



Queensland

*Transport Operations (Marine Safety) Act 1994*

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

Reprinted as in force on 15 June 2007

Reprint No. 1

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This standard is reprinted as at 15 June 2007.

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— Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007

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

[reprinted as in force on 15 June 2007]

### **1 Short title**

This standard may be cited as the *Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007*.

### **2 Commencement**

This standard commences on 15 June 2007.

### **3 Definitions**

In this standard—

*corresponding law* means a corresponding law for the *Vocational Education, Training and Employment Act 2000*, chapter 2 or for a provision of that chapter.

*Note—*

See the *Vocational Training, Education and Employment Act 2000*, section 19, definition *corresponding law*

*examination* includes assessment.

*VETE Act* means the *Vocational Education, Training and Employment Act 2000*.

### **4 Application of standard**

This standard applies to commercial ships and fishing ships.

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## **5 Main purpose of standard**

The main purpose of this standard is to state how entities qualify for approvals mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, sections 103 and 104.

## **6 Qualification of entity**

An entity qualifies for an approval mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, section 103 or 104 if the entity—

- (a) is either of the following—
  - (i) a registered training organisation under the VETE Act;
  - (ii) a registered training organisation under a corresponding law; and
- (b) is able to satisfy the general manager that the entity's expertise and resources are adequate for conducting examinations or providing training programs about the operation of ships; and
- (c) is able to provide the information mentioned in section 9 to a shipping inspector for inspection; and
- (d) is solvent as described in section 10.

## **7 Expertise of entity**

- (1) In deciding an entity's expertise for section 6(b), the general manager may have regard to matters the general manager considers appropriate and relevant including, for example, the qualifications, knowledge and skills of the individuals who will conduct examinations and provide training for the entity.
- (2) Without limiting subsection (1), the general manager may consider an entity's expertise to be adequate if training is provided and examinations are conducted for the entity by an individual with—

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- (a) a current open licence at a level higher than the level of examinations being conducted or training being provided; or
- (b) both of the following—
  - (i) a current open licence at the same level as the level of examinations being conducted or training being provided;
  - (ii) relevant industry experience; or

*Example for paragraph (b)—*

A person who holds a master class 5 licence and has at least 12 months sea service on a commercial ship as its master, including operations during the hours of darkness, may conduct examinations and provide training for levels up to master class 5.
- (c) both of the following—
  - (i) units of competency at the same level or a level higher than the level of examinations being conducted or training being provided;
  - (ii) a significant degree of relevant industry experience.
- (3) For subsection (2)(b) and (c), a person has relevant industry experience if the general manager is satisfied, on reasonable grounds, that the person's experience—
  - (a) is relevant to the training being provided or examination being conducted; and
  - (b) enables an examiner to conduct examinations or a trainer to provide training.
- (4) In this section—
 

***open licence*** means a licence other than—

  - (a) a restricted licence; or
  - (b) a licence limited by a condition mentioned in the *Transport Operations (Marine Safety) Regulation 2004*, section 155, if that condition limits—
    - (i) the geographical area of operation for the licence; or

- (ii) the power or type of ship the licence holder may use.

## **8 Resources of entity**

In deciding an entity's resources for section 6(b), the general manager may have regard to matters the general manager considers appropriate and relevant including, for example, whether the entity can provide, for training or examinations—

- (a) facilities and equipment; and

*Examples for paragraph (a)—*

training rooms, computers, navigation equipment, charts

- (b) the use of a registered commercial ship or engineering facility as a workplace environment.

## **9 Information for inspection**

For section 6(c), the information that may be inspected by a shipping inspector includes—

- (a) students' names, addresses and telephone numbers; and
- (b) a daily record of attendance for each training program activity, including the name of the trainer; and
- (c) for 3 years after each examination, each record of examination for each student, with details of who conducted the examination and when and where it was conducted; and

*Examples of record of examination for paragraph (c)—*

assignment, workbook, record of service, observation checklist, written assessment

- (d) comprehensive details about how examinations and training programs are conducted, including, for example—
  - (i) whether examinations or training programs are conducted at sea, in a workplace or in a classroom; and

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- (ii) whether training programs are conducted on a full-time or part-time basis; and
- (iii) whether examinations are oral, written or practical; and
- (iv) learning and assessment strategies, assessment instruments and examiner checklists.

## 10 Solvency of entity

- (1) For section 6(d), an entity is solvent if the entity is not—
- (a) an individual who is an insolvent under administration; or
  - (b) a corporation that is an externally-administered body corporate; or
  - (c) an unincorporated body, if the individual applying for the unincorporated body is an insolvent under administration.
- (2) In this section—

***externally-administered body corporate*** has the meaning given by the *Corporations Act 2001* (Cwlth), section 9.<sup>1</sup>

***insolvent under administration*** see the *Transport Operations (Marine Safety) Regulation 2004*, section 71.

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<sup>1</sup> *Corporations Act 2001* (Cwlth), 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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**11 Repeal**

The Transport Operations (Marine Safety—Examining and Training (Commercial and Fishing Ships)) Standard 2000 SL No. 117 is repealed.

## Endnotes

### 1 Index to 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—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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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	15 June 2007	

## 5 List of legislation

### **Transport Operations (Marine Safety—Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007 SL No. 111**

made by the general manager on 24 April 2007

notfd gaz 15 June 2007 pp 892–5

ss 1–2 commenced on date of notification

remaining provisions commenced 15 June 2007 (see s 2)

exp 1 September 2017 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.