

Traditional Inhabitant Fishing Boats

Changes to marine safety laws commenced on 1 September 2016

A few simple changes have been made to some of Queensland's marine safety laws. But one thing hasn't changed – if you're the skipper, you're **responsible**. This includes checking you understand and follow all marine laws when heading out on to the water.

What laws may change?

- *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)*.

New and key terms

- In Queensland all ships are called Queensland regulated ships. Ships are either a 'recreational ship' or 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. This may include other ships, for example, some TIFBs.

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

- An AMSA radio beacon (EPIRB) registration label no longer needs to be attached to the EPIRB. The EPIRB will still need to be registered with AMSA.
- A Ride Smart sticker no longer needs to be displayed on a personal watercraft (PWC).
- Personal flotation devices (PFDs) will now be referred to as 'Lifejackets'.
- No additional penalties have been included in the new legislation.

Traditional Inhabitant Fishing Boats (TIFBs)

AMSA is responsible for the regulation of '*domestic commercial vessels*' (DCVs) and for determining whether a vessel is a DCV or not under the National Law.

What do you need to do?

1. You need to first decide whether your ship is a DCV or not (see AMSA guideline below).
2. If your ship is not a DCV it is an other Queensland regulated ship and you must comply with Queensland law.
3. Otherwise, if your ship is a DCV you must comply with the National Law.

For more information about whether your boat is a DCV and the requirements for DCVs, please go to the AMSA website at <http://www.amsa.gov.au/domestic/>

AMSA – is your ship a Domestic Commercial Vessel (DCV)?

Generally, your ship will be considered not a DCV (not used in connection with a commercial activity) if:

- you use it only to give, share or barter your catch with your group including for social, cultural, religious, spiritual and ceremonial needs.

TIFBs that are other Queensland regulated ships

- If your ship is not a DCV, it is an ‘other Queensland regulated ship’.
- These boats are not required to be registered since they had been recognised as fishing ships less than 10 metres (m). This means an “other Queensland regulated ship” that is less than 10m, and has a licence under the Torres Strait Fisheries Act 1984 (Cwlth), is not required to be registered.
- Your ship still needs to have the safety equipment that recreational ships are required to have, as well as the recreational miscellaneous equipment.
- The skipper or master needs to hold at least a recreational marine driver licence (RMDL) to operate a ship and also a personal watercraft licence (PWCL) if operating a PWC. This applies if the engine is more than 4.5 kilowatts (kW).
- The general safety obligation continues to apply as well as any other existing laws or standards.
- For information about Torres Strait fishing licences, please go to the Department of Agriculture and Fisheries website at <https://www.daf.qld.gov.au/fisheries/commercial-fisheries/queenslands-commercial-fisheries/torres-strait-fisheries>.

Your ship will be considered a DCV (used in connection with a commercial activity) if:

- you use it for fishing and make a profit or barter your catch with people outside your group.

TIFBs that are DCVs

- For more information about whether your ship is a DCV and the requirements for DCVs, please go to the AMSA website at <http://www.amsa.gov.au/domestic/>.
- Also, for the licensing requirements, please seek AMSA’s advice regarding Exemption 16 Marine Safety (Traditional fishing) Exemption 2013.

**For updates on changes to marine safety laws visit
www.msq.qld.gov.au or email: 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.*