



Queensland

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005

Reprinted as in force on 1 September 2005

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2005 SL No. 327 s 10

Information about this reprint

This standard is reprinted as at 1 September 2005.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005

[reprinted as in force on 1 September 2005]

1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005*.

2 Commencement

This standard commences on 1 September 2005.

3 Definitions

In this standard—

collision regulations see schedule 15¹ of the regulation.

infringement notice fine, for an infringement notice offence, means an infringement notice fine under the *State Penalties Enforcement Act 1999*.²

infringement notice offence means an offence prescribed under the *State Penalties Enforcement Act 1999* to be an infringement notice offence.

insolvent under administration has the meaning given by section 71³ of the regulation.

recreational ship see schedule 15 of the regulation.

1 Schedule 15 (Dictionary) of the regulation

2 See the *State Penalties Enforcement Act 1999*, schedule 2 (Dictionary).

3 Section 71 (Definitions for div 6) of the regulation

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regulation means the *Transport Operations (Marine Safety) Regulation 2004*.

4 Qualification to conduct examinations—regulation, s 103(1)

- (1) To qualify to conduct examinations for issuing licences to operate a recreational ship⁴ as its master, the general manager must be satisfied an entity—
 - (a) holds a current appropriate licence⁵ to operate a recreational ship as its master; and
 - (b) has a reasonable knowledge of—
 - (i) the Act, the regulation and standards made under the Act; and
 - (ii) the collision regulations; and
 - (c) is reasonably competent in seafaring skills and safe operating practices for recreational ships; and
 - (d) has—
 - (i) at least 3 years practical experience in operating a recreational ship as its master; or
 - (ii) other appropriate expertise acceptable to the general manager; and
 - (e) is competent to conduct the examinations; and
 - (f) is suitable for approval to conduct examinations for issuing licences.
- (2) If the entity is a corporation or unincorporated body, the general manager must discharge the responsibility under subsection (1) by applying—
 - (a) subsection (1)(e) and (f) to the entity; and

4 See section 103 (Approval of entity to conduct examinations) of the regulation.

5 As to what is the appropriate licence, see section 95 (Required licences for recreational ships) of the regulation.

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- (b) subsection (1)(a) to (f) to an individual nominated by the entity, as if the individual were the entity.

5 Qualification to provide training—regulation, s 104(1)

- (1) To qualify to conduct training programs in the operation of recreational ships,⁶ the general manager must be satisfied an entity—
 - (a) holds a current appropriate licence⁷ to operate a commercial ship as its master; and
 - (b) has a reasonable knowledge of—
 - (i) the Act, the regulation and standards made under the Act; and
 - (ii) the collision regulations; and
 - (c) is reasonably competent in seafaring skills and safe operating practices for recreational ships; and
 - (d) has—
 - (i) at least 3 years practical experience in operating a recreational ship; or
 - (ii) other appropriate expertise acceptable to the general manager; and
 - (e) is competent to conduct the training programs; and
 - (f) is suitable for approval to conduct the training programs.
- (2) If the entity is a corporation or unincorporated body, the general manager must discharge the responsibility under subsection (1) by applying—
 - (a) subsection (1)(e) and (f) to the entity; and
 - (b) subsection (1)(a) to (f) to an individual nominated by the entity, as if the individual were the entity.

⁶ See section 104 (Approval of entity to provide training) of the regulation.

⁷ As to what is the appropriate licence, see section 88 (Required licences for commercial ships) of the regulation.

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- (3) In this section—
commercial ship see schedule 15 of the regulation.

6 Suitability for approval of individual

- (1) For section 4(1)(f) or 5(1)(f), an individual is not suitable for approval if the individual—
- (a) in the last 5 years, has been convicted of an indictable offence; or
 - (b) in the last 5 years, has had a licence to operate a ship suspended or cancelled; or
 - (c) for an approval under section 104 of the regulation—is an insolvent under administration.
- (2) In deciding whether an individual is suitable for approval, the general manager must consider whether the individual—
- (a) in the last 5 years, has been convicted of an offence against the Act; or
 - (b) in the last 2 years, has paid an infringement notice fine for an offence against the Act that is an infringement notice offence.

7 Suitability for approval of corporation

- (1) For section 4(1)(f) or 5(1)(f), a corporation is not suitable for approval if—
- (a) the corporation—
 - (i) in the last 5 years, has been convicted of an indictable offence; or
 - (ii) for an approval under section 104 of the regulation—is an externally-administered body corporate; or
 - (b) the individual nominated by the corporation under section 4(2)(b) or 5(2)(b)—

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- (i) in the last 5 years, has been convicted of an indictable offence; or
 - (ii) in the last 5 years, has had a licence to operate a ship suspended or cancelled; or
 - (iii) for an approval under section 104 of the regulation—is an insolvent under administration.
- (2) In deciding whether a corporation is suitable for approval, the general manager must consider whether the corporation or the individual nominated by the corporation under section 4(2)(b) or 5(2)(b)—
- (a) in the last 5 years, has been convicted of an offence against the Act; or
 - (b) in the last 2 years, has paid an infringement notice fine for an offence against the Act that is an infringement notice offence.
- (3) In this section—
- externally-administered body corporate* has the meaning given by the Corporations Act, section 9.⁸

8 Suitability for approval of unincorporated body

- (1) For section 4(1)(f) or 5(1)(f), an unincorporated body is not suitable for approval if the individual nominated by the body under section 4(2)(b) or 5(2)(b)—

8 Corporations Act, section 9—

externally-administered body corporate means a body corporate—

- (a) that is being wound up; or
- (b) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting; or
- (c) that is under administration; or
- (ca) that has executed a deed of company arrangement that has not yet terminated; or
- (d) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

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- (a) in the last 5 years, has been convicted of an indictable offence; or
 - (b) in the last 5 years, has had a licence to operate a ship suspended or cancelled; or
 - (c) for an approval under section 104 of the regulation—is an insolvent under administration.
- (2) In deciding whether an unincorporated body is suitable for approval, the general manager must consider whether the individual nominated by the body under section 4(2)(b) or 5(2)(b)—
- (a) in the last 5 years, has been convicted of an offence against the Act; or
 - (b) in the last 2 years, has paid an infringement notice fine for an offence against the Act that is an infringement notice offence.

9 Expiry

This standard expires 6 months after its commencement.

10 Repeal

The Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard 2005 SL No. 20 is repealed.

11 References to former standards

- (1) In a document or instrument a reference to the following standards may, if the context permits, be taken to be a reference to this standard—
 - *Transport Operations (Marine Safety—Recreational Ship Masters Licence Approvals) Standard 1998*
 - *Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard 2005.*

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- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.⁹

⁹ *Acts Interpretation Act 1954*, section 14H (References taken to be included in reference to law)

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2005	

5 List of legislation

Transport Operations (Marine Safety—Recreational Marine Driver Licence Approvals) Interim Standard (No. 2) 2005 SL No. 182

notfd gaz 12 August 2005 pp 1297–1303

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2005 (see s 2)

exp 1 March 2006 (see s 9)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.