



Queensland

Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007

Explanatory Notes for SL 2007 No. 111

made under the

Transport Operations (Marine Safety) Act 1994

1 General Outline

The proposed standard prescribes minimum requirements that a training provider must meet in order to be approved to train and examine those persons who will be licensed to operate a commercial or fishing ship in Queensland waters.

2 Short Title

The short title of the proposed standard is the *Transport Operations (Marine Safety – Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007*.

3 Authorising Law

The power to make the standard, and the required procedure, is set out in part 4 division 2 of the *Transport Operations (Marine Safety) Act 1994* (the Act). A standard may provide for any matter about which a regulation may be made but may not prescribe for offences, fees or charges. A regulation may be made about marine safety and issues affecting marine safety.

Section 103 of the *Transport Operations (Marine Safety) Regulation 2004* (the Regulation) empowers the general manager of Maritime Safety Queensland (MSQ) to approve entities to conduct examinations for issuing licences only if the entity qualifies under a standard.

Section 104 of the Regulation empowers the general manager of MSQ to approve entities to provide training programs in the operation of ships only if the entity qualifies under a standard.

4 Policy Objectives

The objective of establishing the standard as provided for in the Act is to ensure that persons engaged in training and examining candidates for marine licences have the necessary competence, expertise, experience and access to resources to deliver training and assess the competence of candidates.

5 How Standard will achieve the Policy Objectives

The operative parts of the proposed standard require persons engaged in training and assessing for marine qualifications to meet specific standards of experience and qualifications in line with Maritime Safety Queensland policy and Australian Quality Training Framework requirements.

6 Alternative ways of achieving Policy Objectives

The policy objective is best obtained by including current policy in the standard. The alternative of keeping the requirements purely as policy has proven unsatisfactory. Approvals under the Regulation may only be granted to entities that qualify under a standard.

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

The proposed standard is consistent with the overall objectives outlined in section 3(1) of the Act and contributes 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 standard 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 standards, for example the National Standard for the Administration of Marine Safety: Auditing of Registered Training Organisations.

9 Benefits and Costs of Standard

The revisions to the training and examining standard to ensure training providers can deliver competency based training will not impose any additional costs beyond those already incurred by training providers to comply with Australian Quality Training Framework guidelines.

The major benefit for the community in making the proposed standards is in the continued provision of appropriate standards for the safety and protection of people in the marine environment.

The cost of developing, establishing, implementing and monitoring compliance with the proposed standards will be met within Maritime Safety Queensland's existing budget allocations. Introducing the proposed standards will not increase compliance monitoring costs compared with the costs for monitoring under the current standards.

10 Consistency with fundamental legislative principles

The proposed standard is consistent with fundamental legislative principles as outlined in the *Legislative Standards Act 1992*.

11 Consultation

The proposed standard is based on the consultation process required under part 4 division 2 of the Act, including the publication of a proposal

document, and consultation draft standards. The advice of the Marine Board was sought at each stage.

Stakeholders largely supported the making of the standard which implements the guidelines for competency based training and assessment under the Australian Quality Training Framework.

Notes on sections

Short title

Clause 1 - sets out the short title of the standard.

Commencement

Clause 2 - provides for the standard to commence on 15 June 2007.

Definitions

Clause 3 – defines terms used in the standard.

Application of standard

Clause 4 – states that the standard applies to commercial ships and fishing ships.

Main purpose

Clause 5 – the proposed standard provides minimum requirements that an entity must meet in order to be approved under the Regulation as a training provider to train and examine those person who will be licensed to operate a commercial or fishing ship in Queensland waters.

Qualification of entity

Clause 6 – provides that an entity qualifies for approval if:

- it is registered under the *Vocational Education, Training and Employment Act 2000* or a corresponding law; and
- it satisfies the general manager that its expertise and resources are adequate for conducting examinations or providing training programs; and
- it can provide specified information to a shipping inspector for inspection; and
- it is solvent.

Expertise of entity

Clause 7(1) – outlines the matters to which the general manager may have regard in deciding whether an entity’s expertise is adequate for approval, such as the qualifications, knowledge and skills of the individuals who will conduct examinations and provide training for the entity.

Clause 7(2) – deals with the qualifications and experience of individuals who provide training and conduct examinations for an entity, which the general manager may consider in deciding whether the entity’s expertise is adequate. Individuals may have a licence at a higher level than the level of training to be delivered; or a licence at the same level combined with relevant industry experience; or units of competency at the same level combined with relevant industry experience.

Clause 7(3) – outlines what the general manager may regard as relevant industry experience.

Clause 7(4) – defines an open licence for the clause.

Resources of entity

Clause 8 – outlines the matters to which the general manager may have regard in deciding whether an entity’s resources are adequate for approval, such as whether the entity can provide facilities and equipment, and the use of a suitable ship or engineering facility.

Information for inspection

Clause 9 – outlines the information that an entity must be able to make available for inspection by a shipping inspector, including:

- student contact details;
- student and trainer attendance details;
- each record of examination for each student for the past three years; and
- comprehensive details about how the examinations and training programs are conducted.

Solvency of entity

Clause 10 – outlines when an entity is considered to be solvent for the purpose of the standard.

Repeal

Clause 11 – repeals the *Transport Operations (Marine Safety – Examining and Training (Commercial and Fishing Ships)) Standard 2000*.

ENDNOTES

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