

South Australia

Harbors and Navigation Variation Regulations 2008

under the *Harbors and Navigation Act 1993*

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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 on the day on which Part 2 of the *Statutes Amendment (Transport Portfolio) Act 2008* comes into operation.

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—after subregulation (5) insert:

- (6) For the purposes of these regulations, a reference to a particular Australian Standard will be taken to be a reference to that standard as in force from time to time.
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5—Insertion of regulation 123A

After regulation 123 insert:

123A—Emergency position indicating radio beacons

- (1) For the purposes of section 65A(1) of the Act, the following classes of vessels are specified:
 - (a) commercial vessels of Classes 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B and 3C being operated more than 3 nautical miles from a coast;
 - (b) all other vessels being operated in unprotected waters—
 - (i) more than 5 nautical miles seaward of the low water mark in the waters of Spencer Gulf or Gulf St. Vincent (as defined in subregulation (3)); or
 - (ii) more than 3 nautical miles seaward of the low water mark in the waters of any other area except Lakes Alexandrina and Albert.
- (2) For the purposes of section 65A(1) of the Act, the following requirements relating to emergency position indicating radio beacons are specified:
 - (a) the beacon must be capable of transmitting on a frequency of 406 megahertz;
 - (b) the beacon must comply with *AS/NZS 4280.1:2003:406 MHz satellite distress beacons - Marine emergency position-indicating radio beacons (EPIRBs)*;
 - (c) the beacon must be currently registered with the Australian Maritime Safety Authority;

Note—

The procedures for obtaining and renewing registration of EPIRBs as required by this regulation are set out by the Australian Maritime Safety Authority.

 - (d) the beacon must be suitably located and secured on the relevant vessel having regard to the need for access to the beacon and the need to protect the beacon from accidental damage or loss;
 - (e) the beacon must be maintained in good working order.
- (3) In this clause—

coast means—

 - (a) the coast of the mainland; and
 - (b) the coast of Kangaroo Island;

the waters of Spencer Gulf or Gulf St. Vincent means—

- (a) for Spencer Gulf—the waters in that gulf north of a line drawn from Cape Catastrophe on Eyre Peninsula to Waterhouse Point on Thistle Island and then to Corny Point on Yorke Peninsula (see following map);
- (b) for Gulf St. Vincent—the waters in that gulf north of a line drawn from Troubridge Point on Yorke Peninsula to Rapid Head on Fleurieu Peninsula (see following map).

Note—

The following map is provided for convenience of reference only.

Waters of Spencer Gulf and Gulf St. Vincent



6—Variation of Schedule 9—Structural and equipment requirements for vessels

- (1) Schedule 9 clause 6(1)(c)(xi)—delete subparagraph (xi) and substitute:
 - (xi) while the vessel is operated more than 5 nautical miles seaward of low water mark in the waters of Spencer Gulf or Gulf St. Vincent (as defined in subclause (4)), or more than 3 nautical miles seaward of low water mark in the waters of any other area except Lakes Alexandrina and Albert (in addition to any other equipment required under this paragraph)—1 V distress sheet;

- (2) Schedule 9 clause 6(2)(c)(xii)—delete subparagraph (xii) and substitute:
- (xii) while the vessel is operated more than 5 nautical miles seaward of low water mark in the waters of Spencer Gulf or Gulf St. Vincent (as defined in subclause (4)), or more than 3 nautical miles seaward of low water mark in the waters of any other area except Lakes Alexandrina and Albert (in addition to any other equipment required under this paragraph)—1 V distress sheet;
- (3) Schedule 9 clause 20(3)—delete subclause (3)

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's Deputy

with the advice and consent of the Executive Council
on 18 September 2008

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