



Queensland

Transport Operations (Marine Safety—Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006

Explanatory Notes for SL 2006 No. 18

made under the

Transport Operations (Marine Safety) Act 1994

1 General Outline

The objective of the system of accreditation as provided for in the *Transport Operations (Marine Safety) Act 1994* (TOMSA) is to ensure that ships are designed, built and surveyed in a way that maintains safety, but gives ship designers, builders and marine surveyors the opportunity to devise programs of design, building or survey that best suit their circumstances and the circumstances of their clients, and reduce the need for day-to-day oversight by Maritime Safety Queensland (MSQ).

The proposed standard continues to set out what qualifications and experience a person must have to satisfy the general manager that they qualify for accreditation as a ship builder, ship designer or marine surveyor. For example, a ship designer must have five years experience and certain qualifications.

2 Short Title

The short title of the proposed standard is the *Transport Operations (Marine Safety—Accreditation as Ship Designer, Ship Builder and Marine Surveyor) Standard 2006*.

3 Authorising Law

The power to make the standard, and the required procedure, is set out in part 4 division 2 of the *Transport Operations (Marine Safety) Act 1994*. A standard may provide for any matter about which a regulation may be made, and a regulation may be made about marine safety and issues affecting marine safety.

Section 44 of the *Transport Operations (Marine Safety) Regulation 2004* empowers the general manager of Maritime Safety Queensland (MSQ) to accredit persons as ship designers, ship builders, or marine surveyors, but only if the person qualifies under a standard.

4 Policy Objectives

The objective of the system of accreditation as provided for in the Act is to ensure that ships are designed, built and surveyed in a way that maintains safety, but gives ship designers, ship builders and marine surveyors the opportunity to devise programs of design, building or survey that best suit their circumstances and the circumstances of their clients, and reduce the need for day-to-day oversight.

MSQ accredits ship builders, ship designers, and marine surveyors to issue certificates of compliance and make the declarations about seaworthiness of ships which must be contained in those certificates. Certificates of compliance are integral to the way in which MSQ regulates the design, building, surveying and registration of ships.

To fulfil this role, it is in the interests of the marine industry, the general public, and the accredited persons themselves, that accreditation should be based on fair, relevant, and publicly accessible criteria. The policy objective envisaged in making the standard is to continue to provide such criteria in a standard.

5 How Standard will achieve the Policy Objectives

The operative parts of the proposed standard prescribe that an applicant for accreditation must have knowledge of the Act, the regulation, and the appropriate standards, and set out specific additional requirements for the qualifications and experience for each category of accreditation.

6 Alternative ways of achieving Policy Objectives

The conduct of an accredited person's business is currently controlled and audited under provisions in the regulation requiring the keeping of an operational plan and a production record.

The policy objective of providing fair, relevant, and publicly accessible criteria for accreditation could be achieved by amending the regulation to embody the accreditation qualifications, but there seems little justification for the regulatory amendment this would require. The preferred option is to make the proposed standard as a stand-alone reference point for the accreditation qualifications.

7 Consistency of the Standard with the Policy Objectives of the Authorising Law

The proposed standard is consistent with the overall objectives outlined in section (3)(1) of the Act and contributes to the provision of a system that achieves an appropriate balance between:

- regulating the maritime industry to ensure maritime safety; and
- enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

8 Consistency with Other Legislation

The proposed standard is part of a broader framework of state and federal maritime safety law. Consistency with Commonwealth maritime legislation and the legislative provisions of the other Australian states and territories is being achieved through the coordinated development and adoption of uniform national marine safety legislation.

9 Benefits and Costs of Standard

The benefits of the proposed standard are to afford members of the public who deal with accredited persons a measure of confidence that the accredited persons are suitably qualified, and to provide applicants for accreditation with guidance as to what qualifications are required. It is not anticipated that any costs will be involved.

Notes on Sections

Part 1 Preliminary

Short title

Section 1 – sets out the short title of the Standard

Commencement

Section 2 – provides for the Standard to commence on 1 March 2006

Dictionary

Section 3 – refers to the dictionary defining certain words located in the schedule to the standard.

Purpose

Section 4 – states the purpose of this standard is to show how a person satisfies the general manager that the person qualifies for accreditation as a ship designer, ship builder or marine surveyor under section 44(2) of the regulation.

Part 2 Accreditation as Individual

Application of part 2

Section 5 – states that part 2 applies to an individual wishing to apply for accreditation as a ship designer, ship builder or marine surveyor under part 6, division 22 of the regulation.

General Requirements for accreditation

Section 6 – states that to meet the general requirements for accreditation an individual must satisfy the general manager that the individual—

- has knowledge and understanding of the obligations imposed on an individual accredited under the Act; and
- has knowledge of the requirements of this and other standards relevant to ship designing, ship building and marine surveying; and
- has experience relevant to the individual’s accreditation; and
- is not an insolvent under administration; and
- otherwise meets the requirements under part 2 for the accreditation the individual seeks to obtain.

Specific requirements for ship designers

Section 7 – states the specific requirements for a ship designer are as follows.

Section 7(1) states that an individual applying for accreditation as a ship designer must have at least 5 years experience and at least 1 of the following qualifications:

- a degree in naval architecture;
- a degree in engineering with a major in naval architecture;
- a diploma or associate diploma in naval architecture;

Alternatively an individual can satisfy the requirements by having further experience the general manager is satisfied is at least equivalent to a qualification required above or another qualification the general manager is satisfied is at least equivalent to a qualification required above.

Section 7(2) states that an individual wishing to be accredited as a ship designer for part of a ship must have at least a trade qualification as an electrician or a trade qualification as a marine fitter and at least 2 years post qualification experience. Alternatively an individual can satisfy the requirements by having at least 5 years experience and other qualifications the general manager is satisfied are at a level at least equivalent to a qualification as listed above and also has at least 2 years post qualification experience.

Alternatively an individual may meet the requirement to be accredited as a designer for part of a ship by satisfying the general manager that the individual has a qualification that is at a level at least equivalent to a qualification as an electrician or marine fitter and is in the appropriate category of accreditation that the individual is applying for.

Section 7(3) – defines experience as it pertains to section 7.

Specific requirements for ship builders

Section 8 – states the specific requirements for a ship designer are as follows.

Section 8(1) states that an individual applying for accreditation as a ship builder must have at least 5 years experience and at least 1 of the following qualifications—

- a certificate in shipbuilding;
- a trade qualification as a shipwright;
- a trade qualification as a boat builder.

Alternatively an individual can satisfy the requirement by having other qualifications the general manager is satisfied are at a level at least equivalent to a qualification as listed above.

Section 8(2) states that an individual applying for accreditation as a ship builder for part of a ship must have at least a trade qualification as an electrician or a trade qualification as a marine fitter and at least 2 years post qualification experience.

Alternatively an individual can meet the requirement for accreditation as a ship builder if the general manager is satisfied that the individual has a qualification that is at a level at least equivalent to a qualification as an electrician or marine fitter, is in the appropriate category of accreditation that the individual is applying for and have at least 2 years post qualification experience.

Section 8(3) defines experience as it pertains to section 8

Specific requirements for marine surveyors

Section 9 – states the specific requirements of a marine surveyor are as follows.

Section 9 (1) states that an individual applying for accreditation as a marine surveyor must have at least 5 years experience and at least 1 of the following qualifications—

- a degree in naval architecture;
- a degree in marine engineering;
- a diploma or associate diploma in naval architecture or ship building;
- a certificate issued under the Marine Orders, part 3 as a Master, Master (<3000 GT) or engineer class 1 or 2;
- a trade qualification as a shipwright; or
- a trade qualification as a boat builder.

Alternatively an individual can satisfy the requirements by satisfying the general manager that the individual has a qualification that is at least equivalent to a qualification listed above and is in the appropriate category of accreditation for which the individual is applying.

Section 9(2) states that an individual wishing to obtain accreditation as a marine surveyor for part of a ship must have at least a trade qualification as an electrician or a trade qualification as a marine fitter and at least 2 years post qualification experience.

Alternatively an individual can satisfy the requirements to be a marine surveyor for part of a ship by having at least 2 years of post qualification experience and by satisfying the general manager that the individual has a qualification that is at a level at least equivalent to a trade or electrician qualification and is in the appropriate category of accreditation that the individual is applying for.

Section 9(3) defines experience as it pertains to this section and notes that the definition of Marine Order can be found in schedule 15 of the *Transport Operations (Marine Safety) Regulation 2004*.

Part 3 Accreditation as corporation

Application of part 3

Section 10 explains that this section applies to a corporation applying for accreditation as a ship designer, ship builder or marine surveyor under part 6, division 2 of the regulation.

Requirements for accreditation as ship designers, ship builders, or marine surveyors

Section 11 states the requirements for a corporation to obtain accreditation as ship designers, ship builders or marine surveyors.

Section 11(1) A corporation wishing to obtain accreditation as a ship designer, ship builder or marine surveyor must nominate an individual who, if the corporation is accredited, will become the corporation's nominee. The corporation must also satisfy the general manager that the corporation—

- has knowledge and understanding of the obligations imposed on a corporation accredited under the Act; and
- has knowledge of the requirements of the standard and other standards relevant to ship designing, ship building and marine surveying; and
- has demonstrated competence in carrying out the obligations on corporations accredited under the Act; and
- is not an externally-administered body corporate under section of the Corporations Act.

Section 11(2) defines a corporation's nominee and an externally-administered body corporate.

Part 4 Repeal and references to former standards

Section 12 repeals the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Interim Standard 2005 SL No. 181*.

References to former standards

Section 13 states that in a document or instrument, other than an Act or regulation, a reference to the following is, if the context permits, a reference to the standard—

- the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Standard 1998*;
- the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Interim Standard 2005*.
- the *Transport Operations (Marine Safety—Qualifications for Accreditation for Ship Designers, Ship Builders and Marine Surveyors) Interim Standard (No. 2) 2005*.

Schedule

The Dictionary defines certain words as they pertain to the standard.

ENDNOTES

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