



New South Wales

Marine Safety (General) Amendment (Exemptions Relating to Lifejackets) Regulation 2013

under the

Marine Safety Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Safety Act 1998*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The objects of this Regulation are:

- (a) to exempt persons on board canoes or kayaks from the requirement to wear an appropriate lifejacket when the vessel is being operated more than 100 metres from the shore on enclosed waters, and
- (b) to exempt the operators of canoes or kayaks from the obligation to ensure that each person on board the canoe or kayak complies with that requirement.

The exemptions are subject to conditions, including conditions relating to the qualifications of canoeists and kayakers and their supervision by qualified persons.

This Regulation is made under the *Marine Safety Act 1998*, including section 137 (the general regulation-making power).

2013 No 256

Clause 1 Marine Safety (General) Amendment (Exemptions Relating to Lifejackets)
Regulation 2013

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Relating to Lifejackets) Regulation 2013**

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1 Name of Regulation

This Regulation is the *Marine Safety (General) Amendment (Exemptions Relating to Lifejackets) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Marine Safety (General) Regulation 2009

[1] Clause 85 Circumstances in which lifejacket must be worn on a canoe or kayak

Insert at the end of clause 85 (1):

Maximum penalty: 50 penalty units.

[2] Clause 85 (3)–(6)

Insert after clause 85 (2):

- (3) A person on board a canoe or kayak is exempt from the requirement in subclause (1) (a) to wear a lifejacket if the conditions set out in subclause (5) are satisfied.
- (4) The operator of a canoe or kayak is exempt from the requirement to ensure that any person on board the canoe or kayak wears a lifejacket as required by subclause (1) (a), if the conditions set out in subclause (5) are satisfied.
- (5) A person is exempt only if the following conditions are satisfied:
 - (a) an accredited coach has determined that the person not wearing the lifejacket has sufficient skill, swimming ability and fitness to render the wearing of a lifejacket unnecessary while the person is under supervision, and
 - (b) the person not wearing the lifejacket remains in close proximity to, and is directly supervised by, the accredited coach at all times.
- (6) In this clause:
accredited coach means a person who has achieved accreditation under the National Coaching Accreditation Scheme, recognised by the Australian Sports Commission, as a Flatwater Coach Level 1 or Flatwater Coach Level 2.