

Marine Safety (General) Regulation 2009

[2009-109]



New South Wales

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

Notes—

- **Does not include amendments by**
[Maritime and Transport Licensing Legislation Amendment Act 2014 No 38](#) (not commenced — to commence on 1.12.2014)

Authorisation

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New South Wales

Contents

Part 1 Preliminary	10
1 Name of Regulation	10
2 Commencement	10
3 Definitions	10
4 Definition of “vessel” for purposes of Act	16
Part 2 Safety of Navigation	16
Division 1 International Regulations for Preventing Collisions at Sea or in other navigable waters	16
5 Adoption of international regulations set out in Schedule 2	16
Division 2 Other provisions relating to signals and lights on vessels	16
6 Restrictions on making distress signals	16
7 Display of emergency patrol signal	16
Division 3 Conduct of persons on board vessels	17
8 Requirements for keeping all parts of the body within a vessel when underway	17
8A Directions to ensure safety of commercial vessel	18
8B Offences by passengers and others on commercial vessels.....	19
Division 4 Provisions relating to operation and securing of vessels	19
9 General provisions that apply to operation of vessels	19
10 Speed restriction where persons under 18 years on vessel.....	20

11 Requirements in relation to engine power rating	20
12 Requirements when towing or pushing a vessel or object.....	20
13 Waters in which kitesurfing and sailboarding prohibited	20
14 Exemptions from notices prohibiting or regulating operation of vessels	21
Division 5 Provisions relating to obstruction of navigation.....	21
15 Obligation on operators if vessels cause an obstruction to navigation.....	21
16 Obstruction of fairways and channels	21
17 Restrictions on obstructing vessels	21
18 Restrictions on causing an obstruction, danger or nuisance with objects	22
19 Lighting and marking obstructions to navigation	22
20 Disposal of obstructions to navigation.....	23
21 Restrictions in relation to lighthouses, navigation aids, vessels and installations	23
22 Restrictions on interfering with machinery, safety equipment and securing vessels	25
Division 6 Speed limits for certain areas	25
23 Application of Division	25
24 Speed limit for Port of Sydney Central Area	25
25 Speed limit for Port of Sydney Northern Area	25
26 Speed limit for Port of Sydney Western Area	26
26A Speed limit of 8 knots.....	26
Division 7 Requirements relating to distances between vessels and other objects	
.....	26
27 Meaning of “safe distance”	26
28 Minimum distances to be maintained.....	26
29 Restrictions in or near swimming areas.....	27
30 Special provisions for vessels in the vicinity of vessels operating in chains.....	28
Division 8 Towing of persons.....	28
31 Restriction on number of persons that can be towed	28
32 Restriction on time of day when towing can occur	28
33 Observer requirements.....	28
34 Responsibilities in relation to trailing equipment.....	30

35 Tow rope and towing device requirements	30
Division 9 Personal watercraft	31
36 Personal watercraft behaviour label	31
37 Personal watercraft excluded from Sydney Harbour and its tributaries.....	31
38 Operation of personal watercraft at any speed	32
39 Operation of personal watercraft between sunset and sunrise	33
Division 10 Safe loading of vessels	33
40 Application of Division	33
41 Maximum safe loading level of certain vessels	34
Part 2A Special safety requirements for certain waters and vessels	35
Division 1 Navigation requirements for commercial adventure vessels ..	35
41A Definitions	35
41B Speed requirements for commercial adventure vessels in Port Jackson waters	35
41C Navigation requirements for commercial adventure vessels operating in irregular manner	36
Division 2 Requirements for navigation in the vicinity of Lord Howe Island	
.....	36
41D Navigation requirements for certain vessels	36
Division 3 Requirements for navigation in Sydney Cove	37
41E Requirements for master of vessel operating in Sydney Cove	37
Part 3 Requirements relating to builders plates for certain recreational vessels	
.....	37
Division 1 Preliminary	37
42 Definitions	37
43 Application of this Part.....	38
44 Variation of ABP Standard.....	39
Division 2 Requirements relating to builders plates	39

45 Vessel for sale required to have builders plate	39
46 Builders plate exemptions—available defences	40
47 Persons authorised to approve information on builders plates.....	40
48 Offences relating to fixing of builders plates on vessels.....	40
49 Offence relating to approval of information on builders plates.....	41
50 Builders plate not to be altered unless authorised	41
51 Vessel may not be registered without builders plate.....	41
Part 4 Marine safety licences.....	42
Division 1 General provisions	42
51A Definitions	42
52 Application of Part and declaration of certain marine safety licences	42
53 Applications for marine safety licences	43
53A Eligibility for licence	43
54 Refusal to issue marine safety licence	43
55 Suspension or cancellation of marine safety licence	44
56 Disqualification of person from holding or obtaining marine safety licence	46
57 Change of particulars to a marine safety licence	47
58 Issue of replacement marine safety licence or vessel registration label	47
58A Renewal of marine safety licence.....	47
59 Return of a marine safety licence or label	48
60 Cheating or forgery	48
Division 2 Vessel registration	49
61 Vessels exempt from registration	49
62 Documents issued on initial registration of vessel	51
63 Hull identification number requirements	51
64 Boatcode agents.....	51
65 Alteration of a hull identification number	52
66 Display of registration number and label.....	52
66A Removal of vessel registration label and vessel registration number	52
67 Personalised vessel registration	53
68 Transfer of registrable vessel ownership	53
69 Disposal of a registrable vessel	54

70 Condition of personal watercraft registration relating to unlicensed operation of vessel	54
71 Unauthorised operation of vessel	54
Division 3 Aquatic licences	54
72 Aquatic activities to be licensed	54
73 Purpose of aquatic licences	55
74 Additional requirements for applications	55
Division 4 Boat driving licences	56
75 Classification of boat driving licences	56
76 Certain vessels and persons exempt from requirements relating to boat driving licences	56
77 Additional requirements for applications for boat driving licences	57
78 Conditions of boat driving licences	58
79 Restrictions applying to young adult licence holders	58
80 Disqualification of certain persons from holding boat driving licences	59
Division 5 Marine pilot's licences	59
80A Additional requirements for applications for marine pilot's licences	59
80B Conditions of marine pilot's licences	60
Division 6 Marine pilotage exemption certificates	60
80C Additional requirements for applications for marine pilotage exemption certificates	60
80D Conditions of marine pilotage exemption certificates	61
80E Vessels for which marine pilot exemption certificates are not valid	61
Division 7 Certificates of local knowledge	62
80F Additional requirements for applications for certificates of local knowledge	62
80G Conditions of certificates of local knowledge	62
80H Vessels for which certificates of local knowledge are not valid	63
Division 8 Bar crossings by certain commercial vessels	63
80I Application of Part	63
80J Authorisation required for bar crossings for certain commercial vessels	63
80K Requirements on masters of certain commercial vessels in relation to bar crossings	64
Part 5 Safety equipment and facilities	64

Division 1 Preliminary	64
81 (Repealed)	64
82 Vessels exempt from certain requirements of Part	64
83 Meaning of “lifejacket” and “appropriate lifejacket”	65
Division 2 Responsibilities of owners and operators of recreational vessels in relation to safety equipment	66
83A Application of this Division	67
84 Minimum safety equipment to be carried on recreational vessels	67
Division 3 Requirements to wear lifejackets	68
84A Application of this Division	68
85 Circumstances in which lifejacket must be worn on a canoe or kayak	68
86 Lifejacket must be worn when crossing coastal bar	69
87 Lifejacket must be worn on personal watercraft.....	69
87A Lifejacket must be worn by a child less than 12 years of age	70
87B Lifejacket must be worn when being towed by a vessel while engaged in any recreational activity	70
87C Lifejacket must be worn on vessel in alpine waters	70
87D Lifejacket must be worn on off-the-beach vessel on open waters.....	70
87E Lifejacket must be worn on kiteboard.....	71
87F Lifejackets must be worn on certain small vessels in certain circumstances.....	71
87G Lifejacket must be worn when directed by master of a vessel.....	72
88 Circumstances in which lifejacket must be worn on a sailboard or kiteboard.....	72
89 General defences	72
89A (Repealed).....	72
Division 4 Requirements for hatches and exterior doors	73
90 Hatches and exterior doors—construction.....	73
91 Hatches and exterior doors—locking	73
Part 5A Public ferry wharves	73
91A Inspection reports on public ferry wharves	73
91B Maintenance plans for public ferry wharves.....	74

Part 6 Alcohol and Drug Testing	74
92 Security of blood and urine samples taken under Part 2, 3, 4 or 5 of Schedule 1 to the Act	74
Part 7 Penalty notices	75
93 Penalty notice offences and penalties	75
Part 8 Miscellaneous	76
94 Fees	76
95 No false representation as to whether navigation is restricted in an area.....	76
96 Report of certain accidents.....	76
97 Exemption on safety or emergency grounds	77
98 Exemptions by RMS	77
99 Repeal	78
Schedule 1 Fees relating to State matters	78
Schedule 1A Fees relating to National law matters	80
Schedule 1B Partially smooth waters	83
Schedule 1C Smooth waters	83
Schedule 2 International Regulations for Preventing Collisions at Sea ...	89
Schedule 3 Waters in which kitesurfing and sailboarding prohibited	124
Schedule 3A Requirements relating to Sydney Cove	125
Schedule 4 Standard of safety equipment carried on recreational vessels	128
Schedule 5 Minimum safety equipment to be carried on recreational vessels	132
Schedule 6 Coastal bars	137

Schedule 7 Penalty notice offences—offences under Marine Safety Act 1998	140
Schedule 7A Penalty notice offences—offences under Marine Pollution Act 2012	144
Schedule 8 Savings and transitional provisions	149

Marine Safety (General) Regulation 2009



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Marine Safety (General) Regulation 2009*.

2 Commencement

This Regulation takes effect on 30 March 2009 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

aerial equipment means equipment by means of which a person is towed, whether by a vessel or otherwise, over water.

alpine waters means:

(a) the waters of:

- (i) Lake Burrinjuck, and
- (ii) Lake Eucumbene, and
- (iii) Lake Jindabyne, and
- (iv) Khancoban Pondage, and
- (v) the Swampy Plains River, and
- (vi) Mannus Lake, and
- (vii) Googong Reservoir, and
- (viii) Blowering Reservoir, and
- (ix) Pejar Dam, and

(x) Yass River, and

(xi) Lake Oberon, and

(b) all navigable waters within the boundaries of the Kosciuszko National Park.

appropriate lifejacket—see clause 83.

approved means approved by RMS.

aquatic activity has the same meaning as in section 18 of the Act.

aquatic licence means an aquatic licence issued in accordance with Part 4.

boat driving licence means a marine safety licence referred to in section 29 (e) of the Act and issued under Part 4 as any of the following:

- (a) a general boat driving licence,
- (b) a young adult general boat driving licence,
- (c) a personal watercraft driving licence,
- (d) a young adult personal watercraft driving licence.

channel means an area of navigable waters that, whether or not indicated by navigation marks, provides a passage for vessels.

coastal bar means a bar named in Schedule 6, being a shallow area where sediment is deposited across a river mouth, lake, estuary or harbour entrance, and any channel through or around the shallow area, in the approximate location described opposite the name of the bar in that Schedule.

council has the same meaning as in the [Local Government Act 1993](#).

current first aid certificate means a first aid certificate of a type approved by RMS that is in force.

diver means a person using or carrying self-contained underwater breathing apparatus (scuba) or any other form of breathing apparatus either under or on the surface of the water.

dolphin means a free standing pile or cluster of piles, acting as a fender or mooring point.

dragon boat means a paddle craft that is carvel constructed and consists of a single hull and a keel tunnel, and is propelled forward by a crew of paddlers using single bladed paddles.

enclosed waters means navigable waters within the land mass of New South Wales

such as inland and coastal rivers, inland and coastal lakes and similar waters, and enclosed coastal bays and harbours and includes the waters specified in Schedules 1B and 1C.

EPIRB means an emergency position indicating radio beacon.

fairway means that part of an area of navigable waters that is usually used by vessels for navigation through the area.

ferry has the same meaning as in the [Passenger Transport Act 1990](#).

Note—

The [Passenger Transport Act 1990](#) currently contains the following definition of **ferry**:

ferry means a vessel which seats more than 8 adult persons, and includes a vessel of any class prescribed by the regulations for the purposes of this definition.

fishing vessel means a vessel that is authorised by the appropriate authority of the State or the Commonwealth or of another State or a Territory to be used wholly or principally for:

- (a) the taking, catching or capturing of fish or other living resources of the water for sale, or
- (b) the processing or carrying of fish or other living resources of the water so taken, caught or captured.

floating object includes any floating cargo, goods or things.

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

hull identification number means a hull identification number referred to in clause 63.

kiteboard means any craft used for kitesurfing or an activity that is similar to kitesurfing in which a person is situated on or over water on a board, a ski or skis, and the power of the wind on a controlled kite or similar equipment is used to propel the craft across the water.

kitesurfing means an activity in which a person is situated on or over water on a board, a ski or skis or a vessel and the power of a controllable kite, or similar equipment, is used to propel the person across the surface of the water and includes kiteboarding, flysurfing, kitesailing and the like.

label includes a sticker or a plate.

length of a vessel means the centreline measurement of the hull of the vessel taken from a point at the top of the stern to the top of the bow (but excluding any extension

that is not an integral part of the hull, such as a bowsprit, outboard motor bracket or outboard motor pod).

marine legislation means any of the following Acts (and the regulations and other instruments made under any of those Acts):

- (a) the Act,
- (b) *Ports and Maritime Administration Act 1995*,
- (c) *Marine Pollution Act 1987*,
- (d) *Maritime Services Act 1935*,
- (e) (Repealed)
- (f) *Marine Pilotage Licensing Act 1971*,
- (g) *Navigation Act 1901*.

mooring means an apparatus or structure to which a vessel or floating object may be secured.

off-the-beach vessel means an unballasted, sail-only vessel, including a centreboard dinghy, skiff or multihull vessel, but not including a vessel with a cabin or a fixed keel.

open waters means navigable waters that are not enclosed waters.

outrigger canoe means a single file canoe which possesses a float and lateral support on one or both sides of the main hull and which is designed to carry not more than 6 persons.

parasailing vessel means a power driven vessel used to tow a person over water using aerial equipment.

partially smooth waters means waters specified in Schedule 1B.

passenger means any person on board a vessel who is neither the operator nor a member of the crew.

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,

and includes a jet powered surfboard.

port means any port (within the meaning of section 84 of the Act) for which the Minister has appointed a harbour master, or a person to exercise the functions of a harbour master, under the Act.

power-driven vessel means a vessel powered by mechanical means but does not include a vessel propelled by oars or paddles.

public wharf means any wharf open to, or permitted to be used by, the public.

registered vessel means a vessel that is the subject of a vessel registration certificate in force under this Regulation.

relevant fee, in relation to a matter referred to in this Regulation, means the fee specified in Schedule 1 in relation to the matter.

row boat means a vessel propelled by oars or paddles that is not a canoe, kayak or rowing shell.

sailboard means any craft (other than a kiteboard) used for sailboarding or windsurfing, which is fitted with an apparatus or mechanism that is required to be controlled or operated by the user in order to harness the power of the wind to move the craft.

sailing vessel means a vessel operating under sail only.

seagoing ship means a commercial vessel of more than 45.72 metres in length that is used or intended to be used to carry cargo or passengers for hire or reward and that normally operates on voyages between ports.

shipping mooring means a buoy, dolphin or other mooring provided for seagoing ships.

smooth waters means waters specified in Schedule 1C.

special event has the same meaning as in section 12 of the Act.

speed means the speed of a vessel measured by reference to the actual distance travelled over the ground.

structure includes any object that is fixed to the earth or seabed, or to another object fixed to the earth or seabed, or any rubble or reclamation.

tender means a vessel that:

- (a) is used only to transport goods or persons between the shore and its parent vessel or between its parent vessel and another vessel, and
- (b) does not operate further from its parent vessel than 1nm, and

(c) is less than 7.5 metres in length.

the Act means the *Marine Safety Act 1998*.

tow rope means a rope or other thing that connects a person being towed, a towing device or a towed apparatus to a power-driven vessel.

tow-in surfing means an activity in which a personal watercraft is used to tow a person on a surfboard onto a wave.

underway means not at anchor or secured to the shore or ground, and includes drifting.

vessel in chains means a ferry, or similar vessel, operating in chains, ropes or cables across a waterway.

vessel registration label for a vessel means the vessel registration label issued for the vessel under Division 2 of Part 4.

wash means the movement of water created by a vessel.

wear, in relation to a lifejacket, means wear with all closing or fastening devices such as zippers, buckles and tapes correctly secured.

wharf includes a pier, jetty, landing stage, dock, slip or platform.

white water means any section of waterway that is graded at, or equivalent to, Grade 2 or above on the International River Grading System used by Australian Canoeing.

- (2) For the purpose of this Regulation, a recreational vessel being transferred from one location to another is not a commercial vessel (regardless of whether or not money, or other consideration, is received for the transfer) if fare-paying passengers are not being carried on the vessel.
- (2A) For the purposes of this Regulation, an outrigger canoe is categorised by the number of persons the canoe carries and a category constitutes one of the following:
- (a) OC1 (one person),
 - (b) OC2 (two persons),
 - (c) OC4 (four persons),
 - (d) OC6 (six persons).
- (3) For the purposes of this Regulation, a reference to a specified class of vessel is a reference to that class of service category as described in Clause 3.5 of Chapter 3 of Part B of the document titled the *National Standard for Commercial Vessels* adopted

by the Australian Transport Council and as in force from time to time.

(4) Notes included in this Regulation do not form part of this Regulation.

4 Definition of “vessel” for purposes of Act

- (1) Any craft used on water that is capable of being used underwater is declared to be a vessel.
- (2) Any pontoon, airdock, floating dock or similar apparatus, or any floating apparatus used as an accessory in surfing or bathing or used as flotation equipment by a person being towed by a vessel, is declared not to be a vessel unless it is a kiteboard or a sailboard.

Part 2 Safety of Navigation

Division 1 International Regulations for Preventing Collisions at Sea or in other navigable waters

5 Adoption of international regulations set out in Schedule 2

Schedule 2 contains international regulations for preventing collisions at sea adopted by this Regulation under section 10 (2) of the Act with modifications set out in that Schedule.

Note—

Section 10 (2) of the Act enables the regulations to adopt (with or without modification) international regulations for preventing collisions at sea. The provisions set out in Schedule 2 are the *International Regulations for Preventing Collisions at Sea* with modifications set out under the headings “NSW special Rule”. Section 10 (3) of the Act provides that the master or other person concerned in the operation of a vessel is guilty of an offence if he or she contravenes those regulations or causes them to be contravened.

Division 2 Other provisions relating to signals and lights on vessels

6 Restrictions on making distress signals

- (1) A person on board a vessel, or in the vicinity of any navigable waters, must not use distress signalling equipment or make any distress signal, except for the purpose of indicating distress.
- (2) A person must not, without proper cause, display or make any light or other visual signal, or any sound signal, that is used as a warning or guide to vessels.
- (3) The operator of a vessel must ensure that each person on board the vessel complies with this clause.

Maximum penalty: 50 penalty units.

7 Display of emergency patrol signal

- (1) In this clause:

emergency patrol duty means an urgent patrol or duty arising from an accident, hazard or other emergency or authorised by RMS.

emergency patrol signal means an all-round flashing blue light, or flashing blue and red lights.

- (2) A person must not operate a vessel that displays an emergency patrol signal unless:
 - (a) the display has been authorised in writing by RMS for the purpose of enabling the carrying out of emergency patrol duty, or
 - (b) the vessel is operated on behalf of RMS, the NSW Police Force, the Ambulance Service of NSW or a fire service for the purpose of carrying out an emergency patrol duty.
- (3) An operator of a vessel carrying out an emergency patrol duty must ensure that an emergency patrol signal is displayed in a clearly visible position if directed to do so by RMS.
- (4) An operator of a vessel must comply with any direction concerning the manner of navigation of the vessel given by the operator or any crew member of another vessel displaying an emergency patrol signal in accordance with this clause.

Maximum penalty: 50 penalty units.

Division 3 Conduct of persons on board vessels

8 Requirements for keeping all parts of the body within a vessel when underway

- (1) The operator of a power-driven vessel must not permit any person on board the vessel to extend any part of that person's body outside the perimeter of the vessel while the engine of the vessel is turned on.
- (2) A person on board a power-driven vessel must not extend any part of the person's body outside the perimeter of the vessel while the engine of the vessel is turned on.
- (3) The operator of a power-driven vessel that is making way must not permit any person to sit on, ride on or hang onto a swim ladder, swim platform or transom attached to the vessel, except with the written approval of RMS.
- (4) A person on board a power-driven vessel that is making way must not sit on, ride on or hang onto a swim ladder, swim platform or transom attached to the vessel, except with the written approval of RMS.
- (5) This clause does not apply to a person who is:
 - (a) anchoring, fishing, mooring or casting off, or
 - (b) involved in any activity relating to securing the safety of any person or property,

or

(c) the operator of, or a passenger on, a personal watercraft.

(6) In this clause, a reference to a vessel making way is a reference to the vessel being underway and propelled by the vessel's machinery.

Maximum penalty: 50 penalty units.

8A Directions to ensure safety of commercial vessel

- (1) An authorised person for a commercial vessel may give a direction to a person not to board or remain on board the vessel if the authorised person is of the opinion that the direction is necessary to ensure that the maximum number of persons that the vessel is authorised to carry is not exceeded.
- (2) An authorised person for a commercial vessel may give a direction to a person not to enter or remain in a part of the vessel if the authorised person is of the opinion that the direction is necessary to ensure that the maximum number of persons authorised to be carried in that part of the vessel is not exceeded.
- (3) An authorised person for a commercial vessel may give a direction to a person who is a passenger or special personnel on the vessel to move to or from a part of the vessel, or cease an activity in which the person is engaged on the vessel, if the authorised person is of the opinion that the direction is necessary to ensure the proper and orderly management, operation or navigation of the vessel.
- (4) A person must not fail to comply with any reasonable direction given to the person under this clause.

Maximum penalty: 50 penalty units.

- (5) An authorised person may not give a direction under this clause to a relevant officer who is exercising his or her functions as a relevant officer.
- (6) In this clause:

authorised person for a commercial vessel means a person on board the vessel who is concerned in the navigation, operation or management of the vessel and includes, for the purposes of subclauses (1) and (2), a person who is concerned in the conduct of operations at the berth of the vessel.

relevant officer means:

- (a) a police officer, or
- (b) an officer of a Department of the New South Wales Government or the Commonwealth Government, or

- (c) an officer of a statutory authority created under the law of New South Wales or of the Commonwealth.

8B Offences by passengers and others on commercial vessels

- (1) A passenger on a commercial vessel must not:
 - (a) be in a part of the vessel if there is a notice displayed at each place on the vessel designed for entry to that part that prohibits the passenger's entry to that part, or
 - (b) be on any roof, awning or mast on the vessel.
- (2) A person on a commercial vessel must not:
 - (a) obstruct a person engaged in the navigation or other operation of the vessel, or
 - (b) wilfully damage, or use for a purpose for which it was not intended, any part of the vessel or any equipment on the vessel, or
 - (c) remove, damage or deface any sign or notice on the vessel that relates to the vessel's safe and proper use or any survey plate.

Maximum penalty: 50 penalty units.

Division 4 Provisions relating to operation and securing of vessels

9 General provisions that apply to operation of vessels

- (1) The operator of a vessel must not drive the vessel through the space provided by the lifting or lateral movement of the opening span of a bridge unless the vessel is a power-driven vessel or is being towed or pushed by a power-driven vessel.
- (2) The operator of a vessel must not cause wash that damages or impacts unreasonably on:
 - (a) any dredge or floating plant, or
 - (b) any construction or other works in progress, or
 - (c) any bank, shore or waterside structure, or
 - (d) any other vessel, including a vessel that is moored.
- (3) The operator of a vessel approaching a dredge or other vessel restricted in its ability to manoeuvre must pass on the side of the dredge or vessel that is displaying the shapes or lights indicating safe passage as specified in Rule 27 and clause 4 of Annex I in Schedule 2.

Maximum penalty: 50 penalty units.

10 Speed restriction where persons under 18 years on vessel

- (1) The operator of a vessel must not operate the vessel at a speed of more than 60 knots if any person under the age of 18 years is on board the vessel.

Maximum penalty: 50 penalty units.

- (2) This clause does not apply to a vessel operated in accordance with an aquatic licence.

11 Requirements in relation to engine power rating

The owner and master of a vessel are each guilty of an offence if the vessel is operated while having a motor that exceeds:

- (a) the power rating specified for the vessel by the manufacturer, or
- (b) if there is no power rating specified for the vessel by the manufacturer or the power rating is not apparent:
 - (i) in the case of a vessel with an outboard motor, the maximum power capacity as calculated in accordance with section 2.6 of AS 1799.1—2009 *Small craft—General requirements for power boats*, or
 - (ii) in any other case, the power rating (if any) approved by RMS for vessels of that kind.

Maximum penalty: 50 penalty units.

12 Requirements when towing or pushing a vessel or object

The operator of a vessel engaged in towing or pushing another vessel or object must ensure that the vessel or object being towed or pushed is:

- (a) safely secured to the towing or pushing vessel during the period of the tow, and
- (b) positioned so that the vessel or object, or anything on the vessel or object, does not obscure visibility from the towing or pushing vessel unless a person appropriately positioned is providing safety instructions to the operator.

Maximum penalty: 50 penalty units.

13 Waters in which kitesurfing and sailboarding prohibited

- (1) A person must not engage in kitesurfing in any waters specified in Part 1 of Schedule 3.
- (2) A person must not engage in sailboarding in any waters specified in Part 2 of Schedule 3.

Maximum penalty: 50 penalty units.

14 Exemptions from notices prohibiting or regulating operation of vessels

- (1) The following vessels are exempt from compliance with a notice displayed under section 11 of the Act:
 - (a) a vessel operated by a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions,
 - (b) a vessel operated in waters or in a manner that does not comply with the notice in order to avoid an immediate risk of injuring persons or damaging property.
- (2) A vessel that is not a power-driven vessel is exempt from compliance with a notice displayed under section 11 of the Act to the extent that the notice contains restrictions on the speed of vessels.

Division 5 Provisions relating to obstruction of navigation

15 Obligation on operators if vessels cause an obstruction to navigation

If a vessel or any equipment associated with a vessel is a potential obstruction to navigation (within the meaning of section 16 of the Act) or danger to other vessels, the operator of the vessel must ensure that adequate warning is given to other vessel operators of the potential obstruction or danger.

Maximum penalty: 50 penalty units.

16 Obstruction of fairways and channels

The operator of a vessel must not:

- (a) obstruct, or restrict or impede access to, any fairway or channel, or
- (b) obstruct the approach to, or restrict or impede the proper use of, any wharf, jetty or other landing place, or any boatshed, slip, launching ramp or courtesy or emergency mooring.

Maximum penalty: 50 penalty units.

17 Restrictions on obstructing vessels

A person must not obstruct or in any way impede:

- (a) the launching, removal from the water or securing of a vessel, or
- (b) the handling of cargo or the embarking or disembarking of passengers in respect of a vessel, or
- (c) the safe navigation of a vessel.

Maximum penalty: 50 penalty units.

18 Restrictions on causing an obstruction, danger or nuisance with objects

- (1) A person must not cause any object or apparatus to float on, extend over or be in any navigable waters if it:
 - (a) obstructs, or is likely to obstruct, navigation, or
 - (b) causes, or is likely to cause, nuisance or danger to any person, or
 - (c) causes, or is likely to cause, damage to any property.
- (2) A person must not throw or otherwise project into, or cause to extend over or into, any navigable waters any object or apparatus that:
 - (a) obstructs, or is likely to obstruct navigation, or
 - (b) causes, or is likely to cause, any nuisance or danger to any person, or
 - (c) causes, or is likely to cause, damage to any property.

Maximum penalty: 50 penalty units.

19 Lighting and marking obstructions to navigation

- (1) In this clause, ***obstruction to navigation*** has the same meaning as in section 16 of the Act.
- (2) The owner of any obstruction to navigation must ensure that it is marked and lit so that it does not cause a danger to navigation.
- (3) RMS may, in writing, direct the owner of an obstruction to navigation to mark or light the obstruction in the time and manner specified in the direction and to maintain the marking or lighting in good condition.
- (4) The owner of an obstruction to navigation to whom a direction is given under subclause (3) must comply with that direction.
- (5) The owner of an obstruction to navigation to whom a direction is given under subclause (3) must notify RMS as soon as the owner becomes aware of any defect in relation to the marking or lighting of the obstruction.
- (6) If the owner of any obstruction to navigation fails to comply with a direction under subclause (3), RMS may take action to cause the obstruction to be marked or lit.
- (7) RMS may recover as a debt in a court of competent jurisdiction the reasonable costs and expenses incurred by RMS in the exercise of its powers under subclause (6) from the owner of the obstruction to navigation.

Maximum penalty: 50 penalty units.

20 Disposal of obstructions to navigation

- (1) The Minister may dispose of any obstruction to navigation removed under section 16 of the Act in accordance with this clause.

Note—

Section 16 of the Act enables the Minister to direct the owner or person responsible for an obstruction to navigation to remove the obstruction. If the person fails to do so, the Minister may remove or authorise the removal of the obstruction.

- (2) The Minister is to take reasonable steps to determine who is the owner or person responsible for the obstruction to navigation unless the obstruction has been destroyed as referred to in section 16 (3) of the Act or the Minister considers the obstruction has no appreciable market value.
- (3) If the Minister considers that the obstruction to navigation has no appreciable market value, the Minister may direct that the obstruction be disposed of, kept, repaired or treated in any way that the Minister considers appropriate.
- (4) If the Minister considers that the obstruction to navigation has some appreciable market value, the obstruction is to be returned to a person who:
 - (a) establishes to the satisfaction of the Minister that the person is the owner or person responsible for the obstruction, and
 - (b) pays to the Minister the amount of reasonable costs and expenses incurred by the Minister as referred to in section 16 (5) of the Act.
- (5) If the Minister is unable to establish who is the owner or person responsible for the obstruction to navigation or recover the amount of reasonable costs and expenses incurred by the Minister, the Minister may, after a reasonable period of time has passed, sell or otherwise dispose of the obstruction or keep the obstruction.
- (6) The proceeds of any sale referred to in subclause (5) are to be applied towards reducing the amount of reasonable costs and expenses incurred by the Minister. If those proceeds are more than that amount and the Minister has established who is the owner or person responsible for the obstruction to navigation, the balance remaining after that amount is deducted is to be paid to that person on application in writing by that person.

21 Restrictions in relation to lighthouses, navigation aids, vessels and installations

- (1) A person must not, without lawful authority:
 - (a) be on or in or damage or interfere with any lighthouse, lightship or dolphin, or
 - (b) secure any vessel to any navigation aid or bridge.
- (2) A person must not, without lawful authority:

- (a) be within 30 metres of any moored or anchored seagoing ship, sunken or stranded vessel, moored or anchored dredge, floating crane or plant, or site on which construction work is being carried on by or for RMS or any other public or local authority, or
 - (b) be within 100 metres of any wharf or installation used for the shipment, unshipment or storage of any oil, inflammable liquids, dangerous goods or explosives.
- (3) Subclause (2) does not apply to:
- (a) a person or a class of persons authorised to enter or be in the area by an officer of RMS, the owner or master of the vessel concerned or a person in charge of the plant, site, installation, wharf or site concerned, or
 - (b) a person on board a vessel that is operated by a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions, or
 - (c) a person who is within the distances referred to in that subclause because of an emergency or in order to avoid an immediate risk of injuring persons or damaging property.
- (4) A person must not, without lawful authority:
- (a) climb onto or attach oneself to a vessel in navigable waters, or
 - (b) assist any person to climb onto or attach himself or herself to any vessel in navigable waters.
- (5) Despite subclause (2) (a), a person, whether or not conveyed in a vessel, must not, in navigable waters, be any closer than:
- (a) 200 metres from the bow and 60 metres from the sides and stern of a naval vessel that is underway, or
 - (b) 60 metres from a naval vessel that is moored, anchored or berthed.
- (6) Subclause (5) does not apply to:
- (a) a person on board a vessel that has the consent of the master of the naval vessel concerned to be closer than the distances specified in that subclause, or
 - (b) a person on board a ferry providing a regular passenger service (within the meaning of the *Passenger Transport Act 1990*) that is on its usual route or timetable for the day, or
 - (c) a person (whether or not on board a vessel) who is within the distances referred to in that subclause because of an emergency or in order to avoid an immediate risk of injuring persons or causing significant damage to property.

Maximum penalty: 100 penalty units.

22 Restrictions on interfering with machinery, safety equipment and securing vessels

- (1) A person must not cut, break, destroy, cast off, untie or detach any rope, cable, chain or other means by which a vessel is secured, unless authorised to do so by the owner or operator of the vessel.
- (2) A person must not untie or detach any safety equipment located in the vicinity of navigable waters except for the purpose of securing the safety of any person or preventing the loss of, or damage to, any property.

Maximum penalty: 50 penalty units.

Division 6 Speed limits for certain areas

23 Application of Division

- (1) Clauses 24–26 apply to vessels of 30 metres or more in length, except for the following:
 - (a) ferries providing regular passenger services (within the meaning of the *Passenger Transport Act 1990*), including ferries being brought into position for the provision of those services,
 - (b) a vessel operated by a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.
- (1A) Clause 26A applies to all vessels, except a vessel operated by a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.
- (2) Nothing in this Division requires a person to operate a vessel in waters to which a notice under section 11 of the Act applies at a speed lower than any speed restriction imposed by the notice.

24 Speed limit for Port of Sydney Central Area

- (1) This clause applies to the navigable waters between a line from the stone pillar at Bradley's Head to Hermit Point and a line from Balls Head to Ballast Point.
- (2) A person must not operate a vessel in navigable waters to which this clause applies at a speed of more than 10 knots.

Maximum penalty (subclause (2)): 10 penalty units.

25 Speed limit for Port of Sydney Northern Area

- (1) This clause applies to the navigable waters between a line from Inner South Head to Inner North Head and a line from the stone pillar at Bradley's Head to Hermit Point

and including Middle Harbour and North Harbour.

- (2) A person must not operate a vessel in navigable waters to which this clause applies at a speed of more than 12 knots.

Maximum penalty (subclause (2)): 10 penalty units.

26 Speed limit for Port of Sydney Western Area

- (1) This clause applies to the navigable waters of the Port of Sydney including all rivers and creeks connecting with the Port west of a line from Balls Head to Ballast Point extending to Silverwater Bridge.

- (2) A person must not operate a vessel in navigable waters to which this clause applies at a speed of more than 6 knots.

Maximum penalty (subclause (2)): 10 penalty units.

26A Speed limit of 8 knots

- (1) This clause applies to the navigable waters of Sydney Cove within the meaning of Schedule 3A.

- (2) A person must not operate a vessel in Sydney Cove at a speed of more than 8 knots.

Maximum penalty: 50 penalty units.

Division 7 Requirements relating to distances between vessels and other objects

27 Meaning of “safe distance”

For the purposes of this Division, a **safe distance** between a vessel and a person or thing (including another vessel) is a distance that will ensure that the vessel will not cause danger or injury to the person, or damage to the thing, having regard to all relevant safety factors, including weather conditions at the time, visibility, speed of the vessel and obstructions to navigation that are present.

28 Minimum distances to be maintained

- (1) The operator of a vessel (other than a parasailing vessel) that is travelling at a speed of 10 knots or more or that is towing a person by any means on, over or under water must ensure that the vessel, any towing equipment and any person being towed maintain:

- (a) a distance of not less than 60 metres from persons in or on the water and vessels (except power-driven vessels or vessels that are towing persons) or, if that is not possible, a safe distance, and

(b) a distance of not less than 30 metres from power-driven vessels (except vessels that are towing persons), land, structures, moored or anchored vessels and other things or, if that is not possible, a safe distance, and

(c) a safe distance from any vessel that is towing a person.

Maximum penalty: 50 penalty units.

(2) The operator of a parasailing vessel must ensure that the vessel, any towing equipment and any person being towed maintain a distance of at least 200 metres from any other vessel and any overhead structure or apparatus erected or suspended above navigable waters.

Maximum penalty: 50 penalty units.

29 Restrictions in or near swimming areas

(1) A person must not operate a vessel in a swimming area unless permitted to do so by a notice erected or authorised to be erected by the Minister.

(2) A person must not operate a power-driven vessel within 60 metres of a swimming area unless permitted to do so by a notice erected or authorised to be erected by the Minister.

(3) A person must not use a vessel to tow another person by any means if the other person is in, or within 60 metres of, a swimming area.

(4) Subclauses (1)–(3) do not apply to a vessel that is operated by a local council, Surf Life Saving New South Wales or professional lifeguards for the purpose of undertaking rescues or surf rescue training or patrolling.

(5) For the purposes of this clause, a **swimming area** means:

(a) in the case of surf beaches—the area of navigable waters designated for use by swimmers by the display of surf patrol flags or signs erected by a public or local authority authorised to do so, being an area having boundaries comprising:

(i) the shore between the flags or signs, and

(ii) imaginary lines running from the flags or signs perpendicular to the shore for a distance of 500 metres from the shore (or for such shorter distance from the shore as is indicated on the flags or signs), and

(iii) an imaginary line running between the ends of those lines, or

(b) in any other case—any area of navigable waters designated for use by swimmers by the display of signs erected by a public or local authority authorised to do so, being an area having boundaries comprising:

- (i) the shore between the signs (or, if 3 or more such signs are erected on the shore, the shore between the 2 outermost signs), and
- (ii) imaginary lines, running from the signs, perpendicular to the shore for a distance of 60 metres from the shore (or for such shorter distance from the shore as is indicated on the signs), and
- (iii) an imaginary line running between the ends of those lines.

Maximum penalty: 50 penalty units.

30 Special provisions for vessels in the vicinity of vessels operating in chains

The operator of a vessel that is passing or crossing a vessel in chains that is underway must:

- (a) operate at a speed of 4 knots or less when within 100 metres of the chains, ropes or cables being used by the vessel in chains, and
- (b) disengage power when crossing the chains, ropes or cables being used by the vessel in chains, except when it is unsafe to do so, and
- (c) pass at a safe distance astern from the vessel in chains.

Maximum penalty: 50 penalty units.

Division 8 Towing of persons

31 Restriction on number of persons that can be towed

The operator of a vessel must not tow more than 3 persons at the same time (regardless of the number of devices used or their capacity), except with the written approval of RMS or in accordance with an aquatic licence.

Maximum penalty: 50 penalty units.

32 Restriction on time of day when towing can occur

The operator of a vessel must not tow any person between sunset and sunrise, except with the written approval of RMS or in accordance with an aquatic licence.

Maximum penalty: 50 penalty units.

33 Observer requirements

(1) The operator of a vessel must not tow any person unless:

- (a) the operator has designated another person who is on board the vessel to act as an observer in accordance with this clause, and
- (b) the operator has explained the duties of an observer (as set out in subclause (3))

to the other person, and

(c) the other person is qualified to act as an observer, and

(d) the other person is not under the influence of alcohol or a drug.

(2) For the purposes of subclause (1) (c), a person is qualified to act as an observer if that person:

(a) has attained the age of 16 years, or

(b) is the holder of a young adult boat driving licence or a young adult personal watercraft driving licence.

(3) An observer has the following duties:

(a) to face and watch the person being towed,

(b) to report to the operator of the vessel all matters affecting the safety of the person being towed and the safety of any other person affected by the towing operation.

(4) Subclause (1) does not apply to a personal watercraft in any of the following circumstances:

(a) while the personal watercraft is operated by Surf Life Saving New South Wales or professional lifeguards for the purpose of undertaking rescues or surf rescue training,

(b) while the personal watercraft is being operated in open waters for tow-in surfing and there are no paddle surfboard riders present, so long as the conditions set out in subclause (5) are being complied with.

(5) For the purposes of subclause (4) (b), the following conditions must be complied with:

(a) the personal watercraft must be equipped with:

(i) a quick release floating tow rope with a minimum length of 7 metres, and

(ii) a two-way communication device, and

(iii) a rescue sled, and

(iv) a second kill switch lanyard wrapped around the handlebars, and

(v) a toolkit, and

(vi) a bow tow-line with a minimum length of 7 metres, and

(b) the operator of the vessel:

- (i) must hold a current first aid certificate, and
 - (ii) must have passed a course or examination approved by RMS for the purposes of this paragraph, and
 - (iii) must carry dive fins and a safety knife on his or her person, and
 - (iv) must give right of way to all other boating and recreational activities, and
 - (v) must remain at least 200 metres from all other vessels and persons in the water, and
 - (vi) must not tow more than one person at a time, and
- (c) in a case where the personal watercraft is being operated for tow-in surfing, the surfboard rider:
- (i) must hold a current personal watercraft driving licence, and
 - (ii) must hold a current first aid certificate, and
 - (iii) must wear an appropriate lifejacket, and
 - (iv) must have passed a course or examination approved by RMS for the purposes of this paragraph.

Maximum penalty: 50 penalty units.

34 Responsibilities in relation to trailing equipment

The operator of a vessel must ensure that any rope, object or other apparatus trailing from the vessel does not cause any obstruction to navigation, danger to any person or damage to any property.

Maximum penalty: 50 penalty units.

35 Tow rope and towing device requirements

- (1) The operator of a power-driven vessel must ensure that the tow rope or towing device used to tow a person ensures that the person being towed is not less than 7 metres behind the vessel.

Maximum penalty: 50 penalty units.

- (2) This clause does not apply if:
- (a) the tow rope or towing device used to tow a person is a training bar, and
 - (b) the person, while being towed, is:
 - (i) learning how to barefoot ski or use a water ski or similar device, and

(ii) at least one metre from the side of the vessel, and

(iii) at least one metre forward of the vessel's exhaust port.

(3) In this clause, **training bar** means a metal bar or pole that:

(a) is fitted to a vessel and extends perpendicular to the centreline of the vessel, and

(b) can be held directly or by means of a short rope by a person being towed.

Division 9 Personal watercraft

36 Personal watercraft behaviour label

The owner of a personal watercraft must ensure that the personal watercraft is not operated by any person unless it has a behaviour label firmly affixed to it that:

(a) is issued by RMS, and

(b) is not in any way defaced, obliterated or concealed, and

(c) is clearly visible from the steering position at all times.

Maximum penalty: 20 penalty units.

Note—

A behaviour label is a label that contains a description of certain requirements to be complied with under the Act or this Regulation.

37 Personal watercraft excluded from Sydney Harbour and its tributaries

(1) The operator of a personal watercraft must not operate the personal watercraft on any navigable waters in a personal watercraft exclusion zone.

Maximum penalty: 50 penalty units.

(2) The owner of a personal watercraft must not permit a person to operate the personal watercraft on any navigable waters in a personal watercraft exclusion zone.

Maximum penalty: 50 penalty units.

(3) Subclauses (1) and (2) do not apply to a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.

(4) A person who commits an offence under subclause (1) is disqualified from holding or obtaining a boat driving licence:

(a) for the first such offence—for a period of 2 years after the commission of the offence, or

(b) for the second such offence—for a period of 4 years after the commission of the

offence, or

(c) for the third or subsequent such offence—at any time during the life of the person.

The disqualification is in addition to any penalty imposed for the offence.

- (5) Subject to subclause (6), the Minister may at any time remove, or reduce the period of, a disqualification imposed by subclause (4).
- (6) A disqualification imposed by subclause (4) does not operate to the extent to which it is inconsistent with any order of a court, or any decision of the Minister under section 38 of the Act, that disqualifies the person concerned from holding or obtaining a licence.
- (7) For the purposes of subclause (4), a person is taken to have committed an offence:
- (a) at the time that the person is found guilty of the offence by a court, or
 - (b) at the time that the person pays the penalty required by a penalty notice served on the person under section 126 of the Act in respect of the alleged offence (or if the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

(8) In this clause:

personal watercraft includes a propeller driven vessel that is designed to be operated by a person standing, sitting astride or kneeling on the vessel.

personal watercraft exclusion zone means the waters of Port Jackson, and includes the waters of all tidal bays, rivers and their tributaries connected or leading to Sydney Harbour bounded by high-water mark and lying to the west of a line commencing at the southernmost point of North Head and running to the northernmost point of South Head.

38 Operation of personal watercraft at any speed

- (1) A person must not operate a personal watercraft in an irregular manner on any navigable waters in the personal watercraft restriction zone that are within 200 metres of a river bank or shore.

Maximum penalty: 50 penalty units.

- (2) A person must not operate a personal watercraft in an irregular manner on any navigable waters outside the personal watercraft restriction zone that are within 200 metres of a river bank or shore, if one or more dwellings are:
- (a) located on land within 200 metres of the river bank or shore adjacent to the waters, and

(b) visible from those waters.

Maximum penalty: 50 penalty units.

(3) This clause does not apply to any of the following:

(a) the operator of a personal watercraft that is towing a person,

(b) a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.

(4) In this clause, ***operating a personal watercraft in an irregular manner*** means:

(a) driving it in a circle or other pattern, or

(b) weaving or diverting, or

(c) surfing down, or jumping over or across, any swell, wave or wash,

but does not include making any necessary jump, turn or diversion.

(5) In this clause, ***personal watercraft restriction zone*** means the waters (including any tributaries) of Avoca Lake, Botany Bay, Brisbane Water, Broken Bay, Bulbararing Lagoon, Cockrone Lagoon, Cooks River, Dee Why Lagoon, Georges River, Hawkesbury River, Manly Reservoir, Manly Lagoon, Narrabeen Lakes, Nepean River, Port Hacking, Prospect Reservoir, Terrigal Lagoon, Wamberal Lagoon and Woronora River (but does not include any open waters).

39 Operation of personal watercraft between sunset and sunrise

(1) A person must not operate a personal watercraft in navigable waters between sunset and sunrise, except with the written approval of RMS or in accordance with an aquatic licence.

(2) The owner of a personal watercraft must not permit a person to operate the personal watercraft in navigable waters between sunset and sunrise unless the watercraft is operated with the written approval of RMS or in accordance with an aquatic licence.

(3) This clause does not apply to a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.

Maximum penalty: 50 penalty units.

Division 10 Safe loading of vessels

40 Application of Division

This Division does not apply to the following vessels:

(a) a personal watercraft,

- (b) a vessel propelled by oars or paddles and that does not have an engine,
- (c) a vessel used solely for the purpose of racing or competition,
- (d) a sailing vessel with or without an engine,
- (e) a commercial vessel operating in accordance with a certificate of survey in force under the National law,
- (f) a vessel that has been in State waters for less than 3 months and:
 - (i) that is not ordinarily operated in State waters, and
 - (ii) that is registered under the law of another State or Territory or of another country, and
 - (iii) that is operated in accordance with the requirements (if any) of the law of that State, Territory or country relating to the maximum safe loading level of vessels, the labelling of vessels in relation to maximum safe loads and the maximum number of persons that the vessel may carry.

41 Maximum safe loading level of certain vessels

- (1) The owner of a vessel must ensure that a label (a **safety label**) that complies with this clause is affixed to the vessel in accordance with this clause.
Maximum penalty: 50 penalty units.
- (2) The safety label must be in a form approved by RMS.
- (3) The safety label must show the maximum safe load (comprising the total weight of persons and equipment) that the vessel may carry in calm water, or the maximum number of persons the vessel may carry in calm water, and such other safety information as determined by RMS.
- (4) The information to be displayed on the safety label relating to the maximum safe load and maximum number of persons that the vessel may carry must be calculated in accordance with:
 - (a) Australian Standard AS 1799.1—1992, *Small Pleasure Boats Code, Part 1: General requirements for power boats* as in force from time to time, or
 - (b) a standard approved in writing by RMS, or
 - (c) the ABP Standard (within the meaning of Part 3).
- (5) The safety label must be firmly affixed to the vessel:
 - (a) in a position that is clearly visible from each steering position on the vessel and complies with any instructions on the label relating to positioning, or

(b) in such other position as is approved in writing by RMS.

(6) The safety label must not be defaced, obliterated or concealed.

(7) The owner and operator of a vessel must ensure that:

(a) the vessel is not loaded with persons or equipment (or both), the total weight of which exceeds the maximum safe load displayed on the safety label, and

(b) the number of persons on the vessel does not exceed the maximum number of persons the vessel may carry, as displayed on the safety label.

Maximum penalty (subclause (7)): 50 penalty units.

(8) In calculating the number of persons on board a vessel for the purposes of this clause, children under the age of one year are to be disregarded.

Part 2A Special safety requirements for certain waters and vessels

Division 1 Navigation requirements for commercial adventure vessels

41A Definitions

In this Division, ***commercial adventure vessel*** means a Class 1 or Class 2 commercial vessel used for the purposes of providing high speed adventure or thrill rides for passengers.

41B Speed requirements for commercial adventure vessels in Port Jackson waters

(1) The master of a commercial adventure vessel must not operate the vessel in Port Jackson at a speed exceeding:

(a) 20 knots in the waters west of a straight line drawn between the starboard lateral marker at Bradley's Head and Woollahra Point, or

(b) 30 knots in the waters east of that line.

Maximum penalty: 50 penalty units.

(2) This clause does not apply to the following waters:

(a) Sydney Cove,

(b) any of the waters of Port Jackson for which a notice is displayed in accordance with section 11 of the Act that imposes restrictions on the speed of vessels in those waters.

Note—

Clauses 23 (1A) and (2) and 26A contain provisions relating to speed limits for Sydney Cove.

41C Navigation requirements for commercial adventure vessels operating in irregular manner

- (1) The master of a commercial adventure vessel must ensure that, when operating the vessel in an irregular manner, the vessel maintains:
 - (a) a distance of not less than 200 metres from any person in the water, and
 - (b) a distance of not less than 200 metres from any other vessel, and
 - (c) a distance of not less than 100 metres from any fixed object, and
 - (d) when coming to an abrupt stop, a distance of at least 500 metres in front of any ferry that is underway on the same path.

Maximum penalty: 50 penalty units.

- (2) In this clause, ***operating a vessel in an irregular manner*** means:
 - (a) driving it in a circle or other pattern, or
 - (b) weaving or diverting, or
 - (c) surfing down, or jumping over or across, any swell, wave or wash,but does not include making any necessary jump, turn or diversion.

Division 2 Requirements for navigation in the vicinity of Lord Howe Island

41D Navigation requirements for certain vessels

- (1) The owner and master of a Class 1 or Class 2 commercial vessel are each guilty of an offence if the vessel departs Lord Howe Island and is operated in open waters:
 - (a) between sunset and sunrise, or
 - (b) when the wind speed exceeds 25 knots, or
 - (c) when the wind is in the segment 150 degrees to 320 degrees and exceeds 21 knots.

Maximum penalty: 50 penalty units.

- (2) The owner and master of a Class 1 or Class 2 commercial vessel are each guilty of an offence if the vessel is operated in enclosed waters within Lord Howe Island Lagoon between sunset and sunrise and for the whole period during which the vessel is operated:
 - (a) the wind speed exceeds 15 knots, or

(b) tidal conditions do not exceed 300 millimetres from the low water mark.

Maximum penalty: 50 penalty units.

Division 3 Requirements for navigation in Sydney Cove

41E Requirements for master of vessel operating in Sydney Cove

The master of a vessel must ensure that the requirements of Schedule 3A are complied with in relation to the vessel.

Maximum penalty: 50 penalty units.

Part 3 Requirements relating to builders plates for certain recreational vessels

Division 1 Preliminary

42 Definitions

In this Part:

ABP Standard means the standard entitled *National Standard for the Australian Builders Plate for Recreational Boats*, published under the authority of the Ministers comprising the Australian Transport Council, and as in force from time to time.

builders plate means a plate fixed to a vessel displaying information about the vessel.

owner builder of a vessel means a natural person who builds the vessel for the person's own use.

second hand vessel means a vessel that has been used otherwise than as follows:

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

sell includes:

- (a) supply for sale, or
- (b) supply in furtherance of a trade or business, or
- (c) offer or display for sale.

43 Application of this Part

- (1) This Part applies to all vessels except the following vessels:
 - (a) a second hand vessel,
 - (b) an amphibious vehicle, being a vessel that is also a motor vehicle and that is required to be registered within the meaning of the *Road Transport Act 2013*,
 - (c) a canoe, kayak or surf ski or similar vessel designed to be powered by paddle,
 - (d) a pedal powered boat,
 - (e) a personal watercraft that complies with subclause (3),
 - (f) a rowing shell used for racing or rowing training,
 - (g) a sailboard or sail kite or other similar vessel,
 - (h) a surf row boat,
 - (i) a hydrofoil or hovercraft,
 - (j) a sailing vessel, being a vessel that has sail as the primary means of propulsion, with or without an auxiliary means of mechanical propulsion,
 - (k) a submersible, being a powered vessel capable of submerging or operating underwater such as a submarine,
 - (l) an aquatic toy, being an object designed primarily for play in or on water, for example:
 - (i) an object designed solely to be towed behind a recreational vessel, and
 - (ii) an inflatable boat to which ISO 6185 *Inflatable boats*, as in force from time to time, does not apply,
 - (m) an inflatable boat to which ISO 6185 *Inflatable boats*, as in force from time to time, applies and which complies with subclause (4),
 - (n) a vessel that is required to be surveyed under the Act,
 - (o) a vessel used only for the purpose of racing in organised events.
- (2) This Part does not apply to a vessel that, before 1 July 2006, had reached a stage of construction of having the keel laid or a stage of construction at which:
 - (a) the vessel was identifiable as a vessel of a particular type, and
 - (b) a part of the vessel had been fabricated and assembled that had a mass of at least 50 tonnes or one per cent of the mass of all structural material of the

proposed completed vessel, whichever is the lesser.

- (3) This Part does not apply to a vessel that is a personal watercraft if:
- (a) the following information is written on or attached to the vessel in a clearly visible place:
 - (i) the total weight of persons and equipment that the vessel may carry in calm water (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, or
 - (b) the vessel is designed to carry not more than 2 persons.
- (3A) In calculating the number of persons on board a vessel for the purposes of subclause (3) (b), children under the age of one year are to be disregarded.
- (4) This Part does not apply to a vessel that is an inflatable boat referred to in subclause (1) (m) if the vessel:
- (a) has a plate attached to it in accordance with *European Directive 94/25/EC—Recreational Craft Directive* (as in force from time to time) that certifies that the vessel complies with the requirements of that Directive, or
 - (b) has a plate attached to it in accordance with the requirements of the US National Marine Manufacturers Association set out in the *NMMA Certification Handbook* (as in force from time to time) that certifies that the vessel complies with the requirements of that Handbook.

44 Variation of ABP Standard

For the purposes of this Part, a requirement of the ABP 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 the name of the person referred to in clause 47 who approves the information and the capacity in which the person approves the information.

Division 2 Requirements relating to builders plates

45 Vessel for sale required to have builders plate

A person must not sell a vessel to which this Part applies unless:

- (a) a builders plate is fixed to the vessel in accordance with the ABP Standard, and
- (b) the plate contains the information required by the ABP Standard, and
- (c) the information on the plate is correct at the time of the sale, and

- (d) the plate has been fixed to the vessel in accordance with the requirements of the ABP Standard.

Maximum penalty: 50 penalty units.

46 Builders plate exemptions—available defences

- (1) **Owner builder** It is a defence to a prosecution for an offence against clause 45 if the defendant establishes that the defendant was an owner builder of the vessel concerned and the vessel was sold more than 5 years after it was first used or first registered.
- (2) **Plate already fixed** It is a defence to a prosecution for an offence against clause 45 if the defendant establishes that:
 - (a) the defendant was not the builder of the vessel, and
 - (b) there was a plate fixed to the vessel when it was sold by the defendant and the defendant reasonably believed that the plate was a builders plate for the vessel, and
 - (c) the defendant had no reason to believe that the information on the plate was incorrect, and
 - (d) the defendant was not aware of any modification of the vessel that would affect the accuracy of the information on the plate.
- (3) **Vessels for export** It is a defence to a prosecution for an offence against clause 45 if the defendant establishes that the vessel was to be exported overseas.

47 Persons authorised to approve information on builders plates

For the purposes of this Part, the information on a builders plate fixed to or to be fixed to a vessel may only be approved by any of the following persons:

- (a) the builder of the vessel so long as the builder of the vessel is not an owner builder,
- (b) a person who is approved by RMS for the purposes of this clause,
- (c) a person who imported the vessel into Australia from overseas,
- (d) a person authorised to do so under a corresponding law of another Australian jurisdiction.

48 Offences relating to fixing of builders plates on vessels

- (1) This clause applies to a vessel that is required to have a builders plate fixed to it under this Part when sold in New South Wales.
- (2) A person must not fix a builders plate to a vessel to which this clause applies if:

- (a) the person has reason to believe that the information on the builders plate is incorrect or does not comply with the ABP Standard, or
 - (b) the information on the plate has not been approved by a person referred to in clause 47.
- (3) A person must not alter the information on a builders plate that is fixed to a vessel to which this clause applies if:
- (a) the person has reason to believe that the information will be incorrect if so altered or will not comply with the ABP Standard, or
 - (b) the information as so altered has not been approved by a person referred to in clause 47.

Maximum penalty: 50 penalty units.

49 Offence relating to approval of information on builders plates

A person must not approve any information on a builders plate fixed to, or to be fixed to, a vessel that is required to have a builders plate fixed to it under this Part when sold in New South Wales unless:

- (a) the person is a person referred to in clause 47, and
- (b) the information is correct and complies with the ABP Standard.

Maximum penalty: 50 penalty units.

50 Builders plate not to be altered unless authorised

A person must not alter, deface, conceal, remove or obliterate a builders plate that is fixed to a vessel in accordance with this Part unless the person is, or is authorised to do so by, a person referred to in clause 47.

Maximum penalty: 50 penalty units.

51 Vessel may not be registered without builders plate

RMS may refuse to register for the first time a vessel to which a builders plate is required to be fixed under this Part when sold in New South Wales if:

- (a) a builders plate is not fixed to the vessel in accordance with the ABP Standard, or
- (b) RMS has reason to believe the information on a builders plate fixed to the vessel is incorrect.

Part 4 Marine safety licences

Division 1 General provisions

51A Definitions

In this Part:

marine pilotage code means the NSW Marine Pilotage Code as in force from time to time and published by the Minister on the website of Transport for NSW.

Note—

The website of Transport for NSW is www.transport.nsw.gov.au.

port authority means:

- (a) in the case of Newcastle Harbour—the Newcastle Port Corporation, or
- (b) in the case of Port Kembla Inner and Outer Harbours—the Port Kembla Port Corporation, or
- (c) in the case of Botany Bay and Sydney Harbour—the Sydney Ports Corporation, or
- (d) in the case of the ports of Eden and Yamba—the Minister.

52 Application of Part and declaration of certain marine safety licences

(1) This Part applies to the following marine safety licences:

- (a) a vessel registration certificate—being a marine safety licence for a vessel that is required by Division 2 of Part 5 of the Act,
- (b) a boat driving licence—being a marine safety licence to operate a power-driven recreational vessel that is required by Division 5 of Part 5 of the Act,
- (c) an aquatic licence declared to be a marine safety licence by subclause (2),
- (d) a marine pilot's licence—being a marine safety licence to act as pilot of a vessel in any port that is required by Part 6 of the Act,
- (e) a marine pilotage exemption certificate—being a marine safety licence exempting a vessel from compulsory pilotage under Part 6 of the Act,
- (f) a certificate of local knowledge—being a marine safety licence exempting a vessel whose master is the holder of the certificate from compulsory pilotage under Part 6 of the Act,
- (g) a bar crossing licence declared to be a marine safety licence by subclause (2).

(2) For the purposes of all of the provisions of the Act, the following licences are declared

to be marine safety licences under section 29 (h) of the Act:

- (a) an aquatic licence,
- (b) a bar crossing licence.

53 Applications for marine safety licences

- (1) An application for a marine safety licence must:
 - (a) be made to the Minister in the approved form, and
 - (b) be accompanied by the particulars and documents required by the Minister (including, for example, medical assessments), and
 - (c) be accompanied by such proof of identity documentation as is required by the Minister, and
 - (d) be accompanied by the relevant fee, and
 - (e) comply with any other requirements of this Part in relation to applications for the type of marine safety licence concerned.
- (2) A reference in this Division to an application for a marine safety licence includes a reference to an application for a further marine safety licence whether or not made before or after the expiry of the previous licence.
- (3) The Minister may waive any of the requirements of this Regulation in relation to an application for a further marine safety licence.

53A Eligibility for licence

- (1) A marine safety licence may be granted only to a natural person.
- (2) Subclause (1) does not apply to the following marine safety licences:
 - (a) a vessel registration certificate,
 - (b) an aquatic licence.
- (3) A marine safety licence may be granted only to a single natural person or other legal entity.

54 Refusal to issue marine safety licence

- (1) An application for a marine safety licence may be refused in any of the following circumstances:
 - (a) if any information provided by the applicant is found to be false or misleading in a material particular or is, in the opinion of the Minister, inadequate to enable the application to be assessed properly,

- (b) if the applicant is not, in the opinion of the Minister, a fit and proper person to hold the licence,
 - (c) if the applicant has been issued with a penalty notice in relation to, or been found guilty of, an offence against the marine legislation,
 - (d) in the case of an application for a further licence, if the applicant has failed to comply with any condition of a current or previous licence,
 - (e) in the case of an application for a further licence, if any fees for, or in connection with, a current or previous licence are overdue and have been overdue for a period of at least 14 days,
 - (f) if the Minister determines that it is in the public interest to do so,
 - (g) if the applicant is not eligible for the licence under this Regulation.
- (2) In addition to the circumstances in which the Minister may refuse to issue a licence under subclause (1), the Minister may refuse to issue a vessel registration certificate if:
- (a) the holder of the certificate fails to comply with any of the requirements of Division 2 in relation to the vessel, or
 - (b) the vessel is an unsafe vessel (within the meaning of section 44 of the Act), or
 - (c) the Minister is of the opinion that the vessel may cause damage to any property or the environment, or
 - (d) the holder of the certificate ceases to own the vessel.
- (3) In addition to the circumstances in which the Minister may refuse to issue a licence under subclause (1), the Minister may refuse to issue a boat driving licence if the applicant for the licence is, in the opinion of the Minister, incapable of safely operating a vessel of the type to which the licence relates, or is physically or medically unfit to operate such a vessel.
- (4) If the Minister refuses to issue a marine safety licence, the Minister is to give notice in writing of the decision, and the reasons for the decision, to the applicant concerned.

55 Suspension or cancellation of marine safety licence

- (1) For the purposes of section 38 (1) (c) of the Act, the prescribed circumstances in which the Minister may suspend or cancel a marine safety licence are as follows:
- (a) any information provided by the holder of the licence for the purposes of the marine legislation is found to be false, misleading or inadequate in a material particular,

- (b) the holder of the licence is not, in the opinion of the Minister, a fit and proper person to hold the licence,
 - (c) the holder of the licence has failed to comply with any condition of the licence,
 - (d) the holder of the licence has committed an offence against any provision of the marine legislation or section 52B of the *Crimes Act 1900* or any provision of the law of the Commonwealth or of another State or a Territory that the Minister considers is similar to a provision of the marine legislation or that section,
 - (e) if the Minister determines that it is in the public interest to do so,
 - (f) the holder of the licence requests that the licence be suspended or cancelled.
- (2) In addition to the circumstances in which the Minister may suspend or cancel a licence under subclause (1), the Minister may suspend or cancel a vessel registration certificate if:
- (a) the holder of the certificate fails to comply with any of the requirements of Division 2 or of the Minister in relation to the vessel, or
 - (b) the vessel is an unsafe vessel (within the meaning of section 44 of the Act), or
 - (c) the Minister is of the opinion that the vessel may cause damage to any property or the environment, or
 - (d) the holder of the certificate ceases to own the vessel.
- (3) In addition to the circumstances in which the Minister may suspend or cancel a licence under subclause (1), the Minister may suspend or cancel a boat driving licence if:
- (a) the holder of the licence is, in the opinion of the Minister, incapable of safely operating a vessel of the type to which the licence relates or is physically or medically unfit to operate such a vessel, or
 - (b) the holder of the licence fails to provide any medical or eyesight assessment or report required by the Minister, or
 - (c) the holder of the licence fails to undertake any further courses or seminars required by the Minister, or
 - (d) the holder has had a similar licence or authorisation suspended or cancelled under the laws of the Commonwealth or another State or a Territory for disciplinary reasons.
- (3A) In addition to the circumstances in which the Minister may suspend or cancel a licence under subclause (1), the Minister may suspend or cancel a marine pilot's

licence, a marine pilotage exemption certificate or a certificate of local knowledge if:

- (a) the holder of the licence or certificate is, in the opinion of the Minister, incapable of safely operating a vessel of the type to which the licence or certificate relates or is physically or medically unfit to operate such a vessel, or
 - (b) the holder of the licence or certificate fails to provide any medical or eyesight assessment or report required by the Minister, or
 - (c) the holder of the licence or certificate has failed to satisfactorily complete any further courses or training required by the Minister, or
 - (d) the holder has had a similar licence or certificate suspended or cancelled under the laws of the Commonwealth or another State or a Territory for disciplinary reasons.
- (4) If the Minister suspends or cancels a marine safety licence, the Minister is to give notice in writing of the decision and (except in the case where the holder of the licence has requested the suspension or cancellation) the reasons for the decision to the holder of the licence.
- (5) The suspension or cancellation of a marine safety licence by the Minister (except in accordance with section 111 of the Act) takes effect on the day on which notice of it is given as referred to in subclause (4) or on a later day specified in the notice.
- (6) For the purposes of subclause (1) (d), a person is taken to have committed an offence at the time that the person:
- (a) is found guilty of the offence by a court, or
 - (b) pays the penalty required by a penalty notice served on the person under section 126 of the Act in respect of the alleged offence (or if the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

56 Disqualification of person from holding or obtaining marine safety licence

- (1) The Minister may disqualify a person from holding or obtaining a marine safety licence for a specified period (not exceeding 2 years) if the person has committed an offence against the marine legislation.
- (2) For the purposes of this clause, a person is taken to have committed an offence at the time that the person:
- (a) is found guilty of the offence by a court, or
 - (b) pays the penalty required by a penalty notice served on the person under section

126 of the Act in respect of the alleged offence (or if the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

57 Change of particulars to a marine safety licence

The holder of a marine safety licence must notify RMS in writing, or in another manner acceptable to RMS, of each of the following events within 14 days of the event occurring:

- (a) any change in the licence holder's particulars recorded on the licence, including any change of name or address,
- (b) any change in the vessel particulars recorded on the licence, including any change in the vessel name, proposed use of the vessel or proposed area of operation,
- (c) any change in the vessel's ownership or control, including the date of any such change and the name or address of the person to whom ownership or control has passed,
- (d) any advice received from a medical practitioner that casts doubt on the person's fitness to hold the marine safety licence.

Maximum penalty: 20 penalty units.

58 Issue of replacement marine safety licence or vessel registration label

- (1) If a marine safety licence or vessel registration label is lost, stolen, damaged, destroyed or defaced, the holder of the licence or label must, within 14 days, inform RMS in writing.

Maximum penalty: 20 penalty units.

- (2) RMS may, on payment of the relevant fee, issue a replacement marine safety licence or vessel registration label to a person if satisfied that the person is the holder of a licence or label that has been lost, stolen, damaged, destroyed or defaced.

58A Renewal of marine safety licence

- (1) RMS may send a notice of renewal to the holder of a marine safety licence.
- (2) A notice of renewal is a notice:
 - (a) addressed to a holder of a marine safety licence, and
 - (b) stating that, if the marine safety licence is not renewed on or before a specified date, the marine safety licence will expire.
- (3) If RMS fails to send a notice of renewal, that failure does not affect:

- (a) the expiry of the marine safety licence, or
- (b) the obligation of a holder of a marine safety licence to renew the licence if a licence is required by or under the Act.

59 Return of a marine safety licence or label

- (1) RMS may request in writing the holder of a marine safety licence to return the licence and any specified relevant labels and documentation for a vessel to RMS:
 - (a) to enable amendment of any conditions associated with the licence, or endorsement of conditions on or in association with the licence or label, or
 - (b) for the purpose of issuing a different licence, or
 - (c) if the licence contains a photograph of the holder of the licence and RMS considers that the photograph is no longer a true likeness of the holder, to enable a new photograph to be taken.
- (2) The holder of a marine safety licence to whom a request is made under this clause must not, without reasonable excuse, fail to comply with the request within the time specified in the request.

Maximum penalty (subclause (2)): 20 penalty units.

60 Cheating or forgery

- (1) An applicant for a marine safety licence must not cheat in any examination associated with the marine safety licence.

Maximum penalty: 10 penalty units.

- (2) A person must not:
 - (a) forge a marine safety licence, or
 - (b) alter a marine safety licence without proper authorisation, or
 - (c) use a forged marine safety licence, or
 - (d) use a marine safety licence that has been altered without proper authorisation.

Maximum penalty: 10 penalty units.

- (3) A person who commits an offence under subclause (1) or (2) is disqualified from holding or obtaining any licence under this Part for a period of 12 months after the commission of the offence. The disqualification is in addition to any penalty imposed for the offence.
- (4) A disqualification imposed by subclause (3) does not operate to the extent to which it

is inconsistent with any order of a court, or any decision of the Minister under section 38 of the Act, that disqualifies the person concerned from holding or obtaining a licence.

- (5) For the purposes of subclause (3), a person is taken to have committed an offence at the time that the person is found guilty of the offence by a court.

Division 2 Vessel registration

61 Vessels exempt from registration

- (1) For the purposes of section 50 (3) of the Act, the following classes of vessel are exempt from registration:
- (a) vessels that:
- (i) are not power-driven vessels, and
 - (ii) are less than 5.5 metres in length, and
 - (iii) are not the subject of an occupation licence under the *Management of Waters and Waterside Lands Regulations—N.S.W.* or wet berthed at a marina or moored or berthed in accordance with a lease granted by RMS, and
 - (iv) are not occupying any navigable waters by direction of, or with the permission of, the Crown or any person or body lawfully entitled to give such a direction or permission,
- (b) vessels that:
- (i) are less than 5.5 metres in length, and
 - (ii) are fitted with an engine having a power rating of less than 4.0 kilowatts, and
 - (iii) are not the subject of an occupation licence under the *Management of Waters and Waterside Lands Regulations—N.S.W.* or wet berthed at a marina or moored or berthed in accordance with a lease granted by RMS, and
 - (iv) are not occupying any navigable waters by direction of, or with the permission of, the Crown or any person or body lawfully entitled to give such a direction or permission,
- (c) off-the-beach vessels that:
- (i) are not the subject of an occupation licence under the *Management of Waters and Waterside Lands Regulations—N.S.W.* or wet berthed at a marina, and
 - (ii) are not occupying any navigable waters by direction of, or with the permission of, the Crown or any person or body lawfully entitled to give such a direction or

permission,

(d) passive craft,

(e) seaplanes,

(f) a vessel that is in the charge of a trader and is being used for purposes connected with the manufacture, alteration, repair, testing, sale or demonstration of a commercial purpose of the vessel or of a trade article and is displaying a trade plate,

(g) a vessel that is authorised to be used by a hire and drive licence that is in force under the Act.

(2) For the purposes of section 50 (3) of the Act, a vessel owned by a prescribed body is exempt from registration if:

(a) the vessel clearly displays a unique identification number for the body on each side of the forward half of the vessel in block letters of at least 150 mm in height or, in the case of a personal watercraft, at least 100 mm in height, and

(b) the vessel is operated only by personnel of the body authorised by the body to do so and only in the course of official duties, and

(c) particulars of the vessel (including its identification number, make, model and colour) are listed on a database maintained by the body and to which access is available to the Minister on request.

(3) In this clause:

official duties means:

(a) in relation to the State Emergency Service, operating a vessel as authorised under the [State Emergency Service Act 1989](#) or the [State Emergency and Rescue Management Act 1989](#), including for the purpose of carrying out authorised training activities, and

(b) in relation to Surf Life Saving New South Wales, operating a vessel while carrying out rescue or lifesaving activities, including authorised training activities.

passive craft means any vessel that does not have an engine and is less than 4 metres in length or a canoe, kayak, surf ski or rowing shell of any length.

prescribed body means the State Emergency Service or Surf Life Saving New South Wales.

trade article means an engine or component that forms part of or is used in, or is intended to form part of or to be used in, a vessel.

trade plate means a plate issued by RMS indicating that a vessel to which the plate is affixed is being used by a trader.

trader means a person who manufactures, alters, repairs, tests, sells, demonstrates for a commercial purpose, or otherwise deals in, vessels or trade articles, whether on the person's own behalf or as an employee or agent.

62 Documents issued on initial registration of vessel

An initial vessel registration certificate granted by the Minister in relation to a vessel is to contain a vessel registration number and be accompanied by a vessel registration label.

63 Hull identification number requirements

- (1) A vessel registration certificate is not to be issued or transferred in respect of a vessel unless a hull identification number approved by RMS is affixed to the vessel in a form, manner and location that is in accordance with:
 - (a) International Standard No ISO 10087—1995 (E), *Small Craft—Hull Identification—Coding system* published by the International Organization for Standardization and as in force from time to time, or
 - (b) directions given in writing by RMS.
- (2) This clause does not apply to the following vessels:
 - (a) any commercial vessel more than 7.5 metres in length for which there is a survey certificate that is in force under the Act,
 - (b) a vessel in chains,
 - (c) a dumb barge (being a barge that is not self-propelled and requires towing or pushing for the purpose of moving from one place to another).
- (3) Despite subclause (1), a vessel registration certificate may, with the approval of the Minister or the RMS, be issued or transferred without a hull identification number being affixed to the vessel. It is a condition of vessel registration that the number is affixed to the vessel within the period specified in the approval.

64 Boatcode agents

- (1) RMS may authorise a person to issue and affix hull identification numbers for the purposes of clause 63.
- (2) A person authorised under this clause must comply with any written directions of RMS in relation to the issuing or attaching of hull identification numbers.

Maximum penalty (subclause (2)): 50 penalty units.

65 Alteration of a hull identification number

A person must not:

- (a) alter, deface, remove or obliterate a hull identification number affixed to a vessel, or
- (b) attach a different hull identification number to a vessel if a hull identification number is already affixed to the vessel,

except with the written approval of RMS.

Maximum penalty: 100 penalty units.

66 Display of registration number and label

- (1) The owner or operator of a registered vessel must not operate the vessel, or permit the vessel to be operated, unless:
 - (a) the vessel registration label for the vessel:
 - (i) is clearly displayed on the vessel, or
 - (ii) if there are requirements specified in the vessel registration certificate (or in any attachments) as to the manner in which the vessel registration label is to be displayed—is clearly displayed on the vessel in the manner so specified, and
 - (b) the vessel registration number set out in the vessel registration certificate for the vessel:
 - (i) is displayed on each side of the vessel so as to be clearly visible from any passing vessel, or
 - (ii) if there are requirements specified in the vessel registration certificate (or in any attachments) as to the manner in which the vessel registration number is to be displayed—is clearly displayed on the vessel in the manner so specified.
- (2) The owner or the operator of a registered vessel must not operate the vessel, or permit the vessel to be operated, if any vessel registration number or vessel registration label for the vessel that is required by this clause to be displayed on the vessel is in any way defaced, obliterated or concealed.
- (3) (Repealed)

Maximum penalty: 50 penalty units.

66A Removal of vessel registration label and vessel registration number

The owner of a formerly registered vessel the registration of which has been cancelled by the Minister must, within 24 hours of being notified of that cancellation:

- (a) remove the vessel registration label for the vessel, and
- (b) remove any vessel registration number displayed on the vessel.

Maximum penalty: 50 penalty units.

67 Personalised vessel registration

- (1) A personalised vessel registration number may be issued by RMS, on request and payment of the relevant fee, for any period which RMS considers appropriate.
- (2) RMS may refuse to issue, or may cancel or suspend, a personalised vessel registration number if RMS considers that the number is or could be offensive.

68 Transfer of registrable vessel ownership

- (1) An owner of a registrable vessel who transfers the ownership of the vessel to another person must, within 21 days after the transfer, send notification of the transfer to RMS in a form that is approved by RMS.

Maximum penalty: 20 penalty units.

- (2) A person to whom ownership of a registrable vessel is transferred must, within 21 days after acquiring ownership of the vessel:
 - (a) remove any registration label from the vessel, or
 - (b) submit an application in a form approved by RMS to transfer the registration of the vessel.

Maximum penalty: 20 penalty units.

- (3) On receipt of an application to transfer the registration of a vessel, RMS may, if RMS considers it appropriate to do so, issue a new vessel registration number for the vessel.
- (4) If RMS issues a new registration number for the vessel, RMS is to notify the new owner of the vessel in writing of the new vessel registration number.
- (5) An owner of a vessel who receives a notification under subclause (4) in relation to the vessel must:
 - (a) change the registration number on the vessel to the new registration number within 7 days after receiving the notification, and
 - (b) if the notification requires the owner to have the vessel inspected by an authorised officer within a specified period, allow the vessel to be so inspected within that period.

Maximum penalty (subclause (5)): 50 penalty units.

69 Disposal of a registrable vessel

If a registrable vessel is lost, destroyed or disposed of (otherwise than by means of the transfer of ownership of the vessel), the owner of the vessel must inform RMS in writing of the fact within 21 days after it occurs.

Maximum penalty: 20 penalty units.

70 Condition of personal watercraft registration relating to unlicensed operation of vessel

It is a condition of the vessel registration for a personal watercraft that the holder of the vessel registration certificate must ensure that the watercraft is not operated by a person unless the person holds a boat driving licence that authorises the person to operate the watercraft.

71 Unauthorised operation of vessel

A person must not operate a registered vessel, or permit a registered vessel in the person's custody to be operated, without the authority or consent of the holder of the vessel registration certificate for the vessel.

Maximum penalty: 50 penalty units.

Division 3 Aquatic licences

72 Aquatic activities to be licensed

(1) A person must not conduct an aquatic activity unless the person is the holder of an aquatic licence in respect of the aquatic activity and is conducting the aquatic activity in accordance with the conditions of the licence.

Maximum penalty: 100 penalty units.

(2) Subclause (1) does not require a person to hold an aquatic licence to conduct a permitted activity in or on navigable waters if the conduct of the activity will not restrict the availability of those waters for normal use by members of the public on board vessels or cause any risk of danger to vessel operators.

(2A) A **permitted activity** is an aquatic activity comprised of or involving:

- (a) the use of surfboards or other similar craft, or
- (b) a swimming competition, or
- (c) a fishing competition.

(3) Subclause (1) does not apply to an aquatic activity conducted by Surf Life Saving New South Wales or a surf life saving club affiliated with it if:

- (a) all the participants in the activity are qualified members of the body conducting

the activity, and

(b) the conduct of the activity will not restrict the availability of navigable waters for normal use by members of the public on board vessels or cause any risk of danger to vessel operators.

(4) Subclause (1) does not apply to an aquatic activity conducted in accordance with a hire and drive licence issued in accordance with the *Marine Safety (Commercial Vessels) Regulation 2010*.

73 Purpose of aquatic licences

An aquatic licence may authorise any or all of the following:

- (a) the conduct of one or more than one aquatic activity by the licence holder,
- (b) the conduct of an aquatic activity on more than one occasion,
- (c) the exclusive use of an area of navigable water for the conduct of an aquatic activity.

74 Additional requirements for applications

(1) An application for an aquatic licence must:

- (a) describe the proposed aquatic activity to which the application relates, and
- (b) specify the navigable waters to which the application relates, and
- (c) specify any land that adjoins those navigable waters that the applicant intends to use in connection with the proposed aquatic activity or is likely to be affected by the proposed aquatic activity, and
- (d) specify the period for which the aquatic licence is intended to have effect.

(2) The Minister may require the following information or documentation to be provided by an applicant for an aquatic licence in addition to any other information or documentation that is required to be provided by this Regulation in relation to the application:

- (a) documentary evidence that the conduct of the proposed aquatic activity will be in accordance with the requirements of any relevant government agency,
- (b) a form of indemnity and release, approved by RMS, in relation to the conduct of the proposed aquatic activity and in favour of the Minister, the Crown and RMS.

(3) The Minister may require the applicant to pay an additional fee to cover any costs reasonably incurred by the Minister in the publication of a notice under section 12 of the Act in connection with the event to which the application relates.

Division 4 Boat driving licences

75 Classification of boat driving licences

- (1) The following are classes of boat driving licences:
 - (a) general boat driving licence,
 - (b) young adult general boat driving licence,
 - (c) personal watercraft driving licence,
 - (d) young adult personal watercraft driving licence.
- (2) A person who holds a personal watercraft driving licence is also taken to hold a general boat driving licence.
- (3) A person who holds a young adult personal watercraft driving licence is also taken to hold a young adult general boat driving licence.

76 Certain vessels and persons exempt from requirements relating to boat driving licences

- (1) A vessel is exempt from section 63 of the Act if the vessel:
 - (a) is not a personal watercraft, and
 - (b) is not being operated at a speed of 10 knots or more.
- (2) A person is exempt from section 63 of the Act if the person:
 - (a) is not ordinarily resident in this State, and
 - (b) has been operating power-driven recreational vessels in State waters for less than 3 months, and
 - (c) is licensed under the law of another country to operate a vessel of the type concerned and is operating the vessel in accordance with the conditions of that licence to the extent that those conditions are capable of applying in this State.
- (3) Subclause (2) does not exempt a person from section 63 of the Act if:
 - (a) the person holds a boat driving licence that is suspended, or
 - (b) the person has held a boat driving licence that has been cancelled and the person is disqualified from applying for another such licence.

Note—

Section 63 of the Act requires persons operating power-driven recreational vessels as master to hold a boat driving licence. Sections 62 and 64 of the Act contain exemptions from that requirement and also enable the regulations to exempt vessels and persons from that requirement.

77 Additional requirements for applications for boat driving licences

- (1) An applicant for a boat driving licence must be:
 - (a) at least 12 years of age (but less than 16 years of age) if the application is for a young adult general boat driving licence or young adult personal watercraft driving licence, or
 - (b) at least 16 years of age if the application is for a general boat driving licence or personal watercraft driving licence.
- (2) A boat driving licence is not to be issued unless the applicant for the licence:
 - (a) has produced evidence satisfactory to the Minister that the applicant has attained the relevant age for the licence, and
 - (b) has produced, when aged less than 16 years, written evidence of parental or guardian consent to the application, and
 - (c) has passed any practical test or examination required by the Minister, and
 - (d) has passed an eyesight test if required by the Minister, and
 - (e) has passed any medical examinations, and produced any medical reports, that the Minister considers necessary, and
 - (f) has attended any courses or seminars that the Minister considers necessary.
- (3) The Minister may refuse to issue a boat driving licence if the applicant has had a similar licence or authorisation suspended or cancelled under the laws of the Commonwealth or another State or a Territory for disciplinary reasons.
- (4) For the purposes of this Division, an applicant for, or the holder of, a boat driving licence who was born on 29 February in any year is taken to have been born on 28 February.
- (5) A person who is the holder of a young adult general boat driving licence or a young adult personal watercraft driving licence whose licence expires because he or she attains the age of 16 years is entitled, on payment of the relevant fee, to be granted the adult version of the licence held if the person has not, during the period for which the licence was held, committed more than one offence against the Act or this Regulation.
- (6) For the purposes of subclause (5), a person is taken to have committed an offence:
 - (a) at the time that the person is found guilty of the offence by a court, or
 - (b) at the time that the person pays the penalty required by a penalty notice served on the person under section 126 of the Act in respect of the alleged offence (or if

the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

78 Conditions of boat driving licences

- (1) It is a condition of each boat driving licence that the holder of the licence:
 - (a) undergo and pass any examinations and tests required by the Minister regarding knowledge of the law or safe and proper practice in relation to the operation of vessels, and
 - (b) attend any courses or seminars that the Minister considers necessary, and
 - (c) undergo and pass any eyesight test or medical examination required by the Minister,whether or not the holder of the licence has previously undergone similar examinations and tests or attended similar courses and seminars.
- (2) It is a condition of each boat driving licence that the holder of the licence must not operate a vessel if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to operate a vessel as authorised by the licence.

79 Restrictions applying to young adult licence holders

The holder of a young adult general boat driving licence or a young adult personal watercraft driving licence must not do any of the following, except with the written approval of RMS or in accordance with an aquatic licence:

- (a) drive a vessel at a speed greater than 20 knots,
- (b) drive a vessel in any race, display, regatta, exhibition or similar operation,
- (c) drive a vessel at a speed of 10 knots or more:
 - (i) in the case of a personal watercraft, without the holder of a personal watercraft driving licence being present on the personal watercraft, or
 - (ii) in any other case, without a general boat driving licence holder present in the vessel, or
 - (iii) between sunset and sunrise, or
 - (iv) while the vessel is towing any person.

Maximum penalty: 20 penalty units.

80 Disqualification of certain persons from holding boat driving licences

- (1) A person who commits an offence under section 63 of the Act by driving a personal watercraft on navigable waters without being the holder of a marine safety licence (whether or not a licence to which this Part applies) authorising the driver to drive the watercraft is disqualified from holding or obtaining a boat driving licence:
 - (a) for the first such offence—for a period of 2 years after the commission of the offence, or
 - (b) for the second such offence—for a period of 4 years after the commission of the offence, or
 - (c) for the third or subsequent such offence—at any time during the life of the person.

The disqualification is in addition to any penalty imposed for the offence.

- (2) Subject to subclause (3), the Minister may at any time remove, or reduce the period of, a disqualification imposed by subclause (1).
- (3) A disqualification imposed by subclause (1) does not operate to the extent to which it is inconsistent with any order of a court, or any decision of the Minister under section 38 of the Act, that disqualifies the person concerned from holding or obtaining a licence.
- (4) For the purposes of this clause, a person is taken to have committed an offence at the time that the person:
 - (a) is convicted of the offence by a court, or
 - (b) pays the penalty required by a penalty notice served on the person under section 126 of the Act in respect of the alleged offence (or if the person does not pay the penalty and does not elect to have the matter dealt with by a court, at the time that enforcement action is taken against the person under Division 3 or 4 of Part 4 of the *Fines Act 1996*).

Division 5 Marine pilot's licences

80A Additional requirements for applications for marine pilot's licences

- (1) A marine pilot's licence is not to be issued unless the applicant for the licence:
 - (a) meets the health requirements set out in the marine pilotage code, and
 - (b) holds a relevant qualification, and
 - (c) provides evidence that the applicant is competent to carry out unsupervised duties as a marine pilot in the relevant pilotage port in accordance with the marine pilotage code.

- (2) For the purposes of this clause, a **relevant qualification** is:
- (a) a certificate of competency issued under Marine Orders, Part 3 (Seagoing qualifications), made pursuant to the *Navigation Act 1912* of the Commonwealth, as master for the gross tonnage of vessel to be piloted, or
 - (b) a certificate of recognition issued under Marine Orders, Part 3 (Seagoing qualifications) made pursuant to the *Navigation Act 1912* of the Commonwealth, in relation to an international qualification equivalent to a certificate referred to in paragraph (a), or
 - (c) the equivalent of a marine pilot's licence issued in another Australian jurisdiction (other than a coastal pilot licence issued under Marine Orders, Part 54 (Coastal Pilotage), made pursuant to the *Navigation Act 1912* of the Commonwealth) and at least one year's experience piloting all vessels in the port to which that licence relates (but only if the vessels are of a similar tonnage to those to which the application relates), or
 - (d) a demonstrated level of competency that is, in the opinion of the Minister, equivalent to a qualification referred to in paragraph (a), (b) or (c).

80B Conditions of marine pilot's licences

- (1) It is a condition of each marine pilot's licence that the holder of the licence:
- (a) satisfactorily completed any training as required under the marine pilotage code, and
 - (b) undergo any health assessment as required under the marine pilotage code,
- whether or not the holder of the licence has previously undergone similar training or assessments.
- (2) It is a condition of each marine pilot's licence that the holder of the licence must not act as a marine pilot if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to act as a marine pilot as authorised by the licence.
- (3) It is a condition of each marine pilot's licence that the holder of the licence maintain the records required to be maintained by the marine pilotage code.

Division 6 Marine pilotage exemption certificates

80C Additional requirements for applications for marine pilotage exemption certificates

A marine pilotage exemption certificate is not to be issued unless the applicant for the certificate:

- (a) holds a certificate of competency that authorises the applicant to be a master of the

vessel to which the application relates, and

- (b) has satisfactorily completed the training required by the marine pilotage code and passed an examination approved by the relevant port authority, and
- (c) provides evidence, in accordance with the marine pilotage code, that the applicant is competent to carry out unsupervised movements of the vessel to which the certificate relates in the relevant pilotage port, and
- (d) meets the health requirements set out in the certificate of competency in respect of a master for the vessel to which the application relates, and
- (e) is the master of the vessel to which the certificate relates.

80D Conditions of marine pilotage exemption certificates

It is a condition of each marine pilotage exemption certificate that the holder of the certificate:

- (a) must satisfactorily complete any training as required under the marine pilotage code whether or not the holder of the certificate has previously undergone similar training, and
- (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the vessel to which the certificate relates, and
- (c) must not move a vessel in the relevant pilotage port other than the vessel specified in the certificate, and
- (d) must not move a vessel in the relevant pilotage port if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to conduct such movements as are authorised by the certificate, and
- (e) must maintain the records required to be maintained by the marine pilotage code, and
- (f) must comply with any direction given by the relevant harbour master, and
- (g) must comply with any port procedures published by the relevant harbour master, relevant port authority or the Minister.

80E Vessels for which marine pilot exemption certificates are not valid

A marine pilotage exemption certificate is not to be issued in respect of the following vessels:

- (a) a vessel the length of which exceeds 215 metres, unless approved by the Minister or the relevant port authority,

- (b) a vessel with a single person bridge operation,
- (c) a vessel that is nuclear powered,
- (d) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the relevant port authority,
- (e) a vessel or class of vessels that, in the opinion of the Minister or the relevant port authority, poses a threat to the safety of life or port property,
- (f) any vessel determined by the Minister, by notice in writing given to the master or owner of the vessel, as a vessel for which a marine pilotage exemption certificate is not to be issued,
- (g) any class of vessel determined by the Minister, by order published on the NSW legislation website, as a class of vessel for which a marine pilotage exemption certificate is not to be issued.

Division 7 Certificates of local knowledge

80F Additional requirements for applications for certificates of local knowledge

A certificate of local knowledge is not to be issued unless the applicant for the certificate:

- (a) holds a certificate of competency that authorises the applicant to be a master of the type of vessel to which the application relates, and
- (b) has satisfactorily passed an examination approved by the relevant harbour master for the pilotage port, and
- (c) provides evidence that the applicant is competent to carry out unsupervised movements of the type of vessel to which the certificate relates in the relevant pilotage port to the satisfaction of the relevant harbour master, and
- (d) meets the health requirements set out in the certificate of competency in respect of a master for the type of vessel to which the application relates.

80G Conditions of certificates of local knowledge

It is a condition of each certificate of local knowledge that the holder of the certificate:

- (a) must satisfactorily complete any training as required under the marine pilotage code whether or not the holder of the certificate has previously undergone similar training, and
- (b) must hold a certificate of medical fitness as required by any regulations made under the Act for the certificate of competency held as a master of the type of vessel to which the certificate relates, and

- (c) must not carry out any unsupervised vessel movements if the holder becomes aware of any circumstance, condition or injury that might cast doubt on the holder's fitness to carry out such movements as are authorised by the certificate, and
- (d) must maintain the records required to be maintained by the marine pilotage code, and
- (e) must comply with any direction given by the relevant harbour master, and
- (f) must comply with any port procedures published by the relevant harbour master, relevant port authority or the Minister.

80H Vessels for which certificates of local knowledge are not valid

A certificate of local knowledge is not to be issued in respect of the following vessels:

- (a) a vessel the length of which exceeds 80 metres unless approved by the Minister or the relevant port authority,
- (b) a vessel that is nuclear powered,
- (c) a vessel carrying dangerous or hazardous goods in bulk, unless approved by the Minister or the relevant port authority,
- (d) a vessel or class of vessels that, in the opinion of the Minister or the relevant port authority, poses a threat to the safety of life or port property.

Division 8 Bar crossings by certain commercial vessels

80I Application of Part

This Part applies to Class 1 and Class 2 commercial vessels that are carrying passengers.

Note—

Clause 86 contains other requirements relating to bar crossings for recreational vessels and hire and drive vessels.

80J Authorisation required for bar crossings for certain commercial vessels

- (1) The master of a vessel to which this Part applies must not operate the vessel across a coastal bar unless the master holds a marine safety licence that authorises the crossing of the coastal bar.

Maximum penalty: 50 penalty units.

- (2) The owner of a vessel is guilty of an offence if the vessel is operated in contravention of subclause (1).

Maximum penalty: 50 penalty units.

80K Requirements on masters of certain commercial vessels in relation to bar crossings

- (1) The master of a vessel to which this Part applies must ensure that, when the vessel is crossing a coastal bar, each person on board the vessel who is a passenger or special personnel:
 - (a) is in an open area in the after part of the vessel, and
 - (b) is wearing an appropriate lifejacket.

Maximum penalty: 50 penalty units.

- (2) The master of a vessel to which this Part applies must not cross a coastal bar if the maximum wind speed is more than 20 knots or the swell height is more than 2 metres.

Maximum penalty: 50 penalty units.

Part 5 Safety equipment and facilities

Division 1 Preliminary

81 (Repealed)

82 Vessels exempt from certain requirements of Part

- (1) This Part does not apply to the following vessels:
 - (a) a vessel (other than a personal watercraft) used in connection with lifesaving or surf rescue by a council,
 - (b) a vessel (other than a personal watercraft) used in connection with lifesaving, surf rescues, a competition or training conducted by a club affiliated with:
 - (i) the Royal Life Saving Society—Australia, or
 - (ii) Surf Life Saving Australia Limited, or
 - (iii) Surf Life Saving New South Wales,
 - (c) (Repealed)
 - (d) a rowing shell on enclosed waters.
- (2) Division 2 does not apply to the following vessels:
 - (a) a personal watercraft on enclosed waters,
 - (b) a canoe or kayak on enclosed waters,
 - (c) a sailboard or kiteboard.

- (3) Division 2 (except to the extent that it imposes requirements relating to lifejackets) and Division 4 do not apply to a vessel that:
- (a) is not ordinarily operated in State waters, and
 - (b) has not been continuously in State waters for a period of more than 3 months, and
 - (c) complies with the requirements for the carriage of safety equipment that apply to the vessel's place of registration or home port.

83 Meaning of "lifejacket" and "appropriate lifejacket"

- (1) In this Regulation:

coastal lifejacket means a lifejacket that complies with the requirements for coastal lifejackets contained in:

- (a) the *National Standard for Commercial Vessels* (as referred to in section 427 of the [Navigation Act 1912](#) of the Commonwealth and as in force from time to time), or
- (b) the *Uniform Shipping Laws Code* (as referred to in section 427 of the [Navigation Act 1912](#) of the Commonwealth and as in force from time to time).

lifejacket Type 1 means:

- (a) a SOLAS lifejacket, or
- (b) a coastal lifejacket, or
- (c) a personal flotation device Type 1 that complies with the requirements set out in Schedule 4 for that type of personal flotation device.

lifejacket Type 2 means a personal flotation device Type 2 that complies with the requirements set out in Schedule 4 for that type of personal flotation device.

lifejacket Type 3 means a personal flotation device Type 3 that complies with the requirements set out in Schedule 4 for that type of personal flotation device.

SOLAS lifejacket means a lifejacket that complies with the requirements of the Safety Convention (as defined in the [Navigation Act 1912](#) of the Commonwealth) relating to lifejackets.

- (2) In this Regulation, a reference to an **appropriate lifejacket** is a reference to:
- (a) in the case of a kiteboard not operating in isolated conditions, any purpose designed kiteboard harness which has an inherent flotation which is the equivalent of a lifejacket Type 2 or a lifejacket Type 3, and
 - (b) in the case of a kiteboard operating in isolated conditions, a lifejacket Type 1, a lifejacket Type 2 or a lifejacket Type 3, and

- (c) in the case of a canoe or kayak (including an outrigger canoe) operating on open waters or white water, a lifejacket Type 1, a lifejacket Type 2 or a lifejacket Type 3, and
 - (d) in the case of an off-the-beach vessel, sailboard or personal watercraft operating on open waters, a lifejacket Type 1 or a lifejacket Type 2, and
 - (e) in the case of any activity in which a person is being towed in or over any waters while engaged in any recreational activity, a lifejacket Type 1, a lifejacket Type 2 or a lifejacket Type 3, and
 - (f) in the case of any vessel operating on open waters and not dealt with by one of the above paragraphs, a lifejacket Type 1, and
 - (g) in the case of any vessel operating on enclosed waters and not dealt with by one of the above paragraphs, a lifejacket Type 1, a lifejacket Type 2 or a lifejacket Type 3, and
 - (h) in the case of any vessel operating on alpine waters, despite any of the above paragraphs, a lifejacket Type 1, a lifejacket Type 2 or a lifejacket Type 3.
- (2A) In this Regulation, a kiteboard is being operated in ***isolated conditions*** if it:
- (a) is operating on open waters more than 400 metres from the shore, and
 - (b) is being operated by only one person who is alone (that is, the person is not in the company of another kiteboarder or a support vessel).
- (3) Despite subclause (2), a lifejacket is not an ***appropriate lifejacket*** for the purposes of this Regulation if:
- (a) the lifejacket relies solely on oral inflation for buoyancy, or
 - (b) the lifejacket is not the correct size for the wearer or intended wearer.
- (4) Despite subclause (2), an inflatable lifejacket is not an ***appropriate lifejacket*** for the purposes of this Regulation unless:
- (a) the life jacket was purchased or otherwise acquired new by the current owner no more than 12 months ago, or
 - (b) the lifejacket has been serviced:
 - (i) at intervals of 12 months or less, or
 - (ii) at least at such longer intervals as are indicated by the manufacturer's instructions (if any) provided for the lifejacket.

Division 2 Responsibilities of owners and operators of recreational

vessels in relation to safety equipment

83A Application of this Division

Except as otherwise provided by a provision of this Part, this Division applies to all recreational vessels in navigable waters.

84 Minimum safety equipment to be carried on recreational vessels

- (1) The owner and the operator of a vessel must ensure that the vessel carries the safety equipment:
 - (a) specified in Part 1 of Schedule 5 in respect of the vessel, or
 - (b) if Part 2 of Schedule 5 modifies the operation of Part 1 of Schedule 5 in relation to the type of vessel concerned, in accordance with Part 1 of that Schedule as so modified.
- (2) The owner and the operator of a vessel must ensure that the equipment required by this Regulation to be carried on the vessel complies with the standards specified in Schedule 4 in respect of the equipment.
- (3) The owner and the operator of a vessel must ensure that the equipment required by this Regulation to be carried on the vessel is in good condition.
- (4) The owner and the operator of a vessel must ensure that the equipment required by this Regulation to be carried on the vessel is maintained in accordance with the manufacturer's instructions (if any) provided for the equipment.
- (5) The owner and the operator of a vessel must ensure that the equipment required by this Regulation to be carried on the vessel is replaced when the manufacturer's specified expiry date (if any) for the equipment is reached.
- (6) The owner and the operator of a vessel must ensure that the equipment required by this Regulation to be carried on the vessel is stored or placed so as to enable quick and easy access to it.
- (7) The owner and the operator of a vessel must ensure that each person on board the vessel is aware of where the equipment required by this Regulation to be carried on the vessel is stored or placed.
- (7A) The owner and the operator of a vessel that is required to carry appropriate lifejackets must ensure that the lifejackets (while not in use):
 - (a) are kept clearly visible to persons on board the vessel, or
 - (b) are stored in a location that is unobstructed and marked by a clearly visible sign that has the word "lifejackets" in red letters on a white background or white letters

on a red background.

- (8) RMS may, by notice in writing given to a person who is the owner or operator of a vessel, request the person to provide evidence of a kind specified in the notice relating to the maintenance, condition or storage of any equipment required by this Regulation to be carried on the vessel.
- (9) A person who is given a notice under subclause (8) must not, without reasonable excuse, fail to provide the evidence requested within the time specified in the notice.

Maximum penalty: 50 penalty units.

Division 3 Requirements to wear lifejackets

84A Application of this Division

- (1) Clauses 85, 87, 87B and 88 apply to all vessels in navigable waters.
- (2) Clauses 86, 87A and 87C–87G apply to all recreational vessels and all hire and drive vessels within the meaning of the *Marine Safety (Commercial Vessels) Regulation 2010* in navigable waters.

85 Circumstances in which lifejacket must be worn on a canoe or kayak

- (1) Each person on board a canoe or kayak (other than an outrigger canoe) must wear an appropriate lifejacket when the vessel is being operated:
 - (a) more than 100 metres from the shore on enclosed waters, or
 - (b) on open waters, or
 - (c) on white water.

Maximum penalty: 50 penalty units.

- (2) The operator of a canoe or kayak must ensure that each person on board the canoe or kayak complies with the requirements of this clause.

Maximum penalty: 50 penalty units.

- (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.

86 Lifejacket must be worn when crossing coastal bar

(1) A person on board a vessel must wear an appropriate lifejacket when the vessel is crossing a coastal bar.

Maximum penalty: 50 penalty units.

(2) A person is not guilty of an offence against subclause (1) if the person is a person other than the operator of the vessel concerned and establishes that he or she did not know, and could not reasonably have been expected to know, that the vessel was crossing a coastal bar.

(3) For the purposes of subclause (2), a person is taken to have had knowledge that the vessel concerned was crossing a coastal bar if, before the vessel proceeded to cross the coastal bar, the operator had:

(a) informed the person that the vessel was crossing a coastal bar, or

(b) requested or required the person to put on a lifejacket.

(4) The operator of a vessel must ensure that each person on board the vessel complies with subclause (1).

Maximum penalty: 50 penalty units.

(5) (Repealed)

87 Lifejacket must be worn on personal watercraft

(1) Each person on board a personal watercraft must wear an appropriate lifejacket.

(2) The operator of a personal watercraft must ensure that any other person on the personal watercraft is wearing an appropriate lifejacket.

Maximum penalty: 50 penalty units.

87A Lifejacket must be worn by a child less than 12 years of age

- (1) A child who is less than 12 years of age is required to wear an appropriate lifejacket if the child is:
 - (a) on board a vessel that is less than 4.8 metres in length, or
 - (b) in an open area on board a vessel that is less than 8 metres in length and is underway.
- (2) The operator of a vessel must ensure that each child on board the vessel wears an appropriate lifejacket when required by this clause.

Maximum penalty (subclause (2)): 50 penalty units.

87B Lifejacket must be worn when being towed by a vessel while engaged in any recreational activity

- (1) A person must wear an appropriate lifejacket if that person is being towed on or over the water by a vessel while engaged in any recreational activity.
- (2) The operator of a vessel must ensure that each person being towed by the vessel while engaged in a recreational activity complies with this clause.

Maximum penalty: 50 penalty units.

Maximum penalty: 50 penalty units.

87C Lifejacket must be worn on vessel in alpine waters

- (1) A person must wear an appropriate lifejacket if that person is on board a vessel in alpine waters and:
 - (a) the vessel is less than 4.8 metres in length, or
 - (b) the person is wearing fishing waders.
- (2) The operator of a vessel must ensure that each person on board the vessel complies with this clause.

Maximum penalty: 50 penalty units.

Maximum penalty: 50 penalty units.

87D Lifejacket must be worn on off-the-beach vessel on open waters

- (1) A person must wear an appropriate lifejacket if that person is on board an off-the-beach vessel on open waters.

Maximum penalty: 50 penalty units.

- (2) The operator of a vessel must ensure that each person on board the vessel complies

with this clause.

Maximum penalty: 50 penalty units.

87E Lifejacket must be worn on kiteboard

- (1) A person must wear an appropriate lifejacket if that person is on board a kiteboard.

Maximum penalty: 50 penalty units.

- (2) The operator of a vessel must ensure that each person on board the vessel complies with this clause.

Maximum penalty: 50 penalty units.

87F Lifejackets must be worn on certain small vessels in certain circumstances

- (1) A person who is under 12 years of age must wear an appropriate lifejacket if that person is on board a prescribed small vessel.

- (2) A person must wear an appropriate lifejacket if the person is on board a prescribed small vessel:

(a) at night (that is, between sunset and sunrise), or

(b) when the vessel is on open waters, or

(c) when the vessel is being used more than 200 metres from the shore to transport persons or goods between:

(i) the shore and the vessel, or

(ii) the vessel and the shore, or

(iii) vessels.

Maximum penalty: 50 penalty units.

- (3) A person must wear an appropriate lifejacket if the person is on board a prescribed small vessel and is operating the vessel without emergency assistance, being:

(a) the company of another person on board who is an adult person, or

(b) the company of another person on board who is a person younger than 18 years of age who holds:

(i) a current young adult general boat driving licence, or

(ii) a current young adult personal watercraft driving licence, or

(iii) a current general boat driving licence, or

(iv) a current licence that is equivalent to those described in subparagraphs (i)-(iii) issued under a law of another State or Territory, or

(c) the support of a support vessel capable of rendering immediate practical assistance in the case of emergency (either physically or by contacting the relevant emergency services).

Maximum penalty: 50 penalty units.

(4) The operator of a prescribed small vessel must ensure that each person on board the vessel complies with this clause.

Maximum penalty: 50 penalty units.

(5) In this clause:

prescribed small vessel means a vessel that is less than 4.8 metres in length, but does not include a personal watercraft, kiteboard, sailboard, canoe or kayak.

87G Lifejacket must be worn when directed by master of a vessel

A person on board any vessel must wear an appropriate lifejacket if directed to do so by the master of the vessel.

Maximum penalty: 50 penalty units.

88 Circumstances in which lifejacket must be worn on a sailboard or kiteboard

A person on board a kiteboard or sailboard must wear an appropriate lifejacket unless the person is not more than 400 metres from the shore.

Maximum penalty: 50 penalty units.

89 General defences

(1) A person is not guilty of an offence under this Division of failing to wear an appropriate lifejacket on a vessel if the person is a person other than the operator of the vessel concerned and establishes that there was no available appropriate lifejacket on board the vessel at the time concerned.

(2) The operator of a vessel is not guilty of an offence under this Division of failing to ensure that a person on the vessel was wearing an appropriate lifejacket if the operator establishes that he or she took all reasonable measures to ensure that the person was wearing an appropriate lifejacket.

89A (Repealed)

Division 4 Requirements for hatches and exterior doors

90 Hatches and exterior doors—construction

- (1) This clause applies to recreational vessels the hull construction of which commenced on or after 1 January 1991.
- (2) The owner and operator of a vessel to which this clause applies must ensure that any hatch or exterior door on the vessel that can be used as a means of entering or leaving the vessel is capable of being opened from both the outside and the inside of the vessel.
- (3) A person must not supply a vessel to which this clause applies to another person knowing that the vessel will be used, or is likely to be used, for recreational purposes unless any hatch or exterior door on the vessel that can be used as a means of entering or leaving the vessel is capable of being opened from both the outside and the inside of the vessel.

Maximum penalty: 50 penalty units.

91 Hatches and exterior doors—locking

The operator of a recreational vessel that is underway must ensure that any hatch or exterior door on the vessel that can be used as a means of entering or leaving the vessel is kept unlocked if it is reasonably practicable to do so.

Maximum penalty: 50 penalty units.

Part 5A Public ferry wharves

91A Inspection reports on public ferry wharves

- (1) This clause applies to an inspection of a public ferry wharf carried out for the purposes of providing a report as to the condition of the wharf in accordance with a notice under section 125L of the Act.
- (2) The results of an inspection to which this clause applies must be recorded in the report concerned in a form approved by the Minister and must include an assessment of the following:
 - (a) whether the wharf complies with Australian Standard AS 4997—2005 *Guidelines for the design of maritime structures* as in force from time to time,
 - (b) whether the wharf complies with the document titled *Procedure for the Assessment of Public Ferry Wharf Safety* published on the website of RMS and as in force from time to time,
 - (c) whether the wharf is structurally adequate and fit for its purpose.

91B Maintenance plans for public ferry wharves

- (1) The Minister may, by notice in writing, require the owner or person responsible for the maintenance of a public ferry wharf to prepare a maintenance plan for the wharf and to submit the plan to the Minister within the time specified in the notice.
- (2) The notice may specify the form of, and matters to be addressed in, the maintenance plan.
- (3) A person must not fail to comply with a requirement imposed on the person under this clause.

Maximum penalty (subsection (3)): 50 penalty units.

Part 6 Alcohol and Drug Testing

92 Security of blood and urine samples taken under Part 2, 3, 4 or 5 of Schedule 1 to the Act

- (1) After a sample of blood or urine taken under Part 2, 3, 4 or 5 of Schedule 1 to the Act is dealt with in accordance with clause 7 (3), 12 (1), 15 (3) or 20 (3) of that Schedule (as the case may require), the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to a prescribed laboratory in accordance with clause 7 (4), 12 (2), 15 (4) or 20 (4) of Schedule 1 to the Act.
- (2) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood or urine taken under Part 2, 3 or 5 of Schedule 1 to the Act except as follows:
 - (a) after the expiration of 12 months commencing on the day the sample was taken,
 - (b) in the case of a sample—by or at the direction of analyst:
 - (i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under clause 7 (5), 12 (3) or 20 (5) of that Schedule, in an application made under the relevant clause by the person from whom the sample was taken, or
 - (ii) in the course of, or on completion of, an analysis of the sample,
 - (c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under clause 7 (5), 12 (3) or 20 (5) of that Schedule by the person from whom the sample was taken.
- (3) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood or urine taken under Part 4 of Schedule 1 to the Act except as follows:

(a) after the expiration of 13 months commencing on the day the sample was taken,

Note—

Clause 15 (11) of Schedule 1 to the Act provides that a blood or urine sample that has been provided under that clause must be destroyed by or at the direction of the analyst who has custody of the sample without being analysed if, at the expiry of 13 months after the accident concerned, no authorised officer has made a notification relating to a death (as provided under clause 15 (8)).

(b) in the case of a sample—by or at the direction of analyst:

(i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under clause 15 (5) of that Schedule, in an application made under the relevant clause by the person from whom the sample was taken, or

(ii) in the course of, or on completion of, an analysis of the sample,

(c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under clause 15 (5) of that Schedule by the person from whom the sample was taken.

Maximum penalty: 20 penalty units.

Part 7 Penalty notices

93 Penalty notice offences and penalties

(1) For the purposes of section 126 of the Act:

(a) each offence created by a provision of the *Marine Safety Act 1998* or the regulations made under that Act specified in Column 1 of Schedule 7 is an offence for which a penalty notice may be served, and

(b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

(1A) For the purposes of section 126 of the Act:

(a) each offence created by a provision of the *Marine Pollution Act 2012* or the regulations made under that Act specified in Column 1 of Schedule 7A is an offence for which a penalty notice may be served, and

(b) the penalty prescribed for each such offence is:

(i) in the case of an offence committed by a natural person—the amount specified opposite the provision in Column 2 of the Schedule, or

(ii) in the case of an offence committed by a corporation—the amount specified opposite the provision in Column 3 of the Schedule.

- (2) If the reference to a provision in Column 1 of Schedule 7 or Schedule 7A is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.
- (3) For the purposes of section 126 (9) of the Act, authorised officers are prescribed as a class of persons who are law enforcement officers in relation to the offences specified in Column 1 of Schedule 7 or Schedule 7A.
- (4) For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:
 - Level 1** means a penalty of \$100.
 - Level 2** means a penalty of \$250.
 - Level 3** means a penalty of \$500.
 - Level 4** means a penalty of \$750.
 - Level 5** means a penalty of \$1,500.
 - Level 6** means a penalty of \$5,000.

Part 8 Miscellaneous

94 Fees

- (1) The fees set out in Schedule 1 are payable in relation to the matters set out in that Schedule.
- (1A) For the purposes of section 9M of the Act, the fees set out in Schedule 1A are payable in relation to matters done under the National law.
- (2) RMS may waive, reduce or postpone (whether wholly or in part) the payment of any fee or charge payable under the Act or this Regulation if, in the opinion of RMS, it is appropriate to do so.

95 No false representation as to whether navigation is restricted in an area

A person must not falsely represent or knowingly allow another person to falsely represent that navigation is restricted by the Minister in any area.

Maximum penalty: 50 penalty units.

96 Report of certain accidents

- (1) A report is not required to be sent under section 99 (1) of the Act in relation to a marine accident that involves only recreational vessels (other than a marine accident involving vessels participating in an aquatic activity carried out under an aquatic

licence) if the accident does not result in any of the following:

- (a) injury to any person or a fatality,
- (b) damage to property costing more than \$5,000,
- (c) damage, or risk of damage, to the environment.

(2) A report is not required to be sent under section 99 (1) of the Act in relation to a marine accident involving only vessels participating in an aquatic activity carried out under an aquatic licence if the accident does not result in any of the following:

- (a) injury to any person or a fatality,
- (b) damage to property other than to a vessel participating in the aquatic activity,
- (c) damage to any vessel participating in the aquatic activity costing more than \$5,000,
- (d) damage, or risk of damage, to the environment.

97 Exemption on safety or emergency grounds

- (1) A person does not contravene a provision of this Regulation by reason only of taking action for the purpose of securing the safety of any person or avoiding significant risk to the environment.
- (2) A person does not contravene a provision of this Regulation in relation to the operation of a vessel:
 - (a) displaying an emergency patrol signal (within the meaning of clause 7) if the display has been authorised as referred to in clause 7 (2) (a) or the vessel is being operated as referred to in clause 7 (2) (b), or
 - (b) under blue lights if the vessel is operated by an accredited rescue unit (within the meaning of the *State Emergency and Rescue Management Act 1989*).

98 Exemptions by RMS

- (1) RMS may exempt any person or class of persons, or any vessel or class of vessels, from any or all of the provisions of this Regulation.
- (2) RMS may exempt vessels from compliance with a notice under section 11 of the Act.
- (3) An exemption is to be by order in writing:
 - (a) given to the person concerned or the owner or master of the vessel concerned, or
 - (b) if the exemption relates to a class of persons or vessels, published on the NSW legislation website.

Note—

Section 139 of the Act contains further provisions relating to exemptions, including that exemptions may be made subject to conditions and do not apply during any period in which any such condition is not complied with.

99 Repeal

The *Marine Safety Regulation 2008* is repealed.

Schedule 1 Fees relating to State matters

(Clauses 3 (1) and 94 (1))

Matter	Fee
Vessel registration:	
(a) personal watercraft	\$311
(b) personal watercraft (pensioner concession)	\$156
(c) other vessels:	
(i) vessels of not more than 3m in length	\$62
(ii) vessels of more than 3m in length—for each additional 0.5m in length (or part of 0.5m)	\$10 (up to a maximum registration fee of \$613)
(iii) pensioner concession fee	50% of relevant fee in subparagraph (i) or (ii)
Transfer of vessel registration to a person who is not a dealer in vessels for sale	\$29
Transfer of vessel registration to a dealer in vessels for sale	\$19
Personalised vessel registration	\$172
Personal watercraft driving licence examination	\$49
Personal watercraft driving licence upgrade examination	\$17
Personal watercraft driving licence (1 year)	\$172
Personal watercraft driving licence (1 year) pensioner concession	\$85
Young adult personal watercraft driving licence (less than 6 months)	\$41
Young adult personal watercraft driving licence (1 year)	\$84
Personal watercraft driving licence (3 years)	\$376
Personal watercraft driving licence (3 years) pensioner concession	\$198

Personal watercraft driving licence (5 years)	\$589
Personal watercraft driving licence (5 years) pensioner concession	\$290
Personal watercraft driving licence (1 year) upgrade for each unexpired month or part of a month	\$9.58
Personal watercraft driving licence (1 year) upgrade pensioner concession for each unexpired month or part of a month	\$4.75
Personal watercraft driving licence (3 years) upgrade for each unexpired month or part of a month	\$6.22
Personal watercraft driving licence (3 years) upgrade pensioner concession for each unexpired month or part of a month	\$3.47
Personal watercraft driving licence (5 years) upgrade for each unexpired month or part of a month	\$5.85
Personal watercraft driving licence (5 years) upgrade pensioner concession for each unexpired month or part of a month	\$2.92
Young adult personal watercraft driving licence (less than 6 months) upgrade for each unexpired month or part of a month	\$4.67
Young adult personal watercraft driving licence (1 year) upgrade for each unexpired month or part of a month	\$4.92
Boat driving licence examination	\$32
Boat driving licence (1 year)	\$57
Boat driving licence (1 year) pensioner concession	\$28
Boat driving licence (3 years)	\$152
Boat driving licence (3 years) pensioner concession	\$73
Boat driving licence (5 years)	\$238
Boat driving licence (5 years) pensioner concession	\$115
Young adult boat driving licence (less than 6 months)	\$13
Young adult boat driving licence (1 year)	\$25
Aquatic licence for special event (within the meaning of section 12 of the Act) where application is submitted 28 days or more before commencement of aquatic activities:	
(a) for not more than 3 days	\$137
(b) for more than 3 days but not more than 12 months	\$364
Aquatic licence for special event where application is submitted less than 28 days before commencement of aquatic activities:	
(a) for not more than 3 days	\$200

(b) for more than 3 days but not more than 12 months \$427

Aquatic licence for standard event (that is, event other than special event) where application is submitted 28 days or more before commencement of aquatic activities:

(a) for not more than 3 days \$92

(b) for more than 3 days but not more than 12 months \$364

Aquatic licence for standard event (that is, event other than special event) where application is submitted less than 28 days before commencement of aquatic activities:

(a) for not more than 3 days \$155

(b) for more than 3 days but not more than 12 months \$427

Attendance by officer of RMS at special event or standard event—per hour \$176

Bar crossing licence \$119

Issue of replacement marine safety licence or vessel registration label where licence or label is lost, stolen, damaged, destroyed or defaced \$20

Marine safety licence late payment fee \$34

Marine pilot's licence (initial application) \$433

Marine pilot's licence (application to extend licence to add a new port) \$11

Marine pilot's licence (renewal application) \$217

Marine pilotage exemption certificate (initial application) \$433

Marine pilotage exemption certificate (renewal application) \$217

Certificate of local knowledge (initial application) \$65

Certificate of local knowledge (renewal application) \$33

Boating safety course (for boat driving licence) \$14

Personal watercraft safety course (for personal watercraft licence) \$14

Schedule 1A Fees relating to National law matters

(Clause 94 (1A))

Column 1	Column 2
Matter	Fee
Issue of new Certificate of Competency Master less than 80m near coastal	\$502
Issue of new Certificate of Competency Master less than 35m near coastal, Mate less than 80m near coastal	\$459

Issue of new Certificate of Competency Master less than 24m near coastal, Master (inland waters)	\$346
Issue of new Certificate of Competency Coxswain Grade 1 near coastal, Master of Vehicular Ferry in Chains	\$174
Issue of new Certificate of Competency Coxswain Grade 2 near coastal	\$119
Issue of Certificate of Competency General Purpose Hand near coastal	\$60
Issue of new Certificate of Competency Engineer Class 3 near coastal	\$346
Issue of new Certificate of Competency Marine Engine Driver Grade 1 near coastal	\$346
Issue of new Certificate of Competency Marine Engine Driver Grade 2 near coastal	\$226
Issue of new Certificate of Competency Marine Engine Driver Grade 3 near coastal	\$119
Additional oral examination for a certificate of competency	\$119
Endorsement of a certificate of competency	\$119
Renewal of certificate of competency (other than general purpose hand)	\$119
Renewal of certificate of competency for general purpose hand	\$60
Issue of duplicate or replacement certificate of competency	\$119
Issue of record of service book	\$32
Attending an examination for a certificate of competency, at the request of an applicant, at a place or time other than that at which the examiner is normally engaged in official duties (whether or not the applicant attends for the examination)	Such reasonable travel and accommodation expenses incurred
Survey inspection during construction phase to undertake prototype plan assessment—all classes of vessels not more than 7.5m in length	\$149 per metre or part of a metre
Survey inspection during construction phase to undertake prototype plan assessment—all classes of vessels more than 7.5m in length	\$310 per metre or part of a metre
Initial survey inspection where prototype plan approval has been given—all classes of vessels not more than 7.5m in length	\$77 per metre or part of a metre
Initial survey inspection where prototype plan approval has been given—all classes of vessels more than 7.5m in length	\$146 per metre or part of a metre
Initial survey inspection where prototype plan approval has not been given—all classes of vessels not more than 7.5m in length	\$149 per metre or part of a metre
Initial survey inspection where prototype plan approval has not been given—all classes of vessels more than 7.5m in length	\$310 per metre or part of a metre

Initial survey inspection where the vessel has a certificate from a recognised Classification Society (within the meaning of Part B of the NSCV)—all classes of vessels not more than 7.5m in length	\$77 per metre or part of a metre
Initial survey inspection where the vessel has a certificate from a recognised Classification Society (within the meaning of Part B of the NSCV)—all classes of vessels more than 7.5m in length	\$146 per metre or part of a metre
Periodic survey inspection—all classes of vessels not more than 7.5m in length	\$51 per metre or part of a metre
Periodic survey inspection—all classes of vessels more than 7.5m in length but not more than 15m in length	\$75 per metre or part of a metre
Periodic survey inspection—all classes of vessels more than 15m in length	\$90 per metre or part of a metre
Other inspections such as checking compliance with an improvement notice or assessing an equivalent solution for vessel design and construction	\$146 per hour or part of an hour
Survey inspection services carried out outside of normal working hours	\$72 per hour or part of an hour (including travel time), subject to a minimum fee of \$282 where the hours are not merely an extension of normal working hours, in addition to the usual fee for the service
Attending for an inspection of a vessel, at the request of an applicant, for a certificate of survey or other inspection relating to a certificate of survey at a place other than that at which the surveyor is normally engaged in official duties (whether or not the applicant attends)	Such reasonable travel and accommodation expenses incurred
Issue of replacement certificate of survey	\$41
Issue of new load line certificate or further certificate	\$338
Periodical inspection for load line certificate	\$113
Issue of certificate of operation for hire and drive vessels under 7.5m	\$209 plus an additional \$28 for each non power driven vessel covered by the certificate and \$84 for each power driven vessel covered by the certificate
Annual fee for certificate of operation for hire and drive vessels under 7.5m	\$28 for each non power driven vessel and \$84 for each power driven vessel
Annual fee for certificate of operation for personal watercraft	\$311
Annual fee for certificate of operation for Class 3 vessel	\$78
Annual fee for certificate of operation for all other vessels not specified above	\$62 plus an additional \$10 for each 0.5m (or part) in length that exceeds 3m up to a maximum fee of \$613

Transfer of certificate of operation	\$30
Issue of replacement or duplicate certificate of operation	\$42
Issue of exemption	\$119
Audit of safety management system	\$23 per metre (or part of a metre) of vessel

Schedule 1B Partially smooth waters

(Clause 3 (1))

Port Stephens

On Port Stephens west of a line drawn across its entrance to the Tasman Sea from the north eastern extremity of Tomaree Head in a north easterly direction to the south eastern extremity of Yacabba Head.

Broken Bay

On Broken Bay west of a line drawn across its entrance to the Tasman Sea from a point on the northern extremity of Barrenjoey Head in a north easterly direction to the southern extremity of Box Head.

Port Jackson

On Port Jackson west of a line drawn across its entrance to the Tasman Sea from the western extremity of Cannae Point in a southerly direction to the northern extremity of Inner South Head.

Botany Bay

On Botany Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Bare Island in a southerly direction to the northern extremity of Inscription Point.

Port Hacking

On Port Hacking west of a line drawn across its entrance to the Tasman Sea from the eastern extremity of Glaisher Point in a south easterly direction to the northern extremity of Point Hacking Point.

Jervis Bay

On Jervis Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Dart Point in a southerly direction to the northern extremity of Governor Head.

Twofold Bay

On Twofold Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Worang Point in a southerly direction to the northern extremity of Honeysuckle Point.

Schedule 1C Smooth waters

(Clause 3 (1))

Tweed Heads

On the Tweed River south of a line drawn from the northernmost extremity of the Spur Wall in a north easterly direction to a point on the shore adjacent to the prolongation of Florence Street, Tweed Heads.

Brunswick Heads

On the Brunswick River upstream of a line drawn directly across the river from a point on the southern training wall at the junction with the most easterly point of the entrance to Simpson's Creek and approximately 600 m upstream of its entrance to the Coral Sea in a generally northerly direction to a point opposite the shore.

Ballina

On the Richmond River upstream of a line drawn across the river from a point on the shore adjacent to the prolongation of Moon Street, Ballina in a south south westerly direction to a point on the opposite shore.

Evans Head

On the Evans River upstream of a line drawn directly across the river from the western extremity of an unnamed point on the eastern shore approximately 380 m upstream of its entrance with the Coral Sea in a north westerly direction to a point on the opposite shore.

Yamba and Iluka

On the Clarence River upstream of a line drawn from the northern extremity of Hickey Island approximately 1,600 m upstream of its entrance to the Coral Sea in a northerly direction to a point on the opposite shore.

Wooli

On the Wooli River upstream of a line drawn across the river from a point on the eastern shore approximately 1,400 m upstream of its entrance to the Coral Sea in a westerly point to a point on the opposite shore.

Urunga

On the Bellinger and Kalang Rivers upstream of a line drawn from a point on the southern training wall approximately 1,100m upstream of its entrance to the Coral Sea in an easterly direction to a point on the opposite shore.

Nambucca Heads

On the Nambucca River upstream of lines drawn across the river entrance channels from a point on the northern shore adjacent to the prolongation of High Street, Nambucca Heads, in a southerly direction to a point on the eastern shore of Warrell Creek at its entrance to the Nambucca River and opposite Warrell Point.

South West Rocks and Stuart's Point

On the Macleay River upstream of a line drawn across the river from a point on the southern training wall approximately 1,300m upstream from its entrance with the Tasman Sea in a generally north westerly direction to a point on the opposite northern training wall.

Port Macquarie

On the Hastings River upstream of a line drawn across the river from a point on the southern shore adjacent to the prolongation of Hay Street, Port Macquarie, in a northerly direction to a point on the opposite northern training wall.

Laurieton

On the Camden Haven River upstream of a line drawn across the river from a point on the southern training wall at Klondyke Rocks approximately 1,000m upstream of its entrance to the Tasman Sea.

Manning River

On the Manning River upstream of a line drawn across the river from a point on the northern training wall approximately 3,100m upstream of its entrance to the Tasman Sea in a south south westerly direction to the northern extremity of the southern training wall.

Wallis Lake

On Wallis Lake upstream of the Forster-Tuncurry Bridge.

Port Stephens

On Port Stephens upstream of a line drawn from the southern extremity of Corrie Island in a south easterly direction across the waterway to a point on the southern shore in line with the highest point of Tomaree Head.

Newcastle

On the Hunter River upstream of a line drawn across the river from the western extremity of Stony Point in a westerly direction to a point on the opposite northern shore 500 m upstream from Pirate Point.

Lake Macquarie

On Lake Macquarie upstream of a line drawn across Swansea Channel from a point on the northern extremity of Coon Island in an easterly direction to a point on the eastern shore adjacent to the prolongation of Soldiers Road, Pelican.

Tuggerah Lakes

On Tuggerah Lakes west of The Entrance Bridge.

Brisbane Water

On Brisbane Water upstream of a line drawn from the western extremity of Wagstaffe Point in a generally west north westerly direction to a point on the opposite shore adjacent to the prolongation of Kourung Street, Ettalong.

Pittwater

On Pittwater south of a line drawn from a point on the shore at the western extremity of Shark Point, Barrenjoey Head in a westerly direction to the eastern extremity of First Head.

Hawkesbury River

On the Hawkesbury River upstream of a line drawn from the southern extremity of Juno Point in an easterly direction to the northern extremity of Flint and Steel Point.

Pittwater to Hawkesbury River

The area bounded by lines drawn between the western extremity of Shark Point, Barrenjoey Head to the eastern extremity of First Head and Juno Point and Flint and Steel Point, except when the wave height in any part of that area exceeds 0.5m from trough to crest.

Brisbane Waters to Pittwater or Hawkesbury River

The area bounded by lines drawn between the northern extremity of Barrenjoey Head and the southern extremity of Box Head and the western extremity of Shark Point, Barrenjoey Head to the eastern extremity of First Head, except when the wave height in any part of that area exceeds 0.5 m from trough to crest.

Port Jackson

On Port Jackson upstream of a line drawn from the western extremity of Laings Point in a west north westerly direction to the eastern extremity of George's Head.

Middle Harbour

On Middle Harbour upstream of a line drawn from the southern extremity of Grotto Point in a southerly direction to the western extremity of an unnamed point at the south eastern end of Balmoral Beach.

Port Jackson to Middle Harbour

The area bounded by lines drawn between Dobroyd Point and Inner South Head, Laings Point and George's Head and Grotto Point in a southerly direction to the western extremity of an unnamed point at the south eastern end of Balmoral Beach, except when the wave height in any part of that area exceeds 0.5m from trough to crest.

Botany Bay

On Botany Bay west of a line drawn from the southern extremity of Molineux Point in a south westerly direction to the north western extremity of Bonna Point.

Georges River

On the Georges River upstream of the Captain Cook Bridge.

Port Hacking

On Port Hacking upstream of a line drawn from the southern extremity of Hungry Point in a south south easterly direction to the north western extremity of an unnamed point at the south eastern end of Horderns Beach.

Port Kembla

On Port Kembla Outer Harbour west of a line drawn from the north western extremity of the southern breakwall in a northerly direction to the south eastern extremity of the northern breakwall.

Lake Illawarra

On Lake Illawarra upstream of Windang Bridge.

Crookhaven Heads

On the Crookhaven River upstream of a line drawn from the north western extremity of an unnamed point adjacent to Crookhaven Heads Regional Boat Ramp in a northerly direction to the mid point of the northern training wall.

Sussex Inlet and St George's Basin

On Sussex Inlet and St George's Basin upstream of a line drawn across the waterway from an unnamed point at the south westerly end of Bherwerre Beach at the junction with the Tasman Sea in a westerly direction to a point on the opposite shore.

Lake Conjola

On Lake Conjola west of a line drawn across the waterway from a point adjacent the eastern side of the Boat Ramp at Lakes Entrance Caravan Park in a northerly direction to a point on the opposite shore.

Burrill Lake

On Burrill Lake upstream of a line drawn directly across the waterway from a point on the western shore adjacent to the north eastern boundary of Rotary Park.

Tabourie Lake

On Tabourie Lake westward of a line drawn in a northerly direction from the picnic area on the southern shore to the caravan park on the northern shore.

Clyde River

On the Clyde River at Batemans Bay upstream of a line drawn between the eastern side of the entrance to the boat harbour and Pinnacle Point.

Tomaga River

On the Tomaga River upstream of a line drawn across the river from a point adjacent to the Tomakin Boat Ramp at the end of Kingston Place, Tomakin to a point on the opposite shore.

Moruya River

On the Moruya River upstream of a line drawn across the waterway from a point on the southern training wall approximately 750 m from its entrance to the Tasman Sea in a generally northerly direction to a point on the opposite shore.

Durras Lake

On Durras Lake west of a line drawn due south from the natural spring well at North Durras.

Coila Lake

On Coila Lake west of a line drawn from the Boat Ramp at the end of Foam Street, Tuross Heads in a north easterly direction to a point on the opposite northern shore.

Tuross Lake

On Tuross Lake upstream of a line drawn from the Boat Ramp off Nelson Parade, Tuross Heads in a south south westerly direction to an unnamed point on the shore of the Eurobodalla National Park.

Narooma

On the Wagonga Inlet at Narooma upstream of a line drawn from a point on the southern shore adjacent to the northern boundary of Rotary Park, Narooma in a north westerly direction to the southernmost extremity of the northern training wall.

Corunna Lake

On Corunna Lake upstream of the Princes Highway Bridge.

Wallaga Lake

On Wallaga Lake upstream of the Tilba Road Bridge.

Bermagui

On the Bermagui River upstream of a line drawn from the northern extremity of the eastern training wall in a westerly direction to a point midway along the eastern training wall.

Merimbula Lake

On Merimbula Lake upstream of a line drawn across its entrance with the Tasman Sea from an unnamed point at the junction of Mitchies Beach and Merimbula Beach in an easterly direction to a point on the opposite shore at Bar Beach.

Pambula

On the Pambula River upstream of a line drawn between Black Gin Point and the seaward end of Mosquito Bight Point.

Eden

On Twofold Bay west of a line drawn from the western extremity of the Eden Breakwall in a south easterly direction to the northern extremity of Munganoa Point.

Wonboyn

On Wonboyn River upstream of a line drawn from the north western extremity of Dollys Island in a south easterly direction to a point on the opposite northern shore.

Murray River

On the Murray River and its New South Wales tributaries and in the **transferred Victorian area** as defined in the [Marine Safety Legislation \(Lakes Hume and Mulwala\) Act 2001](#).

Other New South Wales waters

All other coastal navigable waters (such as rivers, creeks, lakes and lagoons) except those listed in Schedule 1B.

All inland navigable waters (such as rivers, lakes and dam waters).

Schedule 2 International Regulations for Preventing Collisions at Sea

(Clause 5)

Part A General

1 Application

(a)

These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing ships.

(b)

Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadstead, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing ships. Such special rules shall conform as closely as possible to these Rules.

(c)

Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any State with respect to additional station or signal lights, shapes or whistle signals for ships of war and vessels proceeding under convoy, or with respect to additional station or signal lights or shapes for fishing vessels engaged in fishing as a fleet. These additional station or signal lights, shapes or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light, shape or signal authorized elsewhere under these Rules.

(d)

Traffic separation schemes may be adopted by the Organisation for the purpose of these Rules.

(e)

Whenever the Minister concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, as the Minister shall have determined to be the closest possible compliance with these Rules in respect of that vessel.

NSW special Rule

(1)

Despite Rule 1 (a), these Rules extend to vessels in all navigable waters.

(2)

These Rules do not apply to vessels taking part in an aquatic activity if the aquatic licence that authorises the activity provides for a different set of rules to be applied. However, these Rules do apply if there is a risk of collision between a vessel taking part in the aquatic activity and a vessel

that is not taking part in the aquatic activity.

(3)

An unoccupied vessel is exempt from the provisions of these Rules if it is:

- (a) secured under the authority of, and in accordance with the conditions, attached to an occupation licence issued under the *Management of Waters and Waterside Lands Regulations—N.S.W.*, or
- (b) it is lawfully occupying any navigable waters by direction of, or with the permission of, the Crown or any other person or body lawfully entitled to give such a direction or permission.

(4)

Subrule (3) does not apply to a vessel secured to a shipping mooring.

2 Responsibility

(a)

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b)

In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

3 General Definitions

For the purpose of these Rules, except where the context otherwise requires:

- (a) The word vessel includes every description of water craft, including non-displacement craft, WIG craft and seaplanes, used or capable of being used as a means of transportation on water.
- (b) The term power-driven vessel means any vessel propelled by machinery.
- (c) The term sailing vessel means any vessel under sail provided that propelling machinery, if fitted, is not being used.
- (d) The term vessel engaged in fishing means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.
- (e) The word seaplane includes any aircraft designed to manoeuvre on the water.
- (f) The term vessel not under command means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.
- (g) The term vessel restricted in her ability to manoeuvre means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is therefore

unable to keep out of the way of another vessel.

The term vessels restricted in their ability to manoeuvre shall include but not be limited to:

- (i) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;
 - (ii) a vessel engaged in dredging, surveying or underwater operations;
 - (iii) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway;
 - (iv) a vessel engaged in the launching or recovery of aircraft;
 - (v) a vessel engaged in mine clearance operations;
 - (vi) a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.
- (h) The term vessel constrained by her draught means a power-driven vessel which because of her draught in relation to the available depth and width of navigable water is severely restricted in her ability to deviate from the course she is following.
- (i) The word underway means a vessel that is not at anchor, or made fast to the shore, or aground.
- (j) The words length and breadth of a vessel mean her length overall and greatest breadth.
- (k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.
- (l) The term restricted visibility means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.
- (m) The term Wing-In-Ground WIG craft means a multimodal craft which, in its main operational mode, flies in close proximity to the surface by utilising surface-effect action.

Part B Steering and Sailing Rules

Section I Conduct of Vessels in any Condition of Visibility

4 Application

Rules in this Section apply in any condition of visibility.

5 Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

6 Safe Speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

- (a) By all vessels:
 - (i) the state of visibility;
 - (ii) the traffic density including concentrations of fishing vessels or any other vessels;
 - (iii) the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
 - (iv) at night the presence of background light such as from shore lights or from back scatter of her own lights;
 - (v) the state of wind, sea and current, and the proximity of navigational hazards;
 - (vi) the draught in relation to the available depth of water.
- (b) Additionally, by vessels with operational radar:
 - (i) the characteristics, efficiency and limitations of the radar equipment;
 - (ii) any constraints imposed by the radar range scale in use;
 - (iii) the effect on radar detection of the sea state, weather and other sources of interference;
 - (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;
 - (v) the number, location and movement of vessels detected by radar;
 - (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

7 Risk of Collision

(a)

Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(b)

Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c)

Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d)

In determining if risk of collision exists the following considerations shall be among those taken into

account:

- (i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change,
- (ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

8 Action to avoid Collision

(a)

Any action taken to avoid collision shall be taken in accordance with the Rules of this Part and shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b)

Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar, a succession of small alterations of course and/or speed should be avoided.

(c)

If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d)

Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e)

If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f)

- (i) A vessel which, by any of these Rules, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.
- (ii) A vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Rules of this Part.
- (iii) A vessel the passage of which is not to be impeded remains fully obliged to comply with the Rules of this Part when the two vessels are approaching one another so as to involve risk of collision.

9 Narrow Channels

(a)

A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b)

A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c)

A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d)

A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34 (d) if in doubt as to the intention of the crossing vessel.

(e)

(i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34 (c) (i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34 (c) (ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34 (d).

(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f)

A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34 (e).

(g)

Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

10 Traffic Separations Schemes

(a)

This Rule applies to traffic separation schemes adopted by the Organization and does not relieve any vessel of her obligation under any other Rule.

(b)

A vessel using a traffic separation scheme shall:

- (i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane,
- (ii) so far as practicable keep clear of a traffic separation line or separation zone,

(iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

(c)

A vessel shall, so far as practicable, avoid crossing traffic lanes but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of the traffic flow.

(d)

(i) A vessel shall not use an inshore traffic zone when it can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 metres in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

(ii) Notwithstanding subparagraph (d) (i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

(e)

A vessel, other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:

(i) in cases of emergency to avoid immediate danger,

(ii) to engage in fishing within a separation zone.

(f)

A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

(g)

A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

(h)

A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

(i)

A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

(j)

A vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

(k)

A vessel restricted in her ability to manoeuvre when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this Rule to the extent necessary to carry out the operation.

(I)

A vessel restricted in her ability to manoeuvre when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.

Section II Conduct of Vessels in Sight of One Another

11 Application

Rules in this Section shall apply to vessels in sight of one another.

12 Sailing Vessels

(a)

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

- (i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;
- (ii) when both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;
- (iii) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b)

For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

13 Overtaking

(a)

Notwithstanding anything contained in the Rules of Part B, sections I and II, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b)

A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c)

When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d)

Any subsequent alteration of the bearing between the two vessels shall not make the overtaking

vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

14 Head-on Situation

(a)

When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b)

Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c)

When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

15 Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

16 Action by Give-way Vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

17 Action by Stand-on Vessel

(a)

- (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed.
- (ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b)

When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c)

A power-driven vessel which takes action in a crossing situation in accordance with subparagraph (a) (ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d)

This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

18 Responsibilities between Vessels

Except where Rules 9, 10 and 13 otherwise require:

- (a) A power-driven vessel underway shall keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre;
 - (iii) a vessel engaged in fishing;
 - (iv) a sailing vessel.
- (b) A sailing vessel underway shall keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre;
 - (iii) a vessel engaged in fishing.
- (c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre.
- (d)
 - (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.
 - (ii) A vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.
- (e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.
- (f)
 - (i) A WIG craft shall, when taking off, landing and in flight near the surface, keep well clear of all other vessels and avoid impeding their navigation.
 - (ii) A WIG craft operating on the water surface shall comply with the Rules of this Part as a power-driven vessel.

NSW special Rule

(1)

In this special Rule, priority over sail signal means a signal displaying an orange diamond shape.

(2)

In addition to complying with the requirements of Rule 18, the operator of a sailing vessel must keep out of the way of, and keep a safe distance from, a vessel displaying a priority over sail signal.

(3)

If the operator of a sailing vessel is unable to comply with subrule (2) of this special Rule, the operator is to make that fact clear to the operator of the vessel displaying the priority over sail signal as soon as possible.

(4)

The operator of a vessel must not display a priority over sail signal without the written consent of the Minister.

Section III Conduct of Vessels in Restricted Visibility

19 Conduct of Vessels in Restricted Visibility

(a)

This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b)

Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.

(c)

Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Rules of Section I of this Part.

(d)

A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

- (i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;
- (ii) an alteration of course towards a vessel abeam or abaft the beam.

(e)

Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

Part C Lights and Shapes

20 Application

(a)

Rules in this Part shall be complied with in all weathers.

(b)

The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c)

The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d)

The Rules concerning shapes shall be complied with by day.

(e)

The lights and shapes specified in these Rules shall comply with the provisions of Annex I to these Regulations.

21 Definitions

(a)

Masthead light means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b)

Sidelights means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.

(c)

Sternlight means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d)

Towing light means a yellow light having the same characteristics as the sternlight defined in paragraph (c) of this Rule.

(e)

All round light means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f)

Flashing light means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

22 Visibility of Lights

The lights prescribed in these Rules shall have an intensity as specified in Section 8 of Annex I to these Regulations so as to be visible at the following minimum ranges:

- (a) In vessels of 50 metres or more in length:
 - (i) a masthead light, 6 miles;
 - (ii) a sidelight, 3 miles;
 - (iii) a sternlight, 3 miles;
 - (iv) a towing light, 3 miles,
 - (v) a white, red, green or yellow all-round light, 3 miles.
- (b) In vessels of 12 metres or more in length but less than 50 metres in length:
 - (i) a masthead light, 5 miles, except that where the length of the vessel is less than 20 metres, 3 miles;
 - (ii) a sidelight, 2 miles;
 - (iii) a sternlight, 2 miles;
 - (iv) a towing light, 2 miles;
 - (v) a white, red, green or yellow all-round light, 2 miles.
- (c) In vessels of less than 12 metres in length:
 - (i) a masthead light, 2 miles;
 - (ii) a sidelight, 1 mile;
 - (iii) a sternlight, 2 miles;
 - (iv) a towing light, 2 miles;
 - (v) a white, red, green or yellow all-round light, 2 miles.
- (d) In inconspicuous, partly submerged vessels or objects being towed:
 - (i) a white all-round light, 3 miles.

23 Power-driven Vessels Underway

(a)

A power-driven vessel underway shall exhibit:

- (i) a masthead light forward;

- (ii) a second masthead light abaft of and higher than the forward one, except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;
- (iii) sidelights;
- (iv) a sternlight.

(b)

An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light.

(c)

A WIG craft only when taking off, landing and in flight near the surface shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit a high intensity all-round flashing red light.

(d)

- (i) A power-driven vessel of less than 12 metres in length may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light, and sidelights;
- (ii) a power-driven vessel of less than 7 metres in length whose maximum speed cannot exceed 7 knots may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light and shall, if practicable, also exhibit sidelights;
- (iii) the masthead light of all-round white light on a power-driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if centreline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centreline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

NSW special Rule

(1)

In this special Rule, commuter craft zone means the following areas of water:

- (a) Hawkesbury River Area—being the navigable waters of that part of Hawkesbury River and tributaries (including Mullet, Mooney Mooney, Mangrove and Berowra Creeks) upstream of a line between Green Point and Croppy Point to a line across the River from an unnamed point, approximately 1 kilometre south of the entrance to Breakfast Creek, (near Spencer) to Gentlemans Halt,
- (b) Pittwater Area—being the navigable waters of that part of Pittwater and tributaries lying south of a line extending from the western extremity of Observation Point northwesterly to an unnamed point at the northern extremity of Great Mackerel Beach,
- (c) Woronora Area—being the navigable waters of that part of Woronora River and tributaries lying south of a line extending in an easterly direction from an unnamed point (approximately 250 metres northeast of the entrance to Still Creek) to the opposite shore of the River,
- (d) Port Hacking Area—being the navigable waters of that part of Port Hacking and Gunnamatta

Bay commencing at the eastern extremity of Cabbage Tree Point thence by the shore of Bundeena Bay to the eastern extremity of Gunyah Beach thence by a line extending northwesterly across Port Hacking to the western extremity of Hungry Point thence by the shore of Gunnamatta Bay to the eastern extremity of Burraneer Point thence by a line extending southeasterly across Port Hacking to the point of commencement.

(2)

A power-driven vessel less than 5 metres in length may exhibit sidelights and a sternlight instead of the lights prescribed by Rule 23 (a) and (c) when underway in a commuter craft zone.

(3)

The operator of a vessel in chains must ensure that between sunset and sunrise the vessel displays, instead of the lights prescribed by Rule 23:

- (a) an all round flashing light (within the meaning of Rule 21) when underway, and
- (b) an all round green light situated not less than 1 metre vertically above the red light at the forward end of the vessel to indicate the direction in which the vessel is proceeding when underway, and
- (c) an all round red light at each end of the vessel in a horizontal line at a height of not less than 3 metres above the deck of the vessel if the vessel is available to operate but is not underway.

(4)

A high speed catamaran ferry may, with the written consent of the Minister, exhibit an all round flashing yellow light (within the meaning of Rule 21).

24 Towing and Pushing

(a)

A power-driven vessel when towing shall exhibit:

- (i) instead of the light prescribed in Rule 23 (a) (i) or (a) (ii), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;
- (ii) sidelights;
- (iii) a sternlight;
- (iv) a towing light in a vertical line above the sternlight;
- (v) when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(b)

When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Rule 23.

(c)

A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

- (i) instead of the light prescribed in Rule 23 (a) (i) or (a) (ii), two masthead lights in a vertical line;
- (ii) sidelights;
- (iii) a sternlight.

(d)

A power-driven vessel to which paragraph (a) or (c) of this Rule applies shall also comply with Rule 23 (a) (ii).

(e)

A vessel or object being towed, other than those mentioned in paragraph (g) of this Rule, shall exhibit:

- (i) sidelights;
- (ii) a sternlight;
- (iii) if the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

(f)

Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

- (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;
- (ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(g)

An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:

- (i) if it is less than 25 metres in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;
- (ii) if it is 25 metres or more in breadth, two additional all-round white lights at or near the extremities of its breadth;
- (iii) if it exceeds 100 metres in length, additional all-round white lights between the lights prescribed in sub-paragraphs (i) and (ii) so that the distance between the lights shall not exceed 100 metres;
- (iv) a diamond shape at or near the aftermost extremity of the last vessel or object being towed and if the length of the tow exceeds 200 metres an additional diamond shape where it can best be seen and located as far forward as is practicable.

(h)

Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

(i)

Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this Rule, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by Rule 36, in particular by illuminating the towline.

25 Sailing Vessels Underway and Vessels under Oars

(a)

A sailing vessel underway shall exhibit:

- (i) sidelights;
- (ii) a sternlight.

(b)

In a sailing vessel of less than 20 metres in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c)

A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.

(d)

- (i) A sailing vessel of less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- (ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e)

A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

26 Fishing Vessels

(a)

A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule.

(b)

A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

- (i) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other;
- (ii) a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length shall not be obliged to exhibit such a light but may do so;
- (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c)

A vessel engaged in fishing, other than trawling, shall exhibit:

- (i) two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other;
- (ii) when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;
- (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d)

The additional signals described in Annex II to these Regulations apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.

(e)

A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

27 Vessels not under Command or Restricted in their Ability to Manoeuvre

(a)

A vessel not under command shall exhibit:

- (i) two all-round red lights in a vertical line where they can best be seen;
- (ii) two balls or similar shapes in a vertical line where they can best be seen;
- (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b)

A vessel restricted in her ability to manoeuvre, except a vessel engaged in mine clearance operations, shall exhibit:

- (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;
- (ii) three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;
- (iii) when making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in sub-paragraph (i);
- (iv) when at anchor, in addition to the lights or shapes prescribed in sub-paragraphs (i) and (ii), the light, lights or shape prescribed in Rule 30.

(c)

A power-driven vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in Rule 24 (a), exhibit the lights or shapes prescribed in sub-paragraphs (b) (i) and (ii) of this Rule.

(d)

A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in sub-paragraph (b) (i), (ii) and (iii) of this Rule and shall in addition, when an obstruction exists, exhibit:

- (i) two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;
- (ii) two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;
- (iii) when at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in Rule 30.

(e)

Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall be exhibited:

- (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;
- (ii) a rigid replica of the International Code flag "A" not less than 1 metre in height. Measures shall be taken to ensure its all-round visibility.

(f)

A vessel engaged in mine clearance operations shall in addition to the lights prescribed for a power-driven vessel in Rule 23 or to the lights or shape prescribed for a vessel at anchor in Rule 30 as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes

indicate that it is dangerous for another vessel to approach within 1000 metres of the mine clearance vessel.

(g)

Vessels of less than 12 metres in length, except those engaged in diving operations, shall not be required to exhibit the lights and shapes prescribed in this Rule.

(h)

The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations.

NSW special Rule

(1)

The owner and operator of a vessel engaged in diving operations, and any diver engaged in those operations from the vessel, must ensure that a rigid replica of an International Code flag "A" is displayed on the vessel, or on a buoy or float positioned nearby, so as to make it clearly visible and that:

- (a) the top of the flag is at least 1 metre from the top of any part of the vessel's superstructure or other obstruction or at least 2 metres from the water surface if mounted on a nearby buoy, and
- (b) the flag is visible through 360°, and
- (c) the flag is at least 400 millimetres by 400 millimetres in size, and
- (d) the flag is not faded, and
- (e) the flag is maintained in good condition.

(2)

The operator of a vessel underway must maintain a safe distance from, and travel at a safe speed when in the vicinity of, an area in which a replica of an International Code flag "A" is displayed.

(3)

Rule 27 (g) does not operate so as to exempt any vessel which is engaged in dredging operations or underwater operations from the requirements of that Rule in relation to the exhibition of lights and shapes.

28 Vessels constrained by their Draught

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Rule 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

29 Pilot Vessels

(a)

A vessel engaged on pilotage duty shall exhibit:

- (i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the

lower red;

- (ii) when underway, in addition, sidelights and a sternlight;
- (iii) when at anchor, in addition to the lights prescribed in subparagraph (i), the light, lights or shape prescribed in Rule 30 for vessels at anchor.

(b)

A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

NSW special Rule

In addition to the requirements of Rule 29, a vessel engaged on pilotage duty between sunrise and sunset must exhibit when underway a flag that is of a size not less than 900 mm by 600 mm and is divided horizontally in 2 colours (the upper half being white and the lower half being red).

30 Anchored Vessels and Vessels aground

(a)

A vessel at anchor shall exhibit where it can best be seen:

- (i) in the fore part, an all-round white light or one ball;
- (ii) at or near the stern and at a lower level than the light prescribed in sub-paragraph (i), an all-round white light.

(b)

A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.

(c)

A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d)

A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, where they can best be seen:

- (i) two all-round red lights in a vertical line;
- (ii) three balls in a vertical line.

(e)

A vessel of less than 7 metres in length, when at anchor not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this Rule.

(f)

A vessel of less than 12 metres in length, when aground, shall not be required to exhibit the lights

or shapes prescribed in sub-paragraphs (d) (i) and (ii) of this Rule.

31 Seaplanes

Where it is impracticable for a seaplane or a WIG craft to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

Part D Sound and Light Signals

32 Definitions

(a)

The word whistle means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these Regulations.

(b)

The term short blast means a blast of about one second's duration.

(c)

The term prolonged blast means a blast of from four to six seconds' duration.

33 Equipment for Sound Signals

(a)

A vessel of 12 metres or more in length shall be provided with a whistle, a vessel of 20 metres or more in length shall be provided with a bell in addition to a whistle, and a vessel of 100 metres or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(b)

A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

34 Manoeuvring and Warning Signals

(a)

When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:

- (i) one short blast to mean "I am altering my course to starboard";
- (ii) two short blasts to mean "I am altering my course to port";
- (iii) three short blasts to mean "I am operating astern propulsion".

(b)

Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

- (i) these light signals shall have the following significance:
 - (A) one flash to mean "I am altering my course to starboard";
 - (B) two flashes to mean "I am altering my course to port";
 - (C) three flashes to mean "I am operating astern propulsion";
- (ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;
- (iii) the light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I to these Regulations.

(c)

When in sight of one another in a narrow channel or fairway:

- (i) a vessel intending to overtake another shall in compliance with Rule 9 (e) (i) indicate her intention by the following signals on her whistle:
 - (A) two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
 - (B) two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";
- (ii) the vessel about to be overtaken when acting in accordance with Rule 9 (e) (i) shall indicate her agreement by the following signal on her whistle:
- (iii) one prolonged, one short, one prolonged and one short blast, in that order.

(d)

When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

(e)

A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f)

If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

35 Sound Signals in Restricted Visibility

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

- (a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.
- (b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.
- (c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.
- (d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to manoeuvre when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (g) of this Rule sound the signal prescribed in paragraph (c) of this Rule.
- (e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.
- (f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.
- (g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.
- (h) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (g) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.
- (i) A vessel of 12 metres or more but less than 20 metres in length, shall not be obliged to give the bell signals prescribed in paragraphs (g) and (h) of this Rule. However, if she does not, she shall make some other efficient sound signal at intervals of not more than 2 minutes.
- (j) A vessel of less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

- (k) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (g) of this Rule sound an identity signal consisting of four short blasts.

36 Signals to Attract Attention

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this Rule the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

37 Distress Signals

When a vessel is in distress and requires assistance she shall use or exhibit the signals described in Annex IV to these Regulations.

Part E Exemptions

38 Exemptions

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of these Regulations may be exempted from compliance therewith as follows:

- (a) The installation of lights with ranges prescribed in Rule 22, until four years after the date of entry into force of these Regulations.
- (b) The installation of lights with colour specifications as prescribed in Section 7 of Annex I to these Regulations, until four years after the date of entry into force of these Regulations.
- (c) The repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures, permanent exemption.
- (d)
 - (i) The repositioning of masthead lights on vessels of less than 150 metres in length, resulting from the prescriptions of Section 3 (a) of Annex I, to these Regulations, permanent exemption.
 - (ii) The repositioning of masthead lights on vessels of 150 metres or more in length, resulting from the prescriptions of Section 3 (a) of Annex I to these Regulations, until nine years after the date of entry into force of these Regulations.
- (e) The repositioning masthead lights resulting from the prescriptions of Section 2 (b) of Annex I, to these Regulations until nine years after the date of entry into force of these Regulations.
- (f) The repositioning of sidelights resulting from the prescriptions of Section 2 (g) and 3 (b) of Annex I, to these Regulations until nine years after the date of entry into force of these Regulations.
- (g) The requirements for sound signal appliances prescribed in Annex III, to these Regulations until nine years after the date of entry into force of these Regulations.
- (h) The repositioning of all-round lights resulting from the prescription of Section 9 (b) of Annex I to these Regulations, permanent exemption.

Annex I Positioning and Technical Details of Lights and Shapes

1 Definition

The term height above the hull means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

2 Vertical positioning and spacing of lights

(a)

On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:

- (i) the forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, and, if the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;
- (ii) when two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

(b)

The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1000 metres from the stem when viewed from sea level.

(c)

The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

(d)

A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. When however a masthead light is carried in addition to sidelights and a sternlight or the all-round light prescribed in Rule 23 (d) (i) is carried in addition to sidelights, then such masthead light or all-round light shall be carried at least 1 metre higher than the sidelights.

(e)

One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light, provided that, if carried on the aftermast, the lowest after masthead light shall be at least 4.5 metres vertically higher than the forward masthead light.

(f)

- (i) The masthead light or lights prescribed in Rule 23 (a) shall be so placed as to be above and clear of all other lights and obstructions except as described in sub-paragraph (ii).
- (ii) When it is impracticable to carry the all-round lights prescribed by Rule 27 (b) (i) or Rule 28 below the masthead lights, they may be carried above the after masthead light(s) or vertically in between the forward masthead light(s) and after masthead light(s), provided that in the latter

case the requirement of Section 3 (c) of this Annex shall be complied with.

(g)

The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.

(h)

The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.

(i)

When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

- (i) on a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 metres above the hull;
- (ii) on a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 metres above the gunwale;
- (iii) when three lights are carried they shall be equally spaced.

(j)

The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

(k)

The forward anchor light prescribed in Rule 30 (a) (i), when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length this forward anchor light shall be placed at a height of not less than 6 metres above the hull.

3 Horizontal positioning and spacing of lights

(a)

When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

(b)

On a power-driven vessel of 20 metres or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

(c)

When the lights prescribed in Rule 27 (b) (i) or Rule 28 are placed vertically between the forward

masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 metres from the fore and aft centreline of the vessel in the athwartship direction.

4 Details of location of direction-indicating lights for fishing vessels, dredges and vessels engaged in underwater operations

(a)

The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26 (c) (ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26 (c) (i) and not lower than the sidelights.

(b)

The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27 (d) (i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Rule 27 (b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27 (b) (i) and (ii).

5 Screens for sidelights

The sidelights of vessels of 20 metres or more in length shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. On vessels of less than 20 metres in length the sidelights, if necessary to meet the requirements of Section 9 of this Annex, shall be fitted with inboard matt black screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6 Shapes

(a)

Shapes shall be black and of the following sizes:

- (i) a ball shall have a diameter of not less than 0.6 metre;
- (ii) a cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;
- (iii) a cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;
- (iv) a diamond shape shall consist of two cones as defined in (ii) above having a common base.

(b)

The vertical distance between shapes shall be at least 1.5 metre.

(c)

In a vessel of less than 20 metres in length shapes of lesser dimensions, but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7 Colour specification of lights

The chromaticity of all navigation lights shall conform to the following standards, which lie within the

boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner coordinates, which are as follows:

(i) **White**

x	0.525	0.525	0.452	0.310	0.310	0.443
y	0.382	0.440	0.440	0.348	0.283	0.382

(ii) **Green**

x	0.028	0.009	0.300	0.203
y	0.385	0.723	0.511	0.356

(iii) **Red**

x	0.680	0.660	0.735	0.721
y	0.320	0.320	0.265	0.259

(iv) **Yellow**

x	0.612	0.618	0.575	0.575
y	0.382	0.382	0.425	0.406

8 Intensity of lights

(a)

The minimum luminous intensity of lights shall be calculated by using the formula:

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D}$$

where:

I is luminous intensity in candelas under service conditions,

T is threshold factor

$$2 \times 10^{-7} \text{ lux,}$$

D is range of visibility (luminous range) of the light in nautical miles,

K is atmospheric transmissivity.

For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of

approximately 13 nautical miles.

(b)

A selection of figures derived from the formula is given in the following table:

Range of visibility (luminous range) of light in nautical miles	Luminous intensity of light in candelas for K = 0.8
D	I
1	0.9
2	4.3
3	12.0
4	27.0
5	52.0
6	94.0

Note.

The maximum luminous intensity of navigation lights should be limited to avoid undue glare. This shall not be achieved by a variable control of the luminous intensity.

9 Horizontal sectors

(a)

- (i) In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.
- (ii) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

(b)

- (i) All-round lights shall be so located as not to be obscured by masts, topmasts or structures, within angular sectors of more than 6 degrees, except anchor lights prescribed in Rule 30, which need not be placed at an impracticable height above the hull.
- (ii) If it is impracticable to comply with paragraph (b) (i) of the section by exhibiting only one all-round light, two all-round lights shall be used suitably positioned or screened so that they appear, as far as practicable, as one light at a distance of one mile.

10 Vertical sectors

(a)

The vertical sectors of electric lights as fitted with the exception of lights on sailing vessels

underway shall ensure that:

- (i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;
- (ii) at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

(b)

In the case of sailing vessels underway the vertical sectors of electric lights as fitted shall ensure that:

- (i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;
- (ii) at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

(c)

In the case of lights other than electric these specifications shall be met as closely as possible.

11 Intensity of non-electric lights

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8 of this Annex.

12 Manoeuvring light

Notwithstanding the provisions of paragraph 2 (f) of this Annex the manoeuvring light described in Rule 34 (b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that it shall be carried not less than 2 metres vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13 High speed craft*

(a)

The masthead light of high-speed craft may be placed at a height related to the breadth of the craft lower than that prescribed in paragraph 2 (a) (i) of this Annex, provided that the base angle of the isosceles triangles formed by the sidelights and masthead light, when seen in end elevation, is not less than 27°.

(b)

On high-speed craft of 50 metres or more in length, the vertical separation between foremast and mainmast light of 4.5 metres required by paragraph 2 (a) (ii) of this Annex may be modified provided that such distance shall not be less than the value determined by the following formula:

$$y = \frac{(a + 17\psi)L^2}{1000} + 2$$

where:

y is the height of the mainmast light above the fore mast light in metres;

a is the height of the foremast light above the water surface in service condition in metres;

Ψ is the trim in service condition in degrees;

C is the horizontal separation of masthead lights in metres.

* Refer to the Internal Code of Safety for High-Speed Craft 1994 or the Internal Code of Safety for High-Speed Craft 2000.

14 Approval

The construction of lights and shapes and the installation of lights on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

Annex II Additional Signals for Fishing Vessels Fishing in Close Proximity

1 General

The lights mentioned herein shall, if exhibited in pursuance of Rule 26 (d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Rule 26 (b) (i) and (c) (i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

2 Signals for trawlers

(a)

Vessels of 20 metres or more in length when engaged in trawling, whether using demersal or pelagic gear, may exhibit:

- (i) when shooting their nets: two white lights in a vertical line;
- (ii) when hauling their nets: one white light over one red light in a vertical line;
- (iii) when the net has come fast upon an obstruction: two red lights in a vertical line.

(b)

Each vessel of 20 metres or more in length engaged in pair trawling may exhibit:

- (i) by night, a searchlight directed forward and in the direction of the other vessel of the pair;
- (ii) when shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2 (a) above.

(c)

A vessel of less than 20 metres in length engaged in trawling, whether using demersal or pelagic gear or engaged in pair trawling, may exhibit the lights prescribed in paragraphs (a) or (b) of this section as appropriate.

3 Signal for purse seiners

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights

may be exhibited only when the vessel is hampered by its fishing gear.

Annex III Technical Details of Sound Signal Appliances

1 Whistles

(a) Frequencies and range of audibility

The fundamental frequency of the signal shall lie within the range 70–700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180–700 Hz ($\pm 1\%$) for a vessel of 20 metres or more in length, or 180–2100 Hz ($\pm 1\%$) for a vessel of less than 20 metres in length, and which provide the sound pressure levels specified in paragraph 1 (c) below.

(b) Limits of fundamental frequencies

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

- (i) 70–200 Hz, for a vessel 200 metres or more in length;
- (ii) 130–350 Hz, for a vessel 75 metres but less than 200 metres in length;
- (iii) 250–700 Hz, for a vessel less than 75 metres in length.

(c) Sound signal intensity and range of audibility

A whistle fitted in a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one 1/3-octave band within the range of frequencies 180–700 Hz ($\pm 1\%$) for a vessel of 20 metres or more in length, or 180–2100 Hz ($\pm 1\%$) for a vessel of less than 20 metres in length, of not less than the appropriate figure given in the table below.

Length of vessel in metres	One-third octave band level at 1 metre in dB referred to 2 Audibility range in nautical miles $\times 10^{-5} \text{ N/m}^2$	
	Level (dB)	Range (nautical miles)
200 or more	143	2.0
75 but less than 200	138	1.5
20 but less than 75	130	1.0
Less than 20	120* ¹	0.5
	115* ²	0.5
	111* ³	0.5

*¹ When the measured frequencies lies within the range 180–450 Hz.

*² When the measured frequencies lies within the range 450–800 Hz.

*³ When the measured frequencies lies within the range 800–2100 Hz.

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90% probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63 dB in the octave band centred on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

(d) Directional properties

The sound pressure level of a directional whistle shall be not more than 4 dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that 1/3-octave band which determines the audibility range.

(e) Positioning of whistles

When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (a) and so far as practicable should not exceed 100 dB (a).

(f) Fitting of more than one whistle

If whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

(g) Combined whistle systems

If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1 (f) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10 Hz.

2 Bell or gong

(a) Intensity of signal

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at a distance of 1 metre from it.

(b) Construction

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of 20 metres or more in

length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 per cent of the mass of the bell.

3 Approval

The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

Annex IV Distress Signals

1

The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

- (a) a gun or other explosive signal fired at intervals of about a minute;
- (b) a continuous sounding with any fog-signalling apparatus;
- (c) rockets or shells, throwing red stars fired one at a time at short intervals;
- (d) a signal made by radiotelegraphy or by any other signalling method consisting of the group ...— — —... (SOS) in the Morse Code;
- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (f) the International Code Signal of distress indicated by N.C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
- (i) a rocket parachute flare or a hand flare showing a red light;
- (j) a smoke signal giving off orange-coloured smoke;
- (k) slowly and repeatedly raising and lowering arms outstretched to each side;
- (l) a distress alert by means of digital selective calling (DSC) transmitted on:
 - (i) VHF channel 70; or
 - (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;
- (m) a ship-to-shore distress alert transmitted by the ship's Inmarsat or other mobile satellite provider ship earth station;
- (n) signal transmitted by emergency position-indicating radio beacons;
- (o) approved signals transmitted by radiocommunication systems, including survival craft radar transponders.

2

The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

3

Attention is drawn to the relevant sections of the International Code of Signals, the International Aeronautical and Maritime Search and Rescue Manual, Volume III and the following signals:

- (a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);
- (b) a dye marker.

Schedule 3 Waters in which kitesurfing and sailboarding prohibited

(Clause 13)

Part 1 Waters in which kitesurfing prohibited

The waters of Port Jackson, including the waters of all tidal bays, rivers and their tributaries connected or leading to Sydney Harbour bounded by high-water mark and lying to the west of a line commencing at the southernmost point of North Head and running to the northernmost point of South Head.

Part 2 Waters in which sailboarding prohibited

The navigable waters of that part of the Port of Sydney:

- (a) enclosed by the imaginary line commencing at mean high water mark of the South Pacific Ocean near the northern extremity of South Head (which bears 130 degrees from Hornby Light) and thence bearing 130 degrees to the seaward limit of the Sydney Harbour boundary as defined in clause 6 of Schedule 1 to the [Ports and Maritime Administration Regulation 2007](#) thence generally north-easterly by that Port boundary (being the arc of a circle of radius 5,559 metres having at its centre Hornby Light) to a point bearing 90 degrees from mean high water mark at the southern extremity of North Head thence bearing 270 degrees to that southern extremity of that Head thence generally north-westerly by mean high water mark to Cannae Point thence north-westerly to a point bearing 270 degrees 185 metres distant from the western extremity of Smedleys Point thence north-easterly to a point in mean high water mark beneath the eastern side of Manly Fun Pier thence north-easterly by mean high water mark to a point beneath the western side of the Manly Ferry Jetty thence south-westerly firstly to a point bearing 222 degrees 750 metres distant from that lastmentioned point and thence passing through the starboard hand buoy off Middle Head to a point bearing 180 degrees 92 metres distant from the Bradley's Head Light thence north-westerly passing through the Athol Bight Mooring Buoys numbers 4, 5 and 6 to mean high water mark at the inshore end of the southern side of Kirribilli Ferry Wharf, thence upstream by mean high water mark of the Port of Sydney including all bays and inlets to the eastern extremity of Manns Point, thence across Parramatta River to mean high water mark at the inshore end of the western side of Long Nose Point Ferry Wharf thence downstream by mean high water mark of the Port of Sydney including all bays and inlets to a point which bears 225 degrees from the E.M.S buoy situated northerly of Elizabeth Bay thence north-easterly passing through that E.M.S buoy, the white navigation tower situated northerly of Shark Island, the yellow buoy situated westerly of Vacluse Point, the port hand channel marker situated south-westerly of Sow and Pigs to the

junction Buoy thence south-easterly to mean high water mark at the northern extremity of South Head and thence generally south-easterly by mean high water mark to the point of commencement, and

- (b) within the fifth and sixth spans from the northern end of the bridge known as the Ryde Road Bridge located approximately 140 metres upstream from Mortlake Point, and
- (c) within the third and fourth spans from the northern end of the bridge known as the Ryde Rail Bridge located approximately 210 metres upstream from Mortlake Point, and
- (d) despite paragraph (a), within 50 metres of any public wharf of any of the following commercial mooring buoys or any vessel moored to such a buoy:
 - (i) the Naval Buoys in Chowder Bay,
 - (ii) the Athol Bight Mooring Buoys,
 - (iii) the Point Piper Explosive Buoys,
 - (iv) the Man-of-War Anchorage Naval Buoys,
 - (v) the Naval Buoys in the vicinity of Spectacle and Snapper Islands,
 - (vi) the Naval Buoys in Hunter Bay, Middle Harbour.

Schedule 3A Requirements relating to Sydney Cove

(Clause 41E)

1 Definitions

In this Schedule:

Sydney Cove means the whole of that portion of Sydney Harbour that lies south of an imaginary line drawn from the position of the fixed red beacon on Dawes Point to the position of the fixed red beacon on Bennelong Point.

Note—

A map of Sydney Cove is available on the RMS website.

taxi waiting line east means an imaginary line drawn along the western face of the Eastern Pontoon parallel to the sea wall extending south to the sea wall.

taxi waiting line west means an imaginary line drawn along the face of the Overseas Passenger Terminal wharf extending south to the sea wall.

waiting line means the imaginary line drawn between the knuckle located at the northern end of the Sydney Cove Passenger Terminal building and the knuckle in the Opera House sea wall, located 150 metres south of Bennelong Point.

2 Approvals required

- (1) A vessel must not enter or operate in Sydney Cove unless:
 - (a) written approval has been obtained from RMS, Transport for NSW or Sydney Ports Corporation, or
 - (b) there is an approved wharf booking for the vessel that has been given by RMS, Transport for NSW or Sydney Ports Corporation.
- (2) No sailing vessel may operate in Sydney Cove with sails hoisted except with the written approval of RMS.

3 General navigation requirements

- (1) A vessel must not be operated within 100 metres of the Port Lateral Marker at Bennelong Point, unless the vessel is departing from:
 - (a) Sydney Cove Wharf 5, or
 - (b) Sydney Cove Wharf 6, or
 - (c) the Eastern Pontoon.
- (2) A vessel must not be operated within 100 metres of the Dawes Point siren unless the vessel is entering Sydney Cove to berth in:
 - (a) Sydney Cove Wharf 5, or
 - (b) Sydney Cove Wharf 6, or
 - (c) the Harbour Masters Steps, or
 - (d) the Commissioners Steps, or
 - (e) Campbell's Cove.

4 North/south rule

- (1) Subject to this clause, a vessel must be operated on a northerly or southerly course within Sydney Cove.
- (2) A vessel departing Sydney Cove to a place west of Sydney Cove must be operated on a northerly course until altering course to port to pass north of the diamond shape marking the centre of the Harbour Bridge unless it is clearly safer to do otherwise.
- (3) However, a vessel may be operated other than on a northerly or southerly course while within Sydney Cove if:
 - (a) the vessel is being manoeuvred as required to relocate between Wharves 2, 3, 4, 5 or 6, in circumstances when it is safe to do so, or

(b) the vessel is restricted in its ability to manoeuvre.

5 The waiting line

- (1) A vessel entering Sydney Cove that is required to wait for a berth to become vacant must wait north of the waiting line.
- (2) A vessel must not leave its berth in Sydney Cove unless there are no inbound vessels south of the waiting line that will hinder the departure of the vessel.

6 Special requirements for water taxis

- (1) A water taxi waiting for the use of Commissioners and Harbour Masters Steps must remain west of the taxi waiting line west.
- (2) A water taxi waiting for the use of the Eastern Pontoon must remain east of the taxi waiting line east.
- (3) Another vessel must not be permitted to raft up to a water taxi in Sydney Cove.
- (4) Passengers on a water taxi must not be permitted to embark or disembark at wharves 2, 3, 4, 5 or 6 at Sydney Cove.
- (5) A water taxi must give berthing priority to another vessel for which there is an approved wharf booking.

7 Control of hull or propeller wash

- (1) A vessel in Sydney Cove must not be operated in a manner that directs any propeller wash towards the Commissioners or Harbour Masters Steps when vessels are alongside those berths.
- (2) A vessel must not be operated so as to generate excessive hull or propeller wash within Sydney Cove.

8 Berthing of certain vessels at Eastern Pontoon

- (1) A vessel more than 12 metres in length berthing at the Eastern Pontoon must be berthed port side to except with the written approval of RMS.
- (2) When departing the Eastern Pontoon, a vessel berthed port side must be operated astern until the vessel is at least 200 metres to the north, then turned to starboard to head the vessel on a northerly course to leave Sydney Cove.
- (3) A vessel departing the Eastern Pontoon must not hinder the operation of any other vessel in Sydney Cove.

9 Berthing of vessels in Sydney Cove without approved wharf bookings

- (1) This clause applies to a vessel in Sydney Cove that does not have an approved wharf

booking.

- (2) At least one member of the crew of a vessel to which this clause applies must:
 - (a) remain on board the vessel, or within 5 metres of the vessel if ashore, and
 - (b) keep watch in relation to the safety of the vessel, other vessels in Sydney Cove and any person boarding or on-board the vessel.

10 Vessels entering or leaving Campbells Cove

- (1) A vessel entering or leaving Campbells Cove must be manoeuvred as close to the entrance to Campbells Cove as safe navigation permits so as not to impede other Sydney Cove traffic.
- (2) This clause does not affect the requirements of clause 4.

11 Communications on VHF Channel 13

- (1) The master of a vessel in Sydney Cove must monitor VHF Channel 13 at all times while the vessel is in Sydney Cove.
- (2) The master of a vessel in Sydney Cove must immediately advise Sydney Ports Vessel Traffic Service on VHF Channel 13 of any matter affecting safe navigation of a vessel in Sydney Cove.

Schedule 4 Standard of safety equipment carried on recreational vessels

(Clauses 83 and 84)

Item of equipment	Minimum standard required
Anchor with chain and/or line	<p>The anchor and chain and/or line must be suitable for the purpose of securing the vessel given the vessel's size, weight and the area of operation.</p> <p>The chain and/or line must be of sufficient strength and durability for the purpose and is to be securely attached to both the anchor and the vessel. Where applicable, the anchor should comply with Australian Standard AS:2198—1983, <i>Anchors for small boats</i>.</p>
Appropriate chart	<p>An Australian Navigational Chart showing the area(s) proposed for the vessel's voyage.</p>
Appropriate map	<p>A clearly legible map(s) of the area proposed for the vessel's voyage or excursion showing significant features for navigation such as shallows, reefs, hazards and channels by figure, colours or shading.</p>

Bailer with lanyard	<p>A bailer must be suitable for bailing water from the vessel and have a lanyard (rope) securely attached. The bailer must be readily accessible and not used for any other purpose. The lanyard must be of a length to allow the bailer to be cast over the side of the vessel and retrieved.</p> <p>A fire bucket carried in accordance with this standard may double as a bailer provided it satisfies the above requirements.</p>
Bilge pump	<p>The pump or pumps carried must be capable of draining each compartment of the vessel. They may be either manual or power operated, and 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.</p>
Bucket with lanyard	<p>The bucket must be suitable for bailing water out of the vessel, as well as collecting water for use in case of fire. The bucket must be manufactured from metal or a robust plastic or robust canvas (for example, a Wallaby bucket), and be designed so as not to collapse, distort or lose the handle when full of water. The bucket must not be used for any other purpose and must be readily available at all times.</p> <p>The bucket must have a lanyard (rope) attached of significant length to allow the bucket to be cast over the side and retrieved full of water.</p>
Compass	<p>The compass must be liquid damped with a rotating card showing the cardinal points.</p>
EPIRB	<p>An Emergency Position Indicating Radio Beacon (EPIRB) suitable for marine use, must transmit on 406 MHz and conform with Australian and New Zealand Standard AS/NZS:4280.1:2003, <i>406 MHz satellite distress beacons—Marine emergency position-indicating radio beacons (EPIRBs) (IEC 61097-2:2002, MOD</i> (as in force from time to time)</p> <p>Any 406 MHz EPIRB must be properly registered with the Australian Maritime Safety Authority (AMSA) and have an AMSA registration sticker affixed.</p>
Fire extinguisher	<p>Fire extinguishers carried must be of a type suitable for the type of fuel carried on board the vessel as specified in Australian Standard AS 1799.1—1992, <i>Small Pleasure Boats Code—General requirements for power boats</i> (as in force from time to time). They must be designed and manufactured in accordance with an Australian Standard specification for portable fire extinguishers.</p> <p>Extinguishers must be stowed, so as to be readily accessible in the case of fire.</p>

Marine radio	<p>A 27 MHz, HF or VHF marine radio transceiver approved by the Australian Communications and Media Authority (ACMA).</p> <p>In addition, for vessels operating within the coverage area of VHF service, the VHF transceiver must be of the international maritime type complying with Australian and New Zealand Standard AS/NZS 4415.1:2003, <i>Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands—Technical characteristics and methods of measurement—Shipborne equipment and limited coast stations (including DSC) (IEC 61097:1996, MOD)</i> (as in force from time to time).</p> <p>In addition, for vessels operating outside the coverage area of VHF service, at least one of the following options (in descending order of capability) must be selected by the operator based on the availability of services in the area of operation:</p> <ul style="list-style-type: none">(a) GMDSS compatible Inmarsat C terminal,(b) MF/HF transceiver (non-DSC) plus marine satellite telephone,(c) mobile telephone service (satellite, CDMA or GSM) appropriate for use in the marine environment, <p>Note—</p> <p>This option is for vessels that may operate occasionally outside of VHF range as the minimum equipment needed to provide distress and safety communications. It is not considered as capable an option as Options (a) and (b) above.</p> <ul style="list-style-type: none">(d) Class 1 MF/HF transceiver complying with GMDSS Sea Area A3 requirements as per provision iv/10.1.2 of the Safety Convention (as defined in the Navigation Act 1912 of the Commonwealth. <p>Note—</p> <p>This option is normally only available to larger vessels that can satisfy higher transmitter power and antenna performance requirements.</p>
Oars (pair) with Rowlocks	<p>A pair of oars that must be capable of being used to row the vessel in which they are carried.</p>
Orange smoke hand-held distress signal	<p>An orange smoke hand-held distress signal that complies with Australian Standard AS: 2092—2004, <i>Pyrotechnic marine distress flares and signals for pleasure craft</i> (as in force from time to time) as it relates to such distress signals.</p>
Paddle	<p>A paddle must be capable of being used to row the vessel in which it is carried.</p>

A personal flotation device that complies with:

- (a) Australian Standard AS 1512—1996, *Personal flotation devices—Type 1* (as in force from time to time) or any previous version of that Standard, or
- (b) 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) European Standard EN 399-1993 Lifejackets - 275N, as formulated, issued, prescribed or published by the European Committee for Standardization from time to time,
 - (ii) European Standard EN 396-1993 Lifejackets - 150N, as formulated, issued, prescribed or published by the European Committee for Standardization from time to time,
 - (iii) European Standard EN 395-1993 Lifejackets - 100N, as formulated, issued, prescribed or published by the European Committee for Standardization from time to time,
 - (iv) Canadian General Standards CAN/CGSB-65.11-M88 (*for adults*), as formulated, issued, prescribed or published by the Canadian General Standards Board from time to time, and 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,
 - (v) Underwriters Laboratories Standards UL 1180—Fully inflatable recreational personal flotation devices, as formulated, issued, prescribed or published from time to time,
 - (vi) New Zealand Standards NZ5823:2001 *Type 401*, as formulated, issued, prescribed or published from time to time, or
- (c) any standard or specifications approved by RMS.

Personal flotation device Type 1

In this Schedule, **recognised appraiser** means:

- (a) a certifying body accredited by the Joint Accreditation System 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) as formulated, issued, prescribed or published from time to time, or
- (d) a body approved by RMS.

A personal flotation device that complies with:

- (a) Australian Standard AS 1499—1996, *Personal flotation devices—Type 2* (as in force from time to time) or any previous version of that Standard, or
- Personal flotation device Type 2 (b) European Standard EN 393-1993 *Lifejackets - 50N*, as formulated, issued, prescribed or published by the European Union from time to time, or
- (c) any standard or specifications approved by RMS.

A personal flotation device that complies with:

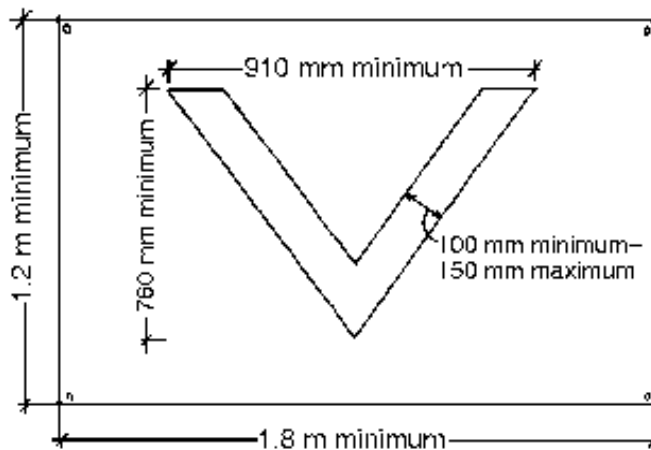
- (a) Australian Standard AS 2260—1996, *Personal flotation devices—Type 3* (as in force from time to time) or any previous version of that Standard, or
- Personal flotation device Type 3 (b) European Standard EN 393-1993 *Lifejackets - 50N*, as formulated, issued, prescribed or published by the European Union from time to time, or
- (c) any standard or specifications approved by RMS.

Red hand-held distress flare that complies with Australian Standard AS: 2092—2004, *Pyrotechnic marine distress flares and signals for pleasure craft* (as in force from time to time) as it relates to such distress signals.

A fluorescent orange-red coloured sheet of dimensions not less than 1.8 metres x 1.2 metres with a black V superimposed on the sheet in the position shown. The letter “V” on the sheet must be of a width no more than 150 millimetres. Lanyard (rope) must be tied to each corner of the sheet.

Figure

V-sheet (distress signal)



Waterproof torch A water resistant, floating type torch in operational order that is capable of being used to signal.

Schedule 5 Minimum safety equipment to be carried on recreational

vessels

(Clause 84)

Part 1 General requirements for safety equipment

Essential items	Quantity	Area of operation	
		Enclosed	Open
Anchor with chain/line	1	Yes	Yes
Appropriate lifejacket	1 for each person on board the vessel	Yes	Yes
Appropriate map or chart	1	No	Yes
Bailer/bucket/fire bucket	1	Yes	Yes
Bilge pump (B1)	(B2)	Yes	Yes
Compass	1	No	Yes
Distress signals			
Orange smoke hand-held distress signal	2	No	Yes
Red hand-held distress flare	2	No	Yes
EPIRB	1	No	Yes, but only if vessel is more than 2 nautical miles from nearest shore
Fire extinguisher (F1)	(F2)	Yes	Yes
Fresh drinking water	2 litres per person	No	Yes
Marine radio	1	No	Yes, but only if vessel is more than 2 nautical miles from nearest shore
Paddles or oars/rowlocks	(P1)	Yes	Yes
Sound signal (airhorn/whistle/bell)	1	Yes	Yes
V-sheet (distress signal)	1	No	Yes
Waterproof torch	1	Yes	Yes

Key—

(B1): To be provided on vessels with covered bilges or closed under-floor compartments other than airtight void spaces. For all other vessels a bailer is to be carried.

(B2): Is to be capable of draining each compartment (other than airtight void spaces). May require more than one bilge pump to

be fitted.

(F1): All vessels with an electric start motor, gas installation, fuel stove or battery.

(F2): At least one. More are to be carried if potential sources of fire and the size of the vessel require it.

(P1): Paddles or oars/rowlocks are to be carried on boats under 6 metres in length unless a second means of propulsion is fitted.

Part 2 Modified requirements for specified vessels

1 Modified requirements for safety equipment in relation to sailing vessels

- (1) A sailing vessel, less than 6 metres in length and operating on enclosed waters, is not required to carry an anchor.
- (2) A sailing vessel with a permanently enclosed, self draining hull is not required to carry a bucket or bailer.
- (3) A sailing vessel engaged in a sail training session organised by a club, school or other similar organisation is not required to carry safety equipment specified in Part 1 if a power driven vessel, capable of use for rescue purposes, is in attendance.

2 Modified safety equipment requirements for certain vessels less than 6 metres

- (1) A vessel of less than 6 metres in length, with two or more independent means of propulsion, is not required to carry a paddle or a pair of oars.
- (2) For the purposes of subclause (1), two or more sails, are considered to be one means of propulsion.

3 Modified safety equipment requirements for certain small tenders

- (1) This clause applies to tenders that:
 - (a) are operating on enclosed waters, and
 - (b) are operating within 200 metres of the shore, and
 - (c) are less than 3 metres in length.
- (2) A tender to which this clause applies is not required to carry safety equipment specified in Part 1 if the tender carries the following safety equipment:
 - (a) a paddle or a pair of oars,
 - (b) a waterproof torch if operating between sunset and sunrise,
 - (c) a bucket, bailer or bilge pump.

4 Modified safety equipment requirements for personal watercraft, kayaks and canoes on

open waters

A personal watercraft, kayak or canoe (other than an outrigger canoe) on open waters is not required to carry safety equipment specified in Part 1.

5 Modified safety equipment requirements for rowboats, dinghies and inflatable boats

A row boat, dinghy or inflatable boat is not required to carry safety equipment specified in Part 1 if the vessel is:

- (a) less than 3 metres in length, and
- (b) not a tender, and
- (c) not carrying an engine or fuel, and
- (d) not more than 200 metres from the nearest shore, and
- (e) operating between sunrise and sunset, and
- (f) operating on enclosed waters, and
- (g) built so as to float if swamped or capsized.

6 Modified safety equipment requirements for off-the-beach vessels

An off-the-beach vessel is not required to carry safety equipment specified in Part 1 if the vessel does not have sufficient storage room to carry the safety equipment specified in that Part in relation to the vessel.

7 Modified safety equipment requirements for outrigger canoes

- (1) An outrigger canoe is not required to carry safety equipment specified in Part 1 while operating on open waters if:
 - (a) each person on board has undergone a safety drill in respect of possible emergencies arising on the vessel, and
 - (b) the vessel is operating between sunrise and sunset, and
 - (c) (Repealed)
 - (d) the vessel is built so as to float if swamped or capsized, and
 - (e) the vessel is returned to shore or a safe haven if the weather or water conditions become, or are predicted to become, unsuitable for canoeing, and
 - (f) the vessel is carrying the following equipment:
 - (i) an appropriate lifejacket for each person on board,

- (ii) flares or a mobile telephone (in a water tight container),
 - (iii) if the vessel is an OC4 or OC6 outrigger canoe:
 - (A) at least 2 buckets (bailers) with a lanyard attached to each, and
 - (B) at least one spare paddle, and
 - (C) a rope of at least 25 metres in length and 12 millimetres in diameter of the type known as "silver rope", securely attached to the forward canoe spreader or lashing point (the "wae") for towing,
 - (iv) if the vessel is an OC1 or OC2 outrigger canoe, a leg rope.
- (2) An outrigger canoe is not required to carry safety equipment specified in Part 1 while operating on enclosed waters if:
- (a) each person on board has undergone a safety drill in respect of possible emergencies arising on the vessel, and
 - (b) the vessel is displaying a white strobe light on a one metre pole or 2 fixed white lights, one mounted at each end of the canoe, when operating between sunset and sunrise if that vessel is an OC4 or OC6 outrigger canoe, and
 - (c) the vessel has 1 all round white light affixed to the highest point of the vessel, when operating between sunset and sunrise, if that vessel is an OC1 or OC2 outrigger canoe, and
 - (d) the vessel is built so as to float if swamped or capsized, and
 - (e) the vessel is returned to shore or a safe haven if the weather or water conditions become, or are predicted to become, unsuitable for canoeing, and
 - (f) the vessel is carrying the following equipment:
 - (i) an appropriate lifejacket for each person on board,
 - (ii) flares or a mobile telephone (in a water tight container), where the vessel is operating between sunset and sunrise,
 - (iii) if the vessel is an OC4 or OC6 outrigger canoe:
 - (A) at least 2 buckets (bailers) with a lanyard attached to each, and
 - (B) at least one spare paddle, and
 - (C) a rope of at least 25 metres in length and 12 millimetres in diameter of the type known as "silver rope", securely attached to the forward canoe spreader or lashing point (the "wae") for towing,

(iv) if the vessel is an OC1 or OC2 outrigger canoe, a leg rope.

8 Modified safety equipment requirements for dragon boats in enclosed waters

A dragon boat is not required to carry safety equipment specified in Part 1 while operating on enclosed waters if:

- (a) each person on board has undergone a safety drill in respect of possible emergencies arising on the vessel, and
- (b) the vessel is displaying appropriate lights when operating between sunset and sunrise, and
- (c) the vessel is operating not more than 400 metres from the nearest shore, and
- (d) the vessel is built so as to float if swamped or capsized, and
- (e) the vessel is returned to shore or a safe haven if the weather or water conditions become, or are predicted to become, unsuitable for boating, and
- (f) the vessel is not rowed in the middle of a channel and is rowed on the starboard side (bow side) of the channel, and
- (g) the vessel is carrying the following equipment:
 - (i) at least 1 bucket (bailer) with a lanyard attached,
 - (ii) (Repealed)
 - (iii) a rope of at least 25 metres in length and 12 millimetres in diameter of the type known as “silver rope”, securely attached to the dragon boat for towing,
 - (iv) flares or a mobile telephone (in a water tight container) when the vessel is operating between sunset and sunrise.

Schedule 6 Coastal bars

(Clauses 80J, 80K and 86)

Name of coastal bar	General description of bar location
North Coast Region:	
Bellinger River	Located near the town of Urunga in the vicinity of the confluence of the Bellinger and Kalang Rivers and the Tasman Sea.
Boambee Creek	Located near the town of Toormina in the vicinity of the confluence of Boambee Creek with the Tasman Sea.
Bonville Creek	Located near the town of Sawtell in the vicinity of the confluence of Bonville Creek with the Tasman Sea.

Brunswick River	Located near the town of Brunswick Heads in the vicinity of the confluence of the Brunswick River with the Coral Sea.
Camden Haven River	Located near the town of North Haven in the vicinity of the confluence of the Camden Haven Inlet with the Tasman Sea.
Clarence River	Located near the town of Yamba in the vicinity of the confluence of the Clarence River with the Coral Sea.
Corindi River	Located near the town of Red Rock in the vicinity of the confluence of the Corindi River with the Tasman Sea.
Cudgen Creek	Located near the town of Kingscliff in the vicinity of the confluence of Cudgen Creek with the Coral Sea.
Cudgera Creek	Located near the town of Hastings Point in the vicinity of the confluence of Cudgera Creek with the Coral Sea.
Evans River	Located near the town of Evans Head in the vicinity of the confluence of the Evans River with the Coral Sea.
Hastings River	Located near the town of Port Macquarie in the vicinity of the confluence of the Hastings River with the Tasman Sea.
Killick Creek	Located near the town of Crescent Head in the vicinity of the confluence of Killick Creek with the Tasman Sea.
Korogoro Creek	Located near the town of Hat Head in the vicinity of the confluence of Korogoro Creek with the Tasman Sea.
Macleay River	Located near the town of South West Rocks in the vicinity of the confluence of the Macleay River with the Tasman Sea.
Manning River	Located near the town of Harrington in the vicinity of the confluence of the Manning River with the Tasman Sea.
Manning River	Located near the town of Old Bar in the vicinity of the confluence of Farquhar Inlet with the Tasman Sea.
Mooball Creek	Located near the town of Pottsville in the vicinity of the confluence of Mooball Creek with the Coral Sea.
Moonee Creek	Located near the town of Moonee Beach in the vicinity of the confluence of Moonee Creek with the Tasman Sea.
Nambucca River	Located near the town of Nambucca Heads in the vicinity of the confluence of the Nambucca River with the Tasman Sea.
Richmond River	Located near the town of East Ballina in the vicinity of the confluence of the Richmond River with the Coral Sea.
Sandon River	Located near the town of Sandon in the vicinity of the confluence of the Sandon River with the Coral Sea.
South West Rocks Creek	Located near the town of South West Rocks in the vicinity of the confluence of South West Rocks Creek with the Tasman Sea.

Tweed River Located near the town of Tweed Heads in the vicinity of the confluence of the Tweed River with the Coral Sea.

Wallis Lake Located near the towns of Forster-Tuncurry in the vicinity of the confluence of Wallis Lake with the Tasman Sea.

Wooli River Located near the town of Wooli in the vicinity of the confluence of the Wooli River with the Coral Sea.

Hunter/Inland Region:

Swansea Channel Located near the suburb of Swansea in the vicinity of the confluence of Lake Macquarie's Swansea Channel with the Tasman Sea.

Tuggerah Lake Located near the town of The Entrance in the vicinity of the confluence of Tuggerah Lake with the Tasman Sea.

Hawkesbury/Broken Bay Region:

Brisbane Water Located near the town of Umina in the vicinity of the confluence of Brisbane Water with Broken Bay and west of the port hand lateral markers.

South Coast Region:

Burrill Lake Located near the town of Dolphin Point in the vicinity of the confluence of Burrill Lake with the Tasman Sea.

Clyde River Located near the town of Batemans Bay in the vicinity of the confluence of the Clyde River and Batemans Bay.

Lake Conjola Located near the town of Lake Conjola in the vicinity of the confluence of Lake Conjola with the Tasman Sea.

Crookhaven River Located near the town of Crookhaven in the vicinity of the confluence of the Crookhaven River with the Tasman Sea.

Currarong Creek Located near the town of Currarong in the vicinity of the confluence of Currarong Creek with the Tasman Sea.

Durras Lake Located near the town of Durras North in the vicinity of the confluence of Durras Lake with the Tasman Sea.

Kianinny Bay Located near the town of Tathra in the vicinity of the confluence of Kianinny Bay with the Tasman Sea.

Lake Illawarra Located near the town of Warilla in the vicinity of the confluence of Lake Illawarra with the Tasman Sea.

Merimbula Lake Located near the town of Merimbula in the vicinity of the confluence of Merimbula Lake with the Tasman Sea.

Minnamurra River Located near the town of Minnamurra in the vicinity of the confluence of the Minnamurra River with the Tasman Sea.

Mogareka Inlet Located approximately 2 km north of the town of Tathra in the vicinity of the confluence of Mogareka Inlet with the Tasman Sea.

Moruya River	Located near the town of Moruya Heads in the vicinity of the confluence of the Moruya River with the Tasman Sea.
Narrawallee Inlet	Located near the town of Narrawallee in the vicinity of the confluence of Narrawallee Inlet with the Tasman Sea.
Pambula River	Located near the town of Pambula Beach in the vicinity of the confluence of the Pambula River with the Tasman Sea.
Sussex Inlet	Located near Jervis Bay and Cudmirrah National Parks in the vicinity of the confluence of Sussex Inlet with the Tasman Sea.
Tomaga River	Located near the towns of Mossy Point and Tomakin in the vicinity of the confluence of the Tomaga River with the Tasman Sea.
Tuross Inlet	Located near the town of Tuross Head in the vicinity of the confluence of Tuross Lake with the Tasman Sea.
Wagonga Inlet	Located near the town of Narooma in the vicinity of the confluence of the Wagonga Inlet with the Tasman Sea.
Wonboyn River	Located near the town of Wonboyn in the vicinity of the confluence of the Wonboyn River with the Tasman Sea.

Schedule 7 Penalty notice offences—offences under **Marine Safety Act 1998**

(Clause 93 (1))

Column 1—Offences	Column 2—Level of penalty
Offences under the <i>Marine Safety Act 1998</i>	
Section 10 (3) in respect of a contravention of Part B or Part C of Schedule 2 to this Regulation	2
Section 10 (3) in respect of a contravention of Part D of Schedule 2 to this Regulation	1
Section 11 (4) exceed notified speed limit by less than 10 knots where vessel concerned is not a personal watercraft	1
Section 11 (4) exceed notified speed limit by less than 10 knots where vessel concerned is a personal watercraft	2
Section 11 (4) exceed notified speed limit by 10 knots or more where vessel concerned is not a personal watercraft	2
Section 11 (4) exceed notified speed limit by 10 knots or more where vessel concerned is a personal watercraft	3
Section 11 (4) create wash in contravention of notice	3
Section 11 (4) any other contravention of notice	2

Section 12 (6)	3
Section 13 (1) where vessel concerned is a commercial vessel	5
Section 13 (1) where vessel concerned is a recreational vessel	3
Section 13 (2)	3
Section 14, 15, 15A (2) or 16 (2)	3
Section 32	1
Section 35 (1) or (2)	3
Section 45 (1) or (2), 47 (1), (2) or (3)	5
Section 47 (4) or 51 (1) or (2)	2
	5
Section 63 where vessel concerned is not a personal watercraft	2
Section 63 where vessel concerned is a personal watercraft—first offence	3
Section 63 where vessel concerned is a personal watercraft—second offence	4
Section 63 where vessel concerned is a personal watercraft—third and subsequent offence	5
Section 91 (1)	5
Section 91 (2)	3
Section 92 (5) or 97 (4)	1
Section 102 (a)	3
Section 125 (2)	3
Section 125D or 125E (3)	5
Offences under this Regulation	
Clause 6 (1), (2) or (3)	3
Clause 7 (2), (3) or (4)	3
Clause 8 (1) or (2)	1
Clause 8 (3) or (4)	2
Clause 8A (4)	2
Clause 8B (1)	2
Clause 8B (2)	2
Clause 9 (1) or (3)	1
Clause 9 (2)	2

Clause 10 (1)	3
Clause 11	3
Clause 12	1
Clause 13 (1) or (2)	1
Clause 15	1
Clause 16	2
Clause 17	2
Clause 18 (1) or (2)	2
Clause 19 (2), (4) or (5)	2
Clause 21 (1)	2
Clause 21 (2)	1
Clause 21 (4) or (5)	5
Clause 22 (1) or (2)	3
Clause 24 (2), 25 (2) or 26 (2)	3
Clause 26A	3
Clause 28 (1) where vessel concerned in not a personal watercraft	1
Clause 28 (1) where vessel concerned is a personal watercraft	2
Clause 28 (2)	1
Clause 29 (1) where vessel operated is not a personal watercraft	1
Clause 29 (1) where vessel operated is a personal watercraft	2
Clause 29 (2) where vessel operated is not a personal watercraft	1
Clause 29 (2) where vessel operated is a personal watercraft	2
Clause 29 (3) where vessel operated is not a personal watercraft	1
Clause 29 (3) where vessel operated is a personal watercraft	2
Clause 30, 31 or 32	1
Clause 33 (1) where vessel operated is not a personal watercraft	2
Clause 33 (1) where vessel operated is a personal watercraft	3
Clause 34	2
Clause 35 or 36	1
Clause 37 (1) first offence	3
Clause 37 (1) second offence	4

Clause 37 (1) third or subsequent offence	5
Clause 37 (2)	3
Clause 38 (1) or (2)	2
Clause 39 (1)	3
Clause 39 (2)	2
Clause 41 (1) or (7) (a)	1
Clause 41 (7) (b)	2
Clause 41B (1)	3
Clause 41C (1)	3
Clause 41D (1)	3
Clause 41D (2)	3
Clause 41E	3
Clause 45, 48 (2) or (3), 49 or 50	3
Clause 57, 58 (1) or 59 (2)	1
Clause 64 (2)	3
Clause 65	5
Clause 66 (1) or (2) or 68 (1), (2) or (5) (a)	1
Clause 66A	1
Clause 68 (5) (b)	2
Clause 69	1
Clause 71	3
Clause 72 (1)	5
Clause 79	1
Clause 80J (1)	3
Clause 80J (2)	3
Clause 80K (1)	3
Clause 80K (2)	3
Clause 84 (1) in respect of one item of equipment or one lifejacket	1
Clause 84 (1) in respect of more than one item of equipment or more than one lifejacket	2
Clause 84 (2) in respect of one item of equipment or one lifejacket	1

Clause 84 (2) in respect of more than one item of equipment or more than one lifejacket	2
Clause 84 (3) in respect of one item of equipment or one lifejacket	1
Clause 84 (3) in respect of more than one item of equipment or more than one lifejacket	2
Clause 84 (4) in respect of one item of equipment or one lifejacket	1
Clause 84 (4) in respect of more than one item of equipment or more than one lifejacket	2
Clause 84 (5) in respect of one item of equipment or one lifejacket	1
Clause 84 (5) in respect of more than one item of equipment or more than one lifejacket	2
Clause 84 (6) in respect of equipment (other than where more than one lifejacket involved)	1
Clause 84 (6) where more than one lifejacket involved	2
Clause 84 (7) or (7A)	1
Clause 84 (9)	2
Clause 85 (1) or (2)	1
Clause 86 (1) or (4) or 87 (1) or (2)	2
Clause 87A (2) or clauses 87B-87G	1
Clause 88	1
Clause 90 (2)	1
Clause 90 (3)	3
Clause 91	2
Clause 91B (3)	5
Clause 95	3

Schedule 7A Penalty notice offences—offences under **Marine Pollution Act 2012**

(Clause 93 (1A))

Column 1—Offences	Column 2—Level of penalty for natural persons	Column 3—Level of penalty for corporations
Offences under the <i>Marine Pollution Act 2012</i>		
Section 15 (1)	6	6

Section 16 (1)	6	-
Section 16 (2)	6	6
Section 17	6	6
Section 26 (1)	6	6
Section 27 (1)	4	5
Section 28	4	5
Section 29 (1)	6	6
Section 30 (1)	6	-
Section 30 (2)	6	6
Section 31	6	6
Section 43 (1)	2	3
Section 44	2	3
Section 45 (1)	5	6
Section 46 (1)	5	-
Section 46 (2)	5	6
Section 47	5	6
Section 53 (1)	5	6
Section 54 (1)	5	-
Section 54 (2)	5	6
Section 55	5	6
Section 60 (1)	5	6
Section 61 (1)	5	-
Section 61 (2)	5	6
Section 62	5	6
Section 68 (1) or (2)	5	6
Section 69 (1) or (2)	5	6
Section 70 (1) or (2)	5	6
Section 71 (1) or (2)	5	6
Section 72 (2)	5	6
Section 73	5	6
Section 74 (1) or (2)	5	5

Section 78 (1)	4	4
Section 79	4	4
Section 80	4	5
Section 81	4	5
Section 82	4	4
Section 87 (1)	6	-
Section 88	6	-
Section 89	6	-
Section 90 (1) or (2)	6	6
Section 91 (1)	6	6
Section 92 (1) or (2)	6	6
Section 93	6	6
Section 95 (1)	5	5
Section 100 (1)	5	5
Section 104	4	4
Section 107 (1)	4	4
Section 110 (1)	4	4
Section 113 (1)	5	6
Section 116	4	-
Section 117 (1) or (2)	4	-
Section 119	4	-
Section 120	4	5
Section 121 (1) or (2)	4	5
Section 122	4	-
Section 124	4	5
Section 127	4	-
Section 128 (1) or (2)	4	-
Section 130	4	-
Section 131	4	5
Section 132 (1) or (2)	4	5
Section 133	3	-

Section 135 (1)	3	4
Section 136	3	4
Section 140	3	-
Section 141 (1) or (2)	4	-
Section 143	4	-
Section 144	3	4
Section 145 (1) or (2)	3	4
Section 146	3	-
Section 150 (1)	4	-
Section 150 (2)	4	5
Section 150 (3)	1	1
Section 151 (1)	4	-
Section 151 (2)	4	5
Section 151 (3)	1	1
Section 152 (1)	4	-
Section 152 (2)	4	5
Section 152 (3)	1	1
Section 157	1	2
Section 158	1	2
Section 160	2	3
Section 161 (1)	2	3
Section 163	2	3
Section 164	2	3
Section 172 (1)	5	6
Section 174 (1)	5	6
Section 175	5	6
Section 177 (1)	5	6
Section 181	6	6
Section 187 (1)	5	6
Section 193 (4)	5	6
Section 195 (5)	5	5

Section 198	5	6
Section 200 (5)	5	5
Section 202	5	6
Section 209 (1)	5	6
Section 222 (1)	5	6
Section 231 (b)	5	5

Offences under the *Marine Pollution Regulation 2014*

Clause 7 (2)	2	-
Clause 10 (2)	2	-
Clause 14 (1) or (2)	5	6
Clause 15 (2) or (3)	5	6
Clause 16	5	6
Clause 17	5	6
Clause 18	4	5
Clause 30	5	6
Clause 32	5	6
Clause 34 (1)	5	6
Clause 35	5	6
Clause 36 (1) or (2)	5	6
Clause 37 (3)	5	6
Clause 39 (2)	5	6
Clause 45 (1)	5	-
Clause 46 (1)	5	-
Clause 47 (1)	5	-
Clause 48 (1) or (2)	5	6
Clause 49 (1)	5	6
Clause 50 (1) or (2)	5	6
Clause 51	5	6

Schedule 8 Savings and transitional provisions

1 Definitions

In this Schedule:

former Water Traffic Regulations means the [Water Traffic Regulations—N.S.W.](#) as in force immediately before their repeal.

2 Personal watercraft and boat driving offences

- (1) A reference in clause 37 (4) to an offence committed under subclause (1) includes a reference to an offence committed under Regulation 15AAA (1) of the former Water Traffic Regulations.
- (2) A disqualification under Regulation 15AAA (5) or 15E (4) of the former Water Traffic Regulations is taken to continue to have effect in relation to a licence issued or taken to have been issued under this Regulation.
- (3) A reference in clause 37 (7) (b) to section 126 of the Act includes a reference to section 30D of the [Maritime Services Act 1935](#).
- (4) A reference in clause 80 (1) to an offence committed under section 63 of the Act includes a reference to an offence committed under regulation 15E (1) of the former Water Traffic Regulations.

3 References to marine safety licences

- (1) A reference, in any provision of the Act that has commenced and in clause 80 of this Regulation, to a marine safety licence includes, until such time as the whole of Part 4 of the Act commences, a reference to a registration, licence, certificate or other authority in force under any Act or regulation specified in Schedule 2 to the Act.
- (2) (Repealed)

4 References to marine legislation

- (1) Despite the definition of **marine legislation** in section 4 (1) of the Act, a reference to marine legislation wherever occurring in sections 11, 12, 15A, 96, 114, 120, 129 and 131-135 of the Act is taken to include a reference to the [Commercial Vessels Act 1979](#) (and the regulations and other instruments under that Act), but only until the repeal of that Act.
- (2) (Repealed)

5 References to former regulations

On and from the commencement of this clause, a reference in:

- (a) the definition of **boat** in clause 3 (1) of the *Registration of Interests in Goods Regulation 2004* to a registrable vessel within the meaning of the *Water Traffic Regulations—N.S.W.* that is registered under those Regulations is to be read as a reference to a registrable vessel within the meaning of the *Marine Safety Act 1998* that is registered under that Act, and
- (b) the definition of **hull identification number** in clause 8 of the *Registration of Interests in Goods Regulation 2004* to the *Water Traffic Regulations—N.S.W.* is to be read as a reference to this Regulation, and
- (c) the definition of **registration number** in clause 8 of the *Registration of Interests in Goods Regulation 2004* to the *Water Traffic Regulations—N.S.W.* is to be read as a reference to the *Marine Safety Act 1998*, and
- (d) the definition of **tender** in clause 7A (2) of the *Threatened Species Conservation Regulation 2002* to the *Boating (Safety Equipment) Regulation—N.S.W.* is to be read as a reference to this Regulation.
- (e), (f) (Repealed)

6 Existing exemptions

Until 30 March 2010, a vessel exempt from the requirements of clauses 6, 7 and 8 of the *Boating (Safety Equipment) Regulation—N.S.W.* by a direction pursuant to section 38 (4A) of the *Maritime Services Act 1935* and published in the Gazette on 17 September 1999 (at page 9075) is exempt from the provisions of Part 5 of this Regulation, but only while the vessel is being operated in accordance with the conditions set out in that direction.

7 General savings provision

Any act, matter or thing that, immediately before the repeal of the former Water Traffic Regulations, had effect under those Regulations continues to have effect under this Regulation.