

Version No. 012
Marine Regulations 1999
S.R. No. 145/1999

Version incorporating amendments as at 1 July 2004

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PART 1—PRELIMINARY

100. Objectives

The objectives of these Regulations are—

- (a) to provide for the registration and operation of vessels;
- (b) to give effect to certain international conventions relating to the operation of vessels;
- (c) to provide for marine infringements;
- (d) to provide for the payment of fees to the Director;
Reg. 100(d)
amended by
S.R. No.
8/2002
reg. 5(1).
- (e) to prescribe penalties for offences;
- (ea) to provide for operator licences in respect of regulated recreational vessels;
Reg. 100(ea)
inserted by
S.R. No.
127/2001
reg. 5.
- (eb) to provide for endorsements on operator licences in respect of personal watercraft;
Reg. 100(eb)
inserted by
S.R. No.
127/2001
reg. 5.
- (f) generally to provide for various other matters authorised or required to be prescribed for the purposes of the Act.

101. Authorising provisions

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

102. Revocation

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

103. Definitions

In these Regulations—

"**Act**" means **Marine Act 1988**;

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

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

"**class 3 vessel**" means any fishing vessel;

"**class 1F vessel**" means any hire and drive vessel;

"**enclosed waters**" means—

- (a) the waters inside the seaward entrance of the ports of Apollo Bay, Anderson Inlet, Gippsland Lakes, Snowy River, Mallacoota, and Port Fairy designated under Part 10 of the Act; and
- (b) the waters of the Port of Barwon Heads upstream of the Barwon Heads–Ocean Grove road bridge; and
- (c) the waters of the Port of Corner Inlet and Port Albert east of a line between Port Welshpool shipping pier and Bentley Point (inside the entrances); and

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- (d) the waters of Shallow Inlet; and
- (e) the port waters (inside the entrance) of the Port of Portland;

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

Reg. 103 def. of "expiry date" inserted by S.R. No. 127/2001 reg. 6.

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

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix V; or
- (b) the Australian Standard AS 2092–1988 Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft as published by the Standards Association of Australia on 3 October 1988;

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

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix V; or
- (b) the Australian Standard AS 2092–1988 Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft as published by the Standards Association of Australia on 3 October 1988;

"inland waters" means—

- (a) rivers (inside the seaward entrance), creeks, canals, lakes, reservoirs and any similar waters either naturally formed or man made and which are either publicly or privately owned; and
- (b) the waters inside the seaward entrance of any rivers, creeks or streams which flow into port waters or ports designated under Part 10 of the Act;

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

"lifebuoy" means a lifebuoy of a type that complies with—

- (a) the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix P; or
- (b) the Australian Standard AS 2261–1979 Rescue Buoys as published by the Standards Association of Australia on 1 July 1979; or
- (c) the Australian Standard AS 2261–1990 Rescue Buoys as published by the Standards Association of Australia on 12 March 1990;

"open area" means an area on a trading vessel that—

- (a) is not closed or locked; and
- (b) is open on the boundary on its after side;

"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;

"portable fire extinguisher" means a portable fire extinguisher of a type that—

Reg. 103 def. of "portable fire extinguisher" amended by S.R. No. 13/2000 reg. 4(1) (a)–(e).

- (a) if the extinguishing medium is dry chemical powder, complies with the Australian Standard AS 1846–1985 Portable Fire Extinguishers—Powder Type as published by the Standards Association of Australia on 4 November 1985; or
- (b) if the extinguishing medium is carbon dioxide, complies with the Australian Standard AS 1847–1985 Portable Fire Extinguishers—Carbon Dioxide Type as published by the Standards Association of Australia on 4 November 1985; or
- (c) if the extinguishing medium is a foam chemical type, complies with Australian Standard AS 1843—1976 Foam (Chemical) Type Portable Fire Extinguishers as published by the Standards Association of Australia on 1 May 1976; or
- (d) if the extinguishing medium is a foam gas container type, complies with the Australian Standard AS 1844–1985 specification for Portable Fire Extinguishers—Foam (Gas Container) Type as published by the Standards

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Association of Australia on
4 November 1985; or

- (e) if the extinguishing medium is a foam stored pressure type, complies with the Australian Standard AS 1845–1985 Portable Fire Extinguishers—Foam (Stored Pressure) Type as published by the Standards Association of Australia on 4 November 1985; or
- (f) if the extinguishing medium is a wet chemical type, complies with Australian/New Zealand Standard AS/NZS 1841.3:1997 Portable fire extinguishers Part 3: Specific requirements for wet—chemical type extinguishers as published jointly by the Standards Association of Australia and Standards New Zealand on 5 April 1997; or
- (g) if the extinguishing medium is a foam type, complies with Australian/New Zealand Standard AS/NZS 1841.4:1997 Portable fire extinguishers Part 4: Specific requirements for foam type extinguishers as published jointly by the Standards Association of Australia and Standards New Zealand on 5 April 1997; or
- (h) if the extinguishing medium is a powder type, complies with Australian/New Zealand Standard AS/NZS 1841.5:1997 Portable fire extinguishers Part 5: Specific requirements for powder type extinguishers as published jointly by the Standards Association of Australia

and Standards New Zealand on 5 April 1997; or

- (i) if the extinguishing medium is a carbon dioxide type, complies with Australian/New Zealand Standard AS/NZS 1841.6:1997 Portable fire extinguishers Part 6: Specific requirements for carbon dioxide type extinguishers as published jointly by the Standards Association of Australia and Standards New Zealand on 5 April 1997;

"Port Phillip Heads" means the waters between an imaginary line drawn between Shortland Bluff and Point Nepean and the seaward limits of an imaginary line of a radius of 3 nautical miles centred on Point Lonsdale, also known as "The Rip", as shown on the chart AUS 143 "Port Phillip", published by the Hydrographic Service, Royal Australian Navy, 2 May 1973, but excludes those waters—

- (a) landward of an imaginary line drawn between Shortland Bluff and Point Lonsdale; and
- (b) landward of an imaginary line drawn from Shortland Bluff with a radius of 0.3 of a nautical mile;

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

Reg. 103 def.
of "Roads
Corporation"
inserted by
S.R. No.
127/2001
reg. 6.

"testing officer" means a testing officer referred to in regulation 601.

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

Division 1—Safe Operation of vessels

200. Personal Flotation Device

In this Part "personal flotation device" means any of the following—

- (a) a life jacket of a type listed in Part 3 of Schedule 2;
- (b) a buoyancy vest of a type listed in Part 2 of Schedule 2;
- (c) a buoyancy garment of a type listed in Part 1 of Schedule 2;
- (d) a personal flotation device of a type listed in Part 4, 5 or 6 of Schedule 2.

Reg. 201
amended by
S.R. No.
8/2002
reg. 5(1).

201. Power to prohibit operation of vessel

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

- (a) the vessel is loaded with persons, cargo and equipment or other items that will make or are likely to make the vessel unstable; or
- (b) the vessel is constructed in a manner that would place any occupant of the vessel at risk of injury or death; or
- (c) the vessel is of a design that is not suitable for the intended voyage or use; or

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- (d) the machinery on board the vessel is unsafe or could create a fire or explosion on the vessel; or
- (e) the machinery proposed to propel the vessel makes the vessel unsafe or unseaworthy or can develop power in excess of the maximum power recommended by the manufacturer of the vessel; or
- (f) the cargo or goods carried on the vessel could be a risk—
 - (i) to that vessel; or
 - (ii) to other vessels; or
 - (iii) to people on the vessel; or
 - (iv) to people on other vessels; or
- (g) the vessel is generally unseaworthy.

202. Written direction with reasons to be given

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

Reg. 202
amended by
S.R. No.
8/2002
reg. 5(1).

203. Review of direction

- (1) The owner or operator of the vessel may, within 14 days after the date that a copy of a direction under regulation 202 was given, apply to the Director for the direction to be reviewed.
- (2) The Director must, within 14 days after the date an application under sub-regulation (1) is received, review the direction given to the applicant.

Reg. 203(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 203(2)
amended by
S.R. No.
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reg. 5(1).

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Reg. 204
amended by
S.R. No.
8/2002
reg. 5(1).

204. Revocation of direction

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

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

205. International regulations for preventing collisions at sea

- (1) The master of a vessel must observe the Prevention of Collisions Convention when operating a vessel on state waters.
- (2) For the purposes of sub-regulation (1), Annex I, Annex II and Annex III of the Prevention of Collisions Convention do not apply to vessels on inland waters.

Reg. 206
amended by
S.R. No.
13/2000 reg. 5.

206. Emergency procedures and safety of navigation—trading and fishing vessels

The master of any of the following vessels must observe Chapter V of the regulations contained in the Annex to the Safety Convention (other than regulation 13 or 15 of that Chapter of those regulations)—

- (a) a trading ship within the meaning of section 6 of the Commonwealth Navigation Act 1912 proceeding on a voyage other than an overseas voyage or an inter-State voyage;
- (b) an Australian fishing vessel within the meaning of section 6 of that Act proceeding on a voyage other than an overseas voyage;
- (c) an inland waterways vessel within the meaning of section 6 of that Act;

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- (d) a pleasure craft within the meaning of section 6 of that Act;
- (e) an off-shore industry vessel within the meaning of section 8 of that Act—
 - (i) in respect of which there is not in force a declaration under section 8A(5) of that Act; and
 - (ii) that is proceeding on a voyage other than an overseas voyage or an inter-State voyage.

207. Vessels not to be operated unless fitted with EPIRBS

A person must not operate a vessel on coastal waters more than 2 nautical miles from the shore unless the vessel is provided with an emergency position indicating radio beacon of a type approved by the Australian Maritime Safety Authority that has—

- (a) an operational frequency of 121.5 MHz and 243 MHz; or
- (b) an operational frequency of 406 MHz.

Penalty: 5 penalty units.

208. Certificate of survey for vessel to be endorsed for Port Phillip Heads

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

Reg. 208(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 20 penalty units.

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Reg. 208(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 20 penalty units.

209. Owner and master to comply with conditions for Port Phillip Heads

- (1) The owner of a trading vessel that is carrying passengers in or through Port Phillip Heads must take all reasonable steps to ensure that—
- (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight; or
 - (ii) when the 24 hour weather forecast predicts sea and swell conditions exceeding 2 metres in height, or the actual sea and swell conditions exceed 2 metres in height; or
 - (iii) when the 24 hour weather forecast predicts wind exceeding 20 knots from the southerly semi-circle of the compass, or the actual wind exceeds 20 knots from the southerly semi-circle of the compass; and
 - (b) each passenger and each crew member is wearing a lifejacket of a type listed in Part 3 of Schedule 2 when the vessel enters and while the vessel traverses Port Phillip Heads; and

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

Reg. 209(1)(d)
amended by
S.R. No.
13/2000 reg. 6.

Penalty: 20 penalty units.

- (2) The master of a trading vessel that is carrying passengers in or through Port Phillip Heads, must ensure that—
 - (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight; or
 - (ii) when the 24 hour weather forecast predicts sea and swell conditions exceeding 2 metres in height, or the actual sea and swell conditions exceed 2 metres in height; or
 - (iii) when the 24 hour weather forecast predicts wind exceeding 20 knots from the southerly semi-circle of the compass, or the actual wind exceeds 20 knots from the southerly semi-circle of the compass; and
 - (b) each passenger and each crew member is wearing a lifejacket of a type listed in Part 3 of Schedule 2 when the vessel enters and while the vessel traverses Port Phillip Heads; and
 - (c) before the vessel enters Port Phillip Heads, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and

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Reg. 209(2)(d)
amended by
S.R. No.
127/2001
reg. 7.

- (d) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel enters and while the vessel traverses Port Phillip Heads.

Penalty: 20 penalty units.

210. Certificate of survey for vessel to be endorsed for Lakes Entrance Bar

Reg. 210(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 20 penalty units.

Reg. 210(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 20 penalty units.

211. Owner and master to comply with conditions for Lakes Entrance Bar

- (1) The owner of a trading vessel, operating that vessel that is carrying passengers in or through the Lakes Entrance Bar must take all reasonable steps to ensure that—
- (a) the vessel does not enter and does not traverse the Lakes Entrance Bar—
- (i) outside the hours of daylight; or

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- (ii) when the 24 hour weather forecast predicts sea and swell conditions exceeding 2 metres in height, or the actual sea and swell conditions exceed 2 metres in height; or
- (iii) when the 24 hour weather forecast predicts wind exceeding 20 knots from the southerly semi-circle of the compass, or the actual wind exceeds 20 knots from the southerly semi-circle of the compass; and
- (b) each passenger and crew member is wearing a lifejacket of a type listed in Part 3 of Schedule 2 when the vessel enters and while the vessel traverses the Lakes Entrance Bar; and
- (c) before the vessel enters the Lakes Entrance Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) all passengers are located in the open area of the vessel when the vessel enters and while the vessel traverses the Lakes Entrance Bar; and
- (e) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel enters and while the vessel traverses the Lakes Entrance Bar.

Reg. 211(1)(e)
amended by
S.R. No.
13/2000 reg. 6.

Penalty: 20 penalty units.

- (2) The master operating a trading vessel that is carrying passengers in or through the Lakes Entrance Bar, must ensure that—
 - (a) the vessel does not enter and does not traverse the Lakes Entrance Bar—
 - (i) outside the hours of daylight; or

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- (ii) when the 24 hour weather forecast predicts sea and swell conditions exceeding 2 metres in height, or the actual sea and swell conditions exceed 2 metres in height; or
- (iii) when the 24 hour weather forecast predicts wind exceeding 20 knots from the southerly semi-circle of the compass, or the actual wind exceeds 20 knots from the southerly semi-circle of the compass; and
- (b) each passenger and crew member is wearing a lifejacket of a type listed in Part 3 of Schedule 2 when the vessel enters and while the vessel traverses the Lakes Entrance Bar; and
- (c) before the vessel enters the Lakes Entrance Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) all passengers are located in the open area of the vessel when the vessel enters and while the vessel traverses the Lakes Entrance Bar; and
- (e) the vessel prominently flies Code Flag "R" of the International Code of Signals, when the vessel enters and while the vessel traverses the Lakes Entrance Bar.

Penalty: 20 penalty units.

Reg. 211(2)(e)
amended by
S.R. No.
127/2001
reg. 8.

Division 2—Survey, construction and equipment of commercial vessels

212. Survey of trading, fishing and hire and drive vessels

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

Reg. 212(1)
amended by
S.R. No.
8/2002
reg. 5(1).

213. Certificate of survey to be subject to conditions for Port Phillip Heads

A certificate of survey issued by the Director to a trading vessel to carry passengers in or through Port Phillip Heads may be limited by any conditions determined by the Director.

Reg. 213
amended by
S.R. No.
8/2002
reg. 5(1).

214. Certificate of survey to be subject to conditions for Lakes Entrance Bar

A certificate of survey issued by the Director to a trading vessel to carry passengers across the Lakes Entrance Bar may be limited by conditions determined by the Director.

Reg. 214
amended by
S.R. No.
8/2002
reg. 5(1).

215. Trading and fishing vessels—construction and equipment

The following provisions of the Uniform Shipping Laws Code extend and apply to trading vessels and fishing vessels—

- (a) sections 5A, B, C (except clause C15), D, E, F, G, H, I, J, K, L and M;
- (b) section 6;

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- (c) section 7 (except clauses 74.4 and 74.5);
- (d) sections 8A, B and C;
- (e) Sections 9, 10, 11, 12 and 13.

216. Hire and drive vessels—construction and equipment

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

Reg. 216A
inserted by
S.R. No.
127/2001
reg. 9.

216A. Certificate of survey to be carried on board certain vessels

- (1) If a vessel is a trading vessel, fishing vessel or hire and drive vessel, the owner of the vessel must ensure that the certificate of survey issued in respect of that vessel or a certified copy of it—
 - (a) is carried on board the vessel; and
 - (b) is displayed in a place and in a manner that it can be readily seen by any person on board the vessel—

at all times while the vessel is operating in State waters.

Penalty: 10 penalty units.

- (2) If a vessel is a trading vessel or fishing vessel, the master of the vessel must ensure that the certificate of survey issued in respect of that vessel or a certified copy of it—
 - (a) is carried on board the vessel; and
 - (b) is displayed in a place and in a manner that it can be readily seen by any person on board the vessel—

at all times while the vessel is operating in State waters.

Penalty: 10 penalty units.

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

Reg. 216A(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (4) In this regulation "**certified copy**" in relation to a certificate of survey means a copy of a certificate of survey that has been certified to be a true copy of that certificate by—

- (a) the Director; or

Reg.
216A(4)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Division 3—Operation of hire and drive vessels

217. Maintenance and production of register of hire contracts

- (1) The owner of a hire and drive vessel must, in respect of any hire and drive contract entered into for the use of that vessel, maintain a register in a form approved by the Director which includes—

Reg. 217(1)
amended by
S.R. No.
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reg. 5(1).

- (a) the full name, address and signature of the hirer; and
- (b) the date and time that the vessel was hired to the hirer; and
- (c) the number of people to be carried on the vessel; and

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- (d) the date and time that the vessel was returned by the hirer.

Penalty: 2 penalty units.

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

Penalty: 2 penalty units.

Reg. 217(3)
amended by
S.R. No.
8/2002
reg. 5(2).

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

Penalty: 2 penalty units.

218. Sale or purchase of hire and drive vessel

Reg. 218(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The owner of a hire and drive vessel who sells or otherwise disposes of the vessel must, within 14 days after the sale or disposal of the vessel, notify the Director in writing of—

- (a) the date of the sale or disposal of the vessel; and
- (b) the name, identification number and description of the vessel; and
- (c) the name and address of the purchaser or person acquiring the vessel; and
- (d) the owner's full name and address.

Penalty: 2 penalty units.

Reg. 218(2)
amended by
S.R. No.
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reg. 5(1).

- (2) A person who purchases or otherwise acquires a hire and drive vessel must, within 14 days after the purchase or acquisition, notify the Director in writing of—

- (a) the date of the purchase or acquisition of the vessel; and

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- (b) the name, identification number, and description of the vessel; and
- (c) his or her full name and address.

Penalty: 2 penalty units.

219. Owner to report accident involving hire and drive vessel

Reg. 219
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 3 penalty units.

220. Use of hire and drive vessel

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

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

Penalty: 4 penalty units.

221. Instructions to be given to hirers

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

Reg. 221(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 5 penalty units.

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- (2) The owner of a hire and drive vessel must ensure that any person who hires the vessel and any person who operates the vessel is given clear and concise instructions about—
- (a) the correct and safe handling and navigation of the vessel; and
 - (b) the correct and safe operation of machinery, fuel, gas and pumping systems and valves or openings in the hull of the vessel; and
 - (c) the storage and use of life saving appliances, fire appliances and other safety equipment; and
 - (d) the geographical limits of operation of the vessel.

Penalty: 5 penalty units.

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

Penalty: 5 penalty units.

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

Penalty: 5 penalty units.

Reg. 221(4)
amended by
S.R. No.
8/2002
reg. 5(1).

222. Reckless operation of hire and drive vessel

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

223. Person under 10 to wear personal flotation device

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

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

224. Fuelling of hire and drive vessel

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

225. Naked flame on hire and drive vessel

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

226. Stowage of equipment on hire and drive vessel

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

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

Penalty: 4 penalty units.

227. Hire and drive vessel not to be overloaded

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

Division 4—Recreational vessels

228. Construction of recreational vessels

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

Penalty: 5 penalty units.

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229. Operation of recreational vessels

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

Penalty: 5 penalty units.

230. Equipment to be carried on recreational vessels

(1) A person must not operate a recreational vessel in State waters (other than inland or enclosed waters) unless the vessel is—

(a) equipped with each of the items specified in Column 1 of Part A of the Table in Schedule 4 in the quantity specified opposite that item in the Column of the Table that applies to that vessel; and

(b) equipped with an anchor cable of the length and diameter specified in Part B of the Table in Schedule 4 opposite the type (if any) of anchor cable in the Column of the Table that applies to that vessel.

Penalty: 5 penalty units.

(2) A person must not operate a recreational vessel in inland or enclosed waters unless the vessel is equipped with each of the items specified in Column 1 of the Table in Schedule 5 in the numbers (if any) specified opposite that item in the Column of the Table that applies to that vessel.

Penalty: 5 penalty units.

231. Exemption from requirements of regulation 230

(1) The Director may, by notice published in the Government Gazette, exempt any person or any class of persons in respect of any vessel or any class of vessels from the requirements of regulation 230.

Reg. 231(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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- (2) The Director may impose conditions on an exemption relating to all or any of the following—
- (a) specifying the type of vessel to which the exemption applies;
 - (b) specifying the activity that the vessel is engaged in;
 - (c) requiring the occupants of the vessel to wear particular equipment or devices;
 - (d) requiring the vessel to be used for particular purposes;
 - (e) specifying the length of the vessel.
- (3) A person must comply with any conditions that apply to exemptions given under this regulation.

Reg. 231(2)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 5 penalty units.

232. Person under 10 to wear lifejackets

- (1) The operator of a recreational vessel must ensure that when the vessel is under way on State waters every person under the age of 10 years on that vessel is wearing a personal flotation device.
- Penalty: 4 penalty units.
- (2) Sub-regulation (1) does not apply to a person under the age of 10 years being carried on a recreational vessel if that person is within a deck house, a cabin, a half-cabin or a securely enclosed under-deck space on the vessel.

233. Fuelling of recreational vessel

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

Penalty: 4 penalty units.

234. Naked flame on recreational vessel

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

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

235. Stowage of equipment on recreational vessel

A person must not operate a recreational vessel unless the lifesaving equipment and fire extinguishers carried on the vessel are—

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

Penalty: 4 penalty units.

236. Overloaded recreational vessel not to be operated

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

Penalty: 4 penalty units.

- (2) A recreational vessel is overloaded—

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

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(b) if—

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

Table	
<i>Column 1</i> <i>Length of</i> <i>recreational vessel</i>	<i>Column 2</i> <i>Maximum No. of</i> <i>Persons</i>
Less than 3 metres	2
3 metres or more but less than 3.5 metres	3
3.5 metres or more but less than 4.5 metres	4
4.5 metres or more but less than 5 metres	5
5 metres or more but less than 5.5 metres	6
5.5 metres or more but less than 6 metres	7

; or

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

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

where—

P = the number of people;

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L = the length of the vessel in metres;

B = the width of the vessel in metres; or

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

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

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

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

Penalty: 4 penalty units.

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

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- (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, except sub-regulation (2)(b)(v)—
 - (a) children aged more than 12 months but less than 12 years shall be counted as 0·5 person;
 - (b) children aged less than 1 year shall not be included.
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PART 3—CREWING, CERTIFICATES AND LICENCES

Division 1—Crewing of vessels and certificates of competence

300. Crewing of trading vessels

Reg. 300(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) A trading vessel must be crewed in accordance with a determination by the Director.

Reg. 300(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director must determine the crewing of a trading vessel in accordance with the requirements of Part 4 of Section 2 of the Uniform Shipping Laws Code.

301. Crewing of fishing vessels

Reg. 301(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) A fishing vessel must be crewed in accordance with a determination by the Director.

Reg. 301(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director must determine the crewing of a fishing vessel in accordance with the requirements of Part 4 of Section 3 of the Uniform Shipping Laws Code.

302. Certificates of competency under the Uniform Shipping Laws Code

Reg. 302
amended by
S.R. No.
8/2002
reg. 5(1).

The Director may issue in accordance with Section 2 or Section 3 of the Uniform Shipping Laws Code a certificate of competency of the following grades—

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

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

303. Certificate of competency

- (1) An application for the issue, variation or renewal of a certificate of competency may be made to the Director.

Reg. 303(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) An application must be—

- (a) in the form determined by the Director; and

Reg. 303(2)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

- (b) accompanied by—

- (i) evidence that the applicant has completed a course appropriate for the purpose for which the certificate is issued that is approved by the Director; and
- (ii) has complied with any prerequisites for a certificate of competency specified in Part 3 of Section 2 or Part 3 of Section 3 of the Uniform Shipping Laws Code; and
- (iii) any documents needed to support any information supplied on that form (if required by the Director); and

Reg. 303
(2)(b)(i)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 303
(2)(b)(iii)
amended by
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reg. 5(1).

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(iv) the fee prescribed in Division 2 of Part 8 of these Regulations.

Reg. 303(3)
amended by
S.R. No.
8/2002
reg. 5(1).

(3) The certificate of competency may be limited by a condition imposed by the Director.

(4) A certificate of competency is valid for a period of 5 years after the date it is issued.

Reg. 303(5)
amended by
S.R. No.
8/2002
reg. 5(1).

(5) The Director may require—

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

Reg. 304
amended by
S.R. No.
8/2002
reg. 5(1).

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

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

Penalty: 20 penalty units.

Reg. 305
amended by
S.R. No.
8/2002
reg. 5(1).

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

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

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306. Period of endorsement remains in force for Port Phillip Heads

An endorsement on a certificate of competency issued under regulation 305 remains in force while the certificate remains current unless—

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

Reg. 306(a)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 306(b)
amended by
S.R. No.
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reg. 5(1).

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

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

Penalty: 20 penalty units.

Reg. 307
amended by
S.R. No.
8/2002
reg. 5(1).

308. Special requirements for Lakes Entrance Bar

- (1) The Director may grant a certificate of competency or vary an existing certificate of competency so that it is endorsed for a trading vessel carrying passengers across the Lakes Entrance Bar, if the certificate holder or applicant—
 - (a) has met the qualifying sea service, as set out in Schedule 7; and
 - (b) has successfully completed a training course conducted by or on behalf of the Director, as set out in Schedule 7; and

Reg. 308(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 308(1)(b)
amended by
S.R. No.
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reg. 5(1).

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Reg. 308(1)(c)
amended by
S.R. No.
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reg. 5(1).

(c) is able to satisfy an examiner or panel of examiners appointed by the Director by means of an oral examination or written examination or both that he or she is competent to act as a master of a trading vessel carrying passengers across the Lakes Entrance Bar in accordance with this Division; and

(d) has complied with sub-regulations (2), (3) and (4).

(2) On completion of the requirements of sub-regulation (1)(a), (b) and (c), the applicant must complete—

(a) one or more crossings of the Lakes Entrance Bar as the master of a trading vessel; and

Reg. 308(2)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

(b) be accompanied on each crossing of the Lakes Entrance Bar by a person approved by the Director to assess the applicant's competency.

(3) The applicant must maintain an accurate and complete written record of each qualifying crossing of the Lakes Entrance Bar required by sub-regulation (2) and the range of conditions experienced during each crossing.

Reg. 308(4)
amended by
S.R. No.
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reg. 5(1).

(4) The record of the applicant's qualifying sea service shall be in a form approved by the Director and the record shall be made available to the Director at the time of application for its examination.

309. Period of endorsement remains in force for Lakes Entrance Bar

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

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- (a) the endorsement is suspended or cancelled by the Director; or

Reg. 309(a)
amended by
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8/2002
reg. 5(1).

- (b) the certificate holder requests in writing that the Director cancel the endorsement.

Reg. 309(b)
amended by
S.R. No.
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reg. 5(1).

Division 2—Pilots, Pilot Exemption and Local Knowledge

310. Offence to act as a pilot without a licence

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

Penalty: 10 penalty units.

Reg. 310
amended by
S.R. No.
8/2002
reg. 5(1).

311. Pilot exempt master

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

Reg. 311(2)
amended by
S.R. No.
8/2002
reg. 5(1).

312. Pilot licence or pilot exemption

- (1) An application for a pilot licence or pilot exemption may be made to the Director.
- (2) An application must be—
- (a) in the form determined by the Director; and

Reg. 312(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 312(2)(a)
amended by
S.R. No.
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(b) accompanied by—

- (i) evidence of the qualifications which the applicant claims entitle him or her to a pilot licence or pilot exemption; and
- (ii) the prescribed fee.

Reg. 312(3)
amended by
S.R. No.
8/2002
reg. 5(1).

(3) The pilot licence or pilot exemption may be limited by a condition imposed by the Director.

Reg. 312(4)
amended by
S.R. No.
8/2002
reg. 5(1).

(4) The Director —

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

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

Reg. 313(1)
amended by
S.R. No.
8/2002
reg. 5(3).

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

Reg. 313(2)
amended by
S.R. No.
8/2002
reg. 5(3).

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

314. Period a pilot licence or pilot exemption remains valid

Reg. 314(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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

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

Reg. 314(2)
amended by
S.R. No.
8/2002
reg. 5(1).

315. Local knowledge certificate

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

Reg. 315
amended by
S.R. No.
8/2002
reg. 5(1).

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

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

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

Reg. 316(a)
amended by
S.R. No.
8/2002
reg. 5(1).

317. Local knowledge certificate

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

Reg. 317(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 317(2)(a)
amended by
S.R. No.
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reg. 5(1).

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(b) be accompanied by—

- (i) evidence that the applicant has a valid current certificate of competency for the vessel that he or she is in charge of; and
- (ii) evidence that the applicant has completed any training required by the Director; and
- (iii) evidence that the applicant has sufficient qualifying service and experience appropriate to the port waters to which the local knowledge certificate will apply; and
- (iv) the fee prescribed in Division 2 of Part 8 of these Regulations.

Reg.
317(2)(b)(ii)
amended by
S.R. No.
8/2002
reg. 5(1).

(3) The Director —

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

Reg. 317(3)
amended by
S.R. No.
8/2002
reg. 5(1).

(4) The certificate of local knowledge may be limited by a condition imposed by the Director.

Reg. 317(4)
amended by
S.R. No.
8/2002
reg. 5(1).

318. Period a certificate of local knowledge remains valid

A certificate of local knowledge is valid for a period of 5 years after the date it is issued unless it is sooner cancelled or revoked by the Director.

Reg. 318
amended by
S.R. No.
8/2002
reg. 5(1).

Division 3—Harbour masters

319. Harbour master licence

- | | |
|---|---|
| (1) A person may apply to the Director for the issue, variation or renewal of a harbour master licence. | Reg. 319(1)
amended by
S.R. No.
8/2002
reg. 5(1). |
|
(2) The application must— | |
| (a) be in the form determined by the Director;
and | Reg. 319(2)(a)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (b) specify the area of State waters for which the licence is required; and | |
| (c) be accompanied by evidence that the applicant has a valid current certificate of competence as a Master Class 1 or equivalent as the Director may direct; and | Reg. 319(2)(c)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (d) be accompanied by evidence of sufficient qualifying service and experience appropriate to the State or port waters to which the harbour master licence will apply;
and | |
|
(3) The Director — | |
| (a) may require the applicant to provide further information or material in respect of the application; and | Reg. 319(3)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (b) may require the information to be verified;
and | |
| (c) may require proof of the identity of the person making the application. | |
|
(4) The harbour master licence may be limited by a condition imposed by the Director. |
Reg. 319(4)
amended by
S.R. No.
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reg. 5(1). |
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Reg. 320
amended by
S.R. No.
8/2002
reg. 5(1).

320. Period harbour master licence remains in force

A harbour master licence remains in force for a period of 5 years after the date it is issued unless it is sooner cancelled or revoked by the Director.

Division 4—Carriage of certificate, licence or exemption

321. Carriage of certificate, licence or exemption

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

Penalty: 2 penalty units.

PART 4—REGISTRATION OF VESSELS

Division 1—Registration of vessels

400. Requirements for registration of vessels

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

Reg. 400(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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- (xiii) current registration details
(if applicable);
 - (xiv) assigned registration number
(if applicable); and
 - (d) be accompanied by the fee for boating
facilities and safety education prescribed in
Division 3 of Part 8.
- (3) An application for renewal of registration must be
accompanied by the fee for boating facilities and
safety education prescribed in Division 3 of
Part 8.
- (4) Sub-regulation (2)(d) and (3) does not apply to a
person who registers a vessel that—
- (a) is used or intended to be used primarily for
search and rescue purposes; and
 - (b) is owned by an organisation approved by the
Director for the purposes of section 10(3) of
the Act.

Reg. 400(4)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

401. Period of registration

Reg. 401(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The Director may register a vessel for a period not
exceeding one year.

Reg. 401(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director may renew the registration of a
vessel for a period not exceeding one year.

Reg. 401(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) Registration or renewal of registration of a vessel
commences on the day on which the Director
issues the certificate of registration.

402. Registration label and identification mark

- (1) The Director may in respect of every vessel that is registered under regulation 400 issue a registration label and assign an identification mark after receiving the fees prescribed in Division 3 of Part 8. Reg. 402(1)
amended by
S.R. No.
8/2002
reg. 5(1).
- (2) The registered owner or operator of a vessel must ensure that the registration label for that vessel that is issued by the Director under sub-regulation (1) is fixed and remains fixed in a conspicuous position on the outside or upper position of the vessel. Reg. 402(2)
amended by
S.R. No.
8/2002
reg. 5(1).
- Penalty: 2 penalty units.
- (3) The registered owner or operator of a vessel must ensure that the identification mark that is assigned by the Director for that vessel is painted or displayed on the hull of the vessel on each side of the bow as high as practicable above the waterline in characters that are— Reg. 402(3)
amended by
S.R. No.
8/2002
reg. 5(1).
- (a) no less than 150 millimetres high; and
- (b) in proportionate breadth; and
- (c) coloured in contrast to that of the surface on which they are displayed.
- Penalty: 2 penalty units.
- (4) A person must not fix to a vessel a registration label or paint on, apply or otherwise fix to or display on a vessel an identification mark if the registration label or identification mark is not assigned by the Director to that vessel. Reg. 402(4)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 2 penalty units.

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Reg. 402(5)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 2 penalty units.

Reg. 403
amended by
S.R. No.
8/2002
reg. 5(1).

403. Cancellation of registration

The Director must cancel the registration of the vessel if—

Reg. 403(a)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) the registered owner or operator of a vessel requests the Director in writing to cancel the registration of that vessel; or

Reg. 403(b)
amended by
S.R. No.
8/2002
reg. 5(1).

- (b) the Director is satisfied that a vessel has been stolen and not recovered or has been destroyed; or

Reg. 403(c)
amended by
S.R. No.
8/2002
reg. 5(1).

- (c) the Director is satisfied that false or misleading information has been provided in connection with the registration of the vessel.

404. Suspension of registration

Reg. 404(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) If, after considering a report from a person authorised under section 13 of the Act to inspect a vessel the Director is satisfied that a registered vessel does not comply with the Act or the regulations, the Director, by notice in writing served personally or by post on the registered owner or operator of the vessel, may suspend the registration of the vessel.

Reg. 404(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director must specify in the notice under sub-regulation (1) the reasons why the vessel does not comply with the Act or the regulations.

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- (3) The Director may at any time during the current period of registration of that vessel, by notice in writing served personally or by post on the registered owner or operator of the vessel, withdraw the suspension notice if the Director is satisfied that—

Reg. 404(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) the deficiencies and defects in the vessel have been remedied; and
- (b) the vessel complies with the Act and the regulations.

405. Transfer of registered vessel

- (1) A registered owner of a vessel who sells or otherwise disposes of the vessel must within 14 days after the sale or disposal of the vessel—

- (a) complete an application for transfer of registration in the form approved for that purpose by the Director and sign it; and

Reg. 405(1)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 2 penalty units.

- (2) A person who purchases or otherwise acquires a registered vessel must, within 14 days after the purchase or acquisition of the vessel—

- (a) complete the application for transfer of registration from the owner of the vessel that has been completed and signed by the disposer; and
- (b) give the completed application for transfer of registration form to the Director.

Reg. 405(2)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 2 penalty units.

406. General exemptions from registration

- (1) For the purposes of section 8(1) of the Act, the following vessels are exempted from registration—
- (a) a vessel of not more than 5 metres in length that is used or intended to be used as a means of transport on inland waters or enclosed waters and that conspicuously displays the name of its mother vessel or the registration number of that vessel and the letter "T" and that operates or is intended to operate—
 - (i) between the shore and another vessel not more than 300 metres from the shore; or
 - (ii) between vessels not more than 300 metres apart and not more than 300 metres from the shore;
 - (b) a vessel that does not have an engine that is used or is capable of being used for propulsion;
 - (c) a fishing vessel;
 - (d) a trading vessel;
 - (e) a hire and drive vessel;
 - (f) a vessel which—
 - (i) is temporarily being operated on State waters; and
 - (ii) is registered in another State or a Territory of the Commonwealth; and
 - (iii) displays in accordance with an Act or regulation of that State or Territory an identifying plate, mark or number issued or allocated by the relevant authority in that State or Territory for the vessel;
-

- (g) a vessel that—
 - (i) is temporarily being operated on State waters; and
 - (ii) is exempt from registration as a vessel in another State or a Territory of the Commonwealth in which the owner of the vessel ordinarily resides;
- (h) a recreational vessel with an engine used or capable of being used for propulsion that is under the control of a manufacturer or dealer who has a special identification mark and a special identification plate issued in accordance with Division 2.

Division 2—Identification Plates and Marks

407. Special identification plates and marks

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

Reg. 407(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 407(3)
amended by
S.R. No.
8/2002
reg. 5(1).

408. Conditions of use of special identification plates and marks

- (1) A person issued with a special identification plate or mark in accordance with regulation 407—

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Reg. 408(1)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) must ensure that the special identification plate is displayed on the vessel in respect of which the plate or mark has been issued by the Director at all times; and
- (b) must not use, or allow the vessel to be used, for any purposes other than—
 - (i) operating the vessel from place to place while the vessel is in the process of manufacture; or
 - (ii) operating the vessel from the place of manufacture to the place where it will be offered for sale; or
 - (iii) testing the vessel; or
 - (iv) demonstrating the vessel to a purchaser or prospective purchaser; or
 - (v) delivering the vessel for or after sale; or
 - (vi) carrying out repairs to the vessel; or
 - (vii) returning the vessel to its owner after it has been repaired; and
- (c) must not allow the vessel to be operated by a person other than the manufacturer or dealer or a person employed by the manufacturer or dealer; and
- (d) must ensure that the special identification plate is fixed to the vessel where it can be easily seen with every letter, figure and symbol on the plate upright and clearly distinguishable from a distance of at least 20 metres from the vessel; and

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- (e) must keep at the manufacturer's or dealer's office or place of business a record of the name and address of each person who operates the vessel on which the special identification plate is displayed.

Penalty: 4 penalty units.

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

Penalty: 4 penalty units.

Pt 5
(Heading)
substituted by
S.R. 127/2001
reg. 10.

PART 5—ALCOHOL AND DRUG TESTING AND OTHER MATTERS

500. Prescribed breath test devices

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

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

501. Procedure for breath analysis

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

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

502. Breath analysis certificate

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

503. Method of obtaining blood sample

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

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

504. Procedure after taking blood sample

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

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

505. Certificate by medical practitioner taking blood sample

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

506. Analysts certificate

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

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Part 5—Alcohol and Drug Testing And Other Matters

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507. Notice of immediate operator licence suspension

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

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

Reg. 507
inserted by
S.R. No.
127/2001
reg. 11.

508. Suspended operator licence document to be surrendered to Director

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

Reg. 508
inserted by
S.R. No.
127/2001
reg. 11,
amended by
S.R. No.
8/2002
reg. 5(1).

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Part 6—Prescribed Measuring Devices

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PART 6—PRESCRIBED MEASURING DEVICES

600. Prescribed measuring devices

Reg. 600(1)
amended by
S.R. No.
8/2002 reg. 6.

- (1) The prescribed measuring devices for the purposes of sections 88 and 89(6) of the Act are the laser devices known as—

Reg. 600(1)(a)
amended by
S.R. No.
13/2000
reg. 8(a).

- (a) the LTI 20-20 Ultralyte LR; and

Reg. 600(1)(b)
amended by
S.R. No.
13/2000
reg. 8(b).

- (b) the Prolaser III.

- (2) A measuring device referred to in sub-regulation (1) must be calibrated in knots.

601. Testing Officer

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

- (a) a technical officer or the head of a faculty, school or department of electrical engineering, electronics or communications at a university specified in Schedule 1 to the **Tertiary Education Act 1993** or at an institution specified in Schedule 1 to the **Vocational Training and Education Act 1990**;
- (b) a person skilled in the development and operation of speed measuring devices and authorised in writing by the Chief Commissioner of Police;

- (c) the principal testing officer of a testing body accredited in the field of electrical testing by the National Association of Testing Authorities, Australia (NATA).

602. Testing of prescribed measuring devices

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

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

603. Sealing of prescribed measuring devices

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

- (a) the device has been tested in accordance with regulation 602 and the device has satisfied the test requirements; and

- (b) the device is sealed by the testing officer who carried out the test; and
- (c) the device is sealed with a seal that effectively prevents interference with the mechanism or circuitry of the device without breaking the seal; and
- (d) the testing officer keeps full and accurate records of the device sealed, including—
 - (i) the identification number of the device; and
 - (ii) the date on which the test was carried out; and
 - (iii) the manner in which the device was sealed; and
- (e) the records referred to in paragraph (d) are signed by the testing officer who sealed the device.

604. Use of laser devices

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

- (a) whenever the operator connects the device to a source of electricity, the operator ensures that all elements of the speed display are illuminated; and
- (b) the operator activates the device with the device aimed in the direction of a vessel within the operator's field of vision and observes the reading displayed on the digital speed display; and

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- (c) the device has been tested in accordance with regulation 602 within 12 months before the occasion of its use; and
 - (d) the device has been sealed in accordance with regulation 603.
-

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r. 700

Pt 7
(Heading and
regs 700–702)
substituted by
S.R. No.
127/2001
reg. 12.

**PART 7—OPERATOR LICENCES AND PERSONAL
WATERCRAFT ENDORSEMENTS**

Division 1—General provisions relating to operator licences

Reg. 700
substituted by
S.R. No.
127/2001
reg. 12.

700. Eligibility to apply for an operator licence

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

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

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r. 701

701. Requirements for applying for an operator licence

Reg. 701
substituted by
S.R. No.
127/2001
reg. 12.

- (1) An applicant for the issue of an operator licence must give the Director an application in writing that contains or is accompanied by—

Reg. 701(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) the following personal details—

- (i) the first name, second and third initials (if any) and family name of the applicant;
- (ii) the applicant's gender;
- (iii) the applicant's date of birth;
- (iv) the applicant's residential address;
- (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and

- (b) evidence to verify those personal details; and

- (c) evidence that the applicant has passed any test the Director has required the applicant to undergo under Part 10A of the Act; and

Reg. 701(1)(c)
amended by
S.R. No.
8/2002
reg. 5(1).

- (d) the fee prescribed in Part 8.

- (2) The Director may require an applicant for the issue of an operator licence—

Reg. 701(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Reg. 701(2)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

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r. 702

- (b) to provide a specimen signature; and
- (c) in the case of a person who has been disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth, after being convicted of an offence involving alcohol or other drugs, to provide evidence that the applicant has complied with any requirements of the law of that State or Territory relating to the assessment of drivers convicted of offences involving alcohol or other drugs.

Reg. 702
substituted by
S.R. No.
127/2001
reg. 12.

702. Licence holder may surrender operator licence

Reg. 702(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The holder of an operator licence may, by notice in writing to the Director, surrender his or her operator licence to the Director for cancellation.
- (2) A notice under sub-regulation (1) must be accompanied by the operator licence document.
- (3) The holder of an operator licence may surrender his or her operator licence to the relevant authority in another State or a Territory of the Commonwealth or another country for cancellation.

Reg. 702(4)
amended by
S.R. No.
8/2002
reg. 5(1).

- (4) The Director must cancel an operator licence if the holder of the licence surrenders his or her operator licence under sub-regulation (1) or (3).

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r. 703

703. Refusal to issue operator licence

Reg. 703
inserted by
S.R. No.
127/2001
reg. 12.

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

Reg. 703(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 703(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 703(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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Reg. 704
inserted by
S.R. No.
127/2001
reg. 12.

704. Operator licence period

Reg. 704(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) An operator licence remains in force for the period determined by the Director which must be either for the period of 1 year, 3 years or 5 years.

Reg. 704(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director may have regard to the period applied for by the applicant in making a determination under sub-regulation (1).

Reg. 705
inserted by
S.R. No.
127/2001
reg. 12.

705. Operator licence expiry date

Reg. 705(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) An operator licence expires at the end of the day that is recorded in the records maintained by the Director as the end of the term specified in that operator licence.

- (2) A personal watercraft endorsement on an operator licence expires on the same date as that of the operator licence of which it is a part expires.

Reg. 705(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) In any proceedings for a contravention of the Act or regulations made under the Act, the record, that is kept by the Director, of the expiry date of a licence is admissible in evidence, and in the absence of evidence to the contrary, is proof that the licence expires on the day so recorded.

Reg. 706
inserted by
S.R. No.
127/2001
reg. 12.

706. Operator licence conditions

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

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r. 706

- (2) If a condition is shown by a code, the operator licence document must bear a note to the effect that the condition can be found out by inquiry of the Director.

Reg. 706(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Reg. 706(3)
amended by
S.R. No.
8/2002
reg. 5(1).

Penalty: 1 penalty unit.

- (4) If the code shown in column 1 of Table 706 is specified in a licence document it must be taken to indicate that the licence is subject to the condition set out opposite that code in column 2 of that Table.

Reg. 706(4)
amended by
S.R. No.
8/2002
reg. 5(1).

Table 706

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

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r. 707

Reg. 707
inserted by
S.R. No.
127/2001
reg. 12.

707. Notice of renewal of operator licence

- (1) In this regulation "**notice of renewal of an operator licence**" means a notice addressed to the holder of the operator licence that states that, if the operator licence is not renewed on or before a date specified in the notice, the operator licence will expire, or a notice that is in or to that effect.
- (2) If the Director fails to send a notice of renewal of an operator licence or if the notice is not received by the holder of the operator licence, that failure or non-receipt does not affect—
 - (a) the expiry date of the operator licence; or
 - (b) the obligation of the holder of the operator licence to renew the licence if he or she intends to operate a regulated recreational vessel after the expiry of his or her existing operator licence.

Reg. 707(2)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 708
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

708. Renewal of operator licence

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

- (a) the following personal details—
 - (i) the first name, second and third initials (if any) and family name of the applicant;
 - (ii) the applicant's gender;
 - (iii) the applicant's date of birth;
 - (iv) the applicant's residential address;

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- (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and
- (b) evidence to verify those personal details; and
- (c) the fee prescribed in Part 8.

709. Refusal to renew

Reg. 709
inserted by
S.R. No.
127/2001
reg. 12.

- (1) The Director must refuse an application to renew an operator licence if the applicant—

Reg. 709(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or
- (b) has refused to undergo, or has failed any test the Director has required the applicant to undergo under Part 10A of the Act.

Reg. 709(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) If, under sub-regulation (1), the Director decides to refuse an application to renew an operator licence, the Director must notify the applicant of that decision.

Reg. 709(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) A notice under sub-regulation (2) must be in writing and must set out the reasons for the refusal.

710. Date of expiry of renewed operator licence

Reg. 710
inserted by
S.R. No.
127/2001
reg. 12.

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

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Reg. 711
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

711. Re-issue of operator licence

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

- (a) the following personal details—
 - (i) the first name, second and third initials (if any) and family name of the applicant;
 - (ii) the applicant's gender;
 - (iii) the applicant's date of birth;
 - (iv) the applicant's residential address;
 - (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and
- (b) evidence to verify those personal details; and
- (c) the fee prescribed in Part 8.

Reg. 712
inserted by
S.R. No.
127/2001
reg. 12.

712. Refusal to re-issue operator licence

Reg. 712(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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

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(b) has refused to undergo, or has failed any test the Director has required the applicant to undergo under Part 10A of the Act.

Reg. 712(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

(2) If, under sub-regulation (1), the Director decides to refuse an application to re-issue an operator licence, the Director must notify the applicant of that decision.

Reg. 712(2)
amended by
S.R. No.
8/2002
reg. 5(1).

(3) A notice under sub-regulation (2) must be in writing and must set out the reasons for the refusal.

713. Date of expiry of re-issued operator licence

Reg. 713
inserted by
S.R. No.
127/2001
reg. 12.

(1) The date on which a re-issued operator licence expires is to be calculated from the date on which the operator licence is re-issued.

(2) Sub-regulation (1) does not have the effect of retrospectively re-issuing the operator licence.

714. Application for variation of operator licence

Reg. 714
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

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

(a) the following personal details—

(i) the first name, second and third initials (if any) and family name of the applicant;

(ii) the applicant's gender;

(iii) the applicant's date of birth;

(iv) the applicant's residential address;

(v) if there is no postal service to the applicant's residential address, the address for the service of notices; and

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- (b) evidence to verify those personal details; and
- (c) details of the requested variation.

Reg. 715
inserted by
S.R. No.
127/2001
reg. 12.

715. Refusal to vary operator licence

Reg. 715(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The Director may refuse an application for the variation of an operator licence if the Director is satisfied that the applicant—

(a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or

Reg. 715(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

(b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.

Reg. 715(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) If, under sub-regulation (1), the Director decides to refuse an application to vary an operator licence, the Director must notify the applicant of that decision.

- (3) A notice under sub-regulation (2) must be in writing and must set out the reasons for the refusal.

Reg. 716
inserted by
S.R. No.
127/2001
reg. 12.

716. Conditions on restricted operator licence

- (1) In addition to any conditions specified in the licence, a restricted operator licence is subject to the conditions specified in sub-regulations (2) and (3).

- (2) The holder of the restricted operator licence must not operate a regulated recreational vessel at a speed—

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

717. Operator licence receipt

Reg. 717
inserted by
S.R. No.
127/2001
reg. 12.

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

Reg. 717(1)
amended by
S.R. No.
8/2002
reg. 5(1).

718. Form of operator licence document

An operator licence document must show details of the following—

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

Reg. 718
inserted by
S.R. No.
127/2001
reg. 12.

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r. 719

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

Reg. 719
inserted by
S.R. No.
127/2001
reg. 12.

719. Issue of replacement operator licence document

Reg. 719(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The Director may, upon payment by the holder of an operator licence of the fee prescribed in Part 8, issue a replacement operator licence document to replace one which has been stolen, lost, damaged, destroyed, mislaid, mutilated or rendered illegible in any way.

Reg. 719(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The holder of an operator licence who applies for a replacement operator licence document must provide to the Director—
- (a) the following personal details—
 - (i) the first name, second and third initials (if any) and family name of the applicant;
 - (ii) the applicant's gender;
 - (iii) the applicant's date of birth;

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- (iv) the applicant's residential address;
- (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and
- (b) evidence to verify those personal details.

720. Records

Reg. 720
inserted by
S.R. No.
127/2001
reg. 12.

- (1) The Director must maintain records in respect of each operator licence which include details of the following—
 - (a) the identification number allocated to the person to whom the operator licence was issued; and
 - (b) the person's family name, first name and any second and third initial; and
 - (c) the person's gender and date of birth; and
 - (d) the person's residential address and address for service of notices (if any); and
 - (e) the commencement and expiry dates of the operator licence; and
 - (f) any condition to which the operator licence is subject; and
 - (g) whether the licence has a personal watercraft endorsement.
- (2) Any person whose name appears in records referred to in sub-regulation (1) is entitled, on payment of the fee prescribed in Part 8, to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to him or her.

Reg. 720(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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Reg. 721
inserted by
S.R. No.
127/2001
reg. 12.

721. Change of name, address or condition

Reg. 721(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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

Penalty: 1 penalty unit.

Reg. 721(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) Unless required by the Director, the advice from the person referred to in sub-regulation (1) need not be in writing.

Reg. 721(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) The holder of an operator licence must, as soon as practicable, notify the Director of any permanent or long term injury or illness that may impair his or her ability to operate a regulated recreational vessel safely.

Penalty: 1 penalty unit.

Division 2—Variation, cancellation and suspension of operator licences

Reg. 722
inserted by
S.R. No.
127/2001
reg. 12.

722. Variation, suspension or cancellation of operator licence

Reg. 722(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (1) The Director may—
- (a) vary an operator licence; or
 - (b) vary the conditions on an operator licence; or

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- (c) suspend an operator licence; or
 - (d) cancel an operator licence—
- if it appears to the Director that—
- (e) the holder of the licence has refused to undergo, or has failed, any test the Director has required the person to undergo under Part 10A of the Act; or
 - (f) it would be dangerous for the holder of the licence to operate a regulated recreational vessel because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things; or
 - (g) the holder of the licence has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels; or
 - (h) a court order requires the holder of the licence to pay a sum of money by way of a fine, penalty, costs or restitution or any two of those things and—
 - (i) the order was made in respect of an offence arising out of the use of a regulated recreational vessel in Victoria, including a marine infringement; and
 - (ii) a person authorised by law to issue or to execute a warrant for the enforcement of the court order notifies the Director that the Order is wholly or partially unsatisfied; or
 - (i) the holder of the licence is not, under regulation 700, eligible to apply for an operator licence; or

Reg. 722(1)(e)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg.
722(1)(h)(ii)
amended by
S.R. No.
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reg. 5(1).

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Reg. 722(1)(k)
amended by
S.R. No.
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reg. 5(1).

- (j) the operator licence was issued in error; or
- (k) a cheque submitted to the Director as payment of a fee under these Regulations has been dishonoured; or

- (l) the holder of the licence has been convicted in another State or a Territory of the Commonwealth or another country of an offence which, if the person had been the holder of a licence or other authority in that State, Territory or country would have enabled the relevant authority in that State, Territory or country to suspend or cancel the person's licence or other authority; or

- (m) the holder of the licence has failed to comply with a condition of the operator licence.

Reg. 722(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) The Director must suspend or cancel an operator licence if the holder of the licence is disqualified from operating a general recreational vessel in another State or a Territory of the Commonwealth or another country or the person's licence in that State, Territory or country has been cancelled because of a judgement, order or decision made under, or otherwise by operation of, the law of that State, Territory or country.

Reg. 722(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) The Director may vary an operator licence to correct any error or omission in it and issue a replacement operator licence document.

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723. Procedures for variation, cancellation or suspension of operator licence

Reg. 723
inserted by
S.R. No.
127/2001
reg. 12.

- (1) If, under regulation 722(1), the Director decides to—
- (a) vary an operator licence; or
 - (b) vary the conditions on an operator licence; or
 - (c) suspend an operator licence; or
 - (d) cancel an operator licence—
- the Director must notify the holder of the licence of that decision, and that decision must not take effect until at least 28 days after the notice is given.
- (2) A notice under sub-section (1) must be in writing and must set out—
- (a) the reasons for the variation, suspension or cancellation; and
 - (b) the effect of the variation, suspension or cancellation; and
 - (c) the date of the variation, suspension or cancellation; and
 - (d) the action that may be taken by the holder of the licence in order to avoid the variation, suspension or cancellation; and
 - (e) the date by which the holder of the licence must take that action.

Reg. 723(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) An operator licence is varied, suspended or cancelled in accordance with the terms of a notice given under sub-regulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.

Reg. 723(3)
amended by
S.R. No.
8/2002
reg. 5(1).

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(4) This regulation does not apply to the suspension of an operator licence under section 119(2) of the Act.

(5) If an operator licence is varied, suspended or cancelled—

Reg. 723(5)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

(a) by the Director under section 119 of the Act;
or

(b) by a court—

the holder of that licence must, upon being given a notice of the variation, suspension or cancellation—

(c) give the operator licence immediately to the person who gave the notice; or

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

Penalty: 5 penalty units.

Reg. 723(6)
amended by
S.R. No.
8/2002
reg. 5(1).

(6) If, under section 119 of the Act, the Director has—

(a) varied an operator licence; or

(b) varied the conditions of an operator licence—

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

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r. 724

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

Reg. 724
inserted by
S.R. No.
127/2001
reg. 12.

- (1) The Director must not suspend an operator licence for the reasons specified in regulation 722(1)(e) unless the Director notifies the holder of the licence, in writing, that the Director has decided to suspend the operator licence and sets out in the notice—

Reg. 724(1)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) the reasons for the suspension; and
- (b) the effect of the suspension and the date on which the suspension takes effect; and
- (c) the date by which the holder must return the operator licence to the Director.

Reg. 724(1)(c)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) An operator licence is suspended in accordance with the terms of a notice given under sub-regulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.

Reg. 724(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) If an operator licence is suspended by the Director under section 119(2) of the Act the holder of the licence must, upon being given a notice of suspension under sub-regulation (1)—

Reg. 724(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) give the operator licence immediately to the person who gave the notice; or
- (b) send or take the operator licence to the place specified in the notice within the period specified in the notice.

Penalty: 5 penalty units.

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r. 725

Reg. 725
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

725. Prescribed time for suspension of operator licence

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

Division 3—Exemptions from requirement to hold operator licence

Reg. 726
inserted by
S.R. No.
127/2001
reg. 12.

726. Exemptions applying to licences issued outside Victoria

(1) A person who—

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

that authorises him or her to operate a regulated recreational vessel, is exempted from the requirement to hold an operator licence of the class that authorises the person to operate that class of regulated recreational vessel.

- (2) A person is not exempt or ceases to be exempt under sub-regulation (1) in any of the following circumstances—
 - (a) if the holder of the licence, certificate or other authority issued in another State or a Territory of the Commonwealth has resided

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r. 726

-
- in Victoria for a continuous period of more than 3 months; or
- (b) if the holder of the licence or other authority issued in another country has a permanent visa issued by the Commonwealth for more than 3 months; or
- (c) if the person is disqualified from operating a recreational vessel in another State or a Territory of the Commonwealth or another country or has his or her licence suspended; or
- (d) if, in the reasonable opinion of the Director, it would be dangerous for the person to operate a regulated recreational vessel because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things.
- Reg. 726(2)(d)
amended by
S.R. No.
8/2002
reg. 5(1).
- (3) If the Director forms an opinion on the matters set out in sub-regulation (2)(d) the Director must give the person notice in writing of the following—
- Reg. 726(3)
amended by
S.R. No.
8/2002
reg. 5(1).
- (a) that he or she is no longer exempt from the requirement to hold an operator licence;
- (b) that he or she must not operate a regulated recreational vessel on State waters;
- (c) the reasons why that person is no longer exempt;
- (d) any action that may be taken by the person in order to regain the exemption;
- (e) the date by which the person must take that action.
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r. 727

Reg. 727
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 7(1)–(3)
(ILA s. 39B(2)).

727. Exemption from licensing requirements

- (1) A person who is the operator of a general recreational vessel that is—
- (a) engaged solely in sailing; and
 - (b) is not using any mechanical means of propulsion—

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

Reg. 727(2)
inserted by
S.R. No.
8/2002
reg. 7(3).

- (2) A person who is over the age of 16 years and under the age of 21 years who is operating a specialised hire and drive vessel is exempt from the requirement to hold an operator licence under Part 10A of the Act while so operating that vessel until 3 December 2002.

Reg. 728
inserted by
S.R. No.
127/2001
reg. 12.

728. Exemption from licensing requirements for persons undergoing training

A person who—

Reg. 728(a)
amended by
S.R. No.
8/2002
reg. 5(1).

- (a) is operating a regulated recreational vessel as part of a training course approved by the Director for the purposes of obtaining an operator licence; and

Reg. 728(b)
amended by
S.R. No.
8/2002
reg. 5(1).

- (b) is accompanied in the vessel by a person who is approved by the Director to conduct training courses for the purposes of obtaining an operator licence—

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

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 729

**Division 4—General provisions relating to personal
watercraft endorsements**

**729. Requirements for applying for personal watercraft
endorsement**

Reg. 729
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

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

- (a) the following personal details—
 - (i) the first name, second and third initials (if any) and family name of the applicant;
 - (ii) the applicant's gender;
 - (iii) the applicant's date of birth;
 - (iv) the applicant's residential address;
 - (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and
- (b) evidence to verify those personal details; and
- (c) evidence that the applicant has passed any test the Director has required the applicant to undergo under Part 10A of the Act; and
- (d) the applicant's current operator licence; and
- (e) the fee prescribed in Part 8.

Reg. 729(c)
amended by
S.R. No.
8/2002
reg. 5(1).

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 730

730. Refusal to make personal watercraft endorsement

Reg. 730
inserted by
S.R. No.
127/2001
reg. 12.

Reg. 730(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 730(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 730(2)
amended by
S.R. No.
8/2002
reg. 5(1).

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

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 731

731. Operator licence receipt with personal watercraft endorsement

Reg. 731
inserted by
S.R. No.
127/2001
reg. 12.

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

Reg. 731(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Division 5—Variation or revocation of personal watercraft endorsement

732. Operator licence holder may request revocation of personal watercraft endorsement

Reg. 732
inserted by
S.R. No.
127/2001
reg. 12.

- (1) The holder of an operator licence with a personal watercraft endorsement may, in writing, request the Director to revoke the personal watercraft endorsement on the licence.
- (2) A request under sub-regulation (1) must be accompanied by the operator licence document.

Reg. 732(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 733

Reg. 732(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) The Director must revoke a personal watercraft endorsement on an operator licence if requested to do so by the holder of the licence under sub-regulation (1).

Reg. 732(4)
amended by
S.R. No.
8/2002
reg. 5(1).

- (4) If the Director has revoked the personal watercraft endorsement in accordance with a request under sub-regulation (1), the Director must issue a replacement operator licence document without a personal watercraft endorsement.

Reg. 733
inserted by
S.R. No.
127/2001
reg. 12,
amended by
S.R. No.
8/2002
reg. 5(1).

733. Application for variation of personal watercraft endorsement

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

- (a) the following personal details—
- (i) the first name, second and third initials (if any) and family name of the applicant;
 - (ii) the applicant's gender;
 - (iii) the applicant's date of birth;
 - (iv) the applicant's residential address;
 - (v) if there is no postal service to the applicant's residential address, the address for the service of notices; and
- (b) evidence to verify those personal details; and
- (c) details of the requested variation.

Marine Regulations 1999
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734. Refusal to vary personal watercraft endorsement

Reg. 734
inserted by
S.R. No.
127/2001
reg. 12.

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

Reg. 734(1)
amended by
S.R. No.
8/2002
reg. 5(1).

(a) has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of personal watercraft; or

(b) has refused to undergo, or has failed, any test the Director has required the applicant to undergo under Part 10A of the Act.

Reg. 734(1)(b)
amended by
S.R. No.
8/2002
reg. 5(1).

- (2) If, under sub-regulation (1), the Director decides to refuse an application to vary a personal watercraft endorsement on an operator licence, the Director must notify the applicant of that decision.

Reg. 734(2)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) A notice under sub-regulation (2) must be in writing and must set out the reasons for the refusal.

735. Variation or revocation of personal watercraft endorsement

Reg. 735
inserted by
S.R. No.
127/2001
reg. 12.

- (1) The Director may—

(a) vary a personal watercraft endorsement; or

(b) vary the conditions of a personal watercraft endorsement; or

(c) revoke a personal watercraft endorsement—

on an operator licence if it appears to the Director that—

Reg. 735(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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Reg. 735(1)(d)
amended by
S.R. No.
8/2002
reg. 5(1).

- (d) the holder of the licence has refused to undergo, or has failed, any test the Director has required the person to undergo under Part 10A of the Act; or
- (e) it would be dangerous for the holder of the licence to operate a personal watercraft because of illness or bodily infirmity, defect or incapacity or because of the effects of treatment for any of those things; or
- (f) the holder of the licence has insufficient knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of personal watercraft; or
- (g) a court order requires the holder of the licence to pay a sum of money by way of a fine, penalty, costs or restitution or any two of those things and—
 - (i) the order was made in respect of an offence arising out of the use of a personal watercraft in Victoria, including a marine infringement; and
 - (ii) a person authorised by law to issue or to execute a warrant for the enforcement of a court order notifies the Director that the Order is wholly or partially unsatisfied; or
- (h) the personal watercraft endorsement was made in error; or
- (i) a cheque submitted to the Director as payment of a fee under these Regulations has been dishonoured; or

Reg.
735(1)(g)(ii)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 735(1)(i)
amended by
S.R. No.
8/2002
reg. 5(1).

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r. 736

- (j) the holder of the licence has been convicted in another State or a Territory of the Commonwealth or another country of an offence which, if the person had been the holder of a licence or other authority in that State, Territory or country would have enabled the relevant authority in that State, Territory or country to suspend or cancel the person's licence or other authority.
- (2) The Director must revoke a personal watercraft endorsement on an operator licence if the holder of the licence is disqualified from operating a personal watercraft in another State or a Territory of the Commonwealth or the person's licence or other authority in that State or Territory has been cancelled because of a judgement, order or decision made under, or otherwise by operation of, the law of that State or Territory.

Reg. 735(2)
amended by
S.R. No.
8/2002
reg. 5(1).

736. Procedures for variation or revocation of personal watercraft endorsement

Reg. 736
inserted by
S.R. No.
127/2001
reg. 12.

- (1) If, under regulation 735(1), the Director decides to—
 - (a) vary a personal watercraft endorsement; or
 - (b) vary the conditions of a personal watercraft endorsement; or
 - (c) revoke a personal watercraft endorsement—on an operator licence the Director must notify the holder of the licence of that decision, and that decision must not take effect until at least 28 days after the notice is given.
- (2) A notice under sub-regulation (1) must be in writing and must set out—
 - (a) the reasons for the variation or revocation; and

Reg. 736(1)
amended by
S.R. No.
8/2002
reg. 5(1).

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r. 736

- (b) the effect of the variation or revocation; and
- (c) the date of the variation or revocation; and
- (d) the action that may be taken by the holder of the licence in order to avoid the variation or revocation; and
- (e) the date by which the holder of the licence must take that action.

Reg. 736(3)
amended by
S.R. No.
8/2002
reg. 5(1).

- (3) A personal watercraft endorsement on an operator licence is varied or revoked in accordance with the terms of a notice given under sub-regulation (1) on the date specified in the notice unless the Director, by further notice in writing, withdraws the notice.

Reg. 736(4)
amended by
S.R. No.
8/2002
reg. 5(1).

- (4) If a personal watercraft endorsement on an operator licence is revoked or varied by the Director under section 119 of the Act, the holder of the licence must, upon being given a notice of variation or revocation—
- (a) give the endorsed operator licence immediately to the person who gave the notice; or
 - (b) send or take the endorsed operator licence to the place specified in the notice within the period specified in the notice.

Penalty: 5 penalty units.

Reg. 736(5)
amended by
S.R. No.
8/2002
reg. 5(1).

- (5) The Director must, upon receiving the endorsed operator licence from the holder under sub-regulation (4), issue the holder with a replacement operator licence document.

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 737

Division 6—Tests in relation to regulated recreational vessels

737. Tests

- (1) For the purposes of section 120 of the Act, a test described in Column 1 of Table 737 must be carried out by a person of the class described in Column 2 of the Table in relation to that test.
- (2) The Director must accept, for the purposes of section 120, a certificate of the results of a medical examination conducted in another State or a Territory of the Commonwealth if that examination is carried out by a person who is authorised to do so under this regulation.

Reg. 737
inserted by
S.R. No.
127/2001
reg. 12.

Reg. 737(2)
amended by
S.R. No.
8/2002
reg. 5(1)(4)(a)-
(c).

Table 737

<i>Column 1</i>	<i>Column 2</i>
<i>Test</i>	<i>Prescribed class</i>
Medical test.	Registered medical practitioners.
Tests related to eyesight.	Registered medical practitioners, optometrists, occupational therapists, people authorised by the Director and officers of the Roads Corporation authorised in writing by the Director for the purpose.
An evaluation of an operator's physical and cognitive abilities or skills to operate a regulated recreational vessel.	Occupational therapists and persons authorised in writing by the Director to conduct tests of physical and cognitive abilities to operate a regulated recreational vessel.

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<i>Column 1</i>	<i>Column 2</i>
<i>Test</i>	<i>Prescribed class</i>
Tests of knowledge of the provisions of the Act, these Regulations or any notice under section 15 of the Act applying to the operation of regulated recreational vessels.	Officers of the Roads Corporation and people authorised in writing by the Director.

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

Reg. 738
inserted by
S.R. No.
127/2001
reg. 12.

738. Application for internal review

Reg. 738(1)
amended by
S.R. No.
8/2002
reg. 5(1)(5).

- (1) If the Director decides to—
- (a) refuse an application for an operator licence or an application to vary, renew or re-issue an operator licence; or
 - (b) refuse an application for a personal watercraft endorsement on an operator licence or an application to vary, renew or re-issue such an endorsement; or
 - (c) vary a condition on an operator licence or a personal watercraft endorsement under section 119 of the Act; or
 - (d) suspend, vary or cancel an operator licence under section 119 of the Act; or

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r. 738

- (e) vary or revoke a personal watercraft endorsement on an operator licence under section 119 of the Act—

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

- | | |
|--|--|
| (2) An application under sub-regulation (1) must be made within 28 days of the day on which the person is notified of the Director's decision under these Regulations. | Reg. 738(2)
amended by
S.R. No.
8/2002
reg. 5(5). |
| (3) The Director must notify each person who is entitled for a review of a decision under sub-regulation (1) of his or her right to apply for such a review. | Reg. 738(3)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (4) The Director must give the notice under sub-regulation (3) within 14 days after the making of the decision. | Reg. 738(4)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (5) A decision must not be reviewed by the person who made the decision. | |
| (6) After considering an application for review, the Director must—
(a) affirm the decision; or
(b) vary the decision; or
(c) revoke the decision. | Reg. 738(6)
amended by
S.R. No.
8/2002
reg. 5(1). |
| (7) The Director must notify the person who applied for the review in writing of the Director's decision under sub-regulation (6) within 28 days after the day on which the application for internal review is received by the Director. | Reg. 738(7)
amended by
S.R. No.
8/2002
reg. 5(1)(6). |
| (8) The making of an application for internal review of a decision does not stay the operation of the decision. | |

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Part 7—Operator Licences and Personal Watercraft Endorsements

r. 739

739. Applicant entitled to be given reasons

Reg. 739
inserted by
S.R. No.
127/2001
reg. 12.

Reg. 739(1)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 739(2)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 739(2)(a)
amended by
S.R. No.
8/2002
reg. 5(1).

Reg. 739(3)
amended by
S.R. No.
8/2002
reg. 5(1).

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

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Part 8—Fees

r. 800

PART 8—FEES

Pt 8
(Heading and
regs 800–829)
amended by
S.R. No.
13/2000
reg. 7(a)(b),
substituted by
S.R. No.
91/2001 reg. 4.

Division 1—Survey of vessels and examination of plans

Pt 8 Div. 1
(Heading and
regs 800–811)
substituted by
S.R. No.
91/2001 reg. 4,
amended by
S.R. No.
8/2002
reg. 5(1)(7)(8),
substituted by
S.R. No.
143/2003
reg. 4.

800. Existing vessel

Reg. 800
substituted by
S.R. No.
143/2003
reg. 4.

In this Division, "**existing vessel**" means—

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

801. Application fee for new vessel survey and plan approval

Reg. 801
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.1).

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

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

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S.R. No. 145/1999

Part 8—Fees

r. 802

Reg. 802
substituted by
S.R. No.
143/2003
reg. 4.

802. Plan approval fees

The fee which must be paid to the Director for approval of plans for a new vessel of a size specified in Column 2 of Table 802 is the amount calculated by multiplying the length of the vessel in metres by the amount specified for that class of vessel in Column 3 or 4 of the Table opposite that size of vessel.

Reg. 802
Table
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
items 27.2(a)–
(c), 27.3(a)–
(c)).

Table 802

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

Reg. 803
substituted by
S.R. No.
143/2003
reg. 4.

803. Fees for new vessel survey by the Director

The fee which must be paid to the Director for a survey of a new vessel of a size specified in Column 2 of Table 803 is the amount calculated by multiplying the length of the vessel in metres by the amount specified for that class of vessel in

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S.R. No. 145/1999

Part 8—Fees

r. 804

Column 3 or 4 of the Table opposite that size of vessel.

Table 803			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>For all class 1 vessels. Fee per metre of the length of vessel</i>	<i>For all other classes of vessels. Fee per metre of the length of vessel</i>
1.	For new vessels of or not exceeding 7·5 metres in length	5·65 fee units	5·65 fee units
2.	For new vessels exceeding 7·5 metres in length and less than 20 metres in length	5·05 fee units	4·4 fee units
3.	For new vessels of or exceeding 20 metres in length	4·4 fee units	3·14 fee units

Reg. 803 Table amended by S.R. No. 88/2004 reg. 4(Sch. 1 items 27.4(a)–(c), 27.5(a)–(c)).

804. Fee for booking a survey for existing vessel

A fee of 8·4 fee units must be paid to the Director at the time of booking a survey for an existing vessel for—

- (a) scheduling a surveyor authorised by the Director to attend at a particular time and location for the purposes of surveying the vessel;

Reg. 804 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.6).

Marine Regulations 1999
S.R. No. 145/1999

Part 8—Fees

r. 805

- (b) preparing the relevant documents for the survey; and
- (c) the costs incurred for the authorised surveyor to travel to and from the vessel.

Reg. 805
substituted by
S.R. No.
143/2003
reg. 4.

805. Fee for survey of existing vessels

The fee which must be paid to the Director for the survey of an existing vessel of a size specified in Column 2 of Table 805 is the amount specified for that class of vessel in Column 3 or 4 of the Table opposite that size of vessel.

Table 805

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

Reg. 805
Table 805
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
items 27.7(a)–
(e), 27.8(a)–
(e)).

Marine Regulations 1999
S.R. No. 145/1999

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>Class 1 vessels</i>	<i>All other classes</i>
5.	For vessels exceeding 35 metres in length	57 fee units	38 fee units

806. Fee for additional visit for an existing vessel survey

A fee of 8.4 fee units must be paid to the Director for each additional visit by a surveyor authorised by the Director that is required for the purposes of an existing vessel survey.

Reg. 806 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.9).

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

A fee of 2.1 fee units must be paid to the Director for considering an application for an alteration to the classification or specification of a vessel.

Reg. 807 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.10).

808. Inspection fee for alteration to classification or specification of vessel

A fee of 8.4 fee units must be paid to the Director for each inspection of a vessel for the purposes of altering the classification or specification of the vessel.

Reg. 808 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.11).

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

A fee of 6.3 fee units for each hour spent by a person authorised by the Director in approving a plan must be paid to the Director for an application for an alteration to the classification or specification of a vessel that requires a plan approval.

Reg. 809 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.12).

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Reg. 810
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch.1
item 27.13).

810. Fee for issue of certificate of survey

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

Reg. 811
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.14).

811. Fee for issue of duplicate certificate of survey

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

Pt 8 Div. 2
(Heading and
regs 812-826)
substituted by
S.R. No.
91/2001 reg. 4,
amended by
S.R. No.
8/2002
reg. 5(1)(9),
substituted by
S.R. No.
143/2003
reg. 4.

Division 2—Certificates of competency and licences

Reg. 812
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.15).

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

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

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

Marine Regulations 1999
S.R. No. 145/1999

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r. 813

813. Fee for issue or renewal of certificates

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

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

Reg. 813
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.16).

814. Fee for variation of certificates

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

Reg. 814
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.17).

815. Fee for issue of duplicate certificate

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

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

Reg. 815
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.18).

816. Examination fees for certificates

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

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

Reg. 816
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.19).

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S.R. No. 145/1999

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Reg. 816(2)
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.20).

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

Reg. 817
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.21).

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

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

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

Reg. 818
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.22).

818. Fee for issue or renewal of pilot licence

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

Reg. 819
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.23).

819. Fee for variation of pilot licence

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

Marine Regulations 1999
S.R. No. 145/1999

Part 8—Fees

r. 820

820. Fee for duplicate of pilot licence

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

Reg. 820
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.24).

821. Examination fees for pilot licences

A person who sits an examination for the issue, variation or renewal of a pilot licence for the ports and channels described in Column 2 of Table 821 must pay to the Director the amount specified in Column 3 of the Table opposite that port or channel.

Reg. 821
substituted by
S.R. No.
143/2003
reg. 4.

Table 821

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Ports and Channels</i>	<i>Fee</i>
1.	Port Waters of Melbourne and Geelong, and Port of Portland, and Port of Hastings	105.5 fee units
2.	Port Waters of Melbourne and Geelong, and Port of Portland	84.45 fee units
3.	Port Waters of Melbourne and Geelong, and Port of Hastings	84.45 fee units
4.	Port Waters of Melbourne and Geelong	63.3 fee units
5.	Port Waters of Melbourne and Port of Hastings	63.3 fee units
6.	Port Waters of Melbourne and Port of Portland	63.3 fee units
7.	Port Waters of Geelong and Port of Hastings	42.2 fee units
8.	Port Waters of Geelong and Port of Portland	42.2 fee units

Reg. 821
Table 821
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.25(a)–
(e)).

Marine Regulations 1999
S.R. No. 145/1999

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r. 822

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Ports and Channels</i>	<i>Fee</i>
9.	Port of Hastings and Port of Portland	42.2 fee units
10.	Port Waters of Melbourne (both channels)	42.2 fee units
11.	Port Waters of Melbourne (one channel)	24.75 fee units
12.	Port Waters of Geelong	24.75 fee units
13.	Port of Hastings	24.75 fee units
14.	Port of Portland	24.75 fee units

Reg. 822 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.26).

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

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

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

Reg. 823 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.27).

823. Fee for issue or renewal of pilot exemption certificate

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

Reg. 824 substituted by S.R. No. 143/2003 reg. 4, amended by S.R. No. 88/2004 reg. 4(Sch. 1 item 27.28).

824. Fee for variation of pilot exemption certificate

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

Marine Regulations 1999
S.R. No. 145/1999

Part 8—Fees

r. 825

825. Fee for duplicate of pilot exemption certificate

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

Reg. 825
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.29).

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

A person who sits an examination for the issue, variation or renewal of a pilot exemption certificate for the ports and channels described in Column 2 of Table 826 must pay to the Director the amount specified in Column 3 of the Table opposite that port or channel.

Reg. 826
substituted by
S.R. No.
143/2003
reg. 4.

Table 826

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Ports and Channels</i>	<i>Column 3</i> <i>Fee</i>
1.	Port Waters of Melbourne and Geelong, Port of Portland and Port of Hastings	105.5 fee units
2.	Port Waters of Melbourne and Geelong and Port of Portland	84.45 fee units
3.	Port Waters of Melbourne and Geelong and Port of Hastings	84.45 fee units
4.	Port Waters of Melbourne and Geelong	63.3 fee units
5.	Port Waters of Melbourne and Port of Hastings	63.3 fee units
6.	Port Waters of Melbourne and Port of Portland	63.3 fee units
7.	Port Waters of Geelong and Port of Hastings	42.2 fee units

Reg. 826
Table 826
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.30
(a)–(e)).

Marine Regulations 1999
S.R. No. 145/1999

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r. 827

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Ports and Channels</i>	<i>Fee</i>
8.	Port Waters of Geelong and Port of Portland	42.2 fee units
9.	Port of Hastings and Port of Portland	42.2 fee units
10.	Port Waters of Melbourne (both channels)	42.2 fee units
11.	Port Waters of Melbourne (one channel)	24.75 fee units
12.	Port Waters of Geelong	24.75 fee units
13.	Port of Hastings	24.75 fee units
14.	Port of Portland	24.75 fee units

Pt 8 Div. 3
(Heading and
regs 827-829)
substituted by
S.R. No.
91/2001 reg. 4,
amended by
S.R. No.
8/2002
reg. 5(1),
substituted by
S.R. No.
143/2003
reg. 4.

Division 3—Boating facilities and safety education fee

Reg. 827
substituted by
S.R. No.
143/2003
reg. 4.

827. Fees for boating facilities and safety education

The fee which must be paid to the Director for boating facilities and safety education for a vessel of a type specified in Column 2 of Table 827 is the amount specified in Column 3 of the Table opposite that type of vessel.

Marine Regulations 1999
S.R. No. 145/1999

Part 8—Fees

r. 828

Table 827

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

Reg. 827
Table 827
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.31(a)(
b)).

828. Fees for marks and plates for manufacturers and dealers

Reg. 828
substituted by
S.R. No.
143/2003
reg. 4.

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

Reg. 828(1)
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.32).

Reg. 828(2)
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.33).

829. Transfer fee on second-hand recreational vessel

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

Reg. 829
substituted by
S.R. No.
143/2003
reg. 4,
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.34).

Marine Regulations 1999
S.R. No. 145/1999

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Pt 8 Div. 4
(Heading and
regs 830–834)
inserted by
S.R. No.
127/2001
reg. 13.

**Division 4—Operator licences and personal watercraft
endorsements**

Reg. 830
inserted by
S.R. No.
127/2001
reg. 13,
amended by
S.R. No.
8/2002
reg. 5(1).

**830. Fee for operator licence and personal watercraft
endorsement**

The fee which must be paid to the Director for the issue, renewal or re-issue of an operator licence or the making of a personal watercraft endorsement of a class specified in column 2 of Table 830 is the amount set out in column 3 of the Table opposite that class of licence or endorsement.

Table 830

<i>Item</i>	<i>Class of licence or endorsement</i>	<i>Fee</i>
1	General operator licence	2.5 fee units per annum
2	Restricted operator licence	1.25 fee units per annum
3	Personal watercraft endorsement on a general operator licence	\$5.00 per annum
4	Personal watercraft endorsement on restricted operator licence	\$2.50 per annum

Reg. 830
Table 830
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 27.35(a)
(b)).

831. Fee for replacement operator licence

The fee which must be paid to the Director for the issue of a replacement operator licence under regulation 719 is \$16.00.

Reg. 831
inserted by
S.R. No.
127/2001
reg. 13,
amended by
S.R. No.
8/2002
reg. 5(1).

Marine Regulations 1999
S.R. No. 145/1999

Part 8—Fees

r. 832

832. Fee for search of records of operator licences

The fee which must be paid to the Director for a search of the Director's records and a certificate as to any matter appearing in those records under regulation 720 is \$6.50.

Reg. 832
inserted by
S.R. No.
127/2001
reg. 13,
amended by
S.R. No.
8/2002
reg. 5(1)(5).

833. Refund of fee

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

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

(b) under regulation 722—

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

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

where—

A is the unexpired number of months of duration of the operator licence; and

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

C is the amount paid for the operator licence.

Reg. 833
inserted by
S.R. No.
127/2001
reg. 13,
amended by
S.R. No.
8/2002
reg. 5(1).

834. Operator licence knowledge test fee

The fee which must be paid to the Director for a person to sit a test the person is required by the Director to undergo under Part 10A of the Act is \$20.00.

Reg. 834
inserted by
S.R. No.
127/2001
reg. 13,
amended by
S.R. No.
8/2002
reg. 5(1).

PART 9—MARINE INFRINGEMENT NOTICES

900. Prescribed offences

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

901. Service of marine infringement notice

A marine infringement notice may be served—

- (a) by personally serving the notice on the alleged offender; or
- (b) by sending the notice by post addressed to the alleged offender at his or her last known place of residence or business.

902. Form of marine infringement notice

For the purposes of section 60(2) of the Act, the prescribed form for a marine infringement notice is the form in Schedule 14.

903. Payment of penalty

For the purposes of section 61(3) or 61BA(6) of the Act, payment of a penalty may be made by posting or delivering the amount of the penalty to the address specified in the marine infringement notice as the address for payment of the penalty.

Reg. 903
substituted by
S.R. No.
127/2001
reg. 14.

904. Service of notice of withdrawal

A notice of withdrawal of a marine infringement notice may be served—

- (a) by personally serving the notice on the alleged offender; or
- (b) by sending the notice by post addressed to the alleged offender at his or her last known place of residence or business.

905. Form of notice of withdrawal

For the purposes of section 60(3) of the Act, the prescribed form of a notice of withdrawal of a marine infringement notice is the form in Schedule 15.

906. Proof of prior convictions or findings of guilt

For the purposes of section 62(1) of the Act, the prescribed form for setting out particulars of alleged prior convictions or findings of guilt is the form in Schedule 16.

PART 10—SAVINGS AND TRANSITIONALS

1000. Definitions

In this Part, "**old regulations**" means the Marine (Vessels) Regulations 1989¹ as in force immediately before the commencement of these Regulations.

1001. Previously issued certificates

A certificate that was issued by the Board under regulation 401, 402, 403 or 502 of the old regulations, and that is in force immediately before the commencement of these Regulations, remains in force, despite the commencement of these Regulations, for the rest of its duration and for all other purposes is deemed to have been issued under regulation 300, 301 or 315 of these Regulations (as the case requires).

1002. Previously issued licences

A licence that was issued by the Board under regulation 500 of the old regulations, and that is in force immediately before the commencement of these Regulations, remains in force, despite the commencement of these Regulations, for the rest of its duration and for all other purposes is deemed to have been issued under regulation 312 of these Regulations.

1003. Previously issued pilot exemption

A certificate of exemption that was issued by the Board under regulation 501 of the old regulations, and that is in force immediately before the commencement of these Regulations, remains in force, despite the commencement of these Regulations, for the rest of its duration and for all other purposes is deemed to have been issued under regulation 312 of these Regulations.

1004. Previous registration of a vessel

A registration of a vessel by the Board under regulation 200 of the old regulations that is in force immediately before the commencement of these Regulations, remains in force, despite the commencement of these Regulations, for the rest of its duration and for all other purposes is deemed to be registered under Part 4 of these Regulations.

1005. Previous special identification plates and marks

- (1) A special identification mark issued by the Board to a manufacturer or dealer of recreational vessels under regulation 200B of the old regulations that is in force immediately before the commencement of these Regulations, remains in force, despite the commencement of these Regulations, for the rest of its duration and for all other purposes is deemed to have been issued under regulation 407 of these Regulations.
- (2) A special identification plate issued by the Board to a manufacturer or dealer of recreational vessels under regulation 200B of the old regulations that is in force immediately before the commencement of these Regulations, remains in force despite the commencement of these Regulations for the rest of its duration and for all other purposes is deemed to have been issued under regulation 407 of these Regulations.

1006. Infringement notices issued under 1988 regulations

- (1) If a marine infringement is committed before the commencement of these Regulations against the Marine (Procedures) Regulations 1989²—
 - (a) in the case of a marine infringement under Part 3 of the Marine (Procedures) Regulations 1989 that has not been re-enacted under Schedule 13 to these

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S.R. No. 145/1999

Part 10—Savings and Transitionals

r. 1006

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- Regulations, the marine infringement continues to be a marine infringement under Part 3 of the Marine (Procedures) Regulations 1989 and a marine infringement notice for that infringement may be issued or served in accordance with those Regulations as if they had not been revoked;
- (b) in the case of a marine infringement under Part 3 of the Marine (Procedures) Regulations 1989 that has been re-enacted under Schedule 13 to these Regulations, the marine infringement is to be taken to be a marine infringement under Schedule 13 to these Regulations with the corresponding code, description of offence and penalty under Schedule 13 and a marine infringement notice for that infringement may be issued or served in accordance with these Regulations.
- (2) The revocation by these Regulations of the Marine (Procedures) Regulations 1989 does not affect—
- (a) a marine infringement notice issued or served in accordance with those Regulations before the commencement of these Regulations; or
- (b) a marine infringement notice issued or served in accordance with those Regulations after the commencement of these Regulations for an infringement under sub-regulation (1)(a).
- (3) Without limiting sub-regulation (2)—
- (a) a notice referred to in that sub-regulation may be withdrawn; and
- (b) the penalty shown on it is payable; and
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- (c) the procedures set out in Schedule 7 to the **Magistrates' Court Act 1989** may be used for the enforcement of the amount payable—

as if the Marine (Procedures) Regulations 1989 had not been revoked.

1007. Interpretation of Legislation Act not limited

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

1008. Marine infringements committed before the commencement of the Marine (Amendment) Regulations 2001

Reg. 1008
inserted by
S.R. No.
127/2001
reg. 15.

- (1) If, in the case of a marine infringement committed against these Regulations before the commencement of the Marine (Amendment) Regulations 2001 in respect of which a marine infringement notice has not been issued before that commencement, the infringement is of a class of infringements that has been re-enacted under regulation 19 of the Marine (Amendment) Regulations 2001, on and from that commencement the marine infringement is to be taken to be a marine infringement under these Regulations with the relevant description of offence and penalty under Schedule 13 and a marine infringement notice for that marine infringement may be issued or served in accordance with these Regulations.
- (2) If, in the case of a marine infringement committed against these Regulations before the commencement of the Marine (Amendment) Regulations 2001, in respect of which a marine infringement notice has been issued before that commencement—
- (a) the infringement is of a class of infringements that has not been re-enacted under regulation 19 of the Marine

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- (Amendment) Regulations 2001, on and from that commencement the marine infringement is to be taken to continue to be a marine infringement under Schedule 13 and that marine infringement may be dealt with in accordance with these Regulations as if the Marine (Amendment) Regulations 2001 has not been enacted; or
- (b) the infringement is of a class of infringements that has been re-enacted under regulation 19 of the Marine (Amendment) Regulations 2001, the marine infringement is to be taken to be a marine infringement under these Regulations with the relevant description of offence and penalty under Schedule 13 and may be dealt with in accordance with these Regulations.
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PART 11—EVIDENTIARY REQUIREMENTS

Pt 11
(Heading and
regs 1100,
1101)
inserted by
S.R. No.
127/2001
reg. 16.

**1100. Certificate as to matter extracted from the
Director's records**

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

Reg. 1100
inserted by
S.R. No.
127/2001
reg. 16,
amended by
S.R. No.
8/2002
reg. 5(5).

1101. Certificate as to name in which vessel is registered

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

Reg. 1101
inserted by
S.R. No.
127/2001
reg. 16.

**1102. Certificate as to testing and sealing of prescribed
speed measuring devices**

- (1) For the purposes of section 89(6) of the Act, a
certificate in relation to the testing and sealing of a
prescribed speed measuring device is in the
prescribed form if it is in the form set out in
Schedule 17.
 - (2) The testing officer is authorised to sign the
certificate.
- _____

Reg. 1102
inserted by
S.R. No.
8/2002 reg. 8.

Marine Regulations 1999
S.R. No. 145/1999

Sch. 1

SCHEDULE

SCHEDULE 1

Regulation 104

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
490/1988	Marine (Vessels) Regulations 1988
491/1988	Marine (Navigation and Operation of Vessels) Regulations 1988
492/1988	Marine (Fees) Regulations 1988
189/1989	Marine (Fees) (Amendment) Regulations 1989
283/1989	Marine (Procedures) Regulations 1989
121/1990	Marine (Procedures) (Blood Samples) Regulations 1990
151/1990	Marine (Fees) (Amendment) Regulations 1990
170/1991	Marine (Fees) (Amendment) Regulations 1991
114/1992	Marine (Fees) (Amendment) Regulations 1992
38/1993	Marine (Fees) (Amendment) Regulations 1993
22/1994	Marine (Fees) (Amendment) Regulations 1994
111/1994	Marine (Procedures) (Breath and Blood Tests) Regulations 1994
153/1994	Marine (Vessels) (Amendment) Regulations 1994
154/1994	Marine (Procedures) (Infringements) Regulations 1994
155/1994	Marine (Navigation and Operation of Vessels) (Amendment) Regulations 1994
163/1996	Marine (Procedures) (Infringement) Regulations 1996
8/1997	Marine (Procedures) (Infringement) Regulations 1997
122/1998	Marine (Fees) (Amendment) Regulations 1998
170/1998	Marine (Procedures) (Amendment) Regulations 1998

Marine Regulations 1999
S.R. No. 145/1999

Sch. 2

SCHEDULE 2

Regulation 200

TYPES OF PERSONAL FLOTATION DEVICES

PART 1—TYPES OF BUOYANCY GARMENTS

A buoyancy garment that is of a type that complies with the Australian Standard AS 2260–1984 Buoyancy Garments as published by the Standards Association of Australia on 7 December 1984.

PART 2—TYPES OF BUOYANCY VESTS

A Buoyancy vest that is of a type that complies with—

- (a) Australian Standard AS 1499–1973 Buoyancy Vests as published by the Standards Association of Australia on 5 March 1973; or
- (b) Australian Standard AS 1499–1979 Buoyancy Vests as published by the Standards Association of Australia on 1 July 1979; or
- (c) Australian Standard AS 1499–1983 Buoyancy Vests as published by the Standards Association of Australia on 7 March 1983.

Sch. 2 Pt 2(a)
amended by
S.R. No.
13/2000
reg. 4(2)(a).

Sch. 2 Pt 2(c)
amended by
S.R. No.
13/2000
reg. 4(2)(b).

PART 3—TYPES OF LIFEJACKETS

A lifejacket that is of a type that—

- (a) has been approved by the Board before 20 December 1999; or
- (b) complies with the requirements of Marine Order Part 25, Issue 4 (Order No. 12 of 1998) Appendix 1 Part 2 published by the Australian Maritime Safety Authority on 1 November 1998; or
- (c) complies with the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix R; or

Sch. 2 Pt 3(a)
amended by
S.R. No.
13/2000
reg. 4(2)(c).

Sch. 2 Pt 3(c)
amended by
S.R. No.
13/2000
reg. 4(2)(d).

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Sch. 2

Sch. 2
Pt 3(d)(iii)
amended by
S.R. No.
13/2000
reg. 4(2)(e).

Sch. 2 Pt 4
amended by
S.R. No.
13/2000
reg. 4(2)(f).

(d) complies with—

- (i) the Australian Standard AS 1512–1973 Lifejackets as published by the Standards Association of Australia on 5 July 1973; or
- (ii) the Australian Standard AS 1512–1981 Lifejackets as published by the Standards Association of Australia on 1 June 1981; or
- (iii) the Australian Standard AS 1512–1983 Lifejackets as published by the Standards Association of Australia on 7 March 1983;

PART 4—TYPE 1 PERSONAL FLOTATION DEVICES

A personal flotation device that is of a type that complies with the Australian Standard AS 1512–1988 Personal Flotation Devices—Type 1 as published by the Standards Association of Australia on 4 January 1988 or of a type that complies with the Australian Standard AS 1512–1996 Personal Flotation Devices—Type 1 published by the Standards Association of Australia on 5 January 1996, if—

- (a) the personal flotation device is fitted with retro-reflective tape that is of a type that—
 - (i) complies with the Uniform Shipping Laws Code Section 10 Life Saving Appliances Appendix R; or
 - (ii) complies with sub-clause 3.5 of the Australian Standard AS 2259–1988 General Requirements For Buoyancy Aids as published by the Standards Association of Australia on 4 January 1988; or
 - (iii) complies with sub-clause 3.5 of the Australian Standard AS 2259–1996 General Requirements For Buoyancy Aids as published by the Standards Association of Australia on 5 January 1996; or
- (b) in the case of a personal flotation device that has been purchased after 1 December 1989 so as to be provided on a recreational or hire and drive vessel, the device is fitted with retro-reflective tape placed as high up on the flotation device as is practicable, and—
 - (i) if the device is to be used by a person with a body mass greater than 25 kilograms, or placed upon a vessel for this purpose, the retro-reflective tape is positioned—

-
- (A) in 6 places on the outside of the device and if the device is reversible, on 6 places on the inside of the device with each tape not being less than 100 millimetres long and not being less than 50 millimetres wide; or
 - (B) in an arrangement that provides a total area of tape of not less than 0.03 square metres; or
- (ii) if the device is to be used by a person with a body mass of 25 kilograms or less, or placed upon a vessel for this purpose, the retro-reflective tape is positioned—
- (A) in not less than 4 places on the outside of the device and if the device is reversible on not less than 4 places on the inside of the device with each tape not being less than 100 millimetres long and not less than 50 millimetres wide; or
 - (B) in an arrangement that provides a total area of tape of not less than 0.02 square metres.

PART 5—TYPE 2 PERSONAL FLOTATION DEVICES

A personal flotation device that is of a type that complies with—

- (a) the Australian Standard AS 1499–1988 Personal Flotation Devices Type 2 as published by the Standards Association of Australia on 4 January 1988; or
- (b) the Australian Standard AS 1499–1996 Personal Flotation Devices Type 2 as published by the Standards Association of Australia on 5 January 1996;

PART 6—TYPE 3 PERSONAL FLOTATION DEVICES

A personal flotation device that complies with—

- (a) the Australian Standard AS 2260–1988 Personal Flotation Devices Type 3 as published by the Standards Association of Australia on 4 January 1988; or
 - (b) the Australian Standard AS 2260–1996 for Personal Flotation Devices Type 3 as published by the Standards Association of Australia on 5 January 1996.
-

Marine Regulations 1999
S.R. No. 145/1999

Sch. 3

SCHEDULE 3

Regulations 228 and 229

CONSTRUCTION OF RECREATIONAL VESSELS

Thermal Protection

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

Liquefied Petroleum Gas and Compressed Natural Gas

Sch. 3 cl. 4
amended by
S.R. No.
8/2002
reg. 9(1).

4. Unless the Director has given approval in writing to the contrary, if liquefied petroleum gas or compressed natural gas is carried on a recreational vessel—
 - (a) the gas cylinders must not be installed inside a deckhouse or below decks;
 - (b) the gas cylinders must be stored in the open air and secured in strongly constructed racks;
 - (c) in the case of a partially decked or open recreational vessel the gas cylinders must not be stored in lockers.
5. All gas piping on a recreational vessel must be securely fastened within the vessel.
6. Any gas-burning appliance on a recreational vessel must be securely fastened in position and the space containing the appliance must be adequately ventilated.

Marine Regulations 1999
S.R. No. 145/1999

Sch. 3

Flame Arrestor

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

Seaworthiness

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

Reserve Buoyancy

9. (1) In this clause, "**reserve buoyancy**" means—
- (a) fabricated air-tight tanks; or
 - (b) inflatable devices which can be conveniently stowed on a vessel; or
 - (c) buoyant foam that—
 - (i) is impervious to chemical action by petrol, oil and salt water; and
 - (ii) is of a closed cell structure; and
 - (iii) is suitably protected against fire; or
 - (d) buoyant foam that is approved by the Director; or
 - (e) any combination of the systems specified in sub-paragraphs (a) to (d); or
 - (f) any other system approved by the Director.
- (2) A recreational vessel that is an open boat and that does not have an enclosed superstructure must have reserve buoyancy that is sufficient to support—
- (a) the hull; and
 - (b) the weight of the motor, fuel tanks and all non-buoyant material; and
 - (c) 10% of the total combined weight of the hull, motor, fuel tanks and all non-buoyant material.

**Sch. 3 cl. 9
amended by
S.R. No.
8/2002
reg. 9(1).**

Marine Regulations 1999
S.R. No. 145/1999

Sch. 3

-
- (3) A recreational vessel that—
- (a) is an open boat; and
 - (b) does not have an enclosed superstructure; and
 - (c) was constructed and first registered after 1 July 1963—
- must have reserve buoyancy built into the hull of the vessel.

Ventilation

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

Marine Regulations 1999
S.R. No. 145/1999

Sch. 4

SCHEDULE 4

Regulation 230

**TABLE OF EQUIPMENT REQUIRED ON RECREATIONAL
VESSELS OPERATING IN STATE WATERS OTHER THAN
INLAND OR ENCLOSED WATERS**

PART A—QUANTITIES OF EQUIPMENT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Equipment to be carried on board</i>	<i>Rowing boats</i>	<i>Vessels less than 5 metres in length</i>	<i>Vessels 5 metres or more in length but less than 8 metres in length</i>	<i>Vessels 8 metres or more in length but less than 12 metres in length</i>	<i>Vessels 12 metres or more in length</i>
Lifejacket of a type listed in Part 3 of Schedule 2 or personal flotation device of a type listed in Part 4 of Schedule 2 for each person on board and each person being towed	1	1	1	1	1
Paddles or oars and rowlocks	2	2			
Bailer or manual pump	1				
Bailer or manual pump or efficient bilge pumping arrangement		1	1		
Manual pump or efficient bilge pumping arrangement				1	1
Efficient waterproof torch or efficient waterproof lantern	1	1	1	1	1
Portable fire extinguisher where any fuel is carried		1	1	2	3
Bucket with lanyard				1	2

Marine Regulations 1999
S.R. No. 145/1999

Sch. 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
			<i>Vessels 5 metres or more in length but less than 8 metres in length</i>	<i>Vessels 8 metres or more in length but less than 12 metres in length</i>	<i>Vessels 12 metres or more in length</i>
<i>Equipment to be carried on board</i>	<i>Rowing boats</i>	<i>Vessels less than 5 metres in length</i>			
Efficient compass				1	1
Lifebuoy					2
One dinghy or lifteraft					1
Hand held red distress flare	2	2	2	2	2
Hand held orange smoke signal	2	2	2	2	2
Efficient anchor	1	1	1	1	2

PART B—LENGTH AND DIAMETER OF ANCHOR CABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
			<i>Vessels 5 metres or more in length but less than 8 metres in length</i>	<i>Vessels 8 metres or more in length but less than 12 metres in length</i>	<i>Vessels 12 metres or more in length</i>
<i>Equipment to be carried on board</i>	<i>Rowing boats</i>	<i>Vessels less than 5 metres in length</i>			
Anchor cable— length in metres	35	45	50	55	70
Propylene anchor cable—diameter in millimetres cable stabilised against actinic degeneration	10	10	12	20	28
Nylon anchor cable—diameter in millimetres cable	8	8	10	16	20

Marine Regulations 1999
S.R. No. 145/1999

Sch. 5

SCHEDULE 5

Regulation 230

Sch. 5
amended by
S.R. No.
13/2000 reg. 9.

**TABLE OF EQUIPMENT REQUIRED ON RECREATIONAL
VESSELS OPERATING ONLY ON INLAND OR ENCLOSED
WATERS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>Equipment to be carried on board</i>	<i>Rowing boats</i>	<i>Vessels less than 5 metres in length</i>	<i>Vessels 5 metres or more in length but less than 8 metres in length</i>	<i>Vessels 8 metres or more in length but less than 12 metres in length</i>	<i>Vessels 12 metres or more in length</i>
Lifejacket of a type listed in Part 3 of Schedule 2 or personal flotation device of a type listed in Part 4 of Schedule 2 for each person on board and for each person being towed	1	1	1	1	1
Paddles or oars and rowlocks	2	2			
Bailer or manual pump	1				
Bailer or manual pump or efficient bilge pumping arrangement		1	1		
Manual pump or efficient bilge pumping arrangement				1	1
Efficient waterproof torch or efficient waterproof lantern	1	1	1	1	1
Portable fire extinguisher where any fuel is carried		1	1	2	3

Marine Regulations 1999
S.R. No. 145/1999

Sch. 5

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
			<i>Vessels 5 metres or more in length but less than 8 metres in length</i>	<i>Vessels 8 metres or more in length but less than 12 metres in length</i>	<i>Vessels 12 metres or more in length</i>
<i>Equipment to be carried on board</i>	<i>Rowing boats</i>	<i>Vessels less than 5 metres in length</i>			
Bucket with lanyard				1	2
Lifebuoy					2

SCHEDULE 6

Regulation 305

QUALIFYING TRAINING FOR PORT PHILLIP HEADS

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

**Sch. 6 cl. 1
amended by
S.R. No.
8/2002
reg. 9(2).**

SCHEDULE 7

Regulation 308

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

Prerequisite qualifying sea service

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

Training

Sch. 7 cl. 4
amended by
S.R. No.
8/2002
reg. 9(3).

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

SCHEDULE 8

Regulation 502

CERTIFICATE OF RESULTS OF BREATH ANALYSIS

I, _____ of _____

(1) Am the person who operated the breath analysing instrument described below.

(2) Am authorised to do so by the Chief Commissioner of Police.

(3) State that the following matters are to the best of my knowledge true.

Serial Number of Breath Analysing Instrument used to conduct the breath analysis:

Sample Number:

Location where the test was conducted:

Name of person whose breath was tested:

Date of birth of person whose breath was tested:

Surname of person who operated breath analysing instrument:

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

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

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

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

Date of person's breath test:

Time of person's breath test:

Concentration of alcohol in grams per 100 millilitres of blood indicated by the analysis to be present in the blood of the person tested:

Signature:

Marine Regulations 1999
S.R. No. 145/1999

Sch. 9

SCHEDULE 9

Regulation 505

**CERTIFICATE BY MEDICAL PRACTITIONER TAKING BLOOD
SAMPLE**

I _____ a medical practitioner registered under
(insert name of medical practitioner)

the **Medical Practice Act 1994** certify that the sample of blood described
below was taken in accordance with the requirements of the Marine
Regulations 1999.

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

Time that the blood sample was taken:

Date that the blood sample was taken:

Name of the medical practitioner who took the sample:

Signature of the medical practitioner who took the sample:

SCHEDULE 10

Regulation 506

ANALYST'S CERTIFICATE

I _____ certify that

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

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

(Insert here a statement as to the method of analysis used).

Description of the identification label referred to in regulation 503(2)(a)(ii) that is attached to the container in which the blood sample is placed:

(Insert here a description of the identification label).

Name of the properly qualified analyst:

Signature of the properly qualified analyst:

Date on which the analysis was conducted:

Marine Regulations 1999
S.R. No. 145/1999

Sch. 11

Sch. 11
amended by
S.R. No.
127/2001
reg. 17,
substituted by
S.R. No.
8/2002 reg. 10.

SCHEDULE 11

Regulation 1100

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

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

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

(Insert here the details to which the certificate relates)

Dated:

Signature of Director or delegate

Marine Regulations 1999
S.R. No. 145/1999

Sch. 12

SCHEDULE 12

Regulation 1101

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

Sch. 12
amended by
S.R. No.
127/2001
reg. 18,
substituted by
S.R. No.
8/2002 reg. 10.

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

Description of vessel

(Insert here the details which identify the vessel).

Dated:

Issued by the Director of Marine Safety

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S.R. No. 145/1999

Sch. 13

Sch. 13
amended by
S.R. Nos
13/2000
reg. 10(a)-(g),
91/2001
reg. 5(a)(b),
substituted by
S.R. No.
127/2001
reg. 19,
amended by
S.R. Nos
8/2002
reg. 9(4),
88/2004
reg. 4(Sch. 1
item 27.36
(a)-(j)).

SCHEDULE 13

Regulation 900

MARINE INFRINGEMENTS

"MA" means the Act; and

"MR" means Marine Regulations 1999;

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

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

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S.R. No. 145/1999

Sch. 13

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
Safety Distances, Speed Restrictions etc.			
State Waters			
2257	Contravene a notice by operating a vessel at a speed exceeding 5 knots within 50 metres of a person	MA s. 15(3) Notice cl. 2(a)	1·6 penalty units
2258	Operate a vessel at a speed exceeding 5 knots within 100 metres of a divers flag in contravention of the Notice	MA s. 15(3) Notice cl. 2(b)	1·6 penalty units
2259	Operate a vessel at a speed exceeding 5 knots within 50 metres of another vessel in contravention of the Notice	MA s. 15(3) Notice cl. 2(c)	1·6 penalty units
2260	Operate a sailboard in contravention of the Notice	MA s. 15(3) Notice cl. 17	1·2 penalty units
Inland Waters			
2261	Operate a vessel at a speed exceeding 5 knots within 50 metres of the water's edge or a structure in contravention of the Notice	MA s. 15(3) Notice cl. 3	1·6 penalty units
Coastal Waters and Ports			
2262	Operate a vessel at a speed exceeding 5 knots	MA s. 15(3) Notice cl. 4	1·6 penalty units
	(a) within 200 metres of the water's edge except in an access lane;		
	(b) within 50 metres of a wharf or similar structure except in an access lane;		

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S.R. No. 145/1999

Sch. 13

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
	(c) when passing through an anchorage for small vessels— in contravention of the Notice		
	Miscellaneous Navigation Offences		
2263	Operate a vessel in an access lane in contravention of the Notice	MA s. 15(3) Notice cl. 6	1·6 penalty units
2264	Operate a vessel at a speed exceeding a speed limit in specified areas of water in contravention of the Notice	MA s. 15(3) Notice cl. 7	1·6 penalty units
2265	Enter prohibited area towing water skier or when water-skiing in contravention of the Notice	MA s. 15(3) Notice cl. 8	1·6 penalty units
2266	Operate a vessel in a prohibited area in contravention of the Notice	MA s. 15(3) Notice cl. 9	1·6 penalty units
2267	Operate a vessel with an engine in a prohibited area in contravention of the Notice	MA s. 15(3) Notice cl. 10	1·6 penalty units
2268	Fail to operate vessel in a manner which creates minimal or no wash in a no wash zone in contravention of the Notice	MA s. 15(3) Notice cl. 11	1·6 penalty units
2269	Operate a vessel with an engine in a direction in contravention of the Notice in inland waters	MA s. 15(3) Notice cl. 14	1·6 penalty units
2270	Operate a vessel or engage in an activity in a prohibited area of water in contravention of the Notice	MA s. 15(3) Notice cl. 12	1·6 penalty units

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Sch. 13

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2271	Use waters contrary to conditions of use specified in a notice and in contravention of that Notice	MA s. 15(3) Notice cl. 13	1·6 penalty units
2272	Fail to give way to other vessel when departing from shore on a vessel with an engine in contravention of the Notice	MA s. 15(3) Notice cl. 15	1·6 penalty units
Water skiers			
2273	Fail to wear approved lifejacket, buoyancy vest, buoyancy garment or personal flotation device when water-skiing in contravention of the Notice	MA s. 15(3) Notice cl. 18	1·6 penalty units
2274	Tow water skiers in contravention of the Notice	MA s. 15(3) Notice cl. 19	1·2 penalty units
Smoke and Noise			
2275	Operate a vessel emitting annoying or dangerous smoke, visible vapour or smells in contravention of the Notice	MA s. 15(3) Notice cl. 20	0·8 penalty units
2276	Operate vessel without adequate silencing device securely fixed to engine in contravention of the Notice	MA s. 15(3) Notice cl. 21(1)(a)	0·8 penalty units
2277	Operate a vessel without a silencing device that does not have a cut out or similar device in contravention of the Notice	MA s. 15(3) Notice cl. 21(1)(b)	0·8 penalty units
2278	Operate vessel so as to create undue noise in contravention of the Notice	MA s. 15(3) Notice cl. 21(2)	0·8 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
Miscellaneous Offences			
2283	Fail to properly report an accident to the Director being the owner or master of a trading or fishing vessel	MA s. 20(3)	1·6 penalty units
2284	Fail to obey a direction given by a member of the police force or an authorised officer	MA s. 21(2)	1·6 penalty units
2286	Tamper with a vessel without just cause or excuse	MA s. 24	1·2 penalty units
2288	Obstruct an officer in the exercise of his or her duty	MA s. 92	1·6 penalty units
2289	Re-fuel vessel at a wharf, jetty or pier with passengers on board	MR r. 233	2 penalty units
2291	Permit a naked flame to be installed in compartment of vessel containing motors or fuel tank	MR r. 234(1)	1·6 penalty units
2292	Permit naked flame to be used near motor or fuel tank on vessel	MR r. 234(2)	2 penalty units
2293	Overload vessel	MR r. 236	2 penalty units
2294	Fail to give information when required	MA s. 18	0·8 penalty units
2295	Fail to stop vessel when required	MA s. 19(3)	1·2 penalty units
2296	Refuse or fail to state name and address or state false name and address	MA s. 19(4)(a) or (b), 60(7)(a) or (b)	1·2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2298	Bathe within 50 metres of a launching ramp being used or about to be used or an access lane in contravention of the Notice	MA s. 15(3) Notice cl. 16	1·2 penalty units
2299	Refuse or fail to allow a vessel to be inspected	MA s. 13(3)	1·6 penalty units
2300	Operate a recreational or hire and drive vessel engaged in diving operations without exhibiting a flag indicating diver below in contravention of the Notice	MA s. 15(3) Notice cl. 22	1·2 penalty units
2301	Engage in diving without a buoy or flag displayed in contravention of the Notice	MA s. 15(3) Notice cl. 23	1·2 penalty units
Equipment Offences—Recreational Vessels			
All State Waters			
2302	Fail to carry lifejacket or personal flotation device for each person on board and being towed	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units
2303	Fail to carry paddles or oars or rowlocks	MR r. 2301(1), 230(2) Schedules 4 and 5	0·8 penalty units
2304	Fail to carry bailer, manual pump or have efficient bilge pump	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units
2305	Fail to carry waterproof torch or lantern	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2306	Fail to carry portable fire extinguisher if fuel carried	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units
2307	Fail to carry a bucket with lanyard	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units
2308	Fail to carry a lifebuoy	MR r. 230(1), 230(2), Schedules 4 and 5	0·8 penalty units
State Waters Other Than Inland Or Enclosed Waters			
2309	Fail to carry a compass	MR r. 230(1), 230(2), Schedule 4	0·8 penalty units
2310	Fail to carry a dinghy or liferaft	MR r. 230(1), Schedule 4	0·8 penalty units
2311	Fail to carry hand held red flares or orange smoke signal	MR r. 230(1), Schedule 4	0·8 penalty units
2312	Fail to carry an efficient anchor	MR r. 230(1), Schedule 4	0·8 penalty units
2313	Fail to carry anchor cable	MR r. 230(1) (b), Schedule 4	0·8 penalty units
2314	Operate a vessel in State waters with persons under the age of 10 not wearing personal flotation device	MR r. 232	1·6 penalty units
Further Miscellaneous Offences			
2315	Fail to ensure equipment is readily accessible and in good order	MR r. 235	1·2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2316	Permit vessel to be moored or secured to navigation marker, beacon, buoy, pole or post in contravention of the Notice	MA s. 15(3) Notice cl. 23A	1·2 penalty units
2317	Anchor vessel in navigation channel or the area of State waters which impedes or may impede any other vessel in contravention of the Notice	MA s. 15(3) Notice cl. 23B	1·2 penalty units
Hire and Drive Vessel Offences			
2319	Being a person in charge of a vessel fail to render assistance, exchange details and report accident	MA s. 20(1)	1·6 penalty units
2320	Being the owner of a vessel fail to maintain register of contracts	MR r. 217(1)	0·8 penalty units
2321	Being the hirer of a vessel fail to provide details of contracts	MR r. 217(2)	0·8 penalty units
2322	Being the owner of a vessel fail to produce register of contracts for inspection	MR r. 217(3)	0·8 penalty units
2323	Being the owner of a vessel fail to notify Director of sale or disposal of hire and drive vessel	MR r. 218(1)	0·8 penalty units
2324	Being the purchaser of a vessel fail to notify Director of purchase or acquisition of hire and drive vessel	MR r. 218(2)	0·8 penalty units
2325	Being the owner of a vessel fail to report accident involving hire and drive vessel	MR r. 219	1·6 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2326	Being the hirer or operator of a vessel allow improper use of equipment or permit vessel to go outside limits specified in the certificate of survey	MR r. 220	1·6 penalty units
2327	Being the owner of a vessel fail to reasonably ensure competence of hirer	MR r. 221(1)	2 penalty units
2328	Being the owner of a vessel fail to give hirer instructions about use of hire and drive vessel	MR r. 221(2)	2·2 penalty units
2329	Being the owner of a vessel fail to obtain signed statement from hirer	MR r. 221(4)	2 penalty units
2330	Act in reckless, negligent or dangerous manner when operating or being towed or propelled by a hire and drive vessel	MR r. 222(1), 222(2)	2·4 penalty units
2331	Being the owner or hirer of a vessel fail to ensure person under 10 wearing personal flotation device	MR r. 223(1), 223(2)	1·6 penalty units
2332	Being the owner, hirer or operator of a vessel permit vessel to be refuelled at wharf etc. with passengers on board	MR r. 224(1), 224(2)	2 penalty units
2334	Being the owner of a vessel permit appliances producing a naked flame to be installed in compartment of vessel containing motors or fuel tank	MR r. 225(1)	1·6 penalty units
2335	Permit appliances producing a naked flame to be used in compartments of a vessel containing motor or fuel tank	MR r. 225(2), 225(3)	2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
2336	Being the owner of a vessel fail to have equipment readily accessible and in good order	MR r. 226	1·2 penalty units
2337	Being the owner or operator of a vessel overload vessel	MR r. 227(1), 227(2)	2 penalty units
Blood Alcohol Offences			
2338	Being a person in charge of vessel underway with unlawful blood alcohol level of ·05g/100ml or more than ·05g/100ml but less than ·10g/100ml but not being a person— (a) under the age of 21 years; or (b) who, by reason of section 27(1AAA) of the MA, is taken to be in charge of the vessel	MA s. 28(1)(b)	3 penalty units
2339	Being a person in charge of vessel underway with unlawful blood alcohol level of ·10g/100ml or more than ·10g/100ml but less than ·15g/100ml but not being a person— (a) under the age of 21 years; or (b) who, by reason of section 27(1AAA) of the MA, is taken to be in charge of the vessel	MA s. 28(1)(b)	4·2 penalty units

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<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
General Offences			
2340	Operate vessel on coastal waters without approved emergency position indicating radio beacon	MR r. 207	1·6 penalty units
2341	Being an owner of a vessel, operate, or allow the vessel to be operated, without certificate of survey	MA s. 97(1)	5 penalty units
2342	Being master of a vessel, operate the vessel without certificate of survey	MA s. 97(2)	2·5 penalty units
2343	Act as master or crew member on vessel without a certificate required by the regulations	MA s. 94(1)	2·5 penalty units
2344	Employ or engage person to act as master or crew member on vessel if person does not have a certificate required by the regulations	MA s. 94(2)	2·5 penalty units
2345	Being an owner of vessel, cause or allow vessel to be operated when crewed by people without appropriate certificates	MA s. 94(3)	2·5 penalty units
2346	Fail to carry certificate, licence or exemption whilst operating a vessel covered by that certificate or licence or exemption	MR r. 321	0·8 penalty units
Operation of vessels			
5701	Refuse or fail to surrender a document required by a notice of suspension of operator licence under section 28C(1) of the MA	MA s. 28C(5)	1·2 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
5702	Fail to comply with a notice to surrender licence served under section 61BA(4) of the MA within the specified time	MA s. 61BA(5)	1·2 penalty units
5703	Operate a general recreational vessel other than in accordance with an operator licence issued under Part 10A of the MA	MA s. 115(1)	2 penalty units
5704	Operate a personal watercraft other than in accordance with a licence issued under Part 10A of the MA that is endorsed to authorise such use	MA s. 115(2)	2·5 penalty units
5705	Apply for or obtain an operator licence while disqualified from doing so	MA s. 123(1)	2·5 penalty units
5706	Operate a general recreational vessel in breach of condition of an operator licence	MA s. 129(1)	2 penalty units
5707	Operate a personal watercraft in breach of a condition of an operator licence or personal watercraft endorsement on that licence	MA s. 129(2)	2·5 penalty units
5708	Operate a regulated recreational vessel in breach of a condition of a licence or certificate issued in another State, Territory or country	MA s. 130	2 penalty units
5709	Operate regulated recreational vessel without being in possession of operator licence document	MA s. 133	0·8 penalty units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Code</i>	<i>Short description of offence</i>	<i>Provision Containing Offence</i>	<i>Penalty</i>
5710	Being the owner of a trading, fishing or hire and drive vessel, allow that vessel to operate without carrying on board the certificate of survey issued in respect of that vessel or a certified copy of it	MR r. 216A(1)	2·5 penalty units
5711	Being the master of a trading or fishing vessel, allow that vessel to operate without carrying and displaying on board the certificate of survey issued in respect of that vessel or a certified copy of it	MR r. 216A(2)	2·5 penalty units
5712	Fail to produce an operator licence if a licence is required to operate the vessel	MA s. 19(4)(c)	1·2 penalty units
5713	Fail to produce a certificate, licence or exemption issued under the Regulations while operating a vessel covered by that certificate, licence or exemption	MA s. 19(4)(d)	1·2 penalty units

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Sch. 14

SCHEDULE 14

Regulation 902

Sch. 14
amended by
S.R. Nos
127/2001
reg. 20, 8/2002
reg. 9(5).

**MARINE INFRINGEMENT NOTICE FOR THE PURPOSES OF
SECTION 60(2) OF THE MARINE ACT 1988**

Date on which the notice is issued:

Number of the notice:

Name and address of the person alleged to have committed the marine infringement:

Date and approximate time and place of the alleged commission of the marine infringement:

If the alleged marine infringement arises out of the operation or being in charge of a vessel, the registered number or other means of identification of the vessel:

Brief description of the kind of marine infringement alleged to have been committed:

Amount of the penalty prescribed in the Marine Regulations 1999 that is payable in respect of the alleged marine infringement:

Time within which the penalty must be paid:

Manner in which the penalty must be paid:

Place at which the penalty must be paid:

If the amount of the penalty is paid before the end of the time specified in the notice, the matter will not be brought before a court unless the marine infringement notice is withdrawn within 28 days after the date on which it was served.

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Name and location of the member of the police force, person authorised by the Director or other person authorised by the Minister under section 60(1) of the Act by whom the notice was issued:

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SCHEDULE 15

Regulation 905

**NOTICE OF WITHDRAWAL OF MARINE INFRINGEMENT
NOTICE**

Notice to:

(Insert name and address of the person on whom the marine infringement notice was served).

The Marine infringement notice number
(insert number of the marine infringement notice) that was issued on
(insert date of issue of the marine infringement notice)
has been withdrawn.

* It is/is not intended that court proceedings may be instituted against you in respect of the alleged marine infringement.

The amount of any payment made in respect of the marine infringement penalty will be refunded.

* *strike out whichever does not apply.*

Signed:

Dated:

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Sch. 16

SCHEDULE 16

Regulation 906

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

Name and address of the person to whom it relates:

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

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

Signature of Informant:

Date:

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Sch. 17

SCHEDULE 17

Sch. 17
inserted by
S.R. No.
8/2002 reg. 11.

CERTIFICATE UNDER SECTION 89(6)

The laser device known as (*insert make and model number of device*) and numbered (*insert identifying number of device*) was tested by me in accordance with the Marine Regulations 1999 on (*date*).

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

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

Date:

Signature of person issuing certificate:

=====

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Endnotes

ENDNOTES

1. General Information

The Marine Regulations 1999, S.R. No. 145/1999 were made on 21 December 1999 by the Governor in Council under sections 10, 55, 56, 58, 59, 105, 108 and 109 of the **Marine Act 1988**, No. 52/1988 and came into operation on 21 December 1999.

The Marine Regulations 1999 will sunset 10 years after the day of making on 21 December 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Marine Regulations 1999 by statutory rules, subordinate instruments and Acts.

Marine (Amendment) Regulations 2000, S.R. No. 13/2000

Date of Making: 7.3.00

Date of Commencement: 7.3.00

Marine (Fees) Regulations 2001, S.R. No. 91/2001

Date of Making: 11.9.01

Date of Commencement: 1.10.01: reg. 3

Marine (Amendment) Regulations 2001, S.R. No. 127/2001

Date of Making: 27.11.01

Date of Commencement: 3.12.01: reg. 3

Marine (Amendment) Regulations 2002, S.R. No. 8/2002

Date of Making: 30.1.02

Date of Commencement: Regs 1–4, 7 on 1.2.02: reg. 3(1); regs 5, 6, 8–11 on
7.2.02: reg. 3(2)

Marine (Fees) Regulations 2003, S.R. No. 143/2003

Date of Making: 2.12.03

Date of Commencement: 15.12.03: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04

Date of Commencement: 1.7.04: reg. 3

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Endnotes

3. Explanatory Details

¹ Reg 1000: S. R. No. 490/1988. Reprinted to S.R. No. 153/1994.

² Reg 1006: S.R. No. 283/1989. Reprinted to S.R. No. 8/1997.

**Tables of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 1994**

The following table of applied, adopted or incorporated matter was included in S.R. No. 145/1999 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definitions of "hand held orange smoke signal" and "hand held red distress flare"	Uniform Shipping Laws Code Australian Standards specification for Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft as published by Standards Association of Australia on 3 October 1988 as AS 2092–1988	Section 10 Whole
Regulation 104— Definition of "Lakes Entrance Bar"	Chart AUS 182 "Lakes Entrance" published by the Hydrographic Service, Royal Australian Navy on 30 January 1998	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of "lifebuoy"	Uniform Shipping Laws Code Australian Standards specification for Rescue Buoys as published by Standards Association of Australia on 1 July 1979 as AS 2261–1979; and Australian Standards specification for Rescue Buoys as published by the Standards Association of Australia on 12 March 1990 as AS 2261–1990	Section 10 Whole Whole
Regulation 104— Definition of "portable fire extinguisher" Paragraph (a)—dry chemical type	Australian Standards specification for Portable Fire Extinguishers—Powder Type as published by the Standards Association of Australia on 4 November 1985 as AS 1846–1985	Whole
Regulation 104— Definition of "portable fire extinguisher" Paragraph (b)—carbon dioxide type	Australian Standards specification for Portable Fire Extinguishers—Carbon Dioxide Type as published by the Standards Association of Australia on 4 November 1985 as AS 1847–1985	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of "portable fire extinguisher" Paragraph (c)—foam chemical type	Australian Standards specification for Foam (Chemical) Type Portable Fire Extinguishers as published by the Standards Association of Australia on 4 November 1985 as AS 1843–1985	Whole
Regulation 104— Definition of "portable fire extinguisher" Paragraph (d)—foam gas container type	Australian Standards specification for Foam (Gas Container) Type Portable Fire Extinguishers as published by the Standards Association of Australia on 4 November 1985 as AS 1844–1985	Whole
Regulation 104— Definition of "portable fire extinguisher" Paragraph (e)—foam (stored pressure) type	Australian Standards specification for Foam (Stored Pressure) Type Portable Fire Extinguishers as published by the Standards Association of Australia on 4 November 1985 as AS 1845–1985	Whole
Regulation 104— Definition of "portable fire extinguisher" Paragraph (f)—wet chemical type	Australian Standard specification for Portable Fire Extinguishers as published by the Standards Association of Australia on 5 April 1997 as AS 1841.3–1997	Part 3: Wet Chemical Type
Regulation 104— Definition of "portable fire extinguisher" Paragraph (g)—foam type	Australian Standard specification for Portable Fire Extinguishers as published by the Standards Association of Australia on 5 April 1997 as AS 1841.4–1997	Part 4: Foam Type

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 104— Definition of "portable fire extinguisher" Paragraph (h)—powder type	Australian Standard specification for Portable Fire Extinguishers as published by the Standards Association of Australia on 5 April 1997 as AS 1841.5–1997	Part 5: Powder Type
Regulation 104— Definition of "portable fire extinguisher" Paragraph (i)—carbon dioxide type	Australian Standard specification for Portable Fire Extinguishers as published by the Standards Association of Australia on 5 April 1997 as AS 1841.6–1997;	Part 6: Carbon Dioxide Type
Regulation 104— Definition of "Port Phillip Heads"	Chart AUS 143 "Port Phillip" published by the Hydrographic Service, Royal Australian Navy on 2 May 1973	Whole
Regulation 205	Prevention of Collisions Convention	Whole except that Annex I, Annex II and Annex III do not apply to vessels on inland waters
Regulation 206	Safety Convention and Protocol of 1978	Chapter V of the Safety Convention (except regulations 13 and 15) and whole of Protocol

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 206	Commonwealth Navigation Act 1912	Section 6 and 8
Regulations 208, 209 and 211	International Code of Signals	Code Flag R
Regulation 212	Uniform Shipping Laws Code	Section 14
Regulation 215	Uniform Shipping Laws Code	Sections 5A, B, C (except clause C15), D, E, F, G, H, I, J, K, L, M, 6, 7 (except clauses 74.4 and 74.5), 8A, B and C, 9, 10, 11, 12, 13
Regulation 216	Uniform Shipping Laws Code	Section 18 (except clauses 2.4.1, 2.5.1, 2.5.3 and Parts 3 and 4)
Regulation 300	Uniform Shipping Laws Code	Part 4 of section 2
Regulation 301	Uniform Shipping Laws Code	Part 4 of section 3
Regulations 302 and 303	Uniform Shipping Laws Code	Sections 2 and 3
Schedule 2—Definition of "buoyancy garment"	Australian Standards specification for Buoyancy Garments as published by the Standards Association of Australia on 7 December 1984 as AS 2260–1984	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 2—Definition of "buoyancy vest"	Australian Standards specification for Buoyancy Vests as published by the Standards Association of Australia on 1 January 1973 as AS 1499–1973; and	Whole
	Australian Standards specification for Buoyancy Vests as published by the Standards Association of Australia on 1 July 1979 as AS 1499–1979; and	Whole
	Australian Standards specification for Buoyancy Vests as published by the Standards Association of Australia on 1 March 1983 as AS 1499–1983	Whole
Schedule 2—Definition of "lifejacket"	Order made under the Commonwealth Navigation Act 1912 known as Marine Order Part 25 Issue 4 (Order No. 12 of 1998, Appendix 1 Part 2) published by the Australian Maritime Authority on 1 November 1998;	Whole
	Uniform Shipping Laws Code	Section 16 Lifesaving Appliances, Appendix R
	Australian Standards specification for Life Jackets as published by the Standards Association of Australia on 5 July 1973 as AS 1512–1973;	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	Australian Standards specification for Life Jackets as published by the Standards Association of Australia on 1 June 1981 as AS 1512-1981;	Whole
	Australian Standards specification for Life Jackets as published by the Standards Association of Australia on 1 March 1983 as AS 1512-1983	Whole
Schedule 2—Definition of "personal flotation device type 1"	<p>Australian Standards specification for Personal Flotation Devices—Type 1 as published by the Standards Association of Australia on 4 January 1988 as AS 1512-1988;</p> <p>Australian Standards specification for Personal Flotation Devices published by the Standards Association of Australia on 5 January 1996 as AS 1512-1996;</p> <p>Uniform Shipping Laws Code</p> <p>Australian Standards specification for General Requirements for Buoyancy Aids as published by the Standards Association of Australia on 4 January 1988 as AS 2259-1988;</p>	<p>Whole</p> <p>Whole</p> <p>Section 10, Lifesaving Appliances, Appendix R</p> <p>Sub-clause 3.5</p>

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	Australian Standards specification for General Requirements for Buoyancy Aids as published by the Standards Association of Australia on 5 January 1996 as AS 2259–1996.	Sub-clause 3.5
Schedule 2—Definition of "personal flotation device type 2"	<p>Australian Standards specification for Personal Flotation Devices Type 2 as published by the Standards Association of Australia on 4 January 1988 as AS 1499–1988;</p> <p>Australian Standards specification for Personal Flotation Devices Type 2 as published by the Standards Association of Australia on 5 January 1996 as AS 1499–1996.</p>	<p>Whole</p> <p>Whole</p>
Schedule 2—Definition of "personal flotation device type 3"	<p>Australian Standards specification for Personal Flotation Devices Type 3 as published by the Standards Association of Australia on 4 January 1988 as AS 2260–1988;</p> <p>Australian Standards specification for Personal Flotation Devices Type 3 as published by the Standards Association of Australia on 5 January 1996 as AS 2260–1996.</p>	<p>Whole</p> <p>Whole</p>

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The following table of applied, adopted or incorporated matter was provided in S.R. No. 13/2000 for ease of reference to show applied, adopted or incorporated matter in the Principal Regulations as at 7 March 2000.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 103— Definitions of "hand held orange smoke signal" and "hand held red distress flare"	Uniform Shipping Laws Code Australian Standard AS 2092–1988 Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft	Section 10 Whole
Regulation 103— Definition of "Lakes Entrance Bar"	Chart AUS 182 "Lakes Entrance" published by the Hydrographic Service, Royal Australian Navy on 30 January 1998	Whole
Regulation 103— Definition of "lifebuoy"	Uniform Shipping Laws Code Australian Standard AS 2261–1979 Rescue Buoys Australian Standard AS 2261–1990 Rescue Buoys	Section 10 Whole Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (a)—dry chemical type	Australian Standard AS 1846–1985 Portable Fire Extinguishers—Powder Type	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (b)—carbon dioxide type	Australian Standard AS 1847–1985 Portable Fire Extinguishers—Carbon Dioxide Type	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 103— Definition of "portable fire extinguisher" Paragraph (c)—foam (chemical) type	Australian Standard AS 1843–1976 Foam (Chemical) Type Portable Fire Extinguishers	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (d)—foam (gas container) type	Australian Standard AS 1844–1985 Portable Fire Extinguishers—Foam (Gas Container) Type	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (f)—wet chemical type	Australian/New Zealand Standard AS/NZS 1841.3:1997 Portable fire extinguishers Part 3: Specific requirements for wet-chemical type extinguishers	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (e)—foam (stored pressure) type	Australian Standard AS 1845–1985 Portable Fire Extinguishers—Foam (Stored Pressure) Type	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (g)—foam type	Australian/New Zealand Standard AS/NZS 1841.4:1997 Portable fire extinguishers Part 4: Specific requirements for foam type extinguishers	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 103— Definition of "portable fire extinguisher" Paragraph (h)— powder type	Australian/New Zealand Standard AS/NZS 1841.5:1997 Portable fire extinguishers Part 5: Specific requirements for powder type extinguishers	Whole
Regulation 103— Definition of "portable fire extinguisher" Paragraph (i)—carbon dioxide type	Australian/New Zealand Standard AS/NZS 1841.6:1997 Portable fire extinguishers Part 6: Specific requirements for carbon dioxide type extinguishers	Whole
Regulation 103— Definition of "Port Phillip Heads"	Chart AUS 143 "Port Phillip" published by the Hydrographic Service, Royal Australian Navy on 2 May 1973	Whole
Regulation 205	Prevention of Collisions Convention	Whole except that Annex I, Annex II and Annex III do not apply to vessels on inland waters
Regulation 206	Safety Convention	Chapter V of the Safety Convention (except regulations 13 and 15)
Regulation 206	Commonwealth Navigation Act 1912	Sections 6 and 8
Regulations 209 and 211	International Code of Signals	Appendix 2 Code Flag R

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 212	Uniform Shipping Laws Code	Section 14
Regulation 215	Uniform Shipping Laws Code	Sections 5A, B, C (except clause C15), D, E, F, G, H, I, J, K, L, M, 6, 7 (except clauses 74.4 and 74.5), 8A, B and C, 9, 10, 11, 12, 13
Regulation 216	Uniform Shipping Laws Code	Section 18 (except clauses 2.4.1, 2.5.1, 2.5.3 and Parts 3 and 4)
Regulation 300	Uniform Shipping Laws Code	Part 4 of section 2
Regulation 301	Uniform Shipping Laws Code	Part 4 of section 3
Regulations 302 and 303	Uniform Shipping Laws Code	Sections 2 and 3
Schedule 2— Definition of "buoyancy garment"	Australian Standard AS 2260–1984 Buoyancy Garments	Whole
Schedule 2— Definition of "buoyancy vest"	Australian Standard AS 1499–1973 Buoyancy Vests	Whole
	Australian Standard AS 1499–1979 Buoyancy Vests	Whole
	Australian Standard AS 1499–1983 Buoyancy Vests	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 2— Definition of "lifejacket"	Order made under the Commonwealth Navigation Act 1912 known as Marine Order Part 25 Issue 4 (Order No. 12 of 1998, Appendix 1 Part 2) published by the Australian Maritime Authority on 1 November 1998 Uniform Shipping Laws Code Australian Standard AS 1512–1973 Lifejackets Australian Standard AS 1512–1981 Lifejackets Australian Standard AS 1512–1983 Lifejackets	Whole Section 10 Lifesaving Appliances, Appendix R Whole Whole Whole
Schedule 2— Definition of "personal flotation device type 1"	Australian Standard AS 1512– 1988 Personal Flotation Devices—Type 1 Australian Standard AS 1512– 1996 Personal flotation devices—Type 1 Uniform Shipping Laws Code	Whole Whole Section 10, Lifesaving Appliances, Appendix R

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 2— Definition of "personal flotation device type 1"— <i>continued</i>	Australian Standard AS 2259— 1988 General Requirements for Buoyancy Aids	Sub-clause 3.5
	Australian Standard AS 2259—1996 General Requirements for Buoyancy Aids	Sub-clause 3.5
Schedule 2— Definition of "personal flotation device type 2"	Australian Standard AS 1499— 1988 Personal Flotation Devices—Type 2	Whole
	Australian Standard AS 1499— 1996 Personal Flotation Devices—Type 2	Whole
Schedule 2— Definition of "personal flotation device type 3"	Australian Standard AS 2260— 1988 Personal Flotation Devices—Type 3	Whole
	Australian Standard AS 2260— 1996 Personal Flotation Devices—Type 3	Whole

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The following table of applied, adopted or incorporated matter was included in S.R. No. 127/2001 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 7 which amends regulation 209(2)(d) of the Principal Regulations	International Code of Signals	Appendix 2 Code Flag R
Regulation 8 which amends regulation 211(2)(e) of the Principal Regulations	International Code of Signals	Appendix 2 Code Flag R