

## Boatsafe

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**From:** Boatsafe  
**Sent:** Friday, 3 March 2023 8:04 AM  
**To:** [Redacted]@abcboating.com  
**Cc:** Boatsafe  
**Subject:** BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023  
**Attachments:** BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023.pdf  
**Categories:** DMS

Good morning [Redacted]

A partial scope BoatSafe Training Organisation (BTO) audit of ABC Licence Training Pty Ltd t/a Australian Boating College was conducted by Maritime Safety Queensland (MSQ) on 2 March 2023. As outlined in the attached audit report, Australian Boating College has not demonstrated full compliance with the conditions of their authority.

Australian Boating College must provide MSQ with evidence that corrective actions have been undertaken and have those actions approved by MSQ by 20 March 2023.

Failure to comply with these requirements may result in administrative action including a formal warning, suspension or cancellation of your authority.

Should you have any questions relating to the audit, please do not hesitate to contact me on return email, or (07) 30662496.

Regards

Stephen Day

**Stephen Day**

Senior Auditor | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

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P: 07 3066 2496 | M: [Redacted] Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
GPO Box 2595 | Brisbane Qld 4001  
[stephen.k.day@msq.qld.gov.au](mailto:stephen.k.day@msq.qld.gov.au)  
[www.msg.qld.gov.au](http://www.msg.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

## Maritime Safety Queensland

## BoatSafe BTO Audit Report

Audit Details					
<b>Date:</b>	2 March 2023	<b>Time Audit Commenced:</b>	10:30am	<b>Time Audit Completed:</b>	12:10pm
<b>MSQ Auditor(s):</b>	Michael Armitage and Stephen Day				
<b>Legal / Trading Name of BTO:</b>	ABC Licence Training Pty Ltd t/a Australian Boating College	<b>BTO Code:</b>	BTO003		
<b>BTO Representatives</b>	Sch.4 Part 4 s.6 PI				

Audit Summary
<p><b>Summary:</b></p> <p>On 2 March 2023, Maritime Safety Queensland (MSQ) conducted a partial scope BoatSafe Training Organisation (BTO) audit of ABC Licence Training Pty Ltd t/a Australian Boating College to assess the BTO authority holder's compliance with the conditions of their authority.</p> <p>The audit identified a level of non-compliance with these conditions.</p> <p><b>Audit Outcome:</b></p> <p>As outlined in the below Corrective Action Requests (CARs), ABC Licence Training Pty Ltd t/a Australian Boating College has not demonstrated full compliance with the conditions of their authority.</p> <p>ABC Licence Training Pty Ltd t/a Australian Boating College must provide MSQ with evidence that corrective actions have been undertaken and have those actions approved by MSQ by <b>20 March 2023</b>.</p> <p>Failure to comply with these requirements may result in administrative action, which could include a formal warning, suspension or cancellation of your authority.</p> <p><b>Date:</b> 3 March 2023</p>

BoatSafe Business Rules, Standards and any Conditions of Accreditation	Compliance Code	CAR No.	CAR close out date
<p><b>7.10 BTP Responsibilities</b></p> <p>The authority holder must ensure all required training equipment and tools, as prescribed in the relevant Competency Standards, is available when students attend the BTP authority holder location, regardless whether the theory component of the approved BoatSafe training and assessment program was delivered online</p>	NC	CAR 1	20 March 2023
<p><b>22.9 Records Management</b></p> <p>The authority holder must ensure a register of ships utilised for the approved BoatSafe training and assessment program is maintained. The register must include:</p> <ul style="list-style-type: none"> <li>• ship identification number</li> <li>• certification expiry date</li> <li>• safety equipment expiry date/s</li> </ul>	NC	CAR 2	20 March 2023

**Corrective Action Request (CAR 1)**

<b>Authority Holder Name:</b>	ABC Licence Training Pty Ltd t/a Australian Boating College	<b>Audit Date:</b> 2 March 2023
<b>Reference to Business Rule/Standard/Condition:</b> BoatSafe Business Rules <b>Section 7.10 BTP Responsibilities</b>		
<p><b>Observed non-conformance:</b></p> <p>It could not be established whether all required training equipment and tools, as prescribed in the relevant Competency Standards, is available when students attend the BTP authority holder location, regardless whether the theory component of the approved BoatSafe training and assessment program was delivered online</p> <p>It is a requirement of the BoatSafe Business Rules that all required training equipment and tools, as prescribed in the relevant Competency Standards, is available when students attend the BTP authority holder location, regardless whether the theory component of the approved BoatSafe training and assessment program was delivered online.</p> <p>To close out this CAR, you will need to provide evidence that all required training equipment and tools, as prescribed in the relevant Competency Standards, is available when students attend the BTP authority holder location.</p>		
<b>Date for completion of action:</b> 20 March 2023.		

**Corrective action to be taken:** *"Provide action taken to correct non-conformance to prevent reoccurrence."*

**Signed (BTO):**

<b>Name:</b>		<b>Date:</b>
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## Corrective Action Request (CAR 2)

<b>Authority Holder Name:</b>	ABC Licence Training Pty Ltd t/a Australian Boating College	<b>Audit Date:</b> 2 March 2023
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**Reference to Business Rule/Standard/Condition:** BoatSafe Business Rules Section 22.9 Records Management

**Observed non-conformance:**

It was established the authority holder's register of ships utilised for the approved BoatSafe training and assessment program did not include safety equipment expiry dates.

It is a requirement of the BoatSafe Business Rules that the authority holder maintains a register of ships utilised for the approved BoatSafe training and assessment program and the register includes safety equipment expiry dates.

To close out this CAR, you will need to provide evidence that your register of ships utilised for the approved BoatSafe training and assessment program includes safety equipment expiry dates.

**Date for completion of action:** 20 March 2023.

**Corrective action to be taken:** *"Provide action taken to correct non-conformance to prevent reoccurrence."*

**Signed (BTO):**

<b>Name:</b>		<b>Date:</b>
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## Boatsafe

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**From:** [Sch.4 Part 4 s.6 PI]@abcboating.com>  
**Sent:** Friday, 3 March 2023 1:26 PM  
**To:** Boatsafe  
**Cc:** Boatsafe  
**Subject:** Re: BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

Good afternoon Stephen,

Thanks to you, Michael and Phil for your time yesterday.

Confirming receipt of this email. We are in the process of gathering the necessary evidence to submit by 20 March 2023.

Additionally, do you have availability at some stage next week to chat about some concerns with regard to [person] [personal infor]

I have been dealing with a formal complaint from a school, and I wanted to discuss this with you.

Regards,

[Sch.4 Part 4 s.6 PI]

---

**From:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Sent:** Friday, March 3, 2023 8:05 am  
**To:** [PI]@abcboating.com [PI]@abcboating.com>  
**Cc:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Subject:** BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

Good morning [Sch.4 Part 4 s.6 PI]

A partial scope BoatSafe Training Organisation (BTC) audit of ABC Licence Training Pty Ltd t/a Australian Boating College was conducted by Maritime Safety Queensland (MSQ) on 2 March 2023. As outlined in the attached audit report, Australian Boating College has not demonstrated full compliance with the conditions of their authority.

Australian Boating College must provide MSQ with evidence that corrective actions have been undertaken and have those actions approved by MSQ by 20 March 2023.

Failure to comply with these requirements may result in administrative action including a formal warning, suspension or cancellation of your authority.

Should you have any questions relating to the audit, please do not hesitate to contact me on return email, or (07) 30662496.

Regards

Stephen Day

**Stephen Day**

Senior Auditor | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

---

P: 07 3066 2496 | M: [Not Relevant]  
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Released under RTI - DTMR

## Boatsafe

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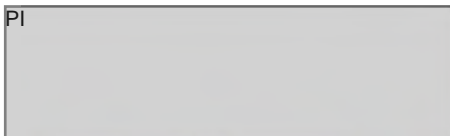
**From:** admin@abcboating.com  
**Sent:** Thursday, 16 March 2023 12:23 PM  
**To:** Boatsafe  
**Cc:** PI [redacted]@abcboating.com  
**Subject:** RE: BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023  
**Attachments:** Corrective Action Files.zip  
**Categories:** Stephen, DMS

Good Afternoon Stephen

Please find attached files in response to CAR 1 and CAR 2 on the ABC BTO Audit report

Please let me know if you require any further information.

Many Thanks



ABC Licence Training RTO 3399



admin@abcboating.com  
www.abcboating.com  
1300 484 136

---

**From:** Boatsafe <[Boatsafe@msq.qld.gov.au](mailto:Boatsafe@msq.qld.gov.au)>  
**Sent:** Friday, March 3, 2023 8:05 am  
**To:** PI [redacted] abcboating.com PI [redacted]@abcboating.com>  
**Cc:** Boatsafe <[Boatsafe@msq.qld.gov.au](mailto:Boatsafe@msq.qld.gov.au)>  
**Subject:** BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

Good morning PI [redacted]

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Regards

Stephen Day

**Stephen Day**

Senior Auditor | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

Released under RTI - DTMR



# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	✓		✓		NR
Flares: red, orange and rocket (dummy units are acceptable)	✓	06/2023	✓	01/10/2022	
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	✓		✓		
Whiteboard/models of IALA markers	✓		✓		
Lifejackets for smooth, partially smooth and open waters	✓		✓		
<del>27</del> Mhz and VHF radios	✓		✓		
Bilge pump	✓		✓		
Anchor, chain and rope	✓		✓		
Photos of displays from chart plotters	✓		✓		
MSQ DVD - Safer Recreational Boating must be shown Face to Face Courses/Online Course	✓		✓		
Weather charts showing the various weather patterns Face to Face Courses/Online Course	✓		✓		
Current tidal information	✓		✓		
A model to demonstrate the effect of tidal flow on anchoring characteristics	✓		✓		
General illustrations of faults and instances of unseaworthiness.	✓		✓		
MSQ charts that show navigational buoys and beacons	✓		✓		

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	✓		✓		NR
Slides or pictures of actual buoys and beacons	✓		✓		
Models of ships to demonstrate COLREG requirements.	✓		✓		
Bureau of Meteorology videos: • Marine weather safety – 5 vital checks • Marine weather safety - Check the forecast first. Face to Face Course/OnlineCourse	✓		✓		
Access to internet to enable candidate to access various online reference material.	✓		✓		
Portable fire extinguisher	✓		✓	Last maintenance check 09/06/22 Next Due 09/06/2023	
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E).	✓		✓		
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	✓		✓		
A spare fender or float to be used as a man overboard.	✓		✓		
A float to use as a fixed mooring or a standard fixed mooring.	✓		✓		

**I declare that this equipment check has been completed accurately for the below location:**

Location: FI ..... *Note: One checklist must be completed for each location where equipment is held*

Name: Sch.4 Part 4 s.6 PI ..... Signed: Not Relevant Date: 14/03/2023

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	Y		Y	20/01/23	NR
Flares: red, orange and rocket (dummy units are acceptable)	Y	08/03/2024	Y	20/01/23	
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	Y	06/08/2025	Y	20/01/23	
Whiteboard/models of IALA markers	Y		Y	20/01/23	
Lifejackets for smooth, partially smooth and open waters	Y		Y	20/01/23	
27Mhz and VHF radios	Y		Y	20/01/23	
Bilge pump	Y		Y	20/01/23	
Anchor, chain and rope	Y		Y	20/01/23	
Photos of displays from chart plotters	Y		Y	20/01/23	
MSQ DVD - Safer Recreational Boating must be shown	Y		Y	20/01/23	
Weather charts showing the various weather patterns	Y		Y	20/01/23	
Current tidal information	Y		Y	20/01/23	
A model to demonstrate the effect of tidal flow on anchoring characteristics	Y		Y	20/01/23	
General illustrations of faults and instances of unseaworthiness.	Y		Y	20/01/23	
MSQ charts that show navigational buoys and beacons	Y		Y	20/01/23	

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	Y		Y	20/01/23	NR
Slides or pictures of actual buoys and beacons	Y		Y	20/01/23	
Models of ships to demonstrate COLREG requirements.	Y		Y	20/01/23	
Bureau of Meteorology videos: • Marine weather safety – 5 vital checks • Marine weather safety - Check the forecast first.	Y		Y	20/01/23	
Access to internet to enable candidate to access various online reference material.	Y		Y	20/01/23	
Portable fire extinguisher	Y	06/06/2023	Y	20/01/23	
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E).	Y		Y	20/01/23	
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	Y		Y	20/01/23	
A spare fender or float to be used as a man overboard.	Y		Y	20/01/23	
A float to use as a fixed mooring or a standard fixed mooring.	Y		Y	20/01/23	

**I declare that this equipment check has been completed accurately for the below location:**

Location:  *Note: One checklist must be completed for each location where equipment is held*

Name:  Signed:  Date: .....03/03/2023.....

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	/		/	21/2/23	NR
Flares: red, orange and rocket (dummy units are acceptable)	/	Aug '25	/	11	
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	/		/	11	
Whiteboard/models of IALA markers	/		/	11	
Lifejackets for smooth, partially smooth and open waters	/		/	11	
27Mhz and VHF radios	/		/	11	
Bilge pump	/		/	11	
Anchor, chain and rope	/		/	11	
Photos of displays from chart plotters	/		/	11	
MSQ DVD - Safer Recreational Boating must be shown	/		/	11	
Weather charts showing the various weather patterns	/		/	11	
Current tidal information	/		/	11	
A model to demonstrate the effect of tidal flow on anchoring characteristics	/		/	11	
General illustrations of faults and instances of unseaworthiness.	/		/	11	
MSQ charts that show navigational buoys and beacons	/		/	11	

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	/		/	21/2/23	NR
Slides or pictures of actual buoys and beacons	/		/	✓	
Models of ships to demonstrate COLREG requirements.	/		/	✓	
Bureau of Meteorology videos: • Marine weather safety – 5 vital checks • Marine weather safety – Check the forecast first.	/		/	✓	
Access to internet to enable candidate to access various online reference material.	/		/	✓	
Portable fire extinguisher	/	10/09/2023	/	✓	
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E). PI [redacted]	/		/	✓	
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	/		/	✓	
A spare fender or float to be used as a man overboard.	/		/	✓	
A float to use as a fixed mooring or a standard fixed mooring.	/		/	✓	

**I declare that this equipment check has been completed accurately for the below location:**

Location: PI [redacted]

*Note: One checklist must be completed for each location where equipment is held*

Name: Sch.4 Part 4 c.6 PI [redacted]

Signed: NR [redacted]

Date: 8/3/23

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	✓		✓		persona
Flares: red, orange and rocket (dummy units are acceptable)	✓		✓		
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	✓		✓		
Whiteboard/models of IALA markers	✓		✓		
Lifejackets for smooth, partially smooth and open waters	✓		✓		
27Mhz and VHF radios	✓		✓		
Bilge pump	✓		✓		
Anchor, chain and rope	✓		✓		
Photos of displays from chart plotters	✓		✓		
MSQ DVD - Safer Recreational Boating must be shown	online ✓		✓		
Weather charts showing the various weather patterns	online ✓		✓		
Current tidal information	✓		✓		
A model to demonstrate the effect of tidal flow on anchoring characteristics	✓		✓		
General illustrations of faults and instances of unseaworthiness.	✓		✓		
MSQ charts that show navigational buoys and beacons	✓		✓		

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	/		/		personal
Slides or pictures of actual buoys and beacons	/		/		
Models of ships to demonstrate COLREG requirements.	/		/		
Bureau of Meteorology videos: • Marine weather safety – 5 vital checks • Marine weather safety - Check the forecast first.	/ online		/		
Access to internet to enable candidate to access various online reference material.	/		/		
Portable fire extinguisher	/		/		
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E).	/		/		
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	/		/		
A spare fender or float to be used as a man overboard.	/		/		
A float to use as a fixed mooring or a standard fixed mooring.	/		/		

**I declare that this equipment check has been completed accurately for the below location:**

Location: TSV ..... *Note: One checklist must be completed for each location where equipment is held*

Name: personal information Signed: personal information Date: 6/3/23



# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	✓		✓	23/2/23	NR
Flares: red, orange and rocket (dummy units are acceptable)	✓	MAY '23.	✓	✓	
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	✓		✓	✓	
Whiteboard/models of IALA markers	✓		✓	✓	
Lifejackets for smooth, partially smooth and open waters	✓		✓	✓	
27Mhz and VHF radios	✓		✓	✓	
Bilge pump	✓		✓	✓	
Anchor, chain and rope	✓		✓	✓	
Photos of displays from chart plotters	✓		✓	✓	
MSQ DVD - Safer Recreational Boating must be shown	✓		✓	✓	
Weather charts showing the various weather patterns	✓		✓	✓	
Current tidal information	✓		✓	✓	
A model to demonstrate the effect of tidal flow on anchoring characteristics	✓		✓	✓	
General illustrations of faults and instances of unseaworthiness.	✓		✓	✓	
MSQ charts that show navigational buoys and beacons	✓		✓	✓	

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	✓		✓	23/2/23	NR
Slides or pictures of actual buoys and beacons	✓		✓	"	
Models of ships to demonstrate COLREG requirements.	✓		✓	"	
Bureau of Meteorology videos: • Marine weather safety - 5 vital checks • Marine weather safety - Check the forecast first.	✓		✓	"	
Access to internet to enable candidate to access various online reference material.	✓		✓	"	
Portable fire extinguisher	✓	30/3/2023	✓	"	
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E), Sch.4 Part 4 s.6 PI	✓		✓	"	
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	✓		✓	"	
A spare fender or float to be used as a man overboard.	✓		✓	"	
A float to use as a fixed mooring or a standard fixed mooring.	✓		✓	"	

**I declare that this equipment check has been completed accurately for the below location:**

Location: Sch.4 Part 4 s.6 PI

*Note: One checklist must be completed for each location where equipment is held*

Name: Sch.4 Part 4 s.6 PI

Signed: NR

Date: 8/3/23

**QLD Provider Register**

TRAINER/ASSESSOR NAME	CONTACT DETAILS	BTP #	Date Commenced Training/Assessing	Current Vessel Reg Cert on file	Commercial Vessel Reg. renewal date	Vessel Insurance renewal date	PL Insurance renewal date	Lists MSQ as an Interested Party	First Aid renewal date	Working with Children renewal date	Equipment Safety checks on file
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Sch.4 Part 4 s.6 PI

personal information

0018

2003

√ boat

person  
12/04/2027

15/09/23

17/12/2023

Y

CPR - 30/8/2022  
First Aid -  
30/8/2024

EXEMPT

Y

√ pwc

person  
12/04/2027

15/09/23

Sch.4 Part 4 s.6 PI

Equipment expiry register

Equipmen Sch.4 Part 4 s.6 PI

person

Sch.4 Part 4 s.6 PI

Flares

Refused  
to provide

EPIRB

Refused  
to provide

Portable F

Refused  
to provide

Released under RTI - DTMR

## Boatsafe

---

**From:** Boatsafe  
**Sent:** Thursday, 16 March 2023 2:31 PM  
**To:** admin@abcboating.com  
**Cc:** Boatsafe; Phillip M Hambly  
**Subject:** MSQ response to: Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

**Categories:** DMS

Good afternoon PI

Thank you for your below email.

As formal acknowledgement and rectification of the corrective action requests, could you please sign and date Corrective Action Requests (CAR 1 & CAR 2) and return to the BoatSafe mailbox by **20 March 2023**. In the 'Corrective action to be taken' section of CAR 1 you will also need to reflect what you have provided e.g. *'Attached is a register of required training equipment and tools, as prescribed in the relevant Competency Standards and they are available when students attend the BTP authority holder location'*. Similarly for CAR 2 you will also need to reflect what you have provided e.g. *'Attached is a register of ships utilised for the approved BoatSafe training and assessment program includes safety equipment expiry dates'*.

**Please note I cannot close out CAR 2 based on the information and comments in your spreadsheet that indicates perso 'refused to provide'. This may affect your authority.**

Should you have any queries, please don't hesitate to contact me.

Regards

Stephen Day

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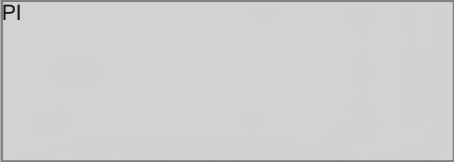
**From:** admin@abcboating.com <admin@abcboating.com>  
**Sent:** Thursday, 16 March 2023 12:23 PM  
**To:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Cc:** PI@abcboating.com  
**Subject:** RE: BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

Good Afternoon Stephen

Please find attached files in response to CAR 1 and CAR 2 on the ABC BTO Audit report

Please let me know if you require any further information.

Many Thanks



ABC Licence Training RTO 3399



admin@abcboating.com  
www.abcboating.com  
1300 484 136



**From:** Boatsafe <[Boatsafe@msq.qld.gov.au](mailto:Boatsafe@msq.qld.gov.au)>  
**Sent:** Friday, March 3, 2023 8:05 am  
**To:** abcboating.com abcboating.com>  
**Cc:** Boatsafe <[Boatsafe@msq.qld.gov.au](mailto:Boatsafe@msq.qld.gov.au)>  
**Subject:** BTO Audit Report - ABC Licence Training Pty Ltd ta Australian Boating College - BTO003 - 2 March 2023

Good morning

A partial scope BoatSafe Training Organisation (BTO) audit of ABC Licence Training Pty Ltd t/a Australian Boating College was conducted by Maritime Safety Queensland (MSQ) on 2 March 2023. As outlined in the attached audit report, Australian Boating College has not demonstrated full compliance with the conditions of their authority.

Australian Boating College must provide MSQ with evidence that corrective actions have been undertaken and have those actions approved by MSQ by 20 March 2023.

Failure to comply with these requirements may result in administrative action including a formal warning, suspension or cancellation of your authority.

Should you have any questions relating to the audit, please do not hesitate to contact me on return email, or (07) 30662496.

Regards

Stephen Day

**Stephen Day**  
Senior Auditor | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

P: 07 3066 2496 | M Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
GPO Box 2595 | Brisbane Qld 4001  
[stephen.k.day@msq.qld.gov.au](mailto:stephen.k.day@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

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If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hard copies of this email and delete it and

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*Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.*

Released under RTI - DTMR

## Boatsafe

---

**From:** PI [redacted]@abcboating.com  
**Sent:** Monday, 20 March 2023 2:14 PM  
**To:** Phillip M Hambly  
**Subject:** RE: Letter

Hi Phil,

I hope your week has started off well.

I will be sending a letter out to [redacted] shortly and will also be responding to the CAR.

Just so you are in the loop, we have made some amendments to the termination points in the letter, mainly the issue around the students not completing theory beforehand, which is a significant breach and in direct conflict with [redacted] advice that the resources are not required as theory takes place online. You will see this email come through shortly.

Thank you, [redacted] Sch.4 Part 4 s.6 PI

### Termination pursuant to Clause 2a(xii)

- On 3 March 2023, Australian Boating College contacted you by way of email to request completion of 'Equipment/Resource Checklist', including the expiry dates of safety equipment and the dates it was checked by 15 March 2023. This was requested in order to rectify a Corrective Action Request by Maritime Safety Queensland in compliance with the BoatSafe Business Rules.
- On 7 March 2023, you emailed Australian Boating College and attached an incomplete checklist, advising "... the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom".
- On 7 March 2023, Australian Boating College responded to your email requesting that you review the equipment checklist form, complete any equipment expiry dates and return same to us. We further noted that the flares, fire extinguisher and EPIRB (Emergency Position Indicating Radio Beacon) have expiry dates. We did not receive the checklist or expiry dates despite our request.
- We note that pursuant to clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of safety equipment, and expiry dates which you failed to provide. **(Breach #1)**
- We note clause 7.10 of the BoatSafe Business Rules requires all training equipment and tools, as prescribed in the relevant Competency Standards, to be available when students attend the BTP authority holder location, regardless of whether the theory component of the BoatSafe training and assessment program was delivered online. On 7 March 2023, you have stated, by form of written evidence that the resource requirements as set out in the competency standards are 'not needed' despite the requirement to adhere to clause 7.10 of the BoatSafe Business Rules. **(Breach #2)**
- In light of the information provided in relation to Breach #2, we have reviewed a sample of your student files and we further note that in accordance with clause 14.1 of the BoatSafe Business Rules, the BTP must ensure each student has successfully completed the theory component of the training program prior to undertaking the practical training (if delivered online). We have found that on several occasions there is evidence that students have enrolled into a course conducted by you, and they have completed their pre-course online theory either following the commencement of the practical training session, or not at all. This is a serious breach of the BoatSafe Business Rules as the course was scheduled for the cohort to complete the theory prior to attending the practical session. **(Breach #3)**

As a result of your noncompliance, Australian Boating College is unable to meet the Corrective Action Request issued by Maritime Safety Queensland. Your failure to comply with our requests has placed our entire operating business in jeopardy and in consultation with Maritime Safety Queensland, your authority as a Boat Training Provider (BTP) has



been terminated, effective immediately, in order to meet the Corrective Action Request issued by Maritime Safety Queensland.

Sch.4 Part 4 s.6 PI



ABC Licence Training RTO 3399



PI

@abcboating.com

www.abcboating.com

1300 484 136



**From:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>

**Sent:** Friday, 17 March 2023 9:56 AM

**To:** PI @abcboating.com

**Subject:** RE: Letter

Thanks PI

For the CAR just by 11:59pm Monday the 20<sup>th</sup>.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division

Department of Transport and Main Roads

Not Relevant

P: (07) 3066 3881 | M:  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

Sch.4 Part 4 s.6 PI

**From:** PI @abcboating.com

**Sent:** Friday, 17 March 2023 9:52 AM

**To:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>

**Subject:** Re: Letter

Hi Phil,

Thank you for getting back to me.

Just to confirm, do you require our response to the CAR by COB today (so therefore before the due date Monday), or is it required by COB Monday?

Sorry for the technicality and if required today, we will respond by COB with no issues,

Thanks,

PI

**From:** Phillip M Hambly <[Phillip.M.Hambly@msq.qld.gov.au](mailto:Phillip.M.Hambly@msq.qld.gov.au)>

**Sent:** Friday, March 17, 2023 9:45 am

**To:** [redacted]@abcboating.com [redacted]@abcboating.com

**Subject:** RE: Letter

Hi [redacted] Sch.4 Part 4 s.6 PI

Thanks for sharing this with us, no issues from our end at all, please feel free to include the BoatSafe email address in your delivery to [redacted] When you are ready please send a separate email to the Boatsafe team requesting [redacted] be removed from your schedule.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division

Department of Transport and Main Roads

---

P: (07) 3066 3881 | M: [redacted] Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
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[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From** [redacted]@abcboating.com [redacted]@abcboating.com

**Sent:** Thursday, 16 March 2023 9:23 PM

**To:** Phillip M Hambly <[Phillip.M.Hambly@msq.qld.gov.au](mailto:Phillip.M.Hambly@msq.qld.gov.au)>

**Subject:** RE: Letter

Hi Phil,

Please disregard my previous email and see below for your review. Thanks for your time.

1. On 3 March 2023, Australian Boating College contacted you by way of email to request completion of 'Equipment/Resource Checklist', including the expiry dates of safety equipment and the dates it was checked by 15 March 2023, in order to rectify a Corrective Action Request by Maritime Safety Queensland in compliance with the Boat Safe Business Rules.
2. On 7 March 2023, you emailed Australian Boating College and attached an incomplete checklist, advising "... the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom".
3. On 7 March 2023, Australian Boating College responded to your email requesting that you review the equipment checklist form, complete any equipment expiry dates and return same to us. We further noted that the flares, fire extinguisher and EPIRB (Emergency Position Indicating Radio Beacon) have expiry dates. You did not action this request.
4. We note clause 7.10 of the BoatSafe Business Rules requires that all required training equipment and tools, as prescribed in the relevant Competency Standards, is available when students attend the BTP authority holder location, regardless whether the theory component of the BoatSafe training and assessment program was delivered online.
5. As per clause 22.9 of the Boat Safe Business Rules, the authority holder must maintain a register of safety equipment expiry date/s which you failed to provide. We note that you failed to complete the checklist, and in particular, completion of the expiry dates and dates that safety equipment was checked.
6. We further note that in your email of 3 March 2023 you advised you had a further three (3) training vessels, despite Australian Boating College holding records for only two (2) vessels. In accordance with clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of ships utilised for the approved BoatSafe training and assessment program.

As a result of your noncompliance, Australian Boating College is unable to meet the Corrective Action Request issued by Maritime Safety Queensland and we have therefore terminated your authority as a Boat Training Provider (BTP) effective immediately in order to meet the Corrective Action Request issued by Maritime Safety Queensland.

Sch.4 Part 4 s.6 PI



ABC Licence Training RTO 3399



AUSTRALIAN  
BOATING COLLEGE

PI [redacted]@abcboating.com  
www.abcboating.com  
1300 484 136

**From:** PI [redacted]@abcboating.com PI [redacted]@abcboating.com  
**Sent:** Thursday, 16 March 2023 5:08 PM  
**To:** 'Phillip M Hambly' <Phillip.M.Hambly@msq.qld.gov.au>  
**Subject:** Letter

Hi Phil,

Please see below draft for person. This will be written in to company letterhead and will include additional information in relation to the agreement he holds with ABC, and follow on conditions i.e use of ABC system etc.

Could you please check that the information is satisfactory in relation to the BBRs (have highlighted one sentence in red) and if there is anything we need to further highlight, please make recommendations.

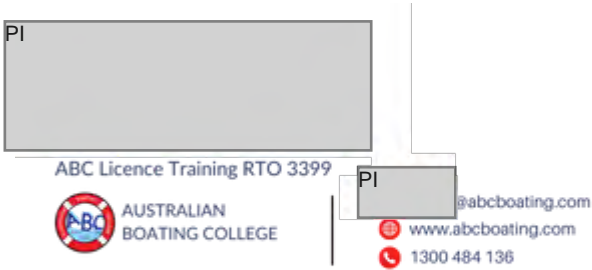
It's important to ABC, that we (and all BTPs) do the right thing by MSQ and we appreciate your support and input. Once we send the final letter to perso, we will promptly send the signed BTO Audit Report back to Stephen, so that communication is clear.

I know our response to the CAR's is required by COB tomorrow, so I will be sending out this communication no later than tomorrow afternoon.

7. On 3 March 2023, ABC Licence Training Pty Ltd contacted you by way of email to request completion of 'Equipment/Resource Checklist' by 15 March 2023. The reason for this request (as also advised to you in email) was due to a rectification issued by Maritime Safety Queensland in compliance with the BoatSafe Business Rules
8. On 7 March 2023 you responded whereby attaching an incomplete checklist with a comment 'I also wish to advise that the resource log you have used is outdated it is pre online course eg videos etc are done via online moduies so are not needed in classroom
9. On 7 March 2023, ABC Licence Training Pty Ltd responded to your email requesting a review and complete the checklist, which you responded to on the same day, without rectifying the checklist as per our request
10. We note as per the Clause 7.10 of BoatSafe Business Rules 'all required training equipment and tools, as prescribed in the relevant Competency Standards Is available when students attend the BTP authority holder location, regardless whether the theory component of the BoatSafe training and assessment program was delivered online'
11. The checklist provided by ABC Licence Training Pty Ltd on 3 March 2023 required you to complete expiry dates of safety equipment and the dates equipment was checked . We note that you failed to complete the checklist as requested, namely, the expiry dates and dates that equipment was checked which included safety equipment. As per Clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of safety equipment expiry date/s, which you failed to provide on this occasion

12. As a result, and to meet the conditions as per the Corrective Action Request issued by Maritime Safety Queensland, ABC Licence Training Pty Ltd has terminated your authority as a Boat Training Provider (BTP) with immediate effect
- We have requested that Maritime Safety Queensland remove your authority to deliver BoatSafe courses on behalf of ABC Licence Training Pty Ltd. This has been confirmed and is effectively immediately

Thanks again for all your support and we appreciate your time with everything.



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Released under RTI - DTMR

## Boatsafe

---

**From:** Boatsafe  
**Sent:** Monday, 20 March 2023 2:17 PM  
**To:** PI [redacted]@abcboating.com  
**Subject:** RE: Letter

Thank you PI [redacted] appreciate you keeping me in the loop and look forward to the CAR close out.

Regards,

### Phillip Hambly

Manager (BoatSafe) | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
Department of Transport and Main Roads

---

P: (07) 3066 3881 | M: Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** PI [redacted]@abcboating.com PI [redacted]@abcboating.com  
**Sent:** Monday, 20 March 2023 2:14 PM  
**To:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
**Subject:** RE: Letter

Hi Phil,

I hope your week has started off well.

I will be sending a letter out to pers [redacted] shortly and will also be responding to the CAR.

Just so you are in the loop, we have made some amendments to the termination points in the letter, mainly the issue around the students not completing theory beforehand, which is a significant breach and in direct conflict with pers [redacted] advice that the resources are not required as theory takes place online. You will see this email come through shortly.

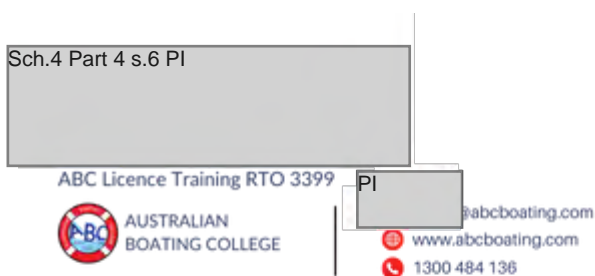
Thank you PI [redacted]

### Termination pursuant to Clause 2a(xii)

- On 3 March 2023, Australian Boating College contacted you by way of email to request completion of 'Equipment/Resource Checklist', including the expiry dates of safety equipment and the dates it was checked by 15 March 2023. This was requested in order to rectify a Corrective Action Request by Maritime Safety Queensland in compliance with the BoatSafe Business Rules.
- On 7 March 2023, you emailed Australian Boating College and attached an incomplete checklist, advising "... the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom".
- On 7 March 2023, Australian Boating College responded to your email requesting that you review the equipment checklist form, complete any equipment expiry dates and return same to us. We further noted that the flares, fire extinguisher and EPIRB (Emergency Position Indicating Radio Beacon) have expiry dates. We did not receive the checklist or expiry dates despite our request.

- We note that pursuant to clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of safety equipment, and expiry dates which you failed to provide. **(Breach #1)**
- We note clause 7.10 of the BoatSafe Business Rules requires all training equipment and tools, as prescribed in the relevant Competency Standards, to be available when students attend the BTP authority holder location, regardless of whether the theory component of the BoatSafe training and assessment program was delivered online. On 7 March 2023, you have stated, by form of written evidence that the resource requirements as set out in the competency standards are 'not needed' despite the requirement to adhere to clause 7.10 of the BoatSafe Business Rules. **(Breach #2)**
- In light of the information provided in relation to Breach #2, we have reviewed a sample of your student files and we further note that in accordance with clause 14.1 of the BoatSafe Business Rules, the BTP must ensure each student has successfully completed the theory component of the training program prior to undertaking the practical training (if delivered online). We have found that on several occasions there is evidence that students have enrolled into a course conducted by you, and they have completed their pre-course online theory either following the commencement of the practical training session, or not at all. This is a serious breach of the BoatSafe Business Rules as the course was scheduled for the cohort to complete the theory prior to attending the practical session. **(Breach #3)**

As a result of your noncompliance, Australian Boating College is unable to meet the Corrective Action Request issued by Maritime Safety Queensland. Your failure to comply with our requests has placed our entire operating business in jeopardy and in consultation with Maritime Safety Queensland, your authority as a Boat Training Provider (BTP) has been terminated, effective immediately, in order to meet the Corrective Action Request issued by Maritime Safety Queensland.



**From:** Phillip M Hambly <[Phillip.M.Hambly@msq.qld.gov.au](mailto:Phillip.M.Hambly@msq.qld.gov.au)>  
**Sent:** Friday, 17 March 2023 9:56 AM  
**To:** Sch.4 Part 4 s.6 PI <[PI@abcboating.com](mailto:PI@abcboating.com)>  
**Subject:** RE: Letter

Thanks Sch.4 Part 4 s.6 PI

For the CAR just by 11:59pm Monday the 20<sup>th</sup>.

Regards,

**Phillip Hambly**  
 Manager (BoatSafe) | Policy Planning and Regulation  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division  
 Department of Transport and Main Roads

P: (07) 3066 3881 | M: NR  
 Floor 4 | 61 Mary Street | Brisbane Qld 4000  
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[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

From: [Sch.4 Part 4 s.6 PI] <[redacted]@abcboating.com>  
Sent: Friday, 17 March 2023 9:52 AM  
To: Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
Subject: Re: Letter

Hi Phil,

Thank you for getting back to me.

Just to confirm, do you require our response to the CAR by COB today (so therefore before the due date Monday), or is it required by COB Monday?

Sorry for the technicality and if required today, we will respond by COB with no issues.

Thanks,  
[Sch.4 Part 4 s.6 PI]

---

From: Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
Sent: Friday, March 17, 2023 9:45 am  
To: [PI] <[redacted]@abcboating.com> [PI] <[redacted]@abcboating.com>  
Subject: RE: Letter

Hi [Sch.4 Part 4 s.6 PI]

Thanks for sharing this with us, no issues from our end at all, please feel free to include the BoatSafe email address in your delivery to [personal info]. When you are ready please send a separate email to the Boatsafe team requesting [personal info] be removed from your schedule.

Regards,

**Phillip Hambly**  
Manager (BoatSafe) | Policy Planning and Regulation  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division  
Department of Transport and Main Roads

---

P: (07) 3066 3881 | M: [NR]  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

From: [PI] <[redacted]@abcboating.com> [PI] <[redacted]@abcboating.com>  
Sent: Thursday, 16 March 2023 9:23 PM  
To: Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
Subject: RE: Letter

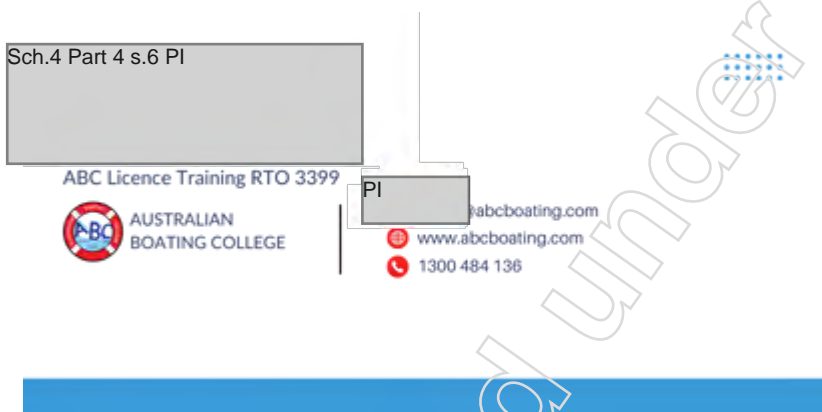
Hi Phil,

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6. We further note that in your email of 3 March 2023 you advised you had a further three (3) training vessels, despite Australian Boating College holding records for only two (2) vessels. In accordance with clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of ships utilised for the approved BoatSafe training and assessment program.

As a result of your noncompliance, Australian Boating College is unable to meet the Corrective Action Request issued by Maritime Safety Queensland and we have therefore terminated your authority as a Boat Training Provider (BTP) effective immediately in order to meet the Corrective Action Request issued by Maritime Safety Queensland.



**From:** PI <PI@abcboating.com> <PI@abcboating.com>  
**Sent:** Thursday, 16 March 2023 5:08 PM  
**To:** 'Phillip M Hambly' <Phillip.M.Hambly@msq.qld.gov.au>  
**Subject:** Letter

Hi Phil,

Please see below draft for person. This will be written in to company letterhead and will include additional information in relation to the agreement he holds with ABC, and follow on conditions i.e use of ABC system etc.

Could you please check that the information is satisfactory in relation to the BBRs (have highlighted one sentence in red) and if there is anything we need to further highlight, please make recommendations.

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  8. On 7 March 2023 you responded whereby attaching an incomplete checklist with a comment 'I also wish to advise that the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom
  9. On 7 March 2023, ABC Licence Training Pty Ltd responded to your email requesting a review and complete the checklist, which you responded to on the same day, without rectifying the checklist as per our request
  10. We note as per the Clause 7.10 of BoatSafe Business Rules 'all required training equipment and tools, as prescribed in the relevant Competency Standards Is available when students attend the BTP authority holder location, regardless whether the theory component of the BoatSafe training and assessment program was delivered online'
  11. The checklist provided by ABC Licence Training Pty Ltd on 3 March 2023 required you to complete expiry dates of safety equipment and the dates equipment was checked . We note that you failed to complete the checklist as requested, namely, the expiry dates and dates that equipment was checked which included safety equipment. As per Clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of safety equipment expiry date/s, which you failed to provide on this occasion
  12. As a result, and to meet the conditions as per the Corrective Action Request issued by Maritime Safety Queensland, ABC Licence Training Pty Ltd has terminated your authority as a Boat Training Provider (BTP) with immediate effect
- We have requested that Maritime Safety Queensland remove your authority to deliver BoatSafe courses on behalf of ABC Licence Training Pty Ltd. This has been confirmed and is effectively immediately

Thanks again for all your support and we appreciate your time with everything.

Sch.4 Part 4 s.6 PI

ABC Licence Training RTO 3399



PI

abcboating.com

www.abcboating.com

1300 484 136



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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

## Boatsafe

---

**From:** [PI]@abcboating.com  
**Sent:** Monday, 20 March 2023 4:59 PM  
**To:** [personal info]  
**Cc:** Boatsafe  
**Subject:** Termination of Maritime Safety Queensland (BTP) & Australian Boating College (Franchisee)  
**Attachments:** Termination of Franchise Agreements 200323 - [personal info].pdf  
**Importance:** High  
**Categories:** Stephen, DMS

Dear [personal info]

Please find **attached** correspondence for your attention.

Regards,

Sch.4 Part 4 s.6 PI



ABC Licence Training RTO 3399



[PI]  
abcboating.com  
www.abcboating.com  
1300 484 136



# Australian Boating College

personal information

20 March 2023

Dear personal inform

**By email**

**RE: TERMINATION OF FRANCHISE AGREEMENTS**

We refer to the Franchise Agreements you entered into with Australian Boating College on 9 January 2006 and 28 October 2013 respectively (**'the Agreements'**).

The purpose of this letter is to provide written notice to you of the termination of your Agreements in accordance with *clause 2a(xii); termination by Queensland Transport of the Franchisees' approval of its right to conduct Australian Boating College's Course in National Boat Licence Course.*

## Termination pursuant to Clause 2a(xii)

- On 3 March 2023, Australian Boating College contacted you by way of email to request completion of 'Equipment/Resource Checklist', including the expiry dates of safety equipment and the dates it was checked by 15 March 2023. This was requested in order to rectify a Corrective Action Request by Maritime Safety Queensland in compliance with the BoatSafe Business Rules.
- On 7 March 2023, you emailed Australian Boating College and attached an incomplete checklist, advising "... *the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom*".
- On 7 March 2023, Australian Boating College responded to your email requesting that you review the equipment checklist form, complete any equipment expiry dates and return same to us. We further noted that the flares, fire extinguisher and EPIRB (Emergency Position Indicating Radio Beacon) have expiry dates. We did not receive the checklist or expiry dates despite our request.
- We note that pursuant to clause 22.9 of the BoatSafe Business Rules, the authority holder must maintain a register of safety equipment, and expiry dates which you failed to provide. **(Breach #1)**
- We note clause 7.10 of the BoatSafe Business Rules requires all training equipment and tools, as prescribed in the relevant Competency Standards, to be available when students attend the BTP authority holder location, regardless of whether the theory component of the BoatSafe training and assessment program was delivered online. On 7 March 2023, you have stated, by form of written evidence that the resource requirements as set out in the competency standards are 'not needed' despite the requirement to adhere to clause 7.10 of the BoatSafe Business Rules. **(Breach #2)**
- In light of the information provided in relation to Breach #2, we have reviewed a sample of your student files and we further note that in accordance with clause 14.1 of the BoatSafe Business Rules, the BTP must ensure each student has successfully completed the theory component of the training program prior to undertaking the practical training (if delivered online). We have found that on several occasions there is evidence that students have enrolled into a course conducted by you, and they have completed their pre-course online theory either following the commencement of the practical training session, or not at all. This is a serious breach of the BoatSafe Business Rules as the course was scheduled for the cohort to complete the theory prior to attending the practical session. **(Breach #3)**

As a result of your noncompliance, Australian Boating College is unable to meet the Corrective Action Request issued by Maritime Safety Queensland. Your failure to comply with our requests has placed our entire operating business in jeopardy and in consultation with Maritime Safety Queensland, your authority as a Boat Training Provider (BTP) has been terminated, effective immediately, in order to meet the Corrective Action Request issued by Maritime Safety Queensland.

We therefore terminate your Franchise Agreement in accordance with clause 2.a(xii) of the Franchise Agreement, as you have been terminated as a BTP of Queensland Transport (Maritime Safety Queensland).

We confirm that in accordance with your Franchise Agreements, you are required to attend to the following upon termination:

- Pay within seven (7days) all amounts owed to the Franchise;
- Cease to provide any services to clients;
- Within 14 days cancel all registrations relating to its use of the Trade Marks, and change directory listings relating to the Franchisee or the Trade Marks which relate to the Franchisee so that the Franchisee's telephone number is not represented as being one of a Franchisee of the business;
- If the vessel, vehicle, and equipment is not being sold to a Franchisee, the Franchisee must remove the Trade Marks from any vessel, vehicle or other item of or in the possession of the Franchisee bearing the Trade Marks. If the Franchisee fails to do so the Franchisee consents and authorizes the Franchisor to enter upon property of the Franchisee and releases and holds harmless the Franchisor from any liability for trespass or conversion;
- Cease to use the Business Name;
- Within seven (7) days return to the Franchisor all completed student examination papers, all satisfactory course completion reports;
- The Franchisee acknowledges that any breach of this clause will lead to the Franchisor suffering loss that will not be compensable by damages and that injunctive relief including interlocutory injunctive relief is appropriate in the event of a breach of this clause.

Having regard to your termination as set out under this notice, Australian Boating College will attend to revoking your access to the abcboating.com booking system. For any upcoming student bookings, Australian Boating College shall distribute written communication to notify students of course cancellations.

As per our refund policy noted on our website, students are entitled to a full refund for any cancellations by Australian Boating College, which must be completed by you given you have collected all monies from the students.

Please note that given the serious nature of this matter and the need for all correspondence to be documented, along with the involvement of a third-party, Maritime Safety Queensland, all communications to Australian Boating College by you **must be in writing** for the benefit of all parties.

Yours faithfully,

NR

Sch.4 Part 4 s.6 PI

20 March 2023

**Boatsafe**

---

**From:** [personal info]@abcnq.com.au>  
**Sent:** Tuesday, 21 March 2023 8:15 AM  
**To:** Phillip M Hambly  
**Subject:** FW: Equipment and Resource Log  
**Attachments:** 20230307\_084236.pdf

# URGENT RESPONSE REQUIRED.

Gday Phil

following on from our conversation last night can you confirm this ( ATTACHED 2020307-084236) covers what's needed in terms of classroom resource and with the knowledge that vessels in smooth waters or the old 2E will not require and therefore not have expiry dates on in classroom training AIDS eg dummy flares EPIRBS etc Thanks for your assistance.

[personal information]

Owner / Trainer  
ABCNQ

ITS AS EASY AS.



**Mob:** [personal information]

**Email:** [persona]@abcnq.com.au

**Website:** [www.abccoating.com.au](http://www.abccoating.com.au)

---

**From** [perso]  
**Sent:** Tuesday, 7 March 2023 9:12 AM  
**To:** admin@abccoating.com  
**Cc:** [Pi]@abccoating.com  
**Subject:** RE: Equipment and Resource Log

Please see attached info:

- Resource log
- BTP application.
- AMSA Quals

- TAE
- personal informat

I also wish to advise that the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom.

I have also emailed correspondence to PI and admin on the 9<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> February, Still to date, that correspondence has still not been responded to please check email and advise ASAP if not received or action accordingly.

Thanks

personal information

Owner / Trainer  
Australian Boating College North Queensland  
**ITS AS EASY AS.**



Mob: personal information

Email: persona [@abcnq.com.au](mailto:personal@abcnq.com.au)

Website: [www.abcboating.com.au](http://www.abcboating.com.au)

---

**From:** [admin@abcboating.com](mailto:admin@abcboating.com) <[admin@abcboating.com](mailto:admin@abcboating.com)>

**Sent:** Friday, 3 March 2023 1:10 PM

**To:** personal i [@abcnq.com.au](mailto:personal@abcnq.com.au)

**Subject:** Equipment and Resource Log

**Importance:** High

Hi perso

Could you please complete and return the attached equipment and resource log?

This has been requested by MSQ to be rectified to comply with the business rules. We are required to submit these to MSQ and will require them to be returned to us by 15 March 2023.

Many Thanks

Sch.4 Part 4 s.6 PI



Sch.4 Part 4 s.6 PI

Phone: 1 300 484 136

E-mail: [admin@abcboating.com](mailto:admin@abcboating.com)

<https://abcboating.com/>

Released under RTI - DTMR

# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
V Sheet	✓		✓		personal i
Flares: red, orange and rocket (dummy units are acceptable)	✓		✓		
EPIRB (Emergency Position Indicating Radio Beacon) (dummy unit is acceptable)	✓		✓		
Whiteboard/models of IALA markers	✓		✓		
Lifejackets for smooth, partially smooth and open waters	✓		✓		
27Mhz and VHF radios	✓		✓		
Bilge pump	✓		✓		
Anchor, chain and rope	✓		✓		
Photos of displays from chart plotters	✓		✓		
MSQ DVD - Safer Recreational Boating must be shown	online ✓		✓		
Weather charts showing the various weather patterns	online ✓		✓		
Current tidal information	✓		✓		
A model to demonstrate the effect of tidal flow on anchoring characteristics	✓		✓		
General illustrations of faults and instances of unseaworthiness.	✓		✓		
MSQ charts that show navigational buoys and beacons	✓		✓		



# EQUIPMENT/RESOURCE CHECKLIST



Required Resources/Equipment contd	Available (tick if yes x if no)	Expiry date (if equipment has an expiry date)	Satisfactory Condition (tick if yes x if no)	Date Checked D/M/Y	Initial (person who checked)
MSQ charts that show navigational buoys and beacons	/		/		personal
Slides or pictures of actual buoys and beacons	/		/		
Models of ships to demonstrate COLREG requirements.	/		/		
Bureau of Meteorology videos: • Marine weather safety – 5 vital checks • Marine weather safety - Check the forecast first.	/ online		/		
Access to internet to enable candidate to access various online reference material.	/		/		
Portable fire extinguisher	/		/		
A commercially certified vessel, appropriate for training for a recreational licence (for example a vessel with a Certificate of Operation for a Class 2E).	/		/		
Access to a pontoon, jetty or similar platform to moor the vessel, if practicable.	/		/		
A spare fender or float to be used as a man overboard.	/		/		
A float to use as a fixed mooring or a standard fixed mooring.	/		/		

**I declare that this equipment check has been completed accurately for the below location:**

Location: TSV *Note: One checklist must be completed for each location where equipment is held*

Name: personal information Signed: personal information Date: 6/3/23

## Boatsafe

---

**From:** Boatsafe  
**Sent:** Tuesday, 21 March 2023 12:27 PM  
**To:** [personal]  
**Cc:** PI [personal]@abcboating.com; Boatsafe  
**Subject:** RE: Equipment and Resource Log  
**Attachments:** 20230307\_084236.pdf

Morning [personal]

Thank you for sharing the attached document. As discussed on the telephone and with your permission I have included [PI] from ABC in the reply email.

The document supplied does not meet the obligations of the BoatSafe Business Rules Section 22.9 as required for the audit outcomes. I provide an extract from the current *BoatSafe Business Rules Section 22.9 Records Management*, for your review. I note what is supplied may contribute to other obligations as required under the BoatSafe Business Rules (7.10) not related to the corrective action in question.

*22.9. a register of ships utilised for the approved BoatSafe training and assessment program is maintained.*

*The register must include:*

- *ship identification number*
- *certification expiry date*
- *safety equipment expiry date/s.*

The register of ships is for the ship itself and is not the training tools used in the classroom or onboard the boat. The list provided by email this morning does not meet the obligations of Section 22.9 for the following matters;

- it has not identified the ship,
- it has not identified the certification expiry date, and
- it has not identified the safety equipment expiry date/s for the ship.

For clarity, I also remind you at this point in time your BoatSafe Training Provider is no valid as your authority is no longer connected to a BoatSafe Training Organisation. Any students trained and assessed for the purpose of a BoatSafe Statement of Competency outcome would not be eligible to apply for a marine licence.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division

Department of Transport and Main Roads

---

NR [PI]  
P: (07) 3066 3881 | M: [PI]  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

---

**From:** [personal]@abcnq.com.au>  
**Sent:** Tuesday, 21 March 2023 8:15 AM  
**To:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
**Subject:** FW: Equipment and Resource Log

# URGENT RESPONSE REQUIRED.

Gday Phil

following on from our conversation last night can you confirm this ( ATTACHED 2020307-084236) covers what's needed in terms of classroom resource and with the knowledge that vessels in smooth waters or the old 2E will not require and therefore not have expiry dates on in classroom training AIDS eg dummy flares EPIRBS etc Thanks for your assistance.

personal information

Owner / Trainer  
ABCNQ

ITS AS EASY AS.



Mob:

personal information

Email: [personal@abcnq.com.au](mailto:personal@abcnq.com.au)

Website: [www.abcboating.com.au](http://www.abcboating.com.au)

From: [perso](#)

Sent: Tuesday, 7 March 2023 9:12 AM

To: [admin@abcboating.com](mailto:admin@abcboating.com)

Cc: [PI](#) [abcboating.com](mailto:abcboating.com)

Subject: RE: Equipment and Resource Log

Please see attached info:

- Resource log
- BTP application.
- AMSA Quals
- TAE
- [personal informa](#)

I also wish to advise that the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom.

I have also emailed correspondence to [PI](#) and admin on the 9<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> February, Still to date, that correspondence has still not been responded to please check email and advise ASAP if not received or action accordingly.

Thanks

personal information

Owner / Trainer  
Australian Boating College North Queensland  
ITS AS EASY AS.



Mob:

personal information

Email: [personal@abcnq.com.au](mailto:personal@abcnq.com.au)

Website: [www.abcboating.com.au](http://www.abcboating.com.au)

---

From: [admin@abcboating.com](mailto:admin@abcboating.com) <[admin@abcboating.com](mailto:admin@abcboating.com)>

Sent: Friday, 3 March 2023 1:10 PM

To: [personal@abcnq.com.au](mailto:personal@abcnq.com.au)

Subject: Equipment and Resource Log

Importance: High

Hi [personal@abcnq.com.au](mailto:personal@abcnq.com.au)

Could you please complete and return the attached equipment and resource log?

This has been requested by MSQ to be rectified to comply with the business rules. We are required to submit these to MSQ and will require them to be returned to us by 15 March 2023.

Many Thanks

PI

Sch.4 Part 4 s.6 PI



Phone: 1 300 484 136

E-mail: [admin@abcboating.com](mailto:admin@abcboating.com)

<https://abcboating.com/>

## Boatsafe

---

**From:** Boatsafe  
**Sent:** Tuesday, 21 March 2023 1:35 PM  
**To:** Sch.4 Part 4 s.6 PI  
**Cc:** Boatsafe  
**Subject:** Close out - BTO Audit - ABC Licence Training Pty Ltd t/a Australian Boating College  
- BTO003 - 2 March 2023

**Categories:** DMS

Good afternoon Sch.4 Part 4 s.6 PI

Maritime Safety Queensland has received your responses to the Corrective Action Requests (CARs) from the BoatSafe Training Organisation (BTO) audit conducted on 2 March 2023.

Your responses have satisfied these requests and no further action is required.

It is recommended that you review the BoatSafe Business Rules, standards and information bulletins from time to time to ensure compliance is maintained.

Should you have any questions relating to this audit, please do not hesitate to contact me on return email, or (07) 3066 2496.

Regards

Stephen Day

**Stephen Day**

Senior Auditor | Policy Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

---

Not Relevant

P: 07 3066 2496 | M  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
GPO Box 2595 | Brisbane Qld 4001  
[stephen.k.day@msq.qld.gov.au](mailto:stephen.k.day@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

## Boatsafe

---

**From:** [Redacted]@abcboating.com  
**Sent:** Wednesday, 22 March 2023 2:37 PM  
**To:** Boatsafe  
**Subject:** RE: Close out - BTO Audit - ABC Licence Training Pty Ltd t/a Australian Boating College - BTO003 - 2 March 2023

**Categories:** Stephen

Good afternoon Stephen,

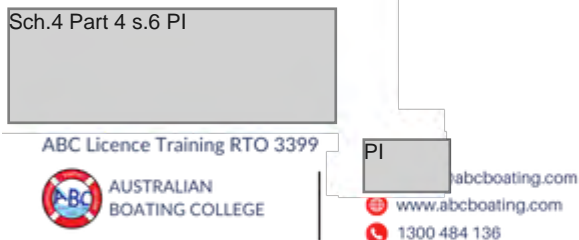
Thank you for your email.

I appreciate your support during this time and look forward to working closely with MSQ in the future.

Have a great afternoon.

Regards,

Sch.4 Part 4 s.6 PI



---

**From:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Sent:** Tuesday, 21 March 2023 1:35 PM  
**To:** [Redacted]@abcboating.com  
**Cc:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Subject:** Close out - BTO Audit - ABC Licence Training Pty Ltd t/a Australian Boating College - BTO003 - 2 March 2023

Good afternoon [Redacted]

Maritime Safety Queensland has received your responses to the Corrective Action Requests (CARs) from the BoatSafe Training Organisation (BTO) audit conducted on 2 March 2023.

Your responses have satisfied these requests and no further action is required.

It is recommended that you review the BoatSafe Business Rules, standards and information bulletins from time to time to ensure compliance is maintained.

Should you have any questions relating to this audit, please do not hesitate to contact me on return email, or (07) 3066 2496.

Regards

Stephen Day

**Stephen Day**  
Senior Auditor | Policy Planning and Regulation

---

P: 07 3066 2496 | M: Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
GPO Box 2595 | Brisbane Qld 4001  
[stephen.k.day@msq.qld.gov.au](mailto:stephen.k.day@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

Released under RTI/DMR

## Boatsafe

---

**From:** [Sch.4 Part 4 s.6 PI]@abcboating.com>  
**Sent:** Tuesday, 28 March 2023 6:01 PM  
**To:** Phillip M Hambly  
**Subject:** Fwd: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [personal informati]  
**Attachments:** Letter to ABC Licence Training Pty Ltd.pdf

Hi Phil,

See attached information.

If you don't mind, I'll give you a call tomorrow to discuss. Just wanted to discuss some of the notes regarding MSQ.

Thank you,

[Sch.4 Part 4 s.6 PI]

---

**From:** [personal informati]@hwlitigation.com.au>  
**Sent:** Tuesday, March 28, 2023 5:51 pm  
**To:** [PI]@abcboating.com [PI]@abcboating.com>  
**Cc:** [personal informati]@hwlitigation.com.au>  
**Subject:** PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [perso  
[personal in]

Dear [Sch.4 Part 4 s.6 PI]

Please see the **attached** correspondence.

Kind regards,

[personal i]

**Lawyer**

**HW Litigation Pty Ltd**

Email: [perso]@hwlitigation.com.au

Phone: 07 5556 7100

Fax: 07 5556 7111

---

### **CAUTION ON MONEY TRANSFERS**

Due to the increased risk of cyber-attacks, we recommend that (prior to any deposits to either of our bank accounts) the payer telephone our office to verbally confirm that the account details provided are accurate. There have been a number of recent frauds involving the undetectable interception of emails by hackers, who vary the account numbers, and then release the email to the intended recipient. These types of fraud can be hard to detect because the varied email will appear to be entirely legitimate at your end.

---

### IMPORTANT NOTICE TO RECIPIENT

Where this email is a communication between solicitor and client, it is privileged. If this email is for whatever reason, received by other than the named addressee, you are requested immediately to notify us by telephone or email.

The client entitled to the benefit of the solicitor/client privilege which attaches to this document is entitled to receive all copies of this document and to prevent its dissemination or use in any form by appropriate application to the courts. The solicitor/client privilege is not waived, lost or destroyed by reason of a mistaken delivery to other than the addressee.

HW Litigation Pty Ltd ACN 151 214 176

Individual liability limited by a scheme approved under Professional Standards Legislation.



Our Ref: Mr [personal informa] 230034

28 March 2023

ABC Licence Training Pty Ltd

[personal information]

By email: admin@abcboating.com

Dear Sir/Madam

RE: **PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [personal informatio]**

We act for [personal infor] and have a copy of your letter dated 20 March 2023 to our client ("the Letter").

As you know, our client was authorised as a BoatSafe Training Provider ("BTP") of the BoatSafe training and assessment program ("the Course") as defined in the BoatSafe Business Rules ("the Rules").

### ***The Grounds of the Purported Termination***

The Letter purported to terminate the franchise agreement entered into on 9 January 2009 as amended on 30 August 2013 ("the Franchise Agreement") on the basis of clause 11(2)(a)(xii) ("the Purported Termination"), which reads:

*"The Franchisor may terminate this Agreement immediately by written notice to the Franchisee if the Franchisee:*

*(xii) termination by Queensland Transport of the Franchisees' approval of its right to conduct Australian Boating College's Course in National Power Licence (10386) course."*

The Purported Termination seeks to rely on 3 alleged breaches of the Rules.

At the outset, we are instructed that the Purported Termination is without basis.

Clause 11(2)(a)(xii) confirms that any termination on the Franchise Agreement (pursuant to that provision) must be based upon the termination of a right to conduct the Course by Queensland Transport (as opposed to at the behest of someone else).

In this regard, clause 3.2 of the BoatSafe Audit and Compliance Framework relevantly provides that "any correspondence relating to an audit of a BTP authority holder will also be provided to the appropriate BTO authority holder." and clause 8 of the BoatSafe Audit and Compliance Framework relevantly provides that where non-compliance is identified the BTP authority holder will be issued a Corrective Action Request.

**HW**  
LITIGATION

HW LITIGATION PTY LTD  
ACN 151 214 176

SUITE 30803, LEVEL 8  
SOUTHPORT CENTRAL 3  
9 LAWSON STREET  
SOUTHPORT, QLD

PH: 07 5556 7100  
FAX: 07 5556 7111

PO BOX 1221  
SOUTHPORT, QLD, 4215

WWW.HWLITIGATION.COM.AU



LEGAL DIRECTORS:  
**JONATHAN G WEBBER**  
LLB. Acc.Spec. (Com.Lit.) - Qld

**MARTIN N DANIEL**  
LLB. Bsc. LLM. Acc.Spec. (Com.Lit.) - Qld

We are instructed that our client has not received any communication from BoatSafe in respect of any non-compliance.

It follows that Queensland Transport did not terminate our client's right to conduct the Course and, instead, you, as the BoatSafe Training Organisation ("BTO"), cancelled your nomination of our client as a BTP.

#### *Breach #1*

"Breach #1" of the Purported Termination was characterised as non-compliance with clause 22.9 of the Rules.

Rule 22.9 of the Rules requires that a BTO (not a BTP) must maintain a register of ships utilised for the approved training and must include safety equipment expiry dates.

On 3 March 2023, you sent an email to our client wherein you asked our client to "*please complete and return the attached equipment and resources log.*"

On 7 March 2023, our client completed the equipment and resources log ("the Log") and emailed it back to you.

The **enclosed** email from Phillip Hambly of Maritime Safety Queensland confirms that the Log is not a register of ships required by clause 22.9.

It follows that, our client's actions have not sensibly contributed to your inability to meet "the Corrective Action Request" and do not amount to a breach of rule 22.9.

That aside, the Log confirms that not all equipment has an expiry date. For example, a white board (as noted on the Log) does not have an expiry date.

In this regard, we are instructed that all of the equipment noted on the Log did not have an expiry date as the equipment listed either:

1. self-evidently did not have an expiry date, such as whiteboards, markers, photos, videos and the like; and
2. were used as training aids only and do not have expiry dates. In this regard, please see the **enclosed** photos.

We are instructed that the following items described in the Log are training aids and do not have expiry dates on them:

- (a) flares;
- (b) EPIRB;
- (c) V sheet; and
- (d) portable fire extinguisher.

We are also instructed that the vessels our client uses in conducting the Course do not, by virtue of their size and character and the circumstances in which they are used (i.e. in smooth waters) do not require those items to be in the vessels.

We are instructed that the following items described in the Log do not have or require expiry dates:

1. whiteboard/models of IALA markers;
2. lifejackets (i.e. the type of life categories our client possesses and uses in its vessels for the Course);
3. VHF radios;
4. bilge pump;
5. anchor, chain, rope;
6. photos;
7. MSQ DVD;
8. weather charts;
9. current tidal information;
10. illustrations of faults and instances of unseaworthiness;
11. MSQ charts;
12. models of ships;
13. Bureau of Meteorology videos;
14. access to internet;
15. a commercially certified vessel;
16. access to mooring;
17. a spare fender; and
18. a float.

In those circumstances, no practical expiry dates applied to the equipment described on the Log and our client has not breached rule 22.9 of the Rules.

Accordingly, "Breach #1" as specified in the Letter is not made out.

#### ***Breach #2***

"Breach #2" of the Purported Termination was characterised as non-compliance with clause 7.10 of the Rules. In particular, the Letter misquotes our client when it provides that "*you have stated, by form of written evidence that the resource requirements as set out in the competency standards are 'not needed' despite the requirement to adhere to clause 7.10 of the BoatSafe Business Rules.*"

Our client actually stated that "*videos etc are done via online modules so are not needed in classroom*". Clearly, our client's comment related to videos and other parts of the theory component of the Course

not needing to be physically present in a classroom, as opposed to “the resource requirements as set out in the competency standards” not being required at all.

Clause 7.10 of the Rules provides that a BTP must have all training equipment and tools to be “available” even if the theory component of a course is provided online when a student attends a “BTP authority holder location”.

“Available” is defined by the Oxford Dictionary to mean “able to be used or obtained; at someone’s disposal”.

Obviously, videos and other online content are “able to be used” by students whilst attending the “BTP authority holder location” by virtue of an internet connection. Our client had ready access to all such online material at all times and specifically when students were in attendance at our client’s location.

Accordingly, “Breach #2” is not made out.

### **Breach #3**

“Breach #3” of the Purported Termination was characterised as our client’s wrongful administration of the practical component of the Course to students prior to their successful completion of the theory component of the Course.

We are instructed that our client has not administered the practical component of the Course prior to a student’s successful completion of the theory component of the Course.

You’ll recall the Letter indicates you possess “*evidence that students have enrolled into a course conducted by [our client], and they have completed their pre-course online theory either following the commencement of the practical training session, or not at all.*”.

Accordingly, please provide this “evidence” within 7 days so that our client might assess the same and, absent any provision within the time delimited, our client will assume the “evidence” does not exist and proceed on that basis.

### **Effect of Purported Termination**

As you know, our client is in the business of teaching the Course to Students (“the Business”).

Prior to the Purported Termination, we are instructed that the Business enjoyed a gross profit of, on average, \$92,000.00 per annum, which our client has lost as a result of the Purported Termination.

Your actions in respect of the Purported Termination thereby will cause our client to suffer significant loss and damage. Our client reserves all of his rights in that regard.

### **Next Steps**

#### **Your Required Next Steps**

For the reasons outlined above, our client maintains the Purported Termination did not validly terminate the Franchise Agreement and was unlawful and thereby of no legal effect.

In those circumstances, our client is not obliged to:

- (a) pay, within 7 days, all amounts owed to “the Franchise”;

- (b) cease to provide any services to clients (which our client takes to mean a reference to students);
- (c) within 14 days:
  - (i) cancel any registrations relating to his use of the "Trade Marks". In this regard, it is entirely unclear what trademarks are being referred to; and
  - (ii) change directory listings;
- (d) remove any of the "Trade Marks" from vessels, vehicles or equipment; and
- (e) cease to use the "Business Name", in this regard it is unclear what business name being referred to.

Accordingly, no breach of clause 11(3) of the Franchise Agreement can arise and, in those circumstances, you are not entitled to injunctive relief.

In respect of any refunds, there is no clause in the Franchise Agreement that binds our client to the refund policy on your website. The refund policy on your website is likely, however, binding on you.

#### *Our Client's Required Next Steps*

Clause 16(8) of the Franchise Agreement requires the parties to attempt to resolve any disputes in a manner prescribed by the *Franchising Code of Conduct* which is presently set out in Schedule 1 of the *Competition and Consumer (Industry Codes – Franchising) Regulation 2014 (Cth)* ("the Code").

Section 35 of the Code permits parties to a franchising agreement to take action pursuant to Division 3 of Part 4 of the Code.

In this regard, and as required by Division 3 of the Code:

1. the nature of the dispute is your unlawful repudiation (by virtue of the Purported Termination) of the Franchise Agreement ("the Dispute");
2. the outcome our client wants is damages for the loss of income as a result of the Purported Termination.
3. the action our client thinks will resolve the dispute is your payment to our client of the damages he will suffer.

Our client's view is that the Dispute might be resolved at mediation under the Code and proposes the following:

- (a) our client will propose a panel of 3 mediators from which you may pick 1 to be the mediator;
- (b) the parties will liaise with one another and the mediator in respect of a mutually agreeable date and time, within a reasonable period from the date hereof, to hold a mediation;
- (c) the parties will equally share in the costs of the mediator and any necessary room hire; and
- (d) the mediation may be conducted in person, via telephone or via audio/visual-link.

In the light of the above, please advise, within 21 days, whether you agree to adopt the above proposed steps.

*Failure to Engage in Dispute Resolution Process*

If you do not agree to the above process which is aimed at resolving with the dispute within the time de-limited, we note can refer matter to ADR practitioner under s40A of the Code.

In addition, our client has no obligation to refrain from and in fact is entitled to institute formal court proceedings against you, seeking inter alia:

- (a) declaratory relief, including a declaration that the Purported Termination is of no force or effect;
- (b) further or in the alternative, damages;
- (c) injunctive relief compelling you to continue to comply with the terms of the Franchise Agreement and take the necessary steps to maintain your nomination of our client as a BTP; and
- (d) if such court proceedings are necessitated, costs of and/or incidental to such proceedings.

Yours faithfully

**HW LITIGATION PTY LTD**

personal information

**Lawyer**

Email: person@hwlitigation.com.au

Released under RTI-3342

**From:** [personal i]@abcnq.com.au  
**Sent:** Tue, 21 Mar 2023 09:02:20 +1000  
**To:** [personal in]  
**Subject:** FW: Equipment and Resource Log  
**Attachments:** 20230307\_084236.pdf, 20230307\_084251.pdf, AMSA QUALS 2021 to 2026.pdf, 20230307\_090533.pdf, 20230307\_090725.pdf  
**Categories:** LEAP

---

**From:** [perso]  
**Sent:** Tuesday, 7 March 2023 9:12 AM  
**To:** admin@abcboating.com  
**Cc:** [PI]@abcboating.com  
**Subject:** RE: Equipment and Resource Log

Please see attached info:

- Resource log
- BTP application.
- AMSA Quals
- TAE
- [personal informati]

I also wish to advise that the resource log you have used is outdated it is pre online course eg videos etc are done via online modules so are not needed in classroom.

I have also emailed correspondence to [PI] and admin on the 9<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> February, Still to date, that correspondence has still not been responded to please check email and advise ASAP if not received or action accordingly.

Thanks

[personal information]

**Owner / Trainer**  
**Australian Boating College North Queensland**  
**ITS AS EASY AS.**



**Mob:** [personal information]  
**Email:** [persona]@abcnq.com.au  
**Website:** [www.abcboating.com.au](http://www.abcboating.com.au)

**From:** [admin@abcboating.com](mailto:admin@abcboating.com) <[admin@abcboating.com](mailto:admin@abcboating.com)>

**Sent:** Friday, 3 March 2023 1:10 PM

**To:** [personal.i@abcnq.com.au](mailto:personal.i@abcnq.com.au)

**Subject:** Equipment and Resource Log

**Importance:** High

Hi [person](#)

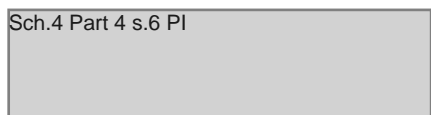
Could you please complete and return the attached equipment and resource log?

This has been requested by MSQ to be rectified to comply with the business rules. We are required to submit these to MSQ and will require them to be returned to us by 15 March 2023.

Many Thanks

PI  




Sch.4 Part 4 s.6 PI  


**Phone:** 1 300 484 136

**E-mail:** [admin@abcboating.com](mailto:admin@abcboating.com)

<https://abcboating.com/>

Released under RTI - DTMR





Released under RTI / DTMR



OPERATING  
48 hours minimum at  
-20°C to +55°C  
(-4°F to +131°F)  
STORAGE  
-30°C to +70°C  
(-22°F to +158°F)  
COMPASS  
SAFE  
0.7m (2.3ft)

APPROVED BY  
COSPAS-SARSAT  
ETSI 300 066  
IEC 60945  
0062  
/07  
AS/NZS 4280.1  
N9

+ LISO,  
REPLACE  
after use  
or by:

2099

OPERATING  
48 hours minimum at  
-20°C to +55°C  
(-4°F to +131°F)  
STORAGE  
-30°C to +70°C  
(-22°F to +158°F)  
COMPASS  
SAFE  
0.1m (0.3ft)

APPROVED BY  
COSPAS-SARSAT  
ETSI 300 066  
IEC 60945  
0062  
/07  
AS/NZS 4280.1  
N9

+ LISO,  
REPLACE  
after use  
or by:

2099

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**TRAINING AID ONLY**  
WARNING  
Activation is detected by global satellite system  
USE ONLY DURING SITUATIONS OF GRAVE AND IMMINENT DANGER  
Destructive missile may occur a severe penalty  
NOTE - The cover must be kept closed until the rocket is fired  
- Permanently disable cover from the cover  
TO PERMANENTLY DISABLE: Remove the cover from the cover  
GMS 406 MHz 1700  
100/100000  
Standard Communications Pty Ltd  
Locked Bag 2048, North Sydney, NSW 1575  
www.gms.com.au

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www.gms.com.au

**TRAINING AID ONLY**

**RED PARACHUTE SIGNAL ROCKET**  
ROCKET AND ROCKET MOTOR, HAND HELD ROCKET  
PROPELLED RED FLARE DISTRESS SIGNAL FOR DAY OR NIGHT USE  
For use on the ship's bridge, in small craft, fireboats and inflatable ferries.  
Flare ejected at 300m (1000ft). Burns for 40 seconds at 30,000 candles. Tip to 30 miles visibility.  
Conforms to SOLAS 74 as amended and Res.AJSC 81.170. Approvals: Category P2, 0589-P2-0046.  
Complies with SOLAS 74 as amended and Res.AJSC 81.170. T.C.002.03.043  
USE ONLY WHEN NECESSARY FOR DISTRESS SIGNALS  
Use point away from body when lighting or signal is burning  
DIRECTIONS  
1. Hold rocket  
2. Pull back to arm  
3. Release handle  
Rocket  
Lot 003  
033  
MessEx  
PARA RED ROCKET MK8A  
Art No. 9163160

**Boatsafe**

**From:** [PI] abcboating.com  
**Sent:** Thursday, 30 March 2023 8:26 AM  
**To:** Phillip M Hambly  
**Cc:** Michael J Armitage  
**Subject:** RE: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [personal inform]

Morning Phil,

Thank you for your time on the phone yesterday and for your email.

Would it be possible to seek consent to provide this information to HW Litigation please?

Thank you.

Kind Regards,

Sch.4 Part 4 s.6 PI

ABC Licence Training RTO 3399



[PI]

abcboating.com

www.abcboating.com

1300 484 136

**From:** Phillip M Hambly <Phillip.M.Hambly@msg.qld.gov.au>  
**Sent:** Wednesday, March 29, 2023 2:44 PM  
**To:** [Sch.4 Part 4 s.6 PI] [PI]@abcboating.com  
**Cc:** Michael J Armitage <Michael.J.Armitage@tmr.qld.gov.au>  
**Subject:** RE: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [personal inform]

Afternoon [PI]

Thanks for your time on the phone today. As discussed please find the following points for your information:

- The audit in questions was an audit conducted of yourselves as the BTO and was not a BTP audit. This provides no responsibility for the audit to be communicated to the BTPs on the schedule for the BTO. It is our practice to include a BTO in the audit correspondence for a BTP.
- There is no required communication from the BoatSafe team with regard to the removal of a BTP from the BTO's schedule. This decision remains at the discretion of the BTO.
- A BTP must be connected to a BTO to hold a valid authority.
- BoatSafe through audit of the BTO, required the BTO to provide details regarding the register and expiry dates in accordance with the Boatsafe Business Rules. Not all BTPs were able to provide this information. As a possible breach of the authority conditions and a breach of the actions of the outstanding audit, the resulting action was for the BTO to remove the BTP that was unable to satisfy the requirement. This action allowed the BTO to close out the corrective action and allow the BTPs that did submit the required information to hold their authority without further administrative action.

- The logs provided directly to the BoatSafe team by the BTP did not satisfy the requirements for the Corrective Actions for the audit.
- The [NSCV Part G](#) provides for the safety equipment to be carried onboard a ship operating under Exemption 02. Some items prescribed in the standard do have service expiry dates attributed to them.
- From the correspondence it would appear the BTP may have mistaken the requirements for the resources used in the training, when the requirement is actually for the training ship requirements.

Happy to discuss further with yourselves or with Mr Robinson as needed.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division  
Department of Transport and Main Roads

---

P: (07) 3066 3881 | M Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msg.qld.gov.au](mailto:phillip.m.hambly@msg.qld.gov.au)  
[www.msg.qld.gov.au](http://www.msg.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** Sch.4 Part 4 s.6 PI [@abcboating.com](mailto: @abcboating.com)  
**Sent:** Tuesday, 28 March 2023 6:01 PM  
**To:** Phillip M Hambly <[Phillip.M.Hambly@msg.qld.gov.au](mailto:Phillip.M.Hambly@msg.qld.gov.au)>  
**Subject:** Fwd: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND person  
personal infor

Hi Phil,

See attached information.

If you don't mind, I'll give you a call tomorrow to discuss. Just wanted to discuss some of the notes regarding MSQ.

Thank you,

Sch.4 Part 4 s.6 PI

---

**From:** personal informat [@hwlitigation.com.au](mailto: @hwlitigation.com.au)  
**Sent:** Tuesday, March 28, 2023 5:51 pm  
**To:** PI [@abcboating.com](mailto: @abcboating.com) PI [@abcboating.com](mailto: @abcboating.com)  
**Cc:** personal informatio [@hwlitigation.com.au](mailto: @hwlitigation.com.au)  
**Subject:** PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND person  
personal in

Dear PI

Please see the **attached** correspondence.

Kind regards,

personal

**Lawyer**

**HW Litigation Pty Ltd**

Email: person [@hwlitigation.com.au](mailto: @hwlitigation.com.au)

Phone: 07 5556 7100

Fax: 07 5556 7111

**CAUTION ON MONEY TRANSFERS**

Due to the increased risk of cyber-attacks, we recommend that (prior to any deposits to either of our bank accounts) the payer telephone our office to verbally confirm that the account details provided are accurate. There have been a number of recent frauds involving the undetectable interception of emails by hackers, who vary the account numbers, and then release the email to the intended recipient. These types of fraud can be hard to detect because the varied email will appear to be entirely legitimate at your end.

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Released under RTI DTMR

## Michael J Armitage

**From:** Phillip M Hambly  
**Sent:** Thursday, 30 March 2023 9:32 AM  
**To:** PI [redacted]@abcboating.com  
**Cc:** Michael J Armitage  
**Subject:** Re: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND **personal informat**

Thanks PI [redacted] no problems at all happy for you to share.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation |  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division | Department of Transport and Main Roads

---

Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
(07) 3066 3881 | M [redacted] Not Relevant  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** PI [redacted]@abcboating.com PI [redacted] abcboating.com>  
**Sent:** Thursday, March 30, 2023 8:26:06 AM  
**To:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>  
**Cc:** Michael J Armitage <Michael.J.Armitage@tmr.qld.gov.au>  
**Subject:** RE: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND **perso**  
**personal infor**

Morning Phil,

Thank you for your time on the phone yesterday and for your email.

Would it be possible to seek consent to provide this information to HW Litigation please?

Thank you.

Kind Regards,

Sch.4 Part 4 s.6 PI

ABC Licence Training RTO 3399



PI [redacted] abcboating.com  
www.abcboating.com  
1300 484 136



**From:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>

**Sent:** Wednesday, March 29, 2023 2:44 PM

**To:** [Redacted] <[Redacted]@abcboating.com>

**Cc:** Michael J Armitage <Michael.J.Armitage@tmr.qld.gov.au>

**Subject:** RE: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [Redacted]

[Redacted] personal info

Afternoon [Redacted]

Thanks for your time on the phone today. As discussed please find the following points for your information:

- The audit in questions was an audit conducted of yourselves as the BTO and was not a BTP audit. This provides no responsibility for the audit to be communicated to the BTPs on the schedule for the BTO. It is our practice to include a BTO in the audit correspondence for a BTP.
- There is no required communication from the BoatSafe team with regard to the removal of a BTP from the BTO's schedule. This decision remains at the discretion of the BTO.
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- The logs provided directly to the BoatSafe team by the BTP did not satisfy the requirements for the Corrective Actions for the audit.
- The [NSCV Part G](#) provides for the safety equipment to be carried onboard a ship operating under Exemption 02. Some items prescribed in the standard do have service expiry dates attributed to them.
- From the correspondence it would appear the BTP may have mistaken the requirements for the resources used in the training, when the requirement is actually for the training ship requirements.

Happy to discuss further with yourselves or with [Redacted] s needed.

Regards,

**Phillip Hambly**

Manager (BoatSafe) | Policy Planning and Regulation

**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division

Department of Transport and Main Roads

---

P: (07) 3066 3881 | M: [Redacted] Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

**From:** [Redacted] <[Redacted]@abcboating.com>

**Sent:** Tuesday, 28 March 2023 6:01 PM

**To:** Phillip M Hambly <Phillip.M.Hambly@msq.qld.gov.au>

**Subject:** Fwd: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [Redacted]

[Redacted] personal info

Hi Phil,

See attached information.

If you don't mind, I'll give you a call tomorrow to discuss. Just wanted to discuss some of the notes regarding MSQ.



Thank you,

Sch.4 Part 4 s.6 PI

From: [personal informat]@hwlitigation.com.au>

Sent: Tuesday, March 28, 2023 5:51 pm

To: [PI]@abcboating.com <[PI]@abcboating.com>

Cc: [personal informat]@hwlitigation.com.au>

Subject: PURPORTED TERMINATION OF FRANCHISE AGREEMENT | ABC LICENCE TRAINING PTY LTD AND [personal i]  
[personal in]

Dear [PI]

Please see the **attached** correspondence.

Kind regards,

[personal in]

Lawyer

HW Litigation Pty Ltd

Email: [person]@hwlitigation.com.au

Phone: 07 5556 7100

Fax: 07 5556 7111

**CAUTION ON MONEY TRANSFERS**

Due to the increased risk of cyber-attacks, we recommend that (prior to any deposits to either of our bank accounts) the payer telephone our office to verbally confirm that the account details provided are accurate. There have been a number of recent frauds involving the undetectable interception of emails by hackers, who vary the account numbers, and then release the email to the intended recipient. These types of fraud can be hard to detect because the varied email will appear to be entirely legitimate at your end.

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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

## Boatsafe

---

**From:** [personal informati]@hwlitigation.com.au>  
**Sent:** Tuesday, 4 April 2023 5:07 PM  
**To:** Boatsafe  
**Cc:** Martin Daniel  
**Subject:** RE: [personal inf] BTP Authority | ABC Training Pty Ltd

**Categories:** Completed

Dear Phil,

We act for [personal informa]

We are instructed that:

1. [personal info] was (but is no longer) an authorised BTP, that is, an authorised BoatSafe Training Provider;
2. [personal inf] nominating BoatSafe Training Organisation was ABC Licence Training Pty Ltd ("ABC");
3. in about late February 2023 or early March 2023, ABC received a Corrective Action Notice from either BoatSafe or Maritime Safety Queensland ("MSQ") as a result of an audit.

You may or may not be aware that ABC also had a franchise agreement with [personal i] and on 20 March 2023, ABC purported to terminate that agreement partially on the basis that "*in consultation with Maritime Safety Queensland, your authority as a Boat Training Provider (BTP) has been terminated.*"

Accordingly, we'd be grateful if you could provide us with:

- a. a copy of the results of the audit referred to in paragraph 3 above;
- b. a copy of the Corrective Action Notice issued by BoatSafe or MSQ referred to in paragraph 3 above;
- c. a copy of any communication from ABC withdrawing its nomination of or authorisation of [personal i] as one of its BTPs;
- d. a copy of any documents submitted by ABC to BoatSafe or MSQ in response to the aforementioned Corrective Action Notice;
- e. a copy of any document tending to confirm any termination of Mr [personal] authority as a BTP.

Kind regards,

[personal in]

**Lawyer**  
**HW Litigation Pty Ltd**  
Email: [person]@hwlitigation.com.au  
Phone: 07 5556 7100  
Fax: 07 5556 7111

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### **CAUTION ON MONEY TRANSFERS**

Due to the increased risk of cyber-attacks, we recommend that (prior to any deposits to either of our bank accounts) the payer telephone our office to verbally confirm that the account details provided are accurate. There have been a number of recent frauds involving the undetectable interception of emails by hackers, who vary the account numbers, and then release the email to the intended recipient. These types of fraud can be hard to detect because the varied email will appear to be entirely legitimate at your end.

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#### IMPORTANT NOTICE TO RECIPIENT

Where this email is a communication between solicitor and client, it is privileged. If this email is for whatever reason, received by other than the named addressee, you are requested immediately to notify us by telephone or email.

The client entitled to the benefit of the solicitor/client privilege which attaches to this document is entitled to receive all copies of this document and to prevent its dissemination or use in any form by appropriate application to the courts. The solicitor/client privilege is not waived, lost or destroyed by reason of a mistaken delivery to other than the addressee.

HW Litigation Pty Ltd ACN 151 214 176

Individual liability limited by a scheme approved under Professional Standards Legislation.

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Released under RTI - DTMR

## Boatsafe

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**From:** Boatsafe  
**Sent:** Tuesday, 11 April 2023 9:13 AM  
**To:** [personal info]  
**Cc:** Martin Daniel; Boatsafe  
**Subject:** RE: [personal info] BTP Authority | ABC Training Pty Ltd

Hi [pers]

Thanks for your email.

In order to obtain copies of the documents requested you will need to lodge a Right to Information (RTI) application. You may lodge an application at the link below – application fee is \$52.90. The RTI team will process your application – if you wish to speak to them regarding the process, please feel free to reach out on 3066 7108.

<https://www.smartservice.qld.gov.au/services/information-requests/home.action>

Regards

**Michael Armitage**

A/Manager - BoatSafe | Policy, Planning and Regulation  
Maritime Safety Queensland Branch | Customer Services, Safety and Regulation Division  
**Department of Transport and Main Roads**

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P: 07 3066 3503  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
GPO Box 2595 | Brisbane Qld 4001  
[michael.j.armitage@msq.qld.gov.au](mailto:michael.j.armitage@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)



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**From:** [personal information]@hwlitigation.com.au  
**Sent:** Tuesday, 4 April 2023 5:07 PM  
**To:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Cc:** [personal information]@hwlitigation.com.au  
**Subject:** RE: [personal info] BTP Authority | ABC Training Pty Ltd

Dear Phil,

We act for [personal information]

We are instructed that:

1. [personal info] was (but is no longer) an authorised BTP, that is, an authorised BoatSafe Training Provider;
2. [personal info] nominating BoatSafe Training Organisation was ABC Licence Training Pty Ltd (“ABC”);
3. in about late February 2023 or early March 2023, ABC received a Corrective Action Notice from either BoatSafe or Maritime Safety Queensland (“MSQ”) as a result of an audit.

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- d. a copy of any documents submitted by ABC to BoatSafe or MSQ in response to the aforementioned Corrective Action Notice;
- e. a copy of any document tending to confirm any termination of [personal in] authority as a BTP.

Kind regards,

[personal in]

**Lawyer**

**HW Litigation Pty Ltd**

Email: [personal]@hwlitigation.com.au

Phone: 07 5556 7100

Fax: 07 5556 7111

---

**CAUTION ON MONEY TRANSFERS**

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HW Litigation Pty Ltd ACN 151 214 176

Individual liability limited by a scheme approved under Professional Standards Legislation.

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## Boatsafe

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**From:** [personal info]@abcnq.com.au>  
**Sent:** Friday, 14 April 2023 11:51 AM  
**To:** Boatsafe  
**Cc:** [personal inform]  
**Attachments:** 20230414\_115647.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attention Boatsafe please see an attached letter sent to ABC, ABC continue to harass and intimidate us to pay fees and invoices, which clearly are now solely the responsibility of Australian Boating College.

[personal information]

**Owner / Trainer**  
**Anything Boating Camping North Qld**



ITS AS "EASY AS"  
ABCNQ.

**Mob:** [personal information]  
**Email:** [persona]@abcnq.com.au



Anything Boating and Camping North Qld (ABCNQ)



14/4/2023

Attention Directors and Managers Australian Boating College.

personal information



## Anything Boating and Camping North Qld (ABCNQ)



personal information

personal information

Owner / Trainer

Anything Boating Camping North Qld (ABCNQ)



ITS AS "EASY AS" ABCNQ.

Mob:

Email:



## Boatsafe

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**From:** Boatsafe  
**Sent:** Wednesday, 26 April 2023 3:55 PM  
**To:** person Stephen K Day  
**Subject:** Re: urgent response

**Categories:** Phil

Afternoon persona

Thanks for the opportunity to review this matter. I can confirm that the evidence provided for the students Sch.4 Part 4 s.6 PI they have not provided you with a Certificate of Completion for the Theory Training.

As you may be aware All State Boat and Licence Training (ASBLT) do not charge a fee for students to access their approved BoatSafe online training program, in turn they (ASBLT) do not provide a Certificate of Completion for the course until the student has been directly in contact with them.

Based on the information provided this would be a breach of the BoatSafe Business Rules Section 16.2

### Phillip Hambly

Manager (BoatSafe) | Policy Planning and Regulation  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division  
Department of Transport and Main Roads

---

P: (07) 3066 3881 | M Not Relevant  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)

[www.msq.qld.gov.au](http://www.msq.qld.gov.au)

[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

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**From:** personal :@abcnq.com.au>  
**Sent:** Thursday, 20 April 2023 1:09 PM  
**To:** Boatsafe <Boatsafe@msq.qld.gov.au>; Stephen K Day <Stephen.K.Day@msq.qld.gov.au>  
**Subject:** urgent response

I refer to the below email chain and the request for all records held in relation to courses conducted by me on the 15/9 and the 25/9/22, comprising as emailed with Steven Day records sent for students

- Sch.4 Part 4 s.6 PI

I note that a letter was sent with attached said emails stating there was an error on a ccr for PI however was an isolated incident and no action needed be taken.

ABC as the RTO is alleging that Sch.4 Part 4 s.6 PI are in breach of my approval at the time as they did not complete online training, However as per the BRB they had completed and provided proof of successful completion of online

training via the OLS system under All States approval and as such please confirm they are compliant students for the issue of a CCR as was done so and relevant info email and checked on the

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**From:** Boatsafe <Boatsafe@msq.qld.gov.au>  
**Sent:** Thursday, 1 December 2022 4:26 PM  
**To:** [personal info]@abcnq.com.au  
**Cc:** [personal info]@abcboating.com; Boatsafe <Boatsafe@msq.qld.gov.au>  
**Subject:** ABC - BTP 0030018 Letter December 2022

ABC Licence Training Pty Ltd – Trading as Australian Boating College  
Attn: [personal info]

Afternoon [personal info]

Please find the attached letter regarding the recent request for records. Please note this letter is being sent by email only.

Regards,

**Phillip Hambly**  
Manager (BoatSafe) | Policy Planning and Regulation  
**Maritime Safety Queensland Branch** | Customer Services, Safety and Regulation Division  
Department of Transport and Main Roads

---

P: (07) 3066 3881 | M: [Not Relevant]  
Floor 4 | 61 Mary Street | Brisbane Qld 4000  
PO Box 2595 | Brisbane Qld 4001  
[phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
[www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)

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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.



Our ref DMS 235/00212  
Your ref BTP0030018  
Enquiries phillip.m.hambly@msq.qld.gov.au

Department of  
**Transport and Main Roads**

01 December 2022

personal information

Australian Boating College North Queensland

By email only: [pers@abcnq.com.au](mailto:pers@abcnq.com.au)

**Request for Records** personal information

Dear personal info

I refer to recent correspondence requesting training records for each student trained by yourself, for 15 September 2022 and 25 September 2022. This request for records was made after it was identified you had issued a statement of competency (SOC) No. B0455176 without recording the candidate's identification details. This omission on the SOC was not identified at a Transport and Main Roads Customer Service Centre, and the candidate, [personal information](#), was subsequently issued a marine licence in error.

While it is noted you have failed to record [personal info](#) identification details when issuing a SOC, this appears to be an isolated incident and you are advised that no further action will be taken.

I take this opportunity to remind you of your responsibilities as a BTP authority holder under the BoatSafe Business Rules, and in particular, section 7.12 relating to completing a statement of competency. Section 7.12 states 'when completing the Statement of Competency, the student's evidence of identity is accurately recorded in accordance with the details provided.'

If you require any further information in relation to this matter, please contact Mr Phillip Hambly, Manager (BoatSafe), on telephone number (07) 3066 3881 or email [Phillip.m.hambly@msq.qld.gov.au](mailto:Phillip.m.hambly@msq.qld.gov.au).

Yours sincerely

Not Relevant

**Phillip Hambly**  
**Manager (BoatSafe)**  
**Maritime Safety Queensland**

Maritime Safety Queensland  
BoatSafe - Policy, Planning and Regulation  
Level 4, 61 Mary Street  
Brisbane Queensland 4001

**Telephone** +61 7 30663881  
**Website** [www.msq.qld.gov.au](http://www.msq.qld.gov.au)  
**Email** [phillip.m.hambly@msq.qld.gov.au](mailto:phillip.m.hambly@msq.qld.gov.au)  
ABN 39 407 690 291