

Queensland



Subordinate Legislation 2002 No. 250

Maritime Safety Queensland Act 2002
Transport Operations (Marine Pollution) Act 1995
Transport Operations (Marine Safety) Act 1994

**MARITIME SAFETY QUEENSLAND
REGULATION 2002**

TABLE OF PROVISIONS

Section		Page
1	Short title	2
2	Commencement	2
3	Contracts for the transfer of a pilot onto or off a ship to which section 15 of the Act does not apply	2
4	Regulations amended	2
	SCHEDULE	3

REGULATIONS AMENDED

TRANSPORT OPERATIONS (MARINE POLLUTION) REGULATION 1995	3
TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 1995	5

1 Short title

This regulation may be cited as the *Maritime Safety Queensland Regulation 2002*.

2 Commencement

This regulation commences on 1 October 2002.

3 Contracts for the transfer of a pilot onto or off a ship to which section 15 of the Act does not apply

For section 15(6) of the Act, the following contracts are prescribed—

- the contract between the Ports Corporation of Queensland and Australian Reef Pilots for—
 - Mackay and Hay Point
 - Abbot Point
 - Lucinda
 - Mourilyan
 - Cape Flattery
 - Thursday Island
 - Weipa
- the contract between the Ports Corporation of Queensland and the Mackay Port Authority
- the Townsville Port Authority Port Services Enterprise Agreement
- the contract between the Ports Corporation of Queensland and the department in relation to Karumba.

4 Regulations amended

The schedule amends the regulations it mentions.

SCHEDULE

REGULATIONS AMENDED

section 4

TRANSPORT OPERATIONS (MARINE POLLUTION) REGULATION 1995

- 1 Section 14(2) to (4), ‘chief executive’—**
omit, insert—
‘general manager’.
- 2 Section 14(4), ‘chief executive’s’—**
omit, insert—
‘general manager’s’.
- 3 Section 16(4)(b)(i) and (5), ‘chief executive’—**
omit, insert—
‘general manager’.
- 4 Section 27(4)(b)(i) and (5), ‘chief executive’—**
omit, insert—
‘general manager’.
- 5 Section 30(2) and (3), ‘chief executive’—**
omit, insert—
‘general manager’.

SCHEDULE (continued)

6 Section 32, ‘chief executive’—*omit, insert—*

‘general manager’.

7 Section 33(1)(b), (2)(a) and (3), ‘chief executive’—*omit, insert—*

‘general manager’.

8 Section 34, ‘chief executive’—*omit, insert—*

‘general manager’.

9 Section 35, ‘chief executive’—*omit, insert—*

‘general manager’.

10 Section 46(3)(a) to (c), ‘Department of Transport’—*omit, insert—*

‘Maritime Safety Agency of Queensland’.

11 Section 51(b), ‘department’—*omit, insert—*

‘Maritime Safety Agency of Queensland’.

SCHEDULE (continued)

**TRANSPORT OPERATIONS (MARINE SAFETY)
REGULATION 1995****1 Section 22(1)(a) and (b)(ii), ‘chief executive’—***omit, insert—*

‘general manager’.

2 Section 22(2), ‘section 56’ and footnote—*omit, insert—*‘section 56¹’.**3 Section 24(1) and (2), ‘chief executive’—***omit, insert—*

‘general manager’.

4 Section 31(1)(b), ‘chief executive’—*omit, insert—*

‘general manager’.

5 Section 32(b)(i), ‘chief executive’—*omit, insert—*

‘general manager’.

6 Section 33, heading, ‘chief executive’—*omit, insert—*

‘general manager’.

1 Section 56 (General manager may issue certificate of survey for ship)

SCHEDULE (continued)

7 Section 33, ‘chief executive’—*omit, insert—*

‘general manager’.

8 Section 36, heading, ‘chief executive’—*omit, insert—*

‘general manager’.

9 Section 36(2), ‘chief executive’—*omit, insert—*

‘general manager’.

10 Section 40—*omit, insert—***‘40 Chief executive and general manager to register ships**

‘(1) The chief executive may register a registrable recreational ship.

‘(2) The general manager may register a registrable commercial or fishing ship according to its class under the Code.

Examples of registration—

- commercial ship—class 1 passenger vessel, class 1B
- fishing ship—class 3 fishing ship, class 3B.’.

11 Section 43(1)(a) and (b)(ii)(A), (2), (4) and (5), ‘chief executive’—*omit, insert—*

‘general manager’.

12 Section 44, ‘chief executive’—*omit, insert—*

‘general manager’.

SCHEDULE (continued)

13 Section 45(1), ‘chief executive’—*omit, insert—*

‘general manager’.

14 Section 46(1)(a) and (b)(ii)(A), (3), (5) and (6), ‘chief executive’—*omit, insert—*

‘general manager’.

15 Section 46(5)(b)(i), ‘section 56’ and footnote—*omit, insert—*‘section 56²’.**16 Section 48—***omit, insert—***‘48 Register of registered recreational ships**

‘(1) The chief executive must keep a register of registered recreational ships.

‘(2) The chief executive must record in the register the following particulars for a recreational ship—

- (a) the owner’s name and address;
- (b) the registration number;
- (c) the type of registration;
- (d) a description of the ship including length and beam, engine details and construction materials.

‘(3) The register may also include other particulars for a recreational ship decided by the chief executive.

‘(4) Within 21 days after changes to a particular recreational ship’s registration other than a change in the ship’s ownership, the holder of the

2 Section 56 (General manager may issue certificate of survey for ship)

SCHEDULE (continued)

ship's registration certificate must give the chief executive written notice of the change in the approved form.

Maximum penalty—50 penalty units.

‘(5) A person may, on payment of the appropriate fee for the inspection and on reasonable conditions imposed by the chief executive—

- (a) inspect the register at the chief executive's office when the office is open to the public; and
- (b) take extracts from, or obtain a copy of particulars in, the register.

‘48A Register of registered commercial and fishing ships

‘(1) The general manager must keep a register of registered commercial and fishing ships.

‘(2) The general manager must record in the register the following particulars for a commercial or fishing ship—

- (a) the owner's name and address;
- (b) the registration number;
- (c) the type of registration and class;
- (d) a description of the ship including length and beam, engine details and construction materials.

‘(3) The register may also include other particulars for a commercial or fishing ship decided by the general manager.

‘(4) Within 21 days after changes to a particular commercial or fishing ship's registration other than a change in the ship's ownership, the holder of the ship's registration certificate must give the general manager written notice of the change in the approved form.

Maximum penalty—50 penalty units.

‘(5) A person may, on payment of the appropriate fee for the inspection and on reasonable conditions imposed by the general manager—

- (a) inspect the register at the general manager's office when the office is open to the public; and
- (b) take extracts from, or obtain a copy of particulars in, the register.’.

SCHEDULE (continued)

17 Section 53(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

18 Section 55, ‘chief executive’—*omit, insert—*

‘general manager’.

19 Section 55(b), ‘chief executive’s’—*omit, insert—*

‘general manager’s’.

20 Section 56, heading, ‘Chief executive’—*omit, insert—*

‘General manager’.

21 Section 56(1) to (2B), ‘chief executive’—*omit, insert—*

‘general manager’.

22 Section 65—*omit, insert—***‘65 Chief executive and general manager may issue licences**

‘(1) The chief executive may issue the class of licence mentioned in schedule 2, column 1, item 3.

‘(2) The general manager may issue all other classes of licences mentioned in schedule 2—

(a) to operate a ship as its master; or

(b) to act as a crew member of a ship; or

SCHEDULE (continued)

(c) to have the conduct of the ship as its pilot.

‘(3) The procedure for obtaining a licence is in part 6.³’.

23 Section 66, ‘chief executive’—

omit, insert—

‘general manager’.

24 Section 68, heading, after ‘Chief executive’—

insert—

‘or general manager’.

25 Section 68, after ‘chief executive’—

insert—

‘or general manager’.

26 Section 69(1) and (2), ‘chief executive’—

omit, insert—

‘general manager’.

27 Section 71—

omit, insert—

‘71 Examinations of applicants for licences

‘(1) The chief executive may conduct examinations, in a way the chief executive considers necessary, to test whether an applicant for a recreational ship licence has the qualifications for the licence under this regulation.

SCHEDULE (continued)

‘(2) The general manager may conduct examinations, in a way the general manager considers necessary, to test whether an applicant for a commercial or fishing ship licence has the qualifications for the licence under this regulation.’.

28 Section 72(1) to (3) and (5), ‘chief executive’—

omit, insert—

‘general manager’.

29 Section 73(1) and (3), ‘chief executive’—

omit, insert—

‘general manager’.

30 Section 74(1) to (3), ‘chief executive’—

omit, insert—

‘general manager’.

31 Section 76, heading, ‘Chief executive’—

omit, insert—

‘General manager’.

32 Section 76(1) and (2), ‘chief executive’—

omit, insert—

‘general manager’.

33 Section 84, heading, ‘Chief executive’—

omit, insert—

‘General manager’.

SCHEDULE (continued)

34 Section 84(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

35 Section 89(1), ‘chief executive’—*omit, insert—*

‘general manager’.

36 Section 91(1), ‘chief executive’—*omit, insert—*

‘general manager’.

37 Section 92A, definition “area VTS”, ‘chief executive’—*omit, insert—*

‘general manager’.

38 Section 92J, ‘department.’ and footnote—*omit, insert—*‘Maritime Safety Agency of Queensland.⁴’.**39 Section 108(4), definition “office”, paragraph (a), ‘department’—***omit, insert—*

‘Maritime Safety Agency of Queensland’.

4 The notices are available for inspection at the offices of the Maritime Safety Agency of Queensland or at www.msq.qld.gov.au.

SCHEDULE (continued)

40 Section 114(5)(b), (6) and (7), ‘chief executive’—*omit, insert—***‘general manager’.****41 Section 115(3)(b)(ii), ‘chief executive’—***omit, insert—***‘general manager’.****42 Section 116, heading, ‘Chief executive’—***omit, insert—***‘General manager’.****43 Section 116(1), (2) and (4), ‘chief executive’—***omit, insert—***‘general manager’.****44 Section 122A(3)(a)(ii) and (4), ‘chief executive’—***omit, insert—***‘general manager’.****45 Section 123, heading—***omit, insert—***‘Definitions for pt 6’.**

SCHEDULE (continued)

46 Section 123(h), ‘section 56;’ and footnote—*omit, insert—*‘section 56;⁵’.**47 Section 123(j), ‘section 76;’ and footnote—***omit, insert—*‘section 76;⁶’.**48 Section 123—***insert—*‘**“administering agency”**, for an authority under this part, means—

- (a) for an authority mentioned in paragraph (a) of the definition “authority” that relates to recreational ships—the chief executive;
or
- (b) otherwise—the general manager.’.

49 Section 124(a) and (b), ‘chief executive’—*omit, insert—*

‘administering agency’.

50 Section 125, heading, ‘Chief executive’—*omit, insert—*‘**Administering agency**’.

5 Section 56 (General manager may issue certificate of survey for ship)

6 Section 76 (General manager may issue temporary permit for master or crew member)

SCHEDULE (continued)

51 Section 125(1) and (2), ‘chief executive’—*omit, insert—*

‘administering agency’.

52 Section 125(3), ‘chief executive’—*omit, insert—*

‘general manager’.

53 Section 126(1), ‘chief executive’—*omit, insert—*

‘administering agency’.

54 Section 126(2), ‘section 130.’ and footnote—*omit, insert—*‘section 130.⁷’.**55 Section 128(2) and (3)(b) and (c), ‘chief executive’—***omit, insert—*

‘general manager’.

56 Section 128(3)(b), ‘chief executive’s’—*omit, insert—*

‘general manager’s’.

7 Section 130 (Grant of authority on conditions) allows the administering agency to grant an authority on conditions.

SCHEDULE (continued)

57 Section 129(1) and (3), ‘chief executive’—*omit, insert—*

‘administering agency’.

58 Section 130, ‘chief executive’—*omit, insert—*

‘administering agency’.

59 Section 131(1) and (2)(b), ‘chief executive’—*omit, insert—*

‘administering agency’.

60 Section 132(2), ‘chief executive’—*omit, insert—*

‘administering agency’.

61 Section 133(1) and (2)(a) and (b), ‘chief executive’—*omit, insert—*

‘administering agency’.

62 Section 135, heading, ‘chief executive’s’—*omit, insert—*

‘administering agency’s’.

63 Section 135(1), (2), (3)(c) and (5) to (7), ‘chief executive’—*omit, insert—*

‘administering agency’.

SCHEDULE (continued)

64 Section 135(7), ‘chief executive’s’—*omit, insert—*

‘administering agency’s’.

65 Section 136(1), (2) and (3)(b), ‘chief executive’—*omit, insert—*

‘administering agency’.

66 Section 137(1), (3) and (4), ‘chief executive’—*omit, insert—*

‘administering agency’.

67 Section 138, ‘chief executive’—*omit, insert—*

‘administering agency’.

68 Section 139(1) to (5), ‘chief executive’—*omit, insert—*

‘administering agency’.

69 Section 140, heading, ‘chief executive’—*omit, insert—*

‘general manager’.

70 Section 140(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

SCHEDULE (continued)

71 Section 140(3)(c), ‘chief executive’s’—*omit, insert—*

‘general manager’s’.

72 Section 141(2) to (5), ‘chief executive’—*omit, insert—*

‘general manager’.

73 Section 141(2) and (4), ‘chief executive’s’—*omit, insert—*

‘general manager’s’.

74 Section 143(1) and (2), ‘chief executive’—*omit, insert—*

‘administering agency’.

75 Section 144(1) and (3), ‘chief executive’—*omit, insert—*

‘administering agency’.

76 Section 145(1), ‘chief executive’—*omit, insert—*

‘administering agency’.

77 Section 146(1), (2) and (4), ‘chief executive’—*omit, insert—*

‘administering agency’.

SCHEDULE (continued)

78 Section 147(1), ‘129’ and footnote—*omit, insert—*‘129⁸’.**79 Section 147(2) and (3), ‘chief executive’—***omit, insert—*

‘administering agency’.

80 Section 149(2)(b)(ii), ‘chief executive’—*omit, insert—*

‘general manager’.

81 Section 152(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

82 Section 155A(2), ‘chief executive’—*omit, insert—*

‘general manager’.

83 Section 164, heading, after ‘master and’—*insert—*

‘general manager may’.

8 Sections 124 (Way application is made), 125 (Administering agency to decide application within 28 days), 126 (Issuing of authority if application granted) and 129 (Refusal of application for authority)

SCHEDULE (continued)

84 Section 164(3), ‘chief executive may also’—*omit, insert—*

‘general manager may’.

85 Section 164(3), ‘chief executive’—*omit, insert—*

‘general manager’.

86 Section 165(3), ‘chief executive’—*omit, insert—*

‘general manager’.

87 Section 169A(1), (2) and (4), ‘chief executive’—*omit, insert—*

‘general manager’.

88 Section 170(1), ‘chief executive’—*omit, insert—*

‘general manager’.

89 Section 171(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

90 Section 172(1), ‘chief executive’—*omit, insert—*

‘general manager’.

SCHEDULE (continued)

91 Section 173(a), ‘chief executive’—*omit, insert—*

‘general manager’.

92 Section 175(1) and (2), ‘chief executive’—*omit, insert—*

‘general manager’.

93 Section 177(1)(b), ‘chief executive’—*omit, insert—*

‘general manager’.

94 Section 178(2)(b), ‘chief executive’—*omit, insert—*

‘general manager’.

95 Section 181(3), ‘chief executive’—*omit, insert—*

‘general manager’.

96 Section 186(2)—*omit, insert—*

‘(2) If the chief executive refuses an application in relation to a recreational ship for any of the following, the chief executive must promptly refund the fees paid by the applicant, other than the chief executive’s reasonable cost of assessing the application—

- (a) an authority mentioned in section 123(a);

SCHEDULE (continued)

- (b) a renewal, or an amendment, of an authority mentioned in section 123(a);
- (c) a transfer of the registration of a recreational ship.

‘(3) If the general manager refuses an application in relation to a commercial or fishing ship for any of the following, the general manager must promptly refund the fees paid by the applicant, other than the general manager’s reasonable cost of assessing the application—

- (a) an authority, other than an authority mentioned in section 123(a);
- (b) a renewal, or an amendment, of an authority other than an authority mentioned in section 123(a);
- (c) a transfer of the registration of a commercial or fishing ship.’.

97 Section 187(1)—

omit, insert—

‘(1) This section applies if, under section 145⁹—

- (a) the chief executive receives a surrender of a recreational ship registration; or
- (b) the general manager receives a surrender of a commercial or fishing ship’s registration.’.

98 Section 187(2) and (4), after ‘chief executive’—

insert—

‘or general manager’.

99 Schedule 7, item 8(2)(b)(i) and (3), ‘chief executive’—

omit, insert—

‘general manager’.

9 Section 145 (Surrender of authority)

SCHEDULE (continued)

100 Schedule 7, items 15 and 16—*omit, insert—***‘15 Pilotage fees****‘(1)** This section sets the fees for pilotage.**‘(2)** The fees are as follows—

- (a) for the Brisbane pilotage area—
 - (i) for each gross ton or part of a gross ton—
 - (A) for the first 10 000 gt 21.1c;
 - (B) over 10 000 gt to 20 000 gt 12.4c;
 - (C) over 20 000 gt to 30 000 gt 8.2c;
 - (D) over 30 000 gt 2.2c;
 - (ii) minimum charge \$726.10;
- (b) for the Southport, Maryborough, Hervey Bay, Port Douglas and Cooktown pilotage areas—
 - (i) for each gross ton or part of a gross ton—
 - (A) for the first 20 000 gt 10.2c;
 - (B) over 20 000 gt to 40 000 gt 6.3c;
 - (C) over 40 000 gt 4.0c;
 - (ii) minimum charge \$366.60;
- (c) for the Bundaberg pilotage area—
 - (i) for each gross ton or part of a gross ton—
 - (A) for the first 20 000 gt 9.9c;
 - (B) over 20 000 gt to 40 000 gt 6.16c;
 - (C) over 40 000 gt 3.85c;
 - (ii) minimum charge \$354.85;
- (d) for the Gladstone, Port Alma and Townsville pilotage areas—
 - (i) for each gross ton or part of a gross ton—
 - (A) for the first 20 000 gt 9.6c;

SCHEDULE (continued)

- (B) over 20 000 gt to 40 000 gt5.9c;
- (C) over 40 000 gt3.7c;
- (ii) minimum charge\$343.20;
- (e) for the Mackay pilotage area \$1 666.50;
- (f) for the Cairns pilotage area—
 - (i) for each gross ton or part of a gross ton—
 - (A) for the first 20 000 gt10.45c;
 - (B) over 20 000 gt to 40 000 gt6.38c;
 - (C) over 40 000 gt3.96c;
 - (ii) minimum charge\$371.80;
- (g) for the Hay Point pilotage area—\$1 100 plus 2.2c for each gross ton or part of a gross ton;
- (h) for the Abbot Point pilotage area—\$1 100 plus 3.7c for each gross ton or part of a gross ton;
- (i) for the Lucinda and Mourilyan pilotage areas—\$880 plus 6.6c for each gross ton or part of a gross ton;
- (j) for the Cape Flattery pilotage area—\$1 100 plus 2.9c for each gross ton or part of a gross ton;
- (k) for the Thursday Island pilotage area—
 - (i) for the first 10 000 gt \$660;
 - (ii) over 10 000 gt\$2 420;
- (l) for the Weipa pilotage area—
 - (i) for the first 40 000 gt—\$880 plus 6.3c for each gross ton or part of a gross ton;
 - (ii) over 40 000 gt—\$3 388 plus 3.5c for each gross ton or part of a gross ton;
- (m) for the Karumba pilotage area—\$660 plus 3.1c for each gross ton or part of a gross ton.

SCHEDULE (continued)

‘16 Other pilotage fees

‘(1) This section sets other fees about pilotage.

‘(2) The fees for the Brisbane, Southport, Maryborough, Hervey Bay, Port Douglas and Cooktown pilotage areas are as follows—

(a) removal charges if the ship’s gross register tonnage is—

	\$	\$	\$
(i) not over 1 000 tons.	163.30 ¹	239.70 ²	313.70; ³
(ii) over 1 000 tons but not over 6 000 tons.	307.85 ¹	412.40 ²	518.15; ³
(iii) over 6 000 tons but not over 10 000 tons.	450.00 ¹	585.10 ²	704.95; ³
(iv) over 10 000 tons.	630.95 ¹	735.50 ²	868.30; ³

(b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

‘(3) The fees for the Gladstone, Port Alma and Townsville pilotage areas are as follows—

(a) removal charges if the ship’s gross register tonnage is—

	\$	\$	\$
(i) not over 1 000 tons.	152.90 ¹	224.40 ²	293.70; ³
(ii) over 1 000 tons but not over 6 000 tons.	288.20 ¹	386.10 ²	485.10; ³
(iii) over 6 000 tons but not over 10 000 tons.	421.30 ¹	547.80 ²	660.00; ³
(iv) over 10 000 tons.	590.70 ¹	688.60 ²	812.90; ³

(b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

‘(4) The fees for the Mackay pilotage area are as follows—

(a) removal charges \$1 666.50;

(b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

‘(5) The fees for the Cairns pilotage area are as follows—

SCHEDULE (continued)

- (a) removal charges if the ship's gross register tonnage is—

	\$	\$	\$
(i) not over 1 000 tons.	166.10 ¹	243.10 ²	317.90; ³
(ii) over 1 000 tons but not over 6 000 tons.	312.40 ¹	418.00 ²	525.80; ³
(iii) over 6 000 tons but not over 10 000 tons.	456.50 ¹	592.90 ²	715.00; ³
(iv) over 10 000 tons.	640.20 ¹	745.80 ²	880.00; ³

- (b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

¹ for the first 3 n miles

² over 3 n miles up to 10 n miles

³ over 10 n miles

- ‘(6) The fees for the Hay Point pilotage area are as follows—

- (a) removal charges—\$1 100 plus 2.2c for each gross ton or part of a gross ton;
- (b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

- ‘(7) The fees for the Thursday Island pilotage area are as follows—

- (a) removal charges—
- (i) for the first 10 000 tons \$660;
- (ii) over 10 000 tons. \$2 420;
- (b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

- ‘(8) The fees for the Weipa pilotage area are as follows—

- (a) removal charges—
- (i) for the first 40 000 tons—\$880 plus 6.3c for each gross ton or part of a gross ton;
- (ii) over 40 000 tons—\$3 388 plus 3.5c for each gross ton or part of a gross ton;
- (b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.

SCHEDULE (continued)

‘(9) The fees for the Karumba pilotage area are as follows—

- (a) removal charges \$660;
- (b) if the pilot can not leave the ship after the pilotage ends, the reasonable costs of returning the pilot to the pilotage area.’.

101 Schedule 11, definition “design approval certificate”, ‘chief executive’—

omit, insert—

‘general manager’.

102 Schedule 11, definition “register”—

omit, insert—

‘ **“register”** means the register of registered recreational ships kept by the chief executive under section 48 or the register of registered commercial and fishing ships kept by the general manager under section 48A.’.

ENDNOTES

1. Made by the Governor in Council on 26 September 2002.
2. Notified in the gazette on 27 September 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.