

# Queensland



## Subordinate Legislation 2000 No. 115

### *Transport Operations (Marine Safety) Act 1994*

# TRANSPORT OPERATIONS (MARINE SAFETY—PARASAILING) STANDARD 2000

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**DICTIONARY**

## PART 1—PRELIMINARY

### Short title

1. This standard may be cited as the *Transport Operations (Marine Safety—Parasailing) Standard 2000*.

### Commencement

2. This standard commences on 16 June 2000.

### Purpose of standard

3.(1) This standard provides ways of dealing with—

- (a) the safety issue of appropriately equipping a parasailing ship, for the general safety obligation in section 41<sup>1</sup> of the Act; and
- (b) various safety issues for the general safety obligation<sup>2</sup> in section 43<sup>3</sup> of the Act.

(2) This standard does not deal with everything that must be done to discharge those obligations in relation to the safety issues with which this standard deals.

### Definitions

4. The dictionary in the schedule defines particular words used in this standard.

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<sup>1</sup> Section 41 (General safety obligation of ship owners and masters about condition of ships) of the Act

<sup>2</sup> The obligation requires a person involved with a ship's operation (including the owner, master, pilot and crew members) not to cause the ship to be operated unsafely.

<sup>3</sup> Section 43 (General obligation on persons involved with operation of ship to operate it safely) of the Act

## **PART 2—OBLIGATIONS OF OPERATORS**

### **Daily inspection of parasailing equipment**

**5.(1)** Before the operator of a parasailing ship starts parasailing on any day, the operator must ensure a thorough inspection is made of all parasailing equipment to be used that day, including ropes, harnesses, webbing, clips, shrouds, canopies and winch controls, to ensure the equipment is in a safe condition.

**(2)** The operator must not use, or allow the use of, parasailing equipment that the operator knows or suspects is unsafe.

*Example—*

Equipment that an operator knows may have been weakened by ultra violet light, or damaged in a way making it unsafe, must not be used.

**(3)** The operator must keep a written record of each daily inspection conducted under subsection (1).

**(4)** The record must state the following—

- (a) the date of the inspection;
- (b) the name of the person who carried out the inspection;
- (c) the equipment found to be safe;
- (d) the equipment found to be unsafe or suspect;
- (e) the reason the equipment was unsafe or suspect.

### **Manufacturer's instructions for equipment to be followed**

**6.** The operator of a parasailing ship must ensure that all equipment the operator uses for parasailing is fitted, maintained and used in accordance with any instructions given with the equipment by its manufacturer.

### **Manufacturer's annual inspection of equipment**

**7.(1)** The operator of a parasailing ship must ensure that each item of equipment used for parasailing, other than the winch, is thoroughly inspected each year by the manufacturer of the equipment or the

manufacturer's agent to see if the equipment is still safe to use.

(2) The operator must keep a written record of the inspection that states the following—

- (a) the date of the inspection;
- (b) the name of the manufacturer or agent who carried out the inspection;
- (c) the name of the person who carried out the inspection for the manufacturer or agent;
- (d) any deficiencies found in the equipment;
- (e) any remedial action taken for the equipment;
- (f) a serial number for the equipment.

(3) The record must be kept for the life of the equipment.

(4) The serial number for the equipment must be used each time the equipment is inspected.

## **Winch**

**8.(1)** The operator of a parasailing ship must not use a winch unless it is fitted with the following safety cut-out devices—

- (a) a device that enables the emergency cutting out of the winch motor at a point on the ship separate from the winch controls;
- (b) if the winch has a sheave to receive the winch rope, a device to cut out the winch motor to stop the winch rope hitch and parasail harness assembly being wound in past the sheave;
- (c) if the winch has no sheave to receive the winch rope, a device to cut out the winch motor to stop the winch rope hitch and parasail harness assembly being wound into contact with the winch.

(2) Before the operator starts parasailing on any day, the operator must test the winch through the full range of its operation.

(3) The test must include a test of each device for cutting out the winch motor.

**Winch rope**

**9.(1)** The operator of a parasailing ship may use a winch rope only if it complies with this section.

**(2)** The rope must have a minimum breaking strain of 3 000 kg.

**(3)** The length of rope used with a parasailing harness must not exceed the maximum length specified by the harness's manufacturer.

**(4)** The rope must be replaced at the earlier of—

- (a) 4 months after it is first used; or
- (b) the completion of 400 parasail flights.

**Minimum experience for parasailing ship masters**

**10.(1)** The operator of a parasailing ship must ensure that only a person with the following experience is the master of the ship—

- (a) 500 parasail flights as a parasailing deckhand;
- (b) 100 parasail flights in control of the ship but under supervision, using differing chute sizes and under a range of weather conditions.

**(2)** Of the 100 parasail flights mentioned in subsection (1)(b), at least 50 are required to have been conducted towing a parasailor rather than weights used to simulate a parasailor.

**(3)** Subsection (1) applies even if the operator of the ship is also the master of the ship.

**Personnel to be adequately trained and experienced**

**11.(1)** The operator of a parasailing ship must, for parasailing conducted by the operator, ensure that each person involved in conducting the parasailing is adequately trained and experienced for the role the person plays in conducting the parasailing.

**(2)** The operator must, for parasailing conducted by the operator, keep a written record of the relevant qualifications, training and experience of each person involved in conducting the parasailing.

(3) In this section—

**“person involved in conducting the parasailing”** includes the parasail operator.

### **Supervisor to be at launching point**

**12.** The operator of a parasailing ship must, for parasailing conducted by the operator, ensure that a person, other than the master of the ship, supervises what happens at the launching point.

### **Risk assessment**

**13.** The operator of a parasailing ship must carry out a written assessment of all the risks the operator foresees could arise in conducting parasailing using the ship.

### **Age of parasailors**

**14.(1)** The operator of a parasailing ship must not allow a person under 12 years to parasail.

**(2)** However, the operator may allow a person who is at least 10 years to parasail if the parasailor—

- (a) wears a snugly fitting parasail harness; and
- (b) is accompanied by an adult.

### **Parasailors to wear personal flotation devices**

**15.** The operator of a parasailing ship must, for parasailing conducted by the operator, ensure that each parasailor wears, at all times while parasailing, a personal flotation device complying with Australian Standard 1499.

### **Distance of separation to be kept while parasailing**

**16.(1)** The operator of a parasailing ship must, while conducting parasailing, ensure that the ship, tow line and parasailor do not come within—

- (a) 200 m of a helicopter, float plane or other aircraft that is airborne; or
- (b) 200 m of another parasailing ship with a parasailor aloft; or
- (c) 30 m of another ship, whether the ship is underway, moored or at anchor; or
- (d) 30 m of a powerline, wharf, jetty or other fixed structure; or
- (e) 30 m of a navigation hazard.

(2) The operator of a parasailing ship must not start parasailing unless the operator reasonably believes the distance of separation mentioned in subsection (1) can be maintained.

(3) If parasailing has started, the operator—

- (a) must immediately stop parasailing if the operator reasonably believes that it will not be possible to maintain a distance of separation mentioned in subsection (1); and
- (b) must not start parasailing again until the operator reasonably believes the distance can be maintained.

## **Wind speed**

**17.(1)** The operator of a parasailing ship must, while conducting parasailing, ensure the wind speed is—

- (a) measured before parasailing starts on a day; and
- (b) constantly monitored and taken into account while the parasailing is continuing; and
- (c) measured each time there is a change in wind speed that may affect parasailing.

(2) The operator must not conduct parasailing in a wind speed of more than 24 knots.

(3) Wind speed must be measured by an instrument calibrated to give a reading within 10% of the wind's actual speed.

(4) The calibration must have been done no more than 1 year before the day the wind speed is measured.



(5) After each calibration, the operator must make a written record of the date of calibration and the instrument's accuracy.

(6) The record must be kept for the life of the instrument.

### **Wind direction**

**18.(1)** The operator of a parasailing ship must, while conducting parasailing, ensure that the wind direction is constantly monitored and taken into account.

(2) The operator must not conduct parasailing on a lee shore unless the operator has done a proper assessment of the risks involved and decided that it is safe to parasail despite the risks.<sup>4</sup>

### **Regard for swell and other sea conditions**

**19.** The operator of a parasailing ship must ensure that the swell and other sea conditions where the operator is to conduct or is conducting parasailing is constantly monitored and taken into account.

### **Parasailing not be conducted at night**

**20.** The operator of a parasailing ship must not conduct parasailing between sunset on a day and sunrise on the following day.

### **First aid**

**21.(1)** The operator of a parasailing ship must, for parasailing conducted by the operator, ensure that either at the launching point, or the point where parasailors are retrieved after a flight, there is a person who holds a St. John Ambulance senior first aid certificate or an equivalent certificate.

(2) The operator of a parasailing ship must, for parasailing conducted by the operator, ensure a suitably equipped first aid kit is carried on the ship or is otherwise available for immediate use.

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<sup>4</sup> If there is an equipment failure, the risk of injury is considerably greater than normal on a lee shore.

(3) The operator of a parasailing ship must, for parasailing conducted by the operator, ensure that arrangements for the medical treatment and evacuation of an injured parasailor—

- (a) have been planned; and
- (b) have been practised at the same time as emergency drills are conducted under the Code.

## **PART 3—EXPIRY**

### **Expiry**

**22.** This standard expires 7 years after it commences.

## SCHEDULE

## DICTIONARY

### section 4

**“Code”** means the Uniform Shipping Laws Code adopted by the Commonwealth, State and Territory Ministers.

**“operator”**, of a parasailing ship, means a person who is—

- (a) the master of the ship or the person who will be the master of the ship; or
- (b) an owner of the ship who is involved in the day to day operation of the ship.

**“parasailing”** means the towing of a parachute or parasail by a ship—

- (a) whether the launching is from a ship or the shore; and
- (b) whether or not a passenger is towed.

**“parasailing ship”** means a ship that conducts or is to conduct the activity of parasailing, whether or not it is fitted with a winch used for the parasailing.

**“underway”** means not at anchor or made fast to the shore or aground.

**“winch”** means a winch used to hoist a parasailor.

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## ENDNOTES

1. Made by the chief executive on 6 June 2000.
2. Approved by the Governor in Council on 14 June 2000.
3. Notified in the gazette on 16 June 2000.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Transport.