

1990 – No. 204

**MARITIME SERVICES ACT 1935 – REGULATION**

(Relating to flotation devices and other safety equipment)

NEW SOUTH WALES



*[Published in Gazette No. 46 of 6 April 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

BRUCE BAIRD  
Minister for Transport.

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**Commencement**

1. This Regulation commences on 30 April 1990.

**Amendment**

2. The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, makes the following Regulation:

The Boating (Safety Equipment) Regulation – N.S.W. is amended:

(a) by inserting in clause 2 after the definition of " **Open waters** " the following definition:

"**Personal water craft**" includes an aqua-scooter, jet bike, jet ski, wave runner, wave jammer, ski-free and any similar vessel;

(b) by omitting clause 3 (b) and by inserting instead the following paragraph:

- (b) a vessel which is the subject of a vessel permit under the Commercial Vessels Act 1979 and which is being used for a commercial purpose;
- (c) by omitting from clause 3 (h) the words "an aqua-scooter, jet bike, jet ski," and by inserting instead the word "a";
- (d) by omitting from clause 3 (j) the word "or" where lastly occurring;
- (e) by inserting at the end of clause 3 (k) the following word and paragraph:
  - ; or
  - (1) any personal water craft:
    - (i) in enclosed waters, if its rider is wearing a buoyancy vest; or
    - (ii) in open waters, if its rider is wearing a life jacket.
- (f) by omitting clause 5 (3) (f) and by inserting instead the following paragraph:
  - (f) 2 distress flares and 2 smoke signals;
- (g) by omitting clause 5 (4) (g) and by inserting instead the following paragraph:
  - (g) 2 distress flares and 2 smoke signals;
- (h) by omitting clause 6 (2) (g) and by inserting instead the following paragraph:
  - (g) 2 distress flares and 2 smoke signals;
- (i) by omitting clause 7 (2) (9) and by inserting instead the following paragraph:
  - (g) 3 distress flares and 3 smoke signals;
- (j) by omitting clause 8 (2) (g) and by inserting instead the following paragraph:
  - (g) 3 distress flares and 3 smoke signals;
- (k) by omitting from clause 24 (b) the words ", distress flare-smoke signal combination";
- (l) by inserting in Column 2 of Schedule 1 in the matter relating to Buoyancy Vests after the words "buoyancy vests" the words ", and personal flotation devices in the nature of buoyancy vests,";
- (m) by omitting the matter in Column 2 of Schedule 1 relating to Distress Flares and by inserting instead the following matter:

Designed and manufactured in accordance with such of the provisions of Australian Standard AS 2092-1988 "Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft" as relate to red hand-held distress flares, and bearing the mark of approval of the Standards Association of Australia or bearing the mark of approval of a statutory marine authority in the Commonwealth having statutory power to give that approval.

- (n) by omitting from Schedule 1 the item "Distress Flare-Smoke Signal Combination";
- (o) by inserting in Column 2 of Schedule 1 in the matter relating to Lifejackets after the word "lifejackets" the words ", and personal flotation devices in the nature of lifejackets,";
- (p) by omitting the matter in Column 2 of Schedule 1 relating to Smoke Signals and by inserting instead the following matter:

Designed and manufactured in accordance with such of the provisions of Australian Standard AS 2092-1988 "Pyrotechnic Marine Distress Flares and Signals for Pleasure Craft" as relate to orange smoke hand-held distress signals, and bearing the mark of approval of the Standards Association of Australia or bearing the mark of approval of a statutory marine authority in the Commonwealth having statutory power to give that approval.

DATED this second day of March 1990.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was hereto duly affixed in the presence of the Chief Executive of the Board:

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**EXPLANATORY NOTE**

The objects of this Regulation are to amend the Boating (Safety Equipment) Regulation - N.S.W. so as:

- (a) to provide that the users of certain small craft are exempt from certain provisions of that Regulation on condition that they wear appropriate personal flotation devices; and

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- (b) to specify the standards of the Standards Association of Australia whose requirements are to apply to distress flares and smoke signals; and
- (c) to prohibit the use of certain distress flare/smoke signal combination devices.

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