**TRANSPORT OPERATIONS (MARINE SAFETY—EXAMINING AND TRAINING (COMMERCIAL AND FISHING SHIPS)) STANDARD 2000**

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Short title

1. This standard may be cited as the Transport Operations (Marine Safety—Examining and Training (Commercial and Fishing Ships)) Standard 2000.

Commencement

2. This standard commences on 16 June 2000.

Definitions

3. In this standard—
   “commercial ship” see the Marine Safety Regulation, schedule 11.
   “conviction” includes a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.
   “executive officer”, of a body corporate, means a person who is concerned with, or takes part in, the body corporate’s management, whether or not the person is a director or the person’s position is given the name of executive officer.
   “fishing ship” see the Marine Safety Regulation, schedule 11.

Application of standard

4. This standard applies to commercial ships and fishing ships.

Qualifying of entity to conduct examinations—Marine Safety Regulation, s 72(1)

5. An entity qualifies under the Marine Safety Regulation, section 72(1) as an entity to conduct examinations for licences for ships if—
(a) the entity is—
   (i) registered as an approved training organisation under the VETE Act to conduct the examinations; or
   (ii) similarly registered under the law of another State corresponding to the VETE Act; and

(b) the chief executive is satisfied that the entity’s competence, expertise, quality assurance systems and resources are adequate for conducting the examinations.

Qualifying of entity to provide training—Marine Safety Regulation, s 73(1)

6. An entity qualifies under the Marine Safety Regulation, section 73(1) as an entity to provide training programs in the operation of ships if—

(a) the entity is—
   (i) registered as an approved training organisation under the VETE Act to provide the training programs; or
   (ii) similarly registered under the law of another State corresponding to the VETE Act; and

(b) the chief executive is satisfied that the entity’s competence, expertise, quality assurance systems and resources are adequate for providing the training programs.

Competence of entity

7. In deciding whether an entity is competent for section 5(b) or 6(b) to conduct examinations or provide training programs, the chief executive must have regard to whether the entity—

(a) has paid an infringement notice penalty under the Justices Act 1886, part 4A for an offence against this Act in the last 2 years; or

\[\text{1 Justices Act 1886, part 4A (Infringement notices)}\]
When an entity does not qualify

8. Despite sections 5 and 6, an entity is not qualified to conduct examinations or provide training programs—

(a) if the entity is an individual who—

(i) has been convicted of an indictable offence in the last 5 years; or

(ii) has had a licence to operate a ship suspended or cancelled in the last 5 years; or

(iii) is an undischarged bankrupt; or

(b) if the entity is a body corporate that—

(i) has been convicted of an indictable offence in the last 5 years; or

(ii) has an executive officer who—

(A) has been convicted of an indictable offence in the last 5 years; or

(B) has had a licence to operate a ship suspended or cancelled in the last 5 years.

Expiry

9. This standard expires 7 years after it commences.
Transport Operations (Marine Safety—Examining and Training (Commercial and Fishing Ships))

No. 117, 2000

ENDNOTES

1. Made by the chief executive on 6 June 2000.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Transport.

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