



Queensland

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2006

Explanatory Notes for SL 2006 No. 20

made under the

Transport Operations (Marine Safety) Act 1994

1 General Outline

The *Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2006* (the amendment regulation) provides for the necessary consequential amendments to the *Transport Operations (Marine Safety) Regulation 2004* (the regulation) to provide transitional arrangements for existing holders of accreditation as ship designers, ship builders or marine surveyors, and to ensure consistency between the regulation and the proposed standards:

- *Transport Operations (Marine Safety – Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006.*
- *Transport Operations (Marine Safety – Designing and Building Commercial Ships and Fishing Ships) Standard 2006.*
- *Transport Operations (Marine Safety – Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006.*
- *Transport Operations (Marine Safety – Recreational Ships Miscellaneous Equipment) Standard 2006.*

2 Short Title

The short title of the proposed amendment regulation is the *Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2006*.

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 accreditation holders and persons who have applied for, or commenced study for, accreditation under the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Interim Standard (No. 2) 2005* (the interim standard).

The amendment regulation also contains minor amendments to safety equipment requirements and updates references to Australian Standards to keep the regulation in line with the standards.

5 How the Amendment Regulation will achieve the Policy Objectives

The operative parts of the proposed amendment regulation:

- allow for a person who currently holds an approval to maintain that approval until it expires.
- allow for a person who has applied for or wishes to renew an approval prior to the commencement date of 1 March 2006 of the *Transport Operations (Marine Safety – Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006* (the new standard) to be approved under the interim standard with transitional provisions to the new standard.
- allow such persons to renew their accreditation after 1 March 2006 without complying with the revised educational requirements of the new standard.

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 March 2006 to conform with the provisions set out in the new standard. This

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

7 Consistency of the Amendment Regulation 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 the Amendment Regulation

The benefit of the proposed amendment regulation is to allow current approval holders to continue to operate without the cost of immediately renewing accreditation under the revised *Transport Operations (Marine Safety - Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006*. Renewals of accreditation for such approval holders will not require them to upgrade educational qualifications provided the remaining provisions of the standard are complied with.

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 March 2006.

Regulation amended

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

Amendment of s 13 (Lifesaving appliances – commercial ships to comply with USL code with changes)

Section 4 – amends section 13(3)(e) of the regulation by removing the requirement that a person on a commercial ship wearing an inflatable diver's jacket in place of a life jacket must also wear a wetsuit.

Amendment of s 31 (Safety equipment for recreational ship operating in partially smooth waters and beyond)

Section 5 – updates the reference in section 31(2)(c) of the regulation to the Australian Standard AS 2092 for flares and signals by omitting '1988' and inserting '2004'.

Amendment of s 32 (Exception for anyone on recreational ship wearing wet suit and diver's jacket)

Section 6 – amends section 32 of the regulation by removing the requirement that a person on a recreational ship wearing an inflatable diver's jacket in place of a life jacket must also wear a wetsuit.

Amendment of s 38 (Safety equipment for tender operating in partially smooth waters and beyond)

Section 7 – updates the reference in section 38(4)(c) of the regulation to the Australian Standard AS 2092 for flares and signals by omitting '1988' and inserting '2004'.

Amendment of s 39 (Exception for persons on tender wearing wet suit and diver's jacket)

Section 8 - amends section 39 of the regulation by removing the requirement that a person on a tender wearing an inflatable diver's jacket in place of a life jacket must also wear a wetsuit.

Amendment of s 44 (Accreditation as a ship designer, ship builder or marine surveyor)

Section 9 – amends section 44 (2) by replacing the title of the standard with the words "a standard made for this section". This removes the necessity to amend the regulation at any time the standard is made or revised.

Omission of pt 12

Section 10 – omits part 12 of the regulation which repealed the *Transport Operations (Marine Safety) Regulation 1995*.

New s 237 (Transitional provision for the Transport Operations (Marine Safety – Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006)

Section 11 – preserves the application of the *Transport Operations (Marine Safety – Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Interim Standard (No. 2) 2005* (the interim standard) to:

- the accreditation of persons accredited before the standard commences
- applications for accreditation or renewal made but not finalised before the standard commences
- persons who before the standard commences had started study or an apprenticeship for a qualification for accreditation.

Renewal applications by such persons will be subject to new standard, with the exception of the educational qualifications in sections 7, 8 and 9.

Amendment of sch 1 (Standards)

Section 12 – updates the reference in schedule 1 of the regulation to the Australian Standard AS 2092 for flares and signals by omitting '1988' and inserting '2004', and corrects the format of the reference to BS EN 12628:1999 (Diving accessories. Combined buoyancy and rescue devices. Functional and safety requirements, test methods).

ENDNOTES

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