

# Regulations and your obligations

## What is a commercial vessel?

All ships used for activities that are undertaken for financial reward are commercial vessels, even if no fees are received directly by the vessel (such as vessels used at resorts). Any vessel used for a commercial venture must be registered accordingly and operated by commercially-qualified masters, engineers and crew.

Commercial vessels are required by law to comply with certain standards of construction, equipment and manning. Generally, commercial vessels are purpose built from scratch according to their intended purpose and area of operation.



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## Class of registration

When a vessel is inspected, a certificate of compliance will be issued and it will be given a registration class by the registering authority. In Queensland, there are four classes of ship that are further broken down into 15 possible categories of operational area. In Australia a simple system of numerals and letters is used.

The number indicates the type of ship:

- Class 1 Passenger ships
- Class 2 Non-passengerships
- Class 3 Fishing ships
- Class 4 Commercial hire ships.

The letter indicates their area of operation:

- A Unlimited (foreign-going)
- B Offshore
- C Restricted offshore
- D Partially smooth waters
- E Smooth waters.

| SHIP TYPE       | Unlimited | Offshore | Restricted offshore | Partially smooth and smooth | Smooth |
|-----------------|-----------|----------|---------------------|-----------------------------|--------|
| Passenger       | 1A        | 1B       | 1C                  | 1D                          | 1E     |
| Non-passenger   | 2A        | 2B       | 2C                  | 2D                          | 2E     |
| Fishing         | 3A        | 3B       | 3C                  | 3D                          | 3E     |
| Commercial Hire | n/a       | n/a      | 4C                  | 4D                          | 4E     |

## Ship registration and procedures

Commercial vessels must be registered with Maritime Safety Queensland when in use on Queensland waters. The following ships must be commercially registered:

- Ships operating in Queensland waters that are owned or chartered by a person whose principal place of residence is in Queensland.
- Ships operated by a person whose place of or principal place of business is in Queensland.
- Ships operated by a person whose principal place of business for managing the ship's operations is in Queensland.

However, this does not apply to:

- A ship that must be and is registered under the *Commonwealth Shipping Registration Act 1981*. Ships registered under the Commonwealth Act also require a current certificate of survey under Commonwealth law to be exempt from state registration.
- A commercial ship (other than a barge) that is unpowered, or if powered, is powered by an engine of less than 3 kilowatts (kW).

- Fishing ships less than 10 metres (m) in length.
- A tender to a registered commercial ship if the tender operates within two nautical miles of the mother ship. Before its use, the owner of the ship must record details of the tender in an equipment list or log book kept for the mother ship.
- A ship displaying a Restricted Use Flag.
- Commercial barges less than 15 m (unpowered or powered by an engine of less than 3 kW) not being used for carrying passengers, bulk petroleum or gas products, living aboard or entertainment, operating a pile frame, crane with safe working load over three tonnes or dredging machinery having a total brake power of 500 kW or more.

Ships that are not on or in the water do not have to be registered. For example if registration expires while the ship is on the slip being repaired, it only needs registering before being put back in the water. All ships moored and in the water must be registered, even if they are not in use for long periods of time. Registration must not lapse.

All ships of more than 15 m in length are required to have insurance sufficient to pay for potential pollution clean up, salvage and wreck removal.

After a ship is registered, the registration number must be displayed permanently and be visible from at least 30 metres. Some vessels over 24 metres in length, particularly cargo vessels, may require a loadline certificate which determines how much weight the vessel is allowed to carry.

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## Safety management system

Commercial vessels in Queensland are required to carry onboard and maintain various manuals and plans. One of the required documents is a safety management system (SMS), which is a collection of all the documents that can be used by a vessel owner to show that their vessel is complying with safe operating procedures, records and risk management practices.

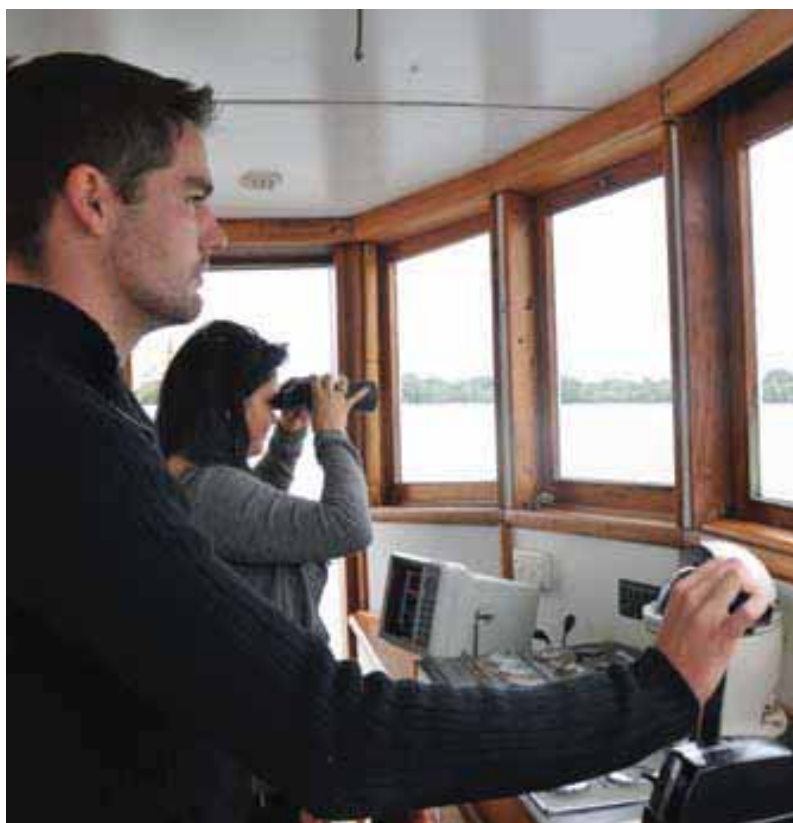
All crew members must be able to access and understand the documents. The issues it addresses may include, but not be limited to, the following:

- company details
- crew particulars
- job descriptions
- copies of licences and permits
- safety inductions for crew.

## Commercial licensing

The skills required by crew members onboard a commercial vessel are complex. For example, crew members need to operate machinery safely, navigate and manoeuvre the ship, plan a voyage, understand legislation and regulations and deal with any emergency that may arise in a stressful environment. Crew members only have their training, experience and resources available on the ship to rectify an emergency so the vessel can return safely to shore.

To hold a commercial qualification as a master or engineer one needs to be an administrator, a navigator, a mariner, a good communicator, and a leader of people. The master and engineer need proven experience at sea, not just classroom knowledge.



## Training, certification and commercial licensing

Maritime Safety Queensland is the marine safety regulator and licence-issuing authority in Queensland and is committed to enhancing the quality of a prospective licence candidate's learning experience and the quality of the marine training program.

With this objective in mind, Maritime Safety Queensland fully supports the national initiative to introduce competency-based training and assessment that focuses on learning and obtaining practical core skills and knowledge in the workplace. Students complete a combination of on-the-job workplace-based task books and a range of assignments and assessments while enrolled with a Maritime Safety Queensland-approved registered training organisation (RTO). Following the successful completion of a workplace competency-based training program a student will receive an Australian Qualification Framework (AQF) nationally-recognised certificate that is acceptable towards a commercial marine licence.

Maritime training is focused on assisting crew to gain quality of sea service rather than quantity. For example workplace-based task books help crew, masters and engineers to support quality skill outcomes and are a true measure of sea service and quality practical experience at sea, not just time spent at sea. The maritime training package is designed to help students learn skills and gain qualifications progressively over their career.

Maritime training in Queensland is offered through a competency-based training delivery framework that incorporates a blend of theory and practical skills. Training is flexible and is designed to meet each student's individual learning needs. RTOs work with the students to develop a suitable training program which could include enrolling in a full certificate, enrolling in a qualification over time by clustering interrelated units or through recognition of prior learning (RPL). The focus of all maritime training is on gaining skills in the workplace and acquiring knowledge through formal learning on the job, supported by the training provider.

A number of RTOs across Queensland and Australia offer maritime training but they offer a range of different delivery strategies including lectures, tutorials,



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workshops, one-to-one instruction, multimedia resources, email and phone support and flexible enrolment periods. RTOs also offer a varied range of training and assessment that may include a combination of training delivered onsite in the workplace, at a training facility or on a commercial training vessel. This enables a potential student to source a training program that best suits their individual needs such as location, employment conditions, time, experience and financial arrangements.

Traineeships and industry partnerships are also available at certificate levels 1, 2 and 3. A traineeship involves a contract between the trainee, the trainee's employer, the RTO and the government through a new apprentice centre. School-based traineeships are also available. Information on traineeships can be found through the Department of Education and Training, new apprentice centres, public training providers and school careers centres.

With an AQF certificate from the RTO, the candidate can then apply for a commercial marine licence. This involves submitting sea time to a Maritime Safety Queensland regional office, completing an application for an independent assessment and providing such prerequisites as an eye sight and medical certificate, radio licence and a current first aid certificate.

## Steps to obtain a commercial licence

1. Check the current requirements and prerequisites for the relevant licence level at a Maritime Safety Queensland regional office or on the Maritime Safety Queensland website ([www.msq.qld.gov.au](http://www.msq.qld.gov.au)).
2. Enrol in a marine training program with an RTO and:
  - contribute to the development of the training plan or program
  - attend lectures and/or tutorials as needed
  - complete written theory assessments
  - submit assignments which are based on vessel operations
  - submit a completed workplace-based task book
  - complete practical assessments with an RTO assessor.
3. At a Maritime Safety Queensland regional office:
  - apply for a sea time assessment
  - apply for an oral assessment
  - present an AQF Certificate in Transport and Distribution (Maritime Operations) or (Coastal Maritime Operations)
  - provide two recent passport photos
  - present, where relevant, a current eyesight test and medical certificate
  - pay appropriate fee
  - successfully complete an oral assessment.

## The workplace-based task book

- Qualified supervisors verify tasks by initialling skills they have observed that are performed to an industry standard.
- Record contact details of the supervisor/s and vessel details in the task book.

- Students who cannot complete all tasks on their vessel may, by arrangement, complete them on alternative vessels.
- Signing a task book is not an assessment it is a skills record.
- The RTO signs off all completed task books.

### Supervisors (qualified onboard crew)

To initial that a task has been observed in a task book the workplace supervisor must:

- Hold a licence equal to or above the qualification being supervised and/or a person who holds a trade certificate. For example, a marine mechanic supervising coxswain engineering tasks.
- Sign off observed tasks that are consistently completed to a satisfactory level.
- Workplace-based task books and supervisor observations are verified as authentic by Maritime Safety Queensland officers and RTO assessors.



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The following tables outline qualifications based on vessel length, engine power and operating area.

| Deck licences — trading/commercial ships   |                     |                           |                           |                           |
|--|---------------------|---------------------------|---------------------------|---------------------------|
| Operational area   | Ship length         |                           |                           |                           |
|  | Less than 12 metres | Less than 24 metres       | Less than 35 metres       | Less than 80 metres       |
| Operations within 600 nautical miles of the mainland coast (Australian Coastal and Middle Water operations)  | Master Class 4      | Master Class 4            | Master Class 4            | Master Class 3            |
| Operations within 200 nautical miles of the mainland coast (offshore operations)   | Master Class 5      | Master Class 5            | Master Class 4            | Master Class 3            |
| Operations within 50 nautical miles or within the Great Barrier Reef Region and/or Torres Strait Zone  | Master Class 5      | Master Class 5            | Master Class 4            | Master Class 4*           |
| Operations within 15 nautical miles seaward of the mainland coast (inshore operations) or within 15 nautical miles seaward of the boundaries of the designated smooth and partially smooth water limits (sheltered waters) | Coxswain            | Master Class 5            | Master Class 4            | Master Class 4            |
| Operations within smooth and partially smooth water limits (sheltered waters)  | Coxswain restricted | Master Class 5 restricted | Master Class 4 restricted | Master Class 4 restricted |

\*Indicates exemptions are provided in the *Transport Operations (Marine Safety) Regulation 2004*.

\*Restrictions may vary from state to state. Contact your local marine authority for details.

| Deck licences — fishing ships  |                     |                     |                     |                     |
|--|---------------------|---------------------|---------------------|---------------------|
| Operational area   | Ship length         |                     |                     |                     |
|  | Less than 15 metres | Less than 24 metres | Less than 35 metres | Less than 80 metres |
| Operations within 600 nautical miles of the mainland coast (Australian Coastal and middle water operations)  | Skipper Grade 2     | Skipper Grade 2     | Skipper Grade 2     | Skipper Grade 1     |
| Operations within 200 nautical miles of the mainland coast (offshore operations)   | Skipper Grade 3     | Skipper Grade 3*    | Skipper Grade 2     | Skipper Grade 2     |
| Operations within the fishing ship operational area (schedule 11 of the <i>Transport Operations (Marine Safety) Regulation 2004</i> )  | Coxswain*           | Skipper Grade 3*    | Skipper Grade 2     | Skipper Grade 2     |
| Operations within 15 nautical miles seaward of the mainland coast (inshore operations) or within 15 nautical miles seaward of the boundaries of the designated smooth and partially smooth water limits (sheltered waters) | Coxswain            | Skipper Grade 3     | Skipper Grade 2     | Skipper Grade 2     |
| Operations within smooth and partially smooth water limits (sheltered waters)  | Coxswain restricted | Skipper Grade 3     | Skipper Grade 2     | Skipper Grade 2     |

\*Indicates exemptions are provided in the *Transport Operations (Marine Safety) Regulation 2004*.

\*Restrictions may vary from state to state. Contact your local marine authority for details.

| Engineering licences — trading/commercial ships  |   |                     |                     |                                     |  |
|--|---|---------------------|---------------------|-------------------------------------|--|
| Operational area   | Propulsion power kilowatt rating**                                |                     |                     |                                     |  |
|  | Up to 250 kW<br>***   | Up to 500 kW<br>*** | Up to 750 kW<br>*** | Up to 1500 kW                       | 1500 kW and<br>over                      |
| Operations within 600 nautical miles of the mainland coast (Australian Coastal and middle water operations)  | MED Grade 2   | MED Grade 1         | MED Grade 1         | Engineer Class 3                    | Determined by the authority              |
| Operations within 200 nautical miles of the mainland coast (offshore operations)   | MED Grade 2   | MED Grade 2         | MED Grade 1         | Engineer Class 3                    | Engineer Class 2 (Refer to AMSA)         |
| Operations within 100 nautical miles of the mainland coast   | MED Grade 3   | MED Grade 2         | MED Grade 1         | Engineer Class 3                    | Engineer Class 2 (Refer to AMSA)         |
| Operations within the Great Barrier Reef Region and/or Torres Strait Zone  | MED Grade 2 (for beyond offshore (100 nm), otherwise MED Grade 3) | MED Grade 2         | MED Grade 1         | MED Grade 1* (ships 750kW — 1500kW) | Engineer Class 3 (ships 1500kW — 3000kW) |
| Operations within 30 nautical miles of the mainland coast (Restricted offshore operations)   | MED Grade 3   | MED Grade 2         | MED Grade 1         | MED Grade 1                         | Engineer Class 2 (Refer to AMSA)         |
| Operations within 15 nautical miles seaward of the mainland coast (inshore operations) or within 15 nautical miles seaward of the boundaries of the designated smooth and partially smooth water limits (sheltered waters) | MED Grade 3/ Coxswain (ships less than 12 metres)                 | MED Grade 3         | MED Grade 2         | MED Grade 1                         | Engineer Class 2 (Refer to AMSA)         |
| Operations within smooth and partially smooth water limits (sheltered waters)  | MED Grade 3/ Coxswain (ships less than 12 metres)                 | MED Grade 3         | MED Grade 2         | MED Grade 1                         | Engineer Class 2 (Refer to AMSA)         |

\*Indicates exemptions are provided in the *Transport Operations (Marine Safety) Regulation 2004*.

\*\*Under Queensland legislation, propulsion power of a vessel is defined as the maximum continuous rated power in kilowatts of the largest propulsion engine on the vessel.

\*\*\*A master of a training/commercial or fishing ship with a propulsion power of less than 750kW may act as both master and engineer if the master also holds an appropriate certificate to act as engineer of the vessel.

| Engineering licences — fishing ships   |                                    |                 |                 |                |                                     |  |
|--|------------------------------------|-----------------|-----------------|----------------|-------------------------------------|--|
| Operational area   | Propulsion power kilowatt rating** |                 |                 |                |                                     |  |
|  | Up to 250 kW ***                   | Up to 300 kW*** | Up to 500 kW*** | Up to 750kW*** | Up to 1500 kW                       | Up to 1500 kW and over                   |
| Operations within 600 nautical miles of the mainland coast (Australian Coastal and middle water operations)  | MED Grade 2                        | MED Grade 1     | MED Grade 1     | MED Grade 1    | Engineer Class 3                    | Engineer Class 3* (also refer note ****) |
| Operations within 200 nautical miles of the mainland coast (offshore operations)   | MED Grade 3                        | MED Grade 3*    | MED Grade 2     | MED Grade 1    | Engineer Class 3                    | Engineer Class 3* (also refer note ****) |
| Operations within the fishing ship operational area (schedule 11 of the <i>Transport Operations (Marine Safety) Regulation 2004</i> )  | MED Grade 3                        | MED Grade 3*    | MED Grade 1     | MED Grade 1    | MED Grade 1* (ships 750kW – 1500kW) | Engineer Class 3* (also refer note ****) |
| Operations within 50 nautical miles of the mainland coast  | MED Grade 3                        | MED Grade 3     | MED Grade 2     | MED Grade 1    | MED Grade 1* (ships 750kW – 1500kW) | Engineer Class 3* (also refer note ****) |
| Operations within 15 nautical miles seaward of the mainland coast (inshore operations) or within 15 nautical miles seaward of the boundaries of the designated smooth and partially smooth water limits (sheltered waters) | Coxswain                           | MED Grade 3     | MED Grade 3     | MED Grade 2    | MED Grade 1                         | Engineer Class 3* (also refer note ****) |
| Operations within smooth and partially smooth water limits (sheltered waters)  | Coxswain                           | MED Grade 3     | MED Grade 3     | MED Grade 2    | MED Grade 1                         | Engineer Class 3* (also refer note ****) |

\*Indicates exemptions are provided in the *Transport Operations (Marine Safety) Regulation 2004*.

\*\*Under Queensland legislation, propulsion power of a vessel is defined as the maximum continuous rated power in kilowatts of the largest propulsion engine on the vessel.

\*\*\*A master of a training/commercial or fishing vessel with a propulsion power of less than 750kW may act as both master and engineer if the master also holds an appropriate certificate to act as engineer of the vessel.

\*\*\*\*For ships 3000kW and over, the holder must have completed the course 'Prevention and Control of Shipboard Fires' as per section 2 and 3 of the *Uniform Shipping Laws Code*.