

# Marine Safety Regulations 2022

S.R. No.

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STATUTORY RULES

S.R. No.

*Marine Safety Act 2010*

**Marine Safety Regulations 2022**

The Governor in Council makes the following Regulations:

Date:

Responsible Minister:

MELISSA HORNE  
Minister for Fishing and Boating

Clerk of the Executive Council

**Part 1—Preliminary**

**1 Objective**

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

- (a) the registration and operation of recreational vessels; and
- (b) the licensing of masters of recreational vessels and regulated hire and drive vessels; and
- (c) endorsements of marine licences; and
- (d) various other matters for the purposes of the **Marine Safety Act 2010**.

**2 Authorising provisions**

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

### 3 Commencement

These Regulations come into operation on [TBA].

### 4 Revocations

The following Regulations are **revoked**—

- (a) the Marine Safety Regulations 2012<sup>1</sup>;
- (b) the Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Regulations 2013<sup>2</sup>;
- (c) the Marine Safety Amendment Regulations 2015<sup>3</sup>;
- (d) the Marine Safety Further Amendment Regulations 2017<sup>4</sup>;
- (e) the Marine Safety Amendment Regulations 2019<sup>5</sup>;
- (f) the Marine Safety Amendment Regulations 2021<sup>6</sup>.

### 5 Definitions

In these Regulations—

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

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

**breadth**, for a vessel, means the maximum breadth of the vessel measured amidships as follows—

- (a) if the vessel has a metal hull—to the moulded line of the frame;



- (b) if the vessel does not have a metal hull—to the outer surface of the hull;

*certificate of operation* means—

- (a) a certificate issued under section 48 of the Marine Safety (Domestic Commercial Vessel) National Law; or
- (b) a certificate recognised under section 73 of the Marine Safety (Domestic Commercial Vessel) National Law;

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

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

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

*declared port waters* means—

- (a) in relation to a local port—
  - (i) land or waters deemed under section 183 of the **Port Management Act 1995** to be the land and waters of that local port; or
  - (ii) State waters declared under section 5(2) of the **Port Management Act 1995** to be the port waters of that local port; and
- (b) in relation to a commercial trading port—State waters declared under section 5(2) of the **Port Management Act 1995** to be the port waters of that commercial trading port;

*designated hazardous area* means—

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- (a) Port Phillip Heads; or
- (b) any area of State waters declared as a designated hazardous area under regulation 7;

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

***disabled*** means not capable of making way through water;

***enclosed waters*** means—

- (a) the declared port waters inside the seaward entrance of the following local ports—
    - (i) the Port of Apollo Bay;
    - (ii) the Port of Anderson Inlet;
    - (iii) the Port of Gippsland Lakes;
    - (iv) the Port of Snowy River;
    - (v) the Port of Mallacoota;
    - (vi) the Port of Port Fairy;
  - (b) the declared port waters of the Port of Barwon Heads upstream of the Barwon Heads–Ocean Grove road bridge;
  - (c) the declared port waters of the Port of Corner Inlet and Port Albert east of a line between Port Welshpool shipping pier and Bentley Point (inside the entrances);
  - (d) the waters of Shallow Inlet;
  - (e) the declared port waters inside the entrance of the Port of Portland;
  - (f) the declared port waters of the Port of Port Phillip;
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- (g) the waters of Western Port—
  - (i) landward of its western entrance joined by an imaginary line drawn between West Head to the southern tip of Seal Rocks to Point Grant; and
  - (ii) landward of its eastern entrance joined by an imaginary line drawn between Cape Woolamai and Griffith Point;
- (h) the waters between the seaward entrance of Tamboon Inlet and the northerly boundary of an imaginary line drawn between the intersection of Flanders Track and Fishermans Track east of Cann River and the bank of Cann River directly opposite due west;
- (i) the waters between the seaward entrance of Wingan Inlet and the northerly boundary of an imaginary line drawn between Rocky Creek and the bank directly opposite due east;
- (j) the waters between the seaward entrance of Sydenham Inlet and the mouth of the Bemm River;

*expiry date* means—

- (a) in relation to the registration of a vessel—the date determined in accordance with regulation 13(3) as the date on which the registration of the vessel expires;
  - (b) in relation to a marine licence—the date determined in accordance with regulation 37 as the date on which that licence expires;
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***fixed fire extinguishing system*** means a fixed fire extinguishing system that complies with—

- (a) International Standard ISO 9094:2015 "Small craft—Fire protection"; or
- (b) Australian Standard AS 4214:2018 "Gaseous fire-extinguishing systems";

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

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

***hull identification number*** means an identification number affixed to a vessel in a form, manner and location that is in accordance with International Standard ISO 10087:2022, "Small Craft—Craft identification—Coding system";

***inland waters*** means rivers (inside the seaward entrance), creeks, canals, lakes, reservoirs and any similar waters, whether naturally formed or man-made and whether publicly or privately owned, but does not include any navigable rivers, creeks or streams within declared port waters;

***length***, in relation to a recreational vessel, means the length of the hull of the vessel when measured in accordance with clause 5.2.2 of International Standard ISO 8666:2020 "Small craft—Principal data";

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**lifebuoy** means a lifebuoy of a type that complies with AS 4758.1:2022 "Lifejackets—Part 1: General requirements";

**lifejacket** means—

- (a) a level 50 lifejacket; or
- (b) a level 50S lifejacket; or
- (c) a level 100 plus lifejacket;

**level 50 lifejacket** means a lifejacket of a type described in Part 3 of Schedule 1;

**level 50S lifejacket** means a lifejacket of a type described in Part 4 of Schedule 1;

**level 100 plus lifejacket** means a lifejacket of a type described in Part 2 of Schedule 1;

**marine licence endorsement** means an endorsement of a marine licence under section 55 of the Act;

**marine radio** means a VHF marine radio transceiver approved by the Australian Communications and Media Authority that complies with AS/NZS ETSI EN 302 885: 2018 "Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands with integrated handheld class H DSC";

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

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

- (c) that is permanent or occurs from time to time—

and includes all waters within 500 metres of the ridge;

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

***open area*** means—

- (a) in relation to a recreational vessel or a hire and drive vessel (other than a kayak or a canoe)—
- (i) if the vessel has a deck—all deck areas, including coach roofs, superstructures, open flying bridges, trampolines and nets, but excluding areas within a rigid deckhouse, a rigid cabin, a rigid half-cabin or a securely enclosed under-deck space; or
  - (ii) if the vessel does not have a deck—the whole vessel, excluding areas within a rigid cabin, a rigid half-cabin or a securely enclosed space;
- (b) in relation to a kayak or canoe—the whole vessel;

***passenger*** means any person on board a vessel other than—

- (a) the master, a member of the crew or any other person employed or engaged in any capacity in the business of that vessel; and
  - (b) a child under one year of age;
-

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

- (a) the first name, second and third initials (if any) and family name of the person;
- (b) the person's gender;
- (c) the person's date of birth;
- (d) the person's residential address;
- (e) if there is no postal address for the person's residential address, the address for the service of notices under these Regulations;

***portable fire extinguisher*** means a dry chemical type fire extinguisher—

- (a) that complies with AS/NZS 1841.1:2007 "Portable fire extinguishers—Part 1: General requirements" and AS/NZS 1841.5:2007 "Portable fire extinguishers—Part 5: Specific requirements for powder type extinguishers"; and
- (b) that is rated in accordance with AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing";

***Port Phillip Heads*** means all the waters between—

- (a) an imaginary line drawn between Shortland Bluff and Point Nepean; and
  - (b) the seaward limits of an imaginary line constituting the arc of a circle with a radius of 3 nautical miles centred on Point Lonsdale;
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***powerboat*** means a recreational vessel that has one or more engines or motors that are used, or are capable of being used, for propulsion;

***recreational tender*** means a recreational vessel that—

- (a) does not exceed 4.8 metres in length; and
- (b) is used, or is intended to be used, as a means of transportation; and
- (c) conspicuously displays the name of its mother vessel or the registration number of that vessel and the letter "T"; and
- (d) operates or is intended to operate—
  - (i) between the shore and another recreational vessel that is no more than 300 metres from the shore and no more than 300 metres from the point of its entry to the water; or
  - (ii) between recreational vessels that are no more than 300 metres apart;

***red star parachute distress rocket*** means a parachute distress rocket that complies with AS 2092—2004 "Pyrotechnic marine distress flares and signals for pleasure craft";

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

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

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***testing officer*** means a person specified in regulation 87 as a person by whom a prescribed measuring device must be tested for the purposes of section 293 of the Act;

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

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

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

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

***unlicensed person*** means a person who does not hold—

- (a) a marine licence granted under the Act; or
- (b) a licence that is recognised as being equivalent to a marine licence granted under the Act;

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

***valid certificate of competency*** means—

- (a) any of the following qualifications described in Marine Order 505 (Certificates of competency—national law) 2022 of the Commonwealth for which a certificate is issued under section 60 of the Marine Safety (Domestic Commercial Vessel) National Law or for which a certificate

is recognised under section 73 of the Marine Safety (Domestic Commercial Vessel) National Law—

- (i) Coxswain Grade 2 NC;
- (ii) Coxswain Grade 1 NC;
- (iii) Master (Inland waters);
- (iv) Master <24m NC;
- (v) Master <35m NC;
- (vi) Mate <80m NC;
- (vii) Master <80m NC; or

(b) a notice given under regulation 30(3);

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

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

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

## **6 Reference to standards**

Unless otherwise stated, in these Regulations—

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

- (c) a reference to an International Standard is a reference to that standard as formulated, issued, prescribed or published by the International Organization for Standardization from time to time.

**7 Safety Director may declare hazardous areas for the purposes of these Regulations**

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

**8 Specified regulated hire and drive vessels**

For the purposes of paragraph (b) of the definition of *regulated hire and drive vessel* in section 3(1) of the Act, the specified class of recreational hire and drive vessel is any recreational hire and drive vessel that—

- (a) is provided on a trailer; and
- (b) operates under a certificate of operation.

**9 Exemptions**

- (1) The Safety Director, by notice published in the Government Gazette, may exempt any person or class of persons in respect of any vessel or class of vessels from the requirements of these Regulations.
  - (2) The Safety Director may impose conditions on an exemption that do all or any of the following—
    - (a) specify the type of vessel to which the exemption applies;
    - (b) specify the activity that is engaged in by the vessel and to which the exemption applies;
    - (c) require the occupants of the vessel to wear particular equipment or devices;
-

- (d) require the vessel to be used for particular purposes;
  - (e) specify the length of the vessel;
  - (f) specify the items of equipment to which the exemption applies;
  - (g) specify items of equipment that must be carried on board the vessel;
  - (h) specify the procedures that are to be put in place for the protection and safety of participants in, or observers of, the activity;
  - (i) specify any other matters considered necessary by the Safety Director.
- (3) A person to whom an exemption applies must comply with any conditions imposed on the exemption.

Penalty: 10 penalty units.

## **Part 2—Registration of vessels**

### **Division 1—Registration of vessels**

#### **10 Exemptions from registration**

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

- (a) a recreational tender;
- (b) a vessel that is not a powerboat;
- (c) a domestic commercial vessel;
- (d) a vessel that—
  - (i) is temporarily being operated on State waters; and
  - (ii) is registered in another State or a Territory; and
  - (iii) displays, in accordance with an Act or a regulation of another State or a Territory, an identifying plate, mark or number issued or allocated for the vessel by the corresponding authority in that State or Territory;
- (e) a vessel that—
  - (i) is temporarily being operated on State waters; and
  - (ii) is exempt from registration as a vessel in another State or a Territory in which the owner of the vessel ordinarily resides;
- (f) a powerboat that is under the control of any person who has been issued with a special identification plate under regulation 26.

## **11 Application for registration of a vessel**

- (1) For the purposes of section 39 of the Act, a person may apply to the Safety Director for registration of a recreational vessel if the vessel is owned by, or is under the management of, that person.
- (2) An application for registration under subregulation (1) must—
  - (a) be in writing; and
  - (b) include the person's residential address and the person's address for service of notices, if this is different from the person's residential address; and
  - (c) be accompanied by proof as to the identity and address of the applicant and, if the applicant is a natural person, the applicant's date of birth; and
  - (d) specify the following details of the vessel to be registered—
    - (i) the type of engine or motor, or engines or motors, used for propulsion;
    - (ii) the type of vessel;
    - (iii) the type of fuel required to operate the vessel;
    - (iv) any registration number previously assigned to the vessel;
    - (v) the number of hulls;
    - (vi) the length, breadth and colour;
    - (vii) the make of engine;
    - (viii) the serial number or numbers of the engine or motor, or engines or motors, used for propulsion (if any);

- (ix) the total horsepower of the engine or motor, or engines or motors, used for propulsion;
  - (x) the hull identification number, if known;
  - (xi) whether an Australian Builders Plate has been fixed to the vessel;
  - (xii) the date of manufacture of the vessel, if known;
  - (xiii) the construction material;
  - (xiv) the make and model; and
- (e) be accompanied by the applicable fee for boating facilities and safety education.

**Note**

See regulation 5 of the Marine Safety (Fees) Regulations 2021 for the fee payable for boating facilities and safety education.

**12 Period of registration**

- (1) On receiving an application under regulation 11, the Safety Director may register the vessel for a period not exceeding one year.
- (2) The registration of a vessel commences on the date specified as the commencement date on the registration label issued under regulation 24.
- (3) The registration of a vessel expires at the end of the day that is recorded in the register maintained by the Safety Director as the end of the term of the vessel's registration.

**13 Notice of renewal of registration of a vessel**

- (1) The Safety Director may give a registered person a notice of renewal of registration stating that, if the registration of the vessel registered in the name of the registered person is not renewed on or

before the date specified in the notice, the registration of the vessel will expire.

- (2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—
  - (a) the expiry of the registration of the vessel;
  - (b) the requirement that the vessel is registered when operated on State waters.

#### **14 Renewal of registration of a vessel**

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

##### **Note**

See regulation 5 of the Marine Safety (Fees) Regulations 2021 for the fee payable for boating facilities and safety education.

- (2) On an application under subregulation (1), the Safety Director must renew the registration of the vessel for a period not exceeding one year.
- (3) The expiry date of a renewed registration must be calculated as if the renewal had commenced on the day after the day recorded in the register as the expiry date of the registration.
- (4) To avoid doubt, subregulations (1) and (2) do not have the effect of retrospectively registering a vessel.

#### **15 Notification of changes to details of vessels**

A registered person must, in respect of the vessel registered in the registered person's name, notify the Safety Director in writing of any change to the

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details of the vessel referred to in regulation 11(2)(d) no later than 28 days after that change.

Penalty: 20 penalty units.

#### **16 Notification of change of name or address**

A registered person must notify the Safety Director in writing of any change to the following no later than 14 days after that change—

- (a) the name of the registered person;
- (b) the residential address of the registered person;
- (c) the postal address or address for service of notices for the registered person.

Penalty: 20 penalty units.

### **Division 2—Transfer of registration**

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

For the purposes of section 39 of the Act, a person who disposes of a vessel registered in the person's name must, no later than 14 days after disposing of the vessel—

- (a) complete and sign the relevant section of an application for transfer of registration in the form approved for that purpose by the Safety Director; and
- (b) give the person who acquires the vessel the application for transfer of registration.

Penalty: 20 penalty units.

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

A person who acquires a registered vessel must, no later than 14 days after acquiring the vessel—

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- (a) complete and sign the relevant section of an application for transfer of registration in the form approved for that purpose by the Safety Director; and
- (b) give the Safety Director the completed application for transfer of registration; and
- (c) pay the applicable fee for acquiring a registered vessel.

**Note**

See regulation 6 of the Marine Safety (Fees) Regulations 2021 for the fee payable for acquiring a registered vessel.

Penalty: 20 penalty units.

**19 Recording of transfer of registration**

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

**20 Mandatory refusal to record transfer**

- (1) Subject to subregulation (2), the Safety Director must refuse to register the transfer of registration of a vessel if—
    - (a) an order of a court or tribunal of a State or Territory prohibits the sale, disposal or transfer of the registration; and
    - (b) the Safety Director has been given notice of the order.
  - (2) The Safety Director is not required to refuse to register a transfer of registration if—
    - (a) the order is not sufficiently specific to enable the Safety Director to identify the vessel; or
    - (b) the order applies only to a sale or disposal of the vessel that occurred before the court order was made.
-

## **21 Discretionary refusal to record transfer**

- (1) The Safety Director may refuse to record the transfer of registration of a vessel if the Safety Director—
  - (a) is satisfied that the requirements of the Act and these Regulations relating to the transfer of the registration have not been complied with; or
  - (b) reasonably believes the ownership, possession, control or description of the vessel as recorded in the register is uncertain.
- (2) If the Safety Director intends to refuse to record the transfer of registration of a vessel under subregulation (1), the Safety Director must give the applicant for transfer written notice of that intention.
- (3) A written notice under subregulation (2) must—
  - (a) state the grounds on which the Safety Director intends to refuse to record the transfer of registration; and
  - (b) state that the applicant has 28 days from the date of the notice to address those grounds.
- (4) If the applicant fails to address, to the satisfaction of the Safety Director, the grounds stated in a written notice under subregulation (2) within the specified 28 days, the Safety Director may refuse to record the transfer of registration in accordance with subregulation (1).

## **22 Discretionary recording of transfer**

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

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- (a) the proposed new registered person has possession of the vessel; and
- (b) the Safety Director considers it appropriate to register the transfer in the circumstances.

### **23 Notice of refusal to record transfer**

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

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

## **Division 3—Registration labels and identification marks**

### **24 Registration label and identification mark**

- (1) For each vessel that is registered or for which the registration is renewed under regulation 11 or 14, the Safety Director must issue a registration label and assign an identification mark.
  - (2) The owner of a registered recreational vessel must ensure that the registration label issued by the Safety Director under subregulation (1) for that vessel is fixed and remains fixed in a conspicuous position on the outside or upper part of the vessel.  
Penalty: 20 penalty units.
  - (3) The owner of a registered recreational vessel that is not a personal watercraft must ensure that the identification mark that is assigned by the Safety Director for that vessel is painted or displayed in appropriate characters—
    - (a) on each side of the hull of the vessel; and
    - (b) forward of the beam; and
-

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

Penalty: 20 penalty units.

- (4) In subregulation (3), ***appropriate characters*** means characters that are—
  - (a) no less than 150 millimetres high; and
  - (b) of proportionate breadth; and
  - (c) coloured in contrast to the surface on which they are displayed.
- (5) The owner of a registered recreational vessel that is a personal watercraft must ensure that the identification mark that is assigned by the Safety Director for that vessel is painted or displayed in appropriate characters—
  - (a) on each side of the hull of the vessel; and
  - (b) forward of the beam; and
  - (c) so that the highest part of each digit is at a point no more than 25 millimetres below the gunwale.

Penalty: 20 penalty units.

- (6) In subregulation (5), ***appropriate characters*** means characters that are—
  - (a) no less than 100 millimetres high; and
  - (b) of proportionate breadth; and
  - (c) coloured in contrast to the surface on which they are displayed.
- (7) A person must not be the master of a registered vessel on State waters unless an identification mark is painted or displayed on the vessel in accordance with subregulation (3) or (5).

Penalty: 10 penalty units.

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## **Division 4—Special identification plates**

### **25 Special identification plates**

- (1) A person who designs, commissions, constructs, manufactures, supplies, maintains, repairs or modifies vessels may apply to the Safety Director for the issue of a special identification plate in respect of a vessel.
- (2) An application under subregulation (1) must be—
  - (a) in writing; and
  - (b) accompanied by the applicable fee for the issue of a special identification plate in respect of a vessel.

**Note**

See regulation 7 of the Marine Safety (Fees) Regulations 2021 for the fee payable for the issue of a special identification plate.

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

### **26 Conditions of use of special identification plates**

- (1) A person issued with a special identification plate under regulation 25 must—
  - (a) ensure that the special identification plate is displayed at all times on the vessel for which the plate has been issued; and
  - (b) not use, or allow the vessel to be used, for any purposes other than—
    - (i) operating the vessel from place to place while the vessel is in the process of manufacture or repair; or
    - (ii) operating the vessel from the place of manufacture to the place where it will be offered for sale; or

- (iii) testing the vessel; or
  - (iv) demonstrating the operation of the vessel to a purchaser or prospective purchaser; or
  - (v) delivering the vessel for or after sale; or
  - (vi) carrying out repairs to the vessel; or
  - (vii) returning the vessel to its owner after it has been repaired; and
- (c) not allow the vessel to be operated by a person other than—
- (i) the person issued with the special identification plate; or
  - (ii) an employee of the person issued with the special identification plate; or
  - (iii) a person under the direct supervision of a person referred to in subparagraph (i) or (ii); and
- (d) ensure that the special identification plate is fixed to the vessel in a place where it can be easily seen; and
- (e) keep at the person's office or place of business a record that contains the personal particulars of each person who operates the vessel.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

## **Division 5—Prescribed conditions of registration**

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**27 Prescribed condition of registration of recreational vessels**

- (1) For the purposes of section 41 of the Act, it is a condition of registration of all classes or types of recreational vessel that the registered person in relation to that class or type of recreational vessel must not allow the recreational vessel to be operated unless it is fit for purpose.
  - (2) For the purposes of subregulation (1), a recreational vessel is not fit for purpose if—
    - (a) a hull of the recreational vessel is unable to maintain watertight integrity; or
    - (b) there is fuel leaking from the recreational vessel's fuel system or engine; or
    - (c) the recreational vessel's steering system does not control the movement of the recreational vessel; or
    - (d) a ventilation system used for ventilating a space or spaces in the recreational vessel is not functioning; or
    - (e) material insulating machinery in the recreational vessel from fire or flammable materials is missing or damaged; or
    - (f) materials or items comprising part of the recreational vessel's reserve buoyancy are missing or damaged; or
    - (g) engine kill switches are fitted to the recreational vessel and are inoperable;
    - (h) any navigation lights of the recreational vessel are fitted in a manner that is inconsistent with Annex I to the Prevention of Collisions Convention.
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## **Division 6—Register of registered recreational vessels**

### **28 Prescribed information for register of registered recreational vessels**

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

- (a) the details referred to in regulation 11(2)(d); and
- (b) the identification mark assigned under regulation 24; and
- (c) any conditions imposed by the Safety Director under section 40 of the Act; and
- (d) the period of the recreational vessel's registration.

## **Part 3—Marine licences and endorsements**

### **Division 1—Marine licences and endorsements**

#### **29 Exemptions from requirement to hold a marine licence**

- (1) Subject to subregulation (2), a person is exempt from the requirement to hold a marine licence if the person holds a valid certificate of competency that is not subject to any conditions relating to the person's health or fitness.
- (2) An exemption under subregulation (1) is subject to the condition that the person must carry the valid certificate of competency while acting as the master of a recreational vessel.
- (3) The Safety Director may, by notice in writing given to a person, declare that a qualification, certificate or experience of the person is equivalent to a qualification or certificate referred to in paragraph (a) of the definition of *valid certificate of competency* in regulation 5.

#### **30 Eligibility to apply for a marine licence**

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

- (a) a person who is disqualified from obtaining a marine licence;
  - (b) a person who is the holder of a marine licence that is suspended;
  - (c) a person who is disqualified from obtaining a licence or other authority to be the master of or to operate a recreational vessel—
    - (i) under the law of another State or a Territory; or
    - (ii) under the law of another country—
-

in circumstances which, if they had occurred in Victoria, would have resulted in the person being disqualified from obtaining a marine licence in Victoria;

- (d) a person who is the holder of a licence or other authority to operate a recreational vessel that was issued by another State or a Territory and is suspended.

**31 Licence endorsement required to be the master of a prescribed type of registered recreational vessel**

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

**32 Licence endorsement required to be the master of a prescribed type of vessel**

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

**33 Application for a marine licence or marine licence endorsement**

- (1) For the purposes of Division 3 of Part 3.2 of the Act, an applicant for the grant or endorsement of a marine licence must give the Safety Director an application in writing that contains or is accompanied by—
  - (a) the applicant's personal particulars; and
  - (b) evidence to verify those personal particulars; and
  - (c) one of the following—
    - (i) evidence that the applicant has passed a written test, approved by the Safety Director, of knowledge of the provisions of the Act, these Regulations and any rules made under section 184 of the Act that apply to the operation of

registered recreational vessels or the safe operation of a recreational vessel;  
or

- (ii) evidence that the applicant holds a licence, certificate or authority issued by the Commonwealth or another State or a Territory and recognised under regulation 41 as being equivalent to a marine licence or marine licence endorsement granted in accordance with the Act; or
- (iii) in the case of an applicant for a marine licence, evidence that the applicant holds a valid certificate of competency issued by the Safety Director or a corresponding authority; and
- (d) a declaration that the applicant is not ineligible to apply for a marine licence under regulation 30; and
- (e) the applicable fee or fees for the grant or endorsement of a marine licence or restricted marine licence.

**Note**

See regulation 8 of the Marine Safety (Fees) Regulations 2021 for the fee or fees payable for the grant or endorsement of a marine licence or restricted marine licence.

- (2) In addition, an applicant for the grant of a marine licence must—
    - (a) either—
      - (i) have a photograph or digitised image of the applicant made; or
      - (ii) provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and
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(b) provide a specimen signature.

**34 Refusal to grant marine licence or marine licence endorsement**

- (1) The Safety Director must refuse an application for the grant or endorsement of a marine licence if the Safety Director is satisfied that the applicant is ineligible under regulation 30.
- (2) The Safety Director may refuse an application for the grant or endorsement of a marine licence if the Safety Director is satisfied that the applicant has failed to comply with the requirements of regulation 33.
- (3) If the Safety Director decides to refuse an application for the grant or endorsement of a marine licence under subregulation (1) or (2), the Safety Director must give the applicant a written notice stating—
  - (a) the reasons for the decision; and
  - (b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

**35 Marine licence period**

The Safety Director may grant or renew a marine licence for a period of either one year or 5 years.

**36 Marine licence expiry date**

A marine licence expires at the end of the day that is recorded in the records maintained by the Safety Director as the end of the period for which that marine licence was granted or renewed.

**37 Notice of renewal of marine licence**

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

- (2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—
- (a) the expiry date of the marine licence;
  - (b) the requirement that a person hold a marine licence when operating a registered recreational vessel.

### **38 Renewal of marine licence**

- (1) A person may apply to the Safety Director to renew the person's marine licence no later than 5 years after the expiry date of the marine licence by giving the Safety Director an application for renewal of the marine licence that is in the form approved by the Safety Director and contains or is accompanied by—
- (a) the applicant's personal particulars; and
  - (b) evidence to verify those personal particulars; and
  - (c) the applicable fee for the renewal of a marine licence.

#### **Note**

See regulation 8 of the Marine Safety (Fees) Regulations 2021 for the fee payable for the renewal of a marine licence.

- (2) In addition, an applicant for renewal of a marine licence must—
- (a) either—
    - (i) have a photograph or digitised image of the applicant made; or
    - (ii) provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and
-

(b) provide a specimen signature.

### **39 Refusal to renew**

- (1) The Safety Director must refuse an application to renew a marine licence if the applicant has failed to comply with the requirements of regulation 38.
- (2) If the Safety Director decides to refuse an application to renew a marine licence under subregulation (1), the Safety Director must give the applicant a written notice stating—
  - (a) the reasons for the decision; and
  - (b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

### **40 Date of expiry of renewed marine licence**

- (1) The expiry date of a renewed marine licence is to be calculated from—
  - (a) the expiry date of the licence being renewed, if it is renewed before, on or within 6 months after the expiry date; or
  - (b) the day on which the licence is renewed, if it is renewed more than 6 months, but not more than 5 years, after the expiry date of the licence being renewed.
- (2) To avoid doubt, subregulation (1) does not have the effect of retrospectively renewing a marine licence.

### **41 Recognition of licences, certificates or authorities**

- (1) The Safety Director must recognise a licence, certificate or other authority issued or made by the Commonwealth, another State or a Territory that—
    - (a) permits the holder to act in that jurisdiction as the master of—
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- (i) a recreational vessel; or
- (ii) a recreational vessel of a type that is prescribed under regulation 31; and
- (b) is not subject to any conditions relating to health or fitness—

as equivalent to the appropriate marine licence or licence endorsement.

- (2) For the purposes of regulation 33, the Safety Director may recognise a licence, certificate or other authority issued or made by the Commonwealth, another State or a Territory, other than a licence, certificate or other authority referred to in subregulation (1), as being the equivalent of a marine licence or licence endorsement.

#### **42 Tests of health and competence**

- (1) For the purposes of section 56 of the Act, a test of the class described in Column 1 of the following Table must be carried out by a person of the class described in Column 2 of the Table opposite the class of test.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Class of test</i>	<i>Prescribed class of person</i>
Medical test	Registered medical practitioners.



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<i>Column 1</i>	<i>Column 2</i>
<i>Class of test</i>	<i>Prescribed class of person</i>
Tests related to eyesight	Registered medical practitioners, registered optometrists, occupational therapists, persons and classes of persons authorised by the Safety Director and persons employed under Part 3 of the <b>Public Administration Act 2004</b> in the Department of Transport who are authorised, in writing by the Safety Director, for the purpose of eyesight testing.
An evaluation of a person's physical and cognitive abilities or skills to be the master of a registered recreational vessel or a regulated hire and drive vessel	Occupational therapists and persons authorised in writing by the Safety Director to conduct tests of physical and cognitive abilities or skills to be the master of a registered recreational vessel or a regulated hire and drive vessel.
A written test of knowledge of the provisions of the Act, these Regulations and any rules made under section 184 of the Act that apply to the operation of registered recreational vessels or the safe operation of a recreational vessel	Accredited persons and delegates of the Safety Director.

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

## **Division 2—Conditions of marine licences**

### **43 Prescribed condition of a marine licence**

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

- (a) over the age of 18 years; and
- (b) on board the vessel in a position where they are able to take immediate control of the vessel.

### **44 Prescribed conditions of a restricted marine licence**

- (1) In addition to any conditions specified in the licence, for the purposes of section 54(3) of the Act, the prescribed conditions of a restricted marine licence are the conditions specified in subregulations (2) and (3).
  - (2) The holder of a restricted marine licence must not be the master of a registered recreational vessel or a regulated hire and drive vessel while the vessel is—
    - (a) operating between sunset and sunrise; or
    - (b) operating at a speed of 10 knots or more; or
    - (c) towing a person, another vessel or an object.
  - (3) The holder of a restricted marine licence must not allow an unlicensed person to operate a registered recreational vessel or a regulated hire and drive vessel while the licence holder is acting as the master of that vessel.
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#### **45 Variation of conditions of a marine licence**

- (1) The holder of a marine licence may apply to the Safety Director to vary the conditions specified in the person's marine licence.
- (2) An application under subregulation (1) must be—
  - (a) in writing; and
  - (b) contain or be accompanied by—
    - (i) the applicant's personal particulars; and
    - (ii) evidence to verify those personal particulars; and
    - (iii) details of the requested variation; and
    - (iv) evidence to support the requested variation, including evidence that it would be safe to vary the conditions.
- (3) The Safety Director may refuse an application to vary the conditions of a marine licence if—
  - (a) the applicant has failed to comply with the requirements of subregulation (2); or
  - (b) the Safety Director is not satisfied that it would be safe to vary the conditions.
- (4) If the Safety Director decides to refuse an application to vary the conditions of a marine licence, the Safety Director must give the applicant a written notice stating—
  - (a) the reasons for the decision; and
  - (b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

### **Division 3—Marine licence document**

#### **46 Marine licence receipt**

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- (1) The Safety Director may issue a marine licence receipt with or without an endorsement as an interim measure prior to the issue of a marine licence document in the form required by regulation 48.
- (2) A receipt issued under subregulation (1) must be in the form of the marine licence document required by regulation 48 except for the photograph or digitised image of the person.
- (3) A receipt issued under subregulation (1) may be produced as evidence of the grant of a marine licence for 3 months from the date on which the receipt was issued.

#### **47 Form of marine licence document**

A marine licence document must include the following—

- (a) an identification number for the person to whom it is issued;
- (b) the full name of the person;
- (c) a photograph or digitised image of the person;
- (d) the person's residential address;
- (e) the person's date of birth;
- (f) the person's signature (or a reproduction of that signature);
- (g) the expiry date of the licence;
- (h) the code for any endorsement to which the licence is subject in accordance with regulation 50;
- (i) the code for any condition to which the licence is subject, as specified in regulation 51.

#### **48 Issue of replacement marine licence document**

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- (1) The holder of a marine licence may apply to the Safety Director for a replacement marine licence document to replace one that has been stolen, lost, damaged, destroyed or rendered illegible in any way.
- (2) An application under subregulation (1) must contain or be accompanied by—
  - (a) the applicant's personal particulars; and
  - (b) evidence to verify those personal particulars; and
  - (c) the applicable fee for the issue of a replacement marine licence document.

**Note**

See regulation 9 of the Marine Safety (Fees) Regulations 2021 for the fee payable for the issue of a replacement marine licence document

- (3) The Safety Director may, on an application under subregulation (1), issue a replacement marine licence document.

**49 Endorsements specified on marine licence document**

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

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**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Code</i>	<i>Licence endorsement</i>
PWC	Personal watercraft endorsement

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## **50 Conditions specified on marine licence document**

- (1) If a marine licence is subject to a condition set out in Column 2 of an item in the following Table, the condition may be shown on the marine licence document by means of the code in Column 1 of that item.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Code</i>	<i>Licence condition</i>
S	The marine licence holder must wear corrective lenses at all times while acting as the master of a registered recreational vessel or regulated hire and drive vessel.
V	The marine licence holder may only be the master of a registered recreational vessel or regulated hire and drive vessel that is fitted with specified operator aids or modified as directed in writing by the Safety Director.

- (2) If a marine licence is subject to a condition that is not set out in Column 2 of the Table to subregulation (1), the condition may be shown on the marine licence document by means of the code "X".
- (3) If a condition is shown by a code, the marine licence document must include a note describing the condition.

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

Penalty: 10 penalty units.

### **Division 4—Miscellaneous**

#### **51 Records**

- (1) The Safety Director must maintain records in respect of each marine licence that include details of the following—
- (a) the identification number for the person to whom the marine licence was issued;
  - (b) the applicant's personal particulars;
  - (c) the commencement and expiry dates of the marine licence;
  - (d) any condition to which the marine licence is subject;
  - (e) any endorsements of the licence;
  - (f) the conditions of any endorsements of the licence.
- (2) Any person whose name appears in records referred to in subregulation (1) is entitled, on payment of the applicable fee, to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to the person.

#### **Note**

See regulation 10 of the Marine Safety (Fees) Regulations 2021 for the fee payable to request a search of the records of marine licences and to obtain a certificate.

#### **52 Change of name or address**

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The holder of a marine licence must notify the Safety Director in writing of any change to the following no more than 14 days after that change—

- (a) the person's name; or
- (b) the person's residential address; or
- (c) the person's postal address or address for service of notices.

Penalty: 10 penalty units.

### **53 Notification of illness or injury**

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

Penalty: 10 penalty units.

### **54 Licence holder may surrender marine licence**

- (1) The holder of a marine licence may, by notice in writing to the Safety Director, surrender the holder's marine licence to the Safety Director for cancellation.
  - (2) A notice under subregulation (1) must be accompanied by the marine licence document.
  - (3) The holder of a marine licence may surrender the holder's marine licence to the corresponding authority of another State, a Territory, the Commonwealth or another country for cancellation by the Safety Director.
  - (4) The Safety Director must cancel a marine licence if the holder of the licence surrenders the marine licence under subregulation (1) or (3).
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## **Part 4—Operation of vessels (general)**

### **Division 1—Safe operation of vessels**

#### **55 Notice and reasons to be given for direction to prohibit operation of particular vessel**

- (1) This regulation applies if the Safety Director or a police officer gives a direction under section 269 of the Act.
- (2) The Safety Director or police officer must give a copy of the direction, and the reasons for making the direction, to the owner of the vessel as soon as practicable after the direction is given.

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

#### **56 Fuelling and restarting of recreational vessel or recreational hire and drive vessel**

- (1) The master of a recreational vessel or a recreational hire and drive vessel must not permit the vessel to be fuelled at any place (other than a wharf, jetty or pier) if there are passengers on board the vessel, unless it is not reasonably practicable for any passengers on board the vessel to disembark safely prior to the vessel being fuelled.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (3) The master of a recreational vessel or a recreational hire and drive vessel must not permit the vessel to be restarted after being fuelled at any

place (other than a wharf, jetty or pier) if there are passengers on board the vessel, unless it is not reasonably practicable for any passengers on board the vessel to disembark safely prior to the vessel being restarted.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

**57 Overloaded recreational vessel or recreational hire and drive vessel not to be operated**

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

Penalty: 20 penalty units.

- (2) A recreational vessel or a recreational hire and drive vessel is overloaded if—
- (a) the number of persons on board the vessel exceeds the maximum number of persons specified by the manufacturer of the vessel on a capacity plate or an Australian Builder's Plate attached to the vessel; or
  - (b) the total mass of persons on board the vessel exceeds the maximum total mass of persons specified by the manufacturer of the vessel on a capacity plate or an Australian Builder's Plate attached to the vessel; or
  - (c) the vessel is of a length specified in Column 2 of Table A in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in
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- Column 3 of that Table for a vessel of that length; or
- (d) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of less than 2.5 metres; and
  - (iii) is of a length specified in Column 2 of Table B in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (e) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 2.5 metres or more but less than 3 metres; and
  - (iii) is of a length specified in Column 2 of Table C in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (f) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 3 metres or more but less than 3.5 metres; and
  - (iii) is of a length specified in Column 2 of Table D in Schedule 2, and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (g) the vessel—
-

- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 3·5 metres or more but less than 4 metres; and
  - (iii) is of a length specified in Column 2 of Table E in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (h) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 4 metres or more but less than 4·5 metres; and
  - (iii) is of a length specified in Column 2 of Table F in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (i) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 4·5 metres or more but less than 5 metres; and
  - (iii) is of a length specified in Column 2 of Table G in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
- (j) the vessel—
- (i) is not fitted with a flying bridge; and
  - (ii) has a breadth of 5 metres or more; and
-

- (iii) is of a length specified in Column 2 of Table H in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (k) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of less than 2.5 metres; and
    - (iii) is of a length specified in Column 2 of Table I in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (l) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of 2.5 metres or more but less than 3 metres; and
    - (iii) is of a length specified in Column 2 of Table J in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (m) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of 3 metres or more but less than 3.5 metres; and
    - (iii) is of a length specified in Column 2 of Table K in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons
-

specified in Column 3 of that Table for a vessel of that length; or

- (n) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of 3·5 metres or more but less than 4 metres; and
    - (iii) is of a length specified in Column 2 of Table L in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (o) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of 4 metres or more but less than 4·5 metres; and
    - (iii) is of a length specified in Column 2 of Table M in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (p) the vessel—
    - (i) is fitted with a flying bridge; and
    - (ii) has a breadth of 4·5 metres or more but less than 5 metres; and
    - (iii) is of a length specified in Column 2 of Table N in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (q) the vessel—
-

- (i) is fitted with a flying bridge; and
  - (ii) has a breadth of 5 metres or more; and
  - (iii) is of a length specified in Column 2 of Table O in Schedule 2 and the number of persons on board the vessel exceeds the maximum number of persons specified in Column 3 of that Table for a vessel of that length; or
  - (r) the vessel is a decked canoe or kayak or is otherwise fitted with individual cockpits and the number of persons on board the vessel exceeds the number of individual cockpits in the vessel, irrespective of the age of any person.
- (3) For the purposes of this regulation, a vessel is not overloaded if—
- (a) the manufacturer of the vessel or a competent person has certified in writing that the vessel may be safely operated with a specified number of people on board; and
  - (b) the number of people on board the vessel does not exceed that specified number.
- (4) For the purposes of this regulation, in calculating the number of people on board a vessel—
- (a) children aged less than 12 months are not to be included; and
  - (b) children aged 12 months or more but less than 12 years are to be counted as 0.5 persons.

### **58 Overloading of passengers on flying bridge**

A person must not be the master of a recreational vessel or a recreational hire and drive vessel fitted with a flying bridge if the number of persons being carried on the flying bridge exceeds one

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quarter of the number of people (rounded up to the nearest whole number) permitted to be on board the vessel under regulation 57.

Penalty: 20 penalty units.

**59 Use of recreational hire and drive vessel**

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

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who operates a recreational hire and drive vessel—
- (a) in the event of a breakdown of the vessel; or
  - (b) in any emergency.

**60 Observer to be used when towing**

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

- (a) observe the person being towed; and
- (b) communicate with the master of the vessel.

Penalty: 10 penalty units.

**Division 3—Equipment required for recreational vessels**

**61 Safety equipment required for recreational vessels**

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



Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

**Examples**

- 1 For mechanically powered recreational vessels, the requirements relating to a bailer are expressed in Column 4 of Tables A, C and E respectively as "1—if no electric or manual bilge pumping system". This means that such a vessel is required to be equipped with a bailer only if the vessel does not have an electric or manual bilge pumping system.
  - 2 For any class of recreational vessels that is to be operated on coastal waters, the requirements relating to a compass are expressed in Column 4 of Table A in Schedule 3 as "1—if more than 2 nautical miles from the coast". This means that such a vessel is required to be equipped with a compass only if the vessel operates more than 2 nautical miles from the coast.
- (8) A person must not be the master of a recreational vessel unless each item of equipment that is required to be carried on board the vessel under subregulation (1), (2), (3), (4), (5) or (6) complies with the requirements specified in Table G in Schedule 3 for that item of equipment.

Penalty: 20 penalty units.

**62 Firefighting equipment required for recreational vessels**

- (1) The master of a recreational vessel (other than a personal watercraft) that carries fuel on board or is equipped with an electric start motor, gas installation or fuel stove must ensure that—
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- (a) the vessel is equipped with the number of portable fire extinguishers specified in Column 2 of Table H in Schedule 3 for the size of the vessel specified opposite in Column 1; and
- (b) at least one of those portable fire extinguishers is of the minimum nominal capacity specified in Column 2 of Table I in Schedule 3 for the volume of flammable or combustible liquids that is able to be carried on the vessel specified opposite in Column 1.

Penalty: 20 penalty units.

- (2) A fixed fire extinguishing system fitted to an enclosed engine compartment of a vessel is a portable fire extinguisher for the purposes of subregulation (1).
- (3) The master of a vessel specified in subregulation (1) that has cooking facilities located within an enclosed space on the vessel must ensure that a fire blanket is—
  - (a) positioned in a conspicuous location; and
  - (b) readily accessible to a person using the cooking facilities.

Penalty: 15 penalty units.

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

### **63 Placement of firefighting equipment required for recreational vessels**

- (1) The master of a recreational vessel that is required to be equipped with portable fire extinguishers under regulation 62(1) must ensure that one of the portable fire extinguishers is—
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- (a) positioned adjacent to the engine and fuel carrying spaces of the vessel; and
- (b) readily accessible.

Penalty: 15 penalty units.

- (2) Subregulation (1) does not apply if a fixed fire extinguishing system is fitted to the enclosed engine compartment of the vessel.
- (3) The master of a recreational vessel that is required under regulation 62(1) to carry more than one fire extinguisher must ensure that each fire extinguisher is located in a separate position on the vessel.

Penalty: 15 penalty units.

#### **64 Maintenance and placement of safety equipment and firefighting equipment**

- (1) A person must not be the master of a recreational vessel unless all items of safety equipment and firefighting equipment required for the vessel under regulations 62 and 63 are at all times—
  - (a) placed or located in a conspicuous and readily accessible position on the vessel; and
  - (b) kept in good order.

Penalty: 15 penalty units.

- (2) The owner of a recreational vessel must not cause or allow the vessel to be operated unless all items of safety equipment and firefighting equipment required for the vessel under regulations 62 and 63 are maintained or serviced in a way that ensures that they are able to operate at all times in the way that they were designed to operate.

Penalty: 15 penalty units.

- (3) The owner of a recreational vessel must not cause or allow the vessel to be operated unless all items

of safety equipment and firefighting equipment required for the vessel under regulations 62 and 63 are serviced on or before the date specified by the manufacturer for that item of equipment.

Penalty: 15 penalty units.

#### **Division 4—Lifejacket requirements**

##### **65 Lifejacket to be worn on certain recreational vessels and hire and drive vessels at all times by person on open area**

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (4) Subregulations (1), (2) and (3) do not apply to a person who is—

- (a) operating a stand up paddleboard, kiteboard or sailboard, if the person is no more than 400 metres from the shore; or
- (b) wearing, or in the process of donning or removing, diving equipment.

- (5) A person who is required by subregulation (1), (2) or (3) to wear a lifejacket must wear it in accordance with the manufacturer's instructions.

Penalty: 20 penalty units.

**66 Lifejacket to be worn on certain recreational vessels and hire and drive vessels during time of heightened risk**

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

- (a) the vessel is on coastal waters and underway; and
- (b) the specified circumstances apply.

Penalty: 20 penalty units.

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

- (a) the vessel is on enclosed waters and underway; and
- (b) the specified circumstances apply.

Penalty: 20 penalty units.

- (3) A person who is on an open area of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table F in Schedule 4 must wear a

lifejacket of a type specified in Column 3 of the Table opposite that type of vessel if—

- (a) the vessel is on inland waters and underway;  
and
- (b) the specified circumstances apply.

Penalty: 20 penalty units.

- (4) For the purposes of subregulations (1), (2) and (3), the specified circumstances are the following—
    - (a) the vessel is crossing or attempting to cross an ocean bar;
    - (b) the vessel is operating within a designated hazardous area;
    - (c) the vessel is being operated by a person who is the only person on board the vessel;
    - (d) the only persons on board the vessel, other than the person operating the vessel, are aged less than 12 years old;
    - (e) the vessel is being operated during the period commencing one hour after sunset and ending one hour before sunrise;
    - (f) the vessel is disabled;
    - (g) the vessel is a yacht and no safety barriers, lifelines, rails, safety harnesses or jacklines are in use;
    - (h) the vessel is being operated during a period of restricted visibility;
    - (i) the vessel is operating in an area for which any of the following kinds of warning issued by the Bureau of Meteorology are current—
      - (i) a gale warning;
      - (ii) a storm force wind warning;
      - (iii) a hurricane force wind warning;
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(iv) a severe thunderstorm warning;

(v) a severe weather warning.

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

(6) A person who is required by subregulation (1), (2) or (3) to wear a lifejacket must wear it in accordance with the manufacturer's instructions.

Penalty: 20 penalty units.

**67 Children less than 12 years old to wear lifejacket at all times**

(1) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table A or Table D in Schedule 4 must ensure that every person aged less than 12 years old who is on an open area of the vessel wears, at all times, a lifejacket that is of a type specified in Column 3 of Table A or Table D opposite that type of vessel when the vessel is underway on coastal waters.

Penalty: 20 penalty units.

(2) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table B or Table E in Schedule 4 must ensure that every person aged less than 12 years old who is on an open area of the vessel wears, at all times, a lifejacket that is of a type specified in Column 3 of Table B or Table E opposite that type of vessel when the vessel is underway on enclosed waters.

Penalty: 20 penalty units.

(3) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table C or Table F in Schedule 4 must ensure that every person aged less than 12 years old who is on an open area of the vessel wears, at all times, a

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lifejacket that is of a type specified in Column 3 of Table C or Table F opposite that type of vessel when the vessel is underway on inland waters.

Penalty: 20 penalty units.

**68 Person being towed by vessel to wear lifejacket**

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

Penalty: 20 penalty units.

**69 Person not to operate recreational vessel or hire and drive vessel unless each person wears a lifejacket**

(1) The master of a recreational vessel or a hire and drive vessel must not cause or allow the vessel to be operated unless each person on board complies with regulations 65 and 66.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

**Division 5—International regulations for preventing collisions at sea**

**Subdivision 1—Preliminary**

**70 Definitions**

In this Division—

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

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

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

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

*Prevention of Collisions Convention* has the same meaning as in section 14(1) of the Commonwealth Navigation Act;

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

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

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

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

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

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

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

## **71 Application**

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

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

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

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

**Note**

A person who contravenes this regulation is liable to a penalty of 120 penalty units—see section 96 of the Act.

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

**73 Application**

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

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

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

Penalty: 20 penalty units.

**75 Navigation lights to be displayed**

- (1) The master of a power-driven vessel of 50 metres or more in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—
  - (a) sidelights; and
  - (b) two masthead lights, one of which is higher and abaft the other; and
  - (c) a sternlight.

Penalty: 20 penalty units.

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

- (a) sidelights; and
- (b) a masthead light; and
- (c) a sternlight.

Penalty: 20 penalty units.

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

- (a) the lights specified in subregulation (2)(a), (b) and (c); or
- (b) sidelights and a white all-round light.

Penalty: 20 penalty units.

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

- (a) the lights specified in subregulation (2)(a), (b) and (c); or
- (b) a white all-round light.

Penalty: 20 penalty units.

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

- (a) sidelights; and
  - (b) a sternlight.
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Penalty: 20 penalty units.

- (6) The master of a sailing vessel of less than 7 metres in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays either—
- (a) sidelights and a sternlight; or
  - (b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

- (7) The master of a vessel under oars underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays either—
- (a) sidelights and a sternlight; or
  - (b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (9) The master of a vessel of 50 metres or more in length at anchor between sunset and sunrise must ensure that the vessel displays—
- (a) a white all-round light at the bow; and
  - (b) a white all-round light at the stern.

Penalty: 20 penalty units.

## **76 Conduct of vessels in channels or fairways**

- (1) The master of a vessel underway in a channel or fairway must ensure that the vessel keeps to the right of the centre of the channel or fairway.
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Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

**77 Master of power-driven vessel underway must give way to certain vessels**

- (1) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught.

Penalty: 20 penalty units.

- (2) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of a vessel not under command that is displaying lights or shapes to indicate that it is not under command.

Penalty: 20 penalty units.

- (3) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre.

Penalty: 20 penalty units.

- (4) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of a domestic commercial vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus that restricts its ability to manoeuvre.

Penalty: 20 penalty units.

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- (5) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of a sailing vessel.

Penalty: 20 penalty units.

**78 Master of sailing vessel underway must give way to certain vessels**

- (1) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught.

Penalty: 20 penalty units.

- (2) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of a vessel not under command that is displaying lights or shapes to indicate that it is not under command.

Penalty: 20 penalty units.

- (3) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre.

Penalty: 20 penalty units.

- (4) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of a domestic commercial vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus that restricts its ability to manoeuvre.

Penalty: 20 penalty units.

## **Part 5—Enforcement**

### **Division 1—Impoundment, immobilisation and forfeiture of recreational vessels**

#### **79 Notice to master, owner or registered person**

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

- (a) the master's personal particulars;
- (b) the number, type and expiry date of the master's marine licence;
- (c) if the master is not the registered person of the recreational vessel, the name, address and other details of the registered person;
- (d) if the owner is neither the master nor the registered person of the recreational vessel, the name, address and other details of the owner;
- (e) if the recreational vessel is moved to a holding yard by use of a trailer, towing vehicle or other towing mechanism, the name of the operator of the trailer, towing vehicle or other towing mechanism;
- (f) the details of the police officer who seized the recreational vessel or required it to be surrendered;
- (g) advice that it is an offence to move an impounded recreational vessel without authorisation;
- (h) if the notice is given to the master or registered person of the recreational vessel who is not the owner or sole owner of the recreational vessel, advice that the master or registered person must take reasonable steps



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

**80 Evidence of identity and entitlement to recover recreational vessel**

- (1) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of the identity and entitlement to recover a recreational vessel of a person who is the registered person of the recreational vessel is—
- (a) the person's current marine licence; or
  - (b) the person's current driver licence; or
  - (c) identification sufficient to satisfy the verification procedure referred to in section 20A(1)(b)(i) of the Financial Transaction Reports Act 1988 of the Commonwealth; or
  - (d) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's identity and entitlement to recover the recreational vessel.
- (2) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of—
- (a) the identity of a person who is not the registered person of the recreational vessel is—
    - (i) the person's current marine licence; or
    - (ii) the person's current driver licence; or
    - (iii) identification sufficient to satisfy the verification procedure referred to in section 20A(1)(b)(i) of the Financial Transaction Reports Act 1988 of the Commonwealth; or
    - (iv) other evidence that in the reasonable opinion of a police officer satisfactorily establishes the person's identity; and
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- (b) the entitlement of a person who is not the registered person to recover the recreational vessel is—
- (i) a written statement signed by the registered person authorising the release of the recreational vessel to the person; or
  - (ii) other evidence that in the reasonable opinion of a police officer satisfactorily establishes the person's entitlement to recover the recreational vessel.

**81 Form of search and seizure warrant**

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

**82 Form of report on execution of warrant**

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

**Division 2—Owner onus offences**

**83 Prescribed period for providing an effective statement**

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

- (a) if the infringement notice was served on a person other than a child and the fine is an infringement fine within the meaning of the **Fines Reform Act 2014** that may be registered under section 16 of that Act, the period beginning on (and including) the date of the notice and ending immediately before the infringement fine is registered under section 16 of that Act; or
- (b) if the infringement notice for that offence was served on a child, the period beginning on (and including) the date of the notice and ending immediately before the infringement penalty in respect of that offence is registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**; or
- (c) if paragraphs (a) and (b) do not apply, the period beginning on (and including) the date of the notice and ending immediately before the expiry of the period for bringing a proceeding in relation to the offence to which the infringement notice relates.

**Note**

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

**84 Prescribed period for accepting or rejecting statements**

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

**85 Prescribed period for providing a nomination rejection statement**

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

**Division 3—Evidentiary matters**

**86 Prescribed measuring devices**

- (1) For the purposes of section 293 of the Act, the prescribed measuring devices are the laser devices known as—
  - (a) the LTI 20-20 Ultralyte LR; and
  - (b) the Prolaser III.
- (2) A measuring device referred to in subregulation (1) must be configured to measure speed in knots.

**87 Testing officer**

For the purposes of section 293 of the Act, a prescribed measuring device must be tested by one of the following—

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

the National Association of Testing  
Authorities, Australia (NATA).

### **88 Testing of prescribed measuring devices**

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

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

### **89 Sealing of prescribed measuring devices**

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

- (a) the device is sealed—
  - (i) following the device being tested as described in regulation 88; and

- (ii) by the testing officer who carried out the test; and
- (b) the device is sealed with a seal that effectively prevents interference with the mechanism or circuitry of the device without breaking the seal; and
- (c) the testing officer keeps full and accurate records of the device being 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
- (d) the records referred to in paragraph (c) are signed by the testing officer who sealed the device.

#### **90 Use of prescribed measuring device**

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

- (a) whenever the operator connects the device to a source of electricity, the operator ensures that all elements of the speed display are illuminated; and
  - (b) the operator activates the device with the device aimed in the direction of a vessel within the operator's field of vision and observes the reading displayed on the digital speed display; and
  - (c) the device has been tested in accordance with regulation 88 within 12 months before the occasion of its use; and
-

(d) the device has not been unsealed since the seal was applied as described under regulation 89(b).

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

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

**92 Certificate as to name in which vessel is registered**

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

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

- (1) For the purposes of section 294(5) of the Act, the prescribed form of a certificate to the effect that a prescribed speed measuring device has been tested or sealed in the prescribed manner is the form set out in Schedule 9.
- (2) For the purposes of section 294(5) of the Act, the testing officer is authorised to sign the certificate.

## **Part 6—Management of waterways**

### **94 Prescribed place for publication of an urgent safety rule**

For the purposes of section 192(2)(b) of the Act, the prescribed place is Transport Safety Victoria, 1 Spring Street, Melbourne.

### **95 Directions relating to boating activity exemptions, exclusion zones and works**

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

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## **Part 7—Pilotage service providers**

### **96 Conditions on registration as a pilotage services provider**

Each of the following is a condition of registration as a pilotage services provider—

- (a) the provider must have a documented safety management system that comprises the processes, systems, plans and procedures set out in Schedule 10;
- (b) the provider must make available, to the persons to whom the safety management system applies—
  - (i) the documentation referred to in paragraph (a); and
  - (ii) the identities of each person who is responsible for the preparation, revision, and oversight of the system;
- (c) the provider must comply with the safety management system;
- (d) the provider must have procedures for reviewing, revising and evaluating the safety management system both—
  - (i) at either—
    - (A) the intervals specified in the safety management system; or
    - (B) if no intervals are specified in the safety management system, intervals that do not exceed 12 months; and
  - (ii) as required by the Safety Director.

**97 Prescribed records to be kept by pilotage services providers**

- (1) For the purposes of section 246(d) of the Act, a copy of the safety management system that the provider must have, as required by the condition set out in regulation 96(a), is prescribed.
- (2) A pilotage services provider must give a copy of the safety management system referred to in subregulation (1) to the Safety Director no later than 48 hours after a request for a copy from the Safety Director.

## **Part 8—Prescribed services that may be provided by accredited persons**

### **98 Prescribed services**

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

- (a) conducting any training for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;
- (b) conducting any testing (except medical testing) for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;
- (c) conducting any supervision or assessment (except medical assessment) for the purposes of satisfying the requirements for the grant of a pilot licence or a pilot exemption certificate.

## **Part 9—Australian Builders Plate Standard**

### **99 Definitions**

In these Regulations—

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

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

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

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

- (a) in the course of being built or tested; or
- (b) by an owner builder; or
- (c) by the builder only; or
- (d) for the purpose of transporting it for sale; or
- (e) for the purposes of demonstrating it to a purchaser.

### **100 Prescribed class of recreational vessel**

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

- (a) a vessel specified by clause 1.3 of the Australian Builders Plate Standard as a recreational boat to which the Standard does not apply;
  - (b) a vessel built for export from Australia;
  - (c) a second-hand vessel;
-

- (d) a personal watercraft that is designed to carry 3 or more persons if the following information is written on or attached to the personal watercraft in a clearly visible place—
  - (i) the total weight of persons and equipment that the vessel may carry (expressed in kilograms), as recommended by the builder of the vessel;
  - (ii) the maximum number of persons the vessel may carry, as recommended by the builder of the vessel;
- (e) an aeroplane that is designed for, and capable of being, waterborne.

## **Part 10—Miscellaneous**

### **101 Prescribed place for the availability of an approved code of practice**

For the purposes of section 275 of the Act, the prescribed place for an approved code of practice to be made available is Transport Safety Victoria, 1 Spring Street, Melbourne.

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## **Part 11—Savings and transitionals**

### **Division 1—Preliminary**

#### **102 Definitions**

In this Part—

*former Regulations* means the Marine Safety Regulations 2012 as in force immediately before the commencement day.

#### **103 Interpretation of Legislation Act 1984 not limited**

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

### **Division 2—Designations, exemptions and determinations**

#### **104 Designated hazardous areas**

A declaration of an area of State waters as a designated hazardous area under regulation 6 of the former Regulations that is in force immediately before the commencement day is, on the commencement day, taken to be a declaration of that area of State waters under regulation 7.

#### **105 Exemptions from safety equipment requirements**

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

### **Division 3—Registration labels and identification plates and marks**

#### **106 Registration labels and identification marks**

A registration label issued, or an identification mark assigned, under regulation 24 of the former Regulations before the commencement day is, on the commencement day, taken to—

- (a) be a registration label issued or identification mark assigned, as the case may be, under regulation 24; and
- (b) comply with regulation 24 unless the vessel's registration is transferred.

#### **107 Special identification plates and marks**

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

### **Division 4—Standards**

#### **108 Compliance with standards**

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



## Schedules

### Schedule 1—Types of lifejackets

Regulation 5

#### Part 1—Definition

1. In this Schedule, *recognised appraiser* means—
  - (a) a certifying body accredited by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ); or
  - (b) a laboratory with National Association of Testing Authorities (NATA) accreditation; or
  - (c) a notified body in accordance with the instrument titled "Directive 2014/90/EU of the European Parliament and of the Council on marine equipment and repealing Council Directive 96/98/EC" as amended from time to time; or
  - (d) a body approved by the Safety Director.

#### Part 2—Level 100 plus lifejacket

2. A lifejacket is a level 100 plus lifejacket if it complies with—
  - (a) AS 4758.1:2022 "Lifejackets—Part 1: General requirements" relating to buoyancy classification level 275; or
  - (b) AS 4758.1:2022 "Lifejackets—Part 1: General requirements" relating to buoyancy classification level 150; or
  - (c) AS 4758.1:2022 "Lifejackets—Part 1: General requirements" relating to buoyancy classification level 100; or

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

### **Part 3—Level 50 lifejacket**

- 3. A lifejacket is a level 50 lifejacket if it complies with—
  - (a) AS 4758.1:2022 "Lifejackets—Part 1: General requirements" relating to buoyancy classification level 50; or
  - (b) any standard or specifications approved by the Safety Director.

### **Part 4—Level 50S lifejacket**

- 4 A lifejacket is a level 50S lifejacket if it complies with—
  - (a) AS 4758.1:2022 "Lifejackets—Part 1: General requirements" relating to buoyancy classification level 50S; or
  - (b) any other standard or specification approved by the Safety Director that substantially complies with the standard referred to in paragraph (a) or adequately achieves the purposes of that standard.

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S.R. No.

Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**Schedule 2—Maximum numbers of persons  
on board recreational vessels and  
recreational hire and drive vessels**

TABLE A

Regulation 58(2)(c)

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE B**

Regulation 58(2)(d)

**VESSELS 6 METRES OR MORE IN LENGTH AND LESS  
THAN 2.5 METRES IN BREADTH NOT FITTED WITH A  
FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE C**

Regulation 58(2)(e)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
2.5 METRES OR MORE BUT LESS THAN 3 METRES IN  
BREADTH NOT FITTED WITH A FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE D**

Regulation 58(2)(f)

**VESSELS 6 METRES OR MORE IN LENGTH AND 3 METRES  
OR MORE BUT LESS THAN 3.5 METRES IN BREADTH NOT  
FITTED WITH A FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE E**

Regulation 58(2)(g)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
3.5 METRES OR MORE BUT LESS THAN 4 METRES IN  
BREADTH NOT FITTED WITH A FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE F**

Regulation 58(2)(h)

**VESSELS 6 METRES OR MORE IN LENGTH AND 4 METRES  
OR MORE BUT LESS THAN 4.5 METRES IN BREADTH NOT  
FITTED WITH A FLYING BRIDGE**

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



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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE G**

Regulation 58(2)(i)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
4.5 METRES OR MORE BUT LESS THAN 5 METRES IN  
BREADTH NOT FITTED WITH A FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE H**

Regulation 58(2)(j)

**VESSELS 6 METRES OR MORE IN LENGTH AND 5 METRES  
OR MORE IN BREADTH NOT FITTED WITH A FLYING  
BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE I**

Regulation 58(2)(k)

**VESSELS 6 METRES OR MORE IN LENGTH AND LESS  
THAN 2.5 METRES IN BREADTH FITTED WITH A FLYING  
BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
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**TABLE J**

Regulation 58(2)(l)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
2.5 METRES OR MORE BUT LESS THAN 3 METRES IN  
BREADTH FITTED WITH A FLYING BRIDGE**

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

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and recreational hire and drive vessels

**TABLE K**

Regulation 58(2)(m)

**VESSELS 6 METRES OR MORE IN LENGTH AND 3 METRES  
OR MORE BUT LESS THAN 3.5 METRES IN BREADTH  
FITTED WITH A FLYING BRIDGE**

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

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE L**

Regulation 58(2)(n)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
3.5 METRES OR MORE BUT LESS THAN 4 METRES IN  
BREADTH FITTED WITH A FLYING BRIDGE**

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

Marine Safety Regulations 2022

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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE M**

Regulation 58(2)(o)

**VESSELS 6 METRES OR MORE IN LENGTH AND 4 METRES  
OR MORE BUT LESS THAN 4.5 METRES IN BREADTH  
FITTED WITH A FLYING BRIDGE**

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

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S.R. No.

Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE N**

Regulation 58(2)(p)

**VESSELS 6 METRES OR MORE IN LENGTH AND  
4.5 METRES OR MORE BUT LESS THAN 5 METRES IN  
BREADTH FITTED WITH A FLYING BRIDGE**

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



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Schedule 2—Maximum numbers of persons on board recreational vessels  
and recreational hire and drive vessels

**TABLE O**

Regulation 58(2)(q)

**VESSELS 6 METRES OR MORE IN LENGTH AND 5 METRES  
OR MORE IN BREADTH FITTED WITH A FLYING BRIDGE**

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

Marine Safety Regulations 2022  
S.R. No.  
Schedule 3—Safety equipment on recreational vessels

## Schedule 3—Safety equipment on recreational vessels

**TABLE A**

Regulation 62(1) and (7)

### EQUIPMENT TO BE CARRIED ON RECREATIONAL VESSELS ON COASTAL WATERS

<i>Column 1</i> Item number	<i>Column 2</i> Class of vessel	<i>Column 3</i> Item of equipment	<i>Column 4</i> Requirements for coastal waters
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Anchor, and chain or line or both	1
2		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
3		Bailer	1—if no electric or manual bilge pumping system
4		Compass	1—if more than 2 nautical miles from the coast
5		Bucket with lanyard	1
6		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
7		Hand-held orange smoke signal	2
8		Hand-held red distress flares	2
9		Pair of oars with rowlocks or pair of paddles	1
10		Waterproof buoyant torch	1
11	Powerboat more than 4.8 metres in length	Anchor, and chain or line or both	1

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Schedule 3—Safety equipment on recreational vessels

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for coastal waters</i>
12		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
13		Bailer	1—if no electric or manual bilge pumping system
14		Compass	1—if more than 2 nautical miles from the coast
15		Bucket with lanyard	1
16		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
17		Hand-held orange smoke signal	2
18		Hand-held red distress flares	2
19		Waterproof buoyant torch	1
20		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
21		Dinghy or life raft	1—if vessel is more than 12 metres in length
22	Personal watercraft	Waterproof buoyant torch	1
<b>Sail powered recreational vessels</b>			
23	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
24		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
25		Compass	1—if more than 2 nautical miles from the coast
26		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast

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<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for coastal waters</i>
27		Hand-held orange smoke signal	2—if more than 2 nautical miles from the coast
28		Hand-held red distress flares	2—if more than 2 nautical miles from the coast
29	Yacht	Anchor, and chain or line or both	1
30		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
31		Bailer	1—if no electric or manual bilge pumping system
32		Compass	1—if more than 2 nautical miles from the coast
33		Bucket with lanyard	1
34		Red star parachute distress rocket	1—if more than 2 nautical miles from the coast
35		Hand-held orange smoke signal	2
36		Hand-held red distress flares	2
37		Waterproof buoyant torch	1
38		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
39		Dinghy or life raft	1—if vessel is more than 12 metres in length
<b>Human powered recreational vessels</b>			
40	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
41		Bailer	1—if no electric or manual bilge pumping system

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<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for coastal waters</i>
42		Compass	1—if more than 2 nautical miles from the coast
43		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast
44		Hand-held red distress flares	2—if more than 2 nautical miles from coast
45		Waterproof buoyant torch	1—if more than 2 nautical miles from coast
46		Spare oar with rowlock, or spare pair of oars with rowlocks, or spare paddle, as the case may be, to properly operate that kind of vessel	1—if more than 2 nautical miles from coast
47	Stand up paddleboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board—if more than 400 metres from the shore
48		Compass	1—if more than 2 nautical miles from the coast
49		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast
50		Hand-held red distress flares	2—if more than 2 nautical miles from coast
51		Waterproof buoyant torch	1—if more than 2 nautical miles from coast

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**TABLE B**

Regulation 62(2) and (7)

**ADDITIONAL EQUIPMENT TO BE CARRIED ON  
RECREATIONAL VESSELS ON COASTAL WATERS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket	1 for each person on board or being towed
2		EPIRB	1—if more than 2 nautical miles from the coast
3		Marine radio	1—if more than 2 nautical miles from the coast
4	Powerboat more than 4.8 metres in length	Level 100 plus lifejacket	1 for each person on board or being towed
5		EPIRB	1—if more than 2 nautical miles from the coast
6		Marine radio	1—if more than 2 nautical miles from the coast
7	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board or being towed
8		EPIRB	1—if more than 2 nautical miles from the coast
9	Recreational tender	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
<b>Sail powered recreational vessels</b>			
10	Off-the-beach sailing yacht	Level 100 plus lifejacket	1 for each person on board when operating more than 2 nautical miles from the coast
11		Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board when operating 2 nautical miles from the coast or less

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12		EPIRB	1—if more than 2 nautical miles from the coast
13		Marine radio	1—if more than 2 nautical miles from the coast
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for coastal waters</i>
14	Yacht	Level 100 plus lifejacket	1 for each person on board
15		EPIRB	1—if more than 2 nautical miles from the coast
16		Marine radio	1—if more than 2 nautical miles from the coast
<b>Human powered recreational vessels</b>			
17	Kayak, canoe, raft and rowing boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
18		EPIRB	1—if more than 2 nautical miles from the coast
19	Stand up paddleboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board—if more than 400 metres from the shore
20		EPIRB	1—if more than 2 nautical miles from the coast
21	Funboat and pedal boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board

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**TABLE C**

Regulation 62(3) and (7)

**EQUIPMENT TO BE CARRIED ON RECREATIONAL  
VESSELS ON ENCLOSED WATERS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for enclosed waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Anchor, and chain or line or both	1
2		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
3		Bailer	1—if no electric or manual bilge pumping system
4		Bucket with lanyard	1
5		Hand-held red distress flares and hand-held orange smoke signals; or a portable air horn; or a GPS enabled EPIRB; or a personal locator beacon; or an installed marine radio with a minimum of 25 watt output	2 hand-held red distress flares and 2 hand-held orange smoke signals; or 1 of any other item of equipment listed in Column 3
6		Pair of oars with rowlocks or pair of paddles	1
7		Waterproof buoyant torch	1
8	Powerboat more than 4.8 metres in length	Anchor, and chain or line or both	1
9		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
10		Bailer	1—if no electric or manual bilge pumping system
11		Bucket with lanyard	1



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<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for enclosed waters</i>
12		Hand-held red distress flares and hand-held orange smoke signals; or a portable air horn; or a GPS enabled EPIRB; or a personal locator beacon; or an installed marine radio with a minimum of 25 watt output	2 hand-held red distress flares and 2 hand-held orange smoke signals; or 1 of any other item listed in Column 3
13		Waterproof buoyant torch	1
14		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
15	Personal watercraft	Waterproof buoyant torch	1
<b>Sail powered recreational vessels</b>			
16	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
17		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
18	Yacht	Anchor and chain or line or both	1
19		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
20		Bailer	1—if no electric or manual bilge pumping system
21		Bucket with lanyard	1

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22		Hand-held red distress flares and hand-held orange smoke signals; or a portable air horn; or a GPS enabled EPIRB; or a personal locator beacon; or an installed marine radio with a minimum of 25 watt output	2 hand-held red distress flares and 2 hand-held orange smoke signals; or 1 of any other item listed in Column 3
23		Waterproof buoyant torch	1

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for enclosed waters</i>
24		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
25		Dinghy or life raft	1—if vessel is more than 12 metres in length
<b>Human powered recreational vessels</b>			
26	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
27		Bailer	1—if no electric or manual bilge pumping system
28		Hand-held red distress flares and hand-held orange smoke signals; or a portable air horn; or a GPS enabled EPIRB; or a personal locator beacon; or an installed marine radio with a minimum of 25 watt output	2 hand-held red distress flares and 2 hand-held orange smoke signals; or 1 of any other item of equipment listed in Column 3

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**TABLE D**

Regulation 62(4) and (7)

**ADDITIONAL EQUIPMENT TO BE CARRIED ON  
RECREATIONAL VESSELS ON ENCLOSED WATERS**

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for enclosed waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket	1 for each person on board or being towed
2	Powerboat more than 4.8 metres in length	Level 100 plus lifejacket	1 for each person on board or being towed
3	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board or being towed
4	Recreational tender	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
<b>Sail powered recreational vessels</b>			
5	Off-the-beach sailing yacht	Level 100 plus lifejacket or level 50 lifejacket	1 for each person on board
6	Yacht	Level 100 plus lifejacket	1 for each person on board
<b>Human powered recreational vessels</b>			
7	Kayak, canoe, raft and rowing boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
8	Stand up paddleboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board—if more than 400 metres from the shore
9	Funboat and pedal boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board

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**TABLE E**

Regulation 62(5) and (7)

**EQUIPMENT TO BE CARRIED ON RECREATIONAL  
VESSELS ON INLAND WATERS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item number</i>	<i>Class of vessel</i>	<i>Item of equipment</i>	<i>Requirements for inland waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
2		Bailer	1—if no electric or manual bilge pumping system
3		Bucket with lanyard	1
4		Pair of oars with rowlocks or pair of paddles	1
5		Waterproof buoyant torch	1
6	Powerboat more than 4.8 metres in length	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
7		Bailer	1—if no electric or manual bilge pumping system
8		Bucket with lanyard	1
9		Waterproof buoyant torch	1
10		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
11	Personal watercraft	Waterproof buoyant torch	1

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<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for inland waters</i>
<b>Sail powered recreational vessels</b>			
12	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
13		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
14	Yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
15		Bailer	1—if no electric or manual bilge pumping system
16		Bucket with lanyard	1
17		Waterproof buoyant torch	1
18		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
<b>Human powered recreational vessels</b>			
19	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
20		Bailer	1—if no electric or manual bilge pumping system

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**TABLE F**

Regulation 62(6) and (7)

**ADDITIONAL EQUIPMENT TO BE CARRIED ON  
RECREATIONAL VESSELS ON INLAND WATERS**

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Class of vessel</i>	<i>Column 3</i> <i>Item of equipment</i>	<i>Column 4</i> <i>Requirements for inland waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board or being towed
2	Powerboat more than 4.8 metres in length	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board or being towed
3	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board or being towed
4	Recreational tender	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
<b>Sail powered recreational vessels</b>			
5	Off-the-beach sailing yacht	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
6	Yacht	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
<b>Human powered recreational vessels</b>			
7	Kayak, canoe, raft and rowing boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board
8	Stand up paddleboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board—if more than

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		lifejacket	400 metres from the shore
9	Funboat and pedal boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket	1 for each person on board

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**TABLE G**

Regulation 62(8)

**REQUIREMENTS FOR EQUIPMENT ON RECREATIONAL  
VESSELS**

<i>Item of equipment</i>	<i>Equipment requirements</i>
Anchor and chain or line	The anchor with chain or line or both chain and line must be of sufficient strength and durability to secure the vessel and must be appropriate for that purpose in the area of operation of the vessel. The chain or line or combination must be securely attached to both the anchor and the vessel at all times.
Bilge pumping system	An electric or manual bilge pumping system must have a pump or pumps that are capable of draining each compartment of the boat. This may require the system to comprise more than one bilge pump. The pump must have a strainer fitted to the suction pipe. The strainer must be of a sufficiently small mesh size to prevent choking of the pump by debris.
Bailer	A bailer must be suitable for bailing water from the boat. A bucket with lanyard may also be used as a bailer.
Dinghy or life raft	The dinghy or life raft must be able to support the weight of all people on board in the event of swamping.
Hand-held orange smoke signal, hand-held red distress flare, red star parachute distress rocket	Hand-held orange smoke signals, hand-held red distress flares and red star parachute distress rockets kept on the vessel for use must not exceed the manufacturer's expiry date.
EPIRB	An EPIRB must— (a) comply with Australian and New Zealand Standard AS/NZS 4280.1:2017 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2008, MOD)"; and



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

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**TABLE H**

Regulation 63

**PORTABLE FIRE EXTINGUISHERS TO BE CARRIED ON  
VESSELS OF CERTAIN SIZES**

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

**TABLE I**

Regulation 63

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

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

**Schedule 4—Lifejackets to be worn on recreational vessels and hire and drive vessels**

**TABLE A**

Regulations 66(1), 68(1)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for coastal waters</i>
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket
2	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
3	Recreational tender	Level 100 plus lifejacket
4	Off-the-beach sailing yacht	Level 100 plus lifejacket or, if vessel is located within 2 nautical miles from the coast, level 50 lifejacket
5	Kiteboard or sailboard	Level 100 plus lifejacket or level 50 lifejacket
6	Canoe, kayak, rowing boat, raft, stand up paddleboard, pedal boat or funboat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket

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Schedule 4—Lifejackets to be worn on recreational vessels and hire and drive vessels

**TABLE B**

Regulations 66(2), 68(2)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for enclosed waters</i>
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket
2	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
3	Recreational tender	Level 100 plus lifejacket or level 50 lifejacket
4	Off-the-beach sailing yacht	Level 100 plus lifejacket or level 50 lifejacket
5	Kiteboard or sailboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
6	Canoe, kayak, rowing boat, raft, stand up paddleboard, pedal boat or fun boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket

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Schedule 4—Lifejackets to be worn on recreational vessels and hire and drive vessels

**TABLE C**

Regulations 66(3), 68(3)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for inland waters</i>
1	Powerboat up to and including 4.8 metres in length	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
2	Personal watercraft	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
3	Recreational tender	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
4	Off-the-beach sailing yacht	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
5	Kiteboard or sailboard	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
6	Canoe, kayak, rowing boat, raft, stand up paddleboard, pedal boat or fun boat	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket

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Schedule 4—Lifejackets to be worn on recreational vessels and hire and drive vessels

**TABLE D**

Regulations 67(1), 68(1)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for coastal waters</i>
1	Powerboat more than 4.8 metres but not more than 12 metres in length	Level 100 plus lifejacket
2	Yacht	Level 100 plus lifejacket

**TABLE E**

Regulations 67(2), 68(2)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for enclosed waters</i>
1	Powerboat more than 4.8 metres but not more than 12 metres in length	Level 100 plus lifejacket
2	Yacht	Level 100 plus lifejacket or level 50 lifejacket

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Schedule 4—Lifejackets to be worn on recreational vessels and hire and drive vessels

**TABLE F**

Regulations 67(3), 68(3)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Vessel type</i>	<i>Lifejacket requirements for inland waters</i>
1	Powerboat more than 4.8 metres but not more than 12 metres in length	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket
2	Yacht	Level 100 plus lifejacket, level 50 lifejacket or level 50S lifejacket

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## Schedule 5—Search and seizure warrant

Regulation 82

Court Ref.

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

Description of vessel authorised for seizure:

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

Premises which may be searched for vessel:

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

Grounds for issue of warrant:

Reasonable grounds for believing that recreational vessel described above—

- is
- may be within the next 72 hours—

in or on the premises described.

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

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

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

- enter the premises described;
- use reasonable force to break into or open any structure on the premises described above that may store the vessel described;
- search for and seize the vessel described.

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



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Schedule 5—Search and seizure warrant

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

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

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

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

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

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

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## Schedule 6—Report on execution of search and seizure warrant

Regulation 82

To the registrar of the Magistrates' Court

I, *[insert name and address]*

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

- The warrant was executed by

*[insert name and address]*

at            a.m./p.m. on    /    /

The following recreational vessel was seized—

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

A copy of the warrant    \* was given to the occupier

\* was given to a person at the premises other than the occupier

\* was not given to the occupier or any other person at the premises because—

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

\* Delete whichever is inapplicable

- This warrant was not executed because—

*[set out reasons why warrant not executed]*

Date

Signature

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

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

Regulation 91

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

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

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

Dated:

Signature of Safety Director or delegate:

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

Regulation 92

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

Description of vessel:

*[insert the details which identify the vessel]*

Dated:

Issued by the Safety Director

DRAFT

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

Regulation 93

The speed measuring device known as [*insert make and model number of device*] and numbered [*insert identifying number of device*] was tested by me in accordance with the Marine Safety Regulations 2012 on [*date*].

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

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

Date:

Signature of person issuing certificate:

DRAFT

## **Schedule 10—Matters that comprise the safety management system of a pilotage services provider**

Regulation 96

### **RISK MANAGEMENT**

1. Processes and systems that—
  - (a) identify risks to safety in relation to the provision of pilotage services; and
  - (b) provide for the comprehensive and systematic assessment of any identified risks; and
  - (c) specify the controls that are to be used to manage identified risks and monitor safety in relation to the provision of pilotage services; and
  - (d) provide for the review of those processes and systems.

### **EMERGENCY MANAGEMENT**

2. An emergency management plan that provides for processes and systems to—
  - (a) identify emergencies; and
  - (b) mitigate emergencies; and
  - (c) respond to emergencies; and
  - (d) provide for the recovery from emergencies; and
  - (e) review the plan.

### **PILOT OPERATIONS**

3. Procedures for the safe embarking and disembarking of pilots.
  4. Processes and systems for the control of any risks to safety associated with the fatigue of pilots and other marine safety workers carrying out marine safety work for or on behalf of the pilotage services provider.
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5. Processes and systems to ensure, so far as is reasonably practicable, that pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider do not carry out that marine safety work while more than the prescribed concentration of alcohol (within the meaning of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**) is present in their blood or breath or while impaired by a drug.

#### TRAINING, QUALIFICATION AND COMPETENCY OF PILOTS

8. Systems and procedures to ensure that all pilots and marine safety workers employed or engaged by the pilotage services provider are medically fit to provide and support pilotage services and pilotage transfer operations.
9. Systems and procedures to ensure that all pilots and marine safety workers employed or engaged by the pilotage services provider are appropriately trained, qualified and licensed to carry out and support pilotage services and pilotage transfer operations.
10. Systems and procedures to maintain and improve the proficiency and competency of pilots marine safety workers, employed or engaged by the pilotage services provider through training.
11. Systems and procedures to maintain validity of qualifications of pilots and marine safety workers employed or engaged by the pilotage services provider

#### PILOT TRANSFER OPERATIONS

12. Procedures and systems for the safe performance of pilot transfer operations
  13. Systems and procedures to ensure that any vessel, vehicle or aircraft used in the provision of pilotage service or support services are safe and in good working order and comply with relevant State or Commonwealth legislation.
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Schedule 10—Matters that comprise the safety management system of a  
piloteage services provider

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## Endnotes

<sup>1</sup> Reg. 4(a): S.R. No. 45/2012 as amended by S.R. Nos 102/2013, 153/2015, 158/2015, 143/2016, 74/2017, 138/2017, 101/2018, 61/2019, 146/2019, 63/2020 and 79/2021.

<sup>2</sup> Reg. 4(b): S.R. No. 102/2013.

<sup>3</sup> Reg. 4(c): S.R. No. 153/2015.

<sup>4</sup> Reg. 4(d): S.R. No. 138/2017.

<sup>5</sup> Reg. 4(e): S.R. No. 146/2019.

<sup>6</sup> Reg. 4(f): S.R. No. 79/2021.

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. [TBA] in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 5— definition of <i>fixed fire extinguishing system</i>	International Standard ISO 9094:2015 "Small craft—Fire protection" as published by the International Organization for Standardization on 15 November 2015  Australian Standard AS 4214:2018 "Gaseous fire-extinguishing systems" as published by Standards Australia on 16 April 2018	Whole  Whole
Regulation 5— definitions of <i>hand-held orange smoke signal</i> and <i>hand-held red distress flare</i>	Australian Standard AS 2092—2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Whole
Regulation 5— definition of <i>hull identification number</i>	International Standard ISO 10087:2022 "Small craft—Craft identification—Coding system" as published by the International Organization for Standardization on 14 January 2022	Whole

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<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 5— definition of <i>length</i>	International Standard ISO 8666:2020(E) "Small craft—Principal data" as published by the International Organization for Standardization on 18 November 2020	Clause 5
Regulation 5— definition of <i>lifebuoy</i>	Australian Standard AS 4758.1:2022 "Lifejackets—Part 1: General requirements" as published by Standards Australia on 4 March 2022	Whole
Regulation 5— definition of <i>marine radio</i>	Australian/New Zealand Standard AS/NZS ETSI EN 302 885:2018 "Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands with integrated handheld class H DSC" as published jointly by Standards Australia and Standards New Zealand on 17 May 2018	Part 2
Regulation 5— definition of <i>portable fire extinguisher</i>	Australian/New Zealand Standard AS/NZS 1841.1:2007 "Portable fire extinguishers—Part 1: General requirements" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007	Whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	<p>Australian/New Zealand Standard AS/NZS 1841.5:2007 "Portable fire extinguishers—Part 5: Specific requirements for powder type extinguishers" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007</p> <p>Australian/New Zealand Standard AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing" as published jointly by Standards Australia and Standards New Zealand on 20 March 2009</p>	<p>Whole</p> <p>Whole</p>
Regulation 5—definition of <i>red star parachute distress rocket</i>	Australian Standard AS 2092—2004 "Pyrotechnic marine distress flares and signals for pleasure craft" as published by Standards Australia on 10 May 2004	Clause 7
Regulation 5—definition of <i>valid certificate of competency</i>	Marine Order 505 (Certificates of competency—national law) 2022 of the Commonwealth dated 29 March 2022 and made under section 163(1) of the Marine Safety (Domestic Commercial Vessel) National Law	Whole

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Regulation 64(4)—definition of <i>fire blanket</i>	Australian/New Zealand Standard AS/NZS 3504:2006 "Fire blankets" as published jointly by Standards Australia and Standards New Zealand on 21 June 2006, reissued Incorporating Amendment No. 1 (May 2008)	Whole
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<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Schedule 1—definition of <i>recognised appraiser</i>	Directive 2014/90/EU of the European Parliament and of the Council on marine equipment and repealing Council Directive 96/98/EC as amended from time to time	Whole
Schedule 1—Part 2—Level 100 plus lifejacket	AS 4758.1:2022 "Lifejackets—Part 1: General requirements" as published by Standards Australia on 4 March 2022	Whole

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<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Schedule 1— Part 3—Level 50 lifejacket	AS 4758.1:2022 "Lifejackets— Part 1: General requirements" as published by Standards Australia on 4 March 2022	Whole
<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Schedule 1— Part 4—Level 50S lifejacket	AS 4758.1:2022 "Lifejackets— Part 1: General requirements" as published by Standards Australia on 4 March 2022	Whole

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<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Schedule 3— Table G—EPIRB	Australian/New Zealand Standard AS/NZS 4280.1:2017 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2008, MOD)" as published jointly by Standards Australia and Standards New Zealand on 28 February 2017	Whole