

# Change on the horizon

Changes to marine safety laws commenced on 1 September 2016

A few simple changes have been made to Queensland's marine safety laws. Most boat owners and skippers will see little or no changes to existing rules. New Commonwealth legislation triggered changes to Queensland's legislation.

Remember, you're the skipper, you're responsible for checking you understand and follow all marine safety laws when heading out on to the water.

## What laws may change?

Due to the Commonwealth's *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law), changes have been made to:

- *Transport Operations (Marine Safety) Act 1994* (TOMSA)
- *Transport Operations (Marine Safety) Regulation 2004* (TOMSR)
- And some related Standards – such as the *Transport Operations (Marine Safety—Recreational Ships Miscellaneous Equipment) Standard 2006* (Miscellaneous Equipment Standard). This has been amended to apply to Queensland regulated ships. Some other Standards have been removed as they only relate to commercial and fishing ships which are covered by the National Law.

## New and key terms

From 1 September 2016, new terms have been introduced to describe the way ships are regulated in Queensland.

- **National Law** (*Commonwealth's Marine Safety (Domestic Commercial Vessel) National Law Act 2012*) regulates domestic commercial vessels, which are vessels used in connection with a commercial, government or research activity.
- **Queensland regulated ship** is a new term that covers all ships regulated under Queensland marine safety legislation and includes a 'recreational ship' and an 'other Queensland regulated ship'.
- An '**Other Queensland regulated ship**' is a commercial ship that is not covered under the National Law. The most common examples of these ships are surf lifesaving, school and community group vessels.
- **Prescribed other Queensland regulated ship** means an other Queensland regulated ship that—
  - (a) is 6metres or more in length; or
  - (b) is designed to carry more than 12 persons on the ship; or
  - (c) operates more than 15 nautical miles from land.

Examples of 'prescribed other Queensland regulated ships' are:

- A school ship engaged in marine studies carrying more than 12 persons (e.g. 17 students)
- A community group ship that is 6metres or more (e.g. 6.5metres) and operates beyond 15 nautical miles from land (e.g. Up to 50nm). For example, a community organisation taking a group off-shore fishing
- A surf lifesaving ship that is 6metres or more (e.g. 6.1metres)

## Changes

The changes clarify provisions within Queensland's marine safety legislation only apply to Queensland regulated ships. This includes for example registration, licensing, safety equipment and general safety obligations.

### General changes for Queensland regulated ships

- In line with national changes, the Australian Maritime Safety Authority (AMSA) EPIRB registration label no longer needs to be attached to the EPIRB. The EPIRB still needs to be registered with AMSA.
- A Ride Smart sticker no longer needs to be displayed on a personal watercraft.
- Personal flotation devices will now be referred to as 'Lifejackets' for national consistency.
- The registration process for 'Other Queensland regulated ships' has been made simpler and more accessible as registration applications are able to be processed at any Transport and Main Roads customer service centre.
- The registration application form has been changed to include the registration of both recreational ships and other Queensland regulated ships with the application process only differing for 'prescribed other Queensland regulated ships'.
- Recreational fees apply to other Queensland regulated ships, unless ships are fee exempt.
- You can now check the registration status of a ship, the ship's purpose of use and other details such as the description of the ship online.
- A restricted use flag has become an 'authority' rather than a physical flag. The authority or copy of the authority is still required to be carried on the ship when operating.
- No additional penalties have been included in the new legislation.

### BoatSafe training operators/providers

- Applicants who wish to apply for approval to conduct examination and training for Recreational Marine Driver Licence now need a Certificate of Competency to operate a commercial ship under the National Law, or an equivalent. Vessels used by BoatSafe Training Organisations and Providers are considered to be domestic commercial vessels under the National Law.
- Applicants who wish to apply for approval to conduct examination and training for Personal Watercraft (PWCs) now require a PWCL, or equivalent.
- An entity seeking training program approval is required to have a ship that has a current National Law certificate of operation.
- Current training providers can continue to use their Certificates of Competency and Operation for the valid term. Upon renewal of the Certificate, training providers are required to submit a new form and a National Law certificate will then be issued.

For updates on changes to marine safety laws visit  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au) or email: [marinesafetylaws@msq.qld.gov.au](mailto:marinesafetylaws@msq.qld.gov.au)

*\*Disclaimer – this document is a guide on proposed changes only. Please refer to the appropriate legislation from 1 September 2016.*