—100 penalty units.

**Division 3 Other reporting obligation**

**176 Report requested by harbour master**

- (1) A harbour master for a pilotage area may direct the master of any ship navigating in the area and equipped with VHF radio to report to the area VTS by VHF radio the following particulars for the ship—
  - (a) the ship's name;
  - (b) the ship's position by reference to an aid to navigation;
  - (c) the place in the pilotage area to which the ship is navigating.

- (2) The ship's master must not contravene the direction unless the master has a reasonable excuse.

Maximum penalty for subsection (2)—100 penalty units.

## Chapter 8 Marine zones

### 177 Marine zones

- (1) Schedule 5 states—
- (a) each area that is a marine zone; and
  - (b) the requirements for operating a ship applying to the marine zone.
- (2) In schedule 5, *ship* includes an aircraft when it is on water or is taking off, or landing on, water.

### 178 Operating ship in marine zone in contravention of requirement

- (1) The owner or master of a ship must not operate the ship in a marine zone in contravention of a requirement mentioned in schedule 5 for the marine zone.
- Maximum penalty—200 penalty units.
- (2) However, subsection (1) does not apply to a ship owned or operated by any of the following entities that is being operated in the course of the entity's emergency, rescue or life saving activities—
- (a) the emergency services department;
  - (b) a volunteer marine rescue association accredited by the emergency services department;
  - (c) an accredited surf life saving club.
- (3) In this section, *ship* includes an aircraft when it is on water or is taking off, or landing on, water.

### **179 Proposal for marine zone**

- (1) A government entity or a local government (a *proposing entity*) may give the general manager a proposal for an area (a *proposed area*) to be a marine zone under section 177.
- (2) The proposal must be in the approved form.
- (3) The approved form may require the proposing entity to include any of the following information in the proposal—
  - (a) a description of the proposed area, including details of the boundaries of the proposed area and a map or chart showing its locality;
  - (b) the requirements to be placed on the operation of a ship in the proposed area;
  - (c) why the proposed marine area should be a marine zone;
  - (d) who the proposing entity has consulted, the nature of the consultation and the results of the consultation.

### **180 Consultation for marine zone**

- (1) Before a proposing entity gives the general manager a proposal under section 179 in relation to a proposed area, the proposing entity must—
  - (a) consult about the proposal with—
    - (i) each harbour master who is to perform functions and exercise powers in the proposed area; and
    - (ii) each person carrying on an established business in the proposed area; and
    - (iii) if the proposing entity is a government entity—the local government for the proposed area; and
  - (b) publish, at least once in a newspaper circulating generally in the proposed area, a notice stating—
    - (i) a description of the proposed area, including details of the boundaries of the area and a map or chart showing its locality; and

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- (ii) the requirements to be placed on the operation of a ship in the proposed area; and
  - (iii) why the proposed area should be a marine zone; and
  - (iv) that any person may make written submissions about the proposal; and
  - (v) the period during which submissions may be made; and
  - (vi) the requirements for properly making a submission; and
  - (vii) a contact telephone number for information about the proposal or making a submission.
- (2) The period mentioned in subsection (1)(b)(v) must be at least 28 days after the notice is first published under subsection (1)(b).
- (3) In this section—
- proposed area* see section 179(1).
- proposing entity* see section 179(1).

## **Chapter 9      Other matters about marine safety**

### **Part 1            Exercise of particular powers by harbour masters**

#### **181      Approval of harbour master to exercise powers under this chapter**

- (1) The chief executive may approve a harbour master to exercise powers under this chapter.

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- (2) The powers may be limited by the approval or by a later notice of the chief executive to the harbour master.
- (3) The general manager may give a harbour master any directions about the exercise of the harbour master's powers the general manager considers necessary for marine safety.
- (4) A harbour master must comply with a direction of the general manager under subsection (3).
- (5) A harbour master may exercise a power under this chapter only if the harbour master considers it necessary to ensure safety.
- (6) In this chapter, a reference to a *harbour master* is a reference to a harbour master approved by the chief executive under this section to exercise powers under this chapter.

## Part 2 Buoy moorings

### Division 1 Establishing buoy mooring in Queensland waters other than Gold Coast waters

#### 182 Buoy mooring category areas

- (1) This section applies to Queensland waters other than Gold Coast waters.
- (2) The general manager may, by gazette notice, define an area of Queensland waters as 1 of the following category areas for buoy moorings—
  - (a) a category 1 area;
  - (b) a category 2 area.
- (3) An area of Queensland waters that is not defined as a category 1 or 2 area is a category 3 area.
- (4) The general manager may, by written agreement with a person (a *mooring manager*), vest in the person the management and

control of buoy moorings within a category 1 area in Queensland waters.

*Examples of functions and powers that may be vested under subsection (4)—*

- the capacity to charge fees for the use of a buoy mooring
- the capacity to set conditions on the establishment of a buoy mooring
- the capacity to set conditions on the use of a buoy mooring

### **183 Establishment of unauthorised buoy mooring**

- (1) This section applies to a category 1, 2 or 3 area in Queensland waters other than Gold Coast waters.
- (2) A person must not—
  - (a) establish a buoy mooring in a category 1 area unless the mooring manager for the area has consented to the establishment; or
  - (b) establish a buoy mooring in a category 2 or 3 area unless the general manager has approved the establishment under division 3.

Maximum penalty—50 penalty units.

- (3) If a person establishes a buoy mooring in contravention of subsection (2), the following entity may direct the person to remove the buoy mooring—
  - (a) if the buoy mooring is established in a pilotage area—a harbour master;
  - (b) otherwise—the general manager.
- (4) A person given a direction under subsection (3) must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (5) A person must not—
  - (a) use a buoy mooring in a category 1 area unless the mooring manager for the area has consented to the establishment of the buoy mooring; or

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- (b) use a buoy mooring in a category 2 or 3 area unless the general manager has approved the establishment of the buoy mooring under division 3.

Maximum penalty—50 penalty units.

## **Division 2                      Establishing buoy mooring in Gold Coast waters**

### **184      Buoy mooring category areas**

- (1) The Gold Coast Waterways Authority may, by gazette notice, define an area of Gold Coast waters as 1 of the following category areas for buoy moorings—
- (a) a category 1 area;
- (b) a category 2 area.
- (2) An area of Gold Coast waters that is not defined as a category 1 or 2 area is a category 3 area.
- (3) The Gold Coast Waterways Authority may, by written agreement with a person (a *mooring manager*), vest in the person the management and control of buoy moorings within a category 1 area in Gold Coast waters.

*Examples of functions and powers that may be vested under subsection (3)—*

- the capacity to charge fees for the use of a buoy mooring
- the capacity to set conditions on the establishment of a buoy mooring
- the capacity to set conditions on the use of a buoy mooring

### **185      Establishment of unauthorised buoy mooring**

- (1) This section applies to a category 1, 2 or 3 area in Gold Coast waters.
- (2) A person must not—



- 
- (a) establish a buoy mooring in a category 1 area unless the mooring manager for the area has consented to the establishment; or
  - (b) establish a buoy mooring in a category 2 or 3 area unless the Gold Coast Waterways Authority has approved the establishment under division 3.

Maximum penalty—50 penalty units.

- (3) If a person establishes a buoy mooring in contravention of subsection (2), the Gold Coast Waterways Authority may direct the person to remove the buoy mooring.
- (4) A person given a direction under subsection (3) must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (5) A person must not—
  - (a) use a buoy mooring in a category 1 area unless the mooring manager for the area has consented to the establishment of the buoy mooring; or
  - (b) use a buoy mooring in a category 2 or 3 area, unless the Gold Coast Waterways Authority has approved establishment of the buoy mooring under division 3.

Maximum penalty—50 penalty units.

## **Division 3                      Approval of establishment of buoy mooring**

### **186      Approval of establishment of buoy mooring**

- (1) The following entity (an *approving entity*) may approve the establishment of a buoy mooring for a category 2 or 3 area—
  - (a) if the area is in Queensland waters other than Gold Coast waters—the general manager;
  - (b) if the area is in Gold Coast waters—the Gold Coast Waterways Authority.

*Note—*

The procedure for obtaining the approval is in chapter 6, part 2.

- (2) The approval may be for the establishment of—
  - (a) a restricted use buoy mooring; or
  - (b) an unrestricted use buoy mooring.

### **187 Limitations on buoy mooring approvals**

- (1) The approving entity may approve the establishment of a buoy mooring only if the entity is reasonably satisfied the mooring does not significantly interfere with—
  - (a) marine safety; or
  - (b) the effectiveness or efficiency of the Queensland maritime industry.
- (2) If a buoy mooring is to be established within a port, the approving entity may approve the establishment of the buoy mooring only if the approving entity is reasonably satisfied the port authority or a port operator for the port has consented to the establishment.

### **188 Conditions of buoy mooring approvals**

- (1) The approving entity may impose conditions on a buoy mooring approval about the colour, shape and size of the buoy.

*Note—*

Under section 107, the document evidencing the buoy mooring approval must state all conditions imposed on the approval under this regulation.

- (2) Subsection (1) does not limit the ability of the approving entity to impose other conditions on the buoy mooring approval.

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## **Division 4                      Other obligations about established buoy moorings**

### **189      Notice of establishment of buoy mooring**

- (1) A person who establishes a buoy mooring under a buoy mooring approval must give written notice under this section.  
Maximum penalty—20 penalty units.
- (2) The notice must contain the details required by the approving entity when granting the buoy mooring approval.
- (3) The details required by the approving entity may include the following—
  - (a) the date the buoy mooring was established;
  - (b) the precise location of the buoy mooring;
  - (c) the type and size of the mooring apparatus.  
*Examples of details required for paragraph (c)—*
    - the shape, construction and dimensions of the mooring block
    - the length and diameter of the chain or rope connecting the buoy to the mooring
- (4) The notice must be given to—
  - (a) for a buoy mooring established in a pilotage area in Queensland waters other than Gold Coast waters—a harbour master; or
  - (b) for a buoy mooring established in Gold Coast waters—the Gold Coast Waterways Authority; or
  - (c) otherwise—the general manager.
- (5) The notice must be given within 14 days after the buoy mooring is established.

### **190      Buoy mooring to display identifying number**

The holder of a buoy mooring approval for a buoy mooring must ensure—

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- (a) the identifying number issued by the approving entity for the buoy mooring is permanently and legibly displayed on the buoy; and
- (b) the buoy and its identifying number are not obscured from view.

Maximum penalty—20 penalty units.

### **191 Unlawful use of buoy mooring**

- (1) A person must not moor a ship to a restricted use buoy mooring unless the ship is the ship stated in the buoy mooring approval for the buoy mooring.

Maximum penalty—50 penalty units.

- (2) A person must not moor a ship to an unrestricted use buoy mooring unless the person has the consent of the holder of the buoy mooring approval for the buoy mooring.

Maximum penalty—50 penalty units.

### **192 Removal of buoy mooring on expiry, cancellation or surrender of approval**

- (1) This section applies if a buoy mooring approval has expired, or has been cancelled or surrendered under chapter 6.
- (2) The person to whom the buoy mooring approval was granted must remove all of the following within the time stated in subsection (3), unless the person has a reasonable excuse—
  - (a) the buoy whose mooring is authorised under the approval;
  - (b) the mooring apparatus for the buoy;
  - (c) the mooring block for the buoy.

Maximum penalty—20 penalty units.

- (3) The buoy, its mooring apparatus and its mooring block must be removed—

- (a) if the buoy mooring approval has expired or been surrendered—within 14 days after the expiry or surrender; or
  - (b) if the buoy mooring approval has been cancelled and no application for internal review has been made under part 16 of the Act—within 14 days after the time for making the internal review application ends; or
  - (c) if the buoy mooring approval has been cancelled and no application for review of the decision to cancel the approval (*QCAT application*) is made to QCAT under the Act—within 14 days after the time for making the QCAT application ends; or
  - (d) if the buoy mooring approval has been cancelled and, on a QCAT application, QCAT confirms the cancellation—within 14 days after the confirmation of the cancellation.
- (4) If the person does not remove the buoy, mooring apparatus or mooring block within the time stated in subsection (3), the following entity may direct the person to remove the mooring, apparatus or block—
- (a) if the buoy mooring is established in a pilotage area in Queensland waters other than Gold Coast waters—a harbour master for the pilotage area;
  - (b) if the buoy mooring is established in Gold Coast waters—the Gold Coast Waterways Authority;
  - (c) otherwise—the general manager.
- (5) The person must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

## Part 3 Carrying out directions given under this chapter

### 193 Issuing entity may carry out direction

- (1) This section applies if a person has contravened a buoy mooring direction given to the person by an issuing entity.
- (2) Also, this section applies if—
  - (a) it appears to an issuing entity there is no one to whom a buoy mooring direction may be given; and
  - (b) the issuing entity is reasonably satisfied that the entity must act urgently without giving a direction.
- (3) The issuing entity may carry out the direction or proposed direction, including by asking a person who is a suitably qualified person to carry out the direction or proposed direction.
- (4) Without limiting subsection (3), the issuing entity or the suitably qualified person may—
  - (a) board a ship and operate it, including, for example, by moving or navigating it; or
  - (b) enter or remain in a place in, or adjacent to, an area to board a ship and anchor, berth, moor or move it.
- (5) In this section—

*suitably qualified person* means a person—

  - (a) who is a shipping inspector or may be appointed as a shipping inspector under section 157(1) of the Act; and
  - (b) who the issuing entity reasonably believes has qualifications, skills or experience necessary to safely carry out the direction or proposed direction.

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## **194 Recovery by State of expenses of carrying out direction**

- (1) This section applies if an issuing entity incurs expense, whether the expense is the issuing entity's expense or the State's expense, in exercising a power under section 193.
- (2) The amount of the expense may be recovered by the State as a debt from—
  - (a) if the power is exercised because of noncompliance with a buoy mooring direction—the person who did not comply with the direction; or
  - (b) if the power is exercised because of circumstances mentioned in section 193(2)—a person to whom a buoy mooring direction could have been given but for the circumstances mentioned in section 193(2).
- (3) If, under subsection (2), more than 1 person is liable for the same expense, the persons who are liable for the expense are jointly and severally liable.

## **Part 4 Restrictions on anchoring or operating ships**

### **195 Anchoring in particular places**

- (1) The owner or master of a ship must not anchor the ship—
  - (a) within 10m of a boat ramp or jetty; or
  - (b) within 50m of an underwater cable or pipeline if a sign indicates the presence of the cable or pipeline; or
  - (c) in waters where the presence of an anchored ship presents a danger to aircraft or other ships.

Maximum penalty—100 penalty units.

- (2) For subsection (1)(c), the general manager may, by gazette notice, state the waters where the presence of anchored ships presents a danger to aircraft or other ships.

*Note—*

A copy of the current gazette notice under subsection (2), and the associated map, are available on MSQ's website.

## **196 Ship operations near particular structures**

- (1) The owner or master of a ship must not anchor, berth, moor or operate the ship within 100m of a dam wall, spillway or weir.

Maximum penalty—100 penalty units.

- (2) However, subsection (1) does not apply to the owner or master of a ship engaged in genuine repairs to, or maintenance work on, the dam wall, spillway or weir.

## **197 Ship operations or activities endangering marine safety**

- (1) The owner or master of a ship must not anchor, berth, moor or operate the ship if doing so endangers marine safety.

Maximum penalty—100 penalty units.

- (2) For subsection (1), the general manager may, by gazette notice, state the waters where the anchoring, berthing, mooring or operating of a ship, or type of ship, endangers marine safety.

*Example—*

The general manager may publish a gazette notice stating that the operating of a ship within 60m either side of the boundaries of a flagged swimming area endangers marine safety.

*Note—*

A copy of the current gazette notice under subsection (2), and the associated map, are available on MSQ's website.

- (3) A person must not conduct an activity in waters if doing so in the waters endangers marine safety.

*Examples of an activity—*

waterskiing or tobogganing

Maximum penalty—100 penalty units.



- (4) For subsection (3), the general manager may, by gazette notice, state the waters where the conducting of a stated activity endangers marine safety.

*Note—*

A copy of the current gazette notice under subsection (4), and the associated map, are available on MSQ's website.

- (5) The owner or master of a ship must not operate the ship within 30m of a diver in the water if a code A flag is displayed in the vicinity of the diver.

Maximum penalty—100 penalty units.

- (6) However, subsection (5) does not apply to the ship attending the diver.

- (7) In this section—

*code A flag* means a code A flag within the meaning of the International Code of Signals, 2005 edition, published by the International Maritime Organization.

## Part 5 Other safety matters

### 198 Aquatic events

- (1) This section applies to an aquatic event that is likely to affect the normal operation of ships in the area of the event.

*Examples—*

- an aquatic event involving people swimming in an area well used by ships
- an aquatic event being held in a river where ships will continue to operate

- (2) A person must not hold an aquatic event unless the event is authorised by a consent under this section.

Maximum penalty—50 penalty units.

- (3) The consenting entity may grant a consent—
- (a) to hold an aquatic event on only 1 day; or

- (b) to hold an aquatic event on 2 or more days if—
  - (i) the event is held over a period that is not longer than 3 months; and
  - (ii) the event is held at a single venue; and
  - (iii) the consent imposes conditions that are substantially the same for each part of the event.
- (4) A person must comply with any conditions applying to the person that are imposed, under section 105, on a consent under this section.

Maximum penalty—50 penalty units.

- (5) A consent under this section cannot authorise, or purport to authorise, noncompliance with this regulation.

- (6) In this section—

*consenting entity*, for a consent under this section for an aquatic event, means—

- (a) if the event is to be held wholly within a pilotage area in Queensland waters other than Gold Coast waters—a harbour master for the pilotage area; or
- (b) if the event is to be held wholly within Gold Coast waters—the Gold Coast Waterways Authority; or
- (c) otherwise—the general manager.

*Note*—

The procedure for obtaining a consent under this section is in chapter 6, part 2.

## 199 Waterskiing

- (1) A skier must wear a lifejacket level 50, 50S or 100.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a skier if—

- (a) the skier is participating in a skiing event; and

- (b) it is impractical or unsafe for the skier to wear a lifejacket.
- (3) A person (an *operator*) must not operate a ship towing a skier unless—
  - (a) if the skier is required to wear a lifejacket level 50, 50S or 100 under subsection (1)—the skier is wearing the lifejacket; and
  - (b) there is another person (an *observer*) on the ship, who is 13 years or more, and is competent to act under subsection (4), watching the skier at all times.

Maximum penalty—100 penalty units.

- (4) The observer must immediately tell the operator if—
  - (a) there is a danger, or potential for danger, to the skier; or
  - (b) the skier signals the observer; or
  - (c) the skier has a mishap.
- (5) In this section—

*skier* means a person who is towed by a line attached to a ship, including, for example, a person riding on a toboggan or tube.

*skiing event* means any of the following—

- (a) a commercial display involving waterskiing;
- (b) a trick or novelty waterskiing event in a program of events organised by a genuine water sports entity;
- (c) a genuine practice session for a display or event mentioned in paragraph (a) or (b).

## Chapter 10 Miscellaneous

### Part 1 Fees and charges, other than pilotage fees and conservancy dues

#### 200 Fees and charges

- (1) The fees and charges, other than pilotage fees and conservancy dues, payable under the Act are stated in schedule 6, part 1.
- (2) In this regulation, a reference to a *fee* for a matter mentioned in schedule 6, part 1 is a reference to the fee or charge stated for the matter in schedule 6, part 1.

#### 201 Exemption or concession from registration fees

- (1) No registration fee is payable for a recreational ship if the owner of the ship receives a totally and permanently incapacitated war pension.
- (2) A recreational ship is exempt from 50% of the registration component of the registration fee for the ship if the owner of the ship—
  - (a) holds a pensioner concession card or a seniors card; or
  - (b) receives—
    - (i) a full-rate age pension; or
    - (ii) a disability support pension; or
    - (iii) an Australian/United Kingdom reciprocal pension; or
    - (iv) a service or general rate disability pension.
- (3) If a person mentioned in subsection (1) or (2) has 2 or more recreational ships, subsection (1) or (2) applies for only 1

recreational ship owned by the person that is nominated by the person for this section.

- (4) No registration fee is payable for a ship owned or operated by an accredited surf life saving club and used for rescue purposes.
- (5) No registration fee is payable for a ship used exclusively by a school.
- (6) In this section—

*pensioner concession card* means a card known as a pensioner concession card issued under a Commonwealth law.

*seniors card* means a Queensland Government seniors card.

## **202 Refund of fees if application refused**

- (1) Subsection (2) applies if the administering agency refuses an application for any of the following—
  - (a) the registration of a Queensland regulated ship;
  - (b) the renewal or amendment of the registration of a Queensland regulated ship;
  - (c) a recreational marine driver licence or personal watercraft licence;
  - (d) the renewal or amendment of a recreational marine driver licence or personal watercraft licence;
  - (e) the transfer of the registration of a Queensland regulated ship.
- (2) The administering agency must refund the fees paid by the applicant in relation to the application, other than the reasonable costs of assessing the application.

## **203 Refund of fees if registration surrendered**

- (1) This section applies if, under section 125, the administering agency receives a surrender of a Queensland regulated ship's registration.

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- (2) The administering agency must refund to the person in whose name the ship was registered the unexpired part (the *refund*) of the registration fee for the ship.
- (3) The refund is to be worked out on a proportional basis according to the number of whole days from the end of the day when the registration was surrendered to the end of the day when the ship's registration would have otherwise expired.
- (4) The administering agency may deduct from the refund the administration fee for this section.

**204 Refund of criminal history fees for training program approval**

- (1) This section applies if—
  - (a) an applicant for a training program approval has paid the criminal history fee for a number of persons (the *proposed number*); and
  - (b) the chief executive or the general manager asks the commissioner of the police service for a criminal history check for a smaller number of persons (the *actual number*) than the proposed number.
- (2) The criminal history fee for the difference between the proposed number and the actual number must be refunded to the applicant.

**205 Waiver of criminal history fee for training program approval**

- (1) This section applies to an application for a training program approval.
- (2) The administering agency may waive the payment of the criminal history fee for a person.

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## **Part 2                      Pilotage fees and conservancy dues**

### **Division 1                Pilotage fees**

#### **206      Pilotage fees**

- (1) This section applies to ships to which part 8 of the Act applies.
- (2) Pilotage fees payable for the ships under the Act are stated in schedule 6, part 2.

#### **207      Exemption from pilotage fee for removal of a ship that is part of arrival or departure**

If a removal of a ship is part of the ship's arrival at, or departure from, a pilotage area, no pilotage fee is payable for the removal.

### **Division 2                Conservancy dues**

#### **208      Conservancy dues**

- (1) This section applies to ships mentioned in section 163(1).
- (2) The conservancy dues payable for the ships under the Act are stated in schedule 6, part 3.

#### **209      Exemption for conservancy dues for ships arriving at a pilotage area for particular purposes**

No conservancy dues are payable for a ship that arrives at a pilotage area for any of the following purposes and does not otherwise discharge or load any cargo or land or take on board any passenger in the pilotage area—

- (a) discharging residue or slops;

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- (b) relieving stress of weather or distress to the ship from anything else;
- (c) taking off a sick or injured passenger or any of the ship's crew;
- (d) effecting repairs;
- (e) refitting or docking;
- (f) obtaining fuel or provisions for the ship.

### **209A Exemption for conservancy dues for ships in Amrun pilotage area**

No conservancy dues are payable for a ship's arrival at, removal within or departure from the Amrun pilotage area.

## **Division 3                      General**

### **210 Liability for pilotage fees and conservancy dues**

- (1) The owner of a ship is liable for—
  - (a) the pilotage fees and conservancy dues payable for the ship under the Act; and
  - (b) interest on unpaid pilotage fees and conservancy dues payable under subsection (3).
- (2) The owner of a ship must pay pilotage fees or conservancy dues for the ship within 30 days after the day the invoice for the fees or dues is issued.
- (3) Interest calculated daily at the rate of 10% a year is payable on the amount of a pilotage fee or conservancy due payable under the Act that is not paid within the required time under subsection (2).
- (4) Unpaid pilotage fees or conservancy dues for a ship payable under the Act, and interest payable on them under subsection (3), may be recovered by the State from the ship's owner as a debt.



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## Part 3 Other provisions

### 211 Interfering with sign

- (1) This section applies if a government entity or a local government erects a sign in or near—
  - (a) waters stated in a gazette notice under section 197(2) and (4); or
  - (b) a marine zone stated in schedule 5.
- (2) A person must not interfere with the sign unless the person has a reasonable excuse.

Maximum penalty—200 penalty units.

### 212 Appointment of shipping inspectors

- (1) For section 157(1)(f) of the Act, the following persons are prescribed—
  - (a) a local government employee or officer;
  - (b) an employee of a water authority under the *Water Act 2000*;
  - (c) an employee of SunWater Limited ACN 131 034 985;
  - (d) an employee of Queensland Bulk Water Supply Authority continued in existence under the *South East Queensland Water (Restructuring) Act 2007*, section 6.
- (2) In this section—

*employee*, of an entity, includes an agent of the entity, if the agent is an individual.

### 213 Where register of division 3 undertakings must be kept

For section 183L of the Act, the place where the register of division 3 undertakings is available for public inspection is the office of the general manager.

*Note—*

The address for the general manager is available on MSQ's website.

## **Chapter 11 Repeals and transitional provisions**

### **Part 1 Repeals**

#### **214 Repeals**

The following standards are repealed—

- Transport Operations (Marine Safety—Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006 SL No. 18
- Transport Operations (Marine Safety—Bareboat Ships) Standard 2007 SL No. 113
- Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006 SL No. 16
- Transport Operations (Marine Safety—Designing and Building Commercial Ships and Fishing Ships) Standard 2006 SL No. 17
- Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007 SL No. 111
- Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005 SL No. 327
- Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2007 SL No. 112

- Transport Operations (Marine Safety—Parasailing) Standard 2007 SL No. 110.

## Part 2 Transitional provisions

### Division 1 Preliminary

#### 215 Definitions for part

In this part—

**2004 authority** means any of the following—

- (a) an approval, other than the registration of—
  - (i) a ship to which part 19, division 7, subdivision 2 of the Act applies; or
  - (ii) a ship that is a domestic commercial vessel;
- (b) an approval of an entity to conduct examinations under former section 103;
- (c) an approval of an entity to provide training programs under former section 104;
- (d) a temporary permit under former section 106 to operate a ship as a master or act as a crew member;
- (e) a consent under former section 122 to use or display prescribed signals of distress for training or demonstration;
- (f) a pilotage exemption certificate under former section 179;
- (g) an approval to establish a buoy mooring under former section 209;
- (h) a consent under former section 218 to hold an aquatic event.

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**2004 regulation** means the *Transport Operations (Marine Safety) Regulation 2004* as in force before the commencement.

**equivalent provision**, for a provision of the 2004 regulation, means the provision of this regulation dealing with the same subject matter as the provision of the 2004 regulation.

**former**, for a provision, means the provision of that number of the 2004 regulation.

## **Division 2                      Provisions about authorities, marine licences and marine licence indicators**

### **216      2004 authorities and marine licence indicators continued**

- (1) This section applies to a 2004 authority or marine licence indicator for a marine licence in force immediately before the commencement.
- (2) From the commencement, a 2004 authority—
  - (a) continues to have effect as an authority under this regulation for its remaining term unless it is earlier cancelled or surrendered; and
  - (b) is subject to the conditions to which it was subject immediately before the commencement; and
  - (c) if, immediately before the commencement, the authority is suspended under the 2004 regulation—continues to be subject to the suspension; and
  - (d) may be amended, suspended, cancelled or surrendered under this regulation.
- (3) From the commencement, a marine licence indicator for a marine licence—
  - (a) continues to have effect as a marine licence indicator under this regulation for the marine licence while the licence is in force; and

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- (b) if it is a smartcard marine licence indicator—
    - (i) continues to be a smartcard marine licence indicator for its remaining term unless the marine licence to which it relates is earlier cancelled or surrendered; and
    - (ii) may be renewed under this regulation.
  - (4) Subsection (5) applies if a process for amending, suspending or cancelling a 2004 authority continued under subsection (2) was started but not finished under the 2004 regulation before the commencement.
  - (5) The process may be continued and finished under this regulation.

**217 Application relating to 2004 authority or marine licence indicator taken to be application under equivalent provision**

- (1) This section applies if—
  - (a) before the commencement, a person applied for any of the following under the 2004 regulation—
    - (i) a 2004 authority or a marine licence indicator;
    - (ii) a renewal of a 2004 authority or a smartcard marine licence indicator;
    - (iii) an amendment of a 2004 authority;
    - (iv) the replacement of a document evidencing a 2004 authority or a replacement marine licence indicator;
    - (v) the transfer of the registration of a Queensland regulated ship; and
  - (b) at the commencement, the application has not been finally decided.
- (2) The application is taken to have been made under this regulation for the equivalent matter.

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- (3) Anything done in relation to the application under the 2004 regulation is taken to have been done in relation to the application under this regulation.
- (4) In this section—  
*equivalent matter* means—
  - (a) for a 2004 authority—an authority or marine licence under this regulation of the same kind; or
  - (b) for a marine licence indicator—a marine licence indicator under this regulation; or
  - (c) for a renewal of a 2004 authority or a smartcard marine licence indicator—a renewal of the 2004 authority or smartcard marine licence indicator as continued under section 216; or
  - (d) for an amendment of a 2004 authority—an amendment of the 2004 authority as continued under section 216; or
  - (e) for a replacement document evidencing a 2004 authority or a replacement marine licence indicator—a replacement document evidencing the 2004 authority, or a replacement marine licence indicator, as continued under section 216; or
  - (f) for the transfer of the registration of a Queensland regulated ship—the transfer of the registration of the ship as continued under section 216.

## **218 Restricted use flag consent taken to be restricted use authority**

- (1) This section applies to a consent to use a restricted use flag for a ship given under former section 80 that is in force immediately before the commencement.
- (2) From the commencement, the consent is taken to be a restricted use authority—
  - (a) granted by the general manager under section 53 of this regulation; and

- (b) authorising the operation of the ship for the purposes for which the consent was given under former section 80; and
  - (c) subject to any other conditions applying to the consent given under former section 80.
- (3) For this regulation, the purposes for which the consent was given under former section 80 are taken to be the uses for which the ship may be operated stated in the conditions of the restricted use authority.

**219 Application for restricted use flag consent taken to be application for restricted use authority**

- (1) An application for a consent to use a restricted use flag for a ship under the 2004 regulation made but not finally decided before the commencement is taken to be an application for a restricted use authority under this regulation.
- (2) Anything done in relation to the application under the 2004 regulation is taken to have been done in relation to the application under this regulation.

**220 Temporary pilot licence continues**

- (1) This section applies to a 2004 temporary pilot licence in force immediately before the commencement.
- (2) From the commencement, the 2004 temporary pilot licence—
  - (a) continues in effect as a temporary pilot licence granted under section 104; and
  - (b) may be amended or suspended under this regulation.
- (3) In this section—

*2004 temporary pilot licence* means a licence of a person to have the conduct of a ship as its pilot granted under former section 153.

**221 Registration condition about maximum number of persons continues**

- (1) Subsection (2) applies to an other Queensland regulated ship if—
  - (a) the ship's registration under the 2004 regulation is continued under section 216; and
  - (b) there is a builders plate for the ship; and
  - (c) immediately before the commencement, the ship's registration certificate stated the ship may carry a higher number of persons than the number stated on the builders plate.
- (2) Section 30(1)(b) does not apply to the ship and, from the commencement, the ship is taken to be registered on the condition that the owner or master of the ship must not, without a reasonable excuse, carry on the ship, or on a part of the ship, more persons than is stated for the ship, or for the part of the ship, in the ship's registration certificate.
- (3) Also, section 30(1)(b) does not apply to an other Queensland regulated ship to which section 250 of the Act applies.

**222 Requirement to display registration certificate for particular ships continues**

- (1) This section applies to an other Queensland regulated ship whose registration under the 2004 regulation is continued under part 19, division 7, subdivision 2 of the Act or section 216.
- (2) Former section 75 continues to apply to the owner or master of the ship until a registration label is issued for the ship under this regulation.
- (3) Section 38 does not apply to the owner or master of the ship until a registration label is issued for the ship under this regulation.
- (4) In this section—  
*registration label* see section 38.



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**223 Particular requirements about changes relating to 2004 authority or marine licence indicator continue**

- (1) This section applies if—
  - (a) before the commencement, a person was required to do something under any of the following provisions—
    - former section 162
    - former section 168
    - former section 169
    - former section 215(2)
    - former schedule 4A, section 162
    - former schedule 4A, section 168
    - former schedule 4A, section 169; and
  - (b) at the commencement, the person has not done the thing, and the time for doing the thing has not ended.
- (2) The former provision continues to apply to the person as if the 2004 regulation were still in force.

**Division 3 Provisions about safety equipment**

**224 Registered EPIRB under 2004 regulation taken to have up-to-date registration**

- (1) An EPIRB registered under former section 9B immediately before the commencement is, from the commencement, taken to be registered under section 10(2) of this regulation.
- (2) If, immediately before the commencement, the EPIRB had up-to-date registration within the meaning of former section 9A, the EPIRB is, at the commencement, taken to have up-to-date registration under section 10 of this regulation.

**225 Personal flotation devices under 2004 regulation taken to be lifejackets**

- (1) This section applies if—
  - (a) immediately before the commencement, a ship required to be equipped with a life jacket or personal flotation device under the 2004 regulation was equipped with a PFD type 1, 2 or 3; and
  - (b) the ship is required to be equipped with a lifejacket under this regulation.
- (2) From the commencement until the end of the personal flotation device's serviceable life, the ship is taken to be equipped with—
  - (a) for a ship equipped with a PFD type 1—a lifejacket 100; or
  - (b) for a ship equipped with a PFD type 2—a lifejacket 50; or
  - (c) for a ship equipped with a a PFD type 3—a lifejacket 50S.
- (3) In this section—

*personal flotation device* means a buoyancy aid worn by a person to keep the person afloat in water.

*PFD type 1* means a PFD type 1 under the 2004 regulation.

*PFD type 2* means a PFD type 2 under the 2004 regulation.

*PFD type 3* means a PFD type 3 under the 2004 regulation.

*serviceable life*, for a personal flotation device, means the period ending when the personal flotation device needs to be replaced because the device—

- (a) is irreparable; or
- (b) is unserviceable; or
- (c) is incapable of being restored to its original working condition; or

- (d) has reached the end of its service life as stated by its manufacturer.

## **226 Statements about positive flotation taken to be statements about level flotation**

A statement in the approved form for a ship that the ship has positive flotation made under a provision of the 2004 regulation mentioned in column 1 is, from the commencement, taken to be a statement in the approved form for the ship that the ship has level flotation made under the provision of this regulation mentioned in column 2—

<b>Provision of 2004 regulation</b>	<b>Provision of this regulation</b>
former section 30	section 13
former section 37	section 19
former section 38	section 20

## **227 Safety equipment requirement about life rafts continues**

- (1) This section applies if, immediately before the commencement, an other Queensland regulated ship was required to be equipped with a life raft under former section 13.
- (2) The ship is required to be equipped with the life raft until the end of the period the ship is registered, whether or not the ship's registration is renewed.
- (3) Section 8 applies to the life raft as if the requirement under subsection (2) were in chapter 2.
- (4) Section 25(2) applies to the life raft as if it were mentioned in section 25(1).

## Division 4                      Other provisions

### 228      **Requirement to keep particular documents about accreditation continues**

- (1) This section applies if an accredited person carried on a business of ship designing, ship building or marine surveying, and brought into existence an operational plan or production record under former section 50.
- (2) Former section 50(6)(c) continues to apply to the accredited person as if the 2004 regulation were still in force.

*Note—*

Former section 50(6)(c) provides for the documents to be kept for at least 7 years after they are made.

- (3) In this section—

*accredited person* means a person who was accredited as a ship designer, ship builder or marine surveyor under former section 44.

### 229      **Application of particular reporting requirements to matters arising before commencement**

- (1) This section applies if—
  - (a) before the commencement, a person was required to give, but has not given, a report about a matter under a former provision mentioned in column 1; and
  - (b) the time for giving the report under the former provision has not ended at the commencement.
- (2) The provision of this regulation mentioned in column 2 applies to the person for the matter.

#### **Provision of 2004 regulation**

former section 140

former section 140

#### **Provision of this regulation**

section 90

section 91

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<b>Provision of 2004 regulation</b>	<b>Provision of this regulation</b>
former section 141	section 93
former section 146	section 98
former section 181	section 168
former section 181A	section 169
former section 185	section 171
former section 186	section 172
former section 187	section 173
former section 188	section 174
former section 189	section 175
former section 190	section 176
former section 212	section 189

- (3) In this section—  
*report* includes notice in writing.

**230 Gazette notices and written agreements about buoy moorings continue**

- (1) This section applies if, immediately before the commencement, any of the following were in force—
- (a) a gazette notice under former section 207(1) or 207A(1);
  - (b) a written agreement under former section 207(3) or 207A(3).
- (2) The gazette notice or written agreement is taken to have been made under the equivalent provision of this regulation.

### **231 Other gazette notices continue**

- (1) This section applies if, immediately before the commencement, a gazette notice under any of the following provisions was in force—
  - former section 195A(3)
  - former section 195B(5)
  - former section 219(2)
  - former section 221(2)
  - former section 221(4).
- (2) The gazette notice is taken to have been made under the equivalent provision of this regulation.

### **232 Directions given under former ss 205, 208 or 215 continue**

- (1) This section applies to a direction given by an issuing entity under former section 205, 208(2) or 215(4) that—
  - (a) was given before the commencement; and
  - (b) has not been complied with at the commencement.
- (2) The direction is taken to have been given by the issuing entity under the equivalent provision of this regulation.
- (3) The issuing entity may act under section 193 of this regulation in relation to the direction.

### **233 Entitlement to recover costs for action taken under former s 216 continues**

- (1) This section applies if—
  - (a) before the commencement, an issuing entity carried out a direction or proposed direction under former section 216; and
  - (b) at the commencement, the issuing entity has not recovered the costs of carrying out the direction or proposed direction under former section 217.

- (2) If proceedings for the recovery of the costs have started at the commencement, the proceedings may continue under former section 217 as if the 2004 regulation had not expired.
- (3) If proceedings for the recovery of the costs have not started at the commencement, the issuing entity may recover the costs under section 194 as if the direction had been carried out under section 193.

### **234 Copy of former authorities may be given to person with interest in ship**

- (1) If a person obtains an interest in a ship, the person may apply to the general manager for a copy of any of the following issued under the 2004 regulation for the ship (each a *former authority*)—
  - (a) a certificate of survey;
  - (b) a load line certificate;
  - (c) a design approval certificate.
- (2) The application must be in the approved form.
- (3) The general manager may give a copy of the former authority to the person if the general manager is satisfied the person has an interest in the ship.
- (4) The general manager may change the former authority before giving a copy of it to the person to ensure that the authority is addressed to the person.

### **235 References to 2004 regulation**

In an instrument—

- (a) a reference to the 2004 regulation may, if the context permits, be taken to be a reference to this regulation; and
- (b) a reference to a provision of the 2004 regulation may, if the context permits, be taken to be a reference to the equivalent provision of this regulation.

## **Schedule 1      Coastal bars**

section 24(4), definition *coastal bar*

<b>Column 1</b>	<b>Column 2</b>
<b>Coastal Bar</b>	<b>Description</b>
Currumbin Bar	the bar located near the town of Currumbin in the vicinity of where the Currumbin Creek and the Coral Sea meet
Tallebudgera Bar	the bar located near the town of Burleigh Heads in the vicinity of where the Tallebudgera Creek and the Coral Sea meet
Gold Coast Seaway Bar	the passage of water between Nerang Head and Porpoise Point on South Stradbroke Island (commonly known as the Gold Coast Seaway)
Jumpinpin Bar	the passage of water between North Stradbroke Island and South Stradbroke Island
South Passage Bar	the passage of water between North Stradbroke Island and Moreton Island
Caloundra Bar	the bar located near the town of Caloundra in the vicinity of where the northern end of Pumicestone Channel (commonly known as Pumicestone Passage) and the Coral Sea meet



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<b>Column 1</b>	<b>Column 2</b>
<b>Coastal Bar</b>	<b>Description</b>
Mooloolah Bar	the bar located near Point Cartwright in the vicinity of where the Mooloolah River and the Coral Sea meet
Maroochy Bar	the bar located near the town of Maroochydore in the vicinity of where the Maroochy River and the Coral Sea meet
Noosa Bar	the bar located near the town of Noosa Heads in the vicinity of where the Noosa River and the Coral Sea meet
Wide Bay Bar	the bar located between the southern end of Fraser Island and Inskip Point in the vicinity of where the southern end of Great Sandy Strait and the Coral Sea meet
Round Hill Creek Bar	the bar located near the town of Seventeen Seventy in the vicinity of where Round Hill Creek and the Coral Sea meet

## **Schedule 2      Pilotage areas**

section 160(1)

### **1      Southport pilotage area**

The Southport pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the point where latitude  $27^{\circ} 39.90'$  south intersects with the eastern shoreline of the mainland
  - then east to the high-water mark on the western shoreline of North Stradbroke Island at latitude  $27^{\circ} 39.90'$  south
  - then by the high-water mark in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline of North Stradbroke Island to the south-eastern tip of the island at approximate latitude  $27^{\circ} 43.64'$  south, longitude  $153^{\circ} 27.10'$  east
  - then to the high-water mark on the northern tip of South Stradbroke Island at approximate latitude  $27^{\circ} 45.29'$  south, longitude  $153^{\circ} 26.69'$  east
  - then in a southerly direction along the western shoreline and in an easterly direction along the southern shoreline of South Stradbroke Island to the seaward tip of the northern breakwater at the entrance to the Gold Coast Seaway
  - then in an easterly direction to latitude  $27^{\circ} 55.90'$  south, longitude  $153^{\circ} 27.06'$  east
  - then south to latitude  $27^{\circ} 56.10'$  south, longitude  $153^{\circ} 27.06'$  east
  - then in a westerly direction to the seaward tip of the southern breakwater at the entrance to the Gold Coast Seaway

- then by the high-water mark in a westerly direction along the northern shoreline, in a southerly direction along the western shoreline of The Spit and in a northerly direction along the eastern shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 2 Brisbane pilotage area

The Brisbane pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the north head of the Maroochy River entrance
  - then east to longitude 153° 10.06' east
  - then in a south-south-easterly direction to latitude 26° 49.90' south, longitude 153° 15.06' east
  - then in a south-easterly direction to the high-water mark on the north-eastern tip of Cape Moreton on Moreton Island
  - then by the high-water mark in a westerly direction along the northern shoreline and in a southerly direction along the western shoreline of Moreton Island to the southern tip of the island
  - then to the high-water mark on the northern tip of North Stradbroke Island
  - then by the high-water mark in a southerly direction along the western shoreline of North Stradbroke Island to latitude 27° 39.90' south
  - then west to the high-water mark on the mainland at latitude 27° 39.90' south
  - then by the high-water mark in a northerly direction along the eastern shoreline of the mainland to the starting point; and

- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **3 Noosa pilotage area**

The Noosa pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
- the Noosa River and connected waterways systems from the head of navigation to the river mouth
  - the waters within a 1n mile radius of the south head of the Noosa River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **4 Maryborough pilotage area**

The Maryborough pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the point where latitude 25° 06.90' south intersects with the eastern shoreline of the mainland
  - then generally north-easterly along the geodesic to latitude 24° 44.90' south, longitude 152° 45.06' east
  - then east along latitude 24° 44.90' south to its intersection with the high-water mark on the western shoreline of Fraser Island
  - then generally southerly along the high-water mark on the western shoreline of Fraser Island, and then generally northerly along the high-water mark on the eastern shoreline of Fraser Island to the intersection of that high-water mark with latitude 25° 46.31' south

- then along latitude 25° 46.31' south to its intersection with longitude 153° 05.00' east
  - then south along longitude 153° 05.00' to its intersection with the high-water mark on the mainland
  - then generally northerly along the high-water mark on the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 5 Bundaberg pilotage area

The Bundaberg pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
- the Burnett River and connected waterways systems from the head of navigation to the river mouth
  - the waters within a 4n mile radius of Burnett Heads lighthouse; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 6 Gladstone pilotage area

The Gladstone pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at Connor Bluff, Curtis Island at approximate latitude 23° 42.91' south, longitude 151° 17.66' east
  - then in a south-easterly direction to latitude 23° 49.51' south, longitude 151° 34.66' east

- then south to latitude 23° 56.51' south, longitude 151° 34.66' east
  - then in a south-westerly direction to the high-water mark at the northern tip of Tiber Point on Hummock Hill Island
  - then west to the high-water mark on Wild Cattle Island
  - then by the high-water mark in a northerly direction along the eastern shoreline of Wild Cattle Island to the northern tip of the island
  - then west to the high-water mark on the eastern shoreline of the mainland
  - then by the high-water mark in a northerly direction along the eastern shoreline of the mainland to latitude 23° 38.41' south
  - then east to the high-water mark of the western shoreline of Curtis Island at latitude 23° 38.41' south
  - then by the high-water mark in a southerly direction along the western shoreline, in an easterly direction along the southern shoreline and in a northerly direction along the eastern shoreline of Curtis Island to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## **7 Rockhampton pilotage area**

The Rockhampton pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
- the Fitzroy River and connected waterways systems from the head of navigation to the river mouth

- the waters bounded by an imaginary line drawn from—
  - the high-water mark at Cattle Point on the mainland to Arch Rock
  - then to the high-water mark on the northern tip of Cape Keppel
  - then by the high-water mark in a westerly direction along the northern shoreline and in a southerly direction along the western shoreline of Curtis Island to latitude  $23^{\circ} 38.41'$  south
  - then west to the high-water mark on the mainland at latitude  $23^{\circ} 38.41'$  south
  - then by the high-water mark in a northerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 8 Hay Point pilotage area

The Hay Point pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
  - starting at the high-water mark at the southern extremity of the north head of Bakers Creek entrance
  - then generally north-easterly along the geodesic to latitude  $21^{\circ} 10.76'$  south, longitude  $149^{\circ} 17.73'$  east
  - then generally north-easterly along the geodesic to latitude  $21^{\circ} 09.91'$  south, longitude  $149^{\circ} 20.06'$  east
  - then east to latitude  $21^{\circ} 09.91'$  south, longitude  $149^{\circ} 30.06'$  east

- then south to latitude  $21^{\circ} 17.91'$  south, longitude  $149^{\circ} 30.06'$  east
  - then west to the intersection of the high-water mark on the mainland with latitude  $21^{\circ} 17.91'$  south
  - then generally northerly along the high-water mark on the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 9 Mackay pilotage area

The Mackay pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the northern extremity of Slade Point
  - then generally easterly along the geodesic to latitude  $21^{\circ} 03.81'$  south, longitude  $149^{\circ} 22.06'$  east
  - then south to latitude  $21^{\circ} 09.91'$  south, longitude  $149^{\circ} 22.06'$  east
  - then west to latitude  $21^{\circ} 09.91'$  south, longitude  $149^{\circ} 20.06'$  east
  - then generally south-westerly along the geodesic to latitude  $21^{\circ} 10.76'$  south, longitude  $149^{\circ} 17.73'$  east
  - then generally south-westerly along the geodesic to the intersection with the high-water mark at the southern extremity of the north head of Bakers Creek entrance
  - then generally northerly along the high-water mark on the mainland to the starting point; and



- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 10 Whitsundays pilotage area

The Whitsundays pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the northern tip of George Point on the mainland
  - then in an east-north-easterly direction to latitude 20° 01.19' south, longitude 148° 52.84' east
  - then in an east-south-easterly direction to latitude 20° 02.94' south, longitude 148° 58.63' east
  - then in a south-easterly direction to the high-water mark at the north-eastern tip of Deloraine Island
  - then along the high-water mark of the eastern shoreline of Deloraine Island to its south-eastern tip
  - then in a south-easterly direction to the high-water mark at the northern tip of Harold Island
  - then along the high-water mark of the eastern shoreline of Harold Island to its southern tip
  - then in a south-south-westerly direction to the high-water mark at the northern tip of Jesuit Point on Maher Island
  - then along the high-water mark of the western shoreline of Maher Island to its southern tip
  - then to the high-water mark at the northern tip of Shaw Island
  - then along the high-water mark of the western shoreline of Shaw Island to its south-western tip
  - then in a west-south-westerly direction to the southern tip of Cape Conway on the mainland

- then by the high-water mark, initially in a general north-westerly direction, to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 11 Bowen pilotage area

The Bowen pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the southern tip of Dalrymple Point
  - then  $286^{\circ}$  (T) by a straight line to the port entrance beacon to Bowen Boat Harbour (latitude  $20^{\circ} 01.34'$  south, longitude  $148^{\circ} 15.39'$  east)
  - then  $303^{\circ}$  (T) by a straight line to the intersection of the high-water mark and the northern edge of the wharf at Bowen (latitude  $20^{\circ} 01.05'$  south, longitude  $148^{\circ} 14.91'$  east)
  - then by the high-water mark in an easterly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 12 Abbot Point pilotage area

The Abbot Point pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the eastern shoreline of the mainland at longitude  $147^{\circ} 59.07'$  east
  - then north to latitude  $19^{\circ} 47.91'$  south, longitude  $147^{\circ} 59.07'$  east

- then east to latitude 19° 47.91' south, longitude 148° 08.07' east
  - then in a south-easterly direction to the high-water mark at the northern tip of Gloucester Head on Gloucester Island
  - then in a southerly direction by the high-water mark along the western shoreline of Gloucester Island to the southern tip of the island
  - then to the high-water mark on the northern tip of Cape Gloucester on the mainland
  - then by the high-water mark along the shoreline of the mainland to the intersection of the high-water mark and the northern edge of the wharf at Bowen (latitude 20° 01.05' south, longitude 148° 14.91' east)
  - then 123° (T) by a straight line to the port entrance beacon to Bowen Boat Harbour (latitude 20° 01.34' south, longitude 148° 15.39' east)
  - then 106° (T) by a straight line to the high-water mark at the southern tip of Dalrymple Point
  - then along the shoreline of the mainland at the high-water mark to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### 13 Townsville pilotage area

The Townsville pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the northern tip of Cape Cleveland
  - then in a north-westerly direction to latitude 19° 04.91' south, longitude 146° 52.07' east

- then west to latitude 19° 04.91' south, longitude 146° 45.07' east
  - then south to the high-water mark on the mainland at longitude 146° 45.07' east
  - then by the high-water mark along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

#### **14 Lucinda pilotage area**

The Lucinda pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at George Point on Hinchinbrook Island at approximate latitude 18° 29.11' south, longitude 146° 19.50' east
  - then east to latitude 18° 29.11' south, longitude 146° 26.07' east
  - then south to latitude 18° 34.91' south, longitude 146° 26.07' east
  - then west to the high-water mark on the mainland at latitude 18° 34.91' south
  - then by the high-water mark in a northerly direction along the eastern shoreline of the mainland to approximate latitude 18° 31.41' south, longitude 146° 19.87' east
  - then 352° (T) by a straight line to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**15 Mourilyan pilotage area**

The Mourilyan pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
  - the Moresby River and connected waterways systems from the head of navigation to the river mouth
  - the waters within a 2n mile radius of the south-eastern tip of Goodman Point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**16 Cairns pilotage area**

The Cairns pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
  - starting at the high-water mark on the north-western extremity of Cape Grafton
  - then in a northerly direction to latitude 16° 49.875' south, longitude 145° 54.954' east
  - then in a west-north-westerly direction to the high-water mark on the northern extremity of Taylor Point
  - then by the high-water mark in a southerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**17 Port Douglas pilotage area**

The Port Douglas pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
  - Dicksons Inlet and connected waterways systems from the head of navigation to the inlet mouth
  - the waters within a 1n mile radius of the northern tip of Island Point on the mainland; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **18 Daintree River pilotage area**

The Daintree River pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
  - the Daintree River and connected waterways systems from the head of navigation to the river mouth
  - the waters within a 2n mile radius of the south head of the Daintree River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **19 Cooktown pilotage area**

The Cooktown pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
  - the Endeavour River and connected waterways systems from the head of navigation to the river mouth
  - the waters bounded by an imaginary line drawn from the high-water mark on Monkhouse Point north to the high-water mark on the mainland at the southern tip of Indian Head; and

- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 20 Cape Flattery pilotage area

The Cape Flattery pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the north-eastern extremity of Point Lookout
  - then in an easterly direction to latitude 14° 49.910' south, longitude 145° 15.319' east
  - then in a south-easterly direction to latitude 14° 55.110' south, longitude 145° 22.158' east
  - then in a southerly direction to latitude 14° 59.910' south, longitude 145° 22.962' east
  - then west to the high-water mark on the mainland at latitude 14° 59.910' south
  - then by the high-water mark in a northerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 21 Thursday Island pilotage area

The Thursday Island pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the western tip of Smith Point on Horn Island
  - then in a north-westerly direction to the high-water mark at the northern tip of Heath (Kiwain) Point on Prince of Wales Island

Schedule 2

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- then in a north-westerly direction to the high-water mark at the eastern tip of Webb Point on Friday Island
  - then along the high-water mark of Friday Island, initially in a westerly direction, to the western tip of Friday Island
  - then north to the high-water mark at the western tip of Tucker Point on Goods Island
  - then along the high-water mark of Goods Island, initially in a south-easterly direction, to the eastern tip of Tessy Head on Goods Island
  - then in a south-easterly direction to the high-water mark at the western tip of Hammond Island (commonly known as Diamond Point)
  - then along the high-water mark of Hammond Island, initially in a south-easterly direction, to the eastern tip of Menmuir (Gobau) Point on Hammond Island
  - then in a south-easterly direction to the high-water mark at the northern tip of King Point on Horn Island
  - then along the high-water mark of Horn Island, initially in a westerly direction, to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## **22 Skardon River pilotage area**

The Skardon River pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at approximate latitude 11° 47.00' south, longitude 141° 58.54' east on the mainland, south of the entrance of the Skardon River



- then west to latitude 11° 47.00' south, longitude 141° 57.00' east
  - then north to latitude 11° 44.50' south, longitude 141° 57.00' east
  - then east to the high-water mark on the mainland at approximate latitude 11° 44.50' south, longitude 142° 00.12' east
  - then by the high-water mark, initially in a southerly direction, to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **23 Weipa pilotage area**

The Weipa pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the western tip of Jantz Point (west of Duyfken Point)
  - then in a southerly direction to the high-water mark at the western tip of Boyd Point
  - then by the high-water mark in a northerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

### **23A Amrun pilotage area**

The Amrun pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the shoreline of the mainland at approximately latitude 12° 54.60' south, longitude 141° 38.18' east

- then in a generally northerly direction along the south-west boundary of the Weipa pilotage area to latitude 12° 50.00' south, longitude 141° 37.60' east
  - then west to latitude 12° 50.00' south, longitude 141° 32.48' east
  - then in a generally southerly direction to latitude 13° 00.00' south, longitude 141° 32.73' east
  - then east to the high-water mark on the shoreline of the mainland at approximately 13° 00.00' south, longitude 141° 35.16' east
  - then by the high-water mark in a generally north-easterly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## **24 Karumba pilotage area**

The Karumba pilotage area is the area of—

- (a) waters at the high-water mark consisting of the following—
- the Norman River and connected waterways system from the head of navigation to the river mouth
  - the waters within a 10n mile radius of the north head of the Norman River entrance; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

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## Schedule 3      Compulsory pilotage areas

section 160(2)

- 1      Southport pilotage area**  
All of the Southport pilotage area.
- 2      Brisbane pilotage area**  
All of the Brisbane pilotage area.
- 3      Bundaberg pilotage area**  
All of the Bundaberg pilotage area.
- 4      Gladstone pilotage area**  
All of the Gladstone pilotage area.
- 5      Rockhampton pilotage area**  
All of the Rockhampton pilotage area.
- 6      Hay Point pilotage area**  
The part of the Hay Point pilotage area that is the area of—
  - (a) waters bounded by an imaginary line drawn—
    - starting at the high-water mark at the southern extremity of the north head of Bakers Creek entrance
    - then generally north-easterly along the geodesic to latitude 21° 10.76' south, longitude 149° 17.73' east

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- then generally south-easterly along the geodesic to latitude  $21^{\circ} 14.00'$  south, longitude  $149^{\circ} 20.50'$  east
  - then south to latitude  $21^{\circ} 15.69'$  south, longitude  $149^{\circ} 20.50'$  east
  - then generally north-easterly along the geodesic to latitude  $21^{\circ} 14.49'$  south, longitude  $149^{\circ} 25.41'$  east
  - then generally south-easterly along the geodesic to latitude  $21^{\circ} 14.80'$  south, longitude  $149^{\circ} 25.50'$  east
  - then generally south-westerly along the geodesic to latitude  $21^{\circ} 16.11'$  south, longitude  $149^{\circ} 20.50'$  east
  - then south to latitude  $21^{\circ} 17.91'$  south, longitude  $149^{\circ} 20.50'$  east
  - then west to the intersection of the high-water mark on the mainland with latitude  $21^{\circ} 17.91'$  south
  - then generally northerly along the high-water mark on the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

## 7 Mackay pilotage area

The part of the Mackay pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at the northern extremity of Slade Point
  - then generally easterly along the geodesic to latitude  $21^{\circ} 03.81'$  south, longitude  $149^{\circ} 16.00'$  east

- then south to latitude 21° 07.00' south, longitude 149° 16.00' east
  - then generally south-easterly along the geodesic to latitude 21° 10.76' south, longitude 149° 17.73' east
  - then generally south-westerly along the geodesic to the intersection with the high-water mark at the southern extremity of the north head of Bakers Creek entrance
  - then generally northerly along the high-water mark on the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**8 Abbot Point pilotage area**

All of the Abbot Point pilotage area.

**9 Townsville pilotage area**

All of the Townsville pilotage area.

**10 Lucinda pilotage area**

All of the Lucinda pilotage area.

**11 Mourilyan pilotage area**

All of the Mourilyan pilotage area.

**12 Cairns pilotage area**

The part of the Cairns pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark on the north-western extremity of Cape Grafton

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- then in a northerly direction to latitude 16° 50.000' south, longitude 145° 54.954' east
  - then west to latitude 16° 50.000' south, longitude 145° 51.000' east
  - then north to latitude 16° 48.874' south, longitude 145° 51.000' east
  - then in a west-north-westerly direction to the high-water mark on the northern extremity of Taylor Point
  - then by the high-water mark in a southerly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**13 Cape Flattery pilotage area**

All of the Cape Flattery pilotage area.

**14 Thursday Island pilotage area**

All of the Thursday Island pilotage area.

**15 Skardon River pilotage area**

The part of the Skardon River pilotage area that is the area of—

- (a) waters bounded by an imaginary line drawn—
- starting at the high-water mark at approximate latitude 11° 46.73' south, longitude 141° 58.63' east on the mainland, south of the entrance of the Skardon River
  - then west to latitude 11° 46.73' south, longitude 141° 57.28' east

- then north to latitude 11° 44.77' south, longitude 141° 57.28' east
  - then east to the high-water mark on the mainland at latitude 11° 44.77' south, longitude 142° 00.12' east
  - then by the high-water mark, initially in a southerly direction, to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

**16 Weipa pilotage area**

All of the Weipa pilotage area.

**16A Amrun pilotage area**

All of the Amrun pilotage area.

**17 Karumba pilotage area**

All of the Karumba pilotage area.

## Schedule 4 Responsible pilotage entities

section 161

<b>Compulsory pilotage area</b>	<b>Responsible pilotage entity</b>
Southport pilotage area	MSQ
Brisbane pilotage area	MSQ
Bundaberg pilotage area	Gladstone Ports Corporation
Gladstone pilotage area	Gladstone Ports Corporation
Rockhampton pilotage area	Gladstone Ports Corporation
Hay Point pilotage area	North Queensland Bulk Ports Corporation
Mackay pilotage area	North Queensland Bulk Ports Corporation
Abbot Point pilotage area	MSQ
Townsville pilotage area	Port of Townsville Limited
Lucinda pilotage area	Port of Townsville Limited
Mourilyan pilotage area	Far North Queensland Ports Corporation
Cairns pilotage area	Far North Queensland Ports Corporation
Cape Flattery pilotage area	Far North Queensland Ports Corporation
Thursday Island pilotage area	Far North Queensland Ports Corporation
Skardon River pilotage area	Far North Queensland Ports Corporation



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<b>Compulsory pilotage area</b>	<b>Responsible pilotage entity</b>
Weipa pilotage area	Far North Queensland Ports Corporation
Amrun pilotage area	RTA Weipa Pty Ltd ACN 137 266 285
Karumba pilotage area	Far North Queensland Ports Corporation

## **Schedule 5      Marine zones**

section 177

### **Part 1                      Tallebudgera Creek**

#### **1            Marine zone**

The area of Tallebudgera Creek is a marine zone.

#### **2            Requirement for marine zone**

The requirement for the marine zone is that a personal watercraft must not be operated in the marine zone.

### **Part 2                      Noosa River**

#### **1            Marine zone**

- (1) The area comprising the Noosa River and its adjoining waters, including the area of Lake Cootharaba, Lake Cooroibah, Doonella Lake and Lake Weyba, is a marine zone.
- (2) However, the area of each creek, other than Cooloothin Creek, Cooroibah Creek or Weyba Creek, adjoining the waters of the Noosa River is not part of the marine zone.

#### **2            Requirements for marine zone**

- (1) The requirements for the marine zone are as follows—
  - (a) a ship must not be operated in the marine zone to freestyle, surf or wave jump;
  - (b) a personal watercraft must not be operated in the marine zone;

- 
- (c) a ship must not be operated in the marine zone to waterski in an area of the Noosa River mentioned in subsection (2), other than between 8a.m. and 5p.m.;
- (d) a hovercraft or airboat must not be operated in the marine zone;
- (e) an aircraft must not be operated in the marine zone to take off or land on water.
- (2) For subsection (1)(c), the areas are—
- (a) the area of the Noosa River at Tewantin within the following boundary—
- starting at latitude 26° 23.267' south, longitude 153° 02.667' east on the eastern shore of the Noosa River
  - then generally northerly along the eastern shore of the Noosa River to latitude 26° 22.725' south, longitude 153° 02.812' east
  - then generally south-west in a direct line to latitude 26° 22.771' south, longitude 153° 02.737' east on the eastern shore of Makepeace Island
  - then generally southerly along the eastern shore of Makepeace Island to latitude 26° 22.952' south, longitude 153° 02.785' east
  - then generally south-westerly in a direct line to latitude 26° 22.994' south, longitude 153° 02.738' east on the eastern shore of Sheep Island
  - then generally south-westerly along the eastern shore of Sheep Island to latitude 26° 23.194' south, longitude 153° 02.564' east
  - then generally south-easterly in a direct line to the starting point; and
- (b) the area of the Noosa River at Tewantin within the following boundary—
- starting at latitude 26° 22.260' south, longitude 153° 02.359' east on the eastern shore of the Noosa River

- then generally northerly along the eastern shore of the Noosa River to latitude 26° 21.595' south, longitude 153° 02.414' east
- then generally westerly in a direct line to the western shore of the Noosa River to latitude 26° 21.604' south, longitude 153° 02.331' east
- then generally southerly along the western shore of the Noosa River to latitude 26° 22.328' south, longitude 153° 02.264' east
- then generally north-easterly in a direct line to the starting point.

(3) In this section—

*airboat* means a watercraft, other than an aircraft, designed to be propelled by an aircraft-type propeller.

### 3 Exceptions from requirements for marine zone

- (1) The requirements in section 2(1)(a) or (b) do not apply to a ship if the ship is—
- (a) a commercial personal watercraft; and
  - (b) operating in the waters of the Noosa River the general manager has stated, by gazette notice under section 197(2) of this regulation, are waters where the anchoring, berthing, mooring or operating of a ship other than a commercial personal watercraft endangers marine safety (a *commercial PWC area*).
- (2) The requirement in section 2(1)(b) does not apply to a personal watercraft if—
- (a) the owner or master of the personal watercraft is operating it in any of the waters mentioned in subsection (4); and
  - (b) the owner or master uses the personal watercraft to move through the waters—
    - (i) to travel to or from a commercial PWC area in a straight line, or in the most appropriate or direct

- route, taking into account the circumstances of the waters; or
- (ii) on a transit voyage, in a straight line, or in the most appropriate or direct route, taking into account the circumstances of the waters; and
- (c) the owner or master—
- (i) is operating the personal watercraft along or near the centre of the waters, or within a marked channel; or
  - (ii) uses the personal watercraft to travel from the shore to the centre or near the centre of the waters, or within a marked channel; or
  - (iii) uses the personal watercraft to travel from the centre or near the centre of the waters, or within a marked channel to the shore.

*Examples of activities for this subsection—*

- 1 A personal watercraft is launched at the Thomas Street, Noosaville, boat ramp and travels using a marked channel to Laguna Bay.
  - 2 A personal watercraft travels from Laguna Bay using a marked channel to a pontoon adjacent to Gympie Terrace, Noosaville.
- (3) However, the collision regulations apply to the personal watercraft despite subsection (2)(b) or (c).
- (4) For subsection (2)(a), the waters are as follows—
- (a) the waters of the Noosa River downstream of a direct line between latitude 26° 23.836' south, longitude 153° 03.271' east and latitude 26° 23.585' south, longitude 153° 03.273' east ending at a direct line between latitude 26° 22.847' south, longitude 153° 04.856' east and latitude 26° 22.771' south, longitude 153° 04.586' east;
  - (b) the waters of Weyba Creek downstream of a direct line between latitude 26° 23.835' south, longitude 153° 04.525' east and latitude 26° 23.914' south, longitude 153° 04.396' east;
  - (c) the waters of a canal or system of canals joining waters mentioned in paragraph (a) or (b).

Schedule 5

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- (5) For working out the waters that form part of Weyba Creek for subsection (4)(b), the shore of Weyba Creek is taken to continue along the direct line between the following points—
- (a) latitude 26° 23.946' south, longitude 153° 04.655' east;
  - (b) latitude 26° 23.955' south, longitude 153° 04.591' east.
- (6) In this section—

***commercial personal watercraft*** means a personal watercraft that has a certificate of operation for a class 2 or 4 vessel under the national law.

***transit voyage*** means—

- (a) a voyage between a point seaward of the marine zone and a point in the waters mentioned in subsection (4); or
- (b) a voyage between a point in the waters mentioned in subsection (4) and a point seaward of the marine zone.

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## Schedule 6 Fees, charges and dues

sections 200, 206 and 208

### Part 1 Fees and charges, other than pilotage fees and conservancy dues

#### Division 1 Registration of ship

\$

- |   |                                                                                                                                                     |        |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1 | Registration, or renewal of registration, of a Queensland regulated ship for a term that starts on or after 1 July 2018—the total of the following— |        |
|   | (a) a registration component—                                                                                                                       |        |
|   | (i) for a ship 4.5m or less                                                                                                                         | 86.75  |
|   | (ii) for a ship more than 4.5m but not more than 6m                                                                                                 | 192.90 |
|   | (iii) for a ship more than 6m but not more than 10m                                                                                                 | 334.70 |
|   | (iv) for a ship more than 10m but not more than 15m                                                                                                 | 501.90 |
|   | (v) for a ship more than 15m but not more than 20m                                                                                                  | 627.35 |
|   | (vi) for a ship more than 20m                                                                                                                       | 795.15 |
|   | (b) a use component                                                                                                                                 | 22.15  |

	\$
(c) administration fee for renewal of registration of recreational ship paid after the expiry of the registration	15.85
2 Inspection of ship under section 29—	
(a) for time spent inspecting the ship—for each 15 minutes, rounded to the nearest 15 minutes	34.20
(b) for travel time for the inspection	the amount of the reasonable travel expenses incurred
3 Transfer of registration of a recreational ship—	
(a) if the ship is being transferred to a person whose business is the sale of new or used ships	nil
(b) otherwise	28.05
4 Administration fee for a refund of a registration fee under section 203	17.35

## **Division 2                      Restricted use authorities**

	\$
5 Restricted use authority—	
(a) for a term of 1 month or less—	
(i) for a ship 50m or less	96.45
(ii) for a ship more than 50m but not more than 80m	205.90



	\$
(iii) for a ship more than 80m but not more than 150m	436.70
(iv) for a ship more than 150m but not more than 200m	686.30
(v) for a ship more than 200m	935.85
(b) for a term of longer than 1 month—	
(i) for the first restricted use authority for the ship	268.80
(ii) for the second or subsequent restricted use authority for the ship	109.25
6 Replacement document evidencing a restricted use authority	57.45

### **Division 3                      Pilot licences and pilot exemption certificates**

	\$
7 Pilot licence—	
(a) fee if an examination under section 73 is required	259.45
(b) licence fee	259.45
8 Pilotage exemption certificate—	
(a) fee for a pilotage exemption test under section 166	259.45
(b) certificate fee	259.45
9 Amendment of a pilot licence under section 111—	
(a) application fee—	

Schedule 6

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	\$
(i) if an examination under section 73 is required	259.45
(ii) otherwise	52.90
(b) licence fee	259.45
10 Amendment of a pilotage exemption certificate under section 111—	
(a) application fee—	
(i) if a pilotage exemption test under section 166 is required	259.45
(ii) otherwise	52.90
(b) certificate fee	259.45
11 Renewal of a pilot licence or pilotage exemption certificate—	
(a) application fee	127.95
(b) licence fee or certificate fee	259.45
12 Replacement document evidencing a pilot licence or pilot exemption certificate	39.75

## **Division 4                      Buoy mooring approvals**

	\$
13 Buoy mooring approval, each of the following—	
(a) assessment component, for an application made on or after 1 July 2018	90.25
(b) occupation component, for an offer to occupy the buoy mooring accepted on or after 1 July 2018—	

	\$
(i) for a restricted use buoy mooring—	
(A) in a category 2 area	90.25
(B) in a category 3 area	54.25
(ii) for an unrestricted use buoy mooring if subparagraph (iii) does not apply to the buoy mooring—	
(A) in a category 2 area	180.85
(B) in a category 3 area	90.25
(iii) for an unrestricted use buoy mooring for a person who carries on a business allowing clients to use the mooring free of charge— for each mooring after the first 5 moorings—	
(A) for a buoy mooring in a category 2 area	72.30
(B) for a buoy mooring in a category 3 area	54.25
14 Renewal of a buoy mooring approval for a term starting on or after 1 July 2018—	
(a) for a restricted use buoy mooring—	
(i) in a category 2 area	90.25
(ii) in a category 3 area	54.25
(b) for an unrestricted use buoy mooring if paragraph (c) does not apply to the buoy mooring—	
(i) in a category 2 area	180.85
(ii) in a category 3 area	90.25

\$

- (c) for an unrestricted use buoy mooring for a person who carries on a business allowing clients to use the mooring free of charge—for each mooring after the first 5 moorings—
  - (i) for a buoy mooring in a category 2 area 72.30
  - (ii) for a buoy mooring in a category 3 area 54.25

## **Division 5 Other authorities**

\$

- 15 Training program approval—
  - (a) application fee 527.90
  - (b) if the applicant is an individual—criminal history fee for the individual, or another individual nominated by the individual, if the administering agency is to obtain a criminal history check for the individual 43.95
  - (c) if the applicant is an unincorporated body—criminal history fee for each individual nominated by the applicant about whom the administering agency is to obtain a criminal history check 43.95
  - (d) if the applicant is a corporation—criminal history fee for each individual who is either nominated by the applicant or an executive officer of the corporation, about whom the administering agency is to obtain a criminal history check 43.95
- 16 Temporary permit 150.05
- 17 Aquatic event authority 36.45

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## Division 6 Marine licences

	\$
18 Recreational marine driver licence	110.40
19 Personal watercraft licence	110.40

## Division 7 Other fees

	\$
20 Taking an extract from, or obtaining a copy of a particular in, the register—	
(a) if the extract or copy is of the particulars for a ship in the register when the application is made	18.45
(b) otherwise	29.55
21 Electronic search to verify that a person is the holder of a licence	7.05

## Part 2 Pilotage fees

### Division 1 Fees for navigating ship in pilotage area using pilot

#### 1 Matters for which fees are payable

- (1) Section 2 states fees that are payable for a person navigating a ship in a pilotage area using the services of a pilot.
- (2) For section 2, a *relevant movement* for a ship is—
  - (a) a ship's arrival at, or departure from, a pilotage area; or

- (b) a ship's removal to another berth or anchorage in a pilotage area.
- (3) Subsection (4) applies if the port shipping manual for a pilotage area states, or the general manager reasonably believes for a pilotage area, that for safety reasons the services of more than 1 pilot (excluding any excluded pilot) are to be used for an arrival, departure or removal of a ship in the pilotage area.
- (4) The fee stated in section 2 is payable for each pilot other than an excluded pilot.
- (5) Also, if a ship departs from a pilotage area and a pilot can not leave the ship after pilotage of the ship ends, an additional fee for the amount of the reasonable costs of returning the pilot to the pilotage area is payable, unless the pilot is not able to leave the ship because of something beyond the control of the ship's master.
- (6) In this section—
- excluded pilot* means a person who is—
- (a) a supervising pilot; or
- (b) being trained as a pilot, or having their competence as a pilot assessed, by a supervising pilot.

*port shipping manual*, for a pilotage area, means the port procedures and information for the shipping manual for the pilotage area.

*Note—*

The port shipping manual for a pilotage area is available on request from MSQ or from MSQ's website.

*supervising pilot* see section 101(5) of the Act.

## 2 Table of fees

\$

- 1 Southport pilotage area—the total of the following for each relevant movement for a ship—

	\$
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
2 Brisbane pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	2,202.70
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	48.50
(ii) more than 150m but not more than 200m	44.15
(iii) more than 200m but not more than 250m	35.30
(iv) more than 250m	30.90
3 Maryborough pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
4 Bundaberg pilotage area—the total of the following for each relevant movement for a ship—	

## Schedule 6

	\$
(a) the minimum fee	1,281.70
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	27.85
(ii) more than 150m but not more than 200m	25.25
(iii) more than 200m but not more than 250m	20.25
(iv) more than 250m	17.75
5 Gladstone pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,858.55
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	40.85
(ii) more than 150m but not more than 200m	37.15
(iii) more than 200m but not more than 250m	29.70
(iv) more than 250m	26.00
6 Rockhampton pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,265.55
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	26.35
(ii) more than 150m but not more than 200m	24.00
(iii) more than 200m but not more than 250m	19.20
(iv) more than 250m	16.75
7 Hay Point pilotage area—the total of the following for each relevant movement for a ship—	



	\$
(a) the minimum fee	1,440.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	30.60
(ii) more than 150m but not more than 200m	27.85
(iii) more than 200m but not more than 250m	22.25
(iv) more than 250m	19.45
8 Mackay pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,273.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	27.00
(ii) more than 150m but not more than 200m	24.65
(iii) more than 200m but not more than 250m	19.65
(iv) more than 250m	17.20
9 Abbot Point pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,275.85
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	27.30
(ii) more than 150m but not more than 200m	24.85
(iii) more than 200m but not more than 250m	19.80
(iv) more than 250m	17.35
10 Townsville pilotage area—the total of the following for each relevant movement for a ship—	

## Schedule 6

	\$
(a) the minimum fee	1,285.55
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	28.15
(ii) more than 150m but not more than 200m	25.60
(iii) more than 200m but not more than 250m	20.45
(iv) more than 250m	17.95
11 Lucinda pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,271.95
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	26.90
(ii) more than 150m but not more than 200m	24.50
(iii) more than 200m but not more than 250m	19.55
(iv) more than 250m	17.10
12 Mourilyan pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,273.95
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	27.15
(ii) more than 150m but not more than 200m	24.70
(iii) more than 200m but not more than 250m	19.70
(iv) more than 250m	17.30
13 Cairns pilotage area—the total of the following for each relevant movement for a ship—	

	\$
(a) the minimum fee	1,282.60
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	27.90
(ii) more than 150m but not more than 200m	25.35
(iii) more than 200m but not more than 250m	20.30
(iv) more than 250m	17.80
14 Port Douglas pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
15 Cooktown pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
16 Cape Flattery pilotage area—the total of the following for each relevant movement for a ship—	

Schedule 6

---

	\$
(a) the minimum fee	1,301.35
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	29.60
(ii) more than 150m but not more than 200m	26.90
(iii) more than 200m but not more than 250m	21.55
(iv) more than 250m	18.90
17 Thursday Island pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
18 Skardon River pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,141.00
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	24.90
(ii) more than 150m but not more than 200m	22.65
(iii) more than 200m but not more than 250m	18.05
(iv) more than 250m	15.85
19 Weipa pilotage area—the total of the following for each relevant movement for a ship—	

	\$
(a) the minimum fee	1,959.05
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	43.90
(ii) more than 150m but not more than 200m	39.85
(iii) more than 200m but not more than 250m	31.90
(iv) more than 250m	27.95
20 Karumba pilotage area—the total of the following for each relevant movement for a ship—	
(a) the minimum fee	1,148.95
(b) the additional fee, which is the combined total for each metre of the length of a ship that is—	
(i) more than 80m but not more than 150m	25.60
(ii) more than 150m but not more than 200m	23.30
(iii) more than 200m but not more than 250m	18.65
(iv) more than 250m	16.30
21 Each pilotage area mentioned in item 1 to 20—for a movement that is not a relevant movement	the reasonable cost of providing the services of a pilot decided by the general manager

\$

- 22 Noosa pilotage area, Daintree River pilotage area or Whitsundays pilotage area
- the reasonable cost of providing the services of a pilot decided by the general manager

## **Division 2 Fees for amending or cancelling pilotage**

### **3 Matters for which fees are payable**

- (1) Section 4 states the fees payable if the owner or master of a ship amends or cancels pilotage for the ship arranged with a harbour master for a pilotage area without giving the harbour master appropriate notice of the amendment or cancellation.
- (2) In this section—
- appropriate notice* means notice of at least—
- (a) if the general manager considers a period of less than 3 hours is necessary for the effective and efficient operation of the pilotage service in a pilotage area—the period specified by the general manager by gazette notice for the pilotage area; or
- (b) otherwise—3 hours.

### **4 Table of fees**

\$

- 1 Cancellation of pilotage—

	\$
(a) for the Abbot Point, Hay Point and Lucinda pilotage areas	725.30
(b) for the Brisbane, Gladstone and Weipa pilotage areas	819.90
(c) for the Bundaberg, Cairns, Mackay, Mourilyan and Townsville pilotage areas	693.75
(d) for the Cape Flattery pilotage area	756.85
(e) for the Cooktown, Karumba, Maryborough, Port Douglas, Rockhampton, Skardon River, Southport and Thursday Island pilotage areas	630.75

### **Division 3 Fees for delaying pilotage**

#### **5 Circumstances in which fees are payable**

- (1) Section 6 states the fees payable if—
  - (a) the owner or master of a ship—
    - (i) has arranged pilotage for the ship with a harbour master; and
    - (ii) has not given the harbour master appropriate notice of an amendment or cancellation of the pilotage under section 3; and
  - (b) the pilotage for the ship is delayed for longer than 30 minutes, but not longer than 2 hours, after the time arranged for the pilotage with the harbour master.
- (2) The fee payable is—
  - (a) if pilotage for the ship is delayed for longer than 30 minutes but not longer than 1 hour—the fee stated in section 6; or
  - (b) if pilotage for the ship is delayed for longer than 1 hour but not longer than the cancellation period—the fee

stated in section 6 for each hour, or part of an hour, the ship is delayed.

- (3) If pilotage for the ship is delayed for longer than the cancellation period—
  - (a) the pilotage is taken to have been cancelled; and
  - (b) a cancellation fee under division 2 is payable.

- (4) In this section—

***cancellation period*** means a delay of longer than—

- (a) if the general manager considers a period of longer than 2 hours is necessary for the effective and efficient operation of the pilotage service in a pilotage area—the period stated by the general manager by gazette notice for the pilotage area; or
- (b) otherwise—2 hours.

***delay*** does not include delay caused by weather affecting a ship’s ability to be safely navigated.

## 6 Table of fees

	\$
1 Delay of pilotage—	
(a) for the Abbot Point, Hay Point and Lucinda pilotage areas	362.65
(b) for the Brisbane, Gladstone and Weipa pilotage areas	409.95
(c) for the Bundaberg, Cairns, Mackay, Mourilyan and Townsville pilotage areas	346.95
(d) for the Cape Flattery pilotage area	378.40
(e) for the Cooktown, Karumba, Maryborough, Port Douglas, Rockhampton, Skardon River, Southport and Thursday Island pilotage areas	315.30



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## Part 3                      Conservancy dues for ships

### 7            When conservancy dues payable

- (1) A conservancy due stated in section 8 is payable for a ship on the day the ship completes its first arrival at, removal within or departure from, a compulsory pilotage area.
- (2) The conservancy due covers all the ship's arrivals at, removals within or departures from, any compulsory pilotage area for 30 days from the day mentioned in subsection (1).
- (3) After the 30 days mentioned in subsection (2), subsections (1) and (2) again apply.

### 8            Table of conservancy dues

1	Conservancy dues, for each gross ton or part of a gross ton—	
	(a) for a ship on an interstate voyage that is 500gt or less	0.146c
	(b) for a ship on an interstate voyage that is more than 500gt—	
	(i) for the first 500gt	0.146c
	(ii) for each gross ton, or part of a gross ton, over 500gt	0.239c
	(c) for any other ship	0.239c

## **Schedule 7**      **Partially smooth waters**

schedule 9, definition *partially smooth waters*

### **1**      **Brisbane**

The waters bounded by an imaginary line drawn—

- from latitude 27° 05.90' south on the mainland
- to South Point, Bribie Island
- along the southern shore of Bribie Island to Skirmish Point
- to Comboyuro Point, Moreton Island
- along the western shore of Moreton Island to Short Point
- to Amity Point, North Stradbroke Island
- to Cleveland Point on the mainland.

### **2**      **Maryborough**

The waters bounded by an imaginary line drawn—

- from Burrum Point on the mainland
- to the Fairway Beacon, Hervey Bay
- to Rooney Point, Fraser Island
- along the western shore of Fraser Island to latitude 25° 22.90' south
- to latitude 25° 24.90', longitude 152° 58.06' east
- due west to the mainland at latitude 25° 24.90' south.

### **3**      **Gladstone**

The waters bounded by an imaginary line drawn—

- from Clews Point on the mainland

- to East Point, Facing Island
- along the southern shore of Facing Island to latitude 23° 51.91' south
- due west to South Trees Island at latitude 23° 51.91' south
- along the northernmost shore of South Trees Island to latitude 23° 51.91' south at its western shore
- due west to the mainland at latitude 23° 51.91' south.

#### **4 Keppel Bay**

The waters bounded by an imaginary line drawn—

- from Cattle Point on the mainland
- to Sea Hill Point, Curtis Island
- along the northern shore of Curtis Island to Cape Keppel
- to a point situated 0.5n mile east of Egg Rock
- to a point situated 0.5n mile east of The Child
- to a point situated 0.5n mile east of Outer Rocks
- to Water Park Point on the mainland.

#### **5 Llewellyn Bay**

The waters bounded by an imaginary line drawn—

- from the high-water mark on the northern tip of Cape Palmerston
- to latitude 21° 18.00' south, longitude 149° 20.00' east
- to the high-water mark on the mainland at latitude 21° 18.00' south.

#### **6 Mackay and Hay Point**

The waters bounded by an imaginary line drawn—

- from the high-water mark on the mainland at latitude 21° 18.00' south
- to latitude 21° 18.00' south, longitude 149° 30.00' east
- to latitude 21° 10.00' south, longitude 149° 30.00' east
- to latitude 21° 07.00' south, longitude 149° 18.50' east
- to latitude 21° 02.50' south, longitude 149° 15.00' east
- to the high-water mark on the mainland at the northern tip of Slade Point.

## **7 Sand Bay**

The waters bounded by an imaginary line drawn—

- from the high-water mark on the mainland at the northern tip of Slade Point
- to latitude 21° 02.50' south, longitude 149° 15.00' east
- to latitude 20° 57.00' south, longitude 149° 11.00' east
- to latitude 20° 52.90' south, longitude 149° 04.40' east
- to the high-water mark on the mainland at the north-eastern tip of Cape Hillsborough.

## **8 St Helens Bay**

The waters bounded by an imaginary line drawn—

- from the high-water mark on the mainland at the north-eastern tip of Cape Hillsborough
- to latitude 20° 52.90' south, longitude 149° 04.40' east
- to latitude 20° 45.00' south, longitude 148° 53.00' east
- to latitude 20° 36.00' south, longitude 148° 55.00' east
- to the high-water mark at the eastern tip of the southern bank of the mouth of Hervey Creek on the mainland.

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**9 Bowen, Whitsunday Passage and Repulse Bay**

The waters bounded by an imaginary line drawn—

- from the high-water mark at the eastern tip of the southern bank of the mouth of Hervey Creek on the mainland
- to the south-western tip of Shaw Island
- along the western shore of Shaw Island and Gaibirra Island to the northern tip of Gaibirra Island
- to the southern tip of Maher Island
- along the western shore of Maher Island to Jesuit Point
- to the southern tip of Harold Island
- along the eastern shore to the northern tip of Harold Island
- to the south-eastern tip of Deloraine Island
- along the eastern shore to the north eastern tip of Deloraine Island
- to a point situated 1n mile north-east of Pinnacle Point, Hook Island
- to a point situated 1n mile north of Dolphin Point, Hayman Island
- to a point situated 1n mile north of the northern tip of Eshelby Island
- to a point situated 1n mile north of the northern tip of Rattray Island
- to a point situated 1n mile north of Gloucester Head, Gloucester Island
- to the north headland at the mouth of the Don River on the mainland.

**10 Upstart Bay**

The waters of Upstart Bay south of a line between the north-western tip of Cape Upstart to the high-water mark at

approximate latitude 19° 40.02' south, longitude 147° 36.44' east in the vicinity of Rita Island.

## **11 Townsville**

The waters bounded by an imaginary line drawn—

- from Cape Pallarenda on the mainland
- to Bay Rock
- to a point situated 0.5n mile north of White Rock
- to a point situated 0.5n mile north of The Point, Magnetic Island
- to a point situated 0.5n mile north of Orchard Rocks
- to Cape Cleveland on the mainland.

## **12 Palm Islands**

The waters bounded by an imaginary line drawn—

- from Lucinda Point on the mainland
- to George Point, Hinchinbrook Island
- to the northern tip of Pelorus Island
- along the western shore of Pelorus Island to its south-western tip
- to Iris Point, Orpheus Island
- along the western and southern shores of Orpheus Island to latitude 18° 39.31' south on the eastern side of the island
- to the western tip of Curacoa Island
- along the northern and eastern shores of Curacoa Island to its eastern tip
- to the northern tip of Great Palm Island
- along the western shore of Great Palm Island to latitude 18° 44.91' south

- due west to the mainland.

### 13 Rockingham Bay

The waters bounded by an imaginary line drawn—

- from Ninney Point on the mainland
- to a point situated 0.5n mile east of Clump Point on the mainland
- to a point situated 0.5n mile east of South Island in the Brook Islands Group
- to Cape Sandwich, Hinchinbrook Island
- along the northern shore of Hinchinbrook Island to Hecate Point
- to latitude 18° 14.91' south on the mainland.

### 14 Cairns

The waters bounded by an imaginary line drawn—

- from Buchan Point on the mainland
- to a point situated 0.5n mile north of the northern tip of Double Island
- to a point situated 0.5n mile north of Upolu Reef
- then following the northern and eastern edges of Upolu Reef at a distance of 0.5n mile from the reef
- to a point situated 0.5n mile from the eastern tip of Upolu Reef
- to the eastern tip of Green Island
- to the eastern tip of Little Fitzroy Island
- along the south-eastern shore to the southern tip of Little Fitzroy Island
- to the north-eastern tip of Fitzroy Island
- along the western shore of Fitzroy Island to its south-western tip

- to the southern headland of Little Turtle Bay on the mainland.

## **15 Port Douglas**

The waters bounded by an imaginary line drawn—

- from Island Point on the mainland
- to a point situated 0.5n mile east of the Low Islets
- to Cape Tribulation on the mainland.

## **16 Thursday Island**

The waters bounded by an imaginary line drawn—

- from Van Speult Point on the mainland
- to a point situated 0.5n mile south-west of Barn (Parau) Island
- to latitude 10° 43.51' south, longitude 142° 15.87' east on Prince of Wales Island (Rattlesnake Point)
- along the eastern and northern shores of Prince of Wales Island to Hochepped Head
- to the western tip of Friday Island
- to Harrison Rock
- to Hammond Rock
- to a point situated 0.5n mile north of Ince Point, Wednesday Island
- to Strait Rock
- to King Point, Horn Island
- along the eastern and southern shores of Horn Island to Garagar Point
- to Peak Point on the mainland
- along the shore to Van Speult Point.



**17 Weipa**

The waters bounded by an imaginary line drawn—

- from Duyfken Point on the mainland
- to Thud Point on the mainland
- along the shore to Duyfken Point.

**18 Karumba**

The waters within a 7.5n mile radius of the north head of the Norman River entrance.

## **Schedule 8      Smooth waters**

schedule 9, definition *smooth waters*

### **1      Brisbane**

- (1) The waters bounded by an imaginary line drawn—
- from Cleveland Point on the mainland
  - to Amity Point, North Stradbroke Island
  - along the western shore of North Stradbroke Island to longitude 153° 26.56' east
  - due south to South Stradbroke Island
  - along the western shore of South Stradbroke Island to the outer northern breakwater of the Gold Coast Seaway
  - to the outer southern breakwater of the Gold Coast Seaway at The Spit on the mainland.
- (2) The waters bounded by an imaginary line drawn—
- from latitude 27° 05.90' south on the mainland
  - to South Point, Bribie Island
  - along the western shore of Bribie Island to its northern tip
  - to the high-water mark at longitude 153° 07.81' east on the mainland.

### **2      Maryborough**

- The waters bounded by an imaginary line drawn—
- from latitude 25° 24.90' south on the mainland
  - due east to longitude 152° 58.06' east
  - in a north-easterly direction to the intersection of latitude 25° 22.90' south and Fraser Island

- along the western shore of Fraser Island to longitude 153° 04.06' east
- to Inskip Point on the mainland.

### **3 Seventeen Seventy**

The waters bounded by an imaginary line drawn—

- from the north-east point of Eurimbula National Park at latitude 24° 10.332' south, longitude 151° 52.192' east
- to Monument Point at latitude 24° 9.60' south, longitude 151° 52.96' east.

### **4 Gladstone**

The waters bounded by an imaginary line drawn—

- from latitude 23° 51.91' south on the mainland
- due east to Facing Island
- along the western shore of Facing Island to North Point
- to Connor Bluff, Curtis Island
- along the southern and western shores of Curtis Island to latitude 23° 33.91' south
- due west to Division Point on the mainland.

### **5 Port Alma**

The waters bounded by an imaginary line drawn—

- from Cattle Point on the mainland
- to Sea Hill Point, Curtis Island
- along the western shore of Curtis Island to latitude 23° 33.91' south
- due west to Division Point on the mainland.

**6 Bowen**

The waters bounded by an imaginary line drawn—

- from Dalrymple Point on the mainland
- to Adelaide Point on the mainland
- along the shore to Dalrymple Point.

**7 Lucinda**

The waters bounded by an imaginary line drawn—

- from Lucinda Point on the mainland
- to George Point, Hinchinbrook Island
- along the southern and western shores of Hinchinbrook Island to Hecate Point
- to the high-water mark at latitude 18° 14.91' south on the mainland.

**8 Mourilyan**

The waters bounded by an imaginary line drawn—

- from Goodman Point on the mainland
- to Camp Point on the mainland
- along the high-water mark to Goodman Point.

**9 Cairns**

The waters bounded by an imaginary line drawn—

- from Bessie Point on the mainland
- to Ellie Point on the mainland
- along the shore to Bessie Point.

**10 Port Douglas**

The waters bounded by an imaginary line drawn—

- from Island Point on the mainland
- due north to latitude  $16^{\circ} 28.41'$  south
- due west to the mainland.

## 11 Cooktown

The waters bounded by an imaginary line drawn—

- from the vicinity of Queens Chair at longitude  $145^{\circ} 15.39'$  east on the mainland
- to latitude  $15^{\circ} 27.01'$  south, longitude  $145^{\circ} 15.67'$  east
- due west to the mainland.

## 12 Thursday Island

The waters bounded by an imaginary line drawn—

- from longitude  $142^{\circ} 15.37'$  east on Horn Island
- due north to latitude  $10^{\circ} 33.01'$  south (near Channel Rock)
- due west to Hammond Island at latitude  $10^{\circ} 33.01'$  south
- along the southern shore of Hammond Island to Kate Point
- to Heath (Kiwain) Point, Prince of Wales Island
- along the eastern shore of Prince of Wales Island to Red Point
- to Garagar Point, Horn Island
- along the western shore to longitude  $142^{\circ} 15.37'$  east on Horn Island.

## 13 Weipa

The waters bounded by an imaginary line drawn—

- from Wooldrum Point on the mainland

Schedule 8

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- to latitude 12° 35.01' south, longitude 141° 47.67' east on the mainland
- along the shore to Wooldrum Point.

**14 Karumba**

The waters within a 4n mile radius of the north head of the Norman River entrance.

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## Schedule 9 Dictionary

## section 3

***ABP Standard*** means the standard entitled National Standard for the Australian Builders Plate for Recreational Boats endorsed by the former Australian Transport Council and published by the entity formerly known as the National Marine Safety Committee.

*Note—*

At the commencement of this definition, a copy of the standard is available on the Australia New Zealand Safe Boating Education Group's website.

***accredited surf life saving club*** means a surf life saving club accredited by the emergency services department.

***administering agency***, for an authority, a marine licence or a marine licence indicator, see section 99.

***all-round light*** see the collision regulations, rule 21(e).

***AMSA*** means the Australian Maritime Safety Authority.

***approving entity***, for a buoy mooring approval, see section 186.

***AQF*** means the Australian Qualifications Framework under the *Higher Education Support Act 2003* (Cwlth).

***aquatic event*** means an event or activity described in section 217(1) of the Act.

***aquatic event authority*** means a consent under section 198 to hold an aquatic event.

***area VTS***, for a pilotage area, means the vessel traffic services operated by the general manager in the pilotage area.

*Note—*

The VHF radio frequencies used by an area VTS are stated in notices to mariners published by MSQ, which are available for inspection at the offices of MSQ during normal office hours or on MSQ's website.

**authority** see section 100.

**beyond**, in relation to smooth waters or partially smooth waters, means seawards from the smooth waters or the partially smooth waters.

**BS** means a standard published by the British Standards Institution.

**builders plate** means a plate fixed to a ship displaying information about the ship that is relevant to marine safety.

**builders plate approver** see section 49.

**buoy mooring approval** means an approval under section 186 to establish a buoy mooring.

**buoy mooring direction** means a direction under section 183(3), 185(3) or 192(4).

**category 1 area**—

- (a) for a buoy mooring in Queensland waters other than Gold Coast waters—see section 182(2)(a); or
- (b) for a buoy mooring in Gold Coast waters—see section 184(1)(a).

**category 2 area**—

- (a) for a buoy mooring in Queensland waters other than Gold Coast waters—see section 182(2)(b); or
- (b) for a buoy mooring in Gold Coast waters—see section 184(1)(b).

**category 3 area**—

- (a) for a buoy mooring in Queensland waters other than Gold Coast waters—see section 182(3); or
- (b) for a buoy mooring in Gold Coast waters—see section 184(2).

**change of address label** means a change of address label mentioned in section 145(2)(b).

**collision regulations** means the International Regulations for Preventing Collisions at Sea published by the International Maritime Organization.



*Note—*

The collision regulations are included as an Appendix to the Marine Orders - Part 30: Prevention of Collisions, Issue 8 (Cwlth).

***compliant***, for a handheld red flare or orange smoke signal, means that the flare or signal complies with—

- (a) the NSCV; or
- (b) SOLAS; or
- (c) AS 2092—2004 (Pyrotechnic marine distress flares and signals for pleasure craft).

***compliant inflatable diver's jacket*** means an inflatable diver's jacket complying with BS EN 12628:1999 (Diving accessories. Combined buoyancy and rescue devices. Functional and safety requirements, test methods).

***crew***, of a ship, means the ship's crew members and any other persons employed or engaged in any capacity on board, but does not include the master or pilot of the ship.

***crew member***, of a ship, means a person who is employed or engaged on board the ship to perform duties relating to the navigation or operation of the ship, but does not include the master or pilot of the ship.

***criminal history check*** means a written report from the commissioner of the police service about a person's criminal history.

***current postal address***, for a person, means a postal address—

- (a) given by the person to the department for use by the department (whether or not it was given for the purpose of this regulation); and
- (b) for which no written notice from the person, asking the department to discontinue use of the postal address, has been received by the department.

***damaged—***

- 1 ***Damaged***, for a marine licence indicator for a marine licence that is not a smartcard marine licence indicator, includes destroyed, defaced, mutilated or made illegible.

2 *Damaged*, for a smartcard marine licence indicator for a marine licence—

(a) means—

(i) the smartcard marine licence indicator is damaged to an extent that—

(A) any information on the smartcard marine licence indicator (including a change of address label) is impossible or difficult to read without the use of technology; or

(B) a digital photo or a digitised signature on the smartcard marine licence indicator is impossible or difficult to recognise without the use of technology; or

(ii) any information stored electronically on the smartcard marine licence indicator is no longer accessible by using the holder's PIN; and

(b) includes destroyed.

3 However, *damaged*, in relation to a marine licence indicator, does not include the marine licence indicator being destroyed as required under section 149.

*dangerous cargo* see AS 3846—2005 (The handling and transport of dangerous cargoes in port areas).

*dangerous cargo code* means any of the following—

(a) the IMSBC code as it applies to Group B materials mentioned in the IMSBC code, appendix 4;

(b) the IMDG code;

(c) ISGOTT;

(d) the Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases, issued by the International Chamber of Shipping, the Chemical Distribution Institute, the Society of International Gas

Tanker and Terminal Operators and the Oil Companies International Marine Forum;

- (e) the Tanker Safety Guide (Chemicals) issued by the International Chamber of Shipping;
- (f) the Tanker Safety Guide (Liquefied Gas) issued by the International Chamber of Shipping.

***dangerous goods*** means dangerous goods to which the IMDG code applies.

***emergency services department*** means the department in which the *Fire and Emergency Services Act 1990* is administered.

***EPIRB*** means an emergency position indicating radio beacon.

***examining approval*** means an approval, under section 65, of an entity to conduct examinations mentioned in section 64.

***Far North Queensland Ports Corporation*** means Far North Queensland Ports Corporation Limited ACN 131 836 014.

***fee*** see section 200.

***fishing ship*** means—

- (a) a ship with a certificate of operation issued, or taken to be issued, under the national law stating it is a class 3 ship; or
- (b) a tender to a ship mentioned in paragraph (a).

***freestyle***, for a ship, means drive the ship in a way that its course or speed is insufficiently predictable to allow masters of other ships to readily decide what course and speed to take to avoid a collision with the ship.

***Gladstone Ports Corporation*** means Gladstone Ports Corporation Limited ACN 131 965 896.

***government entity*** means a government entity under the *Public Service Act 2008*, section 24.

***grant*** includes issue.

***handle***, in relation to dangerous cargo, includes carry, discharge, load, move, restow, stack, stow and unload and

anything incidental to carrying, discharging, loading, moving, restowing, stacking, stowing or unloading.

**harbour master**—

- (a) for a pilotage area, see section 162; or
- (b) for chapter 9, see section 181(6).

**holder**, of an authority or marine licence, means—

- (a) if the authority is the registration of a ship—the person in whose name the ship is registered; or
- (b) otherwise—the person to whom the authority is granted.

*Note*—

For a marine licence indicator, see schedule 1 of the Act, definition *holder*.

**IMDG code** means the International Maritime Dangerous Goods Code published by the International Maritime Organization.

**IMSBC code** means the International Maritime Solid Bulk Cargoes Code published by the International Maritime Organization.

**ISGOTT** means the International Safety Guide for Oil Tankers and Terminals issued by the International Chamber of Shipping, the Oil Companies International Marine Forum and the International Association of Ports and Harbors.

**issuing entity** means a harbour master, the general manager or the Gold Coast Waterways Authority.

**land** means a part of the earth's surface (other than a reef) above ordinary high-water mark at spring tides.

**level flotation**, for a ship, means level flotation within the meaning of the ABP Standard.

**lifejacket** means a garment or device that, when correctly worn and used in water, will provide the wearer with a specific amount of buoyancy which will increase the likelihood of survival.

***lifejacket level 50*** means a lifejacket classified as level 50 under AS 4758 (Lifejackets) as in force at the date of manufacture for the lifejacket.

***lifejacket level 50S*** means a lifejacket classified as a level 50 special purpose lifejacket under AS 4758 (Lifejackets) as in force at the date of manufacture for the lifejacket.

***lifejacket level 100*** means any of the following—

- (a) a lifejacket complying with SOLAS, chapter III, regulation 32;
- (b) a coastal lifejacket complying with the requirements in the NSCV, part C, section 7, subsection 7A, annex G;
- (c) a lifejacket classified as level 100, 150 or 275 under AS 4758 (Lifejackets) as in force at the date of manufacture for the lifejacket.

***local marine service*** means a shipping service in which a ship is operated on Queensland intrastate voyages to handle dangerous cargo.

***marine safety legislation*** means any of the following—

- (a) the Act;
- (b) a law of the Commonwealth, a State or a foreign country about marine safety.

***mooring manager***—

- (a) for a buoy mooring in a category 1 area in Queensland waters other than Gold Coast waters—see section 182(4); or
- (b) for a buoy mooring in a category 1 area in Gold Coast waters—see section 184(3).

***North Queensland Bulk Ports Corporation*** means North Queensland Bulk Ports Corporation Limited ACN 136 880 218.

***NSCV*** means the National Standard for Commercial Vessels published by AMSA on its website.

***offer to occupy*** means an offer to occupy a stated buoy mooring location under a buoy mooring approval made by an

approving entity under section 186 to the person who applied for the approval.

***partially smooth waters*** means the waters described in schedule 7, other than waters within 0.5n mile from land.

***passenger***, for a ship, means any person on the ship other than—

- (a) the master of the ship; or
- (b) any of the crew of the ship; or
- (c) the pilot of the ship; or
- (d) a child under 1 year.

***pilotage exemption certificate*** means a certificate exempting the master of a ship from pilotage in a pilotage area.

***pilot licence*** means a licence authorising the holder of the licence to have the conduct of a ship as its pilot.

***Port of Townsville Limited*** means Port of Townsville Limited ACN 130 077 673.

***prescribed other Queensland regulated ship*** means an other Queensland regulated ship that—

- (a) is 6m or more in length; or
- (b) is designed to carry more than 12 persons on the ship; or
- (c) operates more than 15n miles from land.

***prescribed review information***, for a decision, means information that a person whose interests are affected by the decision may—

- (a) under section 203B of the Act, ask for the decision to be reviewed by the entity by or for whom the decision was made; and
- (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2, apply to QCAT for the decision to be stayed; and
- (c) under section 203C of the Act, ask for the decision on the review (the ***reviewed decision***) to be reviewed by QCAT; and

- (d) under the QCAT Act, apply to QCAT for the reviewed decision to be stayed.

***reasonably satisfied*** means satisfied on reasonable grounds.

***register*** means the register of registered Queensland regulated ships kept by the chief executive and the general manager under section 34.

***registered***, for a ship, means registered under this regulation.

***registered owner***, of a ship, means the owner in whose name the ship is registered.

***registering entity*** see section 29(1).

***registration fee***, for a ship, means the fee for the registration of the ship stated in schedule 6, part 1, division 1.

***required licence***, for a person operating a ship as its master, or acting as a crew member of a ship, means the licence the person must hold to operate the ship, or act as a crew member of the ship, under chapter 4, part 1, division 2.

***required lifejacket***, for an individual on board a ship, see section 22.

***restricted use authority*** means an authority authorising the operation of a ship for 1 or more of the uses mentioned in section 53(1).

***restricted use buoy mooring*** means a buoy mooring to which only a particular ship, owned by the holder of the buoy mooring approval for the buoy mooring and stated in the approval, may be moored.

***school*** means a State school or non-State school, as defined under the *Education (General Provisions) Act 2006*, providing primary education, secondary education, or special education, as defined under that Act.

***smooth waters*** means the waters—

- (a) of rivers, creeks, streams and lakes; or
- (b) within breakwaters or revetments; or
- (c) within 0.5n mile from land that are within waters described in schedule 7; or

(d) described in schedule 8.

**SOLAS** means the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1978.

**speed** means speed over the ground.

**surf**, for a ship, means drive the ship down a breaking wave, wake or swell.

**temporary permit** means a permit under section 75 to operate a prescribed other Queensland regulated ship as a master or act as a crew member of a prescribed other Queensland regulated ship.

**training program approval** means an approval, under section 67, of an entity to provide training programs for the operation of recreational ships and personal watercraft.

**underway** means not at anchor, moored, made fast to the shore or aground.

**unlicensed person**, for a ship, means a person who does not hold the required licence to operate the ship as its master.

**unrestricted use buoy mooring** means a buoy mooring to which any ship, with the consent of the holder of the buoy mooring approval for the buoy mooring, may be moored.

**V sheet** means a rectangular sheet of water-resistant material that—

- (a) is fluorescent orange or red; and
- (b) has the letter ‘V’ displayed prominently on it in black; and
- (c) is at least 1.8m x 1.2m.

**waterskiing** means the activity of towing a person by a line attached to a ship, including, for example, a person riding on a toboggan or tube.

**wave jump**, for a ship, means drive the ship over a breaking wave, wake or swell for the purpose of making the ship airborne, other than in the ordinary course of navigation.