



Department of
Transport and Main Roads

PROPOSAL TO REVIEW AND REMAKE the *Transport Operations (Marine Safety – Queensland Regulated Ships Miscellaneous Equipment) Standard 2006* under the *Transport Operations (Marine Safety) Act 1994*

1. Public Notice (summary)

The *Transport Operations (Marine Safety – Queensland Regulated Ships Miscellaneous Equipment) Standard 2006* (the Standard) is due to expire on 31 August 2017.

A hard copy of this proposal may be obtained by telephoning the Maritime Safety Queensland (MSQ) regional office in Brisbane (07 3632 7500), Southport (07 5585 1810), Gladstone (07 4971 5200), Mackay (07 4944 3700), Townsville (07 4421 8100), or Cairns (07 4052 7400).

2. What are Standards? (function)

Standards are an important part of the laws that regulate marine safety in Queensland. Together with the *Transport Operations (Marine Safety) Act 1994* (TOMSA) and the *Transport Operations (Marine Safety) Regulation 2016* (TOMSR), they perform a variety of functions, including providing guidance on the general safety obligations. While a standard may provide for marine safety and issues affecting marine safety, they may not prescribe for offences, fees or charges.

The Standard sets out the type of miscellaneous equipment required for certain ships operating in particular areas. The Standard helps people understand their general safety obligation under section 41 of TOMSA for Queensland. Section 41 provides that the owner and master of a ship must not operate the ship unless the ship is safe. A ship is safe if it is seaworthy, and is appropriately equipped and crewed, to meet the ordinary perils of the voyage.

3. Why does the Standard need to be remade? (rationale)

The Standard was due to expire on 31 August 2016 under the *Statutory Instruments Act 1992*, however an extension was granted until 31 August 2017 on the grounds that the Standard was subject to review in view of other changes to marine safety legislation.

The Standard will cease to apply once it expires on 31 August 2017, unless it is remade.

4. How will the Standard be remade? (process)

The Standard will be reviewed and remade with full public consultation.

The Standard has already undergone important amendments in 2016 prior to this proposed remake, consistent with the consequential amendments made to the TOMSA and the TOMSR as a result of the introduction of the Commonwealth's *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Public consultation will include two invitations to make submissions. Submissions are invited until 20 January 2017 on what changes are needed to the existing Standard. A new draft Standard will then be prepared, and made available for public inspection. There will be a second opportunity for the public to make submissions on the draft Standard, before a final Standard is submitted for approval.

5. How to contribute? (consultation)

MSQ invites submissions from public authorities, industry, interested groups and persons, and the public on what changes should be made to the Standard in relation to miscellaneous equipment for Queensland regulated ships.

The aim of the consultation process is to make a standard that best meets the TOMSA's objectives of regulating marine safety while enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

Written submissions on this proposal may be made to the Director (Safety Standards) in the following ways:

By mail: Director (Safety Standards)
Maritime Safety Queensland
GPO Box 2595
Brisbane QLD 4001

By email: StandardConsultation@msq.qld.gov.au

By facsimile: (07) 3066 3856

The closing date for receipt of written submissions on this proposal is 20 January 2017.

(There will be a further opportunity to make submissions when the draft Standard has been prepared)

6. Links to Electronic documents (further information)

The Maritime Safety Queensland website:

<http://www.msq.qld.gov.au/>

The Standard:

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

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstOpMSRSS06.pdf>

The TOMSA:

Transport Operations (Marine Safety) Act 1994

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstOpMSA94.pdf>

The TOMSR:

Transport Operations (Marine Safety) Regulation 2016

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstOpMSR16.pdf>