

Marine Information Bulletin

Exemption from commercial licensing requirements for trainers and trainees in schools and sporting associations

Issued 5 February 2010

Purpose

This Marine Information Bulletin advises that Maritime Safety Queensland has gazetted an exemption that will affect teachers, trainers, students, trainees, coaches and volunteers involved with schools or sporting associations. These individuals will now be exempted from commercial licensing requirements while engaged in these activities subject to a number of conditions.

The conditions that must be met in this exemption allow flexibility for schools and sporting associations while maintaining safety on the water. The exemption only applies to bona fide activities by schools and sporting associations and does not apply to ships used for the conduct of BoatSafe courses.

Any commercial registered ships of schools or sporting associations operating beyond the limits described in this exemption may only be operated by appropriately qualified people in compliance with section 88 of the Transport Operations (Marine Safety) Regulation 2004.

Current legislation

The Transport Operations (Marine Safety) Regulation 2004 section 88 requires a commercial registered ship to be operated by a person with the class of licence stipulated in the Uniform Shipping Laws Code. The ships used by these groups are generally commercially registered. This means that most small ships operated within schools and sporting associations require at least a coxswain licence to legally operate the ship. This is generally impractical for these groups and so this exemption is being given.

The exemption

To qualify for this exemption a number of conditions must be met by the operators of small ships operated by schools and sporting associations.

The exemption applies to two groups of individuals: students or trainees, and their teachers, or trainers or coaches or assisting volunteers.

For students or trainees

These may be school students engaged in bona fide educational activities, or young people engaged in sporting activities such as rowing or sailing.

Students or trainees will be able to operate a commercial registered small ship belonging to a school or sporting association as long as the following conditions are complied with.

- The ship is being used for a bona fide sporting or educational activity.
- The activity must be conducted in smooth waters.
- The ship must be less than 4.5 metres in length.
- The ship must be powered by an engine of less than 20HP (15kW).
- The ship must be under the direct supervision of a teacher, coach or volunteer who may be in another ship, close by.

For teachers, trainers, coaches and volunteers (trainers)

These will be school teachers, rowing or sailing coaches, or volunteers at schools or sporting associations who are training or supervising bona fide activities at schools or sporting associations.

They will be able to operate a commercial registered small ship belonging to a school or sporting association and used for a bona fide purpose as long as the following conditions are complied with.

- The trainer may operate a ship to supervise unlicensed trainees in another close by ship if they hold a recreational marine driver licence, and
 - (a) the ship is operated within smooth water limits, and
 - (b) the ship is less than 4.5 metres in length, and
 - (c) the ship is powered by an engine of less than 20HP (15kW).

- The trainer may operate a ship to directly supervise the operation of an unlicensed trainee on the same ship if they hold a recreational marine driver licence and a Yachting Australia Safety Boat Handling qualification, and
 - (a) the ship is operated within smooth or partially smooth water limits, and
 - (b) the ship is less than 6 metres in length, and
 - (c) the ship is powered by an engine of less than 50HP (37kW).

- The trainer or coach may operate a ship operating in an official capacity for a sailing club if they hold a recreational marine driver licence and a Yachting Australia Safety Boat Handling qualification, and
 - (a) the trainer or coach is acting in an official capacity for the club, and
 - (b) the ship is operated only within smooth water limits, and
 - (c) the ship is less than 12 metres in length.

Information

Yachting Australia's Safety Boat Handling Course may be viewed at www.yachting.org.au

For further information about this Marine Information Bulletin, email msqmail@msq.qld.gov.au.

Other Marine Information Bulletins covering various topics relating to the safe operation of ships can be obtained from Maritime Safety Queensland's website www.msq.qld.gov.au and from the following Maritime Safety Queensland regional offices:

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Bundaberg	(07) 4131 8500
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