

# Boating (Safety Equipment) Regulation—N.S.W. (1975 SI 10)

[1975-10]



New South Wales

## Status Information

### Currency of version

Historical version for 1 February 1997 to 30 September 2003 (accessed 16 August 2024 at 19:28)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Note**

The Regulation is to be repealed on the commencement of Part 2 of Sch 2 to the [Marine Safety Act 1998](#) No 121.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 December 1998

# Boating (Safety Equipment) Regulation—N.S.W. (1975 SI 10)



New South Wales

## Contents

1 Name of Regulation .....	4
2 Definitions .....	4
3 Vessels exempt from Regulation.....	5
4 Tenders—minimum safety equipment .....	6
4A Radio equipment and beacons .....	7
4B Hatches and exterior doors .....	7
4C When locking of hatches and exterior doors prohibited .....	7
5 Class A vessels—minimum safety equipment .....	7
6 Class B vessels—minimum safety equipment .....	9
7 Class C vessels—minimum safety equipment .....	10
8 Class D vessels—minimum safety equipment .....	11
8A Class A and Class B vessels—exemption from carrying paddles etc .....	12
9 Rowing boats and dinghys—exemption from carrying lifejackets etc .....	12
9A Further exemptions—inflatable boats.....	13
10 Sailing vessels (less than 6m)—exemption from carrying anchor .....	13
11 Sailing vessels (permanently enclosed hulls)—exemption from carrying bucket etc.....	13
12 Occupants of canoes or kayaks to wear lifejacket etc .....	13
12A Persons on personal watercraft to wear personal flotation devices.....	13
13 Safety equipment to comply with specified requirements.....	14
14 Safety equipment to be in good order etc .....	14
15 Positioning of lifejackets etc .....	14
16 Positioning of fire extinguishers.....	14
17 Failure to carry prescribed equipment.....	14

18 Failure to wear lifejacket etc in canoe etc.....	15
19 Safety equipment failing to comply with specified requirements .....	15
20 Safety equipment in poor condition .....	15
21 Safety equipment not readily accessible .....	15
22 Distress signals without proper cause .....	15
23 Defence (clause 17)—reasonable steps to ensure compliance.....	15
24 Defence (clause 17)—loss etc of items.....	15
25 Defence (clause 19)—reasonable steps to ensure compliance.....	16
26 Defence (clause 19)—apparent compliance with requirements .....	16
27 Defence (clause 20)—reasonable steps to ensure compliance.....	16
28 Defence (clause 20)—apparent compliance with requirements .....	16
29 Matters prescribed for the purposes of sec 30D of the Act.....	17
30 Dissolution of Maritime Services Board—savings and transitional .....	18
<b>Schedule 1 Minimum requirements for certain items .....</b>	<b>18</b>
<b>Schedule 2 Matters prescribed for the purposes of section 30D of the Act</b>	
.....	20
Editorial note .....	0

# Boating (Safety Equipment) Regulation—N.S.W. (1975 SI 10)



New South Wales

## 1 Name of Regulation

This Regulation may be cited as the *Boating (Safety Equipment) Regulation—N.S.W.*.

## 2 Definitions

In this Regulation, except in so far as the context or subject-matter otherwise indicates or requires:

**Act** means the *Maritime Services Act 1935*.

**Buoyancy vest** includes a buoyancy garment and any other personal flotation device in the nature of a buoyancy vest.

**Class A vessel** means a vessel less than 5 metres in length not being a tender, canoe, kayak or personal watercraft.

**Class B vessel** means a vessel less than 8 metres in length but not less than 5 metres in length not being a canoe, kayak or personal watercraft.

**Class C vessel** means a vessel less than 12 metres in length but not less than 8 metres in length not being a canoe, kayak or personal watercraft.

**Class D vessel** means a vessel not less than 12 metres in length.

**Enclosed waters** means any port or inland navigable waters in New South Wales.

**Fuel** means any solid, liquid or gaseous matter intended for use as fuel in powering a vessel or carrying out any function on a vessel.

**Length**, in relation to a vessel, means length, overall.

**Open vessel** means a vessel that has no part of, or not more than one-quarter of, the area between its gunwales permanently covered so as to hinder water from entering the vessel.

**Open waters** means navigable waters which are not enclosed waters.

**Personal watercraft** means a power-driven vessel that:

- (a) has a fully enclosed hull, and
- (b) does not retain water taken on if it capsizes, and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on the vessel but not seated within the vessel.

**Rescue quoit** means a buoyant quoit, buoyant ring or buoyant ball.

**Sailing vessel** means a vessel designed for propulsion by sail and not equipped with any mechanical means of propulsion.

**Tender** means a vessel not more than 3.5 metres in length and used as a means of transportation on any enclosed waters between:

- (a) the shore and a vessel not more than 300 metres from the shore, or
- (b) vessels none of which is more than 300 metres from the shore.

### 3 Vessels exempt from Regulation

This Regulation shall not apply to:

- (a) a vessel engaged in the coasting trade,
- (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) a vessel which is moored or otherwise secured in navigable waters and which has no one on board,
- (d) a sailing vessel less than 6 metres in length engaged, between sunrise and sunset, in:
  - (i) a race, display or regatta in respect of which the person (in this paragraph called **the licensee**) who organises, promotes or conducts that race, display or regatta, as the case may be, is the holder of a licence issued pursuant to regulation 8 of the [Water Traffic Regulations—N.S.W.](#), or
  - (ii) a sail training session conducted by a club or similar organisation on any enclosed waters,

where a rescue craft manned by at least two adults is in attendance to supervise the safety of persons using that sailing vessel and the persons on board that sailing vessel comply in all respects with the rules of the licensee or that club or organisation, as the case may be, relating to the carrying of safety equipment,

- (e) a mechanically propelled vessel engaged, between sunrise and sunset, in:

- (i) a race, display or regatta, or an exhibition of water ski-ing, aquaplaning or other similar activity in respect of which the person (in this paragraph called **the licensee**) who organises, promotes or conducts that race, display or regatta, or that activity, as the case may be, is the holder of a licence issued pursuant to regulation 8 of the *Water Traffic Regulations—N.S.W.*, or
- (ii) bona fide practice for an event or activity referred to in subparagraph (i) conducted by a club or similar organisation on any enclosed waters,

where a rescue craft manned by at least two adults is in attendance to supervise the safety of persons using that mechanically propelled vessel and the persons on board that mechanically propelled vessel comply in all respects with the rules of the licensee or that club or organisation, as the case may be, relating to the carrying of safety equipment,

- (f) racing shells,
- (g) a vessel used for or in relation to life saving by a life saving club affiliated with:
  - (i) The Royal Life Saving Society—Australia, New South Wales Branch, or
  - (ii) the Surf Life Saving Association of Australia, New South Wales Centre,
- (h) a surf boat, surf board, surf ski or water ski,
- (i) a sailboard:
  - (i) where that sailboard is within 400 metres of the nearest shore, or
  - (ii) where that sailboard is not within 400 metres of the nearest shore, whose rider is wearing a buoyancy vest,
- (j) any floating apparatus used as an accessory in surfing or bathing or used by a water skier or an aquaplaner as flotation equipment,
- (k) an inflatable boat in any enclosed waters that:
  - (i) is less than 5 metres in length,
  - (ii) is not a tender, and
  - (iii) is within 400 metres of the nearest shore, or
- (l) (Repealed)

#### **4 Tenders—minimum safety equipment**

A tender shall carry as minimum safety equipment:

- (a) a paddle or a pair of oars fitted with rowlocks, and

- (b) a bucket with a lanyard attached to it or a bailer with a lanyard attached to it, the bucket or bailer, as the case may be, having a minimum capacity of 2 litres.

#### **4A Radio equipment and beacons**

- (1) A Class A vessel, Class B vessel, Class C vessel or Class D vessel, being a vessel that is in any open waters more than 2 nautical miles from the nearest shore, shall carry as minimum safety equipment a marine band radio transceiver (Medium/High Frequency, 27 MHz or Very High Frequency) in addition to any other minimum safety equipment required under this Regulation.
- (2) A Class C or Class D vessel, being a vessel that is in any open waters more than 2 nautical miles from the nearest shore, shall carry as minimum safety equipment an emergency position indicating radio beacon (EPIRB) in addition to any other minimum safety equipment required under subclause (1).

#### **4B Hatches and exterior doors**

- (1) This clause applies to each vessel the construction of the hull of which commenced on or after 1 January 1991, except a vessel which is the subject of a vessel permit under the [Commercial Vessels Act 1979](#).
- (2) The manufacturer of a vessel must ensure that the vessel is built in such a way that any hatch cover and exterior door on the vessel capable of being used as a means of access by persons can be opened from both outside and inside.
- (3) A manufacturer who contravenes this clause is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1500.

#### **4C When locking of hatches and exterior doors prohibited**

- (1) The master of a vessel must ensure that any hatch or exterior door on a vessel which:
  - (a) is capable of being used as a means of access by persons, and
  - (b) is fitted with a lock or similar device,is kept unlocked at all times when any person is on board the vessel on enclosed waters.
- (2) This clause applies to all vessels despite clause 3.
- (3) A master who contravenes this clause is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1500.

#### **5 Class A vessels—minimum safety equipment**

- (1) A Class A vessel, being an open vessel, in any enclosed waters shall carry as minimum safety equipment:

- (a) for each person on board, one lifejacket or one buoyancy vest,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,
  - (c) a bucket with a lanyard attached to it or a bailer with a lanyard attached to it, the bucket or bailer, as the case may be, having a minimum capacity of 2 litres,
  - (d) between sunset and sunrise, a waterproof torch, and
  - (e) an anchor with a line attached to it.
- (2) A Class A vessel, not being an open vessel, in any enclosed waters shall carry as minimum safety equipment:
- (a) for each person on board, one lifejacket or one buoyancy vest,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,
  - (c) a bucket with a lanyard attached to it or a bailer with a lanyard attached to it, the bucket or bailer, as the case may be, having a minimum capacity of 2 litres,
  - (d) between sunset and sunrise, a waterproof torch,
  - (e) an anchor with a line attached to it, and
  - (f) where any fuel is carried on or in that vessel, a fire extinguisher.
- (3) A Class A vessel, being an open vessel, in any open waters shall carry as minimum safety equipment:
- (a) one lifejacket for each person on board,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,
  - (c) a bucket with a lanyard attached to it or a bailer with a lanyard attached to it, the bucket or bailer, as the case may be, having a minimum capacity of 2 litres,
  - (d) a waterproof torch,
  - (e) an anchor with a line attached to it,
  - (f) 2 distress flares and 2 smoke signals,
  - (g) a compass,
  - (h) 2 litres of fresh drinking water for each person on board,
  - (i) a “V” distress signal sheet, and
  - (j) an appropriate map or chart.



- (4) A Class A vessel, not being an open vessel, in any open waters shall carry as minimum safety equipment:
- (a) one lifejacket for each person on board,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,
  - (c) a bucket with a lanyard attached to it or a bailer with a lanyard attached to it, the bucket or bailer, as the case may be, having a minimum capacity of 2 litres,
  - (d) a waterproof torch,
  - (e) an anchor with a line attached to it,
  - (f) where any fuel is carried on or in that vessel, a fire extinguisher,
  - (g) 2 distress flares and 2 smoke signals,
  - (h) a compass,
  - (i) 2 litres of fresh drinking water for each person on board,
  - (j) a “V” distress signal sheet, and
  - (k) an appropriate map or chart.

**6 Class B vessels—minimum safety equipment**

- (1) A Class B vessel in any enclosed waters shall carry as minimum safety equipment:
- (a) for each person on board, one lifejacket or one buoyancy vest,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,
  - (c) a bucket having a minimum capacity of 9 litres with a lanyard attached to it or a bilge pump having a minimum pumping rate of 45 litres per minute,
  - (d) between sunset and sunrise, a waterproof torch,
  - (e) an anchor with a line attached to it, and
  - (f) where any fuel is carried on or in that vessel, one fire extinguisher and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, one additional fire extinguisher.
- (2) A Class B vessel in open waters shall carry as minimum safety equipment:
- (a) one lifejacket for each person on board,
  - (b) subject to clause 8A, a paddle or a pair of oars fitted with rowlocks,

- (c) a bucket having a minimum capacity of 9 litres with a lanyard attached to it or a bilge pump having a minimum pumping rate of 45 litres per minute,
- (d) a waterproof torch,
- (e) an anchor with a line attached to it,
- (f) where any fuel is carried on or in that vessel, one fire extinguisher and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, one additional fire extinguisher,
- (g) 2 distress flares and 2 smoke signals,
- (h) a compass,
- (i) 2 litres of fresh drinking water for each person on board,
- (j) a “V” distress signal sheet, and
- (k) an appropriate map or chart.

#### **7 Class C vessels—minimum safety equipment**

- (1) A Class C vessel in any enclosed waters shall carry as minimum safety equipment:
  - (a) for each person on board, one lifejacket or one buoyancy vest,
  - (b) two buckets each having a minimum capacity of 9 litres and each with a lanyard attached to it,
  - (c) a bilge pump having a minimum pumping rate of 45 litres per minute,
  - (d) between sunset and sunrise, a waterproof torch,
  - (e) an anchor with a line attached to it,
  - (f) where any fuel is carried on or in that vessel, 2 fire extinguishers and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, one additional fire extinguisher, and
  - (g) a lifebuoy with a minimum of 30 metres of line attached to it or a rescue quoit with a minimum of 15 metres of line attached to it.
- (2) A Class C vessel in open waters shall carry as minimum safety equipment:
  - (a) one lifejacket for each person on board,
  - (b) two buckets each having a minimum capacity of 9 litres and each with a lanyard attached to it,
  - (c) a bilge pump having a minimum pumping rate of 45 litres per minute,

- (d) a waterproof torch,
- (e) two anchors, each with a line attached to it,
- (f) where any fuel is carried on or in that vessel, 2 fire extinguishers and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, one additional fire extinguisher,
- (g) 3 distress flares and 3 smoke signals,
- (h) a compass,
- (i) 2 litres of fresh drinking water for each person on board,
- (j) a “V” distress signal sheet,
- (k) an appropriate map or chart, and
- (l) a lifebuoy with a minimum of 30 metres of line attached to it or a rescue quoit with a minimum of 15 metres of line attached to it.

#### **8 Class D vessels—minimum safety equipment**

(1) A Class D vessel in any enclosed waters shall carry as minimum safety equipment:

- (a) for each person on board, one lifejacket or one buoyancy vest,
- (b) two buckets each having a minimum capacity of 9 litres and each with a lanyard attached to it,
- (c) a bilge pump having a minimum pumping rate of 65 litres per minute or two or more bilge pumps having a minimum aggregate pumping rate of 65 litres per minute,
- (d) between sunset and sunrise, a waterproof torch,
- (e) two anchors each with a line attached to it,
- (f) where any fuel is carried on or in that vessel, 2 fire extinguishers and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, 2 additional fire extinguishers, and
- (g) a lifebuoy with a minimum of 30 metres of line attached to it.

(2) A Class D vessel in open waters shall carry as minimum safety equipment:

- (a) one lifejacket for each person on board,
- (b) two buckets each having a minimum capacity of 9 litres and each with a lanyard attached to it,

- (c) a bilge pump having a minimum pumping rate of 65 litres per minute or two or more bilge pumps having a minimum aggregate pumping rate of 65 litres per minute,
- (d) a waterproof torch,
- (e) two anchors each with a line attached to it,
- (f) where any fuel is carried on or in that vessel, 2 fire extinguishers and, where propulsion or cooking fuel (other than diesel fuel) is carried below deck, 2 additional fire extinguishers,
- (g) 3 distress flares and 3 smoke signals,
- (h) a compass,
- (i) 2 litres of fresh drinking water for each person on board,
- (j) a “V” distress signal sheet,
- (k) an appropriate map or chart,
- (l) a lifebuoy with a minimum of 30 metres of line attached to it, and
- (m) a lifeboat of sufficient capacity to carry everyone on board or a liferaft of that capacity.

**8A Class A and Class B vessels—exemption from carrying paddles etc**

- (1) A Class A vessel or Class B vessel is exempted from carrying a paddle or a pair of oars fitted with rowlocks while it has 2 or more means of propulsion, each of which may be operated independently of the other or others.
- (2) For the purposes of subclause (1), where a vessel has 2 or more sails, all the sails on or in the vessel shall be deemed to constitute only one means of propulsion.

**9 Rowing boats and dinghys—exemption from carrying lifejackets etc**

Notwithstanding clause 5 (1) and (2), a rowing boat or dinghy that:

- (a) is propelled by paddle or oars in any enclosed waters between sunrise and sunset,
- (b) is less than 5 metres in length,
- (c) is not a tender,
- (d) is so constructed as to stay afloat if capsized, and
- (e) is not more than 400 metres from the nearest shore,

is exempted from carrying lifejackets, buoyancy vests and fire extinguishers.

**9A Further exemptions—inflatable boats**

Notwithstanding clause 5, an inflatable boat that:

- (a) is less than 5 metres in length, and
- (b) is not a tender,

is exempted from carrying a bucket, a bailer, a torch, an anchor, a fire extinguisher, a compass, drinking water, a map and a chart.

**10 Sailing vessels (less than 6m)—exemption from carrying anchor**

Notwithstanding clauses 5 and 6, a sailing vessel less than 6 metres in length on any enclosed waters is exempted from carrying an anchor.

**11 Sailing vessels (permanently enclosed hulls)—exemption from carrying bucket etc**

Notwithstanding clauses 5, 6, 7 and 8, a sailing vessel with a permanently enclosed hull is exempt from carrying a bucket or bailer.

**12 Occupants of canoes or kayaks to wear lifejacket etc**

An occupant of a canoe or kayak shall wear a lifejacket or buoyancy vest, except where that canoe or kayak as the case may be:

- (a) is propelled by paddle or oars in any enclosed waters between sunrise and sunset,
- (b) is not a tender,
- (c) is so constructed as to stay afloat if capsized, and
- (d) is not more than 400 metres from the nearest shore.

**12A Persons on personal watercraft to wear personal flotation devices**

(1) The driver of a personal watercraft, and any passenger on the personal watercraft:

- (a) must wear a PFD 1, a PFD 2 or a PFD 3 while in enclosed waters, and
- (b) must wear a PFD 1 or a PFD 2 while in open waters.

Maximum penalty: \$1,500.

(2) In this clause:

**PFD 1** means a personal flotation device—Type 1 that complies with:

- (a) the requirements of Australian Standard 1512, and
- (b) the relevant requirements of Australian Standard 2259-1996,

of Standards Australia.

**PFD 2** means a personal flotation device—Type 2 that complies with:

- (a) the requirements of Australian Standard 1499, and
- (b) the relevant requirements of Australian Standard 2259–1996, of Standards Australia.

**PFD 3** means a personal flotation device—Type 3 that complies with:

- (a) the requirements of Australian Standard 2260, and
- (b) the relevant requirements of Australian Standard 2259–1996, of Standards Australia.

### **13 Safety equipment to comply with specified requirements**

- (1) An item required to be carried by a vessel by clause 4, 4A, 5, 6, 7 or 8 specified in Column 1 of Schedule 1 shall, as a minimum, comply with the requirements specified opposite that item in Column 2 of Schedule 1.
- (2) The “V” of a “V” distress signal sheet shall be of a width not more than 150 mm, as indicated on the figure set out in Column 2 of Schedule 1.

### **14 Safety equipment to be in good order etc**

An item of equipment required to be carried by a vessel by clause 4, 4A, 5, 6, 7 or 8 shall be in good order and condition.

### **15 Positioning of lifejackets etc**

A lifejacket or buoyancy vest required to be carried by a vessel by clause 5, 6, 7 or 8 shall be so placed in that vessel as to be readily accessible at all times.

### **16 Positioning of fire extinguishers**

A fire extinguisher required to be carried by a vessel by clause 5, 6, 7 or 8 shall be so placed in that vessel as to be readily accessible at all times.

### **17 Failure to carry prescribed equipment**

Where a vessel does not carry in the waters, if any, prescribed in this Regulation in respect of that vessel, an item required by this Regulation to be carried by that vessel in those waters, if any, both the master and the owner of that vessel shall be guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**18 Failure to wear lifejacket etc in canoe etc**

A person who contravenes clause 12 is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**19 Safety equipment failing to comply with specified requirements**

Where an item referred to in clause 13 does not, as a minimum, comply with the requirements specified opposite that item in Column 2 of Schedule 1, both the master and the owner of the vessel in which that item is carried shall be guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**20 Safety equipment in poor condition**

Where an item of equipment referred to in clause 14 is not in good order and condition, both the owner and the master of the vessel in which that item is carried shall be guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**21 Safety equipment not readily accessible**

Where an item of equipment referred to in clause 15 or 16 is not so placed in the vessel in which it is carried as to be readily accessible at all times, the master of that vessel shall be guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**22 Distress signals without proper cause**

A person who without proper cause displays or makes a signal of distress on or from a vessel in any navigable waters is guilty of an offence against this Regulation and liable to a penalty not exceeding \$1,500.

**23 Defence (clause 17)—reasonable steps to ensure compliance**

It shall be a sufficient defence to a prosecution under clause 17 if the owner of the vessel proves that:

- (a) he had taken all reasonable steps to ensure that the item, the failure of which to be carried on that vessel gave rise to the prosecution, was carried on that vessel, and
- (b) he had no means of knowing that that item was not carried on that vessel at the time of the offence.

**24 Defence (clause 17)—loss etc of items**

It shall be a sufficient defence to a prosecution under clause 17 if the master of the vessel proves that the item, the failure of which to be carried on that vessel gave rise to the prosecution:

- (a) was lost from that vessel during the voyage or excursion on which that vessel was

engaged at the time of the offence and that that vessel, after the time of the loss of that item, was not navigated for a distance or time greater than necessary to berth at the berth nearest that vessel at the time of the loss of that item, or

- (b) being a fire extinguisher, distress flare, smoke signal or fresh water, was properly used for its intended purpose during the voyage or excursion on which that vessel was engaged at the time of the offence.

**25 Defence (clause 19)—reasonable steps to ensure compliance**

It shall be a sufficient defence to a prosecution under clause 19 if the owner of the vessel proves that:

- (a) he had taken all reasonable steps to ensure that the item the subject of the prosecution did, as a minimum, comply with the requirements specified opposite that item in Column 2 of Schedule 1, and
- (b) he had no means of knowing that that item did not, as a minimum, comply with those requirements at the time of the offence.

**26 Defence (clause 19)—apparent compliance with requirements**

It shall be a sufficient defence to a prosecution under clause 19 if the master of the vessel proves that:

- (a) the item, the subject of the prosecution, did, as a minimum, appear to him on inspection to comply with the requirements specified opposite that item in Column 2 of Schedule 1, and
- (b) he had no means of knowing that that item did not, as a minimum, comply with those requirements at the time of the offence.

**27 Defence (clause 20)—reasonable steps to ensure compliance**

It shall be a sufficient defence to a prosecution under clause 20 if the owner of the vessel proves that:

- (a) he had taken all reasonable steps to ensure that the item of equipment, the subject of the prosecution, was in good order and condition, and
- (b) he had no means of knowing that that item of equipment was not in good order and condition at the time of the offence.

**28 Defence (clause 20)—apparent compliance with requirements**

It shall be a sufficient defence to a prosecution under clause 20 if the master of the vessel proves that:

- (a)



- (i) the item of equipment, the subject of the prosecution, appeared to him on inspection to be in good order and condition, and
  - (ii) he had no means of knowing that that item of equipment was not in good order and condition at the time of the offence, or
- (b) the item of equipment, the subject of the prosecution, ceased to be in good order and condition during the voyage or excursion on which that vessel was engaged at the time of the offence and that that vessel, after the time at which that item of equipment ceased to be in good order and condition, was not navigated for a distance or time greater than necessary to berth at the berth nearest that vessel at the time at which that item of equipment ceased to be in good order and condition.

## **29 Matters prescribed for the purposes of sec 30D of the Act**

(1) For the purposes of section 30D of the Act:

- (a) any officer who is authorised by the Minister to be a prescribed officer for the purposes of that section shall be a prescribed officer,
- (b) the offences specified in Column 1 of Schedule 2, other than the offences specified in paragraphs 1, 1A and 6 (b) of Column 1 of Schedule 2, if committed either in respect of vessels in any enclosed waters or in respect of vessels in open waters are prescribed offences,
- (c) the offences specified in paragraph 1 of Column 1 of Schedule 2 if committed in respect of a tender in any enclosed waters are prescribed offences,
- (d) the offences specified in paragraphs 1A and 6 (b) of Column 1 of Schedule 2 if committed in respect of a vessel in open waters are prescribed offences,
- (e) the penalty specified in Column 2 of Schedule 2 opposite a prescribed offence specified in Column 1 of Schedule 2 is the penalty prescribed in respect of that offence if committed in any enclosed waters, and
- (f) the penalty specified in Column 3 of Schedule 2 opposite a prescribed offence specified in Column 1 of Schedule 2 is the penalty prescribed for that offence if committed in open waters.

(2) In this clause:

**officer** means any delegate of the Minister or any officer of such a delegate, and includes any person authorised by the Crown, a Minister of the Crown, or any statutory authority, or by the trustees or other persons in charge of any area used for public recreation, to supervise the activities of the public.

### 30 Dissolution of Maritime Services Board—savings and transitional

Anything done by the Maritime Services Board or by an officer of the Board under this Regulation before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by the Minister or by a delegate of the Minister or any officer of such a delegate, as the case requires.

### Schedule 1 Minimum requirements for certain items

Column 1	Column 2
Item	Minimum requirements
Appropriate Chart	An Admiralty or Australian Hydrographic Chart of the area proposed for the vessel's voyage or excursion.
Appropriate Map	Clearly legible, showing shallow areas by figures or colours and the area proposed for the vessel's voyage or excursion.
Bilge Pump	Power or manually operated and so fixed as to draw water from within the bilges through a strainer capable of being readily cleaned and of mesh sufficiently small to prevent choking of the pump.
Bucket	Made of metal or rigid plastic so as to be capable of being roughly handled when full of water without collapse, substantial distortion or loss of the handle.
Buoyancy Vest	Designed and manufactured in accordance with the Australian standard specification for personal flotation devices of Type 2 or Type 3 of the Standards Association of Australia and bearing the appropriate trademark of that Association.
Compass	Liquid damped and with a rotating card clearly showing the cardinal points.
Distress Flare	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.
Emergency Position Indicating Radio Beacon (EPIRB)	Complies with the Commonwealth Department of Communications Specification RB 241B.
Fire Extinguisher	Designed and manufactured in accordance with an Australian standard specification for portable fire extinguishers of the Standards Association of Australia and bearing the appropriate trademark of that Association.
Lanyard	Line or cord not less than 2 m in length.
Lifebuoy	A buoyant device fitted with hand-holds or becketts and capable of supporting 13 kg concentrated mass in water.

**Lifejacket** Designed and manufactured in accordance with an Australian standard specification for lifejackets, and personal flotation devices in the nature of lifejackets, of the Standards Association of Australia and bearing the appropriate trademark of that Association or bearing the mark of approval of a statutory marine authority in the Commonwealth having statutory power to give that approval.

**Lifeboat or Liferaft** Inflatable or of rigid construction, equipped with hand becketts or holds and capable of carrying the number of persons for which it is designed at 14 kg per person and, in addition, in the case of a lifeboat constructed of metal, the mass of that lifeboat.

**Marine Band Radio Transceiver** Complies with one of the following Commonwealth Department of Communications Specifications:  
 MF/HF ... RB 211B or RB 211C  
 27 MHz ... RB 242M or RB 244  
 VHF ... RB 274

**Oars** Capable of being used to row the vessel in which they are carried, each oar having not less than 400 square cm effective area of blade.

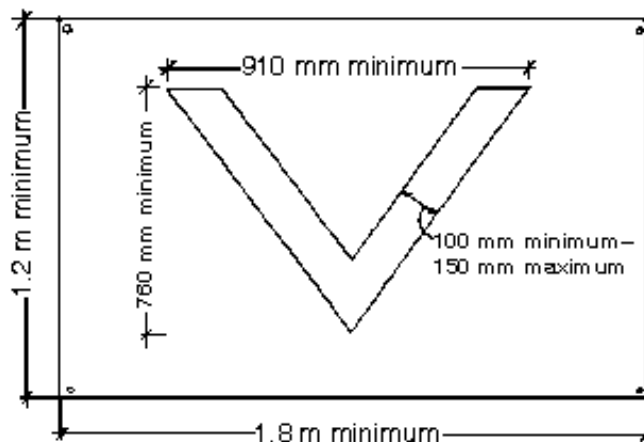
**Paddle** Capable of being used to paddle the vessel in which it is carried and having not less than 400 square cm effective area of blade.

**Smoke Signal** 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.

A fluorescent orange-red coloured sheet of dimensions not less than those shown as minimum dimensions in the following figure with a black "V" of dimensions not less than those shown as minimum dimensions in the following figure superimposed on the sheet in the position shown in the following figure and with a lanyard tied at each corner of the sheet.

**Figure**

"V" Distress Signal Sheet



## Schedule 2 Matters prescribed for the purposes of section 30D of the Act

(Clause 29)

Column 1	Column 2	Column 3
Prescribed offence	Penalty for offence committed in any enclosed waters	Penalty for offence committed in open waters
	\$	\$
1AA Offence under clause 12A	200	200
1 Offence under clause 17 in respect of a tender being:		
(a) the failure to carry only one item required by clause 4 to be carried	20	
(b) the failure to carry more than one item required by clause 4 to be carried	40	
1A Offences under clause 17 in respect of a vessel being a failure to carry an item required by clause 4A		80
2 Offence under clause 17 in respect of a Class A, Class B, Class C or Class D vessel being:		
(a) the failure to carry, for each person on board, one lifejacket or one buoyancy vest	100	100
(b) the failure to carry a fire extinguisher or fire extinguishers prescribed by clause 5, 6, 7 or 8, as the case may be:		
(i) where some but not the minimum number are carried	40	40
(ii) where none are carried	80	80
3 Offence under clause 17 in respect of a Class A or Class B vessel being:		

	(a) the failure to carry only one item required by clause 5 or 6, as the case may be, to be carried other than an item referred to in paragraph 2	40	40
	(b) the failure to carry more than one item required by clause 5 or 6, as the case may be, to be carried other than an item referred to in paragraph 2	80	80
4	Offence under clause 17 in respect of a Class C vessel being the failure to carry a bilge pump required by clause 7	80	80
5	Offence under clause 17 in respect of a Class C vessel being:		
	(a) the failure to carry only one item required by clause 7 to be carried other than an item referred to in paragraph 2 or 4	40	40
	(b) the failure to carry more than one item required by clause 7 to be carried other than an item referred to in paragraph 2 or 4	80	80
6	Offence under clause 17 in respect of a Class D vessel being:		
	(a) the failure to carry a bilge pump or bilge pumps prescribed by clause 8	80	80
	(b) the failure to carry a lifeboat or liferaft prescribed by clause 8		160
7	Offence under clause 17 in respect of a Class D vessel being:		
	(a) the failure to carry only one item required by clause 8 to be carried other than an item referred to in paragraph 2 or 6	40	40
	(b) the failure to carry more than one item required by clause 8 to be carried other than an item referred to in paragraph 2 or 6	80	80
8	Offence under clause 18	40	40
9	Offence under clause 19 in respect of:		

	(a) a lifejacket or buoyancy vest	100	100
	(b) only one item (other than a lifejacket or buoyancy vest)	40	40
	(c) more than one item (other than a lifejacket or buoyancy vest)	80	80
10	Offence under clause 20 in respect of:		
	(a) a lifejacket or buoyancy vest	100	100
	(b) only one item (other than a lifejacket or buoyancy vest)	40	40
	(c) more than one item (other than a lifejacket or buoyancy vest)	80	80
11	Offence under clause 21 in respect of:		
	(a) an item of equipment referred to in clause 15	40	40
	(b) an item of equipment referred to in clause 16	40	40
12	Offence under clause 22	160	160