

Version No. 002
Marine Regulations 2009
S.R. No. 180/2009

Version incorporating amendments as at 18 May 2010

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PART 1—PRELIMINARY

100 Objectives

The objectives of these Regulations are—

- (a) to provide for the registration and operation of vessels;
- (b) to give effect to certain international conventions relating to the operation of vessels;
- (c) to provide for marine infringements;
- (d) to provide for the payment of fees to the Director;
- (e) to prescribe penalties for offences;
- (f) to provide for operator licences in respect of regulated recreational vessels;
- (g) to provide for endorsements on operator licences in respect of personal watercraft;
- (ga) to provide for the expiry of these Regulations on 21 December 2012;
- (h) generally to provide for various other matters authorised or required to be prescribed for the purposes of the Act.

Reg. 100(ga)
inserted by
S.R. No.
27/2010 reg. 4.

101 Authorising provisions

These Regulations are made under sections 10, 55, 56, 58, 59, 105, 108 and 109 of the **Marine Act 1988**.

102 Commencement

These Regulations come into operation on 20 December 2009.

103 Revocation

The Regulations listed in Schedule 1 are **revoked**.

104 Definitions

In these Regulations—

Act means **Marine Act 1988**¹;

class 1 vessel means any passenger vessel carrying more than 12 passengers (excluding any hire and drive vessels);

class 1F vessel means any hire and drive vessel;

class 2 vessel means any trading vessel carrying up to 12 passengers;

class 3 vessel means any fishing vessel;

coastal waters means all waters other than inland waters or enclosed waters;

designated hazardous area means—

- (a) any ocean bar; and
- (b) Port Phillip Heads; and
- (c) the Lakes Entrance Bar; and
- (d) any area of State waters designated by the Director under regulation 106;

dive charter vessel means a trading vessel used or intended to be used wholly or principally for carrying passengers who engage in

recreational diving activities during a voyage;

dive flag means Code Flag "A" shown in Chapter 11 and Appendix 2 of the International Code of Signals;

diving equipment means underwater breathing apparatus of a kind that is self-contained (scuba) or is surface supplied;

drysuit means a thermal insulation garment of a kind—

- (a) that covers the whole of the trunk of a person's body in one garment; and
- (b) that does not allow water to permeate on to the body of the person wearing it;

enclosed waters means—

- (a) the waters inside the seaward entrance of the ports of Apollo Bay, Anderson Inlet, Gippsland Lakes, Snowy River, Mallacoota and Port Fairy, declared under section 5 of the **Port Services Act 1995**; and
- (b) the waters of the Port of Barwon Heads upstream of the Barwon Heads–Ocean Grove road bridge; and
- (c) the waters of the Port of Corner Inlet and Port Albert east of a line between Port Welshpool shipping pier and Bentley Point (inside the entrances); and
- (d) the waters of Shallow Inlet; and
- (e) the port waters (inside the entrance) of the Port of Portland; and

-
- (f) the waters of Port Phillip Bay landward of an imaginary line drawn between Point Lonsdale and Point Nepean as shown on the chart AUS 144 "Approaches to Port Phillip", published by the Hydrographic Service, Royal Australian Navy, 14 September 2007; and
 - (g) the waters of Westernport Bay landward of its western entrance joined by an imaginary line drawn between West Head to the southern tip of Seal Rocks to Point Grant and landward of its eastern entrance joined by an imaginary line drawn between Cape Woolamai and Griffith Point as shown on the chart AUS 150 "Western Port", published by the Hydrographic Service, Royal Australian Navy, 22 March 1995; and
 - (h) the waters between the seaward entrance of Tamboon Inlet and the northerly boundary of an imaginary line drawn between Flanders track and the creek on the eastern side of the Inlet; and
 - (i) the waters between the seaward entrance of Wingan Inlet and the northerly boundary of an imaginary line drawn between Rocky Creek and the bank directly opposite to the west; and
 - (j) the waters between the seaward entrance of Sydenham Inlet and the mouth of the Bemm River;
-

expiry date in relation to an operator licence, means the date determined in accordance with regulation 705 to be the date on which that licence expires;

hand-held orange smoke signal means a hand-held orange smoke signal of a type that complies with—

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix V; or
- (b) AS 2092 "Pyrotechnic marine distress flares and signals for pleasure craft";

hand-held red distress flare means a hand-held red distress flare of a type that complies with—

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix V; or
- (b) AS 2092 "Pyrotechnic marine distress flares and signals for pleasure craft";

inland waters means—

- (a) rivers (inside the seaward entrance), creeks, canals, lakes, reservoirs and any similar waters either naturally formed or man-made and which are either publicly or privately owned; and
- (b) the waters inside the seaward entrance of any rivers, creeks or streams which flow into port waters declared under section 5 of the **Port Services Act 1995**;

International Code of Signals means that code as published by the International Maritime organisation from time to time;

Lakes Entrance Bar means the sand bar at the entrance to the Port of Gippsland Lakes as shown on the chart AUS 182 "Lakes Entrance", published by the Hydrographic Service, Royal Australian Navy, 30 January 1998;

length in relation to a recreational vessel, means the length of the hull of the vessel when measured in accordance with clause 5.2.2 of International Standard ISO 8666 (E) "Small craft—Principal data";

lifebuoy means a lifebuoy of a type that complies with—

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix P; or
- (b) AS 2261 "Rescue buoys";

marine radio means—

- (a) a 27MHz or HF marine radio transceiver approved by the Australian Communications and Media Authority; or
 - (b) a VHF marine radio transceiver approved by the Australian Communications and Media Authority that complies with AS/NZS 4415.2 "Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands— Technical characteristics and methods of measurement—Major coast stations, limited coast stations, ship stations and handheld stations (non DSC) (ETS 300 162:1998, MOD)";
-

National Standard for Commercial Vessels

means the standard formulated, issued, prescribed or published by the National Marine Safety Committee of Australia from time to time;

ocean bar means an area in State waters comprising a ridge of sand or gravel near or slightly above the surface of the water—

- (a) that is located near or at the entrance to the sea from a bay, inlet, river or other waterway; and
- (b) that extends across the mouth of that bay, inlet, river or waterway or parallel to the shore; and
- (c) that is permanent or occurs from time to time—

and includes all waters within 500 metres of the ridge;

off-the-beach sailing yacht means an unballasted open sailing boat, including a centreboard dinghy, skiff and multihull yacht, but does not include a cabin boat, fixed keel vessel, kiteboard or sailboard;

open area in the case of—

- (a) a trading vessel, means an area—
 - (i) that is not closed or locked; and
 - (ii) that is open on the boundary on its aft side;
- (b) a recreational vessel (other than a kayak or canoe)—
 - (i) that has a deck, means all deck areas including coach roofs, superstructures, open flying bridges, trampolines and nets, but

excluding areas within a rigid deckhouse, a rigid cabin, a rigid half-cabin or a securely enclosed under-deck space; or

(ii) that does not have a deck, means the whole vessel, excluding areas within a rigid cabin, rigid half-cabin or a securely enclosed space;

(c) a kayak or canoe, means the whole vessel;

passenger means any person on board a vessel other than—

(a) the master and members of the crew or other persons employed or engaged in any capacity in the business of that vessel; and

(b) a child under one year of age;

personal flotation device means a PFD Type 1, a PFD Type 2 or a PFD Type 3;

personal particulars, of a person, means the following details—

(a) the first name, second and third initials (if any) and family name of the person;

(b) the person's gender;

(c) the person's date of birth;

(d) the person's residential address;

(e) if there is no postal address to the person's residential address, the address for the service of notice;

PFD Type 1 means a personal flotation device of a type described in Part 2 of Schedule 2;

PFD Type 2 means a personal flotation device of a type described in Part 3 of Schedule 2;

PFD Type 3 means a personal flotation device of a type described in Part 4 of Schedule 2;

portable fire extinguisher means a dry chemical type fire extinguisher—

- (a) that complies with AS/NZS 1841.1 "Portable fire extinguishers—Part 1: General requirements" and AS/NZS 1841.5 "Portable fire extinguishers—Part 5: Specific requirements for powder type extinguishers"; and
- (b) that is rated in accordance with AS/NZS 1850 "Portable fire extinguishers—Classification, rating and performance testing";

Port Phillip Heads means the waters between an imaginary line drawn between Point Lonsdale and Point Nepean and the seaward limits of an imaginary line of a radius of 3 nautical miles centred on Point Lonsdale, also known as "The Rip", as shown on the chart AUS 143 "Port Phillip", published by the Hydrographic Service, Royal Australian Navy, 27 April 2007;

powerboat means a recreational vessel that has an engine that is used, or that is capable of being used, for propulsion;

recreational tender means a vessel, other than a personal watercraft—

- (a) that does not exceed 4.8 metres in length; and

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- (b) that is used, or that is intended to be used, as a means of transportation but not for towing; and
 - (c) that conspicuously displays the name of its mother vessel or the registration number of that vessel and the letter "T"; and
 - (d) that operates or is intended to operate—
 - (i) between the shore and another recreational vessel that is no more than 300 metres from the shore and no more than 300 metres from the point of its entry to the water; or
 - (ii) between recreational vessels that are no more than 300 metres apart;

red star parachute distress rocket means a parachute distress rocket that complies with—

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix V; or
- (b) AS 2092 "Pyrotechnic marine distress flares and signals for pleasure craft";

restricted visibility means conditions in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar cause;

Roads Corporation has the same meaning as in the **Transport Act 1983**;

testing officer means a testing officer referred to in regulation 601;

trailerable yacht means a sailing vessel with a cabin that is capable of being towed on a trailer by a motor vehicle in accordance with the **Road Safety Act 1986**;

underway, in relation to a vessel, means when the vessel is not—

- (a) at anchor; or
- (b) made fast to the shore; or
- (c) aground;

wetsuit means a thermal insulation garment of a kind—

- (a) that covers the whole of the trunk of a person's body in one garment; and
- (b) that allows water to permeate on to the body of the person wearing it—

but does not include a vest or singlet;

yacht means a recreational vessel that is designed to be propelled by wind power, or a combination of wind and engine power, and includes—

- (a) a monohull yacht; and
- (b) a trailerable yacht; and
- (c) a multihull yacht—

that is ballasted or has a cabin or a fixed keel, but does not include an off-the-beach sailing yacht.

105 Reference to standards

Unless otherwise stated, in these Regulations—

- (a) a reference to an Australian Standard is a reference to that standard as formulated, issued, prescribed or published by Standards Australia from time to time; and

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- (b) a reference to an Australian and New Zealand Standard is a reference to that standard as formulated, issued, prescribed or published jointly by Standards Australia and Standards New Zealand from time to time; and
 - (c) a reference to an International Standard is a reference to that standard as formulated, issued, prescribed or published by the International Organization for Standardization from time to time.

106 Director may designate hazardous areas for purposes of Regulations

The Director may, by notice published in the Government Gazette, designate an area of State waters described in the notice as a designated hazardous area for the purposes of these Regulations.

**PART 2—VESSEL OPERATION, CONSTRUCTION AND
EQUIPMENT**

Division 1—Safe operation of vessels

200 Power to prohibit operation of vessel

For the purposes of section 14 of the Act, the Director or a member of the police force may, in writing, direct that a particular vessel must not be operated on State waters if the Director or the member of the police force considers that—

- (a) the vessel is loaded with persons, cargo and equipment or other items that will make or are likely to make the vessel unstable; or
- (b) the vessel is constructed in a manner that would place any occupant of the vessel at risk of injury or death; or
- (c) the vessel is of a design that is not suitable for the intended voyage or use; or
- (d) the machinery on board the vessel is unsafe or could create a fire or explosion on the vessel; or
- (e) the machinery proposed to propel the vessel makes the vessel unsafe or unseaworthy or can develop power in excess of the maximum power recommended by the manufacturer of the vessel; or
- (f) the cargo or goods carried on the vessel could be a risk—
 - (i) to that vessel; or
 - (ii) to other vessels; or
 - (iii) to people on the vessel; or
 - (iv) to people on other vessels; or
- (g) the vessel is generally unseaworthy.

201 Written direction with reasons to be given

If the Director or a member of the police force gives a direction under section 14 of the Act, a copy of the direction, and the reasons for making the direction, must be given to the owner and operator of the vessel as soon as practicable after the direction is given.

202 Review of direction

- (1) The owner or operator of the vessel may, within 14 days after the date that a copy of a direction under regulation 201 is given, apply to the Director for the direction to be reviewed.
- (2) The Director must, within 14 days after the date an application under subregulation (1) is received, review the direction given to the applicant.

203 Revocation of direction

If the Director considers that a direction under section 14 of the Act should no longer apply, the Director must—

- (a) revoke the direction in writing; and
- (b) provide the owner and the operator of the vessel with a copy of the written revocation of the direction as soon as practicable.

204 International regulations for preventing collisions at sea

- (1) The master of a vessel must observe the Prevention of Collisions Convention when operating a vessel on State waters.

Note

Under section 58(2) of the Act, a person who contravenes subregulation (1) is liable to a penalty of 100 penalty units or imprisonment for two years or both if the person is a natural person, or 200 penalty units if the person is a body corporate.

- (2) For the purposes of subregulation (1), Annex I, Annex II and Annex III of the Prevention of Collisions Convention do not apply to vessels on inland waters.

Note

The Prevention of Collisions Convention is defined in section 53 of the Act and set out in Schedule 1 of the Act.

205 Emergency procedures and safety of navigation—trading and fishing vessels

The master of a vessel to which section 59(2) of the Act applies must observe Chapter V of the regulations contained in the Annex to the Safety Convention (other than regulation 13 or 15 of that Chapter of those regulations).

Note

The Safety Convention (or the International Convention for the Safety of Life at Sea, 1974) is defined in section 53 of the Act and set out in Schedule 2 of the Act.

206 Vessel not to operate unless provided with certain type of EPIRB

- (1) A person must not operate a vessel on coastal waters more than 2 nautical miles from the shore unless the vessel is provided with an emergency position-indicating radio beacon (EPIRB)—
- (a) that has an operational frequency of 406 MHz; and
 - (b) that complies with Australian and New Zealand Standard AS/NZS 4280.1 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2002, MOD)"; and

- (c) that is registered with the Australian Maritime Safety Authority (AMSA) with up-to-date information and has affixed to it a proof-of-registration sticker from AMSA.

Penalty: 5 penalty units.

- (2) A person operating a vessel on coastal waters more than 2 nautical miles from the shore must carry proof issued by AMSA that the vessel is provided with an EPIRB of the type described in subregulation (1).

Penalty: 5 penalty units.

207 Certificate of survey for vessel to be endorsed for Port Phillip Heads

- (1) The owner of a trading vessel must ensure that the vessel does not carry passengers in or through Port Phillip Heads unless the vessel has a current valid certificate of survey that has been specifically endorsed by the Director for the carriage of passengers in or through Port Phillip Heads.

Penalty: 20 penalty units.

- (2) The master of a trading vessel must ensure that the vessel does not carry passengers in or through Port Phillip Heads unless the vessel has a current valid certificate of survey that has been specifically endorsed by the Director for the carriage of passengers in or through Port Phillip Heads.

Penalty: 20 penalty units.

Note

A certificate of survey issued by the Director to a trading vessel to carry passengers in or through Port Phillip Heads may be subject to any conditions imposed by the Director under section 99E(2) of the Act.

208 Owner and master to comply with conditions for Port Phillip Heads

- (1) The owner of a trading vessel that is less than 16 metres in length and is carrying passengers in or through Port Phillip Heads must take all reasonable steps to ensure that—
- (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the most recent coastal waters forecast issued by the Bureau of Meteorology for northern Bass Strait predicts for the time of passage—
 - (A) sea and swell conditions exceeding 2 metres in height; or
 - (B) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; or
 - (iii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iv) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
 - (b) when the vessel enters, and while the vessel traverses, Port Phillip Heads each passenger and each crew member is wearing—
 - (i) in the case of a dive charter vessel, a fully sealed drysuit or wetsuit that is at least 5 millimetres thick; or
 - (ii) in any other case, a PFD Type 1; and

- (c) before the vessel enters Port Phillip Heads, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel enters and while the vessel traverses Port Phillip Heads.

Penalty: 20 penalty units.

- (2) The master of a trading vessel that is less than 16 metres in length and is carrying passengers in or through Port Phillip Heads, must ensure that—
 - (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the most recent coastal waters forecast issued by the Bureau of Meteorology for northern Bass Strait predicts for the time of passage—
 - (A) sea and swell conditions exceeding 2 metres in height; or
 - (B) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; or
 - (iii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iv) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and

- (b) when the vessel enters, and while the vessel traverses, Port Phillip Heads each passenger and each crew member is wearing—
 - (i) in the case of a dive charter vessel, a fully sealed drysuit or wetsuit that is at least 5 millimetres thick; or
 - (ii) in any other case, a PFD Type 1; and
- (c) before the vessel enters Port Phillip Heads, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel enters and while the vessel traverses Port Phillip Heads.

Penalty: 20 penalty units.

- (3) Subregulations (1)(a)(ii), (1)(a)(iii), (1)(a)(iv), (2)(a)(ii), (2)(a)(iii) and (2)(a)(iv) do not apply in the case of a vessel that has already entered, and is traversing, Port Phillip Heads—
 - (a) when the weather forecast referred to is issued by the Bureau of Meteorology; or
 - (b) when the actual sea and swell conditions begin to exceed 2 metres in height; or
 - (c) when the actual average wind speed begins to exceed 20 knots and to come from a direction that is in the southerly semi-circle of the compass.

209 Certificate of survey for vessel to be endorsed for Lakes Entrance Bar

- (1) The owner of a trading vessel must ensure that the vessel does not carry passengers while operating across the Lakes Entrance Bar unless the vessel has a current valid certificate of survey that has

been specifically endorsed by the Director for the carriage of passengers across the Lakes Entrance Bar.

Penalty: 20 penalty units.

- (2) The master of a trading vessel must ensure that the vessel does not carry passengers while operating across the Lakes Entrance Bar unless the vessel has a current valid certificate of survey that has been specifically endorsed by the Director for the carriage of passengers across the Lakes Entrance Bar.

Penalty: 20 penalty units.

Note

A certificate of survey issued by the Director to a trading vessel to carry passengers across the Lakes Entrance Bar may be subject to any conditions imposed by the Director under section 99E(2) of the Act.

210 Owner and master to comply with conditions for Lakes Entrance Bar

- (1) The owner of a trading vessel that is carrying passengers in or through the Lakes Entrance Bar must take all reasonable steps to ensure that—
- (a) the vessel does not proceed to sea by crossing or attempting to cross the Bar if the most recent coastal waters forecast issued by the Bureau of Meteorology for eastern Bass Strait predicts for any time during the voyage—
 - (i) sea and swell conditions exceeding 2 metres in height; or
 - (ii) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; and

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- (b) the vessel does not cross, or attempt to cross, the Bar—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iii) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
 - (c) each passenger and crew member is wearing a PFD Type 1 while the vessel crosses, or attempts to cross, the Bar; and
 - (d) before the vessel crosses, or attempts to cross, the Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
 - (e) all passengers are located in the open area of the vessel when the vessel crosses, or attempts to cross, the Bar; and
 - (f) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel crosses, or attempts to cross, the Bar.

Penalty: 20 penalty units.

- (2) The master of a trading vessel that is carrying passengers in or through the Lakes Entrance Bar, must ensure that—
 - (a) the vessel does not proceed to sea by crossing, or attempting to cross, the Bar if the most recent coastal waters forecast issued by the Bureau of Meteorology for eastern Bass Strait predicts for any time during the voyage—

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- (i) sea and swell conditions exceeding 2 metres in height; or
 - (ii) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; and
- (b) the vessel does not cross, or attempt to cross, the Bar—
- (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iii) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
- (c) each passenger and crew member is wearing a PFD Type 1 while the vessel crosses, or attempts to cross, the Bar; and
- (d) before the vessel crosses, or attempts to cross, the Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (e) all passengers are located in the open area of the vessel when the vessel crosses, or attempts to cross, the Bar; and
- (f) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel crosses, or attempts to cross, the Bar.

Penalty: 20 penalty units.

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- (3) Subregulations (1)(a), (1)(b)(ii), (1)(b)(iii), (2)(a), (2)(b)(ii) and (2)(b)(iii) do not apply in the case of a vessel that has already entered, and is crossing, the Lakes Entrance Bar—
- (a) when the weather forecast referred to is issued by the Bureau of Meteorology; or
 - (b) when the actual sea and swell conditions begin to exceed 2 metres in height; or
 - (c) when the actual average wind speed begins to exceed 20 knots and to come from a direction that is in the southerly semi-circle of the compass.

Division 2—Survey, construction and equipment of commercial vessels

211 Survey of trading, fishing and hire and drive vessels

- (1) For the purposes of section 97 of the Act, a certificate of survey for a trading, fishing or a hire and drive vessel may be issued by the Director for a period not exceeding 12 months.
- (2) Section 14 of the Uniform Shipping Laws Code extends and applies with respect to the requirements for the issue of a certificate of survey for a trading, fishing or hire and drive vessel.

212 Trading and fishing vessels—construction and equipment

- (1) The following provisions of the Uniform Shipping Laws Code extend and apply to trading vessels and fishing vessels—
 - (a) sections 5A, 5B, 5C (except clause 5C.15), 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L and 5M;
 - (b) section 6;
 - (c) section 7 (except clauses 74.4 and 74.5);

Reg. 212(2)
amended by
S.R. No.
27/2010 reg. 5.

- (d) sections 8A, 8B and 8C;
- (e) sections 9, 10, 11, 12 and 13.

- (2) On and from 1 July 2011 Part E of the National Standard for Commercial Vessels extends and applies to trading vessels and fishing vessels.

213 Hire and drive vessels—construction and equipment

The owner and the operator of a hire and drive vessel must observe section 18 of the Uniform Shipping Laws Code (except clauses 2.4.1, 2.5.1, 2.5.3 and Part 3 and Part 4).

214 Certificate of survey to be carried on board certain vessels

- (1) If a vessel is a trading vessel, fishing vessel or hire and drive vessel, the owner of the vessel must ensure that at all times while the vessel is operating in State waters the certificate of survey issued for that vessel or a certified copy of it is displayed in a place on the vessel in a manner that it can be readily viewed by any person on board the vessel.

Penalty: 10 penalty units.

- (2) If a vessel is a trading vessel or fishing vessel, the master of the vessel must ensure that at all times while the vessel is operating in State waters the certificate of survey issued for that vessel or a certified copy of it is displayed in a place on the vessel in a manner that it can be readily viewed by any person on board the vessel.

Penalty: 10 penalty units.

- (3) For the purposes of this regulation, the Director may certify a copy of a certificate of survey to be a true copy of that certificate.

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- (4) In this regulation *certified copy* of a certificate of survey means a copy of a certificate of survey that has been certified to be a true copy of that certificate by—
- (a) the Director; or
 - (b) a person authorised under section 107A(1) or 123C(1) of the **Evidence Act 1958** to take affidavits or witness the signing of statutory declarations.

Division 3—Operation of hire and drive vessels

215 Maintenance and production of register of hire contracts

- (1) The owner of a hire and drive vessel must maintain a register in a form approved by the Director of each hire and drive contract entered into for the use of that vessel, which includes—
- (a) the full name, address and signature of the hirer; and
 - (b) the date and time that the vessel was hired to the hirer; and
 - (c) the number of people to be carried on the vessel; and
 - (d) the date and time that the vessel was returned by the hirer.

Penalty: 2 penalty units.

- (2) A person who hires a hire and drive vessel must provide to the owner of the vessel the details specified in subregulation (1)(a) and (c).

Penalty: 2 penalty units.

- (3) The owner of a hire and drive vessel must, if requested by a member of the police force or by a person authorised by the Director, produce for inspection the register maintained under subregulation (1).

Penalty: 2 penalty units.

216 Sale or purchase of hire and drive vessel

- (1) The owner of a hire and drive vessel who sells or otherwise disposes of the vessel must, within 14 days after the sale or disposal of the vessel, notify the Director in writing of—
- (a) the date of the sale or disposal of the vessel; and
 - (b) the name, identification number and description of the vessel; and
 - (c) the name and address of the purchaser or person acquiring the vessel; and
 - (d) the owner's full name and address.

Penalty: 2 penalty units.

- (2) A person who purchases or otherwise acquires a hire and drive vessel must, within 14 days after the purchase or acquisition, notify the Director in writing of—
- (a) the date of the purchase or acquisition of the vessel; and
 - (b) the name, identification number, and description of the vessel; and
 - (c) the person's full name and address.

Penalty: 2 penalty units.

217 Owner to report accident involving hire and drive vessel

The owner of a hire and drive vessel that is involved in an accident resulting in personal injury or property damage must report, in writing and without delay, to the Director full particulars of the accident.

Penalty: 3 penalty units.

218 Use of hire and drive vessel

The hirer, and the operator (if the hirer is not the operator), of a hire and drive vessel must not—

- (a) permit any equipment listed on the certificate of survey for the vessel to be improperly used or handled; or
- (b) permit the vessel to proceed beyond or outside the geographical limits specified on the certificate of survey for the vessel.

Penalty: 4 penalty units.

219 Instructions to be given to hirers

- (1) The owner of a hire and drive vessel must take reasonable steps to ensure that the vessel is not hired out to a hirer or operated by a person who is not competent to take charge of that vessel within the geographical limits specified by the Director on the certificate of survey for the vessel.

Penalty: 5 penalty units.

- (2) The owner of a hire and drive vessel must ensure that any person who hires the vessel and any person who operates the vessel is given clear and concise instructions about—
 - (a) the correct and safe handling and navigation of the vessel; and

- (b) the correct and safe operation of machinery, fuel, gas and pumping systems and valves or openings in the hull of the vessel; and
- (c) the storage and use of lifesaving appliances, fire appliances and other safety equipment; and
- (d) the geographical limits within which the vessel may be operated.

Penalty: 5 penalty units.

- (3) The owner of a hire and drive vessel must ensure that any person who hires the vessel and any person who operates the vessel is given a plan showing the geographical limits within which the vessel may be operated.

Penalty: 5 penalty units.

- (4) The owner of a hire and drive vessel must obtain from the person hiring the vessel a signed statement indicating that the person fully understands the geographical limits and restrictions and any conditions that the Director has certified on the certificate of survey about the use of the vessel.

Penalty: 5 penalty units.

220 Reckless operation of hire and drive vessel

- (1) A person must not operate a hire and drive vessel on State waters recklessly, negligently or in a way that is dangerous to the public or that is likely in any way to cause injury or damage to any person or property.

Penalty: 20 penalty units.

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- (2) A person must not when being towed or propelled by a hire and drive vessel on State waters (whether or not the person is riding on water skis or a surfboard or any other device), act recklessly, negligently or in a way that is dangerous to the public or that is likely in any way to cause injury or damage to any person or property.

Penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person who uses a vessel in accordance with section 26 of the Act to assist a person in distress.

221 Person under 10 to wear personal flotation device

- (1) The owner of a hire and drive vessel must ensure that, when the vessel departs on a voyage on State waters, every person under the age of 10 years on that vessel is wearing a personal flotation device.

Penalty: 4 penalty units.

- (2) The hirer of a hire and drive vessel must ensure that, when that vessel is underway on State waters, every person under the age of 10 years on the vessel is wearing a personal flotation device.

Penalty: 4 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person under the age of 10 years who is within a deckhouse, a cabin, a half-cabin or a securely enclosed under-deck space on the vessel.

222 Fuelling of hire and drive vessel

- (1) The owner of a hire and drive vessel, which is under the owner's immediate control, must not permit the vessel to be fuelled at a wharf, jetty or pier if there are passengers on board the vessel.

Penalty: 4 penalty units.

- (2) The hirer, and the operator (if the operator is not the hirer), of a hire and drive vessel must not permit the vessel to be fuelled at a wharf, jetty or pier if there are passengers on board the vessel.

Penalty: 4 penalty units.

223 Naked flame on hire and drive vessel

- (1) The owner of a hire and drive vessel must ensure that any appliance which produces a naked flame is not installed in any compartment of the vessel containing motors or a fuel tank.

Penalty: 4 penalty units.

- (2) The owner of a hire and drive vessel, which is under the owner's immediate control, must ensure that any appliance which produces a naked flame is not used in any compartment of the vessel containing motors or a fuel tank.

Penalty: 4 penalty units.

- (3) The hirer, and the operator (if the operator is not the hirer), of a hire and drive vessel must ensure that any appliance which produces a naked flame is not used in any compartment of the vessel containing motors or a fuel tank.

Penalty: 4 penalty units.

224 Stowage of equipment on hire and drive vessel

The owner of a hire and drive vessel must take reasonable steps to ensure that all lifesaving equipment, fire extinguishers and other safety equipment carried on the vessel are—

- (a) placed so that they are readily accessible;
and
(b) maintained in working condition.

Penalty: 4 penalty units.

225 Hire and drive vessel not to be overloaded

- (1) The owner of a hire and drive vessel, which is under the owner's immediate control, must not permit more than the maximum number of passengers, as specified on the certificate of survey, on board the vessel at any one time.

Penalty: 4 penalty units.

- (2) A person must not operate a hire and drive vessel that has more than the maximum number of passengers, as specified on the certificate of survey, on board the vessel at any one time.

Penalty: 4 penalty units.

Division 4—Recreational vessels

226 Construction of recreational vessels

A person who constructs a recreational vessel must do so in accordance with the requirements of Schedule 3.

Penalty: 5 penalty units.

227 Operation of recreational vessels

A person must not operate a recreational vessel on State waters unless it is constructed in accordance with Schedule 3.

Penalty: 5 penalty units.

228 Safety equipment required for recreational vessels

- (1) A person must not operate a recreational vessel of a class specified in Column 2 of Table A in Schedule 4 in coastal waters unless the vessel is equipped with the items of equipment listed in Column 3 for that vessel in the quantity specified opposite in Column 4.

Penalty: 5 penalty units.

- (2) A person must not operate a recreational vessel of a class specified in Column 2 of Table A in Schedule 4 in enclosed waters unless the vessel is equipped with the items of equipment listed in Column 3 for that vessel in the quantity specified opposite in Column 5.

Penalty: 5 penalty units.

- (3) A person must not operate a recreational vessel of a class specified in Column 2 of Table A in Schedule 4 in inland waters unless the vessel is equipped with the items of equipment listed in Column 3 for that vessel in the quantity specified opposite in Column 6.

Penalty: 5 penalty units.

- (4) For the purposes of subregulations (1), (2) and (3), if the requirements relating to an item of equipment specified in Column 4, 5 or 6, respectively, in Table A in Schedule 4 are expressed to be subject to a condition, the recreational vessel is required to be equipped with that item of equipment only if the condition applies to the vessel.

Examples

- 1 For mechanically powered recreational vessels, the requirements relating to a bailer are expressed in Columns 4, 5 and 6 as "1—if no electric or manual bilge pumping system". This means that such vessels are required to be equipped with a bailer only if the vessel does not have an electric or manual bilge pumping system.
- 2 For any class of recreational vessels that is to be operated on coastal waters, the requirements relating to a compass are expressed in Column 4 as "1—if more than 2 nautical miles from the coast". This means that such vessels are required to be equipped with a compass only if the vessel operates more than 2 nautical miles from the coast.

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- (5) A person must not operate a recreational vessel unless each item of equipment that is required to be carried on board the vessel under subregulation (1), (2) or (3) complies with any requirements specified in Table B in Schedule 4 for that item of equipment.

Penalty: 5 penalty units.

229 Fire fighting equipment required for recreational vessels

- (1) This regulation applies to a person who operates a recreational vessel that carries fuel on board, or that is equipped with an electric start motor, gas installation or fuel stove.
- (2) Subject to subregulation (5), the person must ensure that—
- (a) the vessel is equipped with the number of portable fire extinguishers specified in Column 2 of Table C in Schedule 4 for the size of the vessel specified opposite in Column 1; and
 - (b) each of those portable fire extinguishers is of the minimum nominal capacity specified in Column 2 of Table D in Schedule 4 for the volume of flammable or combustible liquids that is able to be carried on the vessel specified opposite in Column 1.

Penalty: 5 penalty units.

- (3) Subject to subregulation (4), the person must ensure that one of the portable fire extinguishers required to be carried on the vessel under subregulation (2) is positioned, and readily available, adjacent to the engine and fuel carrying spaces of the vessel.

Penalty: 5 penalty units.

- (4) Subregulation (3) does not apply if a fixed fire extinguishing system is fitted to the enclosed engine compartment of the vessel and the capacity of the system is the same or greater than the minimum nominal capacity of a portable fire extinguisher required under subregulation (2).
- (5) For the purposes of subregulation (2), a fixed fire extinguishing system referred to in subregulation (4) is taken to be a portable fire extinguisher.
- (6) If cooking facilities are located within an enclosed space on the vessel, the person must ensure that a fire blanket is positioned in a conspicuous location and that it is readily accessible to a person using the cooking facilities.

Penalty: 5 penalty units.

- (7) In this regulation—

fire blanket means a fire blanket that complies with AS/NZS 3504 "Fire blankets";

fixed fire extinguishing system means a fixed fire extinguishing system that complies with International Standard ISO 9094 "Small craft—Fire protection".

230 Maintenance and placement of safety equipment and fire extinguishers

- (1) A person must not operate a recreational vessel unless all lifesaving equipment, fire extinguishers and other safety equipment required to be carried on board the vessel under regulations 228 and 229—
 - (a) are placed or located in a conspicuous and readily accessible position at all times; and
 - (b) are kept in good order at all times; and

- (c) are maintained or serviced in a way that ensures that they are able to operate at all times in the way that they were designed to operate; and
- (d) are serviced on or before the date specified by the manufacturer for that item of equipment.

Penalty: 5 penalty units.

- (2) If more than one fire extinguisher of the same type is required under regulation 229 to be carried on board a recreational vessel, a person must not operate the vessel unless each fire extinguisher of that type is located in a separate position on the vessel.

Penalty: 5 penalty units.

231 PFD to be worn on certain recreational vessels at all times by person on open area

- (1) A person who is on an open area of a recreational vessel of a type listed in Column 2 of Table A in Schedule 5 must wear a personal flotation device—
 - (a) of a type specified in Column 3 of the Table opposite that type of vessel at all times when the vessel is underway on coastal waters; and
 - (b) of a type specified in Column 4 of the Table opposite that type of vessel at all times when the vessel is underway on enclosed waters; and
 - (c) of a type specified in Column 5 of the Table opposite that type of vessel at all times when the vessel is underway on inland waters.

Penalty: 5 penalty units.

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- (2) Subregulation (1) does not apply to a person who is operating a kiteboard or sailboard if—
- (a) the person is no more than 400 metres from the shore; and
 - (b) the person is wearing a wetsuit that is at least 3 millimetres thick.
- (3) Subregulation (1) does not apply to a person who—
- (a) is engaged in diving from a recreational vessel that is displaying a dive flag and that is not moving at a speed greater than 5 knots; or
 - (b) is in the process of donning or removing diving equipment on board a recreational vessel that is displaying a dive flag and that is not moving at a speed greater than 5 knots.

232 PFD to be worn on certain recreational vessels during time of heightened risk

- (1) A person who is on an open area of a recreational vessel of a type listed in Column 2 of Table B in Schedule 5 must, during a time of heightened risk wear a personal flotation device—
- (a) of a type specified in Column 3 of the Table opposite that type of vessel when the vessel is underway on coastal waters; and
 - (b) of a type specified in Column 4 of the Table opposite that type of vessel when the vessel is underway on enclosed waters; and
 - (c) of a type specified in Column 5 of the Table opposite that type of vessel when the vessel is underway on inland waters.

Penalty: 5 penalty units.

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- (2) In this regulation *time of heightened risk* means—
- (a) when the vessel is crossing or attempting to cross an ocean bar or operating within a designated hazardous area; or
 - (b) when the vessel is being operated by a person who is alone; or
 - (c) when the vessel is being operated during the period commencing one hour after sunset and ending one hour before sunrise; or
 - (d) when the vessel is being operated during a period of restricted visibility; or
 - (e) when there is a significant likelihood that—
 - (i) the vessel may capsize or be swamped by waves; or
 - (ii) the occupants of the vessel may fall overboard or be forced to enter the water; or
 - (f) when the vessel is operating in an area where—
 - (i) a gale warning; or
 - (ii) a storm warning; or
 - (iii) a severe thunderstorm warning; or
 - (iv) a severe weather warning—
issued by the Bureau of Meteorology, is current; or
 - (g) if the vessel is a yacht and no safety barriers, lifelines, rails, safety harnesses or jacklines are in use.
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- (3) Subregulation (1) does not apply to a person—
- (a) who is engaged in diving from a recreational vessel that is displaying a dive flag and that is not moving at a speed greater than 5 knots; or
 - (b) who is in the process of donning or removing diving equipment on board a recreational vessel that is displaying a dive flag and that is not moving at a speed greater than 5 knots—

if the vessel is crossing or attempting to cross an ocean bar, operating within a designated hazardous area or being operated during the period commencing one hour after sunset and ending one hour before sunrise.

233 Children under 10 to wear PFD at all times

Despite regulations 234 and 235, the operator of a recreational vessel of a type listed in Column 2 of Table A or Table B in Schedule 5 must ensure that every person aged less than 10 years old who is on an open area of the vessel wears, at all times, a personal flotation device that is—

- (a) of a type specified in Column 3 of those Tables opposite that type of vessel when the vessel is underway on coastal waters; and
- (b) of a type specified in Column 4 of those Tables opposite that type of vessel when the vessel is underway on enclosed waters; and
- (c) of a type specified in Column 5 of those Tables opposite that type of vessel when the vessel is underway on inland waters.

Penalty: 5 penalty units.

234 Person being towed by recreational vessel to wear PFD

- (1) A person who is being towed by a recreational vessel must, at all times, wear a personal flotation device.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person on board a vessel that is being towed by another vessel.

235 Person not to operate recreational vessel until each person wears a PFD

- (1) The person operating a recreational vessel must not allow the vessel to start a voyage until each person on board complies—

(a) with regulation 231 or 233 (as the case may be); or

(b) with regulation 232, if a time of heightened risk exists.

Penalty: 5 penalty units.

- (2) If a time of heightened risk arises while the vessel is underway, the person operating the vessel must take all reasonable steps to ensure that each person on board complies with regulation 232.

Penalty: 5 penalty units.

- (3) The person operating a recreational vessel must not allow the vessel to start towing a person unless the person is wearing a personal flotation device.

Penalty: 5 penalty units.

- (4) In this regulation, *time of heightened risk* has the same meaning as it has in regulation 232(2).

236 Exemption from safety equipment requirements

- (1) The Director may, by notice published in the Government Gazette, exempt any person or any class of persons in respect of any vessel or any class of vessels from the requirements of regulation 228, 229, 230, 231, 232, 233, 234 or 235.
- (2) The Director may impose conditions on an exemption relating to all or any of the following—
 - (a) specifying the type of vessel to which the exemption applies;
 - (b) specifying the activity that the vessel is engaged in;
 - (c) requiring the occupants of the vessel to wear particular equipment or devices;
 - (d) requiring the vessel to be used for particular purposes;
 - (e) specifying the length of the vessel;
 - (f) specifying the items of equipment to which the exemption applies;
 - (g) specifying items of equipment that must be carried on board the vessel;
 - (h) specifying the procedures that are to be put in place for the protection and safety of participants in, or observers of, the activity;
 - (i) specifying any other matters considered necessary by the Director.
- (3) A person must comply with any conditions that apply to exemptions given under this regulation.

Penalty: 5 penalty units.

237 Fuelling of recreational vessel

The operator of a recreational vessel must not permit the vessel to be fuelled at a wharf, jetty or pier if there are passengers on board the vessel.

Penalty: 4 penalty units.

238 Naked flame on recreational vessel

- (1) The owner of a recreational vessel must ensure that any appliance which produces a naked flame is not installed in any compartment of the vessel that contains motors or a fuel tank.

Penalty: 4 penalty units.

- (2) The operator of a recreational vessel must ensure that any appliance which produces a naked flame is not used in any compartment of the vessel that contains motors or a fuel tank.

Penalty: 4 penalty units.

239 Overloaded recreational vessel not to be operated

- (1) A person must not operate a recreational vessel that is overloaded within the meaning of this regulation.

Penalty: 4 penalty units.

- (2) A recreational vessel is overloaded—

(a) if the number of persons on the vessel exceeds the maximum number of persons specified by the manufacturer of the vessel on a capacity plate attached to the vessel; or

(b) if—

- (i) the recreational vessel is of a length specified in Column 1 of the following Table and the number of persons being carried on board the vessel as specified in Column 2 of the Table is exceeded—

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Table

<i>Column 1</i> <i>Length of</i> <i>recreational vessel</i>	<i>Column 2</i> <i>Maximum number.</i> <i>of persons</i>
Less than 3 metres	2
3 metres or more but less than 3.5 metres	3
3.5 metres or more but less than 4.5 metres	4
4.5 metres or more but less than 5 metres	5
5 metres or more but less than 5.5 metres	6
5.5 metres or more but less than 6 metres	7

; or

- (ii) if the vessel is a single deck vessel and is 6 metres or more in length and the number of people being carried on board exceeds 7 or the number of people derived by applying the following formula (rounded up to the nearest whole number), whichever is the greater—

$$P = 0.75 \times L \times \sqrt{B}$$

where—

P = the number of people;

L = the length of the vessel in metres;

B = the width of the vessel in metres; or

- (iii) if the vessel is fitted with a flying bridge and is 6 metres or more in length and the number of people being carried on board exceeds 7 or the number of people derived by applying the following formula (rounded up to the nearest whole number), whichever is the greater—

$$P = 0.6 \times L \times \sqrt{B}$$

where P, L and B have the same meaning as they have in subparagraph (ii); or

- (iv) if the vessel is fitted with a flying bridge and the number of people carried on that flying bridge exceeds one quarter of the number of people (rounded up to the nearest whole number) permitted to be carried on the vessel under subparagraph (iii); or
- (v) if the vessel is a decked canoe or kayak or is otherwise fitted with individual cockpits and the number of persons carried on the vessel exceeds the number of individual cockpits in the vessel irrespective of the age of the person.

Penalty: 4 penalty units.

- (3) For the purposes of this regulation, a vessel is not overloaded if—
- (a) the manufacturer of the vessel has certified in writing that the vessel may be safely operated with a specified number of people on board; and
- (b) the number of people on board the vessel does not exceed that specified number.

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- (4) In calculating the number of people on board a vessel for the purposes of this regulation, except subregulation (2)(b)(v)—
- (a) children aged more than 12 months but less than 12 years will be counted as 0.5 person;
 - (b) children aged less than 1 year will not be included.
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PART 3—CREWING, CERTIFICATES AND LICENCES

Division 1—Crewing of vessels and certificates of competence

300 Crewing of trading vessels

- (1) A trading vessel must be crewed in accordance with a determination by the Director.
- (2) The Director must determine the crewing of a trading vessel in accordance with the requirements of Part D of the National Standard for Commercial Vessels.

301 Crewing of fishing vessels

- (1) A fishing vessel must be crewed in accordance with a determination by the Director.
- (2) The Director must determine the crewing of a fishing vessel in accordance with the requirements of Part D of the National Standard for Commercial Vessels.

302 Certificates of competency under the National Standard for Commercial Vessels

The Director may issue in accordance with Part D of the National Standard for Commercial Vessels a certificate of competency of the following grades—

- (a) Master Class 3;
- (b) Master Class 4;
- (c) Master Class 5;
- (d) Mate Class 4;
- (e) Coxswain;
- (f) Skipper Grade 1;

- (g) Skipper Grade 2;
- (h) Skipper Grade 3;
- (i) Engineer Class 3;
- (j) Marine Engine Driver Grade 1;
- (k) Marine Engine Driver Grade 2;
- (l) Marine Engine Driver Grade 3.

303 Certificate of competency

- (1) An application for the issue, variation or renewal of a certificate of competency may be made to the Director.
- (2) An application must be—
 - (a) in the form determined by the Director; and
 - (b) accompanied by—
 - (i) evidence that the applicant has completed a course appropriate for the purpose for which the certificate is issued that is approved by the Director; and
 - (ii) evidence that the applicant has complied with any prerequisites for a certificate of competency specified in Annex D of Part D National Standard for Commercial Vessels; and
 - (iii) any documents needed to support any information supplied on that form (if required by the Director); and
 - (iv) the fee prescribed in Division 2 of Part 8 of these Regulations.
- (3) A certificate of competency is valid for a period of 5 years after the date it is issued.

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- (4) The Director may require—
- (a) the applicant to provide further information or material in respect of the application; and
 - (b) that the information be verified; and
 - (c) proof of the identity of the person making the application.

304 Certificate of competency to be subject to endorsement for Port Phillip Heads

The master of a trading vessel carrying passengers in or through Port Phillip Heads must not so operate the vessel unless he or she holds a current valid certificate of competency endorsed by the Director for that purpose.

Penalty: 20 penalty units.

305 Requirements to be met before a certificate of competency may be endorsed for Port Phillip Heads

The Director may issue a certificate of competency or vary an existing certificate of competency so that it is endorsed for a trading vessel carrying passengers in or through Port Phillip Heads, if the certificate holder or applicant has completed to the satisfaction of the Director the training course conducted by or on behalf of the Director set out in Schedule 6.

306 Period of endorsement remains in force for Port Phillip Heads

An endorsement on a certificate of competency issued under regulation 305 remains in force while the certificate remains current unless it is suspended or cancelled by the Director.

307 Certificate of competency to be subject to endorsement for Lakes Entrance Bar

The master of a trading vessel carrying passengers across the Lakes Entrance Bar must not so operate the vessel unless he or she holds a current valid certificate of competency endorsed by the Director for that purpose.

Penalty: 20 penalty units.

308 Special requirements for Lakes Entrance Bar

- (1) The Director may issue a certificate of competency or vary an existing certificate of competency so that it is endorsed for a trading vessel carrying passengers across the Lakes Entrance Bar, if the certificate holder or applicant—
 - (a) has met the qualifying sea service prerequisites, as set out in Schedule 7; and
 - (b) has successfully completed a training course conducted by or on behalf of the Director, as set out in Schedule 7; and
 - (c) is able to satisfy an examiner or panel of examiners appointed by the Director by means of an oral examination or written examination or both that he or she is competent to act as a master of a trading vessel carrying passengers across the Lakes Entrance Bar in accordance with this Division; and
 - (d) has complied with subregulations (2), (3) and (4).
 - (2) On completion of the requirements of subregulation (1)(a), (b) and (c), the applicant must complete—
 - (a) one or more crossings of the Lakes Entrance Bar as the master of a trading vessel; and
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- (b) be accompanied on each crossing of the Lakes Entrance Bar by a person approved by the Director to assess the applicant's competency.
 - (3) The applicant must maintain an accurate and complete written record of each qualifying crossing of the Lakes Entrance Bar required by subregulation (2) and the range of conditions experienced during each crossing.
 - (4) The record of the applicant's qualifying sea service must be in a form approved by the Director and the record must be made available to the Director at the time of application for its examination.

309 Period of endorsement remains in force for Lakes Entrance Bar

An endorsement on a certificate of competency issued under regulation 308 remains in force while the certificate is current unless—

- (a) the endorsement is suspended or cancelled by the Director; or
- (b) the certificate holder requests in writing that the Director cancel the endorsement.

Division 2—Pilots, pilot exemption and local knowledge

310 Offence to act as a pilot without a licence

A person must not act as a pilot unless that person holds a pilot licence issued by the Director.

Penalty: 10 penalty units.

311 Pilot exempt master

- (1) A master who holds a pilot exemption for a particular port, in accordance with this Division, is exempted from the requirement to engage a pilot with respect to that port.

- (2) A pilot exemption may be issued to a master in accordance with a determination of the Director.

312 Pilot licence or pilot exemption

- (1) Director may issue a pilot licence or a pilot exemption.
- (2) An application for a pilot licence or pilot exemption may be made to the Director.
- (3) An application must be—
- (a) in the form determined by the Director; and
 - (b) accompanied by—
 - (i) evidence of the qualifications which the applicant claims entitle him or her to a pilot licence or pilot exemption; and
 - (ii) the prescribed fee.
- (4) The pilot licence or pilot exemption may be limited by a condition imposed by the Director.
- (5) The Director—
- (a) may require the applicant to provide further information or material in respect of the application; and
 - (b) may require that the information be verified; and
 - (c) may require proof of the identity of the person making the application.

313 Qualifications for the issue of a pilot licence and pilot exemption

- (1) A person is qualified to hold a pilot licence if he or she has satisfied the requirements in the relevant determination of the Director.
- (2) A person is qualified to hold a pilot exemption if he or she has satisfied the requirements in the relevant determination of the Director.

314 Period a pilot licence or pilot exemption remains valid

- (1) A pilot licence is valid for a period of 5 years after the date it is issued provided it is not cancelled by the Director.
- (2) A pilot exemption remains valid for a period of 2 years after the date it is issued provided it is not cancelled by the Director.

315 Local knowledge certificate

A local knowledge certificate may be issued to a master in accordance with a determination by the Director.

316 Circumstances in which holder of local knowledge certificate is not required to use pilot

For the purposes of section 96(2)(c) of the Act, a master who is the holder of a certificate of local knowledge issued under this Division is not required to use the services of a pilot in port waters if the vessel that the master has command or charge of—

- (a) is a vessel of a type that the holder of the certificate is authorised to operate by a current valid certificate of competency issued by the Director; and
- (b) is a vessel greater than 35 metres in length and operates either permanently, or for the time being solely, within the limits of port waters.

317 Local knowledge certificate

- (1) A person may apply to the Director for the issue of a local knowledge certificate.
- (2) An application under subregulation (1) must—
 - (a) be in the form determined by the Director; and

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- (b) be accompanied by—
- (i) evidence that the applicant has a valid current certificate of competency for the vessel that he or she is in charge of; and
 - (ii) evidence that the applicant has completed any training required by the Director; and
 - (iii) evidence that the applicant has sufficient qualifying service and experience appropriate to the port waters to which the local knowledge certificate will apply; and
 - (iv) the fee prescribed in Division 2 of Part 8 of these Regulations.
- (3) The Director—
- (a) may require the applicant to provide further information or material in respect of the application; and
 - (b) may require the information to be verified; and
 - (c) may require proof of the identity of the person making the application.
- (4) The certificate of local knowledge may be limited by a condition imposed by the Director.

318 Period a certificate of local knowledge remains valid

A certificate of local knowledge is valid for a period of 5 years after the date it is issued provided it is not cancelled by the Director.

Division 3—Harbour masters

319 Harbour master licence

- (1) A person may apply to the Director for the issue, variation or renewal of a harbour master licence.
- (2) The application must—
 - (a) be in the form determined by the Director; and
 - (b) specify the area of State waters for which the licence is required; and
 - (c) be accompanied by evidence that the applicant has a valid current certificate of competency as a Master Class 1 or equivalent as the Director may direct; and
 - (d) be accompanied by evidence of sufficient qualifying service and experience appropriate to the State or port waters to which the harbour master licence will apply.
- (3) The Director—
 - (a) may require the applicant to provide further information or material in respect of the application; and
 - (b) may require the information to be verified; and
 - (c) may require proof of the identity of the person making the application.

320 Period harbour master licence remains in force

A harbour master licence remains in force for a period of 5 years after the date it is issued provided it is not cancelled by the Director.

Division 4—Carriage of certificate, licence or exemption

321 Carriage of certificate, licence or exemption

The holder of a current valid certificate, licence or exemption issued under this Part must carry the certificate, licence or exemption while operating a vessel covered by that certificate or licence or exemption.

Penalty: 2 penalty units.

PART 4—REGISTRATION OF VESSELS

Division 1—Registration of vessels

400 Requirements for registration of vessels

- (1) The owner or operator of a vessel that—
 - (a) is operated on State waters; or
 - (b) is intended to be operated on State waters—may apply to the Director to register or renew the registration of that vessel.
- (2) An application for registration must—
 - (a) include the name and address of the owner or operator of the vessel; and
 - (b) be accompanied by proof as to the identity and address of the applicant; and
 - (c) specify the following details about the vessel to be registered—
 - (i) the type of engine;
 - (ii) the type of drive;
 - (iii) the type of vessel;
 - (iv) the type of hull;
 - (v) the length, breadth and colour;
 - (vi) the make of engine;
 - (vii) the name of engine maker;
 - (viii) the engine number;
 - (ix) the engine's horsepower;
 - (x) the engine power units;
 - (xi) the number of cylinders in the engine;

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- (xii) the internal diameter of the cylinders;
 - (xiii) current registration details
(if applicable);
 - (xiv) assigned registration number
(if applicable);
 - (xv) whether an Australian Builders Plate
has been fixed to the vessel; and
- (d) be accompanied by the fee for boating facilities and safety education prescribed in Division 3 of Part 8.
- (3) An application for renewal of registration must be accompanied by the fee for boating facilities and safety education prescribed in Division 3 of Part 8.
- (4) Subregulations (2)(d) and (3) do not apply to a person who registers a vessel that—
- (a) is used or intended to be used primarily for search and rescue purposes; and
 - (b) is owned by an organisation approved by the Director for the purposes of section 10(3) of the Act.

401 Period of registration

- (1) After receiving the relevant fee prescribed in Division 3 of Part 8, the Director—
- (a) may register a vessel for a period not exceeding one year;
 - (b) may renew the registration of a vessel for a period not exceeding one year.
- (2) Registration or renewal of registration of a vessel commences on the day on which the Director issues the certificate of registration.

402 Registration label and identification mark

- (1) For each vessel that is registered or for which the registration is renewed under regulation 401, the Director must issue a registration label and assign an identification mark.
- (2) The registered owner or operator of a vessel must ensure that the registration label issued by the Director under subregulation (1) for that vessel is fixed and remains fixed in a conspicuous position on the outside or upper part of the vessel.
Penalty: 2 penalty units.
- (3) The registered owner or operator of a vessel must ensure that the identification mark that is assigned by the Director for that vessel is painted or displayed on the hull of the vessel on each side of the bow as high as practicable above the waterline in characters that are—
 - (a) no less than 150 millimetres high; and
 - (b) in proportionate breadth; and
 - (c) coloured in contrast to the surface on which they are displayed.

Penalty: 2 penalty units.

- (4) A person must not fix to a vessel a registration label or paint on, apply or otherwise fix to or display on a vessel an identification mark if the registration label or identification mark is not assigned by the Director to that vessel.

Penalty: 2 penalty units.

- (5) A person who operates a registered vessel on State waters must ensure that the identification mark assigned to that vessel by the Director is fixed and remains fixed in a conspicuous position on the outside or upper position of the vessel.

Penalty: 2 penalty units.

403 Cancellation of registration

The Director must cancel the registration of the vessel if—

- (a) the registered owner or operator of a vessel requests the Director in writing to cancel the registration of that vessel; or
- (b) the Director is satisfied that a vessel has been stolen and not recovered or has been destroyed; or
- (c) the Director is satisfied that false or misleading information has been provided in connection with the registration of the vessel.

404 Suspension of registration

- (1) If, after considering a report from a person authorised under section 13 of the Act to inspect a vessel, the Director is satisfied that a registered vessel does not comply with the Act or the regulations, the Director, by notice in writing served personally or by post on the registered owner or operator of the vessel, may suspend the registration of the vessel.
 - (2) The Director must specify in the notice under subregulation (1) the reasons why the vessel does not comply with the Act or the regulations.
 - (3) The Director may at any time during the current period of registration of that vessel, by notice in writing served personally or by post on the registered owner or operator of the vessel, withdraw the suspension notice if the Director is satisfied that—
 - (a) the deficiencies and defects in the vessel have been remedied; and
 - (b) the vessel complies with the Act and the regulations.
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405 Transfer of registered vessel

- (1) A registered owner of a vessel who sells or otherwise disposes of the vessel must, within 14 days after the sale or disposal of the vessel—
- (a) complete and sign the relevant section of an application for transfer of registration in the form approved for that purpose by the Director; and
 - (b) give the application to the person who acquires the vessel.

Penalty: 2 penalty units.

- (2) A person who purchases or otherwise acquires a registered vessel must, within 14 days after the purchase or acquisition of the vessel—
- (a) ensure that the person disposing of the vessel has completed the relevant section of the application for transfer of registration; and
 - (b) complete the relevant section of the application; and
 - (c) give the completed application for transfer of registration form to the Director.

Penalty: 2 penalty units.

406 General exemptions from registration

For the purposes of section 8(1) of the Act, the following vessels are exempted from registration—

- (a) a vessel, that is not a recreational tender, of not more than 5 metres in length that is used or intended to be used as a means of transport on inland waters or enclosed waters and that conspicuously displays the name of its mother vessel or the registration number of that vessel and the letter "T" and that operates or is intended to operate—

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- (i) between the shore and another vessel not more than 300 metres from the shore; or
 - (ii) between vessels not more than 300 metres apart and not more than 300 metres from the shore;
 - (b) a recreational tender;
 - (c) a vessel that does not have an engine that is used or is capable of being used for propulsion;
 - (d) a fishing vessel;
 - (e) a trading vessel;
 - (f) a hire and drive vessel;
 - (g) a vessel which—
 - (i) is temporarily being operated on State waters; and
 - (ii) is registered in another State or a Territory of the Commonwealth; and
 - (iii) displays in accordance with an Act or regulation of that State or Territory an identifying plate, mark or number issued or allocated by the relevant authority in that State or Territory for the vessel;
 - (h) a vessel that—
 - (i) is temporarily being operated on State waters; and
 - (ii) is exempt from registration as a vessel in another State or a Territory of the Commonwealth in which the owner of the vessel ordinarily resides;
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- (i) a recreational vessel with an engine used or capable of being used for propulsion that is under the control of a manufacturer or dealer who has a special identification mark and a special identification plate issued in accordance with Division 2.

Division 2—Identification plates and marks

407 Special identification plates and marks

- (1) A person who is a manufacturer of or dealer in recreational vessels with engines used or capable of being used for propulsion may apply to the Director for the issue of a special identification plate or mark.
- (2) An application must be accompanied by the appropriate fees prescribed in Division 3 of Part 8.
- (3) The Director may issue a special identification plate or mark to the manufacturer or dealer.

408 Conditions of use of special identification plates and marks

- (1) A person issued with a special identification plate or mark in accordance with regulation 407—
 - (a) must ensure at all times that the special identification plate or mark is displayed on the vessel for which the plate or mark has been issued; and
 - (b) must not use, or allow the vessel to be used, for any purposes other than—
 - (i) operating the vessel from place to place while the vessel is in the process of manufacture; or
 - (ii) operating the vessel from the place of manufacture to the place where it will be offered for sale; or

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- (iii) testing the vessel; or
 - (iv) demonstrating the vessel to a purchaser or prospective purchaser; or
 - (v) delivering the vessel for or after sale; or
 - (vi) carrying out repairs to the vessel; or
 - (vii) returning the vessel to its owner after it has been repaired; and
- (c) must not allow the vessel to be operated by a person other than the manufacturer or dealer or a person employed by the manufacturer or dealer; and
- (d) must ensure that the special identification plate or mark is fixed to the vessel where it can be easily seen with every letter, figure and symbol on the plate or mark upright and clearly distinguishable from a distance of at least 20 metres from the vessel; and
- (e) must keep at the manufacturer's or dealer's office or place of business a record of the name and address of each person who operates the vessel.

Penalty: 4 penalty units.

- (2) A manufacturer of or dealer in recreational vessels must not enter any particulars which he or she knows, or should reasonably know, to be false in any records kept under subregulation (1)(e).

Penalty: 4 penalty units.

**PART 5—ALCOHOL AND DRUG TESTING AND OTHER
MATTERS**

500 Prescribed breath test devices

The prescribed devices for the purposes of section 29(1) of the Act are the breath testing devices known as—

- (a) the Alcotest 80/A;
- (b) the Lion Alcolmeter also known as the lion alcolmeter S-D2;
- (c) the lion alcolmeter SD-400PA;
- (d) the Alcolizer LE.

501 Procedure for breath analysis

It is a requirement for the proper operation of a breath analysing instrument that a person authorised under section 31(3) of the Act to operate a breath analysing instrument—

- (a) does not require a person to provide a breath sample for analysis until the operator is satisfied that the person has not consumed any alcohol for a period of at least 15 minutes before the analysis; and
- (b) provides a fresh mouthpiece for use by each person required to provide a breath sample; and
- (c) uses only a mouthpiece which, until required for taking a breath sample, has been kept in a sealed container.

502 Breath analysis certificate

For the purposes of section 31(4) of the Act, the prescribed form for a certificate is the form in Schedule 8.

503 Method of obtaining blood sample

If a blood sample is taken by a registered medical practitioner for the purposes of the Act—

- (a) the sample must be obtained by venipuncture; and
- (b) the site of the puncture must be cleansed with a swab taken from a container that—
 - (i) is sealed against contamination; and
 - (ii) bears a label stating that the container holds an aqueous solution of chlorohexidine and cetrimide and no methylated spirits, alcohol, tincture of iodine or other substance containing alcohol.

504 Procedure after taking blood sample

- (1) A registered medical practitioner who takes a blood sample for the purposes of section 31 or 31A of the Act must ensure that—
 - (a) the sample of blood is placed in 3 dry containers, each containing approximately the same amount of blood; and
 - (b) each container is vacuum sealed or sealed with a septum seal; and
 - (c) each container in which the sample is placed bears a label stating—
 - (i) that the container holds an anti-coagulant and a preservative; and
 - (ii) the specific anti-coagulant and the specific preservative that the container holds; and

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- (iii) the name of the chemist, laboratory or pharmaceutical organisation that prepared the container; and
 - (d) each container has attached to it a label bearing the signature of the registered medical practitioner, the date and time the sample was taken and the name of the person from whom the sample was taken or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was taken.
- (2) If a blood sample has been taken under section 31A of the Act, the registered medical practitioner must ensure that—
- (a) one container is placed in a locked receptacle provided for that purpose at the place at which the sample was taken; and
 - (b) one container is placed and sealed in a container labelled "screening sample"; and
 - (c) one container is delivered to the person from whom the blood sample was taken or placed with that person's personal property at the place at which the sample was taken.

505 Certificate by medical practitioner taking blood sample

For the purposes of section 32(3) of the Act, the prescribed form for a certificate is the form in Schedule 9.

506 Analysts certificate

For the purposes of section 32(4) of the Act, the prescribed form for a certificate is the form in Schedule 10.

507 Notice of immediate operator licence suspension

A notice for the purposes of section 28C(1) of the Act must, in addition to the matters referred to in that section, contain the following details—

- (a) the name and address of the accused; and
- (b) a statement of the offence with which the accused is charged and, in the case of an offence under paragraph (b), (e) or (f) of section 28(1) of the Act, the alleged concentration of alcohol in the blood or breath (as the case requires) of the accused; and
- (c) the approximate time and place of commission of the offence with which the accused is charged; and
- (d) the name, signature and business address of the person who charged the accused; and
- (e) the date on which the notice was given to the accused.

508 Suspended operator licence document to be surrendered to Director

For the purposes of section 61BA(7) of the Act, a person to whom section 61BA(1) of the Act applies must surrender his or her operator licence document to the Director.

PART 6—PRESCRIBED MEASURING DEVICES

600 Prescribed measuring devices

- (1) The prescribed measuring devices for the purposes of sections 88 and 89(6) of the Act are the laser devices known as—
 - (a) the LTI 20-20 Ultralyte LR; and
 - (b) the Prolaser III.
- (2) A measuring device referred to in subregulation (1) must be calibrated in knots.

601 Testing officer

For the purposes of section 88 of the Act, a prescribed measuring device must be tested by one of the following—

- (a) a technical officer or the head of a faculty, school or department of electrical engineering, electronics or communications at a post-secondary education institution within the meaning of the **Education and Training Reform Act 2006**;
- (b) a person skilled in the development and operation of speed measuring devices and authorised in writing by the Chief Commissioner of Police;
- (c) the principal testing officer of a testing body accredited in the field of electrical testing by the National Association of Testing Authorities, Australia (NATA).

602 Testing of prescribed measuring devices

For the purposes of section 88 of the Act, a prescribed measuring device is tested in the prescribed manner if the testing officer who tests the device—

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- (a) is satisfied that the device is in a satisfactory electrical condition and, in particular, that any maintenance carried out on the device has been carried out in a satisfactory manner; and
 - (b) is satisfied that the device is properly calibrated so that it operates within the limits of error of not more than 2 knots greater than or less than the true speeds determinable from the test; and
 - (c) records and retains the results of the test, including—
 - (i) a statement showing the frequencies or speeds at which the calibration was effected and the number of times at each frequency or speed the calibration was effected; and
 - (ii) the date of the test and the ambient temperature at the time of the test.

603 Sealing of prescribed measuring devices

For the purposes of section 88 of the Act, a prescribed measuring device is sealed in the prescribed manner if—

- (a) the device has been tested in accordance with regulation 602 and the device has satisfied the test requirements; and
- (b) the device is sealed by the testing officer who carried out the test; and
- (c) the device is sealed with a seal that effectively prevents interference with the mechanism or circuitry of the device without breaking the seal; and

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- (d) the testing officer keeps full and accurate records of the device sealed, including—
 - (i) the identification number of the device; and
 - (ii) the date on which the test was carried out; and
 - (iii) the manner in which the device was sealed; and
 - (e) the records referred to in paragraph (d) are signed by the testing officer who sealed the device.

604 Use of prescribed measuring device

For the purposes of section 88 of the Act, a prescribed measuring device is used in the prescribed manner if—

- (a) whenever the operator connects the device to a source of electricity, the operator ensures that all elements of the speed display are illuminated; and
 - (b) the operator activates the device with the device aimed in the direction of a vessel within the operator's field of vision and observes the reading displayed on the digital speed display; and
 - (c) the device has been tested in accordance with regulation 602 within 12 months before the occasion of its use; and
 - (d) the device has been sealed in accordance with regulation 603.
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**PART 7—OPERATOR LICENCES AND PERSONAL
WATERCRAFT ENDORSEMENTS**

Division 1—General provisions relating to operator licences

700 Eligibility to apply for an operator licence

The following persons are not eligible to apply for an operator licence—

- (a) a person who is disqualified from operating a regulated recreational vessel under the law of Victoria;
- (b) a person who is the holder of an operator licence that has been suspended, during the period of that suspension;
- (c) a person who is disqualified from operating a recreational vessel—
 - (i) under the law of another State or a Territory of the Commonwealth; or
 - (ii) under the law of another country—
in circumstances which, if they occurred in Victoria, would have resulted in the person being disqualified from operating a regulated recreational vessel in Victoria;
- (d) a person who is the holder of a licence or other authority to operate a recreational vessel issued by another State or a Territory of the Commonwealth that has been suspended, during the period of that suspension.

701 Requirements for applying for an operator licence

- (1) An applicant for the issue of an operator licence must give the Director an application in writing that contains or is accompanied by—
 - (a) the applicant's personal particulars; and
 - (b) evidence to verify those personal details; and
 - (c) evidence that the applicant has passed any test the Director has required the applicant to undergo under Part 10A of the Act; and
 - (d) the fee prescribed in Part 8.
- (2) The Director may require an applicant for the issue of an operator licence—
 - (a) to have his or her photograph or digitised image made or to provide a photograph or digitised image of the applicant in a form approved by the Director; and
 - (b) to provide a specimen signature; and
 - (c) in the case of an applicant who has been disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth, after being convicted of an offence involving alcohol or other drugs, to provide evidence that the applicant has complied with any requirements of the law of that State or Territory relating to the assessment of operators convicted of offences involving alcohol or other drugs.

702 Licence holder may surrender operator licence

- (1) The holder of an operator licence may, by notice in writing to the Director, surrender his or her operator licence to the Director for cancellation.
- (2) A notice under subregulation (1) must be accompanied by the operator licence document.

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- (3) The holder of an operator licence may surrender his or her operator licence to the relevant authority in another State or a Territory of the Commonwealth or another country for cancellation.
 - (4) The Director must cancel an operator licence if the holder of the licence surrenders his or her operator licence under subregulation (1) or (3).

703 Refusal to issue operator licence

- (1) The Director may refuse an application for the issue of an operator licence if the Director is satisfied that—
 - (a) the applicant has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or
 - (b) the applicant has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act; or
 - (c) in the case of an applicant who has been disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth, after being convicted of an offence involving alcohol or other drugs, the applicant has failed to provide evidence that he or she has complied with any requirements of the law of that State or Territory relating to the assessment of operators convicted of offences involving alcohol or other drugs.
 - (2) If, under subregulation (1), the Director decides to refuse an application to issue an operator licence, the Director must notify the applicant of that decision.
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- (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

704 Operator licence period

- (1) An operator licence remains in force for the period determined by the Director which must be either for a period of 1 year, 3 years or 5 years.
- (2) The Director may have regard to the period applied for by the applicant in making a determination under subregulation (1).

705 Operator licence expiry date

- (1) An operator licence expires at the end of the day that is recorded in the records maintained by the Director as the end of the term specified in that operator licence.
- (2) A personal watercraft endorsement on an operator licence expires on the date the operator licence expires.
- (3) In any proceedings for a contravention of the Act or regulations made under the Act, the record, that is kept by the Director, of the expiry date of a licence is admissible in evidence, and in the absence of evidence to the contrary, is proof that the licence expires on the day so recorded.

706 Operator licence conditions

- (1) A condition to which an operator licence is subject may be shown on the operator licence by means of a code.
- (2) If a condition is shown by a code, the operator licence document must bear a note to the effect that the condition can be found out by enquiry of the Director.

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- (3) The holder of an operator licence that is subject to conditions must carry, while operating a regulated recreational vessel, a notice issued by the Director containing a full explanation of those conditions, if required by the Director to do so.

Penalty: 1 penalty unit.

- (4) A code in Column 1 of the following Table may be used on a licence document to indicate that the licence is subject to the condition set out opposite in Column 2 of the Table.

Table

<i>Column 1</i> <i>Condition</i> <i>code</i>	<i>Column 2</i> <i>Licence condition</i>
S	That the operator licence holder must wear corrective lenses at all times while operating a regulated recreational vessel or personal watercraft.
V	That the operator licence holder must operate only a regulated recreational vessel that is fitted with specified operator aids or modified as directed in writing by the Director.
X	That the operator licence holder must comply with any condition of which he or she has been notified in writing by the Director.

707 Notice of renewal of operator licence

- (1) In this regulation ***notice of renewal of an operator licence*** means a notice addressed to the holder of the operator licence that states that, if the operator licence is not renewed on or before a date specified in the notice, the operator licence will expire on that date, or a notice that is in or to that effect.

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- (2) If the Director fails to send a notice of renewal of an operator licence or if the notice is not received by the holder of the operator licence, that failure or non-receipt does not affect—
- (a) the expiry date of the operator licence; or
 - (b) the obligation of the holder of the operator licence to renew the licence if he or she intends to operate a regulated recreational vessel after the expiry of his or her existing operator licence.

708 Renewal of operator licence

A person may apply to the Director to renew his or her operator licence at any time before, or within 6 months after, the expiry date of the operator licence by giving the Director an application for renewal of the operator licence in the form approved by the Director that contains or is accompanied by—

- (a) the applicant's personal particulars; and
- (b) evidence to verify those personal details; and
- (c) the fee prescribed in Part 8.

709 Refusal to renew

- (1) The Director must refuse an application to renew an operator licence if the applicant—
- (a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or
 - (b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.

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- (2) If, under subregulation (1), the Director decides to refuse an application to renew an operator licence, the Director must notify the applicant of that decision.
- (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

710 Date of expiry of renewed operator licence

- (1) The date on which a renewed operator licence expires is to be calculated from the expiry date of the operator licence being renewed.
- (2) Subregulation (1) does not have the effect of retrospectively renewing the operator licence.

711 Reissue of operator licence

A person may apply to the Director to have his or her operator licence reissued at any time, more than 6 months but before 5 years, after the expiry date of the operator licence by giving the Director an application for reissue of the operator licence in the form approved by the Director that contains or is accompanied by—

- (a) the applicant's personal particulars; and
- (b) evidence to verify those personal details; and
- (c) the fee prescribed in Part 8.

712 Refusal to reissue operator licence

- (1) The Director must refuse an application to reissue an operator licence if the applicant—
 - (a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or

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- (b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.
 - (2) If, under subregulation (1), the Director decides to refuse an application to reissue an operator licence, the Director must notify the applicant of that decision.
 - (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

713 Date of expiry of reissued operator licence

- (1) The date on which a reissued operator licence expires is to be calculated from the date on which the operator licence is reissued.
- (2) Subregulation (1) does not have the effect of retrospectively reissuing the operator licence.

714 Application for variation of operator licence

An applicant for the variation of an operator licence must give the Director an application in writing that contains or is accompanied by—

- (a) the applicant's personal particulars; and
- (b) evidence to verify those personal details; and
- (c) details of the requested variation.

715 Refusal to vary operator licence

- (1) The Director may refuse an application for the variation of an operator licence if the Director is satisfied that the applicant—
 - (a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels;or

- (b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.
- (2) If, under subregulation (1), the Director decides to refuse an application to vary an operator licence, the Director must notify the applicant of that decision.
- (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

716 Conditions on restricted operator licence

- (1) In addition to any conditions specified in the licence, a restricted operator licence is subject to the conditions specified in subregulations (2) and (3).
- (2) The holder of the restricted operator licence must not operate a regulated recreational vessel at a speed—
 - (a) of 10 knots or more in any one of the following circumstances—
 - (i) if there is not in the vessel a person who is at least 16 years old and who is the holder of an operator licence of a class appropriate for that vessel;
 - (ii) before sunrise;
 - (iii) after sunset;
 - (b) of more than 20 knots in any other case.
- (3) The holder of a restricted operator licence must not operate a regulated recreational vessel if the vessel is towing a person, another vessel or an object.

717 Operator licence receipt

- (1) The Director may issue an operator licence receipt as an interim measure prior to the issue of an operator licence document in the form required by regulation 718.
- (2) An operator licence receipt must be in the form of the operator licence document required by regulation 718 except for the photograph or digitised image of the person.
- (3) An operator licence receipt issued under subregulation (1) may be produced as evidence of the grant of an operator licence for three months from the date the operator licence receipt was issued.

718 Form of operator licence document

An operator licence document must show details of the following—

- (a) an identification number for the person to whom it is issued; and
- (b) the first name, second and third initials (if any) and family name of the person; and
- (c) a photograph or digitised image of the person; and
- (d) the person's residential address; and
- (e) the person's date of birth; and
- (f) the person's signature (or a reproduction of that signature); and
- (g) the expiry date of the licence; and
- (h) the code for any condition to which the licence is subject in accordance with regulation 706; and
- (i) if the licence has a personal watercraft endorsement, the code "PWC".

719 Issue of replacement operator licence document

- (1) The Director may, upon payment by the holder of an operator licence of the fee prescribed in Part 8, issue a replacement operator licence document to replace one which has been stolen, lost, damaged, destroyed, mislaid, mutilated or rendered illegible in any way.
- (2) The holder of an operator licence who applies for a replacement operator licence document must provide to the Director—
 - (a) the applicant's personal particulars; and
 - (b) evidence to verify those personal details.

720 Records

- (1) The Director must maintain records in respect of each operator licence which include details of the following—
 - (a) the identification number allocated to the person to whom the operator licence was issued; and
 - (b) the applicant's personal particulars; and
 - (c) the commencement and expiry dates of the operator licence; and
 - (d) any condition to which the operator licence is subject; and
 - (e) whether the licence has a personal watercraft endorsement.
 - (2) Any person whose name appears in records referred to in subregulation (1) is entitled, on payment of the fee prescribed in Part 8, to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to him or her.
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721 Change of name, address or condition

- (1) The holder of an operator licence must notify the Director, not more than 14 days after the change, about any change in his or her—
 - (a) name; or
 - (b) residential address; or
 - (c) postal address or address for service of notices.

Penalty: 1 penalty unit.

- (2) Unless required by the Director, the advice from the person referred to in subregulation (1) need not be in writing.
- (3) The holder of an operator licence must, as soon as practicable, notify the Director of any permanent or long-term injury or illness that may impair his or her ability to operate a regulated recreational vessel safely.

Penalty: 1 penalty unit.

Division 2—Variation, cancellation and suspension of operator licences

722 Variation, suspension or cancellation of operator licence

- (1) The Director may vary, suspend or cancel an operator licence or vary the conditions on an operator licence if it appears to the Director that—
 - (a) the holder of the licence has refused to undergo, or has failed, any test the Director has required the person to undergo under Part 10A of the Act; or

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- (b) it would be dangerous for the holder of the licence to operate a regulated recreational vessel because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things; or
 - (c) the holder of the licence has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or
 - (d) a court order requires the holder of the licence to pay a sum of money by way of a fine, penalty, costs or restitution or any two of those things and—
 - (i) the order was made in respect of an offence arising out of the use of a regulated recreational vessel in Victoria, including a marine infringement; and
 - (ii) a person authorised by law to issue or to execute a warrant for the enforcement of the court order notifies the Director that the Order is wholly or partially unsatisfied; or
 - (e) the holder of the licence is not, under regulation 700, eligible to apply for an operator licence; or
 - (f) the operator licence was issued or renewed in error; or
 - (g) a cheque submitted to the Director as payment of a fee under these Regulations has been dishonoured; or
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- (h) the holder of the licence has been convicted in another State or a Territory of the Commonwealth or another country of an offence which, if the person had been the holder of a licence or other authority in that State, Territory or country would have enabled the relevant authority in that State, Territory or country to suspend or cancel the person's licence or other authority; or
 - (i) the holder of the licence has failed to comply with a condition of the operator licence; or
 - (j) the holder of the licence is disqualified from operating a general recreational vessel in another country or the person's licence or other authority in that country has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that country.
- (2) The Director must suspend or cancel an operator licence if the holder of the licence is disqualified from operating a general recreational vessel in another State or a Territory of the Commonwealth or the person's licence in that State or Territory has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that State or Territory.
- (3) The Director may vary an operator licence to correct any error or omission in it and issue a replacement operator licence document.

723 Procedures for variation, cancellation or suspension of operator licence

- (1) If, under regulation 722(1), the Director decides to—
 - (a) vary an operator licence; or
 - (b) vary the conditions on an operator licence; or

- (c) suspend an operator licence; or
 - (d) cancel an operator licence—
- the Director must notify the holder of the licence of that decision, and that decision must not take effect until at least 28 days after the notice is given.
- (2) A notice under subsection (1) must be in writing and must set out—
 - (a) the reasons for the variation, suspension or cancellation; and
 - (b) the effect of the variation, suspension or cancellation; and
 - (c) the date of the variation, suspension or cancellation; and
 - (d) the action if any that may be taken by the holder of the licence in order to avoid the variation, suspension or cancellation; and
 - (e) the date by which the holder of the licence must take that action.
 - (3) An operator licence is varied, suspended or cancelled in accordance with the terms of a notice given under subregulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.
 - (4) This regulation does not apply to the suspension of an operator licence under section 119(2) of the Act.
 - (5) If an operator licence is varied, suspended or cancelled by the Director under section 119 of the Act or by a court, the holder of that licence must, upon being given a notice of the variation, suspension or cancellation—
 - (a) give the operator licence immediately to the person who gave the notice; or

- (b) send or take the operator licence to the place specified in the notice within the period specified in the notice.

Penalty: 5 penalty units.

- (6) If, under section 119 of the Act, the Director has—
 - (a) varied an operator licence; or
 - (b) varied the conditions of an operator licence—

the Director must, upon receiving the operator licence from the holder under subregulation (5), issue the holder with a replacement operator licence document.

724 Suspension of operator licence for purposes of section 119(2) of the Act

- (1) The Director must not suspend an operator licence for the reasons specified in regulation 722(1)(a) unless the Director notifies the holder of the licence, in writing, that the Director has decided to suspend the operator licence and sets out in the notice—
 - (a) the reasons for the suspension; and
 - (b) the effect of the suspension and the date on which the suspension takes effect; and
 - (c) the date by which the holder must return the operator licence to the Director.
- (2) An operator licence is suspended in accordance with the terms of a notice given under subregulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.

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- (3) If an operator licence is suspended by the Director under section 119(2) of the Act, the holder of the licence must, upon being given a notice of suspension under subregulation (1)—
- (a) give the operator licence immediately to the person who gave the notice; or
 - (b) send or take the operator licence to the place specified in the notice within the period specified in the notice.

Penalty: 5 penalty units.

725 Prescribed time for suspension of operator licence

For the purposes of section 119(1)(c) of the Act, the prescribed time for which an operator licence may be suspended is any period up to 12 months as determined by the Director.

Division 3—Exemptions from requirement to hold operator licence

726 Exemptions applying to licences issued outside Victoria

- (1) A person is exempt from the requirement to hold an operator licence authorising the person to operate a class of regulated recreational vessel if the person—
- (a) has a licence, certificate or other authority issued in another State or a Territory of the Commonwealth and who was ordinarily resident in the issuing State or Territory at the time of issue; or

- (b) has an appropriate licence or other authority issued in another country and written in the English language or accompanied by an accurate English translation and who was ordinarily resident in that country at the time of issue—

that authorises him or her to operate a regulated recreational vessel of that class.

- (2) A person is not exempt or ceases to be exempt under subregulation (1) in any of the following circumstances—
- (a) if the holder of the licence, certificate or other authority issued in another State or a Territory of the Commonwealth has resided in Victoria for a continuous period of more than 3 months; or
 - (b) if the holder of the licence or other authority issued in another country has a permanent visa issued by the Commonwealth for more than 3 months; or
 - (c) if the person is disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth or another country or has his or her licence suspended; or
 - (d) if, in the reasonable opinion of the Director, it would be dangerous for the person to operate a regulated recreational vessel because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things.
- (3) If the Director forms an opinion on the matters set out in subregulation (2)(d) the Director must give the person notice in writing of the following—
- (a) that he or she is no longer exempt from the requirement to hold an operator licence;

- (b) that he or she must not operate a regulated recreational vessel on State waters;
- (c) the reasons why that person is no longer exempt;
- (d) any action that may be taken by the person in order to regain the exemption;
- (e) the date by which the person must take that action.

727 Exemption from licensing requirements

A person who is the operator of a general recreational vessel that is—

- (a) engaged solely in sailing; and
- (b) is not using any mechanical means of propulsion—

is exempt from the requirement to hold an operator licence under Part 10A of the Act while so operating that vessel.

728 Exemption from licensing requirements for persons undergoing training

A person who—

- (a) is operating a regulated recreational vessel as part of a training course approved by the Director for the purposes of obtaining an operator licence; and
- (b) is accompanied in the vessel by a person who is approved by the Director to conduct training courses for the purposes of obtaining an operator licence—

is exempt from the requirement to obtain an operator licence under Part 10A of the Act while so operating that vessel.

Division 4—General provisions relating to personal watercraft endorsements

729 Requirements for applying for personal watercraft endorsement

An applicant for the making of a personal watercraft endorsement must give the Director an application in writing that contains or is accompanied by—

- (a) the applicant's personal particulars; and
- (b) evidence to verify those personal details; and
- (c) evidence that the applicant has passed any test the Director has required the applicant to undergo under Part 10A of the Act; and
- (d) the applicant's current operator licence; and
- (e) the fee prescribed in Part 8.

730 Refusal to make personal watercraft endorsement

- (1) The Director may refuse an application for the making of a personal watercraft endorsement if the Director is satisfied that—
 - (a) the applicant has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of personal watercraft; or
 - (b) the applicant has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act; or
 - (c) in the case of an applicant who has been disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth, after being convicted of an offence involving alcohol or other drugs, the

applicant has failed to provide evidence that he or she has complied with any requirements of the law of that State or Territory relating to the assessment of operators convicted of offences involving alcohol or other drugs.

- (2) If, under subregulation (1), the Director decides to refuse an application for a personal watercraft endorsement on an operator licence, the Director must notify the applicant of that decision.
- (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

731 Operator licence receipt with personal watercraft endorsement

- (1) The Director may issue an operator licence receipt with a personal watercraft endorsement as an interim measure prior to the issue of an endorsed operator licence document in the form required by regulation 718.
- (2) An operator licence receipt with a personal watercraft endorsement must be in the form of the operator licence document required by regulation 718 except for the photograph or digitised image of the person.
- (3) An operator licence receipt with a personal watercraft endorsement issued under subregulation (1) may be produced as evidence of the grant of an operator licence as so endorsed for three months from the date the operator licence receipt was issued.

Division 5—Variation or cancellation of personal watercraft endorsement

732 Operator licence holder may request cancellation of personal watercraft endorsement

- (1) The holder of an operator licence with a personal watercraft endorsement may, in writing, request the Director to cancel the personal watercraft endorsement on the licence.
- (2) A request under subregulation (1) must be accompanied by the operator licence document.
- (3) The Director must cancel a personal watercraft endorsement on an operator licence if requested to do so by the holder of the licence under subregulation (1).
- (4) If the Director has cancelled the personal watercraft endorsement in accordance with a request under subregulation (1), the Director must issue a replacement operator licence document without a personal watercraft endorsement.

733 Application for variation of personal watercraft endorsement

An applicant for the variation of a personal watercraft endorsement must give the Director an application in writing that contains or is accompanied by—

- (a) the applicant's personal particulars; and
- (b) evidence to verify those personal details; and
- (c) details of the requested variation.

734 Refusal to vary personal watercraft endorsement

- (1) The Director may refuse an application for the variation of a personal watercraft endorsement if the Director is satisfied that the applicant—

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- (a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of personal watercraft; or
 - (b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.
- (2) If, under subregulation (1), the Director decides to refuse an application to vary a personal watercraft endorsement on an operator licence, the Director must notify the applicant of that decision.
- (3) A notice under subregulation (2) must be in writing and must set out the reasons for the refusal.

735 Variation or cancellation of personal watercraft endorsement

- (1) The Director may vary or cancel a personal watercraft endorsement or vary the conditions of a personal watercraft endorsement on an operator licence if it appears to the Director that—
- (a) the holder of the licence has refused to undergo, or has failed, any test the Director has required the person to undergo under Part 10A of the Act; or
 - (b) it would be dangerous for the holder of the licence to operate a personal watercraft because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things; or
 - (c) the holder of the licence has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of personal watercraft; or
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- (d) a court order requires the holder of the licence to pay a sum of money by way of a fine, penalty, costs or restitution or any two of those things and—
 - (i) the order was made in respect of an offence arising out of the use of a personal watercraft in Victoria, including a marine infringement; and
 - (ii) a person authorised by law to issue or to execute a warrant for the enforcement of the court order notifies the Director that the Order is wholly or partially unsatisfied; or
 - (e) the personal watercraft endorsement was made in error; or
 - (f) a cheque submitted to the Director as payment of a fee under these Regulations has been dishonoured; or
 - (g) the holder of the licence has been convicted in another State or a Territory of the Commonwealth or another country of an offence which, if the person had been the holder of a licence or other authority in that State, Territory or country would have enabled the relevant authority in that State, Territory or country to suspend or cancel the person's licence or other authority; or
 - (h) the holder of the licence is disqualified from operating a personal watercraft in another country or the person's licence or other authority in that country has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that country.
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- (2) The Director must cancel a personal watercraft endorsement on an operator licence if the holder of the licence is disqualified from operating a personal watercraft in another State or a Territory of the Commonwealth or the person's licence or other authority in that State or Territory has been cancelled because of a judgment, order or decision made under, or otherwise by operation of, the law of that State or Territory.

736 Procedures for variation or cancellation of personal watercraft endorsement

- (1) If, under regulation 735(1), the Director decides to—
- (a) vary a personal watercraft endorsement; or
 - (b) vary the conditions of a personal watercraft endorsement; or
 - (c) cancel a personal watercraft endorsement—
- on an operator licence, the Director must notify the holder of the licence of that decision, and that decision must not take effect until at least 28 days after the notice is given.
- (2) A notice under subregulation (1) must be in writing and must set out—
- (a) the reasons for the variation or cancellation; and
 - (b) the effect of the variation or cancellation; and
 - (c) the date of the variation or cancellation; and
 - (d) the action that may be taken by the holder of the licence in order to avoid the variation or cancellation; and
 - (e) the date by which the holder of the licence must take that action.
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- (3) A personal watercraft endorsement on an operator licence is varied or cancelled in accordance with the terms of a notice given under subregulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.
- (4) If a personal watercraft endorsement on an operator licence is cancelled or varied by the Director under section 119 of the Act, the holder of the licence must, upon being given a notice of variation or cancellation—
- (a) give the endorsed operator licence immediately to the person who gave the notice; or
 - (b) send or take the endorsed operator licence to the place specified in the notice within the period specified in the notice.
- Penalty: 5 penalty units.
- (5) The Director must, upon receiving the endorsed operator licence from the holder under subregulation (4), issue the holder with a replacement operator licence document.

Division 6—Tests in relation to regulated recreational vessels

737 Tests

- (1) For the purposes of section 120(3) of the Act, a test of the class described in Column 1 of the following Table must be carried out by a person of the class described opposite the test in Column 2 of the Table.
- (2) The Director must accept, for the purposes of section 120, a certificate of the results of a medical test conducted in another State or a Territory of the Commonwealth if the test is

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carried out by a person in accordance with this regulation.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Class of test</i>	<i>Prescribed class of person</i>
Medical test	Registered medical practitioners
Tests related to eyesight	Registered medical practitioners, optometrists, occupational therapists, people authorised by the Director and officers of the Roads Corporation authorised in writing by the Director for the purpose
An evaluation of an operator's physical and cognitive abilities or skills to operate a regulated recreational vessel	Occupational therapists and persons authorised in writing by the Director to conduct tests of physical and cognitive abilities to operate a regulated recreational vessel
Tests of knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels	Officers of the Roads Corporation and people authorised in writing by the Director

Division 7—Internal review procedures for operator licences and personal watercraft endorsements

738 Application for internal review

- (1) If the Director decides to—
 - (a) refuse an application for an operator licence or an application to vary, renew or reissue an operator licence; or

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- (b) refuse an application for a personal watercraft endorsement on an operator licence or an application to vary, renew or reissue such an endorsement; or
 - (c) vary a condition on an operator licence or a personal watercraft endorsement under section 119 of the Act; or
 - (d) suspend, vary or cancel an operator licence under section 119 of the Act; or
 - (e) vary or revoke a personal watercraft endorsement on an operator licence under section 119 of the Act—

the applicant or holder of the licence (as the case requires) may apply to the Director for an internal review of the Director's decision.

- (2) An application under subregulation (1) must be made within 28 days of the day on which the person is notified of the Director's decision under these Regulations.
- (3) The Director must notify each person who is entitled to a review of a decision under subregulation (1) of his or her right to apply for such a review.
- (4) The Director must give the notice under subregulation (3) within 14 days after the making of the decision.
- (5) A decision must not be reviewed by the person who made the decision.
- (6) After considering an application for review, the Director must—
 - (a) affirm the decision; or
 - (b) vary the decision; or
 - (c) revoke the decision.

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- (7) The Director must notify the person who applied for the review in writing of the Director's decision under subregulation (6) within 28 days after the day on which the application for internal review is received by the Director.
 - (8) The making of an application for internal review of a decision does not stay the operation of the decision.

739 Applicant entitled to be given reasons

- (1) If a person is entitled to apply for a review of a decision by the Director under regulation 738, the person may apply to the Director for written reasons for the decision.
 - (2) The Director must, within 28 days of receiving an application under subregulation (1), provide to the person who made the application—
 - (a) the decision of the Director and the reasons for that decision; and
 - (b) the name or position of the person who made the decision.
 - (3) A person is not entitled to make an application under subregulation (1) if the Director has already provided the person with written reasons for his or her decision.
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PART 8—FEES

Division 1—Survey of vessels and examination of plans

800 Existing vessel

In this Division, *existing vessel* means—

- (a) a vessel which is currently in survey in Australia; or
- (b) a vessel which has previously been under survey in Australia.

801 Application fee for new vessel survey and plan approval

A fee of 1.54 fee units must be paid to the Director for considering an application for—

- (a) a new vessel survey;
- (b) a vessel plan approval.

802 Plan approval fees

The fee which must be paid to the Director for approval of plans for a new vessel of a size specified in Column 2 of the following Table is the amount calculated by multiplying the length of the vessel in metres by the amount specified for that class of vessel in Column 3 or 4 of the Table opposite that size of vessel.

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Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>For all class 1 vessels Fee per metre of the length of vessel</i>	<i>For all other classes of vessels Fee per metre of the length of vessel</i>
1	For new vessels of or not exceeding 7.5 metres in length	3.14 fee units	3.14 fee units
2	For new vessels exceeding 7.5 metres in length and less than 20 metres in length	5.05 fee units	4.4 fee units
3	For new vessels of or exceeding 20 metres in length	6.64 fee units	5.65 fee units

803 Fees for new vessel survey by the Director

The fee which must be paid to the Director for a survey of a new vessel of a size specified in Column 2 of the following Table is the amount calculated by multiplying the length of the vessel in metres by the amount specified for that class of vessel in Column 3 or 4 of the Table opposite that size of vessel.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>For all class 1 vessels Fee per metre of the length of vessel</i>	<i>For all other classes of vessels Fee per metre of the length of vessel</i>
1	For new vessels of or not exceeding 7.5 metres in length	5.65 fee units	5.65 fee units
2	For new vessels exceeding 7.5 metres in length and less than 20 metres in length	5.05 fee units	4.4 fee units
3	For new vessels of or exceeding 20 metres in length	4.4 fee units	3.14 fee units

804 Fee for booking a survey for existing vessel

A fee of 8.4 fee units must be paid to the Director at the time of booking a survey for an existing vessel for—

- (a) scheduling a surveyor authorised by the Director to attend at a particular time and location for the purposes of surveying the vessel;
- (b) preparing the relevant documents for the survey; and
- (c) the costs incurred for the authorised surveyor to travel to and from the vessel.

805 Fee for survey of existing vessels

The fee which must be paid to the Director for the survey of an existing vessel of a size specified in Column 2 of the following Table is the amount specified for that class of vessel in Column 3 or 4 of the Table opposite that size of vessel.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>Class 1 vessels</i>	<i>All other classes</i>
1	For vessels of or not exceeding 5 metres in length	8.85 fee units	5.85 fee units
2	For vessels exceeding 5 metres in length or of or not exceeding 10 metres in length	19 fee units	12.65 fee units
3	For vessels exceeding 10 metres in length or of or not exceeding 20 metres in length	25.3 fee units	16.9 fee units
4	For vessels exceeding 20 metres in length or of or not exceeding 35 metres in length	38 fee units	25.3 fee units
5	For vessels exceeding 35 metres in length	57 fee units	38 fee units

806 Fee for additional visit for an existing vessel survey

A fee of 8·4 fee units must be paid to the Director for each additional visit by a surveyor authorised by the Director that is required for the purposes of an existing vessel survey.

807 Fee for considering application for alteration to classification or specification of vessel

A fee of 2·1 fee units must be paid to the Director for considering an application for an alteration to the classification or specification of a vessel.

808 Inspection fee for alteration to classification or specification of vessel

A fee of 8·4 fee units must be paid to the Director for each inspection of a vessel for the purposes of altering the classification or specification of the vessel.

809 Fee for plan approval for alteration to classification or specification of vessel

A fee of 6·3 fee units for each hour spent by a person authorised by the Director in approving a plan must be paid to the Director for an application for an alteration to the classification or specification of a vessel that requires a plan approval.

810 Fee for issue of certificate of survey

A fee of 4·6 fee units must be paid to the Director for the issue of a certificate of survey.

811 Fee for issue of duplicate certificate of survey

A fee of 4·6 fee units must be paid to the Director for the issue of a duplicate certificate of survey.

Division 2—Certificates of competency and licences

812 Application fee for issue, variation or renewal of certificate of competency

A fee of 1·54 fee units must be paid to the Director for considering an application for—

- (a) the issue of a certificate of competency; or
- (b) the variation of a certificate of competency; or
- or
- (c) the renewal of a certificate of competency.

813 Fee for issue or renewal of certificates

A fee of 4·6 fee units must be paid to the Director for the issue or renewal of—

- (a) a certificate of competency; or
- (b) a certificate of local knowledge.

814 Fee for variation of certificates

A fee of 2·9 fee units must be paid to the Director for the variation of a certificate of competency.

815 Fee for issue of duplicate certificate

A fee of 4·6 fee units must be paid to the Director for the issue of a duplicate of—

- (a) a certificate of competency; or
- (b) a certificate of local knowledge.

816 Examination fees for certificates

- (1) A fee of 3·34 fee units for each examination is payable by a person who sits a written examination conducted by or on behalf of the Director for—

- (a) the issue of a certificate of competency; or

-
- (b) the variation of a certificate of competency;
or
 - (c) the renewal of a certificate of competency; or
 - (d) the issue of a certificate of local knowledge.
- (2) A fee of 6·7 fee units for each examination is payable by a person who sits an oral examination conducted by the Director for—
- (a) the issue of a certificate of competency; or
 - (b) the variation of a certificate of competency;
or
 - (c) the renewal of a certificate of competency; or
 - (d) the issue of a certificate of local knowledge.

817 Fee for application for issue, variation or renewal of pilot licence

A fee of 1·54 fee units must be paid to the Director for considering an application for—

- (a) the issue of a pilot licence; or
- (b) the variation of a pilot licence; or
- (c) the renewal of a pilot licence.

818 Fee for issue or renewal of pilot licence

A fee of 4·6 fee units must be paid to the Director for the issue or renewal of a pilot licence.

819 Fee for variation of pilot licence

A fee of 2·9 fee units must be paid to the Director for the variation of a pilot licence.

820 Fee for duplicate of pilot licence

A fee of 4·6 fee units must be paid to the Director for the issue of a duplicate of a pilot licence.

821 Examination fees for pilot licences

A person who sits an examination for the issue, variation or renewal of a pilot licence for the ports and channels described in Column 2 of the following Table must pay to the Director the amount specified in Column 3 of the Table opposite that port or channel.

Table

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Ports and channels</i>	<i>Column 3</i> <i>Fee</i>
1	Port Waters of Melbourne and Geelong, and Port of Portland, and Port of Hastings	105.5 fee units
2	Port Waters of Melbourne and Geelong, and Port of Portland	84.45 fee units
3	Port Waters of Melbourne and Geelong, and Port of Hastings	84.45 fee units
4	Port Waters of Melbourne and Geelong	63.3 fee units
5	Port Waters of Melbourne and Port of Hastings	63.3 fee units
6	Port Waters of Melbourne and Port of Portland	63.3 fee units
7	Port Waters of Geelong and Port of Hastings	42.2 fee units
8	Port Waters of Geelong and Port of Portland	42.2 fee units
9	Port of Hastings and Port of Portland	42.2 fee units
10	Port Waters of Melbourne (both channels)	42.2 fee units
11	Port Waters of Melbourne (one channel)	24.75 fee units

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Ports and channels</i>	<i>Fee</i>
12	Port Waters of Geelong	24.75 fee units
13	Port of Hastings	24.75 fee units
14	Port of Portland	24.75 fee units

822 Fee for application for issue, variation or renewal of pilot exemption certificate

A fee of 1.54 fee units must be paid to the Director for considering an application for—

- (a) the issue of a pilot exemption certificate; or
- (b) the variation of a pilot exemption certificate; or
- (c) the renewal of a pilot exemption certificate.

823 Fee for issue or renewal of pilot exemption certificate

A fee of 4.6 fee units must be paid to the Director for the issue or renewal of a pilot exemption certificate.

824 Fee for variation of pilot exemption certificate

A fee of 2.9 fee units must be paid to the Director for the variation of a pilot exemption certificate.

825 Fee for duplicate of pilot exemption certificate

A fee of 4.6 fee units must be paid to the Director for the issue of a duplicate of a pilot exemption certificate.

826 Fee for conduct of examination by the Director for issue, variation or renewal of pilot exemption certificate

A person who sits an examination for the issue, variation or renewal of a pilot exemption certificate for the ports and channels described in Column 2 of the following Table must pay to the

Marine Regulations 2009
S.R. No. 180/2009
Part 8—Fees

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Director the amount specified in Column 3 of the Table opposite that port or channel.

Table

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Ports and channels</i>	<i>Column 3</i> <i>Fee</i>
1	Port Waters of Melbourne and Geelong, Port of Portland and Port of Hastings	105.5 fee units
2	Port Waters of Melbourne and Geelong and Port of Portland	84.45 fee units
3	Port Waters of Melbourne and Geelong and Port of Hastings	84.45 fee units
4	Port Waters of Melbourne and Geelong	63.3 fee units
5	Port Waters of Melbourne and Port of Hastings	63.3 fee units
6	Port Waters of Melbourne and Port of Portland	63.3 fee units
7	Port Waters of Geelong and Port of Hastings	42.2 fee units
8	Port Waters of Geelong and Port of Portland	42.2 fee units
9	Port of Hastings and Port of Portland	42.2 fee units
10	Port Waters of Melbourne (both channels)	42.2 fee units
11	Port Waters of Melbourne (one channel)	24.75 fee units
12	Port Waters of Geelong	24.75 fee units
13	Port of Hastings	24.75 fee units
14	Port of Portland	24.75 fee units

Division 3—Boating facilities and safety education fee

827 Fees for boating facilities and safety education

The fee which must be paid to the Director for boating facilities and safety education for a vessel of a type specified in Column 2 of the following Table is the amount specified in Column 3 of the Table opposite that type of vessel.

Table

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Type of vessel</i>	<i>Column 3</i> <i>Fee</i>
1	For a recreational vessel up to and including 4·0 metres in length powered with an engine	2·9 fee units per annum
2	For a recreational vessel over 4·0 metres in length powered with an engine	6·05 fee units per annum

828 Fees for marks and plates for manufacturers and dealers

- (1) A fee of 6·05 fee units must be paid to the Director for the issue of a special identification mark.
- (2) A fee of 1·28 fee units must be paid to the Director for the issue of a special identification plate.

829 Transfer fee on second-hand recreational vessel

A fee of 1·28 fee units must be paid to the Director for the transfer of a registered second-hand powered recreational vessel.

Division 4—Operator licences and personal watercraft endorsements

830 Fee for operator licence and personal watercraft endorsement

The fee which must be paid to the Director for the issue, renewal or re-issue of an operator licence or the making of a personal watercraft endorsement of a class specified in Column 2 of the following Table is the amount set out in Column 3 of the Table opposite that class of licence or endorsement.

Reg. 830
Table
amended by
S.R. No.
27/2010 reg. 6.

Table		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Class of licence or endorsement</i>	<i>Fee</i>
1	General operator licence	2.5 fee units per annum
2	Restricted operator licence	1.25 fee units per annum
3	Personal watercraft endorsement on a general operator licence	\$5.10 per annum
4	Personal watercraft endorsement on a restricted operator licence	\$2.50 per annum

831 Fee for replacement operator licence

A fee of 1.56 fee units must be paid to the Director for the issue of a replacement operator licence under regulation 719.

Reg. 832
amended by
S.R. No.
27/2010 reg. 7.

832 Fee for search of records of operator licences

A fee of \$6.60 must be paid to the Director for a search of the Director's records and a certificate as to any matter appearing in those records under regulation 720.

833 Refund of fee

If the Director cancels a person's operator licence that has been issued by the Director for a period of 3 years or 5 years whether—

- (a) upon receiving a notification from the person under regulation 702 to surrender the operator licence; or
- (b) under regulation 722—

the Director may refund part of the fee for the issue of the operator licence, calculated in accordance with the formula—

$$\frac{89}{100} \times \frac{A}{B} \times C$$

where—

- A is the unexpired number of months of duration of the operator licence; and
- B is the total number of months for which the operator licence was granted; and
- C is the amount paid for the operator licence.

834 Operator licence knowledge test fee

A fee of 1.95 fee units must be paid to the Director for a person to sit a test the person is required by the Director to undergo under Part 10A of the Act.

PART 9—MARINE INFRINGEMENTS

900 Prescribed offences

- (1) For the purposes of Part 7 of the Act, the prescribed kinds of offences are the offences described in Column 2 of the Table in Schedule 13 that are offences against the provisions referred to in Column 3 of that Table.
- (2) For the purposes of section 60(5) of the Act, the penalty prescribed for a prescribed offence is the amount specified in Column 4 of the Table in Schedule 13 that is shown opposite the prescribed offence.
- (3) A description of a prescribed offence in Column 2 of the Table in Schedule 13 is for convenience of reference only and is not to be taken to affect the nature or elements of the offence to which the description refers or the operation of these Regulations.

901 Extension of time to object if no actual notice

- (1) For the purposes of section 61B(1) of the Act, an application to have the time for objecting to the notice extended must—
 - (a) be filed with an infringements registrar (within the meaning of the **Infringements Act 2006**) or a registrar (within the meaning of Schedule 3 to the **Children, Youth and Families Act 2005**); and
 - (b) be accompanied by a sworn statement in writing or by a statutory declaration setting out the grounds on which the extension is sought.

-
- (2) If an application is made under section 61B(1) of the Act to an infringements registrar within the meaning of the **Infringements Act 2006**, the registrar must—
- (a) refer the application to the Magistrates' Court constituted by a Magistrate; and
 - (b) cause a notice of the time and place of the hearing of the application to be given or sent to—
 - (i) the person who issued the infringement notice; and
 - (ii) the applicant.

902 Payment of penalty

For the purposes of section 61BA(6) of the Act, payment of a penalty may be made by posting or delivering the amount of the penalty to the address specified in the marine infringement notice as the address for payment of the penalty.

903 Proof of prior convictions or findings of guilt

For the purposes of section 62(1) of the Act, the prescribed form for setting out particulars of alleged prior convictions or findings of guilt is the form in Schedule 14.

PART 10—EVIDENTIARY REQUIREMENTS

1000 Certificate as to matter extracted from the Director's records

For the purposes of section 89(1) of the Act, the prescribed form for a certificate is the form in Schedule 11.

1001 Certificate as to name in which vessel is registered

For the purposes of section 89(3) of the Act, the prescribed form for a certificate is the form in Schedule 12.

1002 Certificate as to testing and sealing of prescribed speed measuring devices

- (1) For the purposes of section 89(6) of the Act, the prescribed form of a certificate to the effect that a prescribed speed measuring device has been tested or sealed in the prescribed manner is the form set out in Schedule 15.
 - (2) The testing officer is authorised to sign the certificate.
-

PART 11—SAVINGS AND TRANSITIONALS

1100 Definitions

In this Part—

1999 Regulations means the Marine Regulations 1999²;

commencement day means the day on which these Regulations come into operation.

1101 Designated hazardous areas

The notification of an area of State waters as a designated hazardous area under regulation 104 of the 1999 Regulations that is in force immediately before the commencement day, continues in force and has effect as if the notification were given under regulation 104 of these Regulations.

1102 Exemptions from safety equipment requirements

An exemption notified under regulation 231 of the 1999 Regulations that is in force immediately before the commencement day, continues in force and has effect as if it were an exemption notified under regulation 236 of these Regulations.

1103 Determinations by Director

A determination made by the Director for the purposes of Part 3 of the 1999 Regulations that is in force immediately before the commencement day, continues in force and has effect for the purposes of Part 3 of these Regulations.

1104 Pilot licences and pilot licence exemptions

A pilot licence or a pilot licence exemption issued under regulation 312 of the 1999 Regulations that is valid immediately before the commencement day, remains valid according to its terms and has effect as if it were a licence or an exemption, as

the case may be, issued under regulation 312 of these Regulations.

1105 Registration of vessels

- (1) The registration, or renewal of registration, of a vessel under regulation 401 of the 1999 Regulations that is in force immediately before the commencement day, continues in force according to its terms and has effect as if it were a registration, or renewal of registration, under regulation 401 of these Regulations.
- (2) A registration label issued, or an identification mark assigned, under regulation 402 of the 1999 Regulations has effect as if the registration label were issued or the identification mark assigned, as the case may be, under regulation 402 of these Regulations.
- (3) The suspension of the registration of a vessel under regulation 404 of the 1999 Regulations that is in force immediately before the commencement day, continues in force and has effect as if it were a suspension under regulation 404 of these Regulations.

1106 Special identification plates and marks

A special identification plate or mark issued under regulation 407 of the 1999 Regulations has effect as if the special identification plate or mark were issued under regulation 407 of these Regulations.

1107 Notifications and internal reviews

- (1) The notification by the Director under the 1999 Regulations of any of the following decisions that is given before the commencement date has effect as if the notification had been given under these Regulations—

-
- (a) the refusal of an application for an operator licence or an application to vary, renew or reissue an operator licence;
 - (b) the refusal of an application for a personal watercraft endorsement on an operator licence or an application to vary, renew or reissue a personal watercraft endorsement;
 - (c) the variation, of a condition on an operator licence or a personal watercraft endorsement under section 119 of the Act;
 - (d) the suspension, variation or cancellation of an operator licence under section 119 of the Act;
 - (e) the variation or revocation of a personal watercraft endorsement on an operator licence under section 119 of the Act.

Note

Under regulation 738(2), the applicant or holder of the licence, as the case may be, may apply to the Director for an internal review of the decision within 28 days of the day on which he or she is notified of the decision.

- (2) An application under regulation 738 of the 1999 Regulations for an internal review of a decision that was received but not determined before the commencement day must be determined in accordance with these Regulations.

1108 Infringements committed before commencement day

- (1) If a marine infringement is committed against the 1999 Regulations before the commencement day and the marine infringement has not been re-enacted under Schedule 13 to these Regulations, the marine infringement continues to be a marine infringement of a kind prescribed for the purposes of Part 7 of the Act and a marine infringement notice for the infringement may be

issued or served in accordance with the 1999 Regulations as if they had not been revoked.

- (2) If a marine infringement is committed before the commencement day against the 1999 Regulations and the marine infringement has been re-enacted under Schedule 13 to these Regulations—
 - (a) the marine infringement is taken to be a marine infringement under Schedule 13 to these Regulations with the corresponding code, description of offence and penalty under Schedule 13; and
 - (b) a marine infringement notice for that infringement may be issued or served in accordance with these Regulations.
- (3) The revocation of 1999 Regulations does not affect a marine infringement notice issued or served in accordance with the 1999 Regulations—
 - (a) before the commencement day; or
 - (b) after the commencement day for an infringement referred to in subregulation (1).

1109 Compliance with standards

An item of safety equipment that was installed on a vessel before the commencement day and that, immediately before the commencement day, complies with the relevant standard prescribed under the 1999 Regulations, is taken to comply with the relevant standards prescribed under these Regulations for the item of equipment.

1110 Interpretation of Legislation Act not limited

This Part does not affect or take away from the **Interpretation of Legislation Act 1984**.

PART 12—EXPIRY

**Pt 12
(Heading and
reg. 1200)
inserted by
S.R. No.
27/2010 reg. 8.**

1200 Expiry

These Regulations expire and cease to have effect
on 21 December 2012.

**Reg. 1200
inserted by
S.R. No.
27/2010 reg. 8.**

SCHEDULES

SCHEDULE 1

Regulation 103

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
145/1999	Marine Regulations 1999
13/2000	Marine (Amendment) Regulations 2000
91/2001	Marine (Fees) Regulations 2001
127/2001	Marine (Amendment) Regulations 2001
8/2002	Marine (Amendment) Regulations 2002
143/2003	Marine (Fees) Regulations 2003
152/2004	Marine (Alcohol Measurement) Regulations 2004
82/2005	Marine (Fees) Regulations 2005
154/2005	Marine (Personal Flotation Devices and Other Safety Equipment) Regulations 2005
155/2005	Marine (Infringements) Regulations 2005
113/2008	Marine (Infringements Amendments) Regulations 2008
126/2009	Marine Amendment Regulations 2009

SCHEDULE 2

Regulation 104

TYPES OF PERSONAL FLOTATION DEVICES

PART 1—DEFINITION

In this Schedule *recognised appraiser* means—

- (a) a certifying body accredited by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ); or
- (b) a laboratory with National Association of Testing Authorities (NATA) accreditation; or
- (c) a notified body in accordance with the European Union "Maritime Equipment Directive, Module B (MED-B) directive 96/98/EC/(31996L0098)" as formulated, issued, prescribed or published from time to time; or
- (d) a body approved by the Director.

PART 2—PFD TYPE 1

A personal flotation device is a PFD Type 1 if it complies with—

- (a) AS 1512 "Personal flotation devices Type 1"; or
- (b) AS 4758.1 "Personal flotation devices Part 1: General requirements" relating to Level 275 PFDs; or
- (c) AS 4758.1 "Personal flotation devices Part 1: General requirements" relating to Level 150 PFDs; or
- (d) AS 4758.1 "Personal flotation devices Part 1: General requirements" relating to Level 100 PFDs; or
- (e) Australian Maritime Safety Authority Marine Orders Part 25, Appendix 1, Section 4.1 SOLAS (Safety of Life at Sea) Life-jackets, as formulated, issued, prescribed or published from time to time; or

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- (f) Uniform Shipping Laws Code, Section 10, Appendix R (for Coastal Lifejackets), as formulated, issued, prescribed or published from time to time; or
 - (g) International Standard ISO 12402-2:2006(E) "Personal flotation devices—Part 2: Lifejackets, performance level 275—Safety requirements"; or
 - (h) International Standard ISO 12402-3:2006(E) "Personal flotation devices—Part 3: Lifejackets, performance level 150—Safety requirements"; or
 - (i) International Standard ISO 12402-4:2006(E) "Personal flotation devices—Part 4: Lifejackets, performance level 100—Safety requirements"; or
 - (j) one of the following recognised standards for personal flotation devices, or types of personal flotation devices, that has been approved by a recognised appraiser—
 - (i) European Standard EN 399:1994 "Lifejackets and personal buoyancy aids—Lifejackets—275N", as formulated, issued, prescribed or published by the European Union from time to time; or
 - (ii) European Standard EN 396:1994 "Lifejackets and personal buoyancy aids—Lifejackets—150N", as formulated, issued, prescribed or published by the European Union from time to time; or
 - (iii) European Standard EN 395:1995 "Lifejackets and personal buoyancy aids—Lifejackets—100N", as formulated, issued, prescribed or published by the European Union from time to time; or
 - (iv) Canadian General Standards CAN/CGSB-65.11-M88 "Personal Flotation Devices", as formulated, issued, prescribed or published by the Canadian General Standards Board from time to time, and CAN/CGSB-65.15-M88 "Personal Flotation Devices for Children", as formulated, issued, prescribed or published by the Canadian General Standards Board from time to time; or
-

-
- (v) Underwriters Laboratories Standards UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" as formulated, issued, prescribed or published by the Underwriters Laboratories from time to time; or
 - (vi) Section 401 of New Zealand Standard NZS 5823:2001 "Specification for Buoyancy Aids and Marine Safety Harnesses and Lines", as formulated, issued, prescribed or published by Standards New Zealand from time to time; or
 - (h) any standard or specifications approved by the Director.

PART 3—PFD TYPE 2

A personal flotation device is a PFD Type 2 if it complies with—

- (a) AS 1499 "Personal flotation devices—Type 2"; or
- (b) AS 4758.1 "Personal flotation devices Part 1: General requirements" relating to Level 50 PFDs; or
- (c) European Standard EN 393:1994 "Lifejackets and personal buoyancy aids—Buoyancy aids—50N", as formulated, issued, prescribed or published by the European Union from time to time; or
- (d) International Standard ISO 12402-5:2006 "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements".

PART 4—PFD TYPE 3

A personal flotation device is a PFD Type 3 if it complies with—

- (a) AS 2260 "Personal flotation devices—Type 3"; or
 - (b) AS 4758.1 "Personal flotation devices—Part 1: General requirements" relating to Level 50 Special Purpose PFDs.
-

SCHEDULE 3

Regulations 226 and 227

CONSTRUCTION OF RECREATIONAL VESSELS

Thermal protection

- 1 Hot pipes or other sources of heat in close proximity to woodwork or other flammable material on a recreational vessel must be insulated.
- 2 All engine exhaust piping and silencers on a recreational vessel must—
 - (a) be water cooled or efficiently insulated; and
 - (b) be installed so as to prevent the transfer of heat to readily combustible materials.
- 3 All engine exhaust systems on a recreational vessel must—
 - (a) be led well clear of fuel tanks and fuel tank overflows; and
 - (b) be arranged so that exhaust fumes emerge outside the hull of the vessel.

Liquefied petroleum gas and compressed natural gas

- 4 Unless the Director has given approval in writing to the contrary, if liquefied petroleum gas or compressed natural gas is carried on a recreational vessel—
 - (a) the gas cylinders must not be installed inside a deckhouse or below decks;
 - (b) the gas cylinders must be stored in the open air and secured in strongly constructed racks;
 - (c) in the case of a partially decked or open recreational vessel the gas cylinders must not be stored in lockers.

-
- 5 All gas piping on a recreational vessel must be securely fastened within the vessel.
 - 6 Any gas-burning appliance on a recreational vessel must be securely fastened in position and the space containing the appliance must be adequately ventilated.

Flame arrestor

- 7 The carburettor or carburettors of any engine, except an outboard motor, in a recreational vessel must be fitted with—
 - (a) a flame arrestor or backfire trap which is effective if the engine backfires, to prevent the flame caused by the backfire from making contact with the atmosphere; or
 - (b) a screen or cap of not less than 30 gauge, 30 mesh brass or stainless steel wire gauge which is securely sealed in or over the air intake.

Seaworthiness

- 8 A recreational vessel must be seaworthy and any internal ballast in the vessel must be securely fastened in position.

Reserve buoyancy

- 9 (1) In this clause, reserve buoyancy means—
 - (a) fabricated airtight tanks; or
 - (b) inflatable devices which can be conveniently stowed on a vessel; or
 - (c) buoyant foam that—
 - (i) is impervious to chemical action by petrol, oil and salt water; and
 - (ii) is of a closed cell structure; and
 - (iii) is suitably protected against fire; or
 - (d) buoyant foam that is approved by the Director; or
-

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- (e) any combination of the systems specified in subparagraphs (a) to (d); or
 - (f) any other system approved by the Director.
- (2) A recreational vessel that is an open boat and that does not have an enclosed superstructure must have reserve buoyancy that is sufficient to support—
- (a) the hull; and
 - (b) the weight of the motor, fuel tanks and all non-buoyant material; and
 - (c) 10% of the total combined weight of the hull, motor, fuel tanks and all non-buoyant material.
- (3) A recreational vessel that—
- (a) is an open boat; and
 - (b) does not have an enclosed superstructure; and
 - (c) was constructed and first registered after 1 July 1963—
- must have reserve buoyancy built into the hull of the vessel.

Ventilation

- 10 (1) A recreational vessel which is using any liquid of a volatile nature or any gas as fuel must be provided with an effective means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to ensure that any explosive or flammable gases are removed.
- (2) Subclause (1) does not apply to an open vessel.
-

SCHEDULE 4

SAFETY EQUIPMENT ON RECREATIONAL VESSELS

TABLE A

Regulations 228(1), 228(2), 228(3), 228(4)

EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
Mechanically powered recreational vessels					
1	Power boat up to and including 4.8 metres in length	PFD Type 1	1 for each person on board or being towed	1 for each person on board or being towed	0
		PFD Type 1, PFD Type 2 or PFD Type 3	—	—	1 for each person on board or being towed
		Anchor, and chain or line or both	1	1	0
		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
		Bailer	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system
		Compass	1—if more than 2 nautical miles from the coast	0	0

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
		Bucket with lanyard	1	1	1
		Marine radio	1—if more than 2 nautical miles from the coast	0	0
		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast	0	0
		Hand-held orange smoke signal	2	2	0
		Hand-held red distress flares	2	2	0
		Pair of oars with rowlocks or pair of paddles	1	1	1
		Waterproof buoyant torch	1	1	1
2	Power boat more than 4.8 metres in length	PFD Type 1	1 for each person on board or being towed	1 for each person on board or being towed	0
		PFD Type 1, PFD Type 2 or PFD Type 3	—	—	1 for each person on board or being towed
		Anchor, and chain or line or both	1	1	0
		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
		Bailer	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system
		Compass	1—if more than 2 nautical miles from the coast	0	0
		Bucket with lanyard	1	1	1
		Marine radio	1—if more than 2 nautical miles from the coast	0	0
		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast	0	0
		Hand-held orange smoke signal	2	2	0
		Hand-held red distress flares	2	2	0
		Waterproof buoyant torch	1	1	1
		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length
		Dinghy or liferaft	1—if vessel is more than 12 metres in length	0	0

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
3	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3 Waterproof buoyant torch	1 for each person on board or being towed 1	1 for each person on board or being towed 1	1 for each person on board or being towed 1
4	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board	1 for each person on board	1 for each person on board
Sail powered recreational vessels					
5	Off-the-beach sailing yacht	PFD Type 1 PFD Type 1 or PFD Type 2 Electric or manual bilge pumping system Bailer	1 for each person on board when operating more than 2 nautical miles from coast 1 for each person on board when operating 2 nautical miles from coast or less 1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces 1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew	0 1 for each person on board 1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces 1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew	0 1 for each person on board 1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces 1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
		Compass	1—if more than 2 nautical miles from the coast	0	0
		Marine radio	1—if more than 2 nautical miles from the coast	0	0
		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast	0	0
		Hand-held orange smoke signal	2—if more than 2 nautical miles from the coast	0	0
		Hand-held red distress flares	2—if more than 2 nautical miles from the coast	0	0
6	Yacht	PFD Type 1	1 for each person on board	0	0
		PFD Type 1 or PFD Type 2	0	1 for each person on board	1 for each person on board
		Anchor, and chain or line or both	1	1	0
		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
		Bailer	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system
		Compass	1—if more than 2 nautical miles from the coast	0	0

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
		Bucket with lanyard	1	1	1
		Marine radio	1—if more than 2 nautical miles from the coast	0	0
		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast	0	0
		Hand-held orange smoke signal	2	2	0
		Hand-held red distress flares	2	2	0
		Waterproof buoyant torch	1	1	1
		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length	1—if vessel is 8 metres or more in length but not more than 12 metres in length; 2—if vessel is more than 12 metres in length
		Dinghy or liferaft	1—if vessel is more than 12 metres in length	0	0
Human powered recreational vessels					
7	Kayak, canoe, raft and rowing boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board	1 for each person on board	1 for each person on board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
		Bailer	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system	1—if no electric or manual bilge pumping system
		Compass	1—if more than 2 nautical miles from the coast	0	0
		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast	0	0
		Hand-held red distress flares	2—if more than 2 nautical miles from coast	0	0
		Waterproof buoyant torch	1—if more than 2 nautical miles from coast	0	0
		Spare oar with rowlock, or spare pair of oars with rowlocks, or spare paddle, as the case may be, to properly operate that kind of vessel	1—if more than 2 nautical miles from coast	0	0
8	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board	1 for each person on board	1 for each person on board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>	<i>Requirements for enclosed waters</i>	<i>Requirements for inland waters</i>
9	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board	1 for each person on board	1 for each person on board

Note

Refer to regulation 206 for details of requirements about the carriage of EPIRBs on recreational vessels and to regulations 229 and 230 for requirements about the carriage of portable fire extinguishers and fire fighting equipment on recreational vessels.

TABLE B

Regulation 228(5)

**REQUIREMENTS FOR EQUIPMENT ON
RECREATIONAL VESSELS**

<i>Item of equipment</i>	<i>Equipment requirements</i>
Anchor and chain or line	The anchor with chain or line or both chain and line must be of sufficient strength and durability to secure the vessel and must be appropriate for that purpose in the area of operation of the vessel. The chain or line or combination must be securely attached to both the anchor and the vessel at all times.
Bilge pumping system	An electric or manual bilge pumping system must have a pump or pumps that are capable of draining each compartment of the boat. This may require the system to comprise more than one bilge pump. The pump must have a strainer fitted to the suction pipe. The strainer must be of a sufficiently small mesh size to prevent choking of the pump by debris.
Bailer	A bailer must be suitable for bailing water from the boat. A bucket with lanyard may also be used as a bailer.
Dinghy or liferaft	The dinghy or liferaft must be able to support the weight of all people on board in the event of swamping.
Hand-held orange smoke signal, hand-held red distress flare, red star parachute distress rocket	Hand-held orange smoke signals, hand-held red distress flares and red star parachute distress rockets kept on the vessel for use must not exceed the manufacturer's expiry date.

Sch. 4

TABLE C

Regulation 229

**TYPES OF FIRE EXTINGUISHERS TO BE CARRIED ON
CERTAIN SIZE OF VESSEL**

<i>Column 1</i>	<i>Column 2</i>
<i>Vessel size</i>	<i>Number of portable fire extinguishers required to be carried</i>
Vessels less than 8 metres	1
Vessels 8–12 metres	2
Vessels more than 12 metres	3

TABLE D

Regulation 229

**MINIMUM CAPACITY OF PORTABLE FIRE
EXTINGUISHERS FOR CERTAIN VESSELS**

<i>Column 1</i>	<i>Column 2</i>
<i>Volume of flammable or combustible liquids that are able to be carried on vessel</i>	<i>Minimum nominal capacity of fire extinguisher</i>
For vessels which have the capacity to carry less than 115 litres	0.9 kg
For vessels which have the capacity to carry 115–350 litres	2.0 kg
For vessels which have the capacity to carry 351–695 litres	4.5 kg
For vessels which have the capacity to carry more than 695 litres	9.0 kg

SCHEDULE 5

Regulations 231, 232, 233

PFDS TO BE WORN ON RECREATIONAL VESSELS

TABLE A

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item number</i>	<i>Vessel type</i>	<i>PFD requirements for coastal waters</i>	<i>PFD requirements for enclosed waters</i>	<i>PFD requirements for inland waters</i>
1	Powerboat up to and including 4-8 metres in length	PFD Type 1	PFD Type 1	PFD Type 1, PFD Type 2 or PFD Type 3
2	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	PFD Type 1, PFD Type 2 or PFD Type 3	PFD Type 1, PFD Type 2 or PFD Type 3
3	Recreational tender	PFD Type 1	PFD Type 1 or PFD Type 2	PFD Type 1, PFD Type 2 or PFD Type 3
4	Off-the-beach sailing yacht	PFD Type 1 or, if vessel is located within 2 nautical miles from coast, PFD Type 2	PFD Type 1 or PFD Type 2	PFD Type 1 or PFD Type 2
5	Kiteboard or sailboard	PFD Type 1 or PFD Type 2	PFD Type 1, PFD Type 2 or PFD Type 3	PFD Type 1, PFD Type 2 or PFD Type 3
6	Canoe, kayak, rowing boat, raft, pedal boat or fun boat	PFD Type 1, PFD Type 2 or PFD Type 3	PFD Type 1, PFD Type 2 or PFD Type 3	PFD Type 1, PFD Type 2 or PFD Type 3

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TABLE B

Regulations 232, 233

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item number</i>	<i>Vessel type</i>	<i>PFD requirements for coastal waters</i>	<i>PFD requirements for enclosed waters</i>	<i>PFD requirements for inland waters</i>
1	Powerboat more than 4.8 metres but not more than 12 metres in length	PFD Type 1	PFD Type 1	PFD Type 1, PFD Type 2 or PFD Type 3
2	Yacht	PFD Type 1	PFD Type 1 or PFD Type 2	PFD Type 1, PFD Type 2 or PFD Type 3

SCHEDULE 6

Regulation 305

QUALIFYING TRAINING FOR PORT PHILLIP HEADS

- 1 An applicant for an endorsement on a certificate of competency to operate a trading vessel carrying passengers in Port Phillip Heads must complete a training course approved by the Director that covers local knowledge, operating guidelines and vessel and passenger safety.
- 2 The course shall include but not be limited to the following—
 - (a) local knowledge, including lights, charted depths, channels, local dangers, tidal flows, navigation leads, beacons and topmarks;
 - (b) VHF radio communication procedures;
 - (c) passenger briefing and control;
 - (d) person overboard response procedures;
 - (e) occupational health and safety;
 - (f) boat operation and handling techniques specific to Port Phillip Heads;
 - (g) guidelines and rules for crossing Port Phillip Heads;
 - (h) local meteorological and tidal conditions;
 - (i) emergency contingency planning.

SCHEDULE 7

Regulation 308

**QUALIFYING SEA SERVICE AND TRAINING FOR THE
LAKES ENTRANCE BAR**

Prerequisite qualifying sea service

- 1 An applicant for an endorsement on a certificate of competency to operate a trading vessel carrying passengers across the Lakes Entrance Bar must have completed a minimum of 20 outwards crossings and 20 inwards crossings of the Lakes Entrance Bar.
- 2 On each crossing of the Lakes Entrance Bar, the applicant must be at the helm and in charge of a trading or fishing vessel.
- 3 Of the trips specified in clause 1, not more than 2 trips in any 24-hour period shall be counted as qualifying sea service.

Training

- 4 An applicant for an endorsement on a certificate of competency to operate a trading vessel carrying passengers across the Lakes Entrance Bar must complete a training course approved by the Director that covers local knowledge, operating guidelines and vessel and passenger safety.
- 5 The course shall include but not be limited to the following—
 - (a) local knowledge, including lights, charted depths, channels, local dangers, tidal flows, navigation leads, beacons and topmarks;
 - (b) VHF radio communication procedures;
 - (c) passenger briefing and control;
 - (d) person overboard response procedures;

-
- (e) occupational health and safety;
 - (f) boat operation and handling techniques specific to the Lakes Entrance Bar;
 - (g) guidelines and rules for crossing the Lakes Entrance Bar;
 - (h) local meteorological and tidal conditions;
 - (i) emergency contingency planning.
-

SCHEDULE 8

Regulation 502

CERTIFICATE OF RESULTS OF BREATH ANALYSIS

I, *[insert name]* of *[insert address]*

- (1) am the person who operated the breath analysing instrument described below;
- (2) am authorised to do so by the Chief Commissioner of Police;
- (3) state that the following matters are to the best of my knowledge true.

Serial number of breath analysing instrument used to conduct the breath analysis:

Sample number:

Location where the test was conducted:

Name of person whose breath was tested:

Date of birth of person whose breath was tested:

Surname of person who operated breath analysing instrument:

Results of self-test of breath analysing instrument prior to person's breath being analysed:

Results of self-test of breath analysing instrument after person's breath being analysed:

Results of zero tests of breath analysing instrument prior to person's breath being analysed:

Results of zero tests of breath analysing instrument after person's breath being analysed:

Date of person's breath test:

Time of person's breath test:

Concentration of alcohol in grams per 210 litres of exhaled air indicated by the analysis to be present in the breath of the person tested:

Signature:

SCHEDULE 9

Regulation 505

**CERTIFICATE BY MEDICAL PRACTITIONER TAKING
BLOOD SAMPLE**

I [*insert name of medical practitioner*], a medical practitioner registered under the **Health Professions Registration Act 2005**, certify that the sample of blood described below was taken in accordance with the requirements of the Marine Regulations 2009.

Name of the person from whom the blood sample was taken:

Time that the blood sample was taken:

Date that the blood sample was taken:

Name of the medical practitioner who took the sample:

Signature of the medical practitioner who took the sample:

SCHEDULE 10

Regulation 506

ANALYST'S CERTIFICATE

I [*insert name*] certify that

- (a) I am a properly qualified analyst within the meaning of section 32 of the Act.
- (b) The concentration of alcohol found in the sample described below was:

The method of analysis of the blood sample analysed was as follows:

[*insert a statement as to the method of analysis used*]

Description of the identification label referred to in regulation 504(1)(d) that is attached to the container in which the blood sample is placed:

[*insert a description of the identification label*]

Name of the properly qualified analyst:

Signature of the properly qualified analyst:

Date on which the analysis was conducted:

SCHEDULE 11

Regulation 1000

**CERTIFICATE AS TO MATTERS WHICH APPEAR IN OR
CAN BE CALCULATED FROM THE RECORDS KEPT BY
THE DIRECTOR OF MARINE SAFETY**

Certificate issued under section 89(1) of the **Marine Act 1988**

The matters set out in this certificate appear in, or have been calculated from, the records kept by the Director of Marine Safety or a delegate of the Director.

[insert the details to which the certificate relates]

Dated:

Signature of Director or delegate:

SCHEDULE 12

Regulation 1001

**CERTIFICATE AS TO REGISTRATION OF VESSEL ISSUED
UNDER SECTION 89(3) OF THE MARINE ACT**

According to the records of the Director of Marine Safety, on *[insert date]*
the vessel described below was registered under the Act in the name of
[insert name]

Description of vessel:

[insert the details which identify the vessel]

Dated:

Issued by the Director of Marine Safety

SCHEDULE 13

Regulation 900

Sch. 13
amended by
S.R. No.
27/2010 reg. 9.

MARINE INFRINGEMENTS

MA means the Act; and

MR means Marine Regulations 2009;

Notice means Notice No. 1 made under section 15 of the Act on 26 June 1998 and published in Government Gazette Number G 26 on 2 July 1998 (pages 1706–1824) as amended from time to time.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
Registration			
2251	Operate an unregistered vessel or vessel not exempt from registration	MA s. 8(1)(a)	1·2 penalty units
2252	Own or be in charge of an unregistered vessel or vessel not exempt from registration and cause or allow it to be operated	MA s. 8(1)(b)	1·2 penalty units
2253	Operate or cause or allow operation of a vessel in breach of a condition of registration	MA s. 8(2)	1·2 penalty units
2254	Fail to fix registration label in conspicuous position	MR r. 402(2)	0·8 penalty units
2255	Fail to fix identification mark in a conspicuous position	MR r. 402(5)	0·8 penalty units
2256	Fail to comply with requirements for transfer of registration	MR r. 405(1), 405(2)	0·8 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
Safety distances, speed restrictions etc.			
<i>State waters</i>			
2257	Operate a vessel at a speed exceeding 5 knots within 50 metres of a person	MA s. 15(3) Notice cl. 2(a)	1·6 penalty units
2258	Operate a vessel at a speed exceeding 5 knots within 100 metres of a dive flag	MA s. 15(3) Notice cl. 2(b)	1·6 penalty units
2259	Operate a vessel at a speed exceeding 5 knots within 50 metres of another vessel	MA s. 15(3) Notice cl. 2(c)	1·6 penalty units
2260	Operate a sailboard	MA s. 15(3) Notice cl. 17	1·2 penalty units
<i>Inland waters</i>			
2261	Operate a vessel at a speed exceeding 5 knots within 50 metres of the water's edge or a structure	MA s. 15(3) Notice cl. 3	1·6 penalty units
<i>Coastal waters and ports</i>			
2262	Operate a vessel at a speed exceeding 5 knots— (a) within 200 metres of the water's edge except in an access lane; (b) within 50 metres of a wharf or similar structure except in an access lane; (c) when passing through an anchorage for small vessels	MA s. 15(3) Notice cl. 4	1·6 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
Miscellaneous navigation offences			
2263	Operate a vessel in an access lane in contravention of the Notice	MA s. 15(3) Notice cl. 6	1·6 penalty units
2264	Operate a vessel at a speed exceeding the speed limit specified in the Notice for the area of water	MA s. 15(3) Notice cl. 7	1·6 penalty units
2265	Enter prohibited area towing water skier or when water skiing	MA s. 15(3) Notice cl. 8	1·6 penalty units
2266	Operate a vessel in a prohibited area	MA s. 15(3) Notice cl. 9	1·6 penalty units
2267	Operate a vessel with an engine in a prohibited area	MA s. 15(3) Notice cl. 10	1·6 penalty units
2268	Fail to operate vessel in a manner which creates minimal or no wash in a no wash zone	MA s. 15(3) Notice cl. 11	1·6 penalty units
2269	Operate a vessel with an engine in a direction other than as permitted by the Notice in inland waters	MA s. 15(3) Notice cl. 14	1·6 penalty units
2270	Operate a vessel or engage in an activity in a prohibited area of water	MA s. 15(3) Notice cl. 12	1·6 penalty units
2271	Use waters contrary to conditions of use specified in the Notice	MA s. 15(3) Notice cl. 13	1·6 penalty units
2272	Fail to give way to other vessel when departing from shore on a vessel with an engine	MA s. 15(3) Notice cl. 15	1·6 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
Water skiers			
2273	Fail to wear approved lifejacket, buoyancy vest, buoyancy garment or personal flotation device when water skiing	MA s. 15(3) Notice cl. 18	1·6 penalty units
2274	Tow water skiers in contravention of the Notice	MA s. 15(3) Notice cl. 19	1·2 penalty units
Smoke and noise			
2275	Operate a vessel emitting annoying or dangerous smoke, visible vapour or smells	MA s. 15(3) Notice cl. 20	0·8 penalty units
2276	Operate vessel without adequate silencing device securely fixed to engine	MA s. 15(3) Notice cl. 21(1)(a)	0·8 penalty units
2277	Operate a vessel without a silencing device that does not have a cut-out or similar device	MA s. 15(3) Notice cl. 21(1)(b)	0·8 penalty units
2278	Operate vessel so as to create undue noise	MA s. 15(3) Notice cl. 21(2)	0·8 penalty units
Miscellaneous offences			
2283	Being the owner or master of a trading or fishing vessel, fail to properly report an accident to the Director	MA s. 20(3)	1·6 penalty units
2284	Fail to obey a direction given by a member of the police force or an authorised officer	MA s. 21(2)	1·6 penalty units
2286	Tamper with a vessel without just cause or excuse	MA s. 24(1)	1·2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
2288	Obstruct an officer in the exercise of his or her duty	MA s. 92(2)	1·6 penalty units
2289	Refuel vessel at a wharf, jetty or pier with passengers on board	MR r. 237	2 penalty units
2291	Permit a naked flame to be installed in compartment of vessel containing motors or fuel tank	MR r. 238(1)	1·6 penalty units
2292	Permit naked flame to be used near motor or fuel tank on vessel	MR r. 238(2)	1·6 penalty units
2293	Overload vessel	MR r. 239(1)	2 penalty units
2294	Fail to give information when required	MA s. 18(2)	0·8 penalty units
2295	Fail to stop vessel when required	MA s. 19(3)	1·2 penalty units
2296	Refuse or fail to state name and address or state false name and address	MA s. 19(4)(a) or (b), 60(7)(a) or (b)	1·2 penalty units
2298	Bathe within 50 metres of a launching ramp being used or about to be used or an access lane	MA s. 15(3) Notice cl. 16	1·2 penalty units
2299	Refuse or fail to allow a vessel to be inspected	MA s. 13(3)	1·6 penalty units
2300	Operate a recreational or hire and drive vessel engaged in diving operations without exhibiting a flag indicating diver below that complies with the Notice	MA s. 15(3) Notice cl. 22	1·2 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
2301	Engage in diving without a buoy or flag displayed that complies with the Notice	MA s. 15(3) Notice cl. 23	1·2 penalty units
Further miscellaneous offences			
2316	Permit vessel to be moored or secured to navigation marker, beacon, buoy, pole or post in contravention of the Notice	MA s. 15(3) Notice cl. 23A	1·2 penalty units
2317	Anchor vessel in a channel that is marked with beacons or buoys in contravention of the Notice	MA s. 15(3) Notice cl. 23B	1·2 penalty units
Hire and drive vessel offences			
2319	Being a person in charge of a vessel, fail to render assistance, exchange details and report accident	An offence under s. 20(2) of the MA constituted by a contravention of s. 20(1) of the MA	1·6 penalty units
2320	Being the owner of a vessel, fail to maintain register of contracts	MR r. 215(1)	0·8 penalty units
2321	Being the hirer of a vessel, fail to provide specified details.	MR r. 215(2)	0·8 penalty units
2322	Being the owner of a vessel, fail to produce register of contracts for inspection	MR r. 215(3)	0·8 penalty units
2323	Being the owner of a vessel, fail to notify Director of sale or disposal of hire and drive vessel	MR r. 216(1)	0·8 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
2324	Being the purchaser of a vessel, fail to notify Director of purchase or acquisition of hire and drive vessel	MR r. 216(2)	0.8 penalty units
2325	Being the owner of a vessel, fail to report accident involving hire and drive vessel	MR r. 217	1.6 penalty units
2326	Being the hirer or operator of a vessel, permit vessel to go outside limits specified in the certificate of survey	MR r. 218	1.6 penalty units
2328	Being the owner of a vessel, fail to give hirer instructions about use of hire and drive vessel	MR r. 219(2)	2 penalty units
2329	Being the owner of a vessel, fail to obtain signed statement from hirer	MR r. 219(4)	2 penalty units
2331	Being the owner or hirer of a vessel, fail to ensure person under 10 wearing personal flotation device	MR r. 221(1), 221(2)	1.6 penalty units
2332	Being the hirer or operator of a vessel, permit vessel to be refuelled at wharf etc. with passengers on board	MR r. 222(2)	1.6 penalty units
2334	Being the owner of a vessel, permit appliances producing a naked flame to be installed in compartment of vessel containing motors or fuel tank	MR r. 223(1)	1.6 penalty units
2335	Permit appliances producing a naked flame to be used in compartments of a vessel containing motor or fuel tank	MR r. 223(2), 223(3)	1.6 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
2336	Being the owner of a vessel, fail to have equipment readily accessible and in good order	MR r. 224	1·2 penalty units
2337	Being the owner or operator of a vessel, overload vessel	MR r. 225(1), 225(2)	2 penalty units
Blood alcohol offences			
2338	Being a person in charge of a vessel underway with unlawful— (a) blood alcohol level of 0·05g/100ml or more but less than 0·10g/100ml; or (b) breath alcohol level of 0·05g/210 litres or more but less than 0·10g/210 litres— but not being a person— (c) under the age of 21 years; or (d) who, by reason of section 27(1AAA) of the MA, is taken to be in charge of the vessel	MA s. 28(1)(b)	3 penalty units
2339	Being a person in charge of a vessel underway with unlawful— (a) blood alcohol level of 0·10g/100ml or more but less than 0·15g/100ml; or (b) breath alcohol level of 0·10g/210 litres or more but less than 0·15g/210 litres— but not being a person—	MA s. 28(1)(b)	4·2 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
	(c) under the age of 21 years; or (d) who, by reason of section 27(1AAA) of the MA, is taken to be in charge of the vessel		
General offences			
2341	Being an owner of a vessel, operate, or allow the vessel to be operated, without certificate of survey	MA s. 97(1)	5 penalty units
2342	Being master of a vessel, operate the vessel without certificate of survey	MA s. 97(2)	2.5 penalty units
2343	Act as master or crew member on vessel without a certificate required by the regulations	MA s. 94(1)	2.5 penalty units
2344	Employ or engage person to act as master or crew member on vessel if person does not have a certificate required by the regulations	MA s. 94(2)	2.5 penalty units
2345	Being an owner of vessel, cause or allow vessel to be operated when crewed by people without appropriate certificates	MA s. 94(3)	2.5 penalty units
2346	Fail to carry certificate, licence or exemption while operating a vessel covered by that certificate or licence or exemption	MR r. 321	0.8 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
Operation of vessels			
5701	Refuse or fail to surrender a document required by a notice of suspension of operator licence under section 28C(1) of the MA	MA s. 28C(5)	1·2 penalty units
5702	Fail to comply with a notice to surrender licence within the specified time	MA s. 61BA(5)	1·2 penalty units
5703	Operate a general recreational vessel other than in accordance with an operator licence	MA s. 115(1)	2 penalty units
5704	Operate a personal watercraft other than in accordance with an operator licence endorsed to authorise such use	MA s. 115(2)	2·5 penalty units
5705	Apply for or obtain an operator licence while disqualified from doing so	MA s. 123(1)	2·5 penalty units
5706	Operate a general recreational vessel in breach of condition of an operator licence	MA s. 129(1)	2 penalty units
5707	Operate a personal watercraft in breach of a condition of an operator licence or personal watercraft endorsement on that licence	MA s. 129(2)	2·5 penalty units
5708	Operate a regulated recreational vessel in breach of a condition of a licence or certificate issued in another State, Territory or country	MA s. 130	2 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5709	Operate regulated recreational vessel without being in possession of operator licence document	MA s. 133	0·8 penalty units
5710	Being the owner of a trading, fishing or hire and drive vessel, allow that vessel to operate without carrying on board the certificate of survey issued for that vessel or a certified copy of it	MR r. 214(1)	2·5 penalty units
5711	Being the master of a trading or fishing vessel, allow that vessel to operate without carrying and displaying on board the certificate of survey issued for that vessel or a certified copy of it	MR r. 214(2)	2·5 penalty units
5712	Fail to produce an operator licence required to operate the vessel	MA s. 19(4)(c)	1·2 penalty units
5713	Fail to produce a certificate, licence or exemption while operating a vessel covered by that certificate, licence or exemption	MA s. 19(4)(d)	1·2 penalty units
Carriage and use of safety equipment			
5752	Operate vessel that is not equipped with the required type or quantity of personal flotation devices	MR r. 228(1), 228(2) and 228(3)	1·25 penalty units
5753	Operate vessel that is not equipped with the required quantity of anchors, and chains or lines	MR r. 228(1), 228(2) and 228(3)	1·25 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5754	Operate vessel that is not equipped with the required quantity of electric or manual bilge pumping systems	MR r.228(1), 228(2) and 228(3) and Schedule 4, Table A	1.25 penalty units
5755	Operate vessel that is not equipped with the required quantity of bailers	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5756	Operate vessel that is not equipped with the required quantity of compasses	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5757	Operate vessel that is not equipped with the required quantity of buckets with lanyards	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5758	Operate vessel that is not equipped with the required quantity of marine radios	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5759	Operate vessel that is not equipped with the required quantity of red star parachute distress rockets	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5760	Operate vessel that is not equipped with the required quantity of hand-held orange smoke signals	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5761	Operate vessel that is not equipped with the required quantity of hand-held red distress flares	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5762	Operate vessel that is not equipped with the required quantity of oars and rowlocks, pairs of oars and rowlocks, pairs of paddles or spare paddles.	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5763	Operate vessel that is not equipped with the required quantity of waterproof buoyant torches	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5764	Operate vessel that is not equipped with the required quantity of lifebuoys	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5765	Operate vessel that is not equipped with the required quantity of dinghies or liferafts	MR r. 228(1), 228(2) and 228(3)	1.25 penalty units
5766	Operate vessel without the required number of portable fire extinguishers	MR r. 229(2)(a)	1.25 penalty units
5767	Operate vessel with a portable fire extinguisher that does not have the required minimum nominal capacity	MR r. 229(2)(b)	1.25 penalty units
5768	Operate vessel with a portable fire extinguisher that has not been maintained as required	MR r. 230(1)(c)	1.25 penalty units
5769	Operate vessel with a portable fire extinguisher that has not been serviced as required	MR r. 230(1)(d)	1.25 penalty units
5770	Fail to keep portable fire extinguishers in separate positions on vessel	MR r. 230(2)	1.25 penalty units
5771	Fail to wear required personal flotation device while in open area of vessel that is underway	MR r. 231(1)(a), 231(1)(b) and 231(1)(c).	1.25 penalty units
5772	Fail to ensure that person under 10 years of age in open area of vessel underway wears required personal flotation device	MR r. 233(a), 233(b) and 233(c)	1.25 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5773	Fail to wear required personal flotation device while being towed by vessel	MR r. 234(1)	1.25 penalty units
5774	Allow vessel to start voyage before each person on board in open area is wearing required personal flotation device	MR r. 235(1)	1.25 penalty units
5775	Allow vessel to start towing a person who is not wearing required personal flotation device	MR r. 235(3)	1.25 penalty units
2340	Operate vessel on coastal waters more than 2 nautical miles from shore without vessel being provided with registered EPIRB with operational frequency of 406MHz and that complies with specified standards including registration sticker	MR r. 206(1)	1.25 penalty units
5776	Operate vessel on coastal waters more than 2 nautical miles from shore without carrying proof issued by AMSA that vessel is provided with EPIRB of required type	MR r. 206(2)	1.25 penalty units
Other offences relating to trading vessels			
5777	Fail to ensure, as owner, that trading vessel carrying passengers in or through Port Phillip Heads has required endorsed certificate of survey	MR r. 207(1)	5 penalty units
5778	Fail to ensure, as master, that trading vessel carrying passengers in or through Port Phillip Heads has required endorsed certificate of survey	MR r. 207(2)	5 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5779	Fail to ensure, as master of trading vessel carrying passengers, that the vessel does not enter or traverse Port Phillip Heads in specified dangerous conditions	MR r. 208(2)(a)	4 penalty units
5780	Fail to ensure, as master of trading vessel carrying passengers in or through Port Phillip Heads, that passengers and crew wear required safety items	MR r. 208(2)(b)	4 penalty units
5781	Fail to ensure, as master of trading vessel carrying passengers in or through Port Phillip Heads, that required briefing given to passengers	MR r. 208(2)(c)	4 penalty units
5782	Fail to ensure, as master of trading vessel carrying passengers in or through Port Phillip Heads, that required flag prominently flown	MR r. 208(2)(d)	4 penalty units
5783	Fail to ensure, as owner, that trading vessel carrying passengers across the Lakes Entrance Bar has required endorsed certificate of survey	MR r. 209(1)	5 penalty units
5784	Fail to ensure, as master, that trading vessel carrying passengers across the Lakes Entrance Bar has required endorsed certificate of survey	MR r. 209(2)	5 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5785	Fail to ensure, as master of trading vessel carrying passengers, that vessel does not proceed to sea by crossing or attempting to cross the Lakes Entrance Bar if specified dangerous conditions predicted	MR r. 210(2)(a)	4 penalty units
5786	Fail to ensure, as master of trading vessel carrying passengers, that vessel does not cross or attempt to cross the Lakes Entrance Bar in specified dangerous conditions	MR r. 210(2)(b)	4 penalty units
5787	Fail to ensure, as master of trading vessel carrying passengers in or through the Lakes Entrance Bar, that passengers and crew wear required safety items	MR r. 210(2)(c)	4 penalty units
5788	Fail to ensure, as master of trading vessel carrying passengers in or through the Lakes Entrance Bar, that required briefing given to passengers	MR r. 210(2)(d)	4 penalty units
5789	Fail to ensure, as master of trading vessel carrying passengers in or through the Lakes Entrance Bar, that all passengers located in open area of vessel	MR r. 210(2)(e)	4 penalty units
5790	Fail to ensure, as master of trading vessel carrying passengers in or through the Lakes Entrance Bar, that required flag prominently flown	MR r. 210(2)(f)	4 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision containing offence</i>	<i>Penalty</i>
5791	Operate, as master, trading vessel carrying passengers in or through Port Phillip Heads without required endorsed certificate of competency	MR r. 304	5 penalty units
5792	Operate, as master, trading vessel carrying passengers across Lakes Entrance Bar without required endorsed certificate of competency	MR r. 307	5 penalty units

SCHEDULE 14

Regulation 903

**PARTICULARS OF ALLEGED PRIOR CONVICTIONS OR
FINDINGS OF GUILT**

Name and address of the person to whom it relates:

<i>Name of court that convicted the person or found the person guilty</i>	<i>Date of the alleged conviction or finding of guilt</i>	<i>Short description of the alleged offence</i>	<i>Short description of the alleged penalty imposed</i>
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This document will be admissible as evidence that the person has been convicted or found guilty as alleged if—

- (a) the person does not appear in answer to the summons served with the notice; and
- (b) the person is convicted or found guilty of the marine infringement alleged in the summons.

Signature of Informant:

Date:

SCHEDULE 15

Regulation 1002

CERTIFICATE UNDER SECTION 89(6)

The speed measuring device known as [*insert make and model number of device*] and numbered [*insert identifying number of device*] was tested by me in accordance with the Marine Regulations 2009 on [*date*].

The test confirmed that the device was operating correctly in accordance with the requirements of those Regulations.

I sealed the device in accordance with those Regulations after carrying out the test.

Date:

Signature of person issuing certificate:

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ENDNOTES

1. General Information

The Marine Regulations 2009, S.R. No. 180/2009 were made on 15 December 2009 by the Governor in Council under sections 10, 55, 56, 58, 59, 105, 108 and 109 of the **Marine Act 1988**, No. 52/1988 and came into operation on 20 December 2009: regulation 102.

The Marine Regulations 2009 will expire on 21 December 2012: regulation 1200.

2. Table of Amendments

This Version incorporates amendments made to the Marine Regulations 2009 by statutory rules, subordinate instruments and Acts.

Marine Amendment Regulations 2010, S.R. No. 27/2010

Date of Making: 18.5.10

Date of Commencement: 18.5.10

Endnotes

3. Explanatory Details

¹ Reg. 104: No. 52/1988. Reprint No. 7 as at 12 December 2007 and amending Act No. 17/2009.

² Reg. 1100: S.R. No 145/1999. Reprint No. 2 incorporating amendments as at 27 July 2005. Reprinted to S.R. No. 82/2005 and subsequently amended by S.R. Nos 154/2005, 155/2005, 113/2008 and 126/2009.

Table of Applied, Adopted or Incorporated Matter Required by the Subordinate Legislation Regulations 2004

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

Uniform Shipping Laws Code means the Uniform Shipping Laws Code adopted by the Australian Transport Council and notified in the Commonwealth of Australia Gazette;

International Code of Signals means the International Code of Signals 4th edition published 2005 by the International Maritime Organization.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of <i>dive flag</i>	International Code of Signals	Chapter 11 and Appendix 2 Code Flag A
Regulation 104— Definition of <i>enclosed waters</i>	Chart AUS 144 "Approaches to Port Phillip" as published by the Hydrographic Service, Royal Australian Navy on 14 September 2007 Chart AUS 150 "Western Port" as published by the Hydrographic Service, Royal Australian Navy on 22 March 1995	Whole Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definitions of <i>hand-held orange smoke signal</i> and <i>hand-held red distress flare</i>	Uniform Shipping Laws Code Australian Standard AS 2092–2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Section 10 Appendix V Whole
Regulation 104— Definition of <i>Lakes Entrance Bar</i>	Chart AUS 182 "Lakes Entrance" as published by the Hydrographic Service, Royal Australian Navy on 30 January 1998	Whole
Regulation 104— Definition of <i>length</i>	International Standard ISO 8666:2002(E) "Small craft—Principal data" as published by the International Standards Organization on 1 November 2002	Clause 5
Regulation 104— Definition of <i>lifebuoy</i>	Uniform Shipping Laws Code Australian Standard AS 2261–1990 "Rescue buoys" as published by Standards Australia on 12 March 1990	Section 10 Appendix P Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of <i>marine radio</i>	Australian/New Zealand Standard AS/NZS 4415.2:2003 "Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands— Technical characteristics and methods of measurement— major coast stations, limited coast stations, ship stations and handheld stations (non DSC) (ETS 300 162:1998, MOD)" as published jointly by Standards Australia and Standards New Zealand on 28 January 2003	Part 2
Regulation 104— Definition of <i>portable fire extinguisher</i>	<p>Australian/New Zealand Standard AS/NZS 1841.1:2007 "Portable fire extinguishers—Part 1: General requirements" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007</p> <p>Australian/New Zealand Standard AS/NZ 1841.5:2007 "Portable fire extinguishers— Part 5: Specific requirements for powder type extinguishers" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007</p>	<p>Whole</p> <p>Whole</p>

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	Australian/New Zealand Standard AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing" as published by Standards Australia on 20 March 2009	Whole
Regulation 104— Definition of <i>Port Phillip Heads</i>	Chart AUS 143 "Port Phillip" as published by the Hydrographic Service, Royal Australian Navy on 27 April 2007	Whole
Regulation 104— Definition of <i>red star parachute distress rocket</i>	Uniform Shipping Laws Code Australian Standard AS 2092–2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Section 10 Appendix V Part 7
Regulation 206	Australian/New Zealand Standard AS/NZS 4280.1:2003 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2002, MOD)" as published jointly by Standards Australia and Standards New Zealand on 7 November 2003	Whole
Regulation 208	International Code of Signals	Code Flag R
Regulation 210	International Code of Signals	Code Flag R
Regulation 211	Uniform Shipping Laws Code	Section 14

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 212	National Standard for Commercial Vessels Part E "Operational Practices" published October 2008 by the National Marine Safety Committee Uniform Shipping Laws Code	Part E Sections 5A, 5B, 5C (except clause 5C.15), 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L and 5M, 6, 7 (except clauses 74.4 and 74.5), 8A, 8B, 8C, 9, 10, 11, 12 and 13
Regulation 213	Uniform Shipping Laws Code	Section 18 (except clauses 2.4.1, 2.5.1, 2.5.3 and Part 3 and Part 4)
Regulation 229	Australian/New Zealand Standard AS/NZS 3504:2006 "Fire blankets" as published jointly by Standards Australia and Standards New Zealand on 5 January 1995 International Standard ISO 9094-1 2003 "Small craft—Fire protection—Part 1: Craft with a hull length of up to and including 15 m" as published by the International Standards Organization on 1 February 2003	Whole Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	International Standard ISO 9094-2 2002 "Small craft—Fire protection— Part 2: Craft with a hull length of over 15 m" as published by the International Standards Organization on 15 November 2002	Whole
Regulation 300	National Standard for Commercial Vessels Part D "Crew Competencies" published August 2006 by the National Marine Safety Committee	Part D
Regulation 301	National Standard for Commercial Vessels Part D "Crew Competencies" published August 2006 by the National Marine Safety Committee	Part D
Regulation 302	National Standard for Commercial Vessels Part D "Crew Competencies" published August 2006 by the National Marine Safety Committee	Part D
Regulation 303	National Standard for Commercial Vessels Part D "Crew Competencies" published August 2006 by the National Marine Safety Committee	Annex D of Part D

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 2— Definition of <i>recognised appraiser</i>	European Union directive 96/98/EC "Maritime Equipment Directive, Module B (MED-B)/(31996L0098)" published by European Union 20 December 1996	Whole
Schedule 2— Part 2—PFD Type 1	<p>Australian Standard AS 1512–1996 "Personal flotation devices—Type 1" as published by Standards Australia on 5 January 1996</p> <p>Australian Standard AS 4758.1–2008 "Personal flotation devices Part 1: General requirements" as published by Standards Australia on 2 December 2008</p> <p>Australian Maritime Safety Authority Marine Orders Part 25—SOLAS (Safety of Life at Sea) Lifejackets as published by the Australian Maritime Safety Authority on 15 February 2002</p> <p>Uniform Shipping Laws Code</p> <p>International Standard ISO 12402-2:2006 "Personal flotation devices—Part 2: Lifejackets, performance level 275—Safety requirements" as published by the International Standards Organization on 1 September 2006</p>	<p>Whole</p> <p>Whole</p> <p>Appendix 1 Section 4.1</p> <p>Section 10 Appendix R</p> <p>Whole</p>

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	International Standard ISO 12402-3:2006 "Personal flotation devices—Part 3: Lifejackets, performance level 150—Safety requirements" as published by the International Standards Organization on 1 September 2006	Whole
	International Standard ISO 12402-4:2006 "Personal flotation devices—Part 4: Lifejackets, performance level 100—Safety requirements" as published by the International Standards Organization on 1 September 2006	Whole
	European Standard EN 399:1994 "Lifejackets and personal buoyancy aids—Lifejackets—275N" as published by the European Union on 16 December 1994 and amended by EN 399/A1–1998 on 6 November 1998	Whole
	European Standard EN 396:1994 "Lifejackets and personal buoyancy aids—Lifejackets—150N" as published by the European Union on 16 December 1994 and amended by EN 399/A1–1998 on 6 November 1998	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	<p>European Standard EN 395:1995 "Lifejackets and personal buoyancy aids— Lifejackets—100N" as published by the European Union on 16 December 1994 and amended by EN 399/A1–1998 on 6 November 1998</p>	Whole
	<p>Canadian General Standard CAN/CGSB-65.11-M88 "Personal Flotation Devices" as published by the Canadian General Standards Board on 1 February 1988 and amended on 1 January 1997</p>	Whole
	<p>Canadian General Standard CAN/CGSB-65.15-M88 "Personal Flotation Devices for Children" as published by the Canadian General Standards Board on 1 April 1988 and amended on 1 January 1997</p>	Whole
	<p>Underwriters Laboratories Standard UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" as published by Underwriters Laboratories on 15 May 1995</p>	Whole
	<p>New Zealand Standard NZS 5823:2001 "Specification for Buoyancy Aids and Marine Safety Harnesses and Lines" as published by Standards New Zealand on 30 March 2001</p>	Section 401

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S.R. No. 180/2009

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 2— Part 3—PFD Type 2	<p>Australian Standard AS 1499–1996 "Personal flotation devices—Type 2" as published by Standards Australia on 5 January 1996</p> <p>Australian Standard AS 4758.1–2008 "Personal flotation devices Part 1: General requirements" as published by Standards Australia on 2 December 2008</p> <p>European Standard EN 393:1994 "Lifejackets and personal buoyancy aids—Buoyancy aids—50N" as published by the European Union on 16 December 1994</p> <p>International Standard ISO 12402-5:2006 "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements" as published by the International Standards Organization on 1 September 2006</p>	<p>Whole</p> <p>Whole</p> <p>Whole</p> <p>Whole</p>
Schedule 2— Part 4—PFD Type 3	<p>Australian Standard AS 2260–1996 "Personal flotation devices—Type 3" as published by Standards Australia on 5 January 1996</p> <p>Australian Standard AS 4758.1–2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008</p>	<p>Whole</p> <p>Whole</p>