



Queensland

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2005

Explanatory Notes for SL 2005 No. 328

made under the

Transport Operations (Marine Safety) Act 1994

1 General Outline

The Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2005 provides for the necessary consequential amendments to the Transport Operations (Marine Safety) Regulation 2004 to reflect and conform with changes made in the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005.

2 Short Title

The short title of the proposed amendment regulation is the Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2005.

3 Authorising Law

The power to make the proposed amendment regulation is set out in section 207 of the Transport Operations (Marine Safety) Act 1994. A regulation may be made about marine safety and issues affecting marine safety.

4 Policy Objectives

The primary function of the proposed amendment regulation is to provide transitional arrangements for existing examining and training program

approval holders. As an authority issued under the Regulation, the term of an approval is for the period stated on the authority. Typically the term of an approval is 5 years.

The Transport Operations (Marine Safety – Marine Driver Licence Approvals) Interim Standard (No. 2) 2005 will continue to apply to existing examining and training program approval holders or applicants who had applied for an approval or renewal before 1 January 2006.

However, entities wishing to renew their approval on or after 1 January 2006 will need to comply with the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005.

5 How the Amendment Regulation will achieve the Policy Objectives

The operative parts of the proposed amendment regulation:

- allows for an entity which currently holds an approval to maintain that approval until it expires.
- allows for an entity which has applied for or wishes to renew an approval prior to the commencement date of 1 January 2006 of the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005 to be approved under the current Transport Operations (Marine Safety- Marine Driver Licence Approvals) Interim Standard (No.2) 2005.
- stipulates that an entity which applies for a renewal after the commencement date of 1 January 2006 must meet the new requirements set out in the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005.

6 Alternative ways of achieving Policy Objectives

The alternative to the amendment regulation would be to require current approval holders or those wishing to apply for an approval prior to 1 January 2006 to conform with the provisions set out in the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005.

This would not allow industry participants any transition period to conform with the provisions of the proposed new standard.

The purpose of the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005 and the necessary amendment regulation is to improve the qualifications and skill level of examiners and trainers thereby improving safety of the boating public throughout Queensland.

7 Consistency of the Standard with the Policy Objectives of the Authorising Law

The proposed amendment regulation is consistent with the overall objectives outlined in section 3(1) of the Act and contribute to the provision of a system that achieves an appropriate balance between:

- regulating the maritime industry to ensure maritime safety; and
- enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

8 Consistency with Other Legislation

The proposed amendment regulation is part of a broader framework of state and federal maritime safety law. Consistency with Commonwealth maritime legislation and the legislative provisions of the other Australian states and territories is being achieved through the coordinated development and adoption of uniform national marine safety legislation.

9 Benefits and Costs of Standard

The benefit of the proposed amendment regulation is to allow for current examiners and trainers time to conform with the provisions set out in the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005. This will allow existing entities to upgrade the qualifications and expertise of their staff over a period of time which allows for a balance between financial costs and the upgrading of examining and training levels of qualification.

10 Notes on Sections

Short Title

Section 1 – sets out the short title of the amendment regulation

Commencement

Section 2 – provides for the amendment regulation to commence on 1 January 2006.

Regulation amended

Section 3 – states that the amendment regulation amends the Transport Operations (Marine Safety) Regulation 2004.

Amendment of s 104 (Approval of entity to provide training)

Section 4 – adds the words "programs for the operation of ships" after "training" to section 104 of the regulation to clarify the application of the provisions of the proposed new standard.

Amendment of s 148 (What is an authority)

Section 5 – adds the word "program" after "training" in section 148(1)(e) to clarify the application of the provisions of the proposed new standard.

New Section 236B (Transitional provision for the Transport Operations (Marine Safety – Examining and Training Approvals (Recreational Ships and Personal Watercraft)) Standard 2005)

Section 6 – (1)(a) explains that the current Transport Operations (Marine Safety – Marine Driver Licence Approvals) Interim Standard (No. 2) 2005 continues to apply to an entity which holds an approval prior to 1 January 2006.

Section 6 – (1)(b) explains that an entity which applies for a new approval or renewal prior to 1 January 2006 will be regulated by the Transport Operations (Marine Safety – Marine Driver Licence Approvals) Interim Standard (No. 2) 2005.

Section 6 – (2) explains that an entity that wishes to apply for a renewal of their approval after 1 January 2006 will be regulated by the Transport Operations (Marine Safety – Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005.

Section 6 – (3) defines the "2005 standard" and the sets out the meaning of "approval" for the standard.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport.