

South Australia

## **Harbors and Navigation Variation Regulations 2010**

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 2010*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **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 2009***

#### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3—delete "PFD 1" wherever occurring and substitute in each case:  
PFD Type 1
  - (2) Regulation 3—delete "PFD 2" wherever occurring and substitute in each case:  
PFD Type 2
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- (3) Regulation 3—delete "PFD 3" wherever occurring and substitute in each case:

PFD Type 3

- (4) Regulation 3(11)—after "immersion" insert:

, or to be inflated by the use of a gas cylinder that forms part of the device,

### **5—Variation of regulation 13—Certain vessels not to be operated in unprotected waters**

Regulation 13(1)—delete subregulation (1) and substitute:

- (1) A person must not, without the approval of the CEO, operate a personal watercraft in unprotected waters.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **6—Variation of regulation 164—Emergency position indicating radio beacons (EPIRBs)**

- (1) Regulation 164(1)—after paragraph (a) insert:

- (ab) canoes, kayaks, rowboats or other similar small human-powered recreational vessels being operated in unprotected waters;

- (2) Regulation 164—after subregulation (1) insert:

- (1a) However, a canoe, kayak, rowboat or other similar small human-powered recreational vessel being operated in unprotected waters is exempt from the requirement to carry an EPIRB if—

- (a) the vessel is in the company of—

(i) at least 2 similar vessels; or

(ii) a support vessel; and

- (b) at least 1 of the other vessels referred to in paragraph (a) is equipped with an EPIRB; and

- (c) the vessel remains within 50 metres of the vessel so equipped at all times.

### **7—Variation of regulation 168—Speed restrictions**

Regulation 168—after subregulation (1) insert:

- (1a) Despite subregulation (1)(a), but subject to any other provision of the Act, a person may operate a vessel within the marked channel in the Port MacDonnell Boat Haven at a speed not exceeding 7 knots.

### **8—Variation of regulation 169—Personal flotation devices to be worn on certain recreational vessels**

- (1) Regulation 169(1)(d)—delete "or other similar small human-powered vessel (other than a rowboat)" and substitute:

, rowboat or other similar small human-powered vessel

- (2) Regulation 169(1)(h)—delete "—a PFD Type 1" and substitute:

—

- (i) if the vessel is a canoe, kayak, rowboat or other similar small human-powered vessel—a PFD Type 1 or PFD Type 2; or
  - (ii) in any other case—a PFD Type 1; or
- (3) Regulation 169(1)(i)—after "watercraft" insert:  
or rowboat
- (4) Regulation 169(1)(m)—after "case" insert:  
(other than a rowboat)

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

Schedule 9 clause 7(2)—delete subclause (2) and substitute:

- (2) Subject to subsection (2a), a canoe, kayak, rowboat or other similar small human-powered recreational vessel may, instead of being equipped as required by clause 6, be equipped with the following:
  - (a) if the vessel is being operated in protected or semi-protected waters—
    - (i) 1 PFD Type 1, PFD Type 2 or PFD Type 3 for each person carried on the vessel;
    - (ii) unless the vessel is constructed of permanently enclosed pontoon hulls, a bailer or other suitable device for removing water;
    - (iii) if the vessel is operated between the hours of sunset and sunrise—1 torch or lantern;
  - (b) if the vessel is being operated in unprotected waters—
    - (i) 1 PFD Type 1 or PFD Type 2, with whistle attached, for each person carried on the vessel;
    - (ii) unless the vessel is constructed of permanently enclosed pontoon hulls, a bailer or other suitable device for removing water;
    - (iii) if the vessel is operated between the hours of sunset and sunrise—1 torch or lantern;
    - (iv) a spare paddle;
    - (v) a V distress sheet;
    - (vi) a tow line, at least 15 metres in length, of sufficient strength to allow the vessel to be towed in any conditions;
    - (vii) 2 hand held red flares;
    - (viii) 2 hand held orange smoke signals;

- (ix) 1 compass;

**Note—**

This requirement is not satisfied by GPS or satellite navigation systems (or similar electronic devices)—see clause 8 of this Schedule.

- (x) 1 map or chart of the operational area;

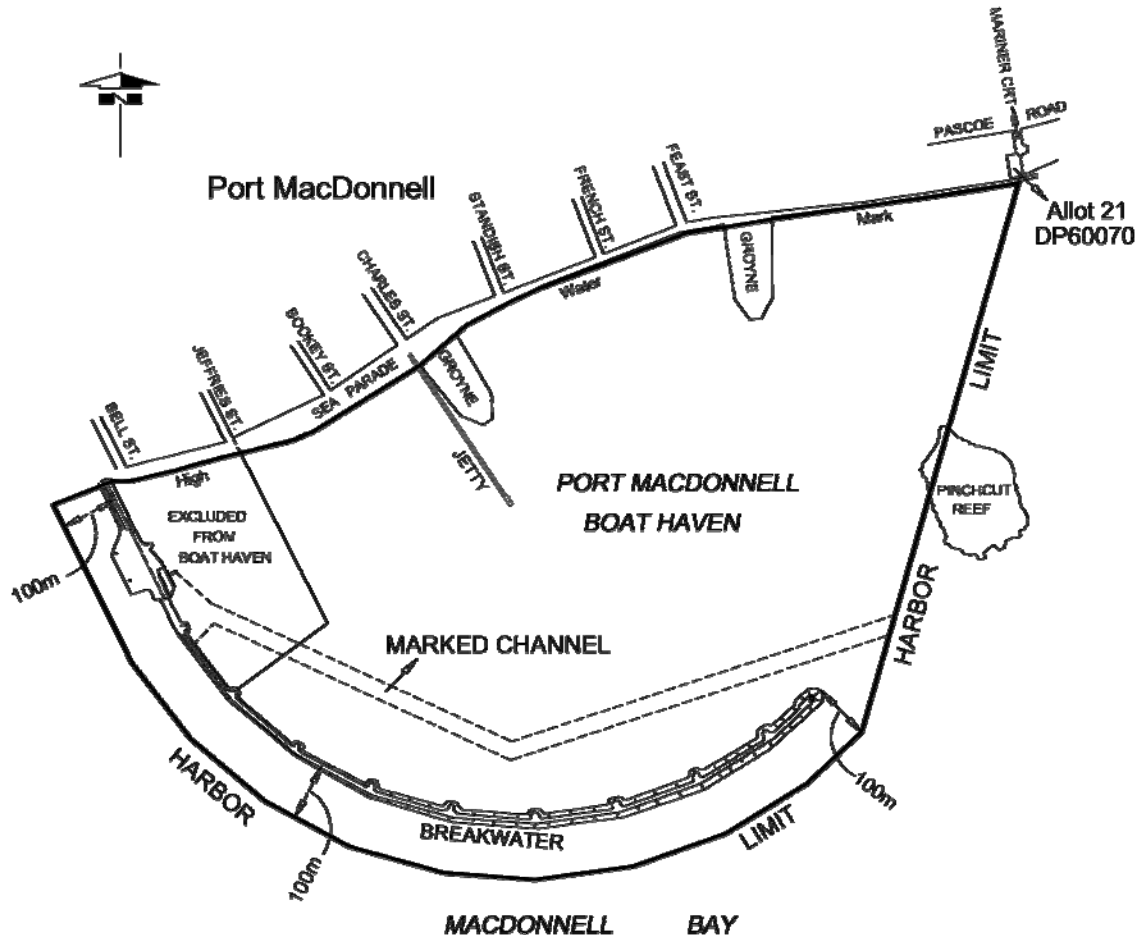
- (xi) 1 litre of fresh water.

(2a) A canoe, kayak, rowboat or other similar small human-powered recreational vessel being operated in unprotected waters is exempt from a requirement to be equipped with any or all of the equipment referred to in subclause (2)(b)(vii), (viii), (ix) or (x), if—

- (a) the canoe, kayak, rowboat or other vessel is in the company of—
  - (i) at least 2 similar vessels; or
  - (ii) a support vessel; and
- (b) at least 1 of the other vessels referred to in paragraph (a) is equipped with all of the equipment referred to in those subparagraphs; and
- (c) the canoe, kayak, rowboat or other vessel remains within 50 metres of the vessel so equipped at all times.

## 10—Variation of Schedule 12—Boat Havens

Schedule 12, item relating to Port MacDonnell Boat Haven, map—delete the map and substitute:



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 2 December 2010

No 243 of 2010

MTR10/034