

Queensland Regulated Ships

Technical and Operational Guidelines

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Technical guidelines

Queensland regulated ship is a new term that covers all ships regulated under Queensland's marine safety legislation and includes a 'recreational ship' and an 'other Queensland regulated ship'.

Recreational ships

Recreational ships are to be built and equipped in accordance with the available standards and the *Transport Operation (Marine Safety) Regulation 2016*. If a registrant identifies on the application form that the ship does not have an Australian Builders Plate (ABP), the application for registration will be referred to the Department of Transport and Main Roads (Maritime Standards).

Other Queensland regulated ships (not prescribed other Queensland regulated ships)

An 'Other Queensland regulated ship' is for example, a commercial ship that is not covered under the Commonwealth's *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law). The most common examples of these ships are surf lifesaving, school and community group ships.

General Requirements

(1) For a ship that is:

- (a) less than six (6) metres in length **and**
- (b) carries 12 persons or fewer **and**
- (c) operates in **smooth waters** only

it must carry:

- recreational ship safety equipment (refer to the [Maritime Safety Queensland](#) website)
- an ABP that states the ship has either **basic flotation** or **level flotation**.

(2) For a ship that is:

- (a) less than six (6) metres in length **and**
- (b) carries 12 persons or fewer **and**
- (c) operates beyond smooth waters but no further than 15 nautical miles from land

it must carry:

- recreational ship safety equipment (refer to the [Maritime Safety Queensland](#) website)
- an ABP containing a statement about flotation, for these ships only **level flotation** is acceptable.

NOTE: The ABPs mentioned in (1) and (2) above must be in accordance with the *National Standard for the Australian Builders Plate for Recreational Boats* which is available on the Australia New Zealand Safe Boating Education Group (ANZSBEG) website. This Standard is updated from time to time and the latest version must be used.

Prescribed other Queensland regulated ships

General Requirements

Requirements for a ship that:

- (a) is six (6) metres 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

it must carry:

- recreational ship safety equipment unless specified otherwise by a condition of registration to comply with a higher standard (for example, the National Standard for Commercial Vessels, Part C Design and construction, Subsection 7A Safety equipment (NSCV C7A)).

In some cases, a survey report may be required from a competent person that is accredited under the National Law as a marine surveyor. This may be necessary to address risks involved with the ship's operation.

If you are buying a boat, modifying a boat or about to build a new boat, please contact us at Maritime_Standards@tmr.qld.gov.au in order to determine whether you will need a survey report from a competent person who is a nationally accredited marine surveyor.

Definitions

survey report, for a ship or a part of a ship, means a report—

- (a) declaring the ship's or part of a ship's seaworthiness in relation to one (1) or more of the following aspects:
 - (i) the ship's design
 - (ii) the ship's construction
 - (iii) the ship's safety equipment
 - (iv) the ship's stability
 - (v) another aspect of the ship's condition that may affect marine safety **and**
- (b) containing information about the person who issued the report, including information about the person's—
 - (i) accreditation as a marine surveyor under the National Law **or**
 - (ii) training, qualifications or experience relating to the matters mentioned in paragraph (a) included in the report.

competent person, for the issue of a survey report for a ship or a part of a ship, means—

- (a) an individual accredited under the National Law as a marine surveyor to survey in a category that covers a ship's, or a part of a ship's, seaworthiness in relation to the aspects mentioned in the report **or**
- (b) another individual who is able to competently decide a ship's, or a part of a ship's, seaworthiness in relation to the aspects mentioned in the report because of the individual's training, qualifications or experience in relation to the aspects.

It is not necessary for all survey reports to be from a single competent person but they must cover the design, construction and the stability assessment.

Technical requirements

Design and construction requirements

A *prescribed other Queensland regulated ship* must meet the design, construction, machinery, watertight integrity, passenger and crew accommodation, fire safety, damaged and intact stability, and equipment requirements of the National Standard for Commercial Vessels (NSCV).

However, an alternative means to meeting the requirements of the NSCV is by an equivalent solution. Such means must provide a level of safety no less than that in the NSCV. It must also ensure the ship is fit for the purpose for which it is intended by the owner, to the satisfaction of the accredited person(s) engaged by the owner to approve and inspect the ship.

The following assessment methods, or any combination of them, may be used to determine whether an equivalent solution complies with the requirements of the NSCV:

- (a) evidence to support that the use of a material, form of construction, design, or system of work meets a deemed-to-satisfy solution of the NSCV
- (b) evidence to support that the use of a material, form of construction, design, or system of work meets the equivalent requirements of the NSCV
- (c) quantitative comparison with the deemed-to-satisfy solution of the NSCV
- (d) quantitative risk analysis
- (e) expert judgement with or without qualitative risk analysis.

Documentation of technical requirements

Examples of the kind of documentation that should be prepared and retained to support design and construction proposals include:

- (a) in the case of compliance with the NSCV, all relevant construction and machinery plans, intact and damaged stability assessment, construction survey reports, equipment details and any other supporting documentation.
- (b) in cases where an equivalent solution has been proposed:
 - details of the relevant required outcomes
 - the assessment method or methods used to establish compliance with the required outcomes
 - details of any expert judgement relied upon including the extent to which the judgement was relied upon and the qualifications and experience of the expert
 - details of any tests or calculations used to determine compliance with the relevant required outcomes
 - test certificates, classification society certificates or other documentation from an appropriate body which verify that a solution meets an applicable standard
 - details of any standards or other information that were relied upon.

In all cases the design and construction requirements must be for the appropriate vessel use category and operational area category as defined in the *NSCV Part B General requirements*.

In all cases the approval and inspection process must comprise a physical inspection of the ship and may include testing of the ship or its equipment unless the surveyor considers it appropriate to rely instead on documentation.

Other requirements

Inspection requirements and reports

Inspection requirements and reports for prescribed ships are to be done in accordance with the same processes that AMSA requires for domestic commercial vessels (DCVs). A DCV means a vessel that is for use in connection with a commercial, governmental or research activity.

Operational guidelines

An other Queensland regulated ship is registered on the condition that the owner or master of the ship must have a safety management system (SMS) for the ship that deals with the matters mentioned in the National Standard for Commercial Vessels Part E Operations (NSCV Part E). The SMS must be relevant to the ship's operation; or be approved by the registering entity as an appropriate SMS for the ship.

Please see the **attached** frequently asked questions for further information.

Operational requirements for other Queensland regulated ships

The owner or master of an other Queensland regulated ship must implement and maintain a SMS to avoid or manage risk to their ship's operations.

The operation of an other Queensland regulated ship must:

- (a) be conducted safely to the extent that is 'reasonably practicable' to reduce risks; and
- (b) ensure there is a rapid and efficient response to any emergency so that any adverse consequences are reduced as much as possible.

In terms of the above, **reasonably practicable** means: what is, or what was, at a particular time, reasonably able to be done in relation to ensuring safety, taking into account and weighing up all relevant matters, including:

- the likelihood of the hazard or risk concerned eventuating **and**
- the degree of harm that might result from the hazard or risk concerned eventuating **and**
- what the person concerned knows, or ought reasonably to know, about the hazard or the risk concerned **and**
- ways of eliminating or minimising the hazard or risk concerned **and**
- the availability and suitability of ways to eliminate or minimise the hazard or risk concerned **and**
- after assessing the extent of the hazard or risk concerned and the available ways of eliminating or minimising the hazard or risk concerned; the cost associated with the available ways of eliminating or minimising the hazard or risk concerned, including whether the cost is grossly disproportionate to the hazard or risk concerned.

An SMS is acceptable as being equivalent to the requirements of the NSCV Part E for operations of a ship in the 'low service category' if reviewed by Maritime Standards as being an appropriate SMS for the ship.

Typical examples of an appropriate SMS is one that complies with the Curriculum Activity Risk Assessment (CARA) activity guidelines.

Frequently asked questions

Do schools, surf lifesaving and community groups who operate other Queensland regulated ships need to have an SMS?

Yes. Under Queensland law, all other Queensland regulated ships are registered on the condition that the owner or master of the ship must have a safety management system (SMS) for the ship that deals with the matters mentioned in the National Standard for Commercial Vessels Part E Operations (NSCV Part E). The SMS must be relevant to the ship's operation; or be reviewed by the registering entity as an appropriate SMS for the ship.

This means all owners or masters of other Queensland regulated ships must implement and maintain an SMS that ensures that their ship and the operations of their ship, are, so far as reasonably practicable, safe. This reflects the fact that you are best placed to weigh up all the relevant matters necessary to ensure the safety of your operation.

What is the benefit of having an SMS?

An SMS clearly sets out an organisation's approach to safety. It promotes clear understanding of the safety systems and consistency in its application at all levels of the ship's operation. Importantly, it provides tangible evidence of the precautions and risk mitigation measures that have been taken should the SMS be brought into question following an incident or accident.

An SMS provides for the development of a safety culture. A safety culture means that there is a commitment to safety at all levels within an organisation.

When is an SMS effective?

An SMS is effective when it identifies the hazards and controls the risks and is clearly understood by everyone involved in or connected with the ship's operation. 'Clearly understood' means that anyone who performs duties, or has responsibilities associated within an operation:

- understands this duty or responsibility
- is equipped with the skills, knowledge and capability necessary to effectively fulfil these duties and responsibilities
- can demonstrate these skills, knowledge and capabilities as required for verification of compliance.

Does my SMS need to be in writing?

Yes. However, every operation is different, which is why owners are best placed to identify the risks and hazards in their operation, and how they can be effectively managed.

You should be prepared to provide evidence that you have met your SMS obligations, including providing documentation that demonstrates that your SMS ensures, so far as reasonably practicable, the safety of the ship and its operations.

What if I have an SMS that was put in place to satisfy a previous State or Territory requirement?

You may need to review and/or update your SMS to ensure that it continues to ensure the safety of your ship and its operations so that the ship is, so far as reasonably practicable, safe.

What will happen if I don't comply with my SMS obligations?

If a ship is registered on conditions, the owner or master must not operate it in contravention of the conditions.

Maritime Safety Queensland Shipping Inspectors will continue to work with industry to educate and provide guidance on addressing any non-compliances.

Who can I talk to about my SMS?

In addition to the instances set out above, TMR (Maritime Standards) may review your SMS prior to an application for registration and provide information to help you meet your general safety obligation and conditions of registration requirements under the Queensland law. You may contact us at Maritime_Standards@tmr.qld.gov.au.

Details of your local Maritime Safety Queensland regional office and access to the application form are available at www.msq.qld.gov.au.