

South Australia

## **Harbors and Navigation Variation Regulations 2008**

under the *Harbors and Navigation Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Harbors and Navigation Regulations 1994***

- 4 Variation of regulation 8—Interpretation
  - 5 Variation of regulation 29—Operation of motors in cargo spaces
  - 6 Variation of regulation 74—Application for certificate of competency etc
  - 7 Variation of regulation 136—Radio watch
  - 8 Variation of regulation 151C—Vessels excluded from vicinity of OneSteel transhipment points in Spencer Gulf
  - 9 Variation of regulation 157—Gangways
  - 10 Variation of regulation 158—Anchors not to be used in certain areas
  - 11 Insertion of regulation 171A
    - 171A Orders
  - 12 Variation of Schedule 4—Restricted areas—controls
  - 13 Variation of Schedule 5—Restricted areas—delineation
  - 14 Variation of Schedule 8—Structural and equipment requirements for hire and drive houseboats
  - 15 Variation of Schedule 9—Structural and equipment requirements for vessels
  - 16 Variation of Schedule 10—Speed restrictions in certain waters
  - 17 Variation of Schedule 11—Recreational vessels without compliance plate: maximum number of persons
  - 18 Substitution of heading to Schedule 14
  - 19 Variation of Schedule 14 clause 3—Fees and levies payable
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Harbors and Navigation Variation Regulations 2008*.

#### **2—Commencement**

These regulations will come into operation immediately after the *Harbors and Navigation Variation Regulations 2008 (Gazette 5.6.2008 p1914)* come into operation.

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### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Harbors and Navigation Regulations 1994*

### 4—Variation of regulation 8—Interpretation

Regulation 8(1), definition of *VVHF FM radiotelephony equipment*—delete the definition and substitute:

*VHF FM radiotelephony equipment* means radiotelephony equipment that operates at very high frequency using frequency modulation;

### 5—Variation of regulation 29—Operation of motors in cargo spaces

Regulation 29(a)—delete "Appendix 8, Marine Order No. 12 of 1986, Part 32 (Cargo and Cargo Handling—Equipment and Safety Measures)" and substitute:

*Appendix 8, Marine Orders Part 32 (Cargo Handling Equipment)*

### 6—Variation of regulation 74—Application for certificate of competency etc

After subregulation (4) insert:

- (5) If an application for a certificate of competency for a trading or fishing vessel is withdrawn, the CEO may refund part of the application fee to the applicant.

### 7—Variation of regulation 136—Radio watch

Regulation 136(2)—delete subregulation (2) and substitute:

- (2) In the case of Class 1A, 2A or 3A commercial vessels the radio watch must be maintained in accordance with *Marine Orders Part 27 (Radio Equipment)* under the Commonwealth Act.
- (2a) In the case of any other vessel, the radio watch must be maintained by continuous listening on the radiotelephony equipment of the vessel on the frequency determined as follows:
  - (a) in the case of MF/HF radiotelephony equipment—
    - (i) while the vessel is west of longitude 132°—8291 kHz;
    - (ii) in any other case—1 of the following frequencies:
      - (A) 4125 kHz;
      - (B) 6215 kHz;
      - (C) 8291 kHz;
  - (b) in the case of VHF FM radiotelephony equipment—on VHF Channel 16 (156.8 MHz).

## 8—Variation of regulation 151C—Vessels excluded from vicinity of OneSteel transshipment points in Spencer Gulf

Regulation 151C(5), definition of *prescribed transshipment point*, (a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) latitude 33°9'12"S, longitude 137°38'21"E (the *Cape Vessel Transshipment Point*);
- (b) latitude 33°6'12"S, longitude 137°38'30"E (the *Panamax Vessel Transshipment Point*);

## 9—Variation of regulation 157—Gangways

Regulation 157(3)—delete "Appendix 7 of Marine Order No. 15 of 1983, Part 23 (*Equipment—Miscellaneous and Safety Measures*)" and substitute:

*Appendix 9, Marine Orders Part 21 (Safety of Navigation and Emergency Procedures)*

## 10—Variation of regulation 158—Anchors not to be used in certain areas

Regulation 158(1)(b)—delete paragraph (b) and substitute:

- (b) the area comprising the full width of the Port Adelaide River which lies within 60 metres of a line from a point on the western bank of the river distance 410 metres and bearing 273° from No 12 rear inward leading beacon to a point on the eastern bank of the river distance 210 metres and bearing 204° from No 12 rear inward leading beacon;

## 11—Insertion of regulation 171A

After regulation 171 insert:

### 171A—Orders

- (1) If the CEO suspects on reasonable grounds that a vessel that is moored in a boat haven is in such a state of disrepair that it is in danger of sinking or causing environmental harm (within the meaning of the *Environment Protection Act 1993*), the CEO may issue an order requiring that the owner of the vessel—
  - (a) take action to repair the vessel; or
  - (b) remove the vessel from the waters.
- (2) An order issued under this regulation—
  - (a) must be in the form of a written notice served on the owner of the vessel; and
  - (b) must specify the vessel that is the subject of the order; and
  - (c) must specify a period within which the owner of the vessel must comply with the order.
- (3) A vessel that has been ordered to be removed from water under this regulation must not be returned to the water until it is in a seaworthy condition.

- (4) The CEO may, by written notice served on the owner of a vessel to whom an order has been issued, vary or revoke the order.
- (5) If the owner of a vessel fails to comply with an order issued under this regulation within the period allowed in the order, the CEO may remove the vessel from the waters and recover the costs of doing so, as a debt, from the owner of the vessel.
- (6) An owner of a vessel to whom an order is issued must comply with the order.

Maximum penalty: \$5 000.

### **12—Variation of Schedule 4—Restricted areas—controls**

- (1) Schedule 4, clause 2, table, entry for Meningie—delete the entry and substitute:

Meningie Area 1	Controls 1 and 4
Meningie Area 2	Controls 2 and 5

- (2) Schedule 4, clause 2, table—after entry for Stansbury Areas 1 and 2 insert:

Swanport	Controls 2 and 5
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### **13—Variation of Schedule 5—Restricted areas—delineation**

- (1) Schedule 5, entry for Meningie—delete the heading "Meningie" and substitute:

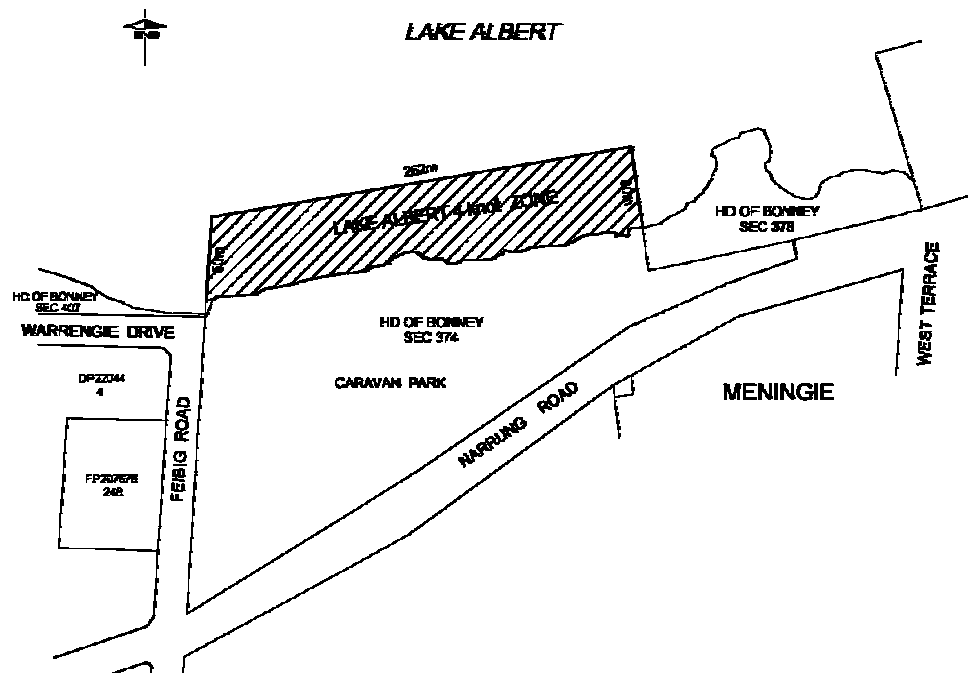
Meningie Area 1

- (2) Schedule 5—after the entry for Meningie insert:

#### **Meningie Area 2**

The portion of Lake Albert at Meningie bounded as follows:

- (a) on the west, by a straight line being the prolongation of the western boundary of section 374 Hundred of Bonney commencing from the water's edge and extending in a northerly direction for a distance of 50 metres;
- (b) on the east, by a straight line being the prolongation of the western boundary of section 378 Hundred of Bonney commencing from the water's edge and extending in a northerly direction for a distance of 50 metres;
- (c) on the north, by a straight line joining the northern extremity of the western boundary with the northern extremity of the eastern boundary;
- (d) on the south, by the water's edge.

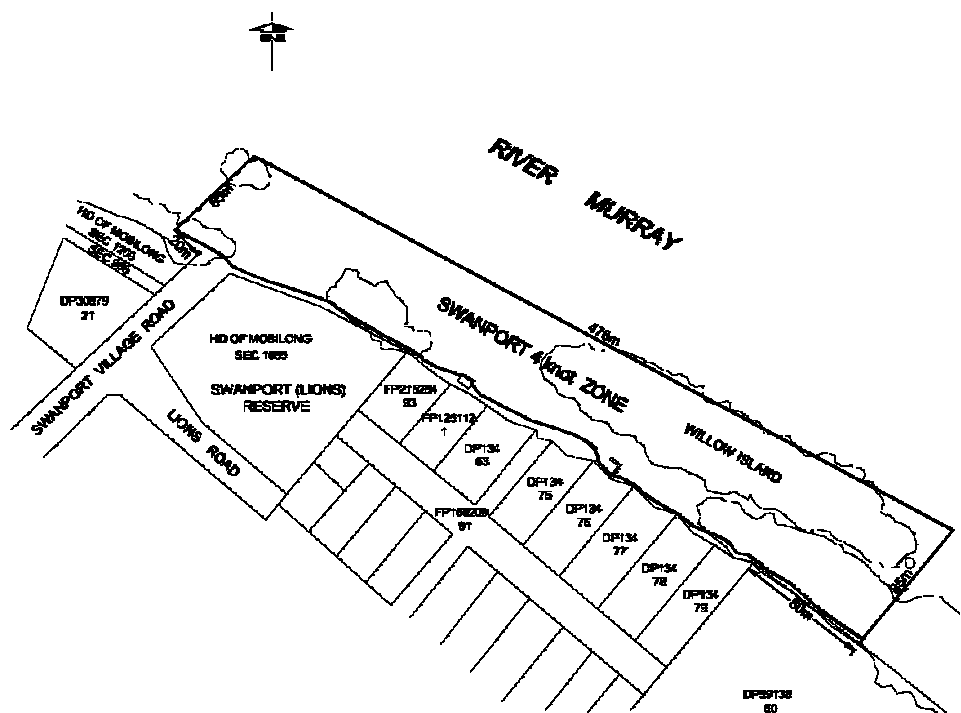


- (3) Schedule 5—after the entry for Stansbury insert:

### Swanport

The portion of the River Murray at Swanport bounded as follows:

- (a) on the north-west, by a straight line extending 65 metres in a north-easterly direction from a point at the water's edge 20 metres upstream of the point at which the north-western boundary of Swanport Village Road (or the prolongation of that boundary) meets the water's edge and parallel to that boundary;
- (b) on the south-east, by a straight line extending 85 metres in a north-easterly direction from a point at the water's edge 80 metres downstream of the point at which the south-eastern boundary of Lot 79 of Deposited Plan 134 (or the prolongation of that boundary) meets the water's edge and parallel to that boundary;
- (c) on the north-east, by a straight line joining the northern extremity of the north-western boundary with the northern extremity of the south-eastern boundary;
- (d) on the south-west, by the water's edge.



#### 14—Variation of Schedule 8—Structural and equipment requirements for hire and drive houseboats

Schedule 8, clause 13(3)(h)(ii)—delete subparagraph (ii) and substitute:

- (ii) be constructed of metal braided reinforced material with a synthetic inner tube suitable for carrying fuel (although if the fuel pipe is not in the engine room or area and it is impracticable for the pipe to be constructed as required by this paragraph, the pipe may be constructed in an alternative manner approved by the CEO); and

#### 15—Variation of Schedule 9—Structural and equipment requirements for vessels

(1) Schedule 9, clause 22(1)—delete subclause (1) and substitute:

- (1) The following commercial vessels must comply with the requirements of *Marine Orders Part 27 (Radio Equipment)* under the Commonwealth Act:
  - (a) Class 1A commercial vessels;
  - (b) Class 2A commercial vessels;
  - (c) Class 3A commercial vessels.

(2) Schedule 9, clause 22(2)(a)—delete paragraph (a) and substitute:

- (a) subject to paragraph (ab), the equipment must comply with AS/NZS 4582 *MF and HF radiocommunications equipment in the international maritime mobile radiotelephone service*; and
- (ab) —

- (i) if the vessel is operated only within range of a coast station that maintains a continuous radio watch for transmissions from vessels on VHF FM radiotelephony equipment, the equipment may instead comply with AS/NZS 4415 *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*; or
  - (ii) in any case the equipment may instead comply with the standard that applied to the equipment under these regulations at the time that the equipment was installed; and
- (3) Schedule 9, clause 22(2)(b)(i)(A)—delete subsubparagraph (A)
  - (4) Schedule 9, clause 22(2)(b)(i)(B)—delete "banded" and substitute:  
sideband
  - (5) Schedule 9, clause 22(2)(b)(i)(E) and (F)—delete subsubparagraphs (E) and (F)
  - (6) Schedule 9, clause 22(2)(o)—delete paragraph (o) and substitute:
    - (o) a copy of the latest edition of the *Marine Radio Operators Handbook* published by the Australian Maritime College must be kept readily available for use by a person operating the equipment; and

**16—Variation of Schedule 10—Speed restrictions in certain waters**

Schedule 10(1)(b)(iii) and (iv)—delete subparagraphs (iii) and (iv) and substitute:

- (iii) that portion of the Port Adelaide River which lies between No 12 Channel Beacon and No 22 Channel Beacon; and
- (iv) that portion of the Port Adelaide River in the port of Port Adelaide which lies south of No 35 Channel Beacon.

**17—Variation of Schedule 11—Recreational vessels without compliance plate: maximum number of persons**

Schedule 11, Table 1—delete the table and substitute:

**Table 1—Maximum safe capacity (adults) for conventional vessels without flybridges**

Length (m)	3	3.5	4	4.5	5	5.5	6	7	8	9	10
Breadth (m)											
1	2	3	3								
1.5	3	3	4	4	5	5	6				
2			4	5	5	6	6	7	8	10	11
2.5					6	7	7	8	9	11	12
3							8	9	10	12	13
3.5									11	13	14
4									12	14	15
4.5											16

**18—Substitution of heading to Schedule 14**

Heading to Schedule 14—delete the heading and substitute:

**Schedule 14—Fees and levies**

**19—Variation of Schedule 14 clause 3—Fees and levies payable**

(1) Schedule 14, clause 3—after "fees" insert:

and levies

(2) Schedule 14, clause 3, item 44—after paragraph (a) insert:

- (ab) houseboat, paddle steamer, or other vessel  
designed for inland waters, that is operated only on  
the River Murray and moored (when not in use or  
under inspection, service or repair) at a permanent  
mooring facility on the River Murray \$31.00

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 26 June 2008

No 172 of 2008

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