

Transport Operations (Marine Safety— Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Amendment Standard (No. 1) 2014

Explanatory notes for SL 2014 No. 262

made under the

Transport Operations (Marine Safety) Act 1994

General Outline

Short title

Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Amendment Standard (No. 1) 2014

Authorising law

Section 45 and 207 of the *Transport Operations (Marine Safety) Act 1994*

Policy objectives and the reasons for them

The *Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005* (the Standard) refers to certain qualifications being required in accordance with the Australian Qualifications Framework (AQF). The references to AQF in the Standard currently refer to section 19 of the *Vocational Education, Training and Employment Act 2000*.

The *Vocational Education, Training and Employment Act 2000* was repealed by section 198 of the *Further Education and Training Act 2014* (No. 25 of 2014).

References to the AQF across the statute book were updated as part of the *Further Education and Training Act 2014* and the *Further Education and Training Regulation 2014*. However, references to the AQF in the Standard could not be updated at the same time, as the Standard is made by the General Manager of Maritime Safety Queensland in accordance with section 45 of the *Transport Operations (Marine Safety) Act 1994*.

The purpose of the amending standard is to update the reference to the AQF in the Standard and make other minor amendments.

Achievement of policy objectives

Changes recommended by Department of Education, Training and Employment (DETE)

The following minor changes to the Standard were recommended by DETE:

- update the definition of “AQF” to refer to the Australian Qualifications Framework as defined under the *Higher Education Support Act 2003* (Cwlth) rather than the *Vocational Education, Training and Employment Act 2000* (Qld);
- replace the reference to “a teaching diploma or degree recognised by the Queensland Studies Authority” with “a qualification mentioned in section 5 of the *Education (Queensland College of Teachers) Regulation 2005*”. DETE advised that the Queensland Studies Authority has never recognised teaching qualifications and this reference should be to qualifications recognised by the Queensland College of Teachers, which is what section 5 of the above regulation deals with. In practice, this is not intended to change the qualification required to hold a BoatSafe accreditation, it is merely correcting a reference.

Red tape reduction measures

During the process of making the above amendments, the following minor amendments were also identified and will reduce red tape and the regulatory burden:

- remove the examples of certificate IV qualifications and units which are contained in the Standard. These references are subject to frequent change and can be provided as part of departmental information, rather than being contained in the Standard;
- remove the requirement to have completed the assessment-related units of competency from a certificate IV level qualification in training and assessment or equivalent referred to in section 8(2)(d)(ii)(A) and (B) of the Standard, as it was decided that holding a teaching diploma or degree is sufficient. This change will reduce the regulatory burden on applicants for BoatSafe accreditations.

Consistency with policy objectives of authorising law

The amendments are consistent with the objectives of the authorising laws.

Benefits and costs of implementation

The benefits of the amendments include ensuring the legislation is correct and up-to-date, as well as reducing red tape and reducing the regulatory burden.

The costs of implementing the amendments is minimal and all costs will be met within existing departmental budget allocations.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

Consultation was undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Justice and Attorney-General, DETE and the Office of Best Practice Regulation (Queensland Competition Authority).

All parties consulted agree with the proposed amendments. The Office of Best Practice Regulation advised that a Regulatory Impact Statement is not required because the proposals are unlikely to have significant adverse impacts.

Amendments to standards made under the *Transport Operations (Marine Safety) Act 1994* ordinarily require public consultation under sections 47 to 50 of the Act. However, consultation is not required if the General Manager of Maritime Safety Queensland considers that the amendments fall within the matters outlined in section 54(2), including amendments that are not likely to impose appreciable costs on the community or matters that are machinery, administrative, or of a drafting or formal nature. In this instance, the General Manager decided that public consultation was not required because the amendments fall within all or any of sections 54(2)(a), (b)(i), (ii), (iii) or (v).