



Queensland

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000

Reprinted as in force on 1 March 2006

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2007 SL No. 112 s 28

Information about this reprint

This standard is reprinted as at 1 March 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

See endnotes for information about when provisions commenced.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000

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Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000

[as amended by all amendments that commenced on or before 1 March 2006]

Part 1 Preliminary

1 Short title

This standard may be cited as the *Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000*.

2 Commencement

This standard commences on 16 June 2000.

3 Purpose of standard

- (1) This standard provides ways of dealing with—
 - (a) the safety issue of appropriately managing the operation of a hire and drive 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.

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

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4 Definitions

The dictionary in the schedule defines particular words used in this standard.

5 Meaning of *hire and drive ship*

A ship is a *hire and drive ship* if the ship is—

- (a) a commercial ship registered under the Marine Safety Regulation as a class 1F ship; and
- (b) not 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 hire and drive ship—

An outboard powered dinghy, a personal watercraft or a small yacht.

Part 2 Obligations of providers

6 Ship must have positive flotation

The provider of a hire and drive ship must not hire the ship or make it available unless the ship has positive flotation.

7 Personal flotation devices

The provider of a hire and drive ship must ensure the ship is equipped with an appropriate personal flotation device for each person who will be carried on the ship while the ship is being operated.

8 Safety management plan

- (1) The provider of a hire and drive 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) 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.
- (3) Before the user of a hire and drive ship operates the ship, the provider of the ship must give the user a summary of the action to be taken under the ship's safety management plan in an emergency.

9 Inspection of ship before each hiring

Each time before the provider of a hire and drive ship hires the ship or makes it available, the provider must ensure the ship and its equipment are inspected to ensure the ship is properly equipped and in a seaworthy condition.

10 Briefing before user operates ship

- (1) Before the user of a hire and drive ship operates the ship, the provider of the ship must ensure the user 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;

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- (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) handling of the ship while underway;
- (h) anchoring, if the ship has provision for anchoring;
- (i) operation of the ship's radio, if the ship is fitted with a radio;
- (j) navigation in the intended area of operation;
- (k) operation and stowage of lifesaving appliances;
- (l) all the ship's systems;
- (m) the obligation of the master of a ship—
 - (i) under section 43⁴ of the Act, not to cause the ship to be operated unsafely; and
 - (ii) under section 44⁵ of the Act, not to operate the ship unless it is equipped with the safety equipment required by the Marine Safety Regulation; and
 - (iii) under section 125⁶ of the Act, to report a marine incident; and

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

5 Section 44 (Safety equipment obligation) of the Act

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

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- (iv) under the *Transport Operations (Marine Pollution) Act 1995*, section 67,⁷ 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 who has sufficient experience and knowledge in the matters mentioned in subsection (1) to give an adequate briefing.
- (4) If the user of the hire and drive ship does not hold a recreational ship master's licence, the briefing must be given under the supervision of a person who holds at least a coxswain's licence under the Code.

11 When provider must ensure user holds recreational ship master's licence

- (1) This section applies if a hire and drive ship is hired or made available to a user at a particular place (the *point of hire*) but the user does not intend to operate the ship from the point of hire.

Example—

Dinghy hired from a service station on a trailer.

- (2) The provider must ensure that the user holds a recreational ship master's licence.

⁷ *Transport Operations (Marine Pollution) Act 1995*, section 67 (Duty to report certain incidents)

12 Provider not to allow user to operate ship if insufficiently skilled

The provider of a hire and drive ship must not allow the user of the ship to operate it unless the provider is satisfied that the user has sufficient skill to operate and navigate it properly within the intended area of operation for the ship.

13 Provider not to allow user to operate ship outside particular areas

- (1) The provider of a hire and drive 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.
- (3) The provider of a hire and drive ship must require the user of the ship not to operate it beyond smooth waters unless—
 - (a) the ship will always remain in sight of the point of hire; and
 - (b) the provider considers the sea conditions are safe for the ship.

14 Provider to tell user about supervising children under 12

The provider of a hire and drive ship must tell the user of the ship to ensure that children under 12 years on board the ship are supervised by an adult.

15 Powered rescue ship to be available

The provider of a hire and drive ship must ensure an appropriately powered ship is available to go to the rescue of the ship at all times while the ship is being operated within the area of operation stated on the ship's registration certificate.

16 Search and rescue

- (1) This section applies if a hire and drive ship is not returned to the provider of the ship within the time agreed between the provider and the user.
- (2) The provider of the ship must—
 - (a) use all reasonable means to find out where the ship is and whether the persons on board the ship are safe; and
 - (b) if the whereabouts of the ship and the safety of persons cannot be established, initiate a search for and rescue of the persons on board the ship.

17 Owner identification

The provider of a hire and drive ship that is not required to be registered under the Marine Safety Regulation must ensure the ship is fitted with identification of the owner of the ship in a position visible from outside the ship or from an open deck of the ship.

18 Records

- (1) The provider of a hire and drive ship must make a written record of—
 - (a) the name and address of the user of the ship; and
 - (b) the number of persons the user intends will be on board while the ship is being operated by the user.
- (2) The record must be kept at least until the ship is returned to the provider at the end of the period for which the ship is being operated by the user.

Part 3 Obligations of users

19 User not to operate ship outside intended area of operation

The user of a hire and drive ship must not operate the ship outside the intended area of operation for the ship.

Part 4 Expiry

20 Expiry

This standard expires 7 years after it commences.

Schedule Dictionary

section 4

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

commercial ship see the Marine Safety Regulation, schedule 15.

hire and drive ship see section 5.

intended area of operation, for a hire and drive ship, means the area in which the provider of the ship intends that the ship will be used while it is hired or made available.

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 2004*.

personal flotation device means a buoyancy aid that a person wears to keep the person afloat in the water.

positive flotation see the Marine Safety Regulation, schedule 15.

provider, of a hire and drive 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 hire and drive ship, means a person to whom the ship is hired or otherwise made available under a commercial arrangement.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 March 2006. Future amendments of the Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 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
amdt	= amendment	prov	= provision
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	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	16 June 2000	17 July 2000

Reprint No.	Amendments included	Effective	Notes
1A	2006 SL No. 17	1 March 2006	

5 List of legislation

Transport Operations (Marine Safety—Hire and Drive Ships) Standard 2000 SL No. 116

made by the chief executive on 6 June 2000

notfd gaz 16 June 2000 pp 555–6

ss 1–2 commenced on date of notification

remaining provisions commenced 16 June 2000 (see s 2)

exp 16 June 2007 (see s 20)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Transport Operations (Marine Safety—Designing and Building Commercial Ships and Fishing Ships) Standard 2006 SL No. 17 ss 1–2, pt 6

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)

Note—An explanatory note was prepared

6 List of annotations

SCHEDULE—DICTIONARY

def “**commercial ship**” amd 2006 SL No. 17 s 44(1)

def “**Marine Safety Regulation**” amd 2006 SL No. 17 s 44(2)

def “**positive flotation**” amd 2006 SL No. 17 s 44(1)