Authorised Version No. 008

Marine Safety Regulations 2012

S.R. No. 45/2012

Authorised Version incorporating amendments as at
12 July 2018

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are to provide for safe marine operations in Victoria by making provision in relation to—

(a) the registration and operation of recreational vessels; and

Reg. 1(a) amended by S.R. No. 102/2013 reg. 4(a).

(b) the licensing of masters of recreational vessels and regulated hire drive vessels and endorsements on marine licences; and

Reg. 1(b) amended by S.R. No. 102/2013 reg. 4(b).

* * * * *

Reg. 1(c) revoked by S.R. No. 102/2013 reg. 4(c).

(d) the prescription of various other matters for the purposes of the **Marine Safety Act 2010**.

2 Authorising provisions

These Regulations are made under Part 8.10 and section 315 of the **Marine Safety Act 2010**.

3 Commencement

These Regulations come into operation on 1 July 2012.

4 Definitions

In these Regulations—

accredited person means a person who has been granted an accreditation under Division 3 of Part 8.1 of the Act;

Australian Builders Plate has the same meaning as it has in the Australian Builders Plate Standard;

Australian court means any court or Tribunal of a State or Territory of Australia;

breadth has the same meaning as it has in Part B of the National Standard for Commercial Vessels;

Reg. 4 def. of *certificate of operation* inserted by S.R. No. 102/2013 reg. 5(1).

certificate of operation means—

(a) a certificate issued under section 48 of the Marine Safety (Domestic Commercial Vessel) National Law; or

(b) a certificate recognised under section 73 of the Marine Safety (Domestic Commercial Vessel) National Law;

certified copy, in relation to a permission, means a copy of a permission that has been certified to be a true copy of that permission by—

(a) the Safety Director; or

(b) a person authorised under section 107A(1) or 123C(1) of the **Evidence (Miscellaneous Provisions) Act 1958** to witness the signing of statutory declarations or take affidavits;

* * * * *

Reg. 4 def. of *certified extract* revoked by S.R. No. 102/2013 reg. 5(3)(a).

Class, in relation to a commercially operated vessel, means the classification of the vessel as specified in Part 3 of Section 1 of the Uniform Shipping Laws Code;

Class 1 vessel means a commercially operated vessel that is a Class 1 Passenger Vessel specified in clause 6.1 of Section 1 of the Uniform Shipping Laws Code;

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

Code Flag "R" means Code Flag "R" shown in Appendix 2 of the International Code of Signals;

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

commercial trading port has the same meaning as in the **Port Management Act 1995**;

* * * * *

Reg. 4 def. of *com-missioning phase* revoked by S.R. No. 102/2013 reg. 5(3)(b).

* * * * *

Reg. 4 def. of *construction phase* revoked by S.R. No. 102/2013 reg. 5(3)(c).

declared port waters in the case of—

(a) a local port means—

(i) land or waters deemed under section 183 of the **Port Management Act 1995** to be the land and waters of a local port; or

(ii) State waters declared under section 5(2) of the **Port Management Act 1995** to be the port waters of a local port; and

(b) a commercial trading port means State waters declared under section 5(2) of the **Port Management Act 1995** to be the port waters of that commercial trading port;

Reg. 4 def. of *design phase* revoked by S.R. No. 102/2013 reg. 5(3)(d).

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designated hazardous area means—

(a) Port Phillip Heads; or

(b) any area of State waters declared as a designated hazardous area under regulation 6;

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

disabled means not capable of making way through the water;

enclosed waters means—

(a) the declared port waters inside the seaward entrance of the following local ports—

(i) the Port of Apollo Bay;

(ii) the Port of Anderson Inlet;

(iii) the Port of Gippsland Lakes;

(iv) the Port of Snowy River;

(v) the Port of Mallacoota;

(vi) the Port of Port Fairy;

(b) the declared port waters of the Port of Barwon Heads upstream of the Barwon Heads–Ocean Grove road bridge;

(c) the declared port 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);

(d) the waters of Shallow Inlet;

(e) the declared port waters inside the entrance of the Port of Portland;

(f) the declared port waters of the Port of Port Phillip;

(g) the waters of Western Port landward of its western entrance joined by a straight 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 "Australia—South Coast—Victoria—Western Port", published by

the Australian Hydrographic Service from time to time;

(h) the waters between the seaward entrance of Tamboon Inlet and the northerly boundary of a straight line drawn between Flanders track and the creek on the eastern side of the Inlet;

(i) the waters between the seaward entrance of Wingan Inlet and the northerly boundary of a straight line drawn between Rocky Creek and the bank directly opposite to the west;

(j) the waters between the seaward entrance of Sydenham Inlet and the mouth of the Bemm River;

Reg. 4 def. of *existing vessel* revoked by S.R. No. 102/2013 reg. 5(3)(e).

* * * * *

Reg. 4 def. of *expiry date* amended by S.R. No. 102/2013 reg. 5(4).

expiry date in the case of—

(a) the registration of a vessel, means the date determined in accordance with regulation 12(3) as the date on which the registration of the vessel expires;

(b) a marine licence, means the date determined in accordance with regulation 36 as the date on which that licence expires;

* * * * *

Reg. 4 def. of *fast craft* revoked by S.R. No. 102/2013 reg. 5(3)(f).

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fixed fire extinguishing system means a fixed fire extinguishing system that complies with—

(a) International Standard ISO 9094-1:2003(E) "Small craft—Fire protection—Part 1: Craft with a hull length of up to and including 15 m"; or

(b) International Standard ISO 9094-2:2002(E) "Small craft—Fire protection—Part 2: Craft with a hull length of over 15 m";

hand-held orange smoke signal means a hand-held orange smoke signal of a type that complies with AS 2092—2004 "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 AS 2092 "Pyrotechnic marine distress flares and signals for pleasure craft";

hull identification number means an identification number affixed to a vessel in a form, manner and location that is in accordance with—

(a) International Standard ISO 10087:2006(E), "Small Craft—Hull Identification—Coding system" published by the International Organization for Standardization and as in force from time to time; or

(b) a determination by the Safety Director;

inland waters means 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 but does not

include any navigable rivers, creeks or streams within declared port waters;

International Code of Signals means that code as published by the International Maritime Organization 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 "Australia—South Coast—Plans in Victoria—South East Coast—Lakes Entrance", published by the Australian Hydrographic Service from time to time;

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 8666:2002(E) "Small craft—Principal data";

lifebuoy means a lifebuoy of a type that complies with AS 2261—1990 "Rescue buoys";

marine licence endorsement means an endorsement, made by the Safety Director, of a marine licence under section 55 of the Act;

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 4415.2:2003 "Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands—Technical

characteristics and methods of measurement—Part 2: Major coast stations, limited coast stations, ship stations and handheld stations (non DSC) (ETS 300 162:1998, MOD)";

* * * * *

Reg. 4 def. of *measured length* revoked by S.R. No. 102/2013 reg. 5(3)(g).

National Standard for Commercial Vessels has the same meaning as it has in the Marine Safety (Domestic Commercial Vessel) National Law;

Reg. 4 def. of *National Standard for Commercial Vessels* inserted by S.R. No. 102/2013 reg. 5(1).

* * * * *

Reg. 4 def. of *new vessel* revoked by S.R. No. 102/2013 reg. 5(3)(h).

* * * * *

Reg. 4 def. of *NSCV* revoked by S.R. No. 102/2013 reg. 5(3)(i).

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 yacht, including a centreboard dinghy, skiff and multihull yacht, but does not include a cabin boat, fixed keel vessel, kiteboard, sailboard or stand-up paddle board;

Reg. 4 def. of *open area* amended by S.R. No. 102/2013 reg. 5(5).

open area in the case of—

* * * * *

(b) a recreational vessel or hire and drive 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;

* * * * *

Reg. 4 def. of *Part A of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(j).

Part B of the National Standard for Commercial Vessels means the provisions of Part B—General Requirements of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Note

See also regulation 7.

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Reg. 4 def. of *Part C Section 3 of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(k).

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Reg. 4 def. of *Part C Section 4 of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(l).

Reg. 4 def. of *Part C Section 5 Subsection A of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(m).	*	*	*	*	*
Reg. 4 def. of *Part C Section 5 Subsection B of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(n).	*	*	*	*	*
Reg. 4 def. of *Part C Section 5 Subsection C of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(o).	*	*	*	*	*
Reg. 4 def. of *Part C Section 5 Subsection D of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(p).	*	*	*	*	*

*	*	*	*	*	**Reg. 4 def. of *Part C Section 6 Subsection A of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(q).**
*	*	*	*	*	**Reg. 4 def. of *Part C Section 6 Subsection B of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(r).**
*	*	*	*	*	**Reg. 4 def. of *Part C Section 6 Subsection C of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(s).**
*	*	*	*	*	**Reg. 4 def. of *Part C Section 7 Subsection A of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(t).**

Reg. 4 def. of *Part C Section 7 Subsection B of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(u).	*	*	*	*	*
Reg. 4 def. of *Part C Section 7 Subsection C of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(v).	*	*	*	*	*
Reg. 4 def. of *Part C Section 7 Subsection D of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(w).	*	*	*	*	*
Reg. 4 def. of *Part D of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(x).	*	*	*	*	*

Part D of the National Standard for Commercial Vessels means the provisions of Part D—Crew Competencies of the National Standard for Commercial Vessels declared under section 427(3)(a) of the Commonwealth Navigation Act as in force on 12 September 2006 and referred to in an order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Reg. 4 def. of *Part D of the National Standard for Commercial Vessels* inserted by S.R. No. 153/2015 reg. 4(1).

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Reg. 4 def. of *Part E of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(y).

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Reg. 4 def. of *Part F Section 1 Subsection A of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(z).

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Reg. 4 def. of *Part F Section 1 Subsection B of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(za).

Reg. 4 def. of *Part F Section 1 Subsection C of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(zb).	*	*	*	*	*
Reg. 4 def. of *Part F Section 2 of the National Standard for Commercial Vessels* revoked by S.R. No. 102/2013 reg. 5(3)(zc).	*	*	*	*	*

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 notices under these Regulations;

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

PFD Type 2 means a personal flotation device of a type described in Part 3 of Schedule 1;

PFD Type 3 means a personal flotation device of a type described in Part 4 of Schedule 1;

portable fire extinguisher means a dry chemical type fire extinguisher—

(a) that complies with AS/NZS 1841.1:2007 "Portable fire extinguishers—Part 1: General requirements" and AS/NZS 1841.5:2007 "Portable fire extinguishers—Part 5: Specific requirements for powder type extinguishers"; and

(b) that is rated in accordance with AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing";

Reg. 4 def. of *Port Phillip Heads* substituted by S.R. No. 153/2015 reg. 4(2).

Port Phillip Heads means all the waters between an imaginary line drawn between Shortland Bluff and Point Nepean, and the seaward limits of an imaginary line constituting the arc of a circle with a radius of 3 nautical miles centred on Point Lonsdale;

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

recreational tender means a recreational vessel—

(a) that does not exceed 4·8 metres in length; and

(b) that is used, or that is intended to be used, as a means of transportation; 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 AS 2092—2004 "Pyrotechnic marine distress flares and signals for pleasure craft";

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

registered optometrist means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student);

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 it has in section 3 of the **Transport Integration Act 2010**;

* * * * *

Reg. 4 def. of *service category* revoked by S.R. No. 102/2013 reg. 5(3)(zd).

* * * * *

Reg. 4 def. of *survey* revoked by S.R. No. 102/2013 reg. 5(3)(ze).

testing officer means a testing officer referred to in regulation 121;

the Act means the **Marine Safety Act 2010**;

towage service has the same meaning as it has in section 73A of the **Port Management Act 1995**;

towage service provider means a person who provides a towage service in State waters;

towage vessel has the same meaning as it has in section 73A of the **Port Management Act 1995**;

trailerable yacht means a yacht 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;

unlicensed person means a person who does not hold a marine licence granted under the Act or a licence that is recognised as being equivalent to a marine licence granted under the Act;

Reg. 4 def. of *upgrade in service* revoked by S.R. No. 102/2013 reg. 5(3)(zf).

* * * * *

Reg. 4 def. of *Uniform Shipping Laws Code* substituted by S.R. No. 102/2013 reg. 5(2).

Uniform Shipping Laws Code has the same meaning as it has in the Marine Safety (Domestic Commercial Vessel) National Law;

Reg. 4 def. of *valid certificate of competency* inserted by S.R. No. 102/2013 reg. 5(1), substituted by S.R. No. 153/2015 reg. 4(3)

valid certificate of competency means—

(a) any of the following qualifications described in Part D of the National Standard for Commercial Vessels for which a certificate is issued under section 60 of the Marine Safety (Domestic Commercial Vessel) National Law or for which a certificate is recognised under section 73 of the Marine Safety (Domestic Commercial Vessel) National Law—

(i) Coxswain Grade 2 NC;

(ii) Coxswain Grade 1 NC;

(iii) Master (Inland waters);

(iv) Master <24m NC;

(v) Master <35m NC;

(vi) Mate <80m NC;

(vii) Master <80m NC; or

(b) a notice in writing given to a person by the Safety Director declaring that the person's qualification, certificate or experience is equivalent to a qualification or certificate referred to in paragraph (a);

* * * * *

Reg. 4 def. of *vessel particulars* revoked by S.R. No. 102/2013 reg. 5(3)(zg).

yacht means a 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.

5 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

(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.

6 Safety Director may declare hazardous areas for purposes of Regulations

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

7 Part B of the National Standard for Commercial Vessels applies subject to modifications in relation to designated waters

(1) The Safety Director, by notice published in the Government Gazette, may designate an area of State waters as—

Reg. 7(1)(a) amended by S.R. No. 153/2015 reg. 5(1).

(a) a specified area;

(b) partially smooth waters;

Reg. 7(1)(c) revoked by S.R. No. 153/2015 reg. 5(2).

* * * * *

(d) sheltered waters;

(e) smooth waters.

(2) Part B of the National Standard for Commercial Vessels applies for the purposes of these Regulations as if—

(a) a reference in that Part to—

(i) a specified area were a reference to a specified area designated in a notice under subregulation (1);

Reg. 7(2)(a)(i) amended by S.R. No. 153/2015 reg. 5(3).

(ii) partially smooth waters were a reference to partially smooth waters designated in a notice under subregulation (1);

(iii) sheltered waters were a reference to sheltered waters designated in a notice under subregulation (1);

(iv) smooth waters were a reference to smooth waters designated in a notice under subregulation (1);

(b) a reference to waters designated as partially smooth waters in the definition of ***partially smooth waters*** in the dictionary were a reference to partially smooth waters designated in a notice under subregulation (1);

Reg. 7(2)(b) amended by S.R. No. 153/2015 reg. 5(4).

(c) a reference to waters determined to be a specified area in subsection 2.4(4) were a reference to a specified area designated in a notice under subregulation (1);

Reg. 7(2)(c) substituted by S.R. No. 153/2015 reg. 5(5).

(d) a reference to waters designated as smooth waters in the definition of ***smooth waters*** in the dictionary were a reference to smooth waters designated in a notice under subregulation (1).

Reg. 7(2)(d) amended by S.R. No. 153/2015 reg. 5(6).

8 Specified regulated hire and drive vessels

Reg. 8 substituted by S.R. No. 102/2013 reg. 6.

For the purposes of paragraph (b) of the definition of ***regulated hire and drive vessel*** in section 3(1) of the Act, a vessel is specified to be a regulated recreational hire and drive vessel that falls within

a class of recreational hire and drive vessel if the vessel—

(a) is provided on a trailer; and

(b) operates under a certificate of operation.

9 Exemptions

(1) The Safety Director, by notice published in the Government Gazette, may exempt any person or any class of persons in respect of any vessel or any class of vessels from the requirements of these Regulations.

(2) The Safety 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 Safety Director.

(3) A person to whom an exemption applies must comply with any conditions imposed on the exemption.

Penalty: 10 penalty units.

Part 2—Registration of vessels

Division 1—Registration of vessels

10 Exemptions from registration

For the purposes of section 37(1)(b)(i) and (2)(b)(i) of the Act, the following vessels are exempted from registration—

(a) a recreational tender;

(b) a vessel that is not a powerboat;

Reg. 10(c) amended by S.R. No. 102/2013 reg. 7.

(c) a domestic commercial vessel;

(d) a vessel which—

(i) is temporarily being operated on State waters; and

(ii) is registered in another State or a Territory; and

(iii) displays in accordance with an Act or regulation of another State or Territory an identifying plate, mark or number issued or allocated by the corresponding authority in that State or Territory for the vessel;

(e) 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 in which the owner of the vessel ordinarily resides;

(f) a powerboat that is under the control of a manufacturer or dealer who has a special identification plate issued under regulation 25.

11 Application for registration of a vessel

(1) For the purposes of section 39 of the Act, a person may apply to the Safety Director for registration of a recreational vessel if the vessel is owned by, or is under the management of, that person.

Reg. 11(1) amended by S.R. No. 102/2013 reg. 8(1).

(2) An application for registration under subregulation (1) must—

(a) be in writing; and

(b) include the name and address of the applicant; and

(c) be accompanied by proof as to the identity and address of the applicant and, if the applicant is a natural person, the date of birth of that person; and

Reg. 11(2)(c) substituted by S.R. No. 102/2013 reg. 8(2).

(d) specify the following details of the vessel to be registered—

(i) the type of engine or motor, or engines or motors, used for propulsion;

(ii) the type of vessel;

(iii) the type of fuel required to operate the vessel;

(iv) any registration number previously assigned to the vessel;

(v) the number of hulls;

(vi) the length, breadth and colour;

(vii) the make of engine;

(viii) the serial number, or numbers, of the engine or motor, or engines or motors, used for propulsion, if any;

(ix) the total horsepower of the engine or motor, or engines or motors, used for propulsion;

(x) hull identification number, if known;

(xi) whether an Australian Builders Plate has been fixed to the vessel;

(xii) the date of manufacture of the vessel, if known;

(xiii) the construction material;

(xiv) the make and model; and

(e) be accompanied by the fee for boating facilities and safety education specified under regulation 136.

12 Period of registration

(1) On receiving an application under regulation 11, the Safety Director may register a vessel for a period not exceeding one year.

(2) The registration of a vessel commences on the date specified as the commencement date on the registration label issued under regulation 24.

(3) The registration of a vessel expires at the end of the day that is recorded in the register maintained by the Safety Director as the end of the term of the vessel's registration.

13 Notice of renewal of registration of a vessel

(1) The Safety Director may give a registered person a notice of renewal of registration stating that if the registration of the vessel registered in the name of the registered person is not renewed on or before the date specified in the notice the registration of the vessel will expire.

(2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—

(a) the expiry of the registration of the vessel;

(b) the requirement that the vessel is registered when operated on State waters.

14 Renewal of registration of a vessel

(1) For the purposes of section 39 of the Act, a registered person may, no later than 3 months after the expiry of the registration of the vessel, apply to the Safety Director to renew the registration of the vessel registered in the name of the registered person by paying the fee for boating facilities and safety education prescribed in regulation 136.

(2) On application under subregulation (1), the Safety Director must renew the registration of a vessel for a period not exceeding one year.

(3) The expiry date of a renewed period of registration must be calculated as if the renewal had commenced on the day after the day recorded in the register as the expiry date of the period of registration.

(4) To avoid doubt, subregulations (1) and (2) do not have the effect of retrospectively registering a vessel.

15 Notification of changes to details of vessels

A registered person must, in respect of the vessel registered in the registered person's name, notify the Safety Director in writing within 28 days after any changes to the details of the vessel given under regulation 11(2)(d).

Penalty: 20 penalty units.

16 Change of name or address

A registered person must notify the Safety Director in writing, about any change to the following within 14 days after the change—

(a) the name of the registered person;

(b) the residential address of the registered person;

(c) the postal address or address for service of notices for the registered person.

Penalty: 20 penalty units.

Division 2—Transfer of registration

17 Transfer of registration of a vessel—obligations of person disposing of vessel

For the purposes of section 39 of the Act, a person who disposes of a vessel registered in the person's name must, within 14 days after disposing 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 Safety Director; and

(b) give the person who acquires the vessel the application for transfer of registration.

Penalty: 20 penalty units.

18 Transfer of registration of a vessel—obligations of person acquiring vessel

A person who acquires a registered vessel must, within 14 days after the acquisition 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 Safety Director; and

(b) give the Safety Director the completed application for transfer of registration; and

(c) pay the fee specified under regulation 137.

Penalty: 20 penalty units.

19 Recording of transfer of registration

Subject to regulations 18, 20 and 21, on receiving an application under regulation 18, the Safety Director must record the transfer of registration in the register of registered vessels.

20 Mandatory refusal to record transfer

(1) The Safety Director must refuse to register the transfer of registration of a vessel if—

(a) an order of an Australian court prohibits the sale, disposal or transfer of the registration; and

(b) the Safety Director has been given notice of the court order.

(2) The Safety Director is not required by subregulation (1) to refuse to register a transfer of registration if—

(a) the court order is not sufficiently specific to enable the Safety Director to identify the vessel; or

(b) the court order applies only to the sale or disposal of the vessel, and the sale or disposal occurred before the court order was made.

21 Discretionary refusal to record transfer

(1) The Safety Director may refuse to record the transfer of registration of a vessel if he or she is satisfied of any of the following—

(a) the requirements of the Act and these Regulations relating to the transfer of the registration have not been complied with;

(b) the Safety Director reasonably believes the ownership, possession, control or description of the vessel as recorded on the register is uncertain.

(2) If the Safety Director intends to refuse to record the transfer of registration of a vessel under subregulation (1), the Safety Director must give the applicant for transfer written notice of that intention.

(3) A written notice under subregulation (2) must—

(a) state the grounds on which the Safety Director intends to refuse to record the transfer of registration; and

(b) state that the applicant has 28 days from the date of the notice to address the grounds on which the Safety Director intends to refuse to record the transfer of registration before refusing to record the transfer.

(4) If the applicant fails to address, to the satisfaction of the Safety Director, the grounds stated in a written notice under subregulation (2) within the specified 28 days, the Safety Director may refuse to record the transfer of registration in accordance with subregulation (1).

22 Discretionary recording of transfer

The Safety Director may record the transfer of the registration of a vessel despite the failure of one of the parties to the transfer to meet a requirement of these Regulations relating to the transfer of the registration if—

(a) the proposed new registered person has possession of the vessel; and

(b) the Safety Director considers it appropriate to register the transfer in the circumstances.

23 Notice of refusal to record transfer

If the Safety Director decides to refuse to record the transfer of the registration of a vessel under this Division, the Safety Director must give the applicant a written notice stating—

(a) the reasons for the decision; and

(b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

Division 3—Registration labels and identification marks

24 Registration label and identification mark

(1) For each vessel that is registered, or for which the registration is renewed, under regulation 11 or 14, the Safety Director must issue a registration label and assign an identification mark.

(2) The owner of a registered recreational vessel must ensure that the registration label issued by the Safety 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: 20 penalty units.

(3) The owner of a registered recreational vessel that is not a personal watercraft must ensure that the identification mark that is assigned by the Safety Director for that vessel is painted or displayed in appropriate characters—

(a) on each side of the hull of the vessel; and

(b) forward of the beam; and

(c) so that the highest part of each digit commences at a point no more than 75 millimetres below the gunwale.

Penalty: 20 penalty units.

(4) In subregulation (3), ***appropriate characters*** means 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.

(5) The owner of a registered recreational vessel that is a personal watercraft must ensure that the identification mark that is assigned by the Safety Director for that vessel is painted or displayed in appropriate characters—

(a) on each side of the hull of the vessel; and

(b) forward of the beam; and

(c) so that the highest part of each digit commences at a point no more than 25 millimetres below the gunwale.

Penalty: 20 penalty units.

(6) In subregulation (5), ***appropriate characters*** means characters that are—

(a) no less than 100 millimetres high; and

(b) in proportionate breadth; and

(c) coloured in contrast to the surface on which they are displayed.

(7) A person must not act as the master of a registered vessel on State waters unless an identification mark is painted or displayed on the vessel in accordance with subregulation (3) or (5).

Penalty: 10 penalty units.

Division 4—Special identification plates

25 Special identification plates

(1) A person who designs, commissions, constructs, manufactures, supplies, maintains, repairs or modifies vessels may apply to the Safety Director for the issue of a special identification plate in respect of a vessel.

(2) An application under subregulation (1) must be—

(a) in writing; and

(b) accompanied by the fee specified under regulation 138.

(3) On receiving an application under subregulation (1), the Safety Director may issue a special identification plate to the manufacturer or dealer.

26 Conditions of use of special identification plates

(1) A person issued with a special identification plate under regulation 25 must—

(a) ensure at all times that the special identification plate is displayed on the vessel for which the plate has been issued; and

(b) 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 repair; or

(ii) operating the vessel from the place of manufacture to the place where it will be offered for sale; or

(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) not allow the vessel to be operated by a person other than—

(i) the person issued with the special identification plate; or

(ii) an employee of the person issued with the special identification plate; or

(iii) a person under the direct supervision of either the person issued with the special identification plate or an employee of the person issued with the special identification plate; and

(d) ensure that the special identification plate is fixed to the vessel where it can be easily seen; and

(e) keep at the person's office or place of business a record which contains the personal particulars of each person who operates the vessel.

Penalty: 10 penalty units.

(2) A person issued with a special identification plate under regulation 25 must not enter any personal particulars which he or she knows, or should reasonably know, to be false in any records kept under subregulation (1)(e).

Penalty: 10 penalty units.

Division 5—Prescribed conditions of registration

27 Prescribed condition on registration of recreational vessels

Reg. 27 (Heading) amended by S.R. No. 102/2013 reg. 9(1).

(1) For the purposes of section 41 of the Act, it is a condition of registration of all classes or types of recreational vessel that the registered person in relation to that class or type of recreational vessel does not cause or allow the recreational vessel to be operated unless it is fit for purpose.

Reg. 27(1) amended by S.R. No. 102/2013 reg. 9(2).

(2) For the purposes of subregulation (1), a recreational vessel is not fit for purpose if—

Reg. 27(2) amended by S.R. No. 102/2013 reg. 9(3)(a).

(a) a hull of the recreational vessel is unable to maintain watertight integrity; or

Reg. 27(2)(a) amended by S.R. No. 102/2013 reg. 9(3)(a).

(b) there is fuel leaking from the recreational vessel's fuel system or engine; or

Reg. 27(2)(b) amended by S.R. No. 102/2013 reg. 9(3)(b).

(c) the recreational vessel's steering system does not control the movement of the recreational vessel; or

Reg. 27(2)(c) amended by S.R. No. 102/2013 reg. 9(3)(b)(c).

Reg. 27(2)(d) amended by S.R. No. 102/2013 reg. 9(3)(c).

(d) a ventilation system used for ventilating a space or spaces in the recreational vessel is not functioning; or

Reg. 27(2)(e) amended by S.R. No. 102/2013 reg. 9(3)(c).

(e) if material insulating machinery in the recreational vessel from fire or flammable materials is missing or damaged; or

Reg. 27(2)(f) amended by S.R. No. 102/2013 reg. 9(3)(d).

(f) if materials or items comprising part of the recreational vessel's reserve buoyancy are missing or damaged; or

Reg. 27(2)(g) amended by S.R. No. 102/2013 reg. 9(3)(e).

(g) if engine kill switches are fitted to the recreational vessel and are inoperable.

Division 6—Register of registered vessels

Reg. 28 (Heading) amended by S.R. No. 102/2013 reg. 10(1).

28 Prescribed information to be contained in register of registered recreational vessels

Reg. 28 amended by S.R. No. 102/2013 reg. 10 (2)(a)(b).

For the purposes of section 42(2) of the Act, the register of registered recreational vessels must, in respect of each registered recreational vessel, contain—

(a) the information required under regulation 11(2)(d); and

(b) the identification mark assigned under regulation 24; and

(c) any conditions imposed by the Safety Director under section 40 of the Act; and

Reg. 28(d) amended by S.R. No. 102/2013 reg. 10(2)(c).

(d) the period of the recreational vessel's registration.

Part 3—Marine licences and endorsements

Division 1—Marine licences and endorsements

29 Exemptions from requirement to hold a marine licence

Reg. 29 substituted by S.R. No. 153/2015 reg. 6.

(1) Subject to subregulation (2), a person is exempt from the requirement to hold a marine licence if the person holds a valid certificate of competency that is not subject to any conditions relating to the person's health or fitness.

(2) An exemption under subregulation (1) is subject to the condition that the person must carry the valid certificate of competency while acting as the master of a recreational vessel.

(3) For the purposes of paragraph (b) of the definition of ***valid certificate of competency*** in regulation 4, the Safety Director may, by notice in writing given to a person, declare that the person's qualification, certificate or experience is equivalent to a qualification or certificate referred to in paragraph (a) of that definition.

30 Eligibility to apply for a marine licence

For the purposes of sections 53(1)(a)(ii) and 54(1)(a)(ii) of the Act, the following persons are not eligible to apply for a marine licence—

(a) a person who is disqualified from obtaining a marine licence, during the period of that disqualification;

(b) a person who is the holder of a marine licence that has been suspended, during the period of that suspension;

(c) a person who is disqualified from obtaining a licence or other authority to be the master of or to operate a recreational vessel—

(i) under the law of another State or a Territory; 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 obtaining a marine licence 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 that has been suspended, during the period of that suspension.

31 Endorsement required to be the master of a prescribed type of registered recreational vessel

For the purposes of sections 47(1) and 55(3)(a) of the Act, a personal watercraft is a prescribed type of registered recreational vessel.

32 Endorsement required to be the master of a prescribed type of regulated hire and drive vessel

For the purposes of section 55(3)(a) of the Act, a personal watercraft is a prescribed type of regulated hire and drive vessel.

33 Application for a marine licence or marine licence endorsement

(1) For the purposes of Division 3 of Part 3.2 of the Act, an applicant for the grant or endorsement of a marine licence must give the Safety Director an application in writing that contains or is accompanied by—

(a) the applicant's personal particulars; and

(b) evidence to verify those personal particulars; and

(c) one of the following—

(i) evidence that the applicant has passed an appropriate test of knowledge of the provisions of the Act, these Regulations or any notice under section 184 of the Act applying to the operation of regulated recreational vessels; or

(ii) evidence that the applicant holds a licence, certificate or authority issued by the Commonwealth or another State or Territory and recognised under regulation 41 as being equivalent to a marine licence or marine licence endorsement granted in accordance with the Act; or

(iii) in the case of an applicant for a marine licence, evidence that the applicant holds a valid certificate of competency issued by the Safety Director or a corresponding authority; and

(d) a declaration that the applicant is not ineligible to apply for a marine licence under regulation 30; and

(e) the applicable fee or fees specified under regulation 139.

(2) In addition, an applicant for the grant of a marine licence must—

(a) have his or her photograph or digitised image made or provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and

(b) provide a specimen signature.

34 Refusal to grant marine licence or marine licence endorsement

(1) The Safety Director must refuse an application for the grant or endorsement of a marine licence if the Safety Director is satisfied that the applicant is ineligible under regulation 30.

(2) The Safety Director may refuse an application for the grant or endorsement of a marine licence if the Safety Director is satisfied that the applicant has failed to comply with the requirements of regulation 33.

(3) If the Safety Director decides to refuse an application for the grant or endorsement of a marine licence under subregulations (1) or (2), the Safety Director must give the applicant a written notice stating—

(a) the reason for the decision; and

(b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

35 Marine licence period

The Safety Director may issue or renew a marine licence for a period of 5 years.

36 Marine licence expiry date

A marine licence expires at the end of the day that is recorded in the records maintained by the Safety Director as the end of the term specified in that marine licence.

37 Notice of renewal of marine licence

(1) The Safety Director may give the holder of a marine licence a notice of renewal of a marine licence stating that if the marine licence is not renewed on or before a date specified in the notice, the marine licence will expire on that date.

(2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—

(a) the expiry date of the marine licence;

(b) the requirement that a person is a holder of a marine licence when operating a registered recreational vessel.

38 Renewal of marine licence

(1) A person may apply to the Safety Director to renew his or her marine licence no later than 5 years after the expiry date of the marine licence by giving the Safety Director an application for renewal of the marine licence in the form approved by the Safety Director that contains or is accompanied by—

(a) the applicant's personal particulars; and

(b) evidence to verify those personal particulars; and

(c) the fee specified under regulation 139.

(2) In addition, an applicant for renewal of a marine licence must—

(a) have his or her photograph or digitised image made or provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and

(b) provide a specimen signature.

39 Refusal to renew

(1) The Safety Director must refuse an application to renew a marine licence if the applicant has failed to comply with the requirements of regulation 38.

(2) If the Safety Director decides to refuse an application to renew a marine licence under subregulation (1), the Safety Director must give the applicant a written notice stating—

(a) the reasons for the decision; and

(b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

40 Date of expiry of renewed marine licence

(1) The expiry date of a renewed marine licence is to be calculated from—

(a) the expiry date of the licence being renewed, if it is renewed before, on or within 6 months after the expiry date; or

(b) the day the licence is renewed, if it is renewed more than 6 months, but not more than 5 years, after the expiry date of the licence being renewed.

(2) To avoid doubt, subregulation (1) does not have the effect of retrospectively renewing the marine licence.

41 Recognition of licences, certificates or authorities

(1) The Safety Director must recognise a licence, certificate or other authority issued or made by the Commonwealth, a State or a Territory that—

(a) permits the holder to act in that jurisdiction as the master of—

(i) a recreational vessel; or

(ii) a recreational vessel of a type that is prescribed under regulation 31; and

(b) is not subject to any conditions relating to health or fitness—

as equivalent to the appropriate marine licence or licence endorsement.

(2) The Safety Director may recognise a licence, certificate or other authority issued or made by the Commonwealth, a State or a Territory other than a licence, certificate or other authority referred to in subregulation (1) as being the equivalent of a marine licence or licence endorsement.

42 Tests of health and competence

(1) For the purposes of section 56 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 Column 2 of the Table opposite the class of test.

Table

Reg. 42(1) (Table) amended by S.R. No. 102/2013 reg. 11.

Column 1 *Class of test*	*Column 2* *Prescribed class of person*
Medical test	Registered medical practitioners.
Tests related to eyesight	Registered medical practitioners, registered optometrists, occupational therapists, people or classes of people authorised by the Safety Director and officers of the Roads Corporation authorised in writing by the Safety Director for the purpose.

Column 1 *Class of test*	*Column 2* *Prescribed class of person*
An evaluation of an operator's physical and cognitive abilities or skills to be the master of a registered recreational vessel or regulated hire and drive vessel	Occupational therapists and persons authorised in writing by the Safety Director to conduct tests of physical and cognitive abilities to be the master of a registered recreational vessel or a regulated hire and drive vessel.
A test of knowledge of the provisions of the Act, these Regulations or any notice under section 184 of the Act applying to the operation of registered recreational vessels	An accredited person or a delegate of the Safety Director.

(2) The Safety Director must accept, for the purposes of section 56 of the Act, a certificate of the results of a medical test conducted in another State or a Territory if the test is carried out by a person in accordance with this regulation.

Division 2—Conditions of marine licences

43 Prescribed condition of a marine licence

In addition to any conditions specified in the licence, for the purposes of section 53(3) of the Act, it is a prescribed condition of a marine licence that the licence holder must not allow an unlicensed person to operate a registered recreational vessel or a regulated hire and drive vessel while acting as the master of that vessel unless—

(a) the licence holder is over the age of 18; and

(b) the licence holder is on board the vessel in a position where they are able to take immediate control of the vessel.

44 Prescribed conditions of a restricted marine licence

(1) In addition to any conditions specified in the licence, for the purposes of section 54(3) of the Act, the prescribed conditions of a restricted marine licence are specified in subregulations (2) and (3).

(2) The holder of a restricted marine licence must not act as the master of a registered recreational vessel or a regulated hire and drive vessel while the vessel is—

(a) operating between sunset and sunrise; or

(b) operating at a speed of 10 knots or more; or

(c) towing a person, another vessel or an object.

(3) The holder of a restricted marine licence must not allow an unlicensed person to operate a registered recreational vessel or a regulated hire and drive vessel while acting as the master of that vessel.

45 Application for variation of conditions of a marine licence

(1) The holder of a marine licence may apply to the Safety Director to vary the conditions of the person's marine licence.

Note

The conditions prescribed under this Division cannot be varied under this regulation.

(2) An application under subregulation (1) must be—

(a) in writing; and

(b) contain or be accompanied by—

(i) the applicant's personal particulars; and

(ii) evidence to verify those personal particulars; and

(iii) details of the requested variation; and

(iv) evidence to support the requested variation.

46 Refusal to vary conditions of a marine licence

(1) The Safety Director may refuse an application to vary the conditions of a marine licence if—

(a) the applicant has failed to comply with the requirements of regulation 45(2); or

(b) the Safety Director is not satisfied that the applicant has demonstrated that it would be safe to vary the condition.

(2) If the Safety Director decides to refuse an application to renew a marine licence under subregulation (1), the Safety Director must give the applicant a written notice stating—

(a) the reasons for the decision; and

(b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

Division 3—Marine licence document

47 Marine licence receipt

(1) The Safety Director may issue a marine licence receipt or a marine licence receipt with an endorsement as an interim measure prior to the issue of a marine licence document in the form required by regulation 48.

(2) A marine licence receipt or marine licence receipt with an endorsement issued under subregulation (1) must be in the form of the marine licence document required by regulation 48 except for the photograph or digitised image of the person.

(3) A marine licence receipt issued under subregulation (1) may be produced as evidence of the grant of a marine licence for 3 months from the date the marine licence receipt was issued.

48 Form of marine licence document

A marine licence document must show details of the following—

(a) an identification number for the person to whom it is issued; and

(b) the full 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 endorsement to which the licence is subject in accordance with regulation 50; and

(i) the code for any condition which the licence carries, as specified in regulation 51.

49 Issue of replacement marine licence document

(1) The Safety Director may, on payment by the holder of a marine licence of the fee specified under regulation 140, issue a replacement marine licence document to replace one which has been stolen, lost, damaged, destroyed, or rendered illegible in any way.

(2) The holder of a marine licence who applies for a replacement marine licence document must provide to the Safety Director—

(a) the applicant's personal particulars; and

(b) evidence to verify those personal details.

50 Endorsements specified on marine licence document

(1) An endorsement of a marine licence may be shown on the marine licence document by specification of a code.

(2) A code in Column 1 of the following Table may be used on a marine licence document to indicate that the licence carries the endorsement set out opposite in Column 2 of the Table.

Table

Column 1 *Code*	*Column 2* *Licence endorsement*
PWC	Personal watercraft endorsement

51 Conditions specified on marine licence document

(1) A condition to which a marine licence is subject may be shown on the marine licence by means of a code.

(2) If a condition is shown by a code, the marine licence document must include a note describing the condition.

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

Penalty: 10 penalty units.

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

Table

Column 1	*Column 2*
Condition code	*Licence condition*
S	The marine licence holder must wear corrective lenses at all times while acting as the master of a registered recreational vessel or regulated hire and drive vessel.
V	The marine licence holder may only act as the master of a registered recreational vessel or regulated hire and drive vessel that is fitted with specified operator aids or modified as directed in writing by the Safety Director.
X	The marine licence holder must comply with any condition of which he or she has been notified in writing by the Safety Director.

Division 4—Miscellaneous

52 Records

(1) The Safety Director must maintain records in respect of each marine licence which include details of the following—

(a) the identification number allocated to the person to whom the marine licence was issued;

(b) the applicant's personal particulars;

(c) the commencement and expiry dates of the marine licence;

(d) any condition to which the marine licence is subject;

(e) any endorsements of the licence;

(f) the conditions of any endorsements of the licence.

(2) Any person whose name appears in records referred to in subregulation (1) is entitled, on payment of the fee specified under regulation 141, 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.

53 Change of name or address

(1) The holder of a marine licence must notify the Safety Director in writing, 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: 10 penalty units.

(2) Unless required by the Safety Director, the notification from the person referred to in subregulation (1) need not be in writing.

54 Notification of illness or injury

The holder of a marine licence must, as soon as practicable, notify the Safety Director of any permanent or long-term injury or illness that may impair his or her ability to operate a registered recreational vessel or a regulated hire and drive vessel safely.

Penalty: 10 penalty units.

55 Licence holder may surrender marine licence

(1) The holder of a marine licence may, by notice in writing to the Safety Director, surrender his or her marine licence to the Safety Director for cancellation.

(2) A notice under subregulation (1) must be accompanied by the marine licence document.

(3) The holder of a marine licence may surrender his or her marine licence to the corresponding authority in another State or a Territory of the Commonwealth or another country for cancellation for cancellation by the Safety Director.

(4) The Safety Director must cancel a marine licence if the holder of the licence surrenders his or her marine licence under subregulation (1) or (3).

* * * * *

Pts 4, 5 (Headings and regs 56–89) revoked by S.R. No. 102/2013 reg. 12.

Part 6—Operation of vessels (general)

Division 1—Safe operation of vessels

90 Notice and reasons to be given for direction to prohibit operation of particular vessel

(1) This regulation applies if the Safety Director or a member of the police force gives a direction under section 269(3) of the Act.

(2) The Safety Director or member of the police force must give a copy of the direction, and the reasons for making the direction, to the owner of the vessel as soon as practicable after the direction is given.

Pt 6 Div. 2 (Heading) amended by S.R. No. 102/2013 reg. 13.

Division 2—Operation of recreational vessels and recreational hire and drive vessels

Reg. 91 (Heading) amended by S.R. No. 102/2013 reg. 14(1).

91 Fuelling and restarting of recreational vessel or recreational hire and drive vessel

Reg. 91(1) amended by S.R. No. 102/2013 reg. 14(2).

(1) The master of a recreational vessel or a recreational 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: 20 penalty units.

(2) The master of a recreational vessel or a recreational hire and drive vessel must not permit the vessel to be restarted after being fuelled at a wharf, jetty or pier if there are passengers on board the vessel.

Reg. 91(2) amended by S.R. No. 102/2013 reg. 14(3).

Penalty: 20 penalty units.

92 Overloaded recreational vessel or recreational hire and drive vessel not to be operated

Reg. 92 (Heading) amended by S.R. No. 102/2013 reg. 15(1).

(1) A person must not act as the master of a recreational vessel or a recreational hire and drive vessel that is overloaded as specified in subregulation (2).

Reg. 92(1) amended by S.R. No. 102/2013 reg. 15(2).

Penalty: 20 penalty units.

(2) A recreational vessel is overloaded—

(a) if the number of persons on board the vessel exceeds the maximum number of persons specified by the manufacturer of the vessel on a capacity plate or an Australian Builder's Plate attached to the vessel; or

(b) if the recreational vessel is of a length specified in Column 2 of Table A in Schedule 2 and the maximum number of persons on board the vessel as specified in Column 3 of that Table is exceeded; or

(c) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of less than 2·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table B in Schedule 2 and the number of persons on board the

vessel, specified in Column 3 of that Table, is exceeded; or

(d) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 2·5 metres or more but less than 3 metres; and

(iii) for the length of the vessel specified in Column 2 of Table C in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(e) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 3 metres or more but less than 3·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table D in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(f) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 3·5 metres or more but less than 4 metres; and

(iii) for the length of the vessel specified in Column 2 of Table E in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(g) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 4 metres or more but less than 4·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table F in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(h) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 4·5 metres or more but less than 5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table G in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(i) if the recreational vessel—

(i) is not fitted with a flying bridge; and

(ii) has a breadth of 5 metres or more; and

(iii) for the length of the vessel specified in Column 2 of Table H in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(j) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of less than 2·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table I in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(k) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 2·5 metres or more but less than 3 metres; and

(iii) for the length of the vessel specified in Column 2 of Table J in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(l) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 3 metres or more but less than 3·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table K in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(m) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 3·5 metres or more but less than 4 metres; and

(iii) for the length of the vessel specified in Column 2 of Table L in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(n) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 4 metres or more but less than 4·5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table M in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(o) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 4·5 metres or more but less than 5 metres; and

(iii) for the length of the vessel specified in Column 2 of Table N in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(p) if the recreational vessel—

(i) is fitted with a flying bridge; and

(ii) has a breadth of 5 metres or more; and

(iii) for the length of the vessel specified in Column 2 of Table O in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

(q) if the recreational 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.

(3) For the purposes of this regulation, a vessel is not overloaded if—

(a) the manufacturer of the vessel or a competent person 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.

(4) In calculating the number of people on board a vessel for the purposes of this regulation—

(a) children aged less than 1 year are not to be included;

(b) children aged more than 12 months but less than 12 years will be counted as 0·5 persons.

Reg. 93 amended by S.R. No. 102/2013 reg. 16.

93 Overloading of passengers on flying bridge

A person must not act as the master of a recreational vessel or a recreational hire and drive vessel fitted with a flying bridge if the number of persons being carried on the 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 regulation 92(2).

Penalty: 20 penalty units.

Reg. 94 (Heading) amended by S.R. No. 102/2013 reg. 17(1).

94 Use of recreational hire and drive vessel

Reg. 94(1) amended by S.R. No. 102/2013 reg. 17(2).

(1) The master of a recreational hire and drive vessel, must not allow the vessel to move outside the geographical limits of operation specified in the safe operation certificate for the vessel.

Penalty: 10 penalty units.

Reg. 94(2) amended by S.R. No. 102/2013 reg. 17(3).

(2) Subregulation (1) does not apply to a person who operates a recreational hire and drive vessel outside the geographical limits of operation specified in the safe operation certificate—

(a) in the event of a breakdown of the vessel; or

(b) in any emergency.

95 Observer to be used when towing

A person must not act as the master of a vessel engaged in towing a person on any State waters unless in addition to the master there is on board the vessel a person who is in a position to—

(a) observe the person being towed; and

(b) communicate with the master of the vessel.

Penalty: 10 penalty units.

Division 3—Equipment required for recreational vessels

96 Safety equipment required for recreational vessels

(1) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table A in Schedule 3 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: 20 penalty units.

(2) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table B in Schedule 3 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: 20 penalty units.

(3) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table C in Schedule 3 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 4.

Penalty: 20 penalty units.

(4) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table D in Schedule 3 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 4.

Penalty: 20 penalty units.

(5) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table E in Schedule 3 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 4.

Penalty: 20 penalty units.

(6) A person must not be the master of a recreational vessel of a class specified in Column 2 of Table F in Schedule 3 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 4.

Penalty: 20 penalty units.

(7) For the purposes of subregulations (1), (2), (3), (4), (5) and (6), if the requirements relating to an item of equipment specified in Column 4 of Table A, Table B, Table C, Table D, Table E and Table F in Schedule 3 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 Column 4 of Tables A, C and E respectively 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 of Table A in Schedule 3 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.

(8) A person must not be the master of a recreational vessel unless each item of equipment that is required to be carried on board the vessel under subregulations (1), (2), (3), (4), (5) and (6) complies with the requirements specified in Table G in Schedule 3 for that item of equipment.

Penalty: 20 penalty units.

97 Fire fighting equipment required for recreational vessels

Reg. 97(1) amended by S.R. No. 102/2013 reg. 18.

(1) The master of a recreational vessel (other than a personal watercraft) that carries fuel on board, or that is equipped with an electric start motor, gas installation or fuel stove, must ensure that—

(a) the vessel is equipped with the number of portable fire extinguishers specified in Column 2 of Table H in Schedule 3 for the size of the vessel specified opposite in Column 1; and

(b) at least one of those portable fire extinguishers is of the minimum nominal capacity specified in Column 2 of Table I in Schedule 3 for the volume of flammable or combustible liquids that is able to be carried on the vessel specified opposite in Column 1.

Penalty: 20 penalty units.

(2) A fixed fire extinguishing system fitted to an enclosed engine compartment of a vessel is a portable fire extinguisher for the purposes of subregulation (1) if the capacity of the system is the same or greater than the minimum nominal capacity of a portable fire extinguisher required under subregulation (1).

(3) The master of a vessel specified under subregulation (1) that has cooking facilities located within an enclosed space on the vessel must ensure that a fire blanket is—

(a) positioned in a conspicuous location; and

(b) is readily accessible to a person using the cooking facilities.

Penalty: 15 penalty units.

(4) In subregulation (3), ***fire blanket*** means a fire blanket that complies with AS/NZS 3504:2006 "Fire blankets".

98 Placement of fire fighting equipment required for recreational vessels

(1) The master of a vessel that is required to be equipped with portable fire extinguishers under regulation 97(1) must ensure that one of the portable fire extinguishers is—

(a) positioned adjacent to the engine and fuel carrying spaces of the vessel; and

(b) readily accessible.

Penalty: 15 penalty units.

(2) Subregulation (1) 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 regulation 97(1).

(3) The master of a recreational vessel that is required under regulation 97(1) to carry more than one fire extinguisher must ensure that each fire extinguisher is located in a separate position on the vessel.

Penalty: 15 penalty units.

99 Maintenance and placement of safety equipment and fire fighting equipment

(1) A person must not act as the master of a recreational vessel unless all items of safety equipment and fire fighting equipment required to be carried on board the vessel under regulations 96 and 97—

(a) are placed or located in a conspicuous and readily accessible position at all times;

(b) are kept in good order at all times.

Penalty: 15 penalty units.

(2) The owner of a recreational vessel must not cause or allow the vessel to be operated unless all items of safety equipment and fire fighting equipment required to be carried on board the vessel under regulations 96 and 97 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.

Penalty: 15 penalty units.

(3) The owner of a recreational vessel must not cause or allow the vessel to be operated unless all items of safety equipment and fire fighting equipment required to be carried on board the vessel under regulations 96 and 97 are serviced on or before the date specified by the manufacturer for that item of equipment.

Penalty: 15 penalty units.

Division 4—PFD requirements

100 PFD to be worn on certain recreational vessels and hire and drive vessels at all times by person on open area

(1) A person who is on an open area of a recreational vessel or hire and drive vessel of a type listed in Column 2 of Table A in Schedule 4 must wear a personal flotation device 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.

Penalty: 20 penalty units.

(2) A person who is on an open area of a recreational vessel or hire and drive vessel of a type listed in Column 2 of Table B in Schedule 4 must wear a personal flotation device of a type specified in Column 3 of the Table opposite that type of vessel at all times when the vessel is underway on enclosed waters.

Penalty: 20 penalty units.

(3) A person who is on an open area of a recreational vessel or hire and drive vessel of a type listed in Column 2 of Table C in Schedule 4 must wear a personal flotation device of a type specified in Column 3 of the Table opposite that type of vessel at all times when the vessel is underway on inland waters.

Penalty: 20 penalty units.

(4) Subregulation (1), (2) or (3) does not apply to—

(a) a person who is operating a stand-up paddleboard, kiteboard or sailboard if the person is no more than 400 metres from the shore;

(b) a person who is wearing, or in the process of donning or removing, diving equipment.

101 PFD to be worn on certain recreational vessels and hire and drive vessels during time of heightened risk

(1) A person who is on an open area of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table D in Schedule 4 must wear a personal flotation device of a type specified in Column 3 of the Table opposite that type of vessel if—

(a) the vessel is on coastal waters and underway; and

(b) the specified circumstances apply.

Penalty: 20 penalty units.

(2) A person who is on an open area of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table E in Schedule 4 must wear a personal flotation device of a type specified in Column 3 of the Table opposite that type of vessel if—

(a) the vessel is on enclosed waters and underway; and

(b) the specified circumstances apply.

Penalty: 20 penalty units.

(3) A person who is on an open area of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table F in Schedule 4 must wear a personal flotation device of a type specified in Column 3 of the Table opposite that type of vessel if—

(a) the vessel is on inland waters and underway; and

(b) the specified circumstances apply.

Penalty: 20 penalty units.

(4) For the purposes of subregulations (1), (2) and (3), the applicable specified circumstances are—

(a) the vessel is crossing or attempting to cross an ocean bar or operating within a designated hazardous area; or

(b) the vessel is being operated by a person who is the only person on board the vessel; or

(c) the vessel is being operated during the period commencing one hour after sunset and ending one hour before sunrise; or

(d) the vessel is disabled; or

(e) the vessel is a yacht and no safety barriers, lifelines, rails, safety harnesses or jacklines are in use; or

(f) the vessel is being operated during a period of restricted visibility; or

(g) the vessel is operating in an area where a warning, that is current, of the following kind has been issued by the Bureau of Metereology—

(i) a gale warning;

(ii) a storm force wind warning;

(iii) a hurricane force wind warning;

(iv) a severe thunderstorm warning;

(v) a severe weather warning.

(5) Subregulation (1), (2) or (3) does not apply to a person who is wearing, or in the process of donning or removing, diving equipment on board a recreational vessel or a hire and drive vessel.

102 Children less than 10 years old to wear PFD at all times

(1) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table A or Table D in Schedule 4 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 of a type specified in Column 3 of Table A or Table D opposite that type of vessel when the vessel is underway on coastal waters.

Penalty: 20 penalty units.

(2) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table B or Table E in Schedule 4 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 of a type specified in Column 3 of Table B or Table E opposite that type of vessel when the vessel is underway on enclosed waters.

Penalty: 20 penalty units.

(3) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table C or Table F in Schedule 4 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 of a type specified in Column 3 of Table C or Table F opposite that type of vessel when the vessel is underway on inland waters.

Penalty: 20 penalty units.

103 Person being towed by vessel to wear PFD

A person who is being towed by a vessel must, at all times, wear a personal flotation device.

Penalty: 20 penalty units.

104 Person not to operate recreational vessel or hire and drive vessel unless each person wears a PFD

(1) The master of a recreational vessel or a hire and drive vessel must not cause or allow the vessel to be operated unless each person on board complies with regulation 100 or 101 (as the case may be).

Penalty: 20 penalty units.

(2) The master of a recreational vessel must not cause or allow the vessel to tow a person unless the person is wearing a personal flotation device.

Penalty: 20 penalty units.

Division 5—International regulations for preventing collisions at sea

Subdivision 1—Preliminary

105 Definitions

In this Division—

all-round light has the same meaning as it has in the Prevention of Collisions Convention;

flashing light has the same meaning as it has in the Prevention of Collisions Convention;

masthead light has the same meaning as it has in the Prevention of Collisions Convention;

power-driven vessel has the same meaning as it has in the Prevention of Collisions Convention;

Prevention of Collisions Convention means the International Regulations for Preventing Collisions at Sea set out in the Appendix to the Marine Orders Part 30, made under section 425(1AA) of the Commonwealth Navigation Act;

sailing vessel has the same meaning as it has in the Prevention of Collisions Convention;

sidelights has the same meaning as it has in the Prevention of Collisions Convention;

sternlight has the same meaning as it has in the Prevention of Collisions Convention;

towing light has the same meaning as it has in the Prevention of Collisions Convention;

vessel constrained by its draught has the same meaning as ***vessel restricted by her draught*** has in the Prevention of Collisions Convention;

vessel not under command has the same meaning as it has in the Prevention of Collisions Convention;

vessel restricted in its ability to manoeuvre has the same meaning as ***vessel restricted in her ability to manoeuvre*** has in the Prevention of Collisions Convention.

106 Application

For the purposes of this Division, Annex I, Annex II and Annex III of the Prevention of Collisions Convention do not apply to vessels being operated on inland waters.

Pt 6 Div. 5 Subdiv. 2 (Heading) amended by S.R. No. 102/2013 reg. 19.

Subdivision 2—Application of Prevention of Collisions Convention to domestic commercial vessels

Reg. 107 (Heading) amended by S.R. No. 102/2013 reg. 20(1).

107 Offence for master of a domestic commercial vessel to contravene Prevention of Collisions Convention

Reg. 107 amended by S.R. No. 102/2013 reg. 20(2).

The master of a domestic commercial vessel must not contravene any provision of the Prevention of Collisions Convention.

Note

Under section 96 of the Act, a person who contravenes this regulation is liable to a penalty of 120 penalty units.

Pt 6 Div. 5 Subdiv. 3 (Heading) substituted by S.R. No. 102/2013 reg. 21.

Subdivision 3—Application of Prevention of Collisions Convention to recreational vessels and regulated hire and drive vessels

Reg. 108 amended by S.R. No. 102/2013 reg. 22.

108 Application

This Subdivision applies to all recreational vessels and hire and drive vessels on State waters.

Reg. 109 substituted by S.R. No. 102/2013 reg. 23.

109 Offence for master of a recreational vessel and regulated hire and drive vessel to contravene Prevention of Collisions Convention

The master of a recreational vessel or a regulated hire and drive vessel on State waters must not contravene any provision of the Prevention of Collisions Convention.

Penalty: 20 penalty units.

110 Navigation lights to be displayed

(1) The master of a power-driven vessel of 50 metres or more in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—

(a) sidelights; and

(b) two masthead lights, one higher and abaft the other; and

(c) a sternlight.

Penalty: 20 penalty units.

(2) The master of a power-driven vessel of 12 metres or more but less than 50 metres in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—

(a) sidelights; and

(b) a masthead light; and

(c) a sternlight.

Penalty: 20 penalty units.

(3) The master of a power-driven vessel of less than 12 metres in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—

(a) the lights specified in subregulation (2)(a), (b) and (c); or

(b) sidelights and a white all-round light.

Penalty: 20 penalty units.

(4) The master of a power-driven vessel of less than 7 metres in length whose maximum speed does not exceed 7 knots underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—

(a) the lights specified in subregulation (2)(a), (b) and (c); or

(b) a white all-round light.

Penalty: 20 penalty units.

(5) The master of a sailing vessel of 7 metres or more in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—

(a) sidelights; and

(b) a sternlight.

Penalty: 20 penalty units.

(6) The master of a sailing vessel of less than 7 metres in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays either—

(a) sidelights and a sternlight; or

(b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

(7) The master of a vessel under oars underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays either—

(a) sidelights and a sternlight; or

(b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

(8) The master of a vessel of less than 50 metres in length at anchor between sunset and sunrise must ensure that the vessel displays a white all-round light.

Penalty: 20 penalty units.

(9) The master of a vessel of 50 metres or more in length at anchor between sunset and sunrise must ensure that the vessel displays—

(a) a white all-round light at the bow; and

(b) a white all-round light at the stern.

Penalty: 20 penalty units.

111 Conduct of vessels in channels or fairways

(1) The master of a vessel underway in a channel or fairway must ensure that the vessel keeps to the right of the centre of the channel or fairway.

Penalty: 20 penalty units.

(2) The master of a vessel underway in a channel or fairway must ensure that the vessel keeps out of the way of a vessel that can only safely navigate within the channel or fairway.

Penalty: 20 penalty units.

112 Certain vessels to give way

(1) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of—

(a) a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught;

(b) a vessel not under command that is displaying lights or shapes to indicate that it is not under command;

(c) a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre;

Reg. 112(1)(d) amended by S.R. No. 102/2013 reg. 24(1).

(d) a domestic commercial vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus which restricts its ability to manoeuvre;

(e) a sailing vessel.

Penalty: 20 penalty units.

(2) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of—

(a) a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught;

(b) a vessel not under command that is displaying lights or shapes to indicate that it is not under command;

(c) a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre;

Reg. 112(2)(d) amended by S.R. No. 102/2013 reg. 24(2).

(d) a domestic commercial vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus which restricts its ability to manoeuvre.

Penalty: 20 penalty units.

Part 7—Enforcement

Division 1—Impoundment, immobilisation and forfeiture of recreational vessels

113 Notice to master, owner or registered person

For the purposes of section 111(j) of the Act, the following particulars are prescribed—

(a) the master's address, sex and date of birth;

(b) the number, type and expiry date of the master's marine licence;

(c) if the master is not the registered person of the recreational vessel, the name, address and other details of the registered person;

(d) if the owner is neither the master nor the registered person of the recreational vessel, the name, address and other details of the owner;

(e) if the recreational vessel is moved to a holding yard by use of a trailer, towing vehicle or other towing mechanism, the name of the operator of the trailer, towing vehicle or other towing mechanism;

(f) the details of the member of the police force who seized the recreational vessel or required it to be surrendered;

(g) advice that it is an offence to move an impounded recreational vessel without authorisation;

(h) if the notice is given to the master or registered person of the recreational vessel who is not the owner or sole owner of the recreational vessel, advice that the master or registered person must take reasonable steps

to serve a copy of the notice on any owner as soon as reasonably practicable.

114 Evidence of identity and entitlement to recover recreational vessel

(1) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of the identity and entitlement to recover a recreational vessel of a person who is the registered person of the recreational vessel is—

(a) the production of the person's current marine licence bearing a photograph of the person; or

(b) the production of the person's current driver licence bearing a photograph of the person; or

(c) identification sufficient to satisfy a 100 point verification check under the Financial Transaction Reports Act 1988 of the Commonwealth; or

(d) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's identity and entitlement to recover the recreational vessel.

(2) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of—

(a) the identity of a person who is not the registered person of the recreational vessel is—

(i) the person's current marine licence bearing a photograph of the person; or

(ii) the person's current driver licence bearing a photograph of the person; or

(iii) identification sufficient to satisfy a 100 point verification check under the Financial Transaction Reports Act 1988 of the Commonwealth; or

(iv) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's identity; and

(b) the entitlement of a person who is not the registered person to recover the recreational vessel is—

(i) a written statement signed by the registered person authorising the release of the recreational vessel to the person; or

(ii) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's entitlement to recover the recreational vessel.

115 Form of search and seizure warrant

For the purposes of section 135(4) of the Act, the prescribed form of a search and seizure warrant is the form in Schedule 5.

116 Form of report on execution of warrant

For the purposes of section 142(2) of the Act, the prescribed form of a report on the execution of a search and seizure warrant is the form in Schedule 6.

Division 2—Owner onus offences

117 Prescribed period for providing an effective statement

For the purposes of section 178(1)(a) of the Act, the prescribed period is, in the case of an infringement notice served in respect of an owner onus offence—

Reg. 117(a) substituted by S.R. No. 138/2017 reg. 4.

(a) if the infringement notice was served on a person other than a child and the fine is an infringement fine within the meaning of the **Fines Reform Act 2014** that may be registered under section 16 of that Act, the period beginning on the date of the notice and ending immediately before the infringement fine is registered under section 16 of that Act; or

(b) if the infringement notice for that offence was served on a child, the period beginning on the date of the notice and ending immediately before the infringement penalty in respect of that offence is registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**; or

(c) if paragraphs (a) and (b) do not apply, the period beginning on the date of the notice and ending immediately before the expiry of the period for bringing a proceeding in relation to the offence to which the infringement notice relates.

Note

The period prescribed under this regulation for making a statement under Part 4.7 of the Act is the same period set out in section 22(2) of the **Infringements Act 2006** for a person to apply to a relevant enforcement agency for internal review of a decision to serve an infringement notice under section 22(1) of the **Infringements Act 2006**.

118 Prescribed period for accepting or rejecting statements

For the purposes of section 178(7) of the Act, the prescribed period is 90 days beginning on the date that the enforcement official received the relevant statement.

119 Prescribed period for providing a nomination rejection statement

For the purposes of section 179(1)(a) of the Act, the prescribed period is 28 days from the service of the known user statement or sold vessel statement in which the person is nominated as the responsible person.

Division 3—Evidentiary matters

120 Prescribed measuring devices

(1) For the purposes of section 293 of the Act, the prescribed measuring devices 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.

121 Testing officer

For the purposes of section 293 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).

122 Testing of prescribed measuring devices

For the purposes of section 293 of the Act, a prescribed measuring device is tested in the prescribed manner if the testing officer who tests the device—

(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.

123 Sealing of prescribed measuring devices

For the purposes of section 293 of the Act, a prescribed measuring device is sealed in the prescribed manner if—

(a) the device has been tested in accordance with regulation 122 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

(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.

124 Use of prescribed measuring device

For the purposes of section 293 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 122 within 12 months before the occasion of its use; and

(d) the device has been sealed in accordance with regulation 123.

125 Certificate as to matter extracted from the Safety Director's records

For the purposes of section 294(1) of the Act, the prescribed form for a certificate is the form in Schedule 7.

126 Certificate as to name in which vessel is registered

For the purposes of section 294(3) of the Act, the prescribed form for a certificate is the form in Schedule 8.

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

(1) For the purposes of section 294(5) 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 9.

(2) The testing officer is authorised to sign the certificate.

Part 8—Management of waterways

128 Prescribed place for publication of an urgent safety rule

Reg. 128 amended by S.R. No. 138/2017 reg. 5.

For the purposes of section 192(2)(b) of the Act, the prescribed place is Transport Safety Victoria, 121 Exhibition Street, Melbourne.

129 Directions relating to boating activity exemptions, exclusion zones and works

For the purposes of sections 204(2), 209(2) and 212(2) of the Act, the prescribed time is 10 business days.

Part 9—Pilotage service providers

130 Prescribed safety standards for pilotage services providers

For the purposes of section 247 of the Act, the prescribed safety standards for all pilotage services providers are specified in Schedule 10.

Part 10—Prescribed services that may be provided by accredited persons

131 Prescribed services

For the purposes of Division 3 of Part 8.1 of the Act, the following services are prescribed services—

(a) conducting any training for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;

(b) conducting any testing (except medical testing) for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;

Reg. 131(b) amended by S.R. No. 138/2017 reg. 6(a).

(c) conducting any supervision or assessment (except medical assessment) for the purposes of satisfying the requirements for the grant of a pilot licence or a pilot exemption certificate.

Reg. 131(c) substituted by S.R. No. 102/2013 reg. 25, amended by S.R. No. 138/2017 reg. 6(b).

Part 11—Australian Builders Plate Standard

132 Definitions

In these Regulations—

builder has the same meaning as it has in the Australian Builders Plate Standard;

competent person has the same meaning as it has in the Australian Builders Plate Standard;

owner builder, in relation to a vessel, means an individual who builds the vessel for the individual's own use;

second-hand vessel means a vessel that has been used otherwise than—

(a) in the course of being built or tested; or

(b) by an owner builder; or

(c) by the builder only; or

(d) for the purpose of transporting it for sale; or

(e) for the purposes of demonstrating it to a purchaser.

133 Prescribed class of recreational vessel

For the purposes of section 102 of the Act, a recreational vessel other than the following kinds of recreational vessel is a recreational vessel of a prescribed class—

(a) a vessel listed in clause 3.2 of the Australian Builders Plate Standard;

(b) a vessel built for export from Australia;

(c) a second-hand vessel;

(d) a personal watercraft that is designed to carry 3 or more persons if the following information is written on or attached to the

personal watercraft in a clearly visible place—

(i) the total weight of persons and equipment that the vessel may carry (expressed in kilograms), as recommended by the builder of the vessel;

(ii) the maximum number of persons the vessel may carry, as recommended by the builder of the vessel.

134 Modification of Australian Builders Standard

(1) For the purposes of section 102 of the Act, the Australian Builders Plate Standard is modified as specified in subregulations (2) and (3).

(2) A requirement in the Australian Builders Plate Standard to the effect that information in a builders plate fixed to a vessel must be determined by the builder of the vessel is to be read as a requirement that the information must be determined by—

(a) the builder of the vessel; or

(b) a competent person; or

(c) the person who imported the vessel into Australia from overseas.

(3) A requirement of the Australian Builders Plate Standard to the effect that information on a builders plate for a vessel must include the name of the builder of the vessel is to be read as a requirement that the information must include—

(a) the name of the person who determines the information under subregulation (2); and

(b) the capacity in which the person determines the information.

Part 12—Miscellaneous

Reg. 135 amended by S.R. No. 138/2017 reg. 7.

135 Prescribed place for the availability of an approved code of practice

For the purposes of section 275 of the Act, the prescribed place for an approved code of practice to be made available is Transport Safety Victoria, 121 Exhibition Street, Melbourne.

Part 13—Fees

Division 1—Registration

136 Fee for boating facilities and safety education

For the purposes of regulation 11(2)(e), the specified fee 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

Column 1 *Item*	*Column 2* *Type of vessel*	*Column 3* *Fee*
1	For a recreational vessel up to and including 4·0 metres in length powered with an engine	2·9 fee units for each year
2	For a recreational vessel over 4·0 metres in length powered with an engine	6·05 fee units for each year

137 Fee for transfer of registration of a vessel

For the purposes of regulation 18(c), the specified fee is 1·28 fee units.

138 Fee for special identification plate

For the purposes of regulation 25(2)(b), the specified fee is 1·28 fee units.

Division 2—Marine licences and endorsements

139 Fee for issue or renewal of marine licence or endorsement

For the purposes of regulations 33(1)(e) and 38(1)(c), the specified fee for the issue, renewal or endorsement of a marine licence or restricted marine licence 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.

Table

Column 1	*Column 2*	*Column 3*
Item	*Class of marine licence or endorsement*	*Fee*
1	General marine licence	2·5 fee units for each year
2	Restricted marine licence	1·25 fee units for each year
3	Endorsement on a general marine licence	$5.10 for each year
4	Endorsement on a restricted operator licence	$2.50 for each year

140 Fee for replacement marine licence

For the purposes of regulation 49(1), the specified fee is 1·56 fee units.

141 Fee for search of records of marine licences

For the purposes of regulation 52(2), the specified fee is $6.60.

142 Marine licence knowledge test fee

A fee of 1·95 fee units must be paid to the Safety Director for a person to sit a test the person is required by the Safety Director to undergo under sections 53(2), 54(2) or 55(5) of the Act.

143 Refund of fee on cancellation of marine licence

If the Safety Director cancels a person's marine licence upon receiving a notification from the person under regulation 55(4) to surrender the marine licence, the Safety Director may refund part of the fee for the issue of the marine 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 marine licence; and

B is the total number of months for which the marine licence was granted; and

C is the amount paid for the marine licence.

* * * * *

Pt 13 Div. 3 (Heading and regs 144–152) revoked by S.R. No. 102/2013 reg. 26.

Division 4—Local knowledge certificates

Pt 13 Div. 4 (Heading) substituted by S.R. No. 102/2013 reg. 27.

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Reg. 153 revoked by S.R. No. 102/2013 reg. 28.

154 Fee for issue or renewal of certificates

Reg. 154 substituted by S.R. No. 102/2013 reg. 29.

A fee of 4·6 fee units must be paid to the Safety Director for the issue or renewal of a certificate of local knowledge.

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Reg. 155 revoked by S.R. No. 102/2013 reg. 30.

Reg. 156 substituted by S.R. No. 102/2013 reg. 31.

156 Fee for issue of duplicate certificate

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

Reg. 157 substituted by S.R. No. 102/2013 reg. 32.

157 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 Safety Director for 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 or on behalf of the Safety Director for the issue of a certificate of local knowledge.

Division 5—Pilotage

158 Fee for application for issue of pilot licence

For the purposes of section 251(2)(b)(ii) of the Act, the prescribed fee is 1·54 fee units.

159 Fee for issue of pilot licence

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

160 Fee for duplicate of pilot licence

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

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

Table

Column 1 *Item*	*Column 2* *Ports and channels*	*Column 3* *Fee*
1	Port of Melbourne waters, Port of Hastings waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	105·5 fee units
2	Port of Melbourne waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	84·45 fee units
3	Port of Melbourne waters, Port of Hastings waters and declared port waters of the Port of Geelong	84·45 fee units
4	Port of Melbourne waters and declared port waters of the Port of Geelong	63·3 fee units
5	Port of Melbourne waters and Port of Hastings waters	63·3 fee units
6	Port of Melbourne waters and declared port waters of the Port of Portland	63·3 fee units
7	Declared port waters of the Port of Portland and Port of Hastings waters	42·2 fee units
8	Declared port waters of the port of Geelong and declared port waters of the Port of Portland	42·2 fee units

Column 1 *Item*	*Column 2* *Ports and channels*	*Column 3* *Fee*
9	Port of Hastings waters and declared port waters of the Port of Portland	42·2 fee units
10	Port of Melbourne waters (both channels)	42·2 fee units
11	Port of Melbourne waters (one channel)	24·75 fee units
12	Declared port waters of the port of Geelong	24·75 fee units
13	Port of Hastings waters	24·75 fee units
14	Declared port waters of the port of Portland	24·75 fee units

162 Fee for application for issue or renewal of pilot exemption

(1) For the purposes of section 253(2)(b)(ii) of the Act, the prescribed fee is 1·54 fee units.

(2) In addition, a fee of 1·54 fee units must be paid to the Safety Director for considering an application for the renewal of a pilot exemption.

163 Fee for issue or renewal of pilot exemption

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

164 Fee for duplicate of pilot exemption

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

165 Fee for conduct of examination by the Safety Director for issue or renewal of pilot exemption

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

Table

Column 1 *Item*	*Column 2* *Ports and channels*	*Column 3* *Fee*
1	Port of Melbourne waters, Port of Hastings waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	105·5 fee units
2	Port of Melbourne waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	84·45 fee units
3	Port of Melbourne waters, Port of Hastings waters and declared port waters of the Port of Geelong	84·45 fee units
4	Port of Melbourne waters and declared port waters of the Port of Geelong	63·3 fee units
5	Port of Melbourne waters and Port of Hastings waters	63·3 fee units
6	Port of Melbourne waters and declared port waters of the Port of Portland	63·3 fee units
7	Declared port waters of the Port of Portland and Port of Hastings waters	42·2 fee units
8	Declared port waters of the port of Geelong and declared port waters of the Port of Portland	42·2 fee units

Column 1 *Item*	*Column 2* *Ports and channels*	*Column 3* *Fee*
9	Port of Hastings waters and declared port waters of the Port of Portland	42·2 fee units
10	Port of Melbourne waters (both channels)	42·2 fee units
11	Port of Melbourne waters (one channel)	24·75 fee units
12	Declared port waters of the port of Geelong	24·75 fee units
13	Port of Hastings waters	24·75 fee units
14	Declared port waters of the port of Portland	24·75 fee units

166 Application for registration as a pilotage services provider

For the purposes of section 240(2)(c) of the Act, the prescribed fee is 13·5 fee units.

Part 14—Savings and transitionals

Division 1—Preliminary

167 Definitions

In this Part—

former Regulations means the Marine Regulations 2009 as in force immediately before the commencement day;

Marine Act has the same meaning as in section 313 of the Act.

168 Interpretation of Legislation Act 1984 not limited

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

Division 2—Designations, exemptions and determinations

169 Designated hazardous areas

A designation of an area of State waters as a designated hazardous area under regulation 106 of the former Regulations that is in force immediately before the commencement day is, on the commencement day, taken to be a designation of that area of State waters under regulation 6.

170 Exemptions from safety equipment requirements

An exemption under regulation 236 of the former Regulations that is in force immediately before the commencement day is, on the commencement day, taken to be an exemption under regulation 9.

Reg. 171 revoked by S.R. No. 102/2013 reg. 33.

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Division 3—Registration labels and identification plates and marks

172 Registration labels and identification marks

A registration label issued, or an identification mark assigned, under regulation 402 of the former Regulations before the commencement day is, on the commencement day, taken to—

(a) be a registration label issued or identification mark assigned, as the case may be, under regulation 24; and

(b) comply with regulation 24 unless the vessel's registration is transferred.

173 Special identification plates and marks

A special identification plate or mark issued under regulation 407 of the former Regulations before the commencement day is, on the commencement day, taken to be a special identification plate or mark issued under regulation 25.

Reg. 174 revoked by S.R. No. 102/2013 reg. 33.

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Division 4—Standards

175 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 former Regulations, is, on the

commencement day, taken to comply with the relevant standards prescribed under these Regulations for the item of equipment.

Division 5—Certificates of survey with Port Phillip Heads endorsements

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Regs 176, 177 revoked by S.R. No. 102/2013 reg. 33.

Division 6—Certificates of survey with Lakes Entrance Bar endorsements

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Regs 178, 179 revoked by S.R. No. 102/2013 reg. 33.

Part 15—Expiry

180 Expiry of Part 13

Reg. 180 amended by S.R. Nos 102/2013 reg. 34, 153/2015 reg. 7, substituted by S.R. No. 158/2015, reg. 4, amended by S.R. Nos 143/2016 reg. 5, 74/2017 reg. 5, 101/2018 reg. 5.

Part 13 expires on 12 July 2019.

Schedules

Schedule 1—Types of personal flotation devices

Regulation 4

Part 1—Definition

1. 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 Safety Director.

Part 2—PFD Type 1

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

   (a) AS 1512—1996 "Personal flotation devices—Type 1"; or

   (b) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 275 PFDs; or

   (c) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 150 PFDs; or

(d) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 100 PFDs; or

(e) Australian Maritime Safety Authority Marine Orders Part 25, Schedule 1, Section 4.1 "Life-jackets", as formulated, issued, prescribed or published from time to time; or

(f) Uniform Shipping Laws Code, Section 10, Appendix R ("Coastal Lifejackets and Lifejacket Lights and Whistles"), 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) National Standard of Canada 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 National Standard of Canada 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

(ii) Underwriters Laboratories Standard UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" as formulated, issued, prescribed or published by Underwriters Laboratories from time to time; or

(iii) Section 401 of New Zealand Standard NZS 5823:2005 "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

(k) any standard or specifications approved by the Director.

Part 3—PFD Type 2

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

(a) AS 1499—1996 "Personal flotation devices—Type 2"; or

(b) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 50 PFDs; or

(c) International Standard ISO 12402-5:2006(E) "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements";

Sch. 1 Pt 3 item 3(c) amended by S.R. No. 102/2013 reg. 35(a).

(d) European Standard EN 393:1993 E Superseded "Lifejackets and personal buoyancy aids—Buoyancy aids—50N", as formulated, issued, prescribed or published by the European Committee for Standardization from time to time; or

Sch. 1 Pt 3 item 3(d) inserted by S.R. No. 102/2013 reg. 35(b).

(e) any standard or specifications approved by the Safety Director.

Sch. 1 Pt 3 item 3(e) inserted by S.R. No. 102/2013 reg. 35(b).

Part 4—PFD Type 3

Sch. 1 Pt 4 item 4 substituted by S.R. No. 153/2015 reg. 8.

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

(a) AS 4758.1:2015 "Lifejackets—Part 1: General requirements. Standards Australia Limited [2015] Sydney, Australia" relating to Level 50S PFDs; or

(b) any other standard or specification approved by the Safety Director that substantially complies with the standard referred to in paragraph (a) or adequately achieves the purposes of that standard.

Schedule 2—Maximum passenger numbers for recreational vessels

TABLE A

Regulation 92(2)(b)

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	Less than 3 metres	2
2	3 metres or more but less than 3·5 metres	3
3	3·5 metres or more but less than 4·5 metres	4
4	4·5 metres or more but less than 5 metres	5
5	5 metres or more but less than 5·5 metres	6
6	5·5 metres or more but less than 6 metres	7

TABLE B

Regulation 92(2)(c)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND LESS THAN 2·5 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	7
2	7 metres or more but less than 8 metres	8
3	8 metres or more but less than 9 metres	9
4	9 metres or more but less than 10 metres	10
5	10 metres or more but less than 11 metres	11
6	11 metres or more but less than 12 metres	13
7	12 metres or more but less than 13 metres	14
8	13 metres or more but less than 14 metres	15
9	14 metres or more but less than 15 metres	16
10	15 metres or more	17

TABLE C

Regulation 92(2)(d)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 2·5 METRES OR MORE BUT LESS THAN 3 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	7
2	7 metres or more but less than 8 metres	9
3	8 metres or more but less than 9 metres	10
4	9 metres or more but less than 10 metres	11
5	10 metres or more but less than 11 metres	12
6	11 metres or more but less than 12 metres	14
7	12 metres or more but less than 13 metres	15
8	13 metres or more but less than 14 metres	16
9	14 metres or more but less than 15 metres	18
10	15 metres or more	19

TABLE D

Regulation 92(2)(e)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 3 METRES OR MORE BUT LESS THAN 3·5 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	8
2	7 metres or more but less than 8 metres	9
3	8 metres or more but less than 9 metres	11
4	9 metres or more but less than 10 metres	12
5	10 metres or more but less than 11 metres	14
6	11 metres or more but less than 12 metres	15
7	12 metres or more but less than 13 metres	16
8	13 metres or more but less than 14 metres	18
9	14 metres or more but less than 15 metres	19
10	15 metres or more	21

TABLE E

Regulation 92(2)(f)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 3·5 METRES OR MORE BUT LESS THAN 4 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	9
2	7 metres or more but less than 8 metres	10
3	8 metres or more but less than 9 metres	12
4	9 metres or more but less than 10 metres	13
5	10 metres or more but less than 11 metres	15
6	11 metres or more but less than 12 metres	16
7	12 metres or more but less than 13 metres	18
8	13 metres or more but less than 14 metres	19
9	14 metres or more but less than 15 metres	21
10	15 metres or more	22

TABLE F

Regulation 92(2)(g)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 4 METRES OR MORE BUT LESS THAN 4·5 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	9
2	7 metres or more but less than 8 metres	11
3	8 metres or more but less than 9 metres	12
4	9 metres or more but less than 10 metres	14
5	10 metres or more but less than 11 metres	15
6	11 metres or more but less than 12 metres	17
7	12 metres or more but less than 13 metres	19
8	13 metres or more but less than 14 metres	20
9	14 metres or more but less than 15 metres	22
10	15 metres or more	23

TABLE G

Regulation 92(2)(h)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 4·5 METRES OR MORE BUT LESS THAN 5 METRES IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	10
2	7 metres or more but less than 8 metres	11
3	8 metres or more but less than 9 metres	13
4	9 metres or more but less than 10 metres	15
5	10 metres or more but less than 11 metres	16
6	11 metres or more but less than 12 metres	18
7	12 metres or more but less than 13 metres	20
8	13 metres or more but less than 14 metres	21
9	14 metres or more but less than 15 metres	23
10	15 metres or more	25

TABLE H

Regulation 92(2)(i)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 5 METRES OR MORE IN BREADTH NOT FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	11
2	7 metres or more but less than 8 metres	13
3	8 metres or more but less than 9 metres	14
4	9 metres or more but less than 10 metres	16
5	10 metres or more but less than 11 metres	18
6	11 metres or more but less than 12 metres	20
7	12 metres or more but less than 13 metres	21
8	13 metres or more but less than 14 metres	23
9	14 metres or more but less than 15 metres	25
10	15 metres or more	27

TABLE I

Regulation 92(2)(j)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND LESS THAN 2·5 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1	*Column 2*	*Column 3*
Item number	*Length of recreational vessel*	*Maximum number of persons*
1	6 metres or more but less than 7 metres	5
2	7 metres or more but less than 8 metres	6
3	8 metres or more but less than 9 metres	7
4	9 metres or more but less than 10 metres	8
5	10 metres or more but less than 11 metres	9
6	11 metres or more but less than 12 metres	10
7	12 metres or more but less than 13 metres	11
8	13 metres or more but less than 14 metres	12
9	14 metres or more but less than 15 metres	13
10	15 metres or more	14

TABLE J

Regulation 92(2)(k)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 2·5 METRES OR MORE BUT LESS THAN 3 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	6
2	7 metres or more but less than 8 metres	7
3	8 metres or more but less than 9 metres	8
4	9 metres or more but less than 10 metres	9
5	10 metres or more but less than 11 metres	10
6	11 metres or more but less than 12 metres	11
7	12 metres or more but less than 13 metres	12
8	13 metres or more but less than 14 metres	13
9	14 metres or more but less than 15 metres	14
10	15 metres or more	15

TABLE K

Regulation 92(2)(l)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 3 METRES OR MORE BUT LESS THAN 3·5 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	6
2	7 metres or more but less than 8 metres	7
3	8 metres or more but less than 9 metres	8
4	9 metres or more but less than 10 metres	10
5	10 metres or more but less than 11 metres	11
6	11 metres or more but less than 12 metres	13
7	12 metres or more but less than 13 metres	13
8	13 metres or more but less than 14 metres	14
9	14 metres or more but less than 15 metres	15
10	15 metres or more	16

TABLE L

Regulation 92(2)(m)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 3·5 METRES OR MORE BUT LESS THAN 4 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	7
2	7 metres or more but less than 8 metres	8
3	8 metres or more but less than 9 metres	9
4	9 metres or more but less than 10 metres	10
5	10 metres or more but less than 11 metres	12
6	11 metres or more but less than 12 metres	13
7	12 metres or more but less than 13 metres	14
8	13 metres or more but less than 14 metres	15
9	14 metres or more but less than 15 metres	16
10	15 metres or more	18

TABLE M

Regulation 92(2)(n)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 4 METRES OR MORE BUT LESS THAN 4·5 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	7
2	7 metres or more but less than 8 metres	8
3	8 metres or more but less than 9 metres	10
4	9 metres or more but less than 10 metres	11
5	10 metres or more but less than 11 metres	12
6	11 metres or more but less than 12 metres	14
7	12 metres or more but less than 13 metres	15
8	13 metres or more but less than 14 metres	16
9	14 metres or more but less than 15 metres	17
10	15 metres or more	19

TABLE N

Regulation 92(2)(o)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 4·5 METRES OR MORE BUT LESS THAN 5 METRES IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	8
2	7 metres or more but less than 8 metres	9
3	8 metres or more but less than 9 metres	10
4	9 metres or more but less than 10 metres	12
5	10 metres or more but less than 11 metres	13
6	11 metres or more but less than 12 metres	14
7	12 metres or more but less than 13 metres	15
8	13 metres or more but less than 14 metres	17
9	14 metres or more but less than 15 metres	18
10	15 metres or more	20

TABLE O

Regulation 92(2)(p)

MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL VESSELS 6 METRES OR MORE IN LENGTH AND 5 METRES OR MORE IN BREADTH FITTED WITH A FLYING BRIDGE

Column 1 *Item number*	*Column 2* *Length of recreational vessel*	*Column 3* *Maximum number of persons*
1	6 metres or more but less than 7 metres	9
2	7 metres or more but less than 8 metres	10
3	8 metres or more but less than 9 metres	11
4	9 metres or more but less than 10 metres	13
5	10 metres or more but less than 11 metres	14
6	11 metres or more but less than 12 metres	15
7	12 metres or more but less than 13 metres	16
8	13 metres or more but less than 14 metres	18
9	14 metres or more but less than 15 metres	19
10	15 metres or more	21

Schedule 3—Safety equipment on recreational vessels

TABLE A

Regulations 96(1), 96(7)

EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON COASTAL WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
Mechanically powered recreational vessels			
1	Power boat up to and including 4·8 metres in length	Anchor, and chain or line or both	1
2		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
3		Bailer	1—if no electric or manual bilge pumping system
4		Compass	1—if more than 2 nautical miles from the coast
5		Bucket with lanyard	1
6		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
7		Hand-held orange smoke signal	2
8		Hand-held red distress flares	2
9		Pair of oars with rowlocks or pair of paddles	1
10		Waterproof buoyant torch	1
11	Power boat more than 4·8 metres in length	Anchor, and chain or line or both	1

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
12		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
13		Bailer	1—if no electric or manual bilge pumping system
14		Compass	1—if more than 2 nautical miles from the coast
15		Bucket with lanyard	1
16		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
17		Hand-held orange smoke signal	2
18		Hand-held red distress flares	2
19		Waterproof buoyant torch	1
20		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
21		Dinghy or liferaft	1—if vessel is more than 12 metres in length
22	Personal watercraft	Waterproof buoyant torch	1
Sail powered recreational vessels			
23	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
24		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
25		Compass	1—if more than 2 nautical miles from the coast
26		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
27		Hand-held orange smoke signal	2—if more than 2 nautical miles from the coast
28		Hand-held red distress flares	2—if more than 2 nautical miles from the coast
29	Yacht	Anchor, and chain or line or both	1
30		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
31		Bailer	1—if no electric or manual bilge pumping system
32		Compass	1—if more than 2 nautical miles from the coast
33		Bucket with lanyard	1
34		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
35		Hand-held orange smoke signal	2
36		Hand-held red distress flares	2
37		Waterproof buoyant torch	1
38		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
39		Dinghy or liferaft	1—if vessel is more than 12 metres in length
Human powered recreational vessels			
40	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
41		Bailer	1—if no electric or manual bilge pumping system

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
42		Compass	1—if more than 2 nautical miles from the coast
43		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast
44		Hand-held red distress flares	2—if more than 2 nautical miles from coast
45		Waterproof buoyant torch	1—if more than 2 nautical miles from coast
46		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
47	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
48		Compass	1—if more than 2 nautical miles from the coast
49		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast
50		Hand-held red distress flares	2—if more than 2 nautical miles from coast
51		Waterproof buoyant torch	1—if more than 2 nautical miles from coast

TABLE B

Regulations 96(2), 96(7)

ADDITIONAL EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON COASTAL WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
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
2		EPIRB	1—if more than 2 nautical miles from the coast
3		Marine radio	1—if more than 2 nautical miles from the coast
4	Power boat more than 4·8 metres in length	PFD Type 1	1 for each person on board or being towed
5		EPIRB	1—if more than 2 nautical miles from the coast
6		Marine radio	1—if more than 2 nautical miles from the coast
7	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
8		EPIRB	1—if more than 2 nautical miles from the coast
9	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
10	Off-the-beach sailing yacht	PFD Type 1	1 for each person on board when operating more than 2 nautical miles from coast
11		PFD Type 1 or PFD Type 2	1 for each person on board when operating 2 nautical miles from coast or less
12		EPIRB	1—if more than 2 nautical miles from the coast
13		Marine radio	1—if more than 2 nautical miles from the coast

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for coastal waters*
14	Yacht	PFD Type 1	1 for each person on board
15		EPIRB	1—if more than 2 nautical miles from the coast
16		Marine radio	1—if more than 2 nautical miles from the coast
Human powered recreational vessels			
17	Kayak, canoe, raft and rowing boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
18		EPIRB	1—if more than 2 nautical miles from the coast
19	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
20		EPIRB	1—if more than 2 nautical miles from the coast
21	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

TABLE C

Regulations 96(3), 96(7)

EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON ENCLOSED WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for enclosed waters*
Mechanically powered recreational vessels			
1	Power boat up to and including 4·8 metres in length	Anchor, and chain or line or both	1
2		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
3		Bailer	1—if no electric or manual bilge pumping system
4		Bucket with lanyard	1
5		Hand-held orange smoke signal	2
6		Hand-held red distress flares	2
7		Pair of oars with rowlocks or pair of paddles	1
8		Waterproof buoyant torch	1
9	Power boat more than 4·8 metres in length	Anchor, and chain or line or both	1
10		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
11		Bailer	1—if no electric or manual bilge pumping system
12		Bucket with lanyard	1

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for enclosed waters*
13		Hand-held orange smoke signal	2
14		Hand-held red distress flares	2
15		Waterproof buoyant torch	1
16		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
17	Personal watercraft	Waterproof buoyant torch	1
Sail powered recreational vessels			
18	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
19		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
20	Yacht	Anchor, and chain or line or both	1
21		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
22		Bailer	1—if no electric or manual bilge pumping system
23		Bucket with lanyard	1
24		Hand-held orange smoke signal	2
25		Hand-held red distress flares	2
26		Waterproof buoyant torch	1

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for enclosed waters*
27		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
28		Dinghy or liferaft	1—if vessel is more than 12 metres in length
Human powered recreational vessels			
29	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
30		Bailer	1—if no electric or manual bilge pumping system

TABLE D

Regulations 96(4), 96(7)

Sch. 3 (Table D) amended by S.R. No. 102/2013 reg. 36.

ADDITIONAL EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON ENCLOSED WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for enclosed waters*
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
2	Power boat more than 4·8 metres in length	PFD Type 1	1 for each person on board or being towed
3	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
4	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
5	Off-the-beach sailing yacht	PFD Type 1 or PFD Type 2	1 for each person on board
6	Yacht	PFD Type 1	1 for each person on board
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
8	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
9	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

TABLE E

Regulations 96(5), 96(7)

EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON INLAND WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for inland waters*
Mechanically powered recreational vessels			
1	Power boat up to and including 4·8 metres in length	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
2		Bailer	1—if no electric or manual bilge pumping system
3		Bucket with lanyard	1
4		Pair of oars with rowlocks or pair of paddles	1
5		Waterproof buoyant torch	1
6	Power boat more than 4·8 metres in length	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
7		Bailer	1—if no electric or manual bilge pumping system
8		Bucket with lanyard	1
9		Waterproof buoyant torch	1
10		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
11	Personal watercraft	Waterproof buoyant torch	1

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for inland waters*
Sail powered recreational vessels			
12	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
13		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
14	Yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
15		Bailer	1—if no electric or manual bilge pumping system
16		Bucket with lanyard	1
17		Waterproof buoyant torch	1
18		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
Human powered recreational vessels			
19	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
20		Bailer	1—if no electric or manual bilge pumping system

Sch. 3 (Table F) amended by S.R. No. 102/2013 reg. 37.

TABLE F

Regulations 96(3), 96(7)

ADDITIONAL EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON INLAND WATERS

Column 1 *Item number*	*Column 2* *Class of vessel*	*Column 3* *Item of equipment*	*Column 4* *Requirements for inland waters*
Mechanically powered recreational vessels			
1	Power boat up to and including 4·8 metres in length	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
2	Power boat more than 4·8 metres in length	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
3	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
4	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
5	Off-the-beach sailing yacht	PFD Type 1 or PFD Type 2	1 for each person on board
6	Yacht	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
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
8	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
9	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

TABLE G

Regulation 96(8)

REQUIREMENTS FOR EQUIPMENT ON RECREATIONAL VESSELS

Sch. 3 Table G amended by S.R. No. 153/2015 reg. 9.

Item of equipment	*Equipment requirements*
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.
EPIRB	An EPIRB must— (a) comply with Australian and 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)"; and

Item of equipment	*Equipment requirements*
	(b) be registered with the Australian Maritime Safety Authority (AMSA) with up-to-date information.

TABLE H

Regulation 97

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

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

TABLE I

Regulation 97

MINIMUM CAPACITY OF PORTABLE FIRE EXTINGUISHERS FOR CERTAIN VESSELS

Column 1 *Volume of flammable or combustible liquids that are able to be carried on vessel*	*Column 2* *Minimum nominal capacity of fire extinguisher*
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 4—PFDs to be worn on recreational vessels

TABLE A

Regulation 100(1)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON COASTAL WATERS

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

TABLE B

Regulation 100(2)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON ENCLOSED WATERS

Column 1 *Item number*	*Column 2* *Vessel type*	*Column 3* *PFD requirements for enclosed waters*
1	Powerboat up to and including 4·8 metres in length	PFD Type 1
2	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3
3	Recreational tender	PFD Type 1 or PFD Type 2
4	Off-the-beach sailing yacht	PFD Type 1 or PFD Type 2
5	Kiteboard or sailboard	PFD Type 1, PFD Type 2 or PFD Type 3
6	Canoe, kayak, rowing boat, raft, stand up paddleboard, pedal boat or fun boat	PFD Type 1, PFD Type 2 or PFD Type 3

TABLE C

Regulation 100(3)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON INLAND WATERS

Column 1 *Item number*	*Column 2* *Vessel type*	*Column 3* *PFD requirements for inland waters*
1	Powerboat up to and including 4·8 metres in length	PFD Type 1, PFD Type 2 or PFD Type 3
2	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3
3	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3
4	Off-the-beach sailing yacht	PFD Type 1, PFD Type 2 or PFD Type 3
5	Kiteboard or sailboard	PFD Type 1, PFD Type 2 or PFD Type 3
6	Canoe, kayak, rowing boat, raft, stand up paddleboard, pedal boat or fun boat	PFD Type 1, PFD Type 2 or PFD Type 3

TABLE D

Regulation 101(1)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON COASTAL WATERS

Column 1 *Item number*	*Column 2* *Vessel type*	*Column 3* *PFD requirements for coastal waters*
1	Powerboat more than 4·8 metres but not more than 12 metres in length	PFD Type 1
2	Yacht	PFD Type 1

TABLE E

Regulation 101(2)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON ENCLOSED WATERS

Column 1 *Item number*	*Column 2* *Vessel type*	*Column 3* *PFD requirements for enclosed waters*
1	Powerboat more than 4·8 metres but not more than 12 metres in length	PFD Type 1
2	Yacht	PFD Type 1 or PFD Type 2

TABLE F

Regulation 101(3)

PFDS TO BE WORN ON CERTAIN RECREATIONAL VESSELS AND HIRE AND DRIVE VESSELS ON INLAND WATERS

Column 1	*Column 2*	*Column 3*
Item number	*Vessel type*	*PFD requirements for inland waters*
1	Powerboat more than 4·8 metres but not more than 12 metres in length	PFD Type 1, PFD Type 2 or PFD Type 3
2	Yacht	PFD Type 1, PFD Type 2 or PFD Type 3

Schedule 5—Search and seizure warrant

Regulation 115

Court Ref. [ ]

This warrant is issued for the purpose of searching for and seizing the recreational vessel described.

Description of vessel authorised for seizure:

- Identification mark (if known):
- Hull identification number (if known):
- Make, model, type and colour of vessel:

Premises which may be searched for vessel:

Number and name of street and suburb or other description of premises:

Grounds for issue of warrant:

Reasonable grounds for believing that recreational vessel described above—

☐ is

☐ may be within the next 72 hours—

in or on the premises described.

This warrant is issued to the following member(s) of the police force—

- Name:
- Rank number:
- Agency and address:

_____

This warrant authorises the member(s) of the police force named, with the aid of any assistants considered reasonably necessary to achieve the purpose for which the warrant was issued, to—

☐ enter the premises described;

☐ use reasonable force to break into or open any structure on the premises described above that may store the vessel described;

☐ search for and seize the vessel described.

This warrant also authorises the member(s) of the police force named, or a person assisting that member or those members, to seize and impound or immobilise the vessel described in this warrant.

Nothing in this warrant authorises the seizure of property not described in this warrant or the arrest of a person.

This warrant ceases to have effect if it is recalled and cancelled by the magistrate who issued it. If it is not recalled and cancelled, this warrant ceases to have effect at the end of one month after its issue or when it is executed, whichever occurs first.

The person who executes this warrant must announce that he or she is authorised by the warrant to enter the premises and must give any person at the premises an opportunity to allow entry to the premises before force is used to enter.

If the occupier is present at the premises where this warrant is being executed, the person executing the warrant must identify himself or herself to the occupier and give the occupier a copy of the warrant. If the occupier is not present at the premises where this warrant is being executed, the person executing the warrant must identify himself or herself to any other person at the premises and give that person a copy of the warrant.

This warrant is issued under section 135 of the **Marine Safety Act 2010**.

Issued at a.m./p.m. on / / at
by Magistrate.

Schedule 6—Report on execution of search and seizure warrant

Regulation 116

To the registrar of the Magistrates' Court

I, [*insert name and address*]

being the person to whom this search and seizure warrant was issued, report the following outcome in relation to the warrant—

☐ The warrant was executed by

[*insert name and address*]

at a.m./p.m. on / /

The following recreational vessel was seized—

- Identification mark (if known):
- Hull identification number (if known):
- Make, model, type and colour of vessel:

A copy of the warrant
* was given to the occupier
* was given to a person at the premises other than the occupier
* was not given to the occupier or any other person at the premises because—

[*set out reasons why copy of warrant not given*]

* Delete whichever is inapplicable

☐ This warrant was not executed because—

[*set out reasons why warrant not executed*]

Date

Signature

Schedule 7—Certificate as to matters which appear in or can be calculated from the records kept by the Safety Director

Regulation 125

Certificate issued under section 294(1) of the **Marine Safety Act 2010**.

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

[*insert the details to which the certificate relates*]

Dated:

Signature of Safety Director or delegate:

Schedule 8—Certificate as to registration of vessel issued under section 294(3) of the Marine Safety Act 2010

Regulation 126

According to the records of the Safety Director, on [*insert date*] the vessel described below was registered under the **Marine Safety Act 2010** in the name of [*insert name*].

Description of vessel:

[*insert the details which identify the vessel*]

Dated:

Issued by the Safety Director

Schedule 9—Certificate under Section 294(5) of the Marine Safety Act 2010

Regulation 127

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 Safety Regulations 2012 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:

Schedule 10—Safety standards for pilotage services providers

Regulation 130

FATIGUE MANAGEMENT

1. A pilotage services provider must develop and implement strategies for the control of any risks to safety associated with the fatigue of pilots and other marine safety workers carrying out marine safety work for or on behalf of the pilotage services provider.
2. Strategies developed to comply with Item 1 must include work arrangements that eliminate fatigue so far as is reasonably practicable and may include—
   (a) maximum number of work hours in—
      (i) daylight hours; or
      (ii) night hours; or
      (iii) combination of day and night hours; and
   (b) minimum rest times for different classes of marine safety worker.
3. A pilotage services provider, when developing strategies to comply with Item 1 must consult, so far as is reasonably practicable, with—
   (a) pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider; and
   (b) the port management body or local port manager responsible for the port in which the pilotage services provider operates; and
   (c) any other persons who are or are likely to be directly affected, in relation to the development and implementation of those strategies.

ALCOHOL AND DRUG MANAGEMENT

4. A pilotage services provider must develop and implement strategies to ensure, so far as is reasonably practicable, that pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider do not carry out that marine safety work while more than the prescribed concentration of alcohol is present in their blood or breath or while impaired by a drug.

5. For the purposes of Item 4, ***prescribed concentration of alcohol*** has the same meaning it has in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.

6. A pilotage services provider, when developing strategies to comply with Item 4 must consult, so far as is reasonably practicable, with—

   (a) pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider; and

   (b) the port management body or local port manager responsible for the port in which the pilotage services provider operates; and

   (c) any other persons who are or are likely to be directly affected, in relation to the development and implementation of those strategies.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Marine Safety Regulations 2012, S.R. No. 45/2012 were made on 13 June 2012 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under Part 8.10 and section 315 of the **Marine Safety Act 2010**, No. 65/2010 and came into operation on 1 July 2012: regulation 3.

The Marine Safety Regulations 2012 will sunset 10 years after the day of making on 13 June 2022 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.
See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the Marine Safety Regulations 2012 by statutory rules, subordinate instruments and Acts.

Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Regulations 2013, S.R. No. 102/2013
Date of Making: 30.7.13
Date of Commencement: 30.7.13

Marine Safety Amendment Regulations 2015, S.R. No. 153/2015
Date of Making: 8.12.15
Date of Commencement: 8.12.15

Marine Safety Amendment (Expiry Date) Interim Regulations 2015, S.R. No. 158/2015
Date of Making: 15.12.15
Date of Commencement: Reg. 4 on 18.12.15: reg. 3(1)

Marine Safety Amendment (Expiry Date) Interim Regulations 2016, S.R. No. 143/2016
Date of Making: 6.12.16
Date of Commencement: Reg. 5 on 16.12.16: reg. 3(1)

Marine Safety Amendment (Expiry Date) Interim Regulations 2017, S.R. No. 74/2017
Date of Making: 11.7.17
Date of Commencement: Reg. 5 on 14.7.17: reg. 3(1)

Marine Safety Further Amendment Regulations 2017, S.R. No. 138/2017
Date of Making: 19.12.17
Date of Commencement: 31.12.17: reg. 3

Marine Safety Amendment (Expiry Date) Interim Regulations 2018, S.R. No. 101/2018
Date of Making: 10.7.18
Date of Commencement: Reg. 5 on 12.7.18: reg. 3(1)

3 Amendments Not in Operation

This publication does not include amendments made to the Marine Safety Regulations 2012 by the following Statutory Rules.

Marine Safety Regulations 2012, S.R. No. 45/2012 (as amended by S.R. Nos 102/2013, 153/2015, 158/2015, 143/2016, 74/2017, 101/2018)

Date of Making:	13.6.12
Date of Commencement:	1.7.12: reg. 3
Note:	Reg. 180 provides that Pt 13 (regs 136–166) expires on 12.7.19

Marine Safety Amendment (Expiry Date) Interim Regulations 2018, S.R. No. 101/2018

Date of Making:	10.7.18
Date of Commencement:	Reg. 6 on 11.7.19: reg. 3(2)

At the date of this publication, the following provisions amending the Marine Safety Regulations 2012 were Not in Operation:

Amending Statutory Rule/s:

Marine Safety Regulations 2012, S.R. No. 45/2012 (as amended by S.R. Nos 102/2013, 153/2015, 158/2015, 143/2016, 74/2017, 101/2018)

Reg. 180 amended by S.R. Nos 102/2013 reg. 34, 153/2015 reg. 7, substituted by S.R. No. 158/2015 reg. 4, amended by S.R. Nos 143/2016 reg. 5, 74/2017 reg. 5, 101/2018 reg. 5.

180 Expiry of Part 13

Part 13 expires on 12 July 2019.

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Marine Safety Amendment (Expiry Date) Interim Regulations 2018, S.R. No. 101/2018

6 Revocation of Part 13

Part 13 of the Marine Safety Regulations 2012 is **revoked**.

4 Explanatory details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2018 is $14.45. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 45/2012 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 4—definition of ***Code Flag "R"***	International Code of Signals 2005 Edition as published by the International Maritime Organization in 2005	Appendix 2 Code Flag R
Regulation 4—definition of ***enclosed waters***	Chart AUS 150 "Australia—South Coast—Victoria—Western Port" as published by the Australian Hydrographic Service, Royal Australian Navy on 22 March 1995	Whole

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Regulation 4—definition of ***fixed fire extinguishing system***	International Standard ISO 9094-1: 2003(E) "Small craft—Fire protection—Part 1: Craft with a hull length of up to and including 15 m" as published by the International Organization for Standardization on 1 February 2003	Whole
	International Standard ISO 9094-2:2002(E) "Small craft—Fire protection—Part 2: Craft with a hull length of over 15 m" as published by the International Organization for Standardization on 15 November 2002	Whole
Regulation 4—definitions of ***hand-held orange smoke signal*** and ***hand-held red distress flare***	Australian Standard AS 2092—2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Whole
Regulation 4—definition of ***hull identification number***	International Standard ISO 10087:2006(E) "Small craft—Craft identification—Coding system" as published by the International Organization for Standardization on 15 March 2006	Whole
Regulation 4—definition of ***Lakes Entrance Bar***	Chart AUS 182 "Australia—South Coast—Plans in Victoria—South East Coast—Lakes Entrance" as published by the Australian Hydrographic Service, Royal Australian Navy on 30 January 1998	Whole

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4—definition of ***length***	International Standard ISO 8666:2002(E) "Small craft—Principal data" as published by the International Organization for Standardization on 1 November 2002	Clause 5
Regulation 4—definition of ***lifebuoy***	Australian Standard AS 2261—1990 "Rescue buoys" as published by Standards Australia on 12 March 1990	Whole
Regulation 4—definition of ***marine radio***	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—Part 2: 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 reissued incorporating Amendment No. 1 (June 2004)	Part 2
Regulation 4—definition of ***portable fire extinguisher***	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	Whole

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	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	Whole
	Australian/New Zealand Standard AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing" as published jointly by Standards Australia and Standards New Zealand on 20 March 2009	Whole
Regulation 4—definition of ***Port Phillip Heads***	Chart AUS 143 "Australia—South Coast—Victoria—Port Phillip" as published by the Australian Hydrographic Service, Royal Australian Navy on 2 May 1973	Whole
Regulation 4—definition of ***red star parachute distress rocket***	Australian Standard AS 2092–2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Clause 7
Regulation 97(4)—definition of ***fire blanket***	Australian/New Zealand Standard AS/NZS 3504:2006 "Fire blankets" as published jointly by Standards Australia and Standards New Zealand on 21 June 2006, reissued Incorporating Amendment No. 1 (May 2008)	Whole

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Schedule 1—definition of ***recognised appraiser***	European Union directive 96/98/EC "Maritime Equipment Directive, Module B (MED-B)/ (31996L0098)" published by European Union 20 December 1996	Whole
Schedule 1—Part 2—PFD Type 1	Australian Standard AS 1512—1996 "Personal flotation devices—Type 1" as published by Standards Australia on 5 January 1996, reissued incorporating Amendment No. 1 (December 2005)	Whole
	Australian Standard AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole
	International Standard ISO 12402-2:2006(E) "Personal flotation devices—Part 2: Lifejackets, performance level 275—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
	International Standard ISO 12402-3:2006(E) "Personal flotation devices—Part 3: Lifejackets, performance level 150—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	International Standard ISO 12402-4:2006(E) "Personal flotation devices—Part 4: Lifejackets, performance level 100—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
	National Standard of Canada 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	Whole
	National Standard of Canada 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 and incorporating the corrigendum dated August 2000	Whole
	Underwriters Laboratories Standard UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" 2nd Edition as published by Underwriters Laboratories on 15 May 1995	Whole
	New Zealand Standard NZS 5823:2005 "Specification for Buoyancy Aids and Marine Safety Harnesses and Lines" as published by Standards New Zealand on 31 May 2005	Section 401

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1—Part 3—PFD Type 2	Australian Standard AS 1499—1996 "Personal flotation devices—Type 2" as published by Standards Australia on 5 January 1996	Whole
	Australian Standard AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole
	International Standard ISO 12402-5:2006(E) "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
Schedule 1—Part 4—PFD Type 3	Australian Standard AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 3— Table G—EPIRB	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, reissued incorporating Amendment Nos 1, 2 and 3 (April 2010)	Whole

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 102/2013 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1— Part 3—PFD Type 2	European Standard EN 393:1993 E Superseded "Lifejackets and personal buoyancy aids—Buoyancy aids—50N" as published by the European Committee for Standardization (CEN) November 1993 incorporating the corrigendum dated November 1993 and reissued incorporating (Amendment) No. 1: 1998 published July 1998	Whole

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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 153/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	**Title of applied, adopted or incorporated document**	**Matter in applied, adopted or incorporated document**
Schedule 1— Part 4—PFD Type 3	Australian Standard AS 4758.1:2015 Lifejackets— Part 1: General requirements. Standards Australia Limited [2015] Sydney, Australia	Whole