

Queensland



Explanatory Notes for SL 1998 No. 20

Transport Operations (Marine Safety) Act 1994

TRANSPORT OPERATIONS (MARINE SAFETY—QUALIFICATIONS FOR ACCREDITATION FOR SHIP DESIGNERS, SHIP BUILDERS AND MARINE SURVEYORS) STANDARD 1998

Authorising law

The proposed standard is made pursuant to the *Transport Operations (Marine Safety) Act 1994*, sections 45 and 46, which provide that the chief executive can make standards under the Act.

Objectives of the legislation

The *Transport Operations (Marine Safety) Act 1994* outlines the general safety obligations of people within the maritime industry. Generally, these obligations are performance based rather than prescriptive and this standard provides a means of guidance for industry when determining the most cost effective method of achieving the required level of safety.

The objectives of the standard are to—

- (a) assist persons within the maritime industry to understand their general safety obligations;
- (b) provide guidance about marine safety issues that are not covered by regulation;
- (c) provide for the accreditation of ship designers, ship builders and marine surveyors.

Reasons for legislation

The standard forms an integral part of the *Transport Operations (Marine Safety) Regulation 1995* that assists in ensuring industry self-regulation is not abused and that ship operated in Queensland waters meets the highest possible safety standards.

This standard provides the department with guidelines for the assessment and approval of applicants from persons who are suitably qualified and experienced to become accredited within the relevant disciplines of ship designer, ship builder or marine surveyor. These persons have the ability to complete the necessary certificates of compliance required for the issue of the certificates of registration and or survey as required by regulation. These persons thus have the general safety obligation placed on them through accreditation by the *Transport Operations (Marine Safety) Act 1994*, section 40.

Consistency with authorising law

The proposed standard is consistent with the overall objectives of the *Transport Operations (Marine Safety) Act 1994*, outlined in section 3, in particular section 3 (3), which states—

‘(3) These objectives are to be achieved mainly by imposing general safety obligations to ensure seaworthiness and other aspects of marine safety, and allowing a general safety obligation to be discharged by complying with relevant Standards or in other appropriate ways chosen by the person on whom the obligation is imposed.’

Alternatives to the proposed standard

If the Government did not implement the proposed standard for accreditation for ship designers, ship builders and marine surveyors, the department would be unable to assess applicants for accreditation.

This standard is one of the standards invoked up by the *Transport Operations (Marine Safety) Regulation 1995*. This standard provides the department with guidelines which are subordinate legislation for the

assessment of applicants for accreditation as ship designers, ship builders or marine surveyors.

A possible alternative to this standard would be for the Government to regulate on the detail contained within the standard. This would introduce a rigid regulatory regime that was contrary to the performance based framework outlined in the *Transport Operations (Marine Safety) Act 1994*.

Estimated cost for government implementation

The cost to government in implementing the standard will be administrative in nature, so the cost will not be significant. Costs will be able to be met within existing budgetary allocations.

Fundamental legislative principles

The proposed standard has been drafted by the Queensland Office of Parliamentary Counsel and is consistent with fundamental legislative principles.

Consultation

Extensive industry and community consultation was conducted during the development of the proposed standard.

To the extent possible to reconcile sometimes conflicting views, the comments received during the consultation process have been incorporated into the standards.

There are no unresolved substantive issues.

ATTACHMENT

*Transport Operations (Marine Safety—Qualifications for Accreditation
for Ships Designers, Ship Builders and Marine Surveyors) Standard 1998*

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

Clause 2—states the date on which the standard will commence.

Clause 3—provides definitions for the terms used in the standard.

Clause 4—states the purposes of the standard.

Clause 5—states that persons who want to be accredited for ship designer, ship builder or marine surveyor must have a knowledge of the safety obligation imposed on them by the Act and the requirements of the appropriate standards.

Clause 6—states that a person who wants to be accredited as a ship designer must have a required period of experience and or the stated qualification. It also states a person may be accredited as a ship designer for part of a ship with trade qualification. Experience is also required to be all inclusive of design or a combination of both design and building to provide for the variations of industry experience.

Clause 7—states that a person who wants to be accredited as a ship builder must have a required period of experience and or the stated qualifications. It also states a person may be accredited as a ship builder for part of a ship with a trade qualification and the experience is required to be in the building of ships.

Clause 8—states that a person who wants to be accredited as a marine surveyor must have a required period of experience and or the stated qualification. It also states a person may become accredited as a marine surveyor for part of a ship with an electrical trade qualification and experience. The experience is required to be in the surveying of ships.

Clause 9—states the standard will expire 7 years after its commencement.

*Transport Operations (Marine
Safety—Qualifications for Accreditation for Ship
Designers, Ship Builders and Marine
Surveyors) Standard*

No. 20, 1998

ENDNOTES

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

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