

Queensland



Subordinate Legislation 1992 No. 35

Queensland Marine Act 1958

**MARINE (CREWING) AMENDMENT
REGULATION 1992**

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Short title

1. This regulation may be cited as the *Marine (Crewing) Amendment Regulation 1992*.

Commencement

2. This regulation commences on 1 April 1992.

Amended regulation

3. The *Marine (Manning) Regulation 1987* is amended as set out in this regulation.

Replacement of s.1 (Short title)

4. Section 1—

omit, insert—

‘Short title

‘1. This regulation may be cited as the *Marine (Crewing) Regulation 1987.*’.

Omission of s.3 (Arrangement of regulations)

5. Section 3—

omit.

Replacement of ss.4 and 5

6. Sections 4 and 5—

omit, insert—

‘Interpretation

‘4. In this regulation—

“prescribed form” means a form approved by the Board under section 5.

‘Approval of forms

‘5. The Board may approve a form—

- (a) for a purpose under the Act or this regulation for which a prescribed form is required or authorised to be used; or
- (b) for use for any purpose in connection with the administration of the Act or this regulation.’.

Replacement of s.8 (Certificates of competency or of service)

7. Section 8—

omit, insert—

‘Certificates of competency or of service

‘8. For the purposes of section 64 of the Act, the following classes or grades of masters and officers are prescribed—

- (a) Coxswain (Fishing);
- (b) Skipper Grade 1;
- (c) Skipper Grade 2;
- (d) Skipper Grade 3;
- (e) Marine Engine Driver Grade 3;
- (f) Marine Engine Driver Grade III Q (Fishing);
- (g) Marine Engine Driver Grade IV Q (Fishing);
- (h) Marine Engine Driver Grade IV Q (Trading).’.

Replacement of s.9 (General requirements)

8. Section 9—

omit, insert—

‘General requirements

‘9.(1) For the purposes of section 65(3) of the Act, the prescribed qualifications for a person applying to be examined for a certificate of competency are—

- (a) in the case of a certificate of competency in relation to a trading vessel—
 - (i) that the person complies with the relevant provisions of Section 2 of the Uniform Code; and
 - (ii) that the person satisfies the eyesight and medical fitness tests prescribed in Schedule One to Section 2 of the Code; and

(b) in the case of a certificate of competency in relation to a fishing vessel—

(i) that the person complies with the relevant provisions of Section 3 of the Uniform Code; and

(ii) that the person satisfies the eyesight and medical fitness tests prescribed in Schedule One to Section 3 of the Code.

‘(2) A person who satisfies the qualifications mentioned in subsection (1) may apply to sit for examination for a certificate of competency by lodging with the examiner—

(a) proof that the person has the qualifications mentioned in subsection (1); and

(b) proof of the person’s identity; and

(c) a reference as to the good character of the person; and

(d) 2 passport photographs, not more than 12 months old, of the person; and

(e) the prescribed fee.

‘(3) On receipt of an application—

(a) the examiner must notify the person—

(i) that the person is eligible to sit for the examination; and

(ii) the time and place of the examination; or

(b) the examiner must—

(i) notify the person that the person is not eligible to sit for the examination and give reasons; and

(ii) if the examination fee has been paid—refund the amount paid to the person.’

Amendment of s.10 (Rules for examinations)

9. Section 10(1) to (3)—

omit, insert—

‘(1) A candidate who receives a notification under section 9(3)(a) must attend at the place of examination at the time mentioned in the notification.

‘(2) A candidate may use instruments (including a calculator), books, tables and paper that are approved by the examiner.’.

Replacement of s.11 (Passes)

10. Section 11—

omit, insert—

‘Passes

‘**11.** A pass in a subject in an examination for a certificate of competency is valid for 5 years.’.

Insertion of new s.11A (Failures)

11. After section 11 (in Part 2)—

insert—

‘Failures

‘**11A.(1)** A candidate who fails a practical subject in an examination for a certificate of competency may not apply for re-examination in that subject—

- (a) in the case of the first failure—for a period of 2 weeks from the date of the failure; and
- (b) in the case of a second failure—for a period of 2 months from the date of the second failure; and
- (c) in the case of a third or subsequent failure—for a period, determined by the examiner, of not less than 2 months and not more than 6 months from the date of the last failure.

‘(2) The examiner may require a candidate who has failed an examination in a practical subject on 3 or more occasions to complete a further period of relevant qualifying service of not more than 3 months after each such failure.’.

Replacement of s.12 (Particular requirements for certificates of competency)

12. Section 12—

omit, insert—

‘Particular requirements for certificates of competency

‘12.(1) A candidate for a certificate of competency for any of the following grades of masters and officers (trading vessel) must comply with the requirements of Part 3 of Section 2 of the Uniform Code—

- (a) Master Class 3;
- (b) Master Class 4;
- (c) Mate Class 4;
- (d) Master Class 5;
- (e) Coxswain;
- (f) Marine Engineer Class 3;
- (g) Marine Engine Driver Grade 1;
- (h) Marine Engine Driver Grade 2;
- (i) Marine Engine Driver Grade 3.

‘(2) A candidate for a certificate of competency for any of the following grades of masters and officers (fishing vessel) must comply with the requirements of Part 3 of Section 3 of the Uniform Code—

- (a) Skipper Grade 1;
- (b) Skipper Grade 2;
- (c) Skipper Grade 3;
- (d) Coxswain (Fishing);
- (e) Marine Engineer Class 3;
- (f) Marine Engine Driver Grade 1;
- (g) Marine Engine Driver Grade 2;
- (h) Marine Engine Driver Grade 3.

‘(3) A candidate for a certificate of competency for any of the following grades of masters and officers must comply with the requirements of Schedule 2 to this regulation—

- (a) Marine Engine Driver Grade III Q (Fishing);
- (b) Marine Engine Driver Grade IV Q (Fishing);
- (c) Marine Engine Driver Grade IV Q (Trading).’.

Amendment of s.13 (Recognition of certificates etc.)

13. Section 13(1)—

omit, insert—

‘(1) For the purposes of an application for a certificate of competency under this regulation, the Board may recognise—

- (a) a certificate of service or competency issued by a marine authority; or
- (b) an award issued by an educational institution;

as sufficient evidence of the applicant having passed an examination or part of an examination.’.

Amendment of s.16 (Qualifications for certificate of service)

14.(1) Section 16(b)—

omit, insert—

‘(b) he or she satisfies the requirements of the Uniform Code, other than the examination syllabus, relevant to the certificate being applied for;’.

(2) Section 16 (Table 1)—

omit, insert—

‘TABLE 1

- 1 Master Class 4
- 2 Mate Class 4
- 3 Master Class 5
- 4 Coxswain
- 5 Coxswain (Fishing)
- 6 Marine Engine Driver Grade 1
- 7 Marine Engine Driver Grade 2
- 8 Marine Engine Driver Grade 3
- 9 Marine Engine Driver Grade III Q (Fishing)
- 10 Marine Engine Driver Grade IV Q (Fishing)
- 11 Marine Engine Driver Grade IV Q (Trading).’.

Replacement of heading

15. PART VI (heading)—

omit, insert—

‘PART 6—EYESIGHT TEST CERTIFICATE’.**Replacement of s.18 (Eyesight colour vision certificate)**

16. Section 18—

omit, insert—

‘Eyesight test certificate

‘18. A person is not qualified for a certificate of competency for the classes or grades of masters and officers to which section 64 of the Act applies unless the person has an eyesight test certificate showing that he or she satisfies the eyesight standards prescribed—

(a) in the case of a person applying for a certificate of competency in relation to a trading vessel—in Schedule One to Section 2 of the Uniform Code; and

(b) in the case of a person applying for a certificate of competency in relation to a fishing vessel—in Schedule One to Section 3 of the Uniform Code.’.

Replacement of s.19 (Test for eyesight colour vision)

17. Section 19—

omit, insert—

‘Eyesight tests

‘19. The Board may conduct tests for the purpose of issuing eyesight test certificates at such times and places and by such examiners as it directs.’.

Amendment of s.20 (Register of tests)

18. Section 20(1)—

omit ‘colour’.

Replacement of heading

19. PART VII (heading)—

omit, insert—

‘PART 7—EXAMINATION FOR EYESIGHT TEST CERTIFICATE’.

Amendment of s.21 (Application)

20.(1) Section 21(1)—

omit, insert—

‘(1) For the purpose of obtaining an eyesight test certificate, a person must make application to the Board in the prescribed form.’

(2) Section 21(3)—

omit ‘colour vision’.

(3) Section 21(4)—

omit, insert—

‘(4) The examiner must—

(a) conduct the eyesight test—

(i) in the case of a person applying for a certificate of competency in relation to a trading vessel—in accordance with Schedule One to Section 2 of the Uniform Code; and

(ii) in the case of a person applying for a certificate of competency in relation to a fishing vessel—in accordance with Schedule One to Section 3 of the Uniform Code; and

(b) issue to the applicant an eyesight test certificate in the prescribed form setting out the results of the test.’

Amendment of s.23 (Record of service)

21. Section 23(a)(iv)—

omit ‘pre-requisite’, *insert* ‘prerequisite’.

Replacement of Schedule 1

22. Schedule 1—

omit, insert—

‘SCHEDULE 1**‘FEES**

‘1. The examination fees in relation to certificates of competency are the fees set out opposite the following classes or grades of masters and officers—

- | | |
|---|--|
| (a) Master Class 3, Master Class 3 (Limited to sail as Chief Mate) and Skipper Grade 1— | |
| (i) | for full certificate \$ 139; |
| (ii) | for each subject taken separately \$ 25; |
| (b) Master Class 4, Mate Class 4 and Skipper Grade 2— | |
| (i) | for full certificate \$ 139; |
| (ii) | for each subject taken separately \$ 25; |
| (c) Master Class 5 and Skipper Grade 3— | |
| (i) | for full certificate \$ 95; |
| (ii) | for each subject taken separately \$ 20; |
| (d) Coxswain and Coxswain (Fishing) \$ 44; | |
| (e) Marine Engineer Class 3— | |
| (i) | for full certificate \$ 174; |
| (ii) | for each subject taken separately \$ 40; |
| (f) Marine Engine Driver Grade 1— | |

(i)	for full
certificate	\$ 112;
(ii)	for each
subject taken separately	\$ 40;
(g) Marine Engine Driver Grade 2—	
(i)	for full
certificate	\$ 81;
(ii)	for each
subject taken separately	\$ 40;
(h) Marine Engine Driver Grade 3—	
(i)	for full
certificate	\$ 81;
(ii)	for each
subject taken separately	\$ 40;
(i) Marine Engine Driver Grade III Q (Fishing)—	
(i)	for full
certificate	\$ 69;
(ii)	for each
subject taken separately	\$ 30;
(j) Marine Engine Driver Grade IV Q (Fishing)—	
(i)	for full
certificate	\$ 69;
(ii)	for each
subject taken separately	\$ 30;
(k) Marine Engine Driver Grade IV Q (Trading)—	
(i)	for full
certificate	\$ 94;
(ii)	for each
subject taken separately	\$ 30;
(l) Marine Engine Driver Grade 2 upgrade from Harbour and River Engine Driver Grade 1 (Motor), Coastal Engine Driver Grade 2 (Motor) and Marine Motor Engineer	

Grade B—	
(i) certificate	for full \$ 69;
(ii) subject taken separately	for each \$ 30;
(m) Marine Engine Driver Grade 1 (Motor) upgrade from Coastal Engine Driver Grade 1 (Motor) and Marine Motor Engineer Grade A—	
(i) certificate	for full \$ 69;
(ii) subject taken separately	for each \$ 30.

‘2. The application fee for recognition of a Certificate of Competency for service issued by a marine authority is \$38.

‘3. The fee for an application for revalidation of a Certificate of Competency is \$25.

‘4. The application fee for a Certificate of Service is \$38.

‘5. The application fee for a duplicate certificate is \$19.

‘6. The application fee for an eyesight test certificate is \$13.

‘7. The application fee for a Record Service book is \$4.

‘8. The application fee for a permit to act as duly certificated Master or Officer under section 27(1) of the Act is \$25.’.

Amendment of Schedule 2

23.(1) Schedule 2 (Heading)—

omit, insert—

‘REQUIREMENTS FOR CERTIFICATE OF COMPETENCY

section 12’.

(2) Schedule 2 (Part A)—

omit.

ENDNOTES

1. Made by the Governor in Council on 5 March 1992.
2. Published in the Gazette on 6 March 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.