

Queensland



Subordinate Legislation 2000 No. 118

Transport Operations (Marine Safety) Act 1994

**TRANSPORT OPERATIONS (MARINE
SAFETY—BAREBOAT SHIPS) STANDARD
2000**

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DICTIONARY

PART 1—PRELIMINARY

Short title

1. This standard may be cited as the *Transport Operations (Marine Safety—Bareboat Ships) 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 managing the operation of a bareboat ship, for the general safety obligation in section 41¹ of the Act; and
- (b) various safety issues for the general safety obligation² in section 43³ 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.

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

² 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.

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

Meaning of “bareboat ship”

5.(1) A ship is a “**bareboat ship**” if the ship is—

- a) a commercial ship registered under the Marine Safety Regulation as a class 1F ship; and
- (b) more than 6 m in length; and
- (c) when hired or otherwise made available under a commercial arrangement, made available—
 - (i) for a person’s recreational use; and
 - (ii) without master or crew.

Examples of a bareboat ship—

A cruiser, houseboat or yacht.

(2) Subsection (1) applies even if the ship is part of a flotilla of not more than 6 ships under the supervision of a mother ship.

PART 2—OBLIGATIONS OF PROVIDERS

Ship must have boarding ladder

6. The provider of a bareboat ship must ensure the ship has a boarding ladder that extends from the weather deck or transom access point to at least 600 mm below the ship’s operational waterline.

Safety management plan

7.(1) The provider of a bareboat ship must have a safety management plan for the ship.

(2) The plan must deal with the following matters—

- (a) safety precautions for the safe operation of the ship’s motor and systems;
- (b) the procedure to initiate a rescue;

- (c) the procedure for making voice contacts;
- (d) action to be taken in the following emergencies—
 - (i) fire;
 - (ii) person overboard;
 - (iii) collision;
 - (iv) loss of propulsion;
 - (v) grounding or stranding;
 - (vi) medical emergency.

Documents to be given to user

8. Before the user of a bareboat ship operates the ship, the provider of the ship must give the user the following documents—

- (a) official tide tables for the intended area of operation and notes on boating, or documents equivalent to them;⁴
- (b) a marine guide book for the intended area of operation;
- (c) large scale Admiralty charts, or Queensland boating safety charts published by the department, for the intended area of operation that clearly show safe anchorages and navigable waters;
- (d) a basic operations manual for the ship, including instructions on the operation of safety equipment carried aboard the ship;
- (e) a first aid book;
- (f) a summary of the action to be taken under the ship's safety management plan in an emergency, including the procedure for making voice contacts.

Briefing before user operates ship

9.(1) Before the user of a bareboat ship operates the ship, the provider of

⁴ The department publishes official tide tables for Queensland with notes on boating safety.

the ship must ensure the user of the ship is briefed on the following matters—

- (a) weather conditions forecast by the Bureau of Meteorology for the period for which the ship is hired or made available and for the intended area of operation, but only if the forecast is reasonably available;
- (b) the likely effect of the weather expected in the intended area of operation;
- (c) tides and currents and their likely effect on the movement of the ship in the intended area of operation;
- (d) the location of reefs and anchorages in the intended area of operation;
- (e) specific hazards and dangers to navigation in the intended area of operation;
- (f) if there is coral in the intended area of operation, visibility of coral under various conditions of tide, weather and sunlight;
- (g) dinghy handling, if a dinghy is carried on the ship;
- (h) handling of the ship while underway;
- (i) anchoring;
- (j) operation of the ship's radio;
- (k) navigation in the intended area of operation;
- (l) operation and stowage of lifesaving appliances;
- (m) all the ship's systems;
- (n) the obligation of the master of a ship—
 - (i) under section 43⁵ of the Act, not to cause the ship to be operated unsafely; and
 - (ii) under section 44⁶ of the Act, not to operate the ship unless it

⁵ Section 43 (General obligation on persons involved with operation of ship to operate it safely) of the Act

⁶ Section 44 (Safety equipment obligation) of the Act

is equipped with the safety equipment required by the Marine Safety Regulation; and

- (iii) under section 125⁷ of the Act, to report a marine incident; and
- (iv) under the *Transport Operations (Marine Pollution) Act 1995*, section 67,⁸ to report a reportable incident.

(2) The briefing on the ship's systems must include a demonstration of the following—

- (a) the ship's steering and emergency steering;
- (b) bilge pumping;
- (c) if the ship has a motor, starting and operating the motor and what to do if the motor does not start;
- (d) if the ship is a sailing ship, sail handling, reefing and furling.

(3) The briefing must be given by a person—

- (a) who has sufficient experience and knowledge in the matters mentioned in subsection (1) to give an adequate briefing; and
- (b) who holds—
 - (i) if the ship's length is less than 15 m—a restricted coxswain's licence under the Code; or
 - (ii) if the ship's length is 15 m or more—a restricted master class 5 licence under the Code.

Ship's guide

10.(1) This section applies if the person who has given the user of a bareboat ship a briefing under section 9 considers the user has insufficient skills to operate and navigate the ship properly.

(2) The provider of the ship must ensure that a person (the “**guide**”) with

⁷ Section 125 (Marine incidents must be reported) of the Act

⁸ *Transport Operations (Marine Pollution) Act 1995*, section 67 (Duty to report certain incidents)

demonstrated competence in the safe operation of the ship accompanies the ship while the user operates the ship.

(3) The role of the guide is to advise and guide the user in the safe operation of the ship without becoming responsible for the ship's operation.

(4) The provider of the ship must ensure the guide continues to perform that role until the guide considers the user has sufficient skills to operate and navigate the ship properly.

(5) Subsections (3) and (4) do not prevent a guide assuming the role of master of a ship.

Delivery of ship to, and collection from, point of hire

11.(1) This section applies if the provider of a bareboat ship needs to deliver the ship to, or collect it from, the user of the ship at a particular place.

(2) The provider must ensure the ship is operated by a person who has the qualifications mentioned in section 9(3)(b).

Provider to require user to operate ship within intended area of operation

12.(1) The provider of a bareboat ship must require the user of the ship to operate it within the intended area of operation for the ship.

(2) The intended area of operation for the ship must be within the area of operation stated in the ship's registration certificate.

Provider to arrange twice daily voice contact

13.(1) The provider of a bareboat ship must make arrangements with the user of the ship for the user to make 2 separate voice contacts on each day of the user's voyage.

(2) The arrangement must specify the time for making each voice contact.

(3) The contacts must be made with a person specified by the provider in accordance with the procedure for making voice contacts set out in the summary of the safety management plan for the ship.

(4) The person to be contacted under the arrangement must—

(a) be competent to advise on the following matters—

(i) requirements under the ship's safety management plan;

(ii) safe anchorages;

(iii) weather conditions;

(iv) the ship's features;

(v) any other matter relevant to the safe operation of the ship;
and

(b) if a radio is used to make voice contact, hold any licence needed to operate the radio.

(5) The purpose of the first contact is to advise the ship's itinerary for the day.

(6) The purpose of the second contact is to advise where the ship will anchor overnight.

(7) Advice before a voyage by the user to the provider of the ship's itinerary for the day may take the place of the first voice contact of the day for this section.

(8) The provider must also arrange with the user that, if the user fails to make 3 voice contacts as arranged with the provider, the provider will initiate a search for and rescue of the persons aboard the ship.

Search and rescue

14.(1) This section applies if the user of a bareboat ship fails to make 3 voice contacts as arranged with the provider of the ship.

(2) The provider of the ship must initiate a search for and rescue of the persons on board the ship in accordance with the ship's safety management plan.

PART 3—OBLIGATIONS OF USERS

User not to operate ship outside intended area of operation

15. The user of a bareboat ship must not operate the ship outside the intended area of operation for the ship.

User to make twice daily voice contact

16.(1) The user of a bareboat ship must make arrangements with the provider of the ship for the user to make 2 separate voice contacts on each day of the user's voyage.

(2) The arrangement must specify the time for making each voice contact.

(3) The user must make the voice contacts in accordance with the arrangement.

(4) The contacts must be made with a person specified by the provider in accordance with the procedure for making voice contacts set out in the summary of the safety management plan for the ship.

(5) In the first voice contact of the day, the user must advise the ship's itinerary for the day.

(6) In the second voice contact of the day, the user must advise where the ship will anchor overnight.

(7) Advice before a voyage by the user to the provider of the ship's itinerary for the day may take the place of the first voice contact of the day for this section.

(8) The user must also arrange with the provider that, if the user fails to make 3 voice contacts as arranged with the provider, the provider will initiate a search for and rescue of the persons aboard the ship.

Hours of operation and night anchorage

17.(1) The user of a bareboat ship may operate the ship only between 1 hour before sunrise and 1 hour after sunset on the same day.

(2) The user of a bareboat ship must anchor the ship at night in a commonly recognised safe anchorage approved by the provider of the ship.

PART 4—EXPIRY

Expiry

18. This standard expires 7 years after it commences.

SCHEDULE

DICTIONARY

section 4

“bareboat ship” see section 5.

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

“commercial ship” see the Marine Safety Regulation, schedule 11.

“intended area of operation”, for a bareboat ship, means the area in which the provider of the ship intends that the ship will be used while it is hired or otherwise made available.

“large scale”, for a chart, means of a scale large enough to clearly show in detail the location of reefs and other hazards to navigation.

“length” means measured length within the meaning of section 1, part 2 of the Code.

“Marine Safety Regulation” means the *Transport Operations (Marine Safety) Regulation 1999*.

“provider”, of a bareboat ship, means a person who hires the ship or otherwise makes the ship available under a commercial arrangement.

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

“user”, of a bareboat ship, means a person to whom the ship is hired or otherwise made available under a commercial arrangement.

“voice contact” means voice contact by radio, telephone, in person or by another way.

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.