



Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006

Current as at 1 September 2016

Reprint note

This is the last reprint before expiry. Expired on 31 August 2017. See SIA s 56A(2) and SIR s 3 sch 2 pt 2.



Queensland

Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006

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Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006

Part 1 Preliminary

1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006*.

2 Commencement

This standard commences on 1 March 2006.

3 Dictionary

The dictionary in schedule 1 defines words used in this standard.

4 Purpose of standard

This standard will help people to understand the general safety obligation under section 41 of the Act for Queensland regulated ships.

- (c) for a ship 5m or more but less than 8m operating in any operational area—an anchor with at least 27m of cable; or
 - (d) for a ship 8m or more operating in any operational area—2 anchors each with at least 37m of cable.
- (2) Despite subsection (1), the type and weight of anchor and the length and thickness of the cable should be appropriate for—
- (a) the type and weight of ship; and
 - (b) the weather and sea conditions; and
 - (c) the nature of the seabed.
- (3) In this section—
- cable* means—
- (a) for a ship less than 5m—a chain or rope; or
 - (b) for a ship 5m or more—
 - (i) a chain; or
 - (ii) a chain of at least 2m attached to the anchor and a rope.

8 Baling

A Queensland regulated ship should be equipped with—

- (a) for a ship less than 5m—baling equipment appropriate for the type of ship; or
- (b) for a ship 5m or more but less than 8m—a pump or other baling equipment with a minimum capacity of 45L per minute; or
- (c) for a ship 8m or more—a pump or other baling equipment with a minimum capacity of 70L per minute.

[s 9]

9 Manual propulsion

A Queensland regulated ship less than 6m should be equipped with a way of manually propelling the ship.

Examples—

oars, paddles

10 Drinking water

A Queensland regulated ship should be equipped with enough drinking water for everyone on board for the duration of the intended voyage.

11 Equipment to be in working order

The equipment mentioned in this division should be in good working order.

Division 3 Queensland regulated ships that are personal watercraft

11A Application of div 3

This division applies to a person who is the owner or master of a Queensland regulated ship that is a personal watercraft when operating in or beyond partially smooth waters, other than a personal watercraft operating—

- (a) under an aquatic event authority; or
- (b) beyond partially smooth waters within 0.5 nautical miles from land.

11B Navigation

A Queensland regulated ship that is a personal watercraft should be equipped with either of the following—

- (a) a liquid damped compass and a navigation chart appropriate to the operational area;
- (b) an electronic navigation device appropriate to the operational area.

11C Anchoring

- (1) A Queensland regulated ship that is a personal watercraft should be equipped with an anchor with a cable.
- (2) The type and weight of anchor and the length and thickness of the cable should be appropriate for—
 - (a) the type and weight of the ship; and
 - (b) the weather and sea conditions; and
 - (c) the nature of the seabed.
- (3) In this section—

cable means a chain or rope.

11D Drinking water

A Queensland regulated ship that is a personal watercraft should be equipped with enough drinking water for everyone on board for the duration of the intended voyage.

11E Equipment to be in working order

The equipment mentioned in this division should be in good working order.

Part 3 **Miscellaneous equipment for particular Queensland regulated ships that do not require registration**

Division 1 **Preliminary**

12 **Definitions for pt 3**

In this part—

compliant, for a handheld red flare or orange smoke signal, see schedule 9 of the regulation.

lifejacket level 50 see schedule 9 of the regulation.

lifejacket level 50S see schedule 9 of the regulation.

lifejacket level 100 see schedule 9 of the regulation.

NSCV see schedule 9 of the regulation.

SOLAS see schedule 9 of the regulation.

V sheet see schedule 9 of the regulation.

Division 2 **Miscellaneous equipment for particular Queensland regulated ships other than particular personal watercraft**

13 **Definitions for div 2**

In this division—

level flotation see schedule 9 of the regulation.

person, for sections 15, 16 and 17, means an individual who is 1 year or more.

14 Application of div 2

- (1) This division applies to a person who is the owner or master of a Queensland regulated ship mentioned in section 26(2)(a) or (c) of the regulation.
- (2) However, this division does not apply to a person who is the owner or master of a Queensland regulated ship mentioned in section 26(2)(c) of the regulation, if the ship is a personal watercraft.

15 Safety equipment in smooth waters

- (1) A Queensland regulated ship operating in smooth waters should be equipped with—
 - (a) a lifejacket level 50, lifejacket level 50S or lifejacket level 100 for each person on board; and
 - (b) if the ship is more than 5m, fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.
- (2) However, subsection (1)(a) does not apply if—
 - (a) the ship operates in a river, creek, stream or the waters contained within breakwaters or revetments; and
 - (b) the ship is equipped with grab lines, grab rails or other permanent means of giving each person on board a way of keeping a secure hold to the ship; and
 - (c) there is a statement in the approved form for the ship that the ship has level flotation.
- (3) Despite subsection (1)(a), a tender operating in smooth waters is not required to be equipped with a lifejacket level 50, lifejacket level 50S or lifejacket level 100 for each person on board if—
 - (a) the tender is used within 1km of the ship for which it is a tender; and
 - (b) there is a statement in the approved form for the tender that the tender has level flotation.

- (4) The ship is taken not to be equipped with the safety equipment mentioned in subsection (1)(a) unless there is an appropriate size lifejacket for each person on board.

16 Safety equipment in or beyond partially smooth waters

- (1) A Queensland regulated ship operating in or beyond partially smooth waters should be equipped with—
 - (a) if the ship is operating in partially smooth waters—a lifejacket level 100 or lifejacket level 50 for each person on board; and
 - (b) if the ship is operating beyond partially smooth waters—a lifejacket level 100 for each person on board; and
 - (c) a V sheet; and
 - (d) 2 compliant handheld red flares; and
 - (e) 2 compliant handheld orange smoke signals; and
 - (f) if the ship is more than 5m—fire fighting equipment capable of extinguishing fire on the ship quickly and effectively.
- (2) The ship is taken not to be equipped with the safety equipment mentioned in subsection (1)(a) or (b) unless there is an appropriate size lifejacket for each person on board.

17 Exception for person wearing diver's jacket

Despite sections 15 and 16, a Queensland regulated ship need not be equipped with a lifejacket for a person on board if the person is wearing an inflatable diver's jacket complying with BS EN 12628:1999 (Diving accessories. Combined buoyancy and rescue devices. Functional and safety requirements, test methods).

Division 3 Miscellaneous equipment for particular personal watercraft

18 Safety equipment for particular personal watercraft

- (1) A Queensland regulated ship mentioned in section 26(2)(c) of the regulation that is a personal watercraft should be equipped with—
 - (a) a lifejacket for the operator of, and each passenger on, the watercraft; and
 - (b) if the personal watercraft is operating in or beyond partially smooth waters—
 - (i) a V sheet; and
 - (ii) 2 compliant handheld red flares; and
 - (iii) 2 compliant handheld orange smoke signals.
- (2) For subsection (1)(a), if the operator of, or a passenger on, the personal watercraft is not wearing a lifejacket with which the personal watercraft is equipped, the personal watercraft is taken not to be equipped with the lifejacket.
- (3) Subsection (1)(b) does not apply to a Queensland regulated ship that is a personal watercraft operating—
 - (a) under an aquatic event authority; or
 - (b) beyond partially smooth waters within 0.5 nautical miles from land.
- (4) In this section—

lifejacket means—

 - (a) if the watercraft is operating in smooth waters—a lifejacket level 50 or lifejacket level 50S; or
 - (b) if the watercraft is operating in partially smooth waters or beyond—a lifejacket level 50.

Division 4 Servicing or replacing safety equipment

19 Safety equipment to be serviced or replaced

- (1) This section applies if a Queensland regulated ship's safety equipment under section 15, 16 or 18 has an expiry date by which it should be serviced or replaced.
- (2) The ship is taken not to be equipped with safety equipment under section 15, 16 or 18 unless the equipment has been serviced or replaced before the expiry date.

Part 4 Repeal and references to former standards

20 Repeal

The Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005 SL No. 183 is repealed.

21 References to former standards

- (1) In a document or instrument a reference to the following standards may, if the context permits, be taken to be a reference to this standard—
 - *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Standard 1998*
 - *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard 2005.*
 - *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Interim Standard (No. 2) 2005.*

- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

Part 5 Transitional provision for Transport Operations (Marine Safety) Regulation 2016

22 Personal flotation devices under 2004 regulation taken to be lifejackets

- (1) This section applies if—
- (a) immediately before the commencement, a ship was equipped with a PFD type 1, 2 or 3 as provided under a provision of the unamended standard; and
 - (b) a provision of this standard provides for a ship of that kind to be equipped with a lifejacket.
- (2) From the commencement until the end of the personal flotation device's serviceable life, the ship is taken to be equipped with—
- (a) for a ship equipped with a PFD type 1—a lifejacket 100;
or
 - (b) for a ship equipped with a PFD type 2—a lifejacket 50;
or
 - (c) for a ship equipped with a PFD type 3—a lifejacket 50S.
- (3) In this section—

2004 regulation means the *Transport Operations (Marine Safety) Regulation 2004* as in force before the commencement.

personal flotation device means a buoyancy aid worn by a person to keep the person afloat in water.

PFD type 1 means a PFD type 1 under the 2004 regulation.

PFD type 2 means a PFD type 2 under the 2004 regulation.

PFD type 3 means a PFD type 3 under the 2004 regulation.

serviceable life, for a personal flotation device, means the period ending when the personal flotation device needs to be replaced because the device—

- (a) is irreparable; or
- (b) is unserviceable; or
- (c) is incapable of being restored to its original working condition; or
- (d) has reached the end of its service life as stated by its manufacturer.

unamended standard means this standard as in force before the commencement.

Schedule 1 Dictionary

section 3

aquatic event authority see schedule 9 of the regulation.

lifejacket see schedule 9 of the regulation.

partially smooth waters see schedule 9 of the regulation.

Queensland regulated ship see section 10A of the Act.

regulation means the *Transport Operations (Marine Safety) Regulation 2016*.

smooth waters see schedule 9 of the regulation.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|--------------------------------|---------------|---------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd | = amendment | prov | = provision |
| t | | | |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |

| | | | |
|---------------|---------------------------|----------------|--|
| Key | Explanation | Key | Explanation |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum m | = unnumbered |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.nauthorised, electronic form only.

| Reprint No. | Amendments included | Effective | Notes |
|--------------------|----------------------------|------------------|--------------|
| 1 | none | 1 March 2006 | |
| 1A | 2011 SL No. 275 | 1 January 2012 | |

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 1 September 2016 | 2016 SL No. 154 | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Transport Operations (Marine Safety—Queensland Regulated Ships Miscellaneous Equipment) Standard 2006 SL No. 19 (prev Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Standard 2006)

made by the general manager on 22 December 2005
notfd gaz 24 February 2006 pp 798–801
ss 1–2 commenced on date of notification
remaining provisions commenced 1 March 2006 (see s 2)
exp 31 August 2017 (see SIA s 56(2) and SIR s 3 sch 2 pt 2)
amending legislation—

Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Amendment Standard (No. 1) 2011 SL No. 275

notfd gaz 9 December 2011 pp 729–35
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2012 (see s 2)

Transport Operations (Marine Safety) Regulation 2016 SL No. 154 ss 1–2, ch 12 pt 2

notfd <www.legislation.qld.gov.au> 26 August 2016
ss 1–2 commenced on date of notification
ch 12 pt 2 commenced 1 September 2016 (see s 2)

5 List of annotations

Short title

s 1 amd 2016 SL No. 154 s 239

Dictionary

s 3 amd 2016 SL No. 154 s 240

Purpose of standard

s 4 amd 2016 SL No. 154 s 251

**PART 2—MISCELLANEOUS EQUIPMENT FOR ALL QUEENSLAND
REGULATED SHIPS**

pt hdg amd 2016 SL No. 154 s 251

Division 1—Application of pt 2

div hdg ins 2011 SL No. 275 s 4

Application of pt 2

s 5 amd 2011 SL No. 275 s 5; 2016 SL No. 154 s 241

Division 2—Queensland regulated ships other than personal watercraft

div hdg ins 2011 SL No. 275 s 6

amd 2016 SL No. 154 s 251

Application of div 2

s 5A ins 2011 SL No. 275 s 6

amd 2016 SL No. 154 s 251

Navigation

s 6 amd 2016 SL No. 154 s 251

Anchoring

s 7 amd 2016 SL No. 154 s 251

Baling

s 8 amd 2016 SL No. 154 s 251

Manual propulsion

s 9 amd 2016 SL No. 154 s 251

Drinking water

s 10 amd 2016 SL No. 154 s 251

Equipment to be in working order

s 11 amd 2011 SL No. 275 s 7

Division 3—Queensland regulated ships that are personal watercraft

div hdg ins 2011 SL No. 275 s 8

amd 2016 SL No. 154 s 251

Application of div 3

s 11A ins 2011 SL No. 275 s 8

amd 2016 SL No. 154 s 251

Navigation

s 11B ins 2011 SL No. 275 s 8

amd 2016 SL No. 154 s 251

Anchoring

s 11C ins 2011 SL No. 275 s 8

amd 2016 SL No. 154 s 251

Drinking water

s 11D ins 2011 SL No. 275 s 8
amd 2016 SL No. 154 s 251

Equipment to be in working order

s 11E ins 2011 SL No. 275 s 8

PART 3—MISCELLANEOUS EQUIPMENT FOR PARTICULAR QUEENSLAND REGULATED SHIPS THAT DO NOT REQUIRE REGISTRATION

pt hdg amd 2016 SL No. 154 s 251

Definitions for pt 3

s 12 def *compliant* ins 2016 SL No. 154 s 242(2)
def *lifejacket level 50* ins 2016 SL No. 154 s 242(2)
def *lifejacket level 50S* ins 2016 SL No. 154 s 242(2)
def *lifejacket level 100* ins 2016 SL No. 154 s 242(2)
def *NSCV* ins 2016 SL No. 154 s 242(2)
def *PFD type 1* om 2016 SL No. 154 s 242(1)
def *PFD type 2* om 2016 SL No. 154 s 242(1)
def *PFD type 3* om 2016 SL No. 154 s 242(1)
def *SOLAS* ins 2016 SL No. 154 s 242(2)
def *V sheet* ins 2016 SL No. 154 s 242(2)

Division 2—Miscellaneous equipment for particular Queensland regulated ships other than particular personal watercraft

div hdg amd 2016 SL No. 154 s 251

Definitions for div 2

s 13 def *level flotation* ins 2016 SL No. 154 s 243(2)
def *personal flotation device* om 2016 SL No. 154 s 243(1)
def *positive flotation* om 2016 SL No. 154 s 243(1)

Application of div 2

s 14 amd 2016 SL No. 154 s 244

Safety equipment in smooth waters

s 15 amd 2016 SL No. 154 s 245

Safety equipment in or beyond partially smooth waters

s 16 amd 2016 SL No. 154 s 246

Exception for person wearing diver's jacket

s 17 amd 2016 SL No. 154 s 247

Safety equipment for particular personal watercraft

s 18 amd 2011 SL No. 275 s 9; 2016 SL No. 154 s 248

Safety equipment to be serviced or replaced

s 19 amd 2016 SL No. 154 s 251

References to former standards

s 21 amd 2016 SL No. 154 s 249

**PART 5—TRANSITIONAL PROVISION FOR TRANSPORT OPERATIONS
(MARINE SAFETY) REGULATION 2016**

pt hdg ins 2016 SL No. 154 s 250

Personal flotation devices under 2004 regulation taken to be lifejackets

s 22 ins 2016 SL No. 154 s 250

SCHEDULE 1—DICTIONARY

sch 1 (prev sch) num 2016 SL No. 154 s 252(5)

def *aquatic event authority* ins 2011 SL No. 275 s 10

amd 2016 SL No. 154 s 252(3)

def *lifejacket* ins 2016 SL No. 154 s 252(2)

def *partially smooth waters* amd 2016 SL No. 154 s 252(3)

def *personal watercraft* om 2016 SL No. 154 s 252(1)

def *Queensland regulated ship* ins 2016 SL No. 154 s 252(2)

def *recreational ship* om 2016 SL No. 154 s 252(1)

def *regulation* amd 2016 SL No. 154 s 252(4)

def *smooth waters* amd 2016 SL No. 154 s 252(3)