

Authorised Version
Marine Safety Regulations 2012
S.R. No. 45/2012

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Authorised Version

STATUTORY RULES 2012

S.R. No. 45/2012

Marine Safety Act 2010

Marine Safety Regulations 2012

The Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council makes the following Regulations:

Dated: 13 June 2012

Responsible Minister:

DENIS NAPTHINE
Minister for Ports

YVETTE CARISBROOKE
Acting Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

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

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

2 Authorising provisions

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

3 Commencement

These Regulations come into operation on 1 July 2012.

4 Definitions

In these Regulations—

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

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

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

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

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

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

certified extract, in relation to a safe construction certificate or safe operation certificate, means an extract of a certificate that has been certified to be a true extract of that certificate by—

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

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

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

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

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

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

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

commissioning phase has the same meaning as it has in Section 4 of the National Standard for the Administration of Marine Safety;

construction phase has the same meaning as it has in Section 4 of the National Standard for the Administration of Marine Safety;

declared port waters in the case of—

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

design phase has the same meaning as it has in Section 4 of the National Standard for the Administration of Marine Safety;

designated hazardous area means—

- (a) Port Phillip Heads; or
- (b) any area of State waters declared as a designated hazardous area under regulation 6;

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

disabled means not capable of making way through the water;

enclosed waters means—

- (a) the declared port waters inside the seaward entrance of the following local ports—
 - (i) the Port of Apollo Bay;

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- (ii) the Port of Anderson Inlet;
 - (iii) the Port of Gippsland Lakes;
 - (iv) the Port of Snowy River;
 - (v) the Port of Mallacoota;
 - (vi) the Port of Port Fairy;
 - (b) the declared port waters of the Port of Barwon Heads upstream of the Barwon Heads–Ocean Grove road bridge;
 - (c) the declared port waters of the Port of Corner Inlet and Port Albert east of a line between Port Welshpool shipping pier and Bentley Point (inside the entrances);
 - (d) the waters of Shallow Inlet;
 - (e) the declared port waters inside the entrance of the Port of Portland;
 - (f) the declared port waters of the Port of Port Phillip;
 - (g) the waters of Western Port landward of its western entrance joined by a straight line drawn between West Head to the southern tip of Seal Rocks to Point Grant and landward of its eastern entrance joined by an imaginary line drawn between Cape Woolamai and Griffith Point as shown on the chart AUS 150 "Australia—South Coast—Victoria—Western Port", published by the Australian Hydrographic Service from time to time;

- (h) the waters between the seaward entrance of Tamboon Inlet and the northerly boundary of a straight line drawn between Flanders track and the creek on the eastern side of the Inlet;
- (i) the waters between the seaward entrance of Wingan Inlet and the northerly boundary of a straight line drawn between Rocky Creek and the bank directly opposite to the west;
- (j) the waters between the seaward entrance of Sydenham Inlet and the mouth of the Bemm River;

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

expiry date in the case of—

- (a) the registration of a vessel, means the date determined in accordance with regulation 12(3) as the date on which the registration of the vessel expires;
- (b) a marine licence, means the date determined in accordance with regulation 36 as the date on which that licence expires;
- (c) a safe construction certificate, means the date determined in accordance with section 65 of the Act as the date on which that certificate expires;
- (d) a certificate of competency, means the date determined in accordance with regulation 83(2) as the date on which that certificate expires;

fast craft has the same meaning as it has in Part F Section 1 Subsection A of the National Standard for Commercial Vessels;

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

- (a) International Standard ISO 9094-1:2003(E) "Small craft—Fire protection—Part 1: Craft with a hull length of up to and including 15 m"; or
- (b) International Standard ISO 9094-2:2002(E) "Small craft—Fire protection—Part 2: Craft with a hull length of over 15 m";

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

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

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

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

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

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

Lakes Entrance Bar means the sand bar at the entrance to the Port of Gippsland Lakes as shown on the chart AUS 182 "Australia—South Coast—Plans in Victoria—South East Coast—Lakes Entrance", published by the Australian Hydrographic Service from time to time;

length, in relation to a recreational vessel, means the length of the hull of the vessel when measured in accordance with clause 5.2.2 of International Standard ISO 8666:2002(E) "Small craft—Principal data";

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

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

marine radio means—

- (a) a 27MHz or HF marine radio transceiver approved by the Australian Communications and Media Authority; or
- (b) a VHF marine radio transceiver approved by the Australian Communications and Media Authority

that complies with AS/NZS 4415.2:2003 "Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands—Technical characteristics and methods of measurement—Part 2: Major coast stations, limited coast stations, ship stations and handheld stations (non DSC) (ETS 300 162:1998, MOD)";

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

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

NSCV means the National Standard for Commercial Vessels;

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

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

and includes all waters within 500 metres of the ridge;

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

kiteboard, sailboard or stand-up paddle board;

open area in the case of—

- (a) a trading vessel, means an area—
 - (i) that is not closed or locked; and
 - (ii) that is open on the boundary on its aft side;
- (b) a recreational vessel (other than a kayak or canoe)—
 - (i) that has a deck, means all deck areas including coach roofs, superstructures, open flying bridges, trampolines and nets, but excluding areas within a rigid deckhouse, a rigid cabin, a rigid half-cabin or a securely enclosed under-deck space; or
 - (ii) that does not have a deck, means the whole vessel, excluding areas within a rigid cabin, rigid half-cabin or a securely enclosed space;
- (c) a kayak or canoe, means the whole vessel;

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

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

Note

See also regulation 7.

Part C Section 3 of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 3—Construction of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 30 May 2008 and referred to in order published in the Commonwealth of Australia Gazette on 11 June 2008 and amended from time to time;

Part C Section 4 of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 4—Fire Safety of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Part C Section 5 Subsection A of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 5—Engineering—Subsection 5A—Machinery of the NSCV declared under section 427(3)(a) of the

Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Part C Section 5 Subsection B of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 5—Engineering—Subsection 5B—Electrical of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Part C Section 5 Subsection C of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 5—Engineering—Subsection 5C—LPG Systems for Appliances of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Part C Section 5 Subsection D of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 5—Engineering—Subsection 5D—LPG Systems for Engines of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia

Gazette on 27 September 2006 and amended from time to time;

Part C Section 6 Subsection A of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 6—Stability—Subsection 6A—Intact Stability Requirements of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 30 May 2008 and referred to in order published in the Commonwealth of Australia Gazette on 11 June 2008 and amended from time to time;

Part C Section 6 Subsection B of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 6—Stability—Subsection 6B—Buoyancy and Stability After Flooding of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 30 June 2010 and referred to in order published in the Commonwealth of Australia Gazette on 7 July 2010 and amended from time to time;

Part C Section 6 Subsection C of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 6—Stability—Subsection 6C—Stability Tests and Stability Information of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 30 May 2008 and referred to in order published in the Commonwealth of Australia Gazette on 11 June 2008 and amended from time to time;

Part C Section 7 Subsection A of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 7—Equipment—Subsection 7A—Safety Equipment of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006 and amended from time to time;

Part C Section 7 Subsection B of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 7—Equipment—Subsection 7B—Communications Equipment of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 5 December 2008 and referred to in order published in the Commonwealth of Australia Gazette on 17 December 2008 and amended from time to time;

Part C Section 7 Subsection C of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 7—Equipment—Subsection 7C—Navigation Equipment of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 5 December 2008 and referred to in order published in the Commonwealth of Australia Gazette on 17 December 2008 and amended from time to time;

Part C Section 7 Subsection D of the National Standard for Commercial Vessels means the provisions of Part C—Design and Construction—Section 7—Equipment—Subsection 7D—Anchoring Systems of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 30 May 2008 and referred to in order published in the Commonwealth of Australia Gazette on 11 June 2008 and amended from time to time;

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

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

Part F Section 1 Subsection A of the National Standard for Commercial Vessels means the provisions of Part F—Special Vessels—Section 1—Fast Craft—Subsection 1A—General Requirement for Fast Craft of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 12 September 2006 and referred to in order published in the Commonwealth of Australia Gazette on 27 September 2006;

Part F Section 1 Subsection B of the National Standard for Commercial Vessels means the provisions of Part F—Special Vessels—Section 1—Fast Craft—Subsection 1B—Category F1 Fast Craft of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 23 May 2007 and referred to in order published in the Commonwealth of Australia Gazette on 6 June 2007;

Part F Section 1 Subsection C of the National Standard for Commercial Vessels means the provisions of Part F—Special Vessels—Section 1—Fast Craft—Subsection 1C—Category F2 Fast Craft of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 23 May 2007 and referred to in order published in the Commonwealth of Australia Gazette on 6 June 2007;

Part F Section 2 of the National Standard for Commercial Vessels means the provisions of Part F—Section 2—Leisure Craft—Edition 1 of the NSCV declared under section 427(3)(a) of the Commonwealth Navigation Act as in existence on 25 October 2010 and referred to in order published in the Commonwealth of Australia Gazette on 3 November 2010;

passenger means any person on board a vessel other than—

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

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

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

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

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

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

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

portable fire extinguisher means a dry chemical type fire extinguisher—

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

Port Phillip Heads means the waters between a straight line drawn between Point Lonsdale and Point Nepean and the seaward limits of a line drawn on an arc of a radius of 3 nautical miles centred on Point Lonsdale as shown on the chart AUS 143 "Australia—South Coast—Victoria—Port Phillip", published by the Australian Hydrographic Service on 2 May 1973;

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

recreational tender means a recreational vessel—

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

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

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

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

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

Roads Corporation has the same meaning as it has in section 3 of the **Transport Integration Act 2010**;

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

survey has the same meaning as it has in Section 4 of the National Standard for the Administration of Marine Safety;

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

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

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

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

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

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

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

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

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

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

Uniform Shipping Laws Code means the provisions of the Uniform Shipping Laws Code declared under section 427(2)(a) of the Commonwealth Navigation Act as in existence on 18 December 1979 and referred to in order published in the Commonwealth of Australia Gazette on 28 December 1979 and amended from time to time;

vessel particulars, in relation to a vessel, means—

- (a) the breadth; and
- (b) the type of vessel; and
- (c) the measured length; and
- (d) the engine manufacturer; and
- (e) the maximum engine power (in kilowatts); and

(f) the construction material; and

(g) the engine manufacturer;

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

(a) a monohull yacht; and

(b) a trailerable yacht; and

(c) a multihull yacht—

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

5 Reference to standards

Unless otherwise stated, in these Regulations—

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

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

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

6 Safety Director may declare hazardous areas for purposes of Regulations

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

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

- (1) The Safety Director, by notice published in the Government Gazette, may designate an area of State waters as—
 - (a) a safe haven;
 - (b) partially smooth waters;
 - (c) restricted offshore waters;
 - (d) sheltered waters;
 - (e) smooth waters.
- (2) Part B of the National Standard for Commercial Vessels applies for the purposes of these Regulations as if—
 - (a) a reference in that Part to—
 - (i) a safe haven were a reference to a safe haven designated in a notice under subregulation (1);
 - (ii) partially smooth waters were a reference to partially smooth waters designated in a notice under subregulation (1);
 - (iii) sheltered waters were a reference to sheltered waters designated in a notice under subregulation (1);

- (iv) smooth waters were a reference to smooth waters designated in a notice under subregulation (1);
- (b) a reference to waters designated as partially smooth waters in the definition of *partially smooth water operations* in Clause 3.4.2 were a reference to partially smooth waters designated in a notice under subregulation (1);
- (c) a reference to waters designated as restricted offshore under paragraph (b) of the definition of restricted offshore operations in Clause 3.4.2 were a reference to restricted offshore waters designated in a notice under subregulation (1);
- (d) a reference to waters designated as smooth waters in the definition of partially smooth water operations in Clause 3.4.2 were a reference to smooth waters designated in a notice under subregulation (1).

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, a vessel is specified to be a regulated hire and drive vessel that falls within a class of hire and drive vessel if the vessel is—

- (a) provided, for use, on a trailer; and
- (b) does not have any geographic limits imposed on its operation under a—
 - (i) safe construction certificate; or
 - (ii) safe operation certificate.

9 Exemptions

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

Penalty: 10 penalty units.

PART 2—REGISTRATION OF VESSELS

Division 1—Registration of vessels

10 Exemptions from registration

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

- (a) a recreational tender;
- (b) a vessel that is not a powerboat;
- (c) a commercially operated vessel;
- (d) a vessel which—
 - (i) is temporarily being operated on State waters; and
 - (ii) is registered in another State or a Territory; and
 - (iii) displays in accordance with an Act or regulation of another State or Territory an identifying plate, mark or number issued or allocated by the corresponding authority in that State or Territory for the vessel;
- (e) a vessel that—
 - (i) is temporarily being operated on State waters; and
 - (ii) is exempt from registration as a vessel in another State or a Territory in which the owner of the vessel ordinarily resides;
- (f) a powerboat that is under the control of a manufacturer or dealer who has a special identification plate issued under regulation 25.

11 Application for registration of a vessel

- (1) For the purposes of section 39 of the Act, a person may apply to the Safety Director for registration of a 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 name and address of the applicant; and
 - (c) be accompanied by proof as to the identity and address of the applicant; 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) hull identification number, if known;

- (xi) whether an Australian Builders Plate has been fixed to the vessel;
- (xii) the date of manufacture of the vessel, if known;
- (xiii) the construction material;
- (xiv) the make and model; and
- (e) be accompanied by the fee for boating facilities and safety education specified under regulation 136.

12 Period of registration

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

13 Notice of renewal of registration of a vessel

- (1) The Safety Director may give a registered person a notice of renewal of registration stating that if the registration of the vessel registered in the name of the registered person is not renewed on or before the date specified in the notice the registration of the vessel will expire.
- (2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—
 - (a) the expiry of the registration of the vessel;
 - (b) the requirement that the vessel is registered when operated on State waters.

14 Renewal of registration of a vessel

- (1) For the purposes of section 39 of the Act, a registered person may, no later than 3 months after the expiry of the registration of the vessel, apply to the Safety Director to renew the registration of the vessel registered in the name of the registered person by paying the fee for boating facilities and safety education prescribed in regulation 136.
- (2) On application under subregulation (1), the Safety Director must renew the registration of a vessel for a period not exceeding one year.
- (3) The expiry date of a renewed period of registration must be calculated as if the renewal had commenced on the day after the day recorded in the register as the expiry date of the period of registration.
- (4) To avoid doubt, subregulations (1) and (2) do not have the effect of retrospectively registering a vessel.

15 Notification of changes to details of vessels

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

Penalty: 20 penalty units.

16 Change of name or address

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

- (a) the name of the registered person;
- (b) the residential address of the registered person;

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

Penalty: 20 penalty units.

Division 2—Transfer of registration

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

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

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

Penalty: 20 penalty units.

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

A person who acquires a registered vessel must, within 14 days after the acquisition of the vessel—

- (a) complete and sign the relevant section of an application for transfer of registration in the form approved for that purpose by the Safety Director; and
- (b) give the Safety Director the completed application for transfer of registration; and
- (c) pay the fee specified under regulation 137.

Penalty: 20 penalty units.

19 Recording of transfer of registration

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

20 Mandatory refusal to record transfer

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

21 Discretionary refusal to record transfer

- (1) The Safety Director may refuse to record the transfer of registration of a vessel if he or she is satisfied of any of the following—
 - (a) the requirements of the Act and these Regulations relating to the transfer of the registration have not been complied with;
 - (b) the Safety Director reasonably believes the ownership, possession, control or description of the vessel as recorded on the register is uncertain.

- (2) If the Safety Director intends to refuse to record the transfer of registration of a vessel under subregulation (1), the Safety Director must give the applicant for transfer written notice of that intention.
- (3) A written notice under subregulation (2) must—
 - (a) state the grounds on which the Safety Director intends to refuse to record the transfer of registration; and
 - (b) state that the applicant has 28 days from the date of the notice to address the grounds on which the Safety Director intends to refuse to record the transfer of registration before refusing to record the transfer.
- (4) If the applicant fails to address, to the satisfaction of the Safety Director, the grounds stated in a written notice under subregulation (2) within the specified 28 days, the Safety Director may refuse to record the transfer of registration in accordance with subregulation (1).

22 Discretionary recording of transfer

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

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

23 Notice of refusal to record transfer

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

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

Division 3—Registration labels and identification marks

24 Registration label and identification mark

- (1) For each vessel that is registered, or for which the registration is renewed, under regulation 11 or 14, the Safety Director must issue a registration label and assign an identification mark.
- (2) The owner of a registered recreational vessel must ensure that the registration label issued by the Safety Director under subregulation (1) for that vessel is fixed and remains fixed in a conspicuous position on the outside or upper part of the vessel.
Penalty: 20 penalty units.
- (3) The owner of a registered recreational vessel that is not a personal watercraft must ensure that the identification mark that is assigned by the Safety Director for that vessel is painted or displayed in appropriate characters—
 - (a) on each side of the hull of the vessel; and
 - (b) forward of the beam; and
 - (c) so that the highest part of each digit commences at a point no more than 75 millimetres below the gunwale.
Penalty: 20 penalty units.
- (4) In subregulation (3), *appropriate characters* means characters that are—
 - (a) no less than 150 millimetres high; and
 - (b) in proportionate breadth; and

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

Penalty: 20 penalty units.

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

Penalty: 10 penalty units.

Division 4—Special identification plates

25 Special identification plates

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

- (2) An application under subregulation (1) must be—
 - (a) in writing; and
 - (b) accompanied by the fee specified under regulation 138.
- (3) On receiving an application under subregulation (1), the Safety Director may issue a special identification plate to the manufacturer or dealer.

26 Conditions of use of special identification plates

- (1) A person issued with a special identification plate under regulation 25 must—
 - (a) ensure at all times that the special identification plate is displayed on the vessel for which the plate has been issued; and
 - (b) not use, or allow the vessel to be used, for any purposes other than—
 - (i) operating the vessel from place to place while the vessel is in the process of manufacture or repair; or
 - (ii) operating the vessel from the place of manufacture to the place where it will be offered for sale; or
 - (iii) testing the vessel; or
 - (iv) demonstrating the vessel to a purchaser or prospective purchaser; or
 - (v) delivering the vessel for or after sale; or
 - (vi) carrying out repairs to the vessel; or
 - (vii) returning the vessel to its owner after it has been repaired; and
 - (c) not allow the vessel to be operated by a person other than—
 - (i) the person issued with the special identification plate; or

- (ii) an employee of the person issued with the special identification plate; or
- (iii) a person under the direct supervision of either the person issued with the special identification plate or an employee of the person issued with the special identification plate; and
- (d) ensure that the special identification plate is fixed to the vessel where it can be easily seen; and
- (e) keep at the person's office or place of business a record which contains the personal particulars of each person who operates the vessel.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

Division 5—Prescribed conditions of registration

27 Prescribed condition on registration of vessels

- (1) For the purposes of section 41 of the Act, it is a condition of registration of all classes or types of vessel that the registered person in relation to that class or type of vessel does not cause or allow the vessel to be operated unless it is fit for purpose.
- (2) For the purposes of subregulation (1), a vessel is not fit for purpose if—
 - (a) a hull of the vessel is unable to maintain watertight integrity; or

- (b) there is fuel leaking from the vessel's fuel system or engine; or
- (c) the vessel's steering system does not control the movement of the vessel; or
- (d) a ventilation system used for ventilating a space or spaces in the vessel is not functioning; or
- (e) if material insulating machinery in the vessel from fire or flammable materials is missing or damaged; or
- (f) if materials or items comprising part of the vessel's reserve buoyancy are missing or damaged; or
- (g) if engine kill switches are fitted to the vessel and are inoperable.

Division 6—Register of registered vessels

28 Prescribed information to be contained in register of registered vessels

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

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

PART 3—MARINE LICENCES AND ENDORSEMENTS

Division 1—Marine licences and endorsements

29 Exemptions from requirement to hold a marine licence

A person is exempt from the requirement to hold a marine licence if the person holds a valid certificate of competency that—

- (a) was issued or renewed by the Safety Director no earlier than 10 years prior to the commencement day; and
- (b) is not subject to any conditions relating to the person's health or fitness.

30 Eligibility to apply for a marine licence

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

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

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

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

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

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

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

33 Application for a marine licence or marine licence endorsement

- (1) For the purposes of Division 3 of Part 3.2 of the Act, an applicant for the grant or endorsement of a marine licence must give the Safety Director an application in writing that contains or is accompanied by—
 - (a) the applicant's personal particulars; and
 - (b) evidence to verify those personal particulars; and

-
- (c) one of the following—
- (i) evidence that the applicant has passed an appropriate test of knowledge of the provisions of the Act, these Regulations or any notice under section 184 of the Act applying to the operation of regulated recreational vessels; or
 - (ii) evidence that the applicant holds a licence, certificate or authority issued by the Commonwealth or another State or Territory and recognised under regulation 41 as being equivalent to a marine licence or marine licence endorsement granted in accordance with the Act; or
 - (iii) in the case of an applicant for a marine licence, evidence that the applicant holds a valid certificate of competency issued by the Safety Director or a corresponding authority; and
- (d) a declaration that the applicant is not ineligible to apply for a marine licence under regulation 30; and
- (e) the applicable fee or fees specified under regulation 139.
- (2) In addition, an applicant for the grant of a marine licence must—
- (a) have his or her photograph or digitised image made or provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and
 - (b) provide a specimen signature.

34 Refusal to grant marine licence or marine licence endorsement

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

35 Marine licence period

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

36 Marine licence expiry date

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

37 Notice of renewal of marine licence

- (1) The Safety Director may give the holder of a marine licence a notice of renewal of a marine licence stating that if the marine licence is not renewed on or before a date specified in the notice, the marine licence will expire on that date.
- (2) The following are not affected if the Safety Director does not give a notice under subregulation (1)—
 - (a) the expiry date of the marine licence;
 - (b) the requirement that a person is a holder of a marine licence when operating a registered recreational vessel.

38 Renewal of marine licence

- (1) A person may apply to the Safety Director to renew his or her marine licence no later than 5 years after the expiry date of the marine licence by giving the Safety Director an application for renewal of the marine licence in the form approved by the Safety Director that contains or is accompanied by—
 - (a) the applicant's personal particulars; and
 - (b) evidence to verify those personal particulars; and
 - (c) the fee specified under regulation 139.
- (2) In addition, an applicant for renewal of a marine licence must—
 - (a) have his or her photograph or digitised image made or provide a photograph or digitised image of the applicant in a form approved by the Safety Director; and
 - (b) provide a specimen signature.

39 Refusal to renew

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

40 Date of expiry of renewed marine licence

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

41 Recognition of licences, certificates or authorities

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

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

(i) a recreational vessel; or

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

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

as equivalent to the appropriate marine licence or licence endorsement.

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

42 Tests of health and competence

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

Table

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

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

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

Division 2—Conditions of marine licences

43 Prescribed condition of a marine licence

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

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

44 Prescribed conditions of a restricted marine licence

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

45 Application for variation of conditions of a marine licence

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

Note

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

- (2) An application under subregulation (1) must be—
 - (a) in writing; and
 - (b) contain or be accompanied by—
 - (i) the applicant's personal particulars; and
 - (ii) evidence to verify those personal particulars; and

- (iii) details of the requested variation; and
- (iv) evidence to support the requested variation.

46 Refusal to vary conditions of a marine licence

- (1) The Safety Director may refuse an application to vary the conditions of a marine licence if—
 - (a) the applicant has failed to comply with the requirements of regulation 45(2); or
 - (b) the Safety Director is not satisfied that the applicant has demonstrated that it would be safe to vary the condition.
- (2) If the Safety Director decides to refuse an application to renew a marine licence under subregulation (1), the Safety Director must give the applicant a written notice stating—
 - (a) the reasons for the decision; and
 - (b) the applicant's rights to internal and external review of the decision under Part 8.7 of the Act.

Division 3—Marine licence document

47 Marine licence receipt

- (1) The Safety Director may issue a marine licence receipt or a marine licence receipt with an endorsement as an interim measure prior to the issue of a marine licence document in the form required by regulation 48.
- (2) A marine licence receipt or marine licence receipt with an endorsement issued under subregulation (1) must be in the form of the marine licence document required by regulation 48 except for the photograph or digitised image of the person.

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

48 Form of marine licence document

A marine licence document must show details of the following—

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

49 Issue of replacement marine licence document

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

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

50 Endorsements specified on marine licence document

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

Table

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

51 Conditions specified on marine licence document

- (1) A condition to which a marine licence is subject may be shown on the marine licence by means of a code.
- (2) If a condition is shown by a code, the marine licence document must include a note describing the condition.
- (3) The holder of a marine licence that is subject to conditions must carry, while operating a regulated recreational vessel, a notice issued by the Safety Director containing a full explanation of those conditions, if required by the Safety Director to do so.

Penalty: 10 penalty units.

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

Table

<i>Column 1</i> <i>Condition</i> <i>code</i>	<i>Column 2</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 act as the master of a registered recreational vessel or regulated hire and drive vessel that is fitted with specified operator aids or modified as directed in writing by the Safety Director.
X	The marine licence holder must comply with any condition of which he or she has been notified in writing by the Safety Director.

Division 4—Miscellaneous

52 Records

- (1) The Safety Director must maintain records in respect of each marine licence which include details of the following—
 - (a) the identification number allocated to the person to whom the marine licence was issued;
 - (b) the applicant's personal particulars;
 - (c) the commencement and expiry dates of the marine licence;
 - (d) any condition to which the marine licence is subject;
 - (e) any endorsements of the licence;
 - (f) the conditions of any endorsements of the licence.

- (2) Any person whose name appears in records referred to in subregulation (1) is entitled, on payment of the fee specified under regulation 141, to request a search of the records and to obtain a certificate as to any matter appearing in the records in relation to him or her.

53 Change of name or address

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

Penalty: 10 penalty units.

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

54 Notification of illness or injury

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

Penalty: 10 penalty units.

55 Licence holder may surrender marine licence

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

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- (3) The holder of a marine licence may surrender his or her marine licence to the corresponding authority in another State or a Territory of the Commonwealth or another country for cancellation for cancellation by the Safety Director.
- (4) The Safety Director must cancel a marine licence if the holder of the licence surrenders his or her marine licence under subregulation (1) or (3).
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**PART 4—CERTIFICATION AND OPERATION OF
COMMERCIALLY OPERATED VESSELS**

Division 1—Preliminary

56 Definitions

In this Part—

applicable certificate of survey means a
certificate of survey—

- (a) issued under section 99E of the **Marine Act 1988** (as in force from time to time before the commencement day); and
- (b) that is in force immediately before that day;

required ownership details, in relation to an
application for a safe construction certificate
or a safe operation certificate, means—

- (a) if the applicant, or the owner of the vessel or fleet of vessels to which the application relates, is a partnership—
 - (i) the names of all partners at the time of the application; and
 - (ii) a copy of the partnership agreement;
- (b) if the applicant, or the owner of the vessel or fleet of vessels to which the application relates, is an unincorporated body or association other than a partnership—
 - (i) the names of all members of the committee of management of the body or association at the time of the application; and

- (ii) a copy of the certificate of business name or other document creating or evidencing the existence of the applicant;
- (c) if the applicant, or the owner of the vessel or fleet of vessels to which the application relates, is a company, co-operative or incorporated association—
 - (i) the names of the directors at the time of the application; and
 - (ii) a copy of the certificate of incorporation;
- (d) if the applicant, or the owner of the vessel or fleet of vessels to which the application relates, is a body corporate other than a company, co-operative or incorporated association—
 - (i) the names of all office bearers at the time of the application; and
 - (ii) the document creating or evidencing the existence of the applicant;
- (e) if the applicant, or the owner of the vessel or fleet of vessels to which the application relates, is a trustee—
 - (i) details of the trustee, as set out in paragraphs (a) to (d); and
 - (ii) a copy of the trust deed.

Division 2—Safe construction certificates

57 Prescribed information to be contained in an application for a safe construction certificate

- (1) For the purposes of section 64(2)(b) of the Act, the following information is prescribed—
- (a) the name, address and contact details of the applicant;
 - (b) if the applicant is not a natural person, the name, address and contact details of a natural person who is the applicant's representative;
 - (c) if the applicant is not the owner of the vessel or fleet of vessels, the name, address and contact details of the owner;
 - (d) the required ownership details;
 - (e) if the vessel or fleet of vessels have been, or are to be classified by an international classification society, the classification or proposed classification of the vessel or fleet of vessels;
 - (f) if the vessel or fleet of vessels have not previously been surveyed or certified under the Act, the phase or stage of construction;
 - (g) if the vessel or fleet of vessels have previously been surveyed by a corresponding authority, details of any certificates issued with respect to the survey, including—
 - (i) the type of certificate; and
 - (ii) the date of expiry of the certificate; and
 - (iii) any conditions of the certificate; and

- (iv) the name of the corresponding authority who issued the certificate; and
- (v) a certified copy of the certificate;
- (h) the following details, as applicable, in respect of the vessel or each vessel in a fleet of vessels—
 - (i) the intended area of operations;
 - (ii) the measured length (metres);
 - (iii) breadth (metres);
 - (iv) service category;
 - (v) draft (metres);
 - (vi) depth (metres);
 - (vii) displacement (tonnes);
 - (viii) maximum engine power (in kilowatts);
 - (ix) maximum speed (in knots);
 - (x) maximum number of persons;
 - (xi) vessel manufacturer;
 - (xii) year of manufacture;
 - (xiii) vessel model;
 - (xiv) hull identification number (HIN) (if applicable);
 - (xv) number of hulls;
 - (xvi) number of engines and type of each engine;
 - (xvii) propulsion;
 - (xviii) construction material.

- (2) If, due to the phase or stage of construction of the vessel to which the application relates, any of the items of information listed in subregulation (1) are unavailable, those items of information must be provided to the Safety Director before a safe construction certificate can be issued under section 65 of the Act.

58 Prescribed standards applicable to the issue of a safe construction certificate for commercial vessels

For the purposes of section 65(2)(a) of the Act, the prescribed standards for a commercial vessel in respect of which there is no applicable certificate of survey are—

- (a) the construction standards specified in Part C Section 3 of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (b) the fire safety standards specified in Part C Section 4 of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (c) the machinery standards specified in Part C Section 5 Subsection A of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (d) the electrical standards specified in Part C Section 5 Subsection B of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and

- (e) the LPG for appliances standards specified in Part C Section 5 Subsection C of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (f) the LPG for engines standards specified in Part C Section 5 Subsection D of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (g) the intact stability requirements standards specified in Part C Section 6, Subsection A of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (h) the buoyancy and stability after flooding standards specified in Part C Section 6 Subsection B of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (i) the stability tests and stability information standards specified in Part C Section 6 Subsection C of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (j) the safety equipment standards specified in Part C Section 7 Subsection A of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and

- (k) the communications equipment standards specified in Part C, Section 7, Subsection B of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (l) the navigation equipment standards specified in Part C Section 7 Subsection C of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (m) the anchoring systems standards specified in Part C Section 7 Subsection D of the National Standard for Commercial Vessels that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (n) the watertight subdivision of passenger vessels standards specified in clauses C.42 to C.47, clauses C.49 to C.53, clause C.54.2, clauses C.55 to C.57, clause C.61.1, clauses C.61.2a to C.61.5, clauses C.67 to C.69.6 and clauses C.70 to C.73 of section 5C of the Uniform Shipping Laws Code that are applicable to a vessel of the service category or Class to which the commercial vessel belongs; and
- (o) the watertight subdivision of Class 2 and Class 3 vessels standards specified in clauses D.9 to D.15 and clauses D.18 to D.36 of section 5D of the Uniform Shipping Laws Code that are applicable to a vessel of the service category or Class to which the commercial vessel belongs.

59 Prescribed standards applicable to the issue of a safe construction certificate for hire and drive vessels

For the purposes of section 65(2)(a) of the Act, the prescribed standards for a hire and drive vessel in respect of which there is no applicable certificate of survey are—

- (a) the design and construction standards; and
- (b) the equipment standards—

specified in Part F, Section 2 of the National Standard for Commercial Vessels that are applicable to a vessel of the service category to which the hire and drive vessel belongs.

60 Prescribed standards applicable to the issue of a safe construction certificate for commercially operated vessels

- (1) This regulation applies to a commercially operated vessel—
 - (a) in respect of which there is an applicable certificate of survey; and
 - (b) which has not undergone an upgrade in service after the vessel's initial survey.
- (2) For the purposes of section 65(2)(a) of the Act, the prescribed standards for the vessel are—
 - (a) the construction standards;
 - (b) the crew accommodation standards;
 - (c) the load lines standards;
 - (d) the stability standards;
 - (e) the engineering standards;
 - (f) the life-saving appliances standards;
 - (g) the fire appliances standards;
 - (h) the radio equipment standards;

(i) the miscellaneous equipment standards;

(j) the hire and drive vessels standards—

specified in the Uniform Shipping Laws Code as in force when the vessel underwent its initial survey that are applicable to a vessel of the service category or Class to which the commercial operated vessel belongs.

61 Prescribed standards applicable to the issue of safe construction certificate for commercially operated vessels which have undergone a service upgrade

(1) This regulation applies to a commercially operated vessel—

(a) in respect of which there is an applicable certificate of survey; and

(b) which has undergone an upgrade in service after the vessel's initial survey.

(2) For the purposes of section 65(2)(a) of the Act, the prescribed standards for the vessel are—

(a) the construction standards;

(b) the crew accommodation standards;

(c) the load lines standards;

(d) the stability standards;

(e) the engineering standards;

(f) the life-saving appliances standards;

(g) the fire appliances standards;

(h) the radio equipment standards;

(i) the miscellaneous equipment standards;

(j) the hire and drive vessels standards—

specified in the Uniform Shipping Laws Code as in force when the vessel underwent the upgrade in service that are applicable to a vessel of the

service category or Class to which the commercially operated vessel belongs.

62 Prescribed information to be included in a safe construction certificate

The Safety Director must include the following information in a safe construction certificate the Safety Director issues—

- (a) the information required under regulation 57(1)(a), (b) or (c), as appropriate;
- (b) the vessel particulars of the vessel or fleet of vessels;
- (c) the service category or Class of the vessel or fleet of vessels;
- (d) the standards to which the vessel or fleet of vessels was constructed and equipped;
- (e) any conditions imposed by the Safety Director under section 65(3) of the Act;
- (f) any exemptions granted by the Safety Director under section 260 of the Act.

63 Prescribed conditions of a safe construction certificate

- (1) For the purposes of section 65(3) of the Act, the prescribed conditions of a safe construction certificate are specified in subregulation (2).
- (2) The owner of the vessel or fleet of vessels must ensure that—
 - (a) the vessel or fleet of vessels continue to comply with the applicable standards; and
 - (b) the vessel is made available for survey in accordance with the Safety Director's requirements; and

- (c) any fees specified under these Regulations relating to the operation of the vessel or fleet of vessels are paid; and
 - (d) in the case of a safe construction certificate issued for an individual vessel, a certified copy is displayed in a place on the vessel in a manner that can be readily viewed by any person on board the vessel; and
 - (e) in the case of a safe construction certificate issued for a fleet of vessels, a certified extract of the safe construction certificate that contains the information required under regulation 62 is displayed in a place on each vessel in the fleet in a manner that can be readily viewed by any person on board the vessel; and
 - (f) the Safety Director is notified in writing within 28 days after any changes to—
 - (i) the name, address and contact details of the applicant, the applicant's representative or the owner, as the case may be; or
 - (ii) the details of the vessels set out in regulation 57(h).
- (3) In this regulation, ***applicable standards*** means—
- (a) in the case of a commercial vessel in respect of which there is no applicable certificate of survey—the standards specified under regulation 58;
 - (b) in the case of a hire and drive vessel in respect of which there is no applicable certificate of survey—the standards specified under regulation 59;

- (c) a commercially operated vessel referred to in regulation 60(1)—the standards specified under regulation 60(2);
- (d) a commercially operated vessel referred to in regulation 61(1)—the standards specified under regulation 61(2).

Note

It is an offence under section 63 of the Act for the owner or a master of a commercially operated vessel to operate the vessel, or to cause or allow the vessel to be operated, in breach of any condition of the safe construction certificate issued in respect of the vessel.

64 Survey of vessels to be conducted in accordance with National Standard for the Administration of Marine Safety

- (1) This regulation applies if the Safety Director decides to conduct a survey of a vessel for the purpose of—
 - (a) deciding whether to issue a safe construction certificate; or
 - (b) monitoring compliance with the prescribed conditions of a safe construction certificate.
- (2) The Safety Director must conduct a survey of the vessel in accordance with the National Standard for the Administration of Marine Safety—
Section 4 Survey of Vessels.

Division 3—Safe operation certificates

65 Prescribed information to be contained in an application for a safe operation certificate

- (1) For the purposes of section 69(3)(b) of the Act, the following information is prescribed—
 - (a) the name, address and contact details of the applicant;

- (b) if the applicant is not a natural person, the name, address and contact details of a natural person who is the applicant's representative;
- (c) if the applicant is not the owner of the vessel or fleet of vessels, the name, address and contact details of the owner;
- (d) the required ownership details;
- (e) if the vessel or fleet of vessels have been, or are to be classified by an international classification society, the classification or proposed classification of the vessel or fleet of vessels;
- (f) if the vessel or fleet of vessels have not previously been surveyed or certified under the Act, the phase or stage of construction;
- (g) if the vessel or fleet of vessels have previously been surveyed by a corresponding authority, details of any certificates issued with respect to the survey, including—
 - (i) the type of certificate; and
 - (ii) the date of expiry of the certificate; and
 - (iii) any conditions of the certificate; and
 - (iv) the name of the corresponding authority who issued the certificate; and
 - (v) a certified copy of the certificate;
- (h) a description of the nature, character and scope of the proposed vessel operations;
- (i) evidence of competence and capacity, including details of the resources that will be relied on by the owner to carry out vessel operations safely and in accordance with Part E of the National Standard for Commercial Vessels.

66 Prescribed information to be contained in a safe operation certificate

For the purposes of section 70(4) of the Act, the following information must be contained in a safe operation certificate—

- (a) the information required under regulation 65(1)(a), (b) or (c), as appropriate;
- (b) the vessel particulars of the vessel or fleet of vessels;
- (c) the service category or Class of the vessel or fleet of vessels;
- (d) the area of operation of the vessel or fleet or fleet of vessels;
- (e) the maximum passenger numbers for the vessel or for each vessel in a fleet of vessels;
- (f) crewing levels and qualifications;
- (g) any conditions imposed by the Safety Director under section 70(3) of the Act.

67 Minimum prescribed conditions of a safe operation certificate for all commercially operated vessels

- (1) For the purposes of section 70(3) of the Act, the minimum prescribed conditions of a safe operation certificate for a commercially operated vessel or commercially operated fleet of vessels to which this regulation applies are set out in subregulation (2).
- (2) The owner must ensure that—
 - (a) the vessel operations of the vessel or fleet of vessels comply with the requirements of Part A, Part B, Part D and Part E of the National Standard for Commercial Vessels; and

- (b) the vessel or fleet of vessels are not used for recreational purposes unless approval has been obtained from the Safety Director under section 72(2) of the Act; and
- (c) any fees prescribed under these regulations relating to the operation of the vessel or fleet of vessels have been paid; and
- (d) in the case of a safe operation certificate issued for an individual vessel, a certified copy is displayed in a place on the vessel in a manner that can be readily viewed by any person on board the vessel; and
- (e) in the case of a safe operation certificate issued for a fleet of vessels, a certified extract of the safe operation certificate that contains the information required under regulation 66 is displayed in a place on each vessel in the fleet in a manner that can be readily viewed by any person on board the vessel; and
- (f) the Safety Director is notified in writing of change to the details of the owner within 28 days after the change.

68 Additional prescribed conditions of a safe operation certificate for all hire and drive vessels

- (1) For the purposes of section 70(3) of the Act, in addition to the conditions prescribed under regulation 67, the conditions set out in subregulation (2) are prescribed conditions of a safe operation certificate for a commercially operated vessel that is a hire and drive vessel or commercially operated fleet of vessels that are hire and drive vessels.

- (2) The owner must ensure that—
 - (a) the vessel operations of the vessel or fleet of vessels comply with the requirements of Part F Section 2 of the National Standard for Commercial Vessels; and
 - (b) a signed statement is obtained from each person hiring the vessel indicating that the person fully understands the geographical limits and restrictions and any conditions that the Safety Director has specified on the safe operation certificate about the use of the vessel.

69 Additional prescribed conditions of a safe operation certificate for trading vessels over 200 gross tonnage

- (1) For the purposes of section 70(3) of the Act, in addition to the conditions prescribed under regulation 66, the conditions set out in subregulation (2) and (3) are prescribed conditions of a safe operation certificate for a commercially operated vessel that is a trading vessel over 200 gross tonnage or a commercially operated fleet of vessels comprising trading vessels over 200 gross tonnage.
- (2) The owner must ensure that—
 - (a) persons under 16 years are not employed or engaged in any capacity on board the vessel while the vessel is operating; and
 - (b) an employee who is less than 18 years is not permitted to carry out work in any capacity while the vessel is operating between the hours of 2100 and 0600; and
 - (c) all employees provide to the owner a medical certificate stating that the employee is medically able to perform the work for which they are employed.

- (3) The master must ensure that an employee who is less than 18 years is not permitted to carry out work in any capacity while the vessel is operating between the hours of 2100 and 0600.

70 Additional prescribed conditions of a safe operation certificate for towage vessels

- (1) For the purposes of section 70(3) of the Act, in addition to the conditions prescribed under regulation 66, the conditions set out in subregulation (2) and (3) are prescribed conditions of a safe operation certificate for a commercially operated vessel that is a towage vessel or a commercially operated fleet of vessels comprising towage vessels.
- (2) The owner must develop, implement document criteria and operational procedures for assigning towage vessels to towage services.
- (3) The owner, when developing criteria and operational procedures under subregulation (2), must consult, so far as is reasonably practicable, with—
 - (a) any pilots and pilotage services providers who provide pilotage service providers in the port in which the towage vessel operates; and
 - (b) the port management body or local port manager responsible for the port in which the towage vessel operates; and
 - (c) representatives of shipowners who may procure the services of towage service providers.

Division 4—Crewing requirements for commercial vessels

71 Crewing requirements for commercial vessels

For the purposes of section 73(2) of the Act, a commercial vessel must be crewed in accordance with Part D of the National Standard for Commercial Vessels.

Division 5—Variation of conditions

72 Variation of conditions on a safe construction certificate

- (1) The owner of a commercially operated vessel or fleet of commercially operated vessels may apply to the Safety Director for a temporary or permanent variation of any or all of the conditions of the safe construction certificate for the vessel or fleet of vessels.
- (2) An application under subregulation (1) must—
 - (a) be in writing; and
 - (b) contain details of the proposed variation; and
 - (c) be accompanied by—
 - (i) any relevant plans, design calculations or building specifications; and
 - (ii) the fee specified under regulation 149.
- (3) On receiving an application under subregulation (1), the Safety Director may—
 - (a) refuse to grant the requested variation; or
 - (b) grant the requested variation, subject to any further conditions specified by the Safety Director.

- (4) If the Safety Director decides to refuse an application under subregulation (1), the Safety Director must give the applicant 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.
- (5) On granting a variation under subregulation (3)(b), the Safety Director must issue the applicant with—
 - (a) in the case of a temporary variation, a document stating the details of the variation;
 - (b) in the case of a permanent variation, a new safe construction certificate.

73 Variation of conditions on a safe operation certificate

- (1) The owner of a commercially operated vessel or fleet of commercially operated vessels may apply to the Safety Director for a temporary or permanent variation of any or all of the conditions of the safe operation certificate for the vessel or fleet of vessels.
- (2) An application under subregulation (1) must—
 - (a) be in writing; and
 - (b) contain details of the proposed variation; and
 - (c) be accompanied by evidence of competence and capacity, including details of the resources that will be relied upon by the owner to carry out the proposed variation to its vessel operations safely.

- (3) On receiving an application under subregulation (1), the Safety Director may—
 - (a) refuse to grant the requested variation; or
 - (b) grant the requested variation, subject to any further conditions specified by the Safety Director.
- (4) If the Safety Director decides to refuse an application 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.
- (5) On granting a variation under subregulation (3), the Safety Director must issue the applicant with—
 - (a) in the case of a temporary variation, a document stating the details of the variation;
 - (b) in the case of a permanent variation, a new safe operation certificate.

Division 6—Use of commercially operated vessels for recreational purposes

74 Approval to use a commercially operated vessel or fleet of commercially operated vessels for recreational purposes

For the purposes of section 69(2) of the Act, an application for an approval to use a vessel or fleet of vessels for recreational purposes must be included in—

- (a) an application for a safe operation certificate;
- or

- (b) an application for variation of conditions of a safe operation certificate.

75 Use of a commercially operated vessel for recreational purposes is subject to notification requirements

For the purposes of section 72(5)(a) of the Act, the owner of a commercially operated vessel must, before any voyage when the vessel will be used recreationally, notify the Safety Director of the period during which the vessel will be used recreationally by—

- (a) email; or
- (b) text message; or
- (c) facsimile.

Division 7—Transfer of ownership and certification of commercially operated vessels

76 Transfer of ownership of a commercially operated vessel or fleet of vessels

- (1) A person who disposes of a commercially operated vessel or fleet of vessels must, immediately after disposing of the vessel or fleet of vessels—
 - (a) complete and sign the relevant section of a transfer of ownership in the form approved for that purpose by the Safety Director; and
 - (b) give the transfer of ownership to the person who acquires the vessel or fleet of vessels.

Penalty: 20 penalty units.

- (2) A person who acquires a commercially operated vessel or fleet of vessels must, within 14 days after acquiring the vessel or fleet of vessels—

- (a) complete and sign the relevant section of a transfer of ownership in the form approved for that purpose by the Safety Director; and
- (b) give the completed transfer of ownership to the Safety Director.

Penalty: 20 penalty units.

77 Transfer of safe construction certificate

- (1) On receiving a completed transfer of ownership under regulation 76, the Safety Director must transfer any safe construction certificate the Safety Director has issued in respect of the vessel or fleet of vessels into the name of the person acquiring the vessel or fleet of vessels.
- (2) To avoid doubt, the transfer of a certificate under subregulation (1) does not have the effect of extending the expiry date of the certificate.

78 Transfer of safe operation certificate

- (1) A person who acquires a commercially operated vessel or fleet of vessels may apply to the Safety Director for any safe operation certificate the Safety Director has issued in respect of the vessel or fleet of vessels to be transferred into the name of the person acquiring the vessel or fleet of vessels.
- (2) An application under subregulation (1) must—
 - (a) be in the form approved by the Safety Director; and
 - (b) contain a declaration that the applicant will, until the applicant advises the Safety Director otherwise, ensure that the vessel or fleet of vessels is operated—
 - (i) in the same geographic area as it was prior to the transfer of ownership; and

- (ii) in compliance with the conditions of the safe operation certificate issued in respect of the vessel or fleet of vessels.
- (3) On receiving an application that complies with the requirements of subregulation (2), the Safety Director must transfer any safe operation certificate the Safety Director has issued in respect of the vessel or fleet of vessels into the name of the person acquiring the vessel or fleet of vessels.

Division 8—Identification of commercially operated vessels

79 Marks for commercially operated vessels

- (1) The Safety Director must assign a commercial identification mark for each vessel for which the Safety Director has issued a safe construction certificate.
 - (2) The owner of a vessel for which a safe construction certificate is in force must ensure that the commercial identification mark assigned under subregulation (1) for the vessel is painted or displayed in appropriate characters—
 - (a) on each side of the hull of the vessel; and
 - (b) forward of the beam; and
 - (c) so that the highest part of each digit commences at a point no more than 75 millimetres below the gunwale.
- Penalty: 20 penalty units.
- (3) In subregulation (2), *appropriate characters* means characters that are—
 - (a) no less than 150 millimetres high; and
 - (b) in proportionate breadth; and
 - (c) coloured in contrast to the surface on which they are displayed.

Division 9—Load lines and markings

80 Requirements in relation to load lines and markings

For the purposes of section 86 of the Act, the requirements for assigning and marking load lines are specified in Section 7 of the Uniform Shipping Laws Code.

Division 10—Recognition of equivalent forms of certification

81 Interpretation

In this Division—

Administration has the same meaning as it has in Regulation 2 of Chapter I of the Safety Convention;

Cargo Ship Radio Certificate means a certificate issued in accordance with Regulations 12(a)(iv) and 12 (a)(vi) of Chapter I of the Safety Convention;

Cargo Ship Safety Construction Certificate means a certificate issued in accordance with Regulations 12(a)(ii) and 12 (a)(vi) of Chapter I of the Safety Convention;

Cargo Ship Safety Equipment Certificate means a certificate issued in accordance with Regulations 12(a)(iii) and 12 (a)(vi) of Chapter I of the Safety Convention;

certificate of registration means a certificate issued by an Administration certifying that a vessel is entitled to fly the flag of that Administration;

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

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

Continuous Synopsis Record means a documentary record issued in accordance with Regulation 5 of Chapter XI-1 of the Safety Convention;

Document of Compliance has the same meaning as it has in the Marine Orders Part 58 made pursuant to section 425(1AA) of the Commonwealth Navigation Act;

Form E means a Record of Equipment for the Cargo Ship Safety Equipment Certificate as specified in the appendix to the Safety Convention;

Form R means a Record of Equipment for the Cargo Ship Radio Equipment Certificate as specified in the appendix to the Safety Convention;

International Load Line Certificate means a certificate issued in accordance with Article 16 of the Load Line Convention;

International Oil Pollution Prevention Certificate means a certificate issued in accordance with Regulation 7 of the Prevention of Pollution from Ships Convention;

Safety Management Certificate has the same meaning as it has in the Marine Orders Part 58 made pursuant to section 425(1AA) of the Commonwealth Navigation Act;

Safe Manning Certificate means a document that certifies compliance with Regulation 14 of Chapter V of the Safety Convention;

the Load Line Convention has the same meaning as it has in section 187A(1) of the Commonwealth Navigation Act;

the Prevention of Pollution from Ships Convention has the same meaning as it has in section 187A(1) of the Commonwealth Navigation Act;

valid, in relation to a certificate, means that the certificate is in force.

82 Recognition of equivalent forms of certification

- (1) Subject to subregulations (2) and (3), the Safety Director may recognise a certificate, permit or other authorisation as being wholly or partially equivalent to a safe construction certificate or safe operation certificate issued under the Act, that is issued or recognised—
 - (a) under a law of the Commonwealth or another State or a Territory; or
 - (b) by a classification society; or
 - (c) by an Administration.
- (2) The Safety Director must accept a valid certificate of survey issued by a corresponding authority as equivalent to a safe construction certificate issued under the Act.
- (3) The Safety Director must accept the following certificates in combination as equivalent to a safe construction certificate and a safe operation certificate issued under the Act—
 - (a) a valid certificate of registration or valid Continuous Synopsis Record;
 - (b) a valid classification certificate;
 - (c) a valid International Oil Pollution Prevention Certificate issued by a classification society;

- (d) a valid International Load Line Certificate issued by a classification society;
 - (e) a valid Safe Manning Certificate issued by a classification society;
 - (f) a valid Safety Management Certificate issued by a classification society;
 - (g) a valid Document of Compliance issued by a classification society;
 - (h) if the vessel in respect of which the certificates are issued is a cargo ship—
 - (i) a valid Cargo Ship Safety Equipment Certificate and Form E issued by a classification society;
 - (ii) a valid Cargo Ship Safety Construction Certificate issued by a classification society;
 - (iii) a valid Cargo Ship Radio Certificate and Form R issued by a classification society.
- (4) For the purposes of subregulation (1), the Safety Director may require a person to provide—
- (a) certified copies of any certificate, permit or other authorisation referred to in subregulation (1);
 - (b) copies of the design plans and any other documents approved for the vessel to support the certificate, permit or authorisation referred to in subregulation (1).
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**PART 5—CERTIFICATES OF COMPETENCY AND LOCAL
KNOWLEDGE CERTIFICATES**

**83 Certificates of competency to be issued in
accordance with the National Standard for
Commercial Vessels**

- (1) For the purposes of section 78(1) of the Act, a certificate of competency must be issued in accordance with Part D of the National Standard for Commercial Vessels.
- (2) A certificate of competency is valid for the period specified in Part D of the National Standard for Commercial Vessels.

84 Certificate of competency

- (1) A person may apply to the Safety Director for the issue or renewal of a certificate of competency.
- (2) An application under subregulation (1) must be—
 - (a) in the form determined by the Safety Director; and
 - (b) accompanied by—
 - (i) proof of the identity of the person making the application; and
 - (ii) evidence that the applicant has complied with any prerequisites for the issue or renewal of the certificate of competency as specified in Annex D of Part D of the National Standard for Commercial Vessels; and
 - (iii) the fee specified under regulation 153.

85 Prescribed conditions of certificates of competency

- (1) This regulation applies to a person who acts as a master of a commercial vessel that is a trading vessel.

- (2) For the purposes of section 78(2) of the Act, it is a prescribed condition of a certificate of competency held by a person to whom this regulation applies, that the person not act as the master of—
- (a) a yacht operating as a trading vessel; or
 - (b) a fast craft operating as a trading vessel.
- (3) Subregulation (2) does not apply if the Safety Director has endorsed the certificate of competency for service in that capacity under regulation 86.

86 Requirements for endorsement of certificate of competency

The Safety Director must determine the requirements for endorsement of a certificate of competency for service as the master of—

- (a) a yacht operating as a trading vessel; or
- (b) a fast craft operating as a trading vessel—

in accordance with Part D of the National Standard for Commercial Vessels, Part F Section 1 Subsection B of the National Standard for Commercial Vessels and Part F Section 1 Subsection C of the National Standard for Commercial Vessels.

87 Endorsement of certificate of competency in respect of certain vessels operating as trading vessels

- (1) A person who holds a certificate of competency which permits the person to act as the master of a trading vessel may apply to the Safety Director for endorsement of the certificate of competency for service as the master of—
- (a) a yacht operating as a trading vessel; or
 - (b) a fast craft operating as a trading vessel.

- (2) An application under subregulation (1) must—
 - (a) be in the form determined by the Safety Director; and
 - (b) contain evidence, to the satisfaction of the Safety Director, that the applicant has met the requirements for endorsement of the applicant's certificate; and
- (3) On receiving an application that complies with subregulation (2), the Safety Director may endorse the applicant's certificate of competency for the period that the certificate is valid.

88 Variation of conditions of a certificate of competency

- (1) For the purposes of section 79(1) of the Act, an application must—
 - (a) be in writing; and
 - (b) be accompanied by evidence that the applicant has the competence and capacity to undertake safely all the duties and responsibilities permitted by the certificate of competency that the applicant holds if the conditions on the certificate are varied.
- (2) The Safety Director may require—
 - (a) the applicant to provide further information or material in respect of the application; and
 - (b) that the information be verified.

89 Requirement to carry certificate of competency

The holder of a certificate of competency must carry the certificate or a certified copy of the certificate while acting as the master, or a member of the crew, of a commercial vessel.

Penalty: 10 penalty units.

PART 6—OPERATION OF VESSELS (GENERAL)

Division 1—Safe operation of vessels

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

- (1) This regulation applies if the Safety Director or a member of the police force gives a direction under section 269(3) of the Act.
- (2) The Safety Director or member of the police force must give a copy of the direction, and the reasons for making the direction, to the owner of the vessel as soon as practicable after the direction is given.

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

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

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

Penalty: 20 penalty units.

- (2) The master of a recreational vessel or a 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.

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

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

Penalty: 20 penalty units.

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

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

- (e) if the recreational vessel—
 - (i) is not fitted with a flying bridge; and
 - (ii) has a breadth of 3 metres or more but less than 3·5 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table D in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (f) if the recreational vessel—
 - (i) is not fitted with a flying bridge; and
 - (ii) has a breadth of 3·5 metres or more but less than 4 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table E in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (g) if the recreational vessel—
 - (i) is not fitted with a flying bridge; and
 - (ii) has a breadth of 4 metres or more but less than 4·5 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table F in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

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

- (iii) for the length of the vessel specified in Column 2 of Table J in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (l) if the recreational vessel—
 - (i) is fitted with a flying bridge; and
 - (ii) has a breadth of 3 metres or more but less than 3·5 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table K in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (m) if the recreational vessel—
 - (i) is fitted with a flying bridge; and
 - (ii) has a breadth of 3·5 metres or more but less than 4 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table L in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (n) if the recreational vessel—
 - (i) is fitted with a flying bridge; and
 - (ii) has a breadth of 4 metres or more but less than 4·5 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table M in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or

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- (o) if the recreational vessel—
- (i) is fitted with a flying bridge; and
 - (ii) has a breadth of 4·5 metres or more but less than 5 metres; and
 - (iii) for the length of the vessel specified in Column 2 of Table N in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (p) if the recreational vessel—
- (i) is fitted with a flying bridge; and
 - (ii) has a breadth of 5 metres or more; and
 - (iii) for the length of the vessel specified in Column 2 of Table O in Schedule 2 and the number of persons on board the vessel, specified in Column 3 of that Table, is exceeded; or
- (q) if the recreational vessel is a decked canoe or kayak or is otherwise fitted with individual cockpits and the number of persons carried on the vessel exceeds the number of individual cockpits in the vessel irrespective of the age of the person.
- (3) For the purposes of this regulation, a vessel is not overloaded if—
- (a) the manufacturer of the vessel or a competent person has certified in writing that the vessel may be safely operated with a specified number of people on board; and
 - (b) the number of people on board the vessel does not exceed that specified number.

- (4) In calculating the number of people on board a vessel for the purposes of this regulation—
- (a) children aged less than 1 year are not to be included;
 - (b) children aged more than 12 months but less than 12 years will be counted as 0·5 persons.

93 Overloading of passengers on flying bridge

A person must not act as the master of a recreational vessel or a hire and drive vessel fitted with a flying bridge if the number of persons being carried on the flying bridge exceeds one quarter of the number of people (rounded up to the nearest whole number) permitted to be carried on the vessel under regulation 92(2).

Penalty: 20 penalty units.

94 Use of hire and drive vessel

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

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who operates a hire and drive vessel outside the geographical limits of operation specified in the safe operation certificate—
- (a) in the event of a breakdown of the vessel; or
 - (b) in any emergency.

95 Observer to be used when towing

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

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

Penalty: 10 penalty units.

Division 3—Equipment required for recreational vessels

96 Safety equipment required for recreational vessels

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Examples

- 1 For mechanically powered recreational vessels, the requirements relating to a bailer are expressed in Column 4 of Tables A, C and E respectively as "1—if no electric or manual bilge pumping system". This means that such vessels are required to be equipped with a bailer only if the vessel does not have an electric or manual bilge pumping system.
- 2 For any class of recreational vessels that is to be operated on coastal waters, the requirements relating to a compass are expressed in Column 4 of Table A in Schedule 3 as "1—if more than 2 nautical miles from the coast". This means that such vessels are required to be equipped with a compass only if the vessel operates more than 2 nautical miles from the coast.

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

Penalty: 20 penalty units.

97 Fire fighting equipment required for recreational vessels

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

Penalty: 20 penalty units.

- (2) A fixed fire extinguishing system fitted to an enclosed engine compartment of a vessel is a portable fire extinguisher for the purposes of subregulation (1) if the capacity of the system is the same or greater than the minimum nominal capacity of a portable fire extinguisher required under subregulation (1).
- (3) The master of a vessel specified under subregulation (1) that has cooking facilities located within an enclosed space on the vessel must ensure that a fire blanket is—

- (a) positioned in a conspicuous location; and
- (b) is readily accessible to a person using the cooking facilities.

Penalty: 15 penalty units.

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

98 Placement of fire fighting equipment required for recreational vessels

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

- (a) positioned adjacent to the engine and fuel carrying spaces of the vessel; and
- (b) readily accessible.

Penalty: 15 penalty units.

- (2) Subregulation (1) does not apply if a fixed fire extinguishing system is fitted to the enclosed engine compartment of the vessel and the capacity of the system is the same or greater than the minimum nominal capacity of a portable fire extinguisher required under regulation 97(1).
- (3) The master of a recreational vessel that is required under regulation 97(1) to carry more than one fire extinguisher must ensure that each fire extinguisher is located in a separate position on the vessel.

Penalty: 15 penalty units.

99 Maintenance and placement of safety equipment and fire fighting equipment

- (1) A person must not act as the master of a recreational vessel unless all items of safety equipment and fire fighting equipment required to be carried on board the vessel under regulations 96 and 97—
- (a) are placed or located in a conspicuous and readily accessible position at all times;
 - (b) are kept in good order at all times.

Penalty: 15 penalty units.

- (2) The owner of a recreational vessel must not cause or allow the vessel to be operated unless all items of safety equipment and fire fighting equipment required to be carried on board the vessel under regulations 96 and 97 are maintained or serviced in a way that ensures that they are able to operate at all times in the way that they were designed to operate.

Penalty: 15 penalty units.

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

Penalty: 15 penalty units.

Division 4—PFD requirements

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

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (4) Subregulation (1), (2) or (3) does not apply to—
- (a) a person who is operating a stand-up paddleboard, kiteboard or sailboard if the person is no more than 400 metres from the shore;

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

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

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

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

- (b) the specified circumstances apply.

Penalty: 20 penalty units.

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

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

- (b) the specified circumstances apply.

Penalty: 20 penalty units.

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

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

Penalty: 20 penalty units.

- (4) For the purposes of subregulations (1), (2) and (3), the applicable specified circumstances are—
 - (a) the vessel is crossing or attempting to cross an ocean bar or operating within a designated hazardous area; or
 - (b) the vessel is being operated by a person who is the only person on board the vessel; or
 - (c) the vessel is being operated during the period commencing one hour after sunset and ending one hour before sunrise; or
 - (d) the vessel is disabled; or
 - (e) the vessel is a yacht and no safety barriers, lifelines, rails, safety harnesses or jacklines are in use; or
 - (f) the vessel is being operated during a period of restricted visibility; or
 - (g) the vessel is operating in an area where a warning, that is current, of the following kind has been issued by the Bureau of Metereology—
 - (i) a gale warning;
 - (ii) a storm force wind warning;
 - (iii) a hurricane force wind warning;
 - (iv) a severe thunderstorm warning;
 - (v) a severe weather warning.

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

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

- (1) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table A or Table D in Schedule 4 must ensure that every person aged less than 10 years old who is on an open area of the vessel wears, at all times, a personal flotation device that is of a type specified in Column 3 of Table A or Table D opposite that type of vessel when the vessel is underway on coastal waters.

Penalty: 20 penalty units.

- (2) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table B or Table E in Schedule 4 must ensure that every person aged less than 10 years old who is on an open area of the vessel wears, at all times, a personal flotation device that is of a type specified in Column 3 of Table B or Table E opposite that type of vessel when the vessel is underway on enclosed waters.

Penalty: 20 penalty units.

- (3) The master of a recreational vessel or a hire and drive vessel of a type listed in Column 2 of Table C or Table F in Schedule 4 must ensure that every person aged less than 10 years old who is on an open area of the vessel wears, at all times, a personal flotation device that is of a type specified in Column 3 of Table C or Table F opposite that type of vessel when the vessel is underway on inland waters.

Penalty: 20 penalty units.

103 Person being towed by vessel to wear PFD

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

Penalty: 20 penalty units.

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

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

Division 5—International regulations for preventing collisions at sea

Subdivision 1—Preliminary

105 Definitions

In this Division—

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

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

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

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

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

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

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

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

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

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

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

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

106 Application

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

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

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

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

Note

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

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

108 Application

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

**109 Offence for master of a recreational vessel, hire and
drive vessel or government vessel to contravene
Prevention of Collisions Convention**

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

Penalty: 20 penalty units.

110 Navigation lights to be displayed

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

- (a) sidelights; and

- (b) two masthead lights, one higher and abaft the other; and
- (c) a sternlight.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (3) The master of a power-driven vessel of less than 12 metres in length underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—
- (a) the lights specified in subregulation (2)(a), (b) and (c); or
 - (b) sidelights and a white all-round light.

Penalty: 20 penalty units.

- (4) The master of a power-driven vessel of less than 7 metres in length whose maximum speed does not exceed 7 knots underway between sunset and sunrise or during a period of restricted visibility must ensure that the vessel displays—
- (a) the lights specified in subregulation (2)(a), (b) and (c); or
 - (b) a white all-round light.

Penalty: 20 penalty units.

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

- (a) sidelights; and
- (b) a sternlight.

Penalty: 20 penalty units.

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

- (a) sidelights and a sternlight; or
- (b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

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

- (a) sidelights and a sternlight; or
- (b) a torch or lighted lantern showing white light.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

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

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

Penalty: 20 penalty units.

111 Conduct of vessels in channels or fairways

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

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

112 Certain vessels to give way

- (1) The master of a power-driven vessel underway must ensure that the vessel keeps out of the way of—
 - (a) a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught;
 - (b) a vessel not under command that is displaying lights or shapes to indicate that it is not under command;
 - (c) a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre;
 - (d) a fishing vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus which restricts its ability to manoeuvre;
 - (e) a sailing vessel.

Penalty: 20 penalty units.

- (2) The master of a sailing vessel underway must ensure that the vessel keeps out of the way of—
- (a) a vessel constrained by its draught that is displaying lights or shapes to indicate that it is constrained by its draught;
 - (b) a vessel not under command that is displaying lights or shapes to indicate that it is not under command;
 - (c) a vessel restricted in its ability to manoeuvre that is displaying lights or shapes to indicate that it is restricted in its ability to manoeuvre;
 - (d) a fishing vessel engaged in fishing with nets, lines, trawls or any other fishing apparatus which restricts its ability to manoeuvre.

Penalty: 20 penalty units.

PART 7—ENFORCEMENT

Division 1—Impoundment, immobilisation and forfeiture of recreational vessels

113 Notice to master, owner or registered person

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

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

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

114 Evidence of identity and entitlement to recover recreational vessel

- (1) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of the identity and entitlement to recover a recreational vessel of a person who is the registered person of the recreational vessel is—
 - (a) the production of the person's current marine licence bearing a photograph of the person; or
 - (b) the production of the person's current driver licence bearing a photograph of the person; or
 - (c) identification sufficient to satisfy a 100 point verification check under the Financial Transaction Reports Act 1988 of the Commonwealth; or
 - (d) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's identity and entitlement to recover the recreational vessel.
- (2) For the purposes of section 116(1)(c) of the Act, satisfactory evidence of—
 - (a) the identity of a person who is not the registered person of the recreational vessel is—
 - (i) the person's current marine licence bearing a photograph of the person; or
 - (ii) the person's current driver licence bearing a photograph of the person; or

- (iii) identification sufficient to satisfy a 100 point verification check under the Financial Transaction Reports Act 1988 of the Commonwealth; or
 - (iv) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's identity; and
- (b) the entitlement of a person who is not the registered person to recover the recreational vessel is—
 - (i) a written statement signed by the registered person authorising the release of the recreational vessel to the person; or
 - (ii) other evidence that in the reasonable opinion of a member of the police force satisfactorily establishes the person's entitlement to recover the recreational vessel.

115 Form of search and seizure warrant

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

116 Form of report on execution of warrant

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

Division 2—Owner onus offences

117 Prescribed period for providing an effective statement

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

- (a) if the infringement notice was served on a person other than a child and the offence is a lodgeable infringement offence within the meaning of the **Infringements Act 2006**, the period beginning on the date of the notice and ending immediately before the details of the infringement penalty in respect of that offence are lodged under section 54 of that Act; or
- (b) if the infringement notice for that offence was served on a child, the period beginning on the date of the notice and ending immediately before the infringement penalty in respect of that offence is registered under clause 4 of Schedule 3 to the **Children, Youth and Families Act 2005**; or
- (c) if paragraphs (a) and (b) do not apply, the period beginning on the date of the notice and ending immediately before the expiry of the period for bringing a proceeding in relation to the offence to which the infringement notice relates.

Note

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

118 Prescribed period for accepting or rejecting statements

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

119 Prescribed period for providing a nomination rejection statement

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

Division 3—Evidentiary matters

120 Prescribed measuring devices

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

121 Testing officer

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

- (a) a technical officer or the head of a faculty, school or department of electrical engineering, electronics or communications at a post-secondary education institution within the meaning of the **Education and Training Reform Act 2006**;

- (b) a person skilled in the development and operation of speed measuring devices and authorised in writing by the Chief Commissioner of Police;
- (c) the principal testing officer of a testing body accredited in the field of electrical testing by the National Association of Testing Authorities, Australia (NATA).

122 Testing of prescribed measuring devices

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

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

123 Sealing of prescribed measuring devices

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

- (a) the device has been tested in accordance with regulation 122 and the device has satisfied the test requirements; and
- (b) the device is sealed by the testing officer who carried out the test; and
- (c) the device is sealed with a seal that effectively prevents interference with the mechanism or circuitry of the device without breaking the seal; and
- (d) the testing officer keeps full and accurate records of the device sealed, including—
 - (i) the identification number of the device; and
 - (ii) the date on which the test was carried out; and
 - (iii) the manner in which the device was sealed; and
- (e) the records referred to in paragraph (d) are signed by the testing officer who sealed the device.

124 Use of prescribed measuring device

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

- (a) whenever the operator connects the device to a source of electricity, the operator ensures that all elements of the speed display are illuminated; and

- (b) the operator activates the device with the device aimed in the direction of a vessel within the operator's field of vision and observes the reading displayed on the digital speed display; and
- (c) the device has been tested in accordance with regulation 122 within 12 months before the occasion of its use; and
- (d) the device has been sealed in accordance with regulation 123.

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

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

126 Certificate as to name in which vessel is registered

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

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

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

PART 8—MANAGEMENT OF WATERWAYS

128 Prescribed place for publication of an urgent safety rule

For the purposes of section 192(2)(b) of the Act, the prescribed place is Information Victoria, 505 Little Collins Street, Melbourne.

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

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

PART 9—PILOTAGE SERVICE PROVIDERS

130 Prescribed safety standards for pilotage services providers

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

**PART 10—PRESCRIBED SERVICES THAT MAY BE
PROVIDED BY ACCREDITED PERSONS**

131 Prescribed services

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

- (a) conducting any training for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;
- (b) conducting any testing for the purpose of satisfying the requirements for the grant of a marine licence or endorsement;
- (c) conducting any—
 - (i) course of study; or
 - (ii) training program; or
 - (iii) examination or assessment—

for the purpose of satisfying the requirements for the issue or renewal of a certificate of competency or endorsement of a certificate of competency.

PART 11—AUSTRALIAN BUILDERS PLATE STANDARD

132 Definitions

In these Regulations—

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

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

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

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

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

133 Prescribed class of recreational vessel

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

- (a) a vessel listed in clause 3.2 of the Australian Builders Plate Standard;
- (b) a vessel built for export from Australia;
- (c) a second-hand vessel;

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

134 Modification of Australian Builders Standard

- (1) For the purposes of section 102 of the Act, the Australian Builders Plate Standard is modified as specified in subregulations (2) and (3).
- (2) A requirement in the Australian Builders Plate Standard to the effect that information in a builders plate fixed to a vessel must be determined by the builder of the vessel is to be read as a requirement that the information must be determined by—
 - (a) the builder of the vessel; or
 - (b) a competent person; or
 - (c) the person who imported the vessel into Australia from overseas.
- (3) A requirement of the Australian Builders Plate Standard to the effect that information on a builders plate for a vessel must include the name of the builder of the vessel is to be read as a requirement that the information must include—
 - (a) the name of the person who determines the information under subregulation (2); and

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- (b) the capacity in which the person determines the information.
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PART 12—MISCELLANEOUS

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

For the purposes of section 275 of the Act, the prescribed place for an approved code of practice to be made available is Information Victoria, 505 Little Collins Street, Melbourne.

PART 13—FEES

Division 1—Registration

136 Fee for boating facilities and safety education

For the purposes of regulation 11(2)(e), the specified fee for boating facilities and safety education for a vessel of a type specified in Column 2 of the following Table is the amount specified in Column 3 of the Table opposite that type of vessel.

Table

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

137 Fee for transfer of registration of a vessel

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

138 Fee for special identification plate

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

Division 2—Marine licences and endorsements

139 Fee for issue or renewal of marine licence or endorsement

For the purposes of regulations 33(1)(e) and 38(1)(c), the specified fee for the issue, renewal or endorsement of a marine licence or restricted marine licence of a class specified in Column 2 of the following Table is the amount set out in Column 3 of the Table opposite that class of licence or endorsement.

Table		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Class of marine licence or endorsement</i>	<i>Fee</i>
1	General marine licence	2.5 fee units for each year
2	Restricted marine licence	1.25 fee units for each year
3	Endorsement on a general marine licence	\$5.10 for each year
4	Endorsement on a restricted operator licence	\$2.50 for each year

140 Fee for replacement marine licence

For the purposes of regulation 49(1), the specified fee is 1.56 fee units.

141 Fee for search of records of marine licences

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

142 Marine licence knowledge test fee

A fee of 1.95 fee units must be paid to the Safety Director for a person to sit a test the person is required by the Safety Director to undergo under sections 53(2), 54(2) or 55(5) of the Act.

143 Refund of fee on cancellation of marine licence

If the Safety Director cancels a person's marine licence upon receiving a notification from the person under regulation 55(4) to surrender the marine licence, the Safety Director may refund part of the fee for the issue of the marine licence, calculated in accordance with the formula—

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

where—

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

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

C is the amount paid for the marine licence.

Division 3—Certification of commercially operated vessels

144 Application fee for safe construction certificate

For the purposes of section 64(2)(d) of the Act, the prescribed fee is 1.54 fee units.

145 Fees for survey of a new vessel

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

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Size of vessel</i>	<i>For all Class 1 vessels fee per metre of the length of vessel</i>	<i>For all other Classes of vessels fee per metre of the length of vessel</i>
1	For new vessels of or not exceeding 7·5 metres in length	3·14 fee units	3·14 fee units
2	For new vessels exceeding 7·5 metres in length and less than 20 metres in length	5·05 fee units	4·4 fee units
3	For new vessels of or exceeding 20 metres in length	6·64 fee units	5·65 fee units

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

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

146 Fee for booking a survey for existing vessel

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

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

147 Fee for survey of existing vessels

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

Table

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

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

148 Fee for additional visit for an existing vessel survey

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

149 Fee for considering application for variation of conditions of a safe construction certificate

For the purposes of regulation 72(2)(c)(ii), the specified fee is 2·1 fee units.

150 Fees for survey for alteration to service category of vessel

- (1) A fee of 6·3 fee units must be paid to the Safety Director for each hour spent by a person authorised by the Safety Director conducting survey of the design phase of an alteration to the service category of a vessel.
- (2) A fee of 8·4 fee units must be paid to the Safety Director for each inspection of a vessel for the purposes of survey of the construction and commissioning phases of an alteration to the service category of a vessel.

151 Fee for issue or renewal of safe construction certificate

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

152 Fee for issue of duplicate safe construction certificate

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

Division 4—Certificates of competency and local knowledge certificates

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

- (1) For the purposes of regulation 84(2)(b)(iii), the specified fee is 1·54 fee units.
- (2) In addition, a fee of 1·54 fee units must be paid to the Safety Director for considering an application for—
 - (a) the variation of a certificate of competency; or
 - (b) the renewal of a certificate of competency.

154 Fee for issue or renewal of certificates

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

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

155 Fee for variation of certificates

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

156 Fee for issue of duplicate certificate

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

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

157 Examination fees for certificates

- (1) A fee of 3·34 fee units for each examination is payable by a person who sits a written examination conducted by or on behalf of the Safety Director for—
 - (a) the issue of a certificate of competency; or
 - (b) the variation of a certificate of competency; or
 - (c) the renewal of a certificate of competency; or
 - (d) the issue of a certificate of local knowledge.
- (2) A fee of 6·7 fee units for each examination is payable by a person who sits an oral examination conducted by the Safety Director for—
 - (a) the issue of a certificate of competency; or
 - (b) the variation of a certificate of competency; or
 - (c) the renewal of a certificate of competency; or
 - (d) the issue of a certificate of local knowledge.

Division 5—Pilotage

158 Fee for application for issue of pilot licence

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

159 Fee for issue of pilot licence

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

160 Fee for duplicate of pilot licence

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

161 Examination fees for pilot licences

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

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

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

162 Fee for application for issue or renewal of pilot exemption

- (1) For the purposes of section 253(2)(b)(ii) of the Act, the prescribed fee is 1.54 fee units.
- (2) In addition, a fee of 1.54 fee units must be paid to the Safety Director for considering an application for the renewal of a pilot exemption.

163 Fee for issue or renewal of pilot exemption

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

164 Fee for duplicate of pilot exemption

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

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

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

Table

<i>Column 1 Item</i>	<i>Column 2 Ports and channels</i>	<i>Column 3 Fee</i>
1	Port of Melbourne waters, Port of Hastings waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	105.5 fee units
2	Port of Melbourne waters, declared port waters of the Port of Portland, and declared port waters of the Port of Geelong	84.45 fee units
3	Port of Melbourne waters, Port of Hastings waters and declared port waters of the Port of Geelong	84.45 fee units
4	Port of Melbourne waters and declared port waters of the Port of Geelong	63.3 fee units
5	Port of Melbourne waters and Port of Hastings waters	63.3 fee units
6	Port of Melbourne waters and declared port waters of the Port of Portland	63.3 fee units
7	Declared port waters of the Port of Portland and Port of Hastings waters	42.2 fee units
8	Declared port waters of the port of Geelong and declared port waters of the Port of Portland	42.2 fee units

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Part 13—Fees

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

166 Application for registration as a pilotage services provider

For the purposes of section 240(2)(c) of the Act, the prescribed fee is 13.5 fee units.

PART 14—SAVINGS AND TRANSITIONALS

Division 1—Preliminary

167 Definitions

In this Part—

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

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

168 Interpretation of Legislation Act 1984 not limited

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

Division 2—Designations, exemptions and determinations

169 Designated hazardous areas

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

170 Exemptions from safety equipment requirements

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

171 Determinations by Director

A determination made by the Director under regulation 300 or 301 of the former Regulations that is in force immediately before the commencement day is on and after that day taken to be a determination in accordance with Part D of the National Standard for Commercial Vessels made under regulation 71.

Division 3—Registration labels and identification plates and marks

172 Registration labels and identification marks

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

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

173 Special identification plates and marks

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

174 Marks for commercially operated vessels

A mark for a commercially operated vessel that was issued by the Safety Director before the commencement day is, on the commencement day, taken to comply with regulation 79.

Division 4—Standards

175 Compliance with standards

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

Division 5—Certificates of survey with Port Phillip Heads endorsements

176 Certificate of survey endorsements—operation of vessels in or through Port Phillip Heads

- (1) This regulation applies to a certificate of survey issued under section 99E of the Marine Act—
 - (a) which has an endorsement of the kind referred to in regulation 207 of the former Regulations that is in effect immediately before the commencement day; and
 - (b) to which section 362(b) of the Act will apply on the commencement day.
- (2) On the commencement day, the endorsement is taken to be a condition of the safe operation certificate and a reference to regulation 208 of the former Regulations in the condition is taken to be a reference to regulation 177.

Note

On the commencement day, the certificate of survey is taken to be a safe operation certificate by operation of section 362(b) of the Act.

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

- (1) This regulation applies to an owner or master of a trading vessel in respect of which there is, on the commencement day, in force a safe operation certificate referred to in regulation 176 (a *Port Phillip Heads endorsed trading vessel*).
- (2) This regulation ceases to apply to the owner or master of a Port Phillip Heads endorsed trading vessel on the day the safe operation certificate referred to in regulation 176 (and issued in respect of that vessel) expires.
- (3) The owner of a Port Phillip Heads endorsed trading vessel that is less than 16 metres in length and is carrying passengers in or through Port Phillip Heads must take all reasonable steps to ensure that—
 - (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the most recent coastal waters forecast issued by the Bureau of Meteorology for northern Bass Strait predicts for the time of passage—
 - (A) sea and swell conditions exceeding 2 metres in height; or
 - (B) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; or
 - (iii) if the actual sea and swell conditions exceed 2 metres in height; or

- (iv) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
- (b) when the vessel enters, and while the vessel traverses, Port Phillip Heads each passenger and each crew member is wearing—
 - (i) in the case of a dive charter vessel, a fully sealed drysuit or wetsuit that is at least 5 millimetres thick; or
 - (ii) in any other case, a PFD Type 1; and
- (c) before the vessel enters Port Phillip Heads, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) the vessel prominently flies Code Flag "R", when the vessel enters and while the vessel traverses Port Phillip Heads.

Penalty: 20 penalty units.

- (4) The master of a Port Phillip Heads endorsed trading vessel that is less than 16 metres in length and is carrying passengers in or through Port Phillip Heads, must ensure that—
 - (a) the vessel does not enter and does not traverse Port Phillip Heads—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the most recent coastal waters forecast issued by the Bureau of Meteorology for northern Bass Strait predicts for the time of passage—
 - (A) sea and swell conditions exceeding 2 metres in height; or

- (B) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; or
 - (iii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iv) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
- (b) when the vessel enters, and while the vessel traverses, Port Phillip Heads each passenger and each crew member is wearing—
 - (i) in the case of a dive charter vessel, a fully sealed drysuit or wetsuit that is at least 5 millimetres thick; or
 - (ii) in any other case, a PFD Type 1; and
- (c) before the vessel enters Port Phillip Heads, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (d) the vessel prominently flies Code Flag "R", when the vessel enters and while the vessel traverses Port Phillip Heads.

Penalty: 20 penalty units.

- (5) Subregulations (3)(a)(ii), (3)(a)(iii), (3)(a)(iv), (4)(a)(ii), (4)(a)(iii) and (4)(a)(iv) do not apply in the case of a Port Phillip Heads endorsed trading vessel that has already entered, and is traversing, Port Phillip Heads—
 - (a) when the weather forecast referred to is issued by the Bureau of Meteorology; or
 - (b) when the actual sea and swell conditions begin to exceed 2 metres in height; or

- (c) when the actual average wind speed begins to exceed 20 knots and to come from a direction that is in the southerly semi-circle of the compass.

Division 6—Certificates of survey with Lakes Entrance Bar endorsements

178 Certificate of survey endorsements—operation of vessels in or through Lakes Entrance Bar

- (1) This regulation applies to a certificate of survey issued under section 99E of the Marine Act—
 - (a) which has an endorsement of the kind referred to in regulation 209 of the former Regulations that is in effect immediately before the commencement day; and
 - (b) to which section 362(b) of the Act will apply on the commencement day.
- (2) On the commencement day, the endorsement is taken to be a condition of the safe operation certificate and a reference to regulation 210 of the former Regulations in the condition is taken to be a reference to regulation 179.

Note

On the commencement day, the certificate of survey is taken to be a safe operation certificate by operation of section 362(b) of the Act.

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

- (1) This regulation applies to an owner or master of a trading vessel in respect of which there is, on the commencement day, in force a safe operation certificate referred to in regulation 178 (a *Lakes Entrance Bar endorsed trading vessel*).

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- (2) This regulation ceases to apply to the owner or master of a Lakes Entrance Bar endorsed trading vessel on the day the safe operation certificate referred to in regulation 178 (and issued in respect of that vessel) expires.
- (3) The owner of a Lakes Entrance Bar endorsed trading vessel that is carrying passengers in or through the Lakes Entrance Bar must take all reasonable steps to ensure that—
- (a) the vessel does not proceed to sea by crossing or attempting to cross the Bar if the most recent coastal waters forecast issued by the Bureau of Meteorology for eastern Bass Strait predicts for any time during the voyage—
 - (i) sea and swell conditions exceeding 2 metres in height; or
 - (ii) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; and
 - (b) the vessel does not cross, or attempt to cross, the Bar—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the actual sea and swell conditions exceed 2 metres in height; or
 - (iii) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
 - (c) each passenger and crew member is wearing a PFD Type 1 while the vessel crosses, or attempts to cross, the Bar; and
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- (d) before the vessel crosses, or attempts to cross, the Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (e) all passengers are located in the open area of the vessel when the vessel crosses, or attempts to cross, the Bar; and
- (f) the vessel prominently flies Code Flag "R", when the vessel crosses, or attempts to cross, the Bar.

Penalty: 20 penalty units.

- (4) The master of a Lakes Entrance Bar endorsed trading vessel that is carrying passengers in or through the Lakes Entrance Bar, must ensure that—
 - (a) the vessel does not proceed to sea by crossing, or attempting to cross, the Bar if the most recent coastal waters forecast issued by the Bureau of Meteorology for eastern Bass Strait predicts for any time during the voyage—
 - (i) sea and swell conditions exceeding 2 metres in height; or
 - (ii) wind exceeding a speed of 20 knots coming from a direction that is in the southerly semi-circle of the compass; and
 - (b) the vessel does not cross, or attempt to cross, the Bar—
 - (i) outside the hours of daylight or in periods of restricted visibility; or
 - (ii) if the actual sea and swell conditions exceed 2 metres in height; or

- (iii) if the actual average wind speed exceeds 20 knots and comes from a direction that is in the southerly semi-circle of the compass; and
- (c) each passenger and crew member is wearing a PFD Type 1 while the vessel crosses, or attempts to cross, the Bar; and
- (d) before the vessel crosses, or attempts to cross, the Bar, each passenger is given a briefing regarding safety, emergency and evacuation procedures; and
- (e) all passengers are located in the open area of the vessel when the vessel crosses, or attempts to cross, the Bar; and
- (f) the vessel prominently flies Code Flag "R", when the vessel crosses, or attempts to cross, the Bar.

Penalty: 20 penalty units.

- (5) Subregulations (3)(a), (3)(b)(ii), (3)(b)(iii), (4)(a), (4)(b)(ii) and (4)(b)(iii) do not apply in the case of a Lakes Entrance Bar endorsed trading vessel that has already entered, and is crossing, the Lakes Entrance Bar—
 - (a) when the weather forecast referred to is issued by the Bureau of Meteorology; or
 - (b) when the actual sea and swell conditions begin to exceed 2 metres in height; or
 - (c) when the actual average wind speed begins to exceed 20 knots and to come from a direction that is in the southerly semi-circle of the compass.

PART 15—EXPIRY

180 Expiry of certain provisions

Regulations 31, 32, and Part 13 expire on
21 December 2013.

SCHEDULES

SCHEDULE 1

Regulation 4

TYPES OF PERSONAL FLOTATION DEVICES

PART 1—DEFINITION

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

PART 2—PFD TYPE 1

2. A personal flotation device is a PFD Type 1 if it complies with—
 - (a) AS 1512—1996 "Personal flotation devices—Type 1"; or
 - (b) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 275 PFDs; or
 - (c) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 150 PFDs; or

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- (d) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 100 PFDs; or
 - (e) Australian Maritime Safety Authority Marine Orders Part 25, Schedule 1, Section 4.1 "Life-jackets", as formulated, issued, prescribed or published from time to time; or
 - (f) Uniform Shipping Laws Code, Section 10, Appendix R ("Coastal Lifejackets and Lifejacket Lights and Whistles"), as formulated, issued, prescribed or published from time to time; or
 - (g) International Standard ISO 12402-2:2006(E) "Personal flotation devices—Part 2: Lifejackets, performance level 275—Safety requirements"; or
 - (h) International Standard ISO 12402-3:2006(E) "Personal flotation devices—Part 3: Lifejackets, performance level 150—Safety requirements"; or
 - (i) International Standard ISO 12402-4:2006(E) "Personal flotation devices—Part 4: Lifejackets, performance level 100—Safety requirements"; or
 - (j) one of the following recognised standards for personal flotation devices, or types of personal flotation devices, that has been approved by a recognised appraiser—
 - (i) National Standard of Canada CAN/CGSB-65.11-M88 "Personal Flotation Devices", as formulated, issued, prescribed or published by the Canadian General Standards Board from time to time, and National Standard of Canada CAN/CGSB-65.15-M88 "Personal Flotation Devices for Children", as formulated, issued, prescribed or published by the Canadian General Standards Board from time to time; or

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- (ii) Underwriters Laboratories Standard UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" as formulated, issued, prescribed or published by Underwriters Laboratories from time to time; or
- (iii) Section 401 of New Zealand Standard NZS 5823:2005 "Specification for Buoyancy Aids and Marine Safety Harnesses and Lines", as formulated, issued, prescribed or published by Standards New Zealand from time to time; or
- (k) any standard or specifications approved by the Director.

PART 3—PFD TYPE 2

3. A personal flotation device is a PFD Type 2 if it complies with—
- (a) AS 1499—1996 "Personal flotation devices—Type 2"; or
 - (b) AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 50 PFDs; or
 - (c) International Standard ISO 12402-5:2006(E) "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements".

PART 4—PFD TYPE 3

4. A personal flotation device is a PFD Type 3 if it complies with AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" relating to Level 50 Special Purpose PFDs.
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SCHEDULE 2

**MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL
VESSELS**

TABLE A

Regulation 92(2)(b)		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE B

Regulation 92(2)(c)

**MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL
VESSELS 6 METRES OR MORE IN LENGTH AND LESS
THAN 2.5 METRES IN BREADTH NOT FITTED WITH A
FLYING BRIDGE**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE C

Regulation 92(2)(d)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE D

Regulation 92(2)(e)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE E

Regulation 92(2)(f)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE F

Regulation 92(2)(g)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE G

Regulation 92(2)(h)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE H

Regulation 92(2)(i)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE I

Regulation 92(2)(j)

**MAXIMUM PASSENGER NUMBERS FOR RECREATIONAL
VESSELS 6 METRES OR MORE IN LENGTH AND LESS
THAN 2.5 METRES IN BREADTH FITTED WITH A FLYING
BRIDGE**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE J

Regulation 92(2)(k)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE K

Regulation 92(2)(l)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE L

Regulation 92(2)(m)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE M

Regulation 92(2)(n)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE N

Regulation 92(2)(o)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

TABLE O

Regulation 92(2)(p)

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Length of recreational 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

SCHEDULE 3

SAFETY EQUIPMENT ON RECREATIONAL VESSELS

TABLE A

Regulations 96(1), 96(7)

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

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

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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 liferaft	1—if vessel is more than 12 metres in length
Human powered recreational vessels			
40	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
41		Bailer	1—if no electric or manual bilge pumping system

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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	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
48		Compass	1—if more than 2 nautical miles from the coast
49		Hand-held orange smoke signal	2—if more than 2 nautical miles from coast
50		Hand-held red distress flares	2—if more than 2 nautical miles from coast
51		Waterproof buoyant torch	1—if more than 2 nautical miles from coast

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TABLE B

Regulations 96(2), 96(7)

**ADDITIONAL EQUIPMENT TO BE CARRIED ON
RECREATIONAL VESSELS ON COASTAL 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 coastal waters</i>
Mechanically powered recreational vessels			
1	Power boat up to and including 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
2		EPIRB	1—if more than 2 nautical miles from the coast
3		Marine radio	1—if more than 2 nautical miles from the coast
4	Power boat more than 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
5		EPIRB	1—if more than 2 nautical miles from the coast
6		Marine radio	1—if more than 2 nautical miles from the coast
7	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
8		EPIRB	1—if more than 2 nautical miles from the coast
9	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
10	Off-the-beach sailing yacht	PFD Type 1	1 for each person on board when operating more than 2 nautical miles from coast
11		PFD Type 1 or PFD Type 2	1 for each person on board when operating 2 nautical miles from coast or less
12		EPIRB	1—if more than 2 nautical miles from the coast
13		Marine radio	1—if more than 2 nautical miles from the coast

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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>
14	Yacht	PFD Type 1	1 for each person on board
15		EPIRB	1—if more than 2 nautical miles from the coast
16		Marine radio	1—if more than 2 nautical miles from the coast
Human powered recreational vessels			
17	Kayak, canoe, raft and rowing boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
18		EPIRB	1—if more than 2 nautical miles from the coast
19	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
20		EPIRB	1—if more than 2 nautical miles from the coast
21	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

TABLE C

Regulations 96(3), 96(7)

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

<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>
Mechanically powered recreational vessels			
1	Power boat up to and including 4.8 metres in length	Anchor, and chain or line or both	1
2		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
3		Bailer	1—if no electric or manual bilge pumping system
4		Bucket with lanyard	1
5		Hand-held orange smoke signal	2
6		Hand-held red distress flares	2
7		Pair of oars with rowlocks or pair of paddles	1
8		Waterproof buoyant torch	1
9	Power boat more than 4.8 metres in length	Anchor, and chain or line or both	1
10		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
11		Bailer	1—if no electric or manual bilge pumping system
12		Bucket with lanyard	1

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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>
13		Hand-held orange smoke signal	2
14		Hand-held red distress flares	2
15		Waterproof buoyant torch	1
16		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
17	Personal watercraft	Waterproof buoyant torch	1
Sail powered recreational vessels			
18	Off-the-beach sailing yacht	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
19		Bailer	1—if no electric or manual bilge pumping system and if vessel is not self-draining without intervention from crew
20	Yacht	Anchor, and chain or line or both	1
21		Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
22		Bailer	1—if no electric or manual bilge pumping system
23		Bucket with lanyard	1
24		Hand-held orange smoke signal	2
25		Hand-held red distress flares	2
26		Waterproof buoyant torch	1

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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>
27		Lifebuoy	1—if vessel is 8 metres or more in length but not more than 12 metres in length 2—if vessel is more than 12 metres in length
28		Dinghy or liferaft	1—if vessel is more than 12 metres in length
Human powered recreational vessels			
29	Kayak, canoe, raft and rowing boat	Electric or manual bilge pumping system	1—if vessel has covered bilge or closed underfloor compartments, other than airtight void spaces
30		Bailer	1—if no electric or manual bilge pumping system

TABLE D

Regulations 96(4), 96(7)

**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 coastal waters</i>
Mechanically powered recreational vessels			
1	Power boat up to and including 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
2	Power boat more than 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
3	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
4	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
5	Off-the-beach sailing yacht	PFD Type 1 or PFD Type 2	1 for each person on board
6	Yacht	PFD Type 1	1 for each person on board
Human powered recreational vessels			
7	Kayak, canoe, raft and rowing boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
8	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
9	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

TABLE E

Regulations 96(5), 96(7)

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

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

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

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TABLE F

Regulations 96(3), 96(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 coastal waters</i>
Mechanically powered recreational vessels			
1	Power boat up to and including 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
2	Power boat more than 4.8 metres in length	PFD Type 1	1 for each person on board or being towed
3	Personal watercraft	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board or being towed
4	Recreational tender	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
Sail powered recreational vessels			
5	Off-the-beach sailing yacht	PFD Type 1 or PFD Type 2	1 for each person on board
6	Yacht	PFD Type 1	1 for each person on board
Human powered recreational vessels			
7	Kayak, canoe, raft and rowing boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board
8	Stand up paddleboard	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board—if more than 400 metres from the shore
9	Funboat and pedal boat	PFD Type 1, PFD Type 2 or PFD Type 3	1 for each person on board

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TABLE G

Regulation 96(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 liferaft	The dinghy or liferaft must be able to support the weight of all people on board in the event of swamping.
Hand-held orange smoke signal, hand-held red distress flare, red star parachute distress rocket	Hand-held orange smoke signals, hand-held red distress flares and red star parachute distress rockets kept on the vessel for use must not exceed the manufacturer's expiry date.
EPIRB	An EPIRB must— (a) comply with Australian and New Zealand Standard AS/NZS 4280.1:2003 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2002, MOD)"; and

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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 and have affixed to it a proof-of-registration sticker from AMSA.

TABLE H

Regulation 97

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

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

TABLE I

Regulation 97

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

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

SCHEDULE 4

PFDS TO BE WORN ON RECREATIONAL VESSELS

TABLE A

Regulation 100(1)

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

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

TABLE B

Regulation 100(2)

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

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

TABLE C

Regulation 100(3)

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

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

TABLE D

Regulation 101(1)

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

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

TABLE E

Regulation 101(2)

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

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

TABLE F

Regulation 101(3)

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

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

SCHEDULE 5

Regulation 115

SEARCH AND SEIZURE WARRANT

Court Ref.

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

Description of vessel authorised for seizure:

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

Premises which may be searched for vessel:

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

Grounds for issue of warrant:

Reasonable grounds for believing that recreational vessel described above—

- ☐ is
- ☐ may be within the next 72 hours—

in or on the premises described.

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

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

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

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

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Sch. 5

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

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

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

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

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

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

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

SCHEDULE 6

Regulation 116

REPORT ON EXECUTION OF SEARCH AND SEIZURE WARRANT

To the registrar of the Magistrates' Court

I, *[insert name and address]*

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

☐ The warrant was executed by

[insert name and address]

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

The following recreational vessel was seized—

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

A copy of the warrant * was given to the occupier

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

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

[set out reasons why copy of warrant not given]

* Delete whichever is inapplicable

☐ This warrant was not executed because—

[set out reasons why warrant not executed]

Date

Signature

SCHEDULE 7

Regulation 125

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

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

Regulation 126

**CERTIFICATE AS TO REGISTRATION OF VESSEL ISSUED
UNDER SECTION 294(3) OF THE MARINE SAFETY ACT 2010**

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

Description of vessel:

[insert the details which identify the vessel]

Dated:

Issued by the Safety Director

SCHEDULE 9

Regulation 127

**CERTIFICATE UNDER SECTION 294(5) OF THE MARINE SAFETY
ACT 2010**

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

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

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

Date:

Signature of person issuing certificate:

SCHEDULE 10

Regulation 130

**SAFETY STANDARDS FOR PILOTAGE SERVICES
PROVIDERS**

FATIGUE MANAGEMENT

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

ALCOHOL AND DRUG MANAGEMENT

4. A pilotage services provider must develop and implement strategies to ensure, so far as is reasonably practicable, that pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider do not carry out that marine safety work while more than the prescribed concentration of alcohol is present in their blood or breath or while impaired by a drug.
5. For the purposes of Item 4, ***prescribed concentration of alcohol*** has the same meaning it has in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**.
6. A pilotage services provider, when developing strategies to comply with Item 4 must consult, so far as is reasonably practicable, with—
 - (a) pilots and marine safety workers who carry out marine safety work for or on behalf of the pilotage services provider; and
 - (b) the port management body or local port manager responsible for the port in which the pilotage services provider operates; and
 - (c) any other persons who are or are likely to be directly affected, in relation to the development and implementation of those strategies.

ENDNOTES

Fee Units

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

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

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Table of Applied, Adopted or Incorporated Matter

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

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4— definition of <i>Code Flag "R"</i>	International Code of Signals 2005 Edition as published by the International Maritime Organization in 2005	Appendix 2 Code Flag R
Regulation 4— definition of <i>enclosed waters</i>	Chart AUS 150 "Australia— South Coast—Victoria—Western Port" as published by the Australian Hydrographic Service, Royal Australian Navy on 22 March 1995	Whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4— definition of <i>fixed fire extinguishing system</i>	International Standard ISO 9094-1: 2003(E) "Small craft—Fire protection—Part 1: Craft with a hull length of up to and including 15 m" as published by the International Organization for Standardization on 1 February 2003 International Standard ISO 9094-2:2002(E) "Small craft—Fire protection—Part 2: Craft with a hull length of over 15 m" as published by the International Organization for Standardization on 15 November 2002	Whole Whole
Regulation 4— 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 4— definition of <i>hull identification number</i>	International Standard ISO 10087:2006(E) "Small craft—Craft identification—Coding system" as published by the International Organization for Standardization on 15 March 2006	Whole
Regulation 4— definition of <i>Lakes Entrance Bar</i>	Chart AUS 182 "Australia—South Coast—Plans in Victoria—South East Coast—Lakes Entrance" as published by the Australian Hydrographic Service, Royal Australian Navy on 30 January 1998	Whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4— definition of <i>length</i>	International Standard ISO 8666:2002(E) "Small craft—Principal data" as published by the International Organization for Standardization on 1 November 2002	Clause 5
Regulation 4— definition of <i>lifebuoy</i>	Australian Standard AS 2261—1990 "Rescue buoys" as published by Standards Australia on 12 March 1990	Whole
Regulation 4— definition of <i>marine radio</i>	Australian/New Zealand Standard AS/NZS 4415.2:2003 "Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands—Technical characteristics and methods of measurement—Part 2: Major coast stations, limited coast stations, ship stations and handheld stations (non DSC) (ETS 300 162:1998, MOD)" as published jointly by Standards Australia and Standards New Zealand on 28 January 2003 reissued incorporating Amendment No. 1 (June 2004)	Part 2
Regulation 4— definition of <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
	Australian/New Zealand Standard AS/NZ 1841.5:2007 "Portable fire extinguishers—Part 5: Specific requirements for powder type extinguishers" as published jointly by Standards Australia and Standards New Zealand on 31 August 2007	Whole
	Australian/New Zealand Standard AS/NZS 1850:2009 "Portable fire extinguishers—Classification, rating and performance testing" as published jointly by Standards Australia and Standards New Zealand on 20 March 2009	Whole
Regulation 4—definition of <i>Port Phillip Heads</i>	Chart AUS 143 "Australia—South Coast—Victoria—Port Phillip" as published by the Australian Hydrographic Service, Royal Australian Navy on 2 May 1973	Whole
Regulation 4—definition of <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 97(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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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1— definition of <i>recognised appraiser</i>	European Union directive 96/98/EC "Maritime Equipment Directive, Module B (MED-B)/(31996L0098)" published by European Union 20 December 1996	Whole
Schedule 1— Part 2—PFD Type 1	Australian Standard AS 1512—1996 "Personal flotation devices—Type 1" as published by Standards Australia on 5 January 1996, reissued incorporating Amendment No. 1 (December 2005)	Whole
	Australian Standard AS 4758.1—2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole
	International Standard ISO 12402-2:2006(E) "Personal flotation devices—Part 2: Lifejackets, performance level 275—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
	International Standard ISO 12402-3:2006(E) "Personal flotation devices—Part 3: Lifejackets, performance level 150—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	International Standard ISO 12402-4:2006(E) "Personal flotation devices—Part 4: Lifejackets, performance level 100—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
	National Standard of Canada CAN/CGSB-65.11-M88 "Personal Flotation Devices" as published by the Canadian General Standards Board on 1 February 1988 and amended on 1 January 1997	Whole
	National Standard of Canada CAN/CGSB-65.15-M88 "Personal Flotation Devices for Children" as published by the Canadian General Standards Board on 1 April 1988 and amended on 1 January 1997 and incorporating the corrigendum dated August 2000	Whole
	Underwriters Laboratories Standard UL 1180 "Fully Inflatable Recreational Personal Flotation Devices" 2nd Edition as published by Underwriters Laboratories on 15 May 1995	Whole
	New Zealand Standard NZS 5823:2005 "Specification for Buoyancy Aids and Marine Safety Harnesses and Lines" as published by Standards New Zealand on 31 May 2005	Section 401

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1— Part 3—PFD Type 2	Australian Standard AS 1499— 1996 "Personal flotation devices—Type 2" as published by Standards Australia on 5 January 1996	Whole
	Australian Standard AS 4758.1— 2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole
	International Standard ISO 12402-5:2006(E) "Personal flotation devices—Part 5: Buoyancy aids (level 50)—Safety requirements" as published by the International Organization for Standardization on 1 September 2006	Whole
Schedule 1— Part 4—PFD Type 3	Australian Standard AS 4758.1— 2008 "Personal flotation devices—Part 1: General requirements" as published by Standards Australia on 2 December 2008, reissued incorporating Amendment No. 1 (November 2009)	Whole

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Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 3— Table G—EPIRB	Australian/New Zealand Standard AS/NZS 4280.1:2003 "406 MHz satellite distress beacons—Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2002, MOD)" as published jointly by Standards Australia and Standards New Zealand on 7 November 2003, reissued incorporating Amendment Nos 1, 2 and 3 (April 2010)	Whole