

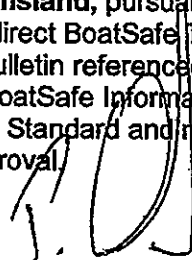
General Manager's Direction

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety) Regulation 2004

Maritime Safety Agency of Queensland
Brisbane, 24 November 2008

I, **Patrick Quirk, Acting General Manager, Maritime Safety Queensland**, pursuant to Section 103 of the *Transport Operations (Marine Safety) Regulation 2004* hereby direct BoatSafe Training Organisations to comply with requirements detailed in the BoatSafe Information Bulletin referenced hereunder. BoatSafe Training Organisation Authority holders are advised the BoatSafe Information Bulletin is to be read in conjunction with requirements of the BoatSafe Management Standard and now forms part of the BoatSafe Training Organisation Authority holder's conditions of approval.



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Patrick Quirk
Acting General Manager
Maritime Safety Queensland

BOATSAFE INFORMATION BULLETIN

No 0042008

Issue Date – 24 November 2008

Licence Candidate Medical Fitness

Background

The *Transport Operations (Marine Safety) Act 1994*, (the 'Act'), sets out the general safety obligations for those who own and operate vessels within Queensland waters. Section 43 of the Act provides that vessel owners and operators must not cause a vessel to be operated unsafely. Sections 99 and 99A of the *Transport Operations (Marine Safety) Regulation 2004*, (the 'Regulation'), set the minimum qualifications for those who seek to operate recreational vessels or personal watercraft. Sections 99 and 99A of the Regulation require licence candidates to demonstrate competency in the safe operations of these craft and knowledge of the Act and Regulation.

Some medical conditions present a risk to prospective licence holders and other waterway users in that they may compromise or prevent a person from fully discharging their general safety obligation at Section 43 of the Act. It is therefore incumbent on Maritime Safety Queensland to take appropriate measures to ensure the medical fitness of those who seek a licence to operate a recreational vessel or personal watercraft.

Purpose

The purpose of this bulletin is to set out the General Manager's requirements for determining the medical fitness of candidates for Recreational Marine Driver Licences (RMDL) and Personal Watercraft Licences (PWCL).

Policy

Medical fitness is a prerequisite for the issuing of a RMDL and PWCL, and must be ascertained prior to application for a marine licence.

A “medical fitness self disclosure statement” must be completed by **all** marine licence candidates at pre-enrolment for a BoatSafe course. For the reasons detailed hereunder the holders of a current Queensland Driver Licence who complete the medical fitness disclosure statement are only attesting to the suitability of their eyesight and hearing.

- the sufficiency of a person’s colour vision and hearing are not considered as part of the Queensland driver licence assessment process; **and**
- there are clear distinctions between the operating environments of vehicles and vessels; **and**
- the Regulation for the Prevention of Collisions at Sea requires the operators of vessels to maintain a proper lookout at all times by sight and sound.

Licence candidates can download a copy of the Medical Fitness Disclosure Statement from the Maritime Safety Queensland website and complete it prior to undertaking BoatSafe training and assessment. Alternatively BoatSafe Training Organisations (BTOs) can incorporate the medical disclosure statement (as detailed in this bulletin) into their own enrolment procedure for completion by licence candidates at point of enrolment and prior to the licence candidate undertaking BoatSafe training and assessment. In both instances BTOs must retain a copy of the licence candidate’s signed medical fitness disclosure statement.

Licence candidates who are unable to sign the disclosure statement due to concern regarding their medical fitness must be referred to the Manager, Policy Implementation and Support Unit, Safety Standards Branch, Maritime Safety Queensland for further consideration. In these situations BTOs and their BoatSafe Training Providers (BTPs) must observe a licence candidate’s right to privacy. Licence candidates have every right to withhold details of their medical situation from BTOs and BTPs.

Licence candidates who are unable to sign the self disclosure statement due to a concern regarding their medical fitness may exercise their right to undergo BoatSafe training and assessment however they will not qualify for the issuing of a Statement of Competency until:

- They have satisfactorily demonstrated the required competencies to the BTP; **and**
- The BTP has received a medical fitness clearance from Maritime Safety Queensland (in writing) confirming the licence candidate’s ability to proceed to licence application.

Procedure

Step 1 – BTOs and BTPs are to ensure licence candidates complete the medical fitness self disclosure statement prior to participation in a BoatSafe course. The medical fitness disclosure statement must be retained as a part of the BTO/BTP’s BoatSafe records management system.

Step 2 – Medical fitness self disclosure statements must be signed by a parent or guardian if the licence candidate is under the age of 18 (a minor)

Step 3- Licence candidates of 18 years and over **or** licence candidates (under 18 years of age) whose parent/guardian sign the medical fitness disclosure statement on their behalf declaring medical fitness may participate in BoatSafe training and assessment.

Step 4 - Licence candidates of 18 years and over **or** the parents/guardians of licence candidates who are minors (under 18 years of age) who do not wish to sign the medical self disclosure

statement due to a concern about the licence candidate's medical fitness to operate a recreational vessel or personal watercraft safely must be advised of the following:

- The BoatSafe training provider's obligation to refer the situation to Maritime Safety Queensland for follow up action;
- That Maritime Safety Queensland may request the licence applicant to obtain from a qualified health professional an informed assessment of the licence candidate's medical fitness to operate a recreational vessel or personal watercraft; **and**
- That while these licence candidates may exercise their right to undergo BoatSafe training and assessment they will not qualify for the issuing of a Statement of Competency until they have demonstrated the required competencies **and** received a medical fitness clearance from Maritime Safety Queensland. **BTOs and BTPs must respect a licence candidate's right to privacy and accept their right to withhold the exact details of their medical condition should they choose to do so.**

Step 5 Maritime Safety Queensland may advise licence candidates of the need to acquire evidence of their medical fitness from a duly qualified health professional.

Step 6 - Maritime Safety Queensland will provide the licence candidate with the RMDL/PWCL Medical Fitness Questionnaire for the licence candidate's nominated health professional to complete and sign.

Step 7 - Maritime Safety Queensland will review the RMDL/PWCL Medical Fitness Questionnaire completed by the health professional and communicate its decision to the licence candidate and BTP.

Step 8 – BTPs will only issue Statements of Competency to licence candidates that have:

- demonstrated the required competencies; **and**
- signed the medical fitness disclosure statement; **or**
- where applicable, sought and received a medical fitness clearance from Maritime Safety Queensland.

Step 9 – BTOs/BTPs are to retain copies of written advices received from Maritime Safety Queensland regarding licence candidate medical fitness as a part of the BTO/BTP's records management procedure.

Step 10 - In the interest of preserving the privacy of licence candidates, Maritime Safety Queensland will assume responsibility for the retention of questionnaires completed by health professionals as a part of the safety regulator's records management system.

Medical Fitness Self Disclosure Statement

BTOs and BTPs have the option of:

- modifying their existing pre-enrolment or enrolment procedure to incorporate the medical fitness self disclosure statement; **or**
- applying the pre-enrolment template that accompanies this BoatSafe Information Bulletin (BIB) and includes the medical fitness disclosure statement; **or**
- having licence candidates download and complete the medical fitness disclosure statement posted on the Maritime Safety Queensland website and submit this signed statement to the BTP at point of enrolment. A copy of the medical disclosure statement must be retained as part of the BTP's records management system.

If a BTO exercises the right to incorporate the medical fitness disclosure statement into its own pre-enrolment or enrolment procedure the medical fitness self disclosure statement **must be** as follows:

I, (insert name in block letters) being the licence candidate declare that I have no medical or other impairments that would prevent me from discharging my general safety obligation to operate a recreational vessel or personal watercraft safely under the *Transport Operations (Marine Safety) Act 1994*. I make this declaration knowing that it is an offence under the *Transport Operations (Marine Safety) Act 1994* for a person to give to the chief executive, the general manager or an officer of Queensland Transport or of Maritime Safety Queensland a document containing information the person knows is false or misleading in a material particular. Maximum penalty \$15,000.

Signature of the licence candidate

.....Date

or

I, (insert name in block letters) being the licence candidate's parent or guardian declare that the licence candidate (insert name in block letters) has no medical or other impairments that would prevent him or her from discharging their general safety obligation to operate a recreational vessel or personal watercraft safely under the *Transport Operations (Marine Safety) Act 1994*. I make this declaration knowing that it is an offence under the *Transport Operations (Marine Safety) Act 1994* for a person to give to the chief executive, the general manager or an officer of Queensland Transport or of Maritime Safety Queensland a document containing information the person knows is false or misleading in a material particular. Maximum penalty \$15,000.

Signature of parent/guardian

.....Date.....

Enclosures

Copy - Pre-Enrolment Template incorporating the Medical Fitness Self Disclosure Statement.

Copy – Medical Fitness Self Disclosure Statement available on the Maritime Safety Queensland website

References

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety) Regulation 2004

Transport Operations (Marine Safety—Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005

BoatSafe Management Standard

Contact information

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