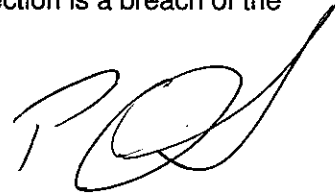


General Manager's Direction
Transport Operations (Marine Safety) Act 1994
Transport Operations (Marine Safety) Regulation 2004

Maritime Safety Agency of Queensland
Brisbane, 17 May 2010

I, **Patrick John 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. Non compliance with this direction is a breach of the Regulation.



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PATRICK QUIRK
Acting General Manager
Maritime Safety Queensland

BOATS SAFE INFORMATION BULLETIN

No 0022010
Issue Date – 17 May 2010

Personal Watercraft Licence Training and Assessment
“Use of Personal Watercraft with Recreational Registration”

Background

The Personal Watercraft (PWC) Licence was introduced in Queensland in January 2006. Prior to the introduction of this licence Maritime Safety Queensland engaged with BoatSafe approval holders to determine the preferred options for training and assessment in this area. This consultation led to the introduction of provisions at s84(2)(ca) of the *Transport Operations (Marine Safety) Regulation 2004* (the Regulation) that enable PWC licence candidates to provide and operate a recreational registered PWC as part of an approved BoatSafe training and assessment program.

The new provisions at s84 of the Regulation legitimises the use of recreational PWC within this context while the operation of the PWC is under the direct supervision of an approved training provider that is overseeing licence training and assessment from an appropriately registered commercial vessel or PWC.

Recent compliance audits conducted by Maritime Safety Queensland have confirmed the incorrect application of requirements at s84 of the Regulation by some BoatSafe Training Organisations and their training providers. The legislation provides that the use of a recreational registered PWC in training and assessment is confined to the person who provides the PWC **and** operates it as a means to acquire their marine licence. There are instances where numerous licence candidates, who did not personally provide a PWC have been allowed to operate a PWC for training and assessment provided by someone else. There has also been once instance where a PWC was provided by a person who was already licensed to assist a

BoatSafe training provider with delivery of training and assessment in a remote location. The PWC was then used by a number of prospective licence candidates to offset the need for the BoatSafe training provider to tow their appropriately registered commercial training vessel/PWC to the remote location **or** to require the licence candidates themselves to provide a PWC in accordance with legislation.

Purpose

This bulletin serves to clarify requirements relative to the correct use of recreational registered PWC in BoatSafe training and assessment and in doing so provide clear criteria for future assessment of compliance in this area.

Legislation

Section 84 of the Regulation provides a number of exceptions to the licence requirements prescribed in the Regulation. Sub Section 2 (ca) provides a licence exception for:

a personal watercraft that-

- (i) is registered as a recreational ship; and*
- (ii) is provided and operated by a person being assessed in relation to an application for a personal watercraft licence.*

Section 84 Sub Sections 2 (c) and 3 (b) of the Regulation clarify that the licence exception above only applies in relation to a recreationally registered PWC if it is operated by a person participating in a training program under supervision; and

- (i) is provided by the person participating in the training program in the operation of personal watercraft; and*
- (ii) is not carrying anyone on board other than the person participating in the program.*

Clarification of requirements for compliant use

A recreational registered personal watercraft may only be used for the purpose of BoatSafe licence training and assessment when each of the following is observed:

1. The PWC's recreational registration is current.
2. The PWC displays the current Certificate of Registration, the registration numbers and Ride Smart sticker in accordance with the Regulation.
3. The PWC is equipped in accordance with the Regulation.
4. The PWC is being operated by the provider of the PWC only and for the express purpose of licence training and assessment only.
5. The PWC carries no other person on board apart from the person (licence candidate) undergoing training and assessment.
6. The operation of the PWC by the licence candidate remains at all times under the direct supervision of the BoatSafe training provider.
7. The BoatSafe training provider accompanies the PWC in another ship.

Examples of non compliant use

1. The recreational PWC carries more than one licence candidate;
2. The recreational PWC is operated by a person or persons other than the provider of the PWC that is enrolled in the BoatSafe course;
3. The licence candidate is permitted to operate the PWC by the BoatSafe Training Provider for purposes other than licence training and assessment. For example, the licence candidate

has completed the training and assessment and the BoatSafe Training Provider allows the licence candidate to operate the PWC unsupervised for the return voyage to port.

NOTE

1. That it is a condition of the BoatSafe Training Organisation Authority that the authority holder has an appropriate commercial registered vessel or PWC to conduct training and assessment.
2. The use of a recreationally registered vessel or PWC by the BoatSafe Training Organisation or the BoatSafe Training Provider as the accompanying ship would be a breach of the registration requirements of the Regulation.

Records Management

Maritime Safety Queensland requires BoatSafe Training Organisations and their training providers to record the following details relative to the use of recreational PWC in BoatSafe licence training and assessment:

1. The PWC's registration number;
2. The above is to be linked to the enrolled licence candidate who provided the PWC;
3. The name of the registered owner of the PWC provided for training and assessment if the Licence Candidate is not the registered owner.

The above records are to be retained as part of the BoatSafe Training Organisation and BoatSafe Training Provider's training and assessment management records.

Non compliance with specified requirements

BoatSafe Training Organisations and their training providers need to be aware that Maritime Safety Queensland requires strict compliance with these requirements. As the Authority holder the BoatSafe Training Organisation is accountable for the compliance of training providers endorsed to provide services under their Authority.

Maritime Safety Queensland may initiate action to suspend or cancel a BoatSafe approval holder's authority in circumstances where non compliance with these requirements is detected.

References

Transport Operations (Marine Safety) Regulation 2004
Transport Operations (Marine Safety–Recreational Marine Driver Licence and Personal Watercraft Licence Training and Assessment) Standard 2006
BoatSafe Management Standard
BoatSafe Agreement

Contact information

If you require further information about this BIB, please contact staff at your nearest Maritime Safety Queensland regional office.

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