South Australia

Harbors and Navigation Regulations 1994

under the *Harbors and Navigation Act 1993*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Harbors and Navigation Regulations 1994*.

4—Incorporation of codes and standards

(1) A copy of a code or standard referred to or incorporated in these regulations must be kept available for inspection by members of the public, without charge and during normal office hours, at the head office in Adelaide of the department.

(2) If an expression used in a provision of a code or standard referred to or incorporated in these regulations is not defined in the Act or in these regulations, the expression has, for the purposes of these regulations, the meaning (if any) assigned by the code or standard.

(3) Where a provision of a code or standard is referred to or incorporated in these regulations, any other code or standard that is incorporated into, or referred to in, that provision is also incorporated in these regulations to the extent necessary to give effect to that provision.

5—Approvals of CEO

(1) An application for an approval of the CEO under these regulations must conform to the requirements of the CEO about its form, contents and the manner in which it is made.

(2) An applicant under this regulation must provide to the CEO such information and records as the CEO reasonably requires.

(3) An approval given by the CEO for the purposes of these regulations—

(a) must be in writing or, if given orally, must be confirmed in writing as soon as practicable; and

(b) may be subject to such conditions as are specified by the CEO (including a condition fixing a fee to be paid to the CEO); and

(c) may be varied or revoked by the CEO at any time.

(4) Where the CEO gives approval subject to a condition, the person to whom approval is given must not contravene or fail to comply with the condition.

Maximum penalty: $4 000.

(5) In any legal proceedings, a certificate apparently signed by the CEO certifying an approval or lack of approval under these regulations is, in the absence of proof to the contrary, proof of the matter certified.

6—Exemption of Royal Australian Navy vessels

The following provisions of the Act do not apply in relation to vessels belonging to the Royal Australian Navy:

section 35

Part 6

Part 7

Part 9

section 65

section 66

section 68.

Part 2—Interpretation

8—Interpretation

(1) In these regulations, unless the contrary intention appears—

the Act means the *Harbors and Navigation Act 1993*;

AS means an Australian Standard, published by the Australian Standards Association, as in force from time to time;

boat haven means an area of water specified in Schedule 12;

certificate of registration, in relation to a vessel, means the certificate or other document issued in respect of the vessel by the marine authority of the jurisdiction in which the vessel is registered;

channel means a waterway regularly used as a course for vessels moving through a harbor;

chief engineer means the most senior engineer on a vessel, responsible for the means of mechanical propulsion of the vessel;

chief mate means the deck officer on a vessel who is next in rank to the master and on whom command of the vessel will fall in the event of the incapacity of the master;

classification society means an association or body, approved by the CEO, that issues rules for the construction or machinery of vessels;

coast station means a facility established by the Minister for the purpose of radio communications with vessels from land and for maintaining a radio watch (that is, continuously listening for radiotelephone communications from vessels);

the Code means the *Uniform Shipping Laws Code*, published by the Australian Government Publishing Service for the Commonwealth Department of Transport and Communications and adopted by the Australian Transport Advisory Council, as in force from time to time;

container means a crate, box, tank, flat or cylinder that is designed and constructed—

(a) for continuous use as an adjunct to cargo handling and transportation; and

(b) to facilitate the transportation of goods from the place at which they are packed to the place at which they are to be unpacked without the need for the goods to be unloaded from or re-loaded into the crate, box, tank, flat or cylinder; and

(c) to facilitate transportation by means of more than one mode of transport; and

(d) with devices so as to enable it to be readily handled between one mode of transport and another; and

(e) to carry a load the volume of which is at least one cubic metre;

Dangerous Substances Guidelines means the *Guidelines for the Safe Transport, Handling and Storage of Dangerous Substances and Oils in Port Areas*, published by the Association of Australian Port and Marine Authorities Inc, as in force from time to time;

deck officer means an officer of a vessel, other than the master, who has authority pursuant to his or her certificate of competency to take charge of a navigation watch on that vessel;

endorsement, in relation to a certificate of competency of a particular class, means—

(a) a limitation on or extension of the duties appropriate to a certificate of that class that the holder is qualified to undertake; or

(b) a limitation of the area within which, or a vessel or equipment (or a class of vessel or equipment) in relation to which, the holder is qualified to undertake the duties appropriate to a certificate of that class; or

(c) a condition related to medical standards subject to which the holder is qualified to undertake the duties appropriate to a certificate of that class;

engineer means a marine engineer or marine engine driver;

full registration, in relation to a vessel that is registered under these regulations, means registration granted under regulation 100 (as distinct from temporary registration granted under regulation 101);

gross tonnage means—

(a) in relation to a commercial vessel that is registered by a marine authority of the Commonwealth or a State or a Territory of the Commonwealth—the gross tonnage specified in the vessel's certificate of registration;

(b) in relation to a commercial vessel that is not so registered—the amount of measured tonnage calculated in accordance with the *International Convention on Tonnage Measurements of Ships 1969* as set out in the Commonwealth Act;

houseboat—see subregulation (5);

identification mark, in relation to a vessel that is registered under these regulations, means the numbers, letters and other characters specified in the certificate of registration of the vessel as uniquely identifying the vessel;

inland waters means navigable waterways or bodies of water in the State excluding any waters within the ebb and flow of the tide;

long blast means a blast of a whistle of about five second's duration;

marine authority means a marine authority of the Commonwealth, a State or a Territory of the Commonwealth or a foreign country recognised by the CEO as having authority to issue certificates of competency, certificates of survey or other similar documents;

MF/HF radiotelephony equipment means radiotelephony equipment that operates at medium or high frequency;

moor means to make fast to the shore, a buoy, a jetty or a wharf or to anchor;

observation vessel means a structure that is designed to float in water and is used to observe marine life (but is not used in navigation);

owner of cargo or goods includes the consignor and consignee of the cargo or goods;

to park a vehicle includes to leave the vehicle standing;

partially smooth water means waters designated by Schedule 1 as partially smooth;

personal watercraft means a device that—

(a) is propelled by a motor; and

(b) has a fully enclosed hull; and

(c) is designed not to retain water if capsized; and

(d) is designed to be operated by a person who sits astride, stands, or kneels on the device,

and includes the device commonly referred to as a jet ski;

potential speed, in relation to a vessel, means the maximum speed of which the vessel is capable—

(a) when moving through the water under its own power without assistance or hindrance from tide, current or wind; and

(b) when carrying no load apart from an operator and the equipment usually carried on the vessel;

Prevention of Collisions at Sea Regulations means the *International Regulations for Preventing Collisions at Sea 1972* constituted by the rules and other annexes attached to the *Convention on the International Regulations for Preventing Collisions at Sea 1972*, as corrected by the Procès-Verbal of Rectification dated 1 December 1973 (a copy of the English text of the articles of which is set out in Schedule 4 of the Commonwealth Act) and as affected by any amendment, other than an amendment objected to by Australia, made under Article VI of that Convention;

protected waters means inland waters other than Lakes Alexandrina and Albert;

qualifying entry voyage, in relation to an application for a pilotage exemption certificate, means a voyage into the harbor (or section of the harbor) in respect of which the application is made to a wharf, mooring or anchorage—

(a) that has been undertaken with a licensed pilot (or a master with a current pilotage exemption certificate for that harbor or section of harbor) on board the vessel; and

(b) that has, in the opinion of the CEO, been satisfactorily completed; and

(c) that has been undertaken not more than one year before the date on which the application is made;

qualifying exit voyage, in relation to an application for a pilotage exemption certificate, means a voyage out of the harbor (or section of the harbor) in respect of which the application is made from a wharf, mooring or anchorage—

(a) that has been undertaken with a licensed pilot (or a master with a current pilotage exemption certificate for that harbor or section of harbor) on board the vessel; and

(b) that has, in the opinion of the CEO, been satisfactorily completed; and

(c) that has been undertaken not more than one year before the date on which the application is made;

registered owner of a vessel means a person recorded in the register of vessels as the owner of the vessel;

restricted area means an area of water specified in the table in Schedule 4 and defined in Schedule 5;

restricted vessel means a fishing vessel that operates only within one or more of the areas specified in Schedule 2;

second engineer means the engineer next in rank to the chief engineer and on whom responsibility for the means of mechanical propulsion of the vessel falls in the event of the incapacity of the chief engineer;

semi-protected waters means waters inshore of a line two nautical miles seaward of the low water mark of the coast or of the banks of Lakes Alexandrina and Albert;

short blast means a blast of a whistle of about one second's duration;

smooth water means waters designated by Schedule 1 as smooth;

speed means speed with reference to a stationary horizontal plane (as distinct from speed through water which may itself be in motion);

temporary registration, in relation to a vessel registered under these regulations, means registration granted under regulation 101 (as distinct from full registration granted under regulation 100);

trading vessel means a commercial vessel other than a fishing vessel;

underway, in relation to a vessel, means that the vessel is not moored or aground;

unprotected waters means waters offshore of a line two nautical miles seaward of the low water mark of the coast or of the banks of Lakes Alexandrina and Albert;

V distress sheet means a sheet of material—

(a) that is not less than 1.8 metres by 1.2 metres in size; and

(b) that is florescent orange-red in colour; and

(d) on which is displayed the letter V in black, the V being not less than 0.8 metres in height and the strokes forming the V being not less than 130 millimetres in breadth;

VVHF FM radiotelephony equipment means radiotelephony equipment that operates at very high frequency on a frequency modulated band;

whistle means any sound signalling device capable of producing the sound signals required by these regulations.

(2) In the Code—

approved means approved by a licensed surveyor;

the Authority means the CEO.

(3) In these regulations, a reference to a vessel of a particular class is a reference to a vessel of that class as defined in Section 1, Part 3, Clause 6 of the Code.

(4) For the purposes of these regulations, vessels will be regarded as in sight of one another only when one can be observed visually from the other.

(5) For the purposes of these regulations, a vessel will be taken to be a houseboat if—

(a) the vessel has facilities for overnight accommodation; and

(b) —

(i) all the living facilities are on or above the deck of the vessel; or

(ii) although not all the living facilities are on or above the deck of the vessel, the vessel is designed and constructed as a river boat providing living facilities similar to that provided in a residential building and the CEO and the owner of the vessel agree that the vessel is to be classed as a houseboat.

9—Definition of harbors: section 4(1) and Schedule 1

Schedule 3 defines the boundaries of the harbors referred to in Schedule 1 of the Act.

9A—Definition of port: section 4(1)

(1) Each area of land and water described in Schedule 3A is constituted as a port.

(2) To avoid doubt, as each port lies within a harbor, a reference in these regulations to a "harbor" extends, unless the contrary is indicated, to a port.

10—Crew of commercial vessel: section 4(1)

For the purposes of the definition of ***crew***, the following positions are declared to be positions of responsibility on a commercial vessel:

(a) mates; and

(b) engineers; and

(c) general purpose hands.

11—Key position on commercial vessel: section 4(1)

For the purposes of the definition of ***key position*** in relation to the crew of a commercial vessel, the following positions are declared to be positions in relation to which certificates of competency are required:

(a) mates; and

(b) engineers.

12—Length of vessel: section 4(3)

(1) For the purposes of these regulations, the length of a vessel is determined as follows:

(a) in the case of a vessel in respect of which a certificate of survey is in force—the length of the vessel is the measured length specified in that certificate;

(b) in the case of a vessel in respect of which a certificate of survey is not required or is not in force and that is constructed of pontoons—the length of the vessel is the distance along the deck between the foremost transverse deck beam and the aftermost transverse deck beam;

(c) in any other case—the length of the vessel is the distance from the foremost part of the hull to the aftermost part of the hull taken at the upper side of the uppermost weather tight deck or, in the case of an open vessel, at the height of the gunwale.

(2) In this regulation—

aftermost part of the hull means the trailing edge of the shell plating, planking or other structural material or, in the case of stem bars or posts, the intersection of the outside of the shell plating or planking with the stern bar or post but excluding, in all cases, any member added to the exterior of the hull (eg a fender, sponson or rubbing strip);

foremost part of the hull means the leading edge of the shell plating, planking or other structural material or, in the case of bar stems or stem posts, the intersection of the outside of the shell plating or planking with the stem bar or post but excluding, in all cases, any member added to the exterior of the hull (eg a fender, sponson or rubbing strip).

Part 3—Property

13—Exclusion of property from vesting in Minister: section 15(3)(c)

Pursuant to section 15(3)(c) of the Act the following real property does not vest in the Minister:

(a) all subjacent land underlying, and land adjacent to—

(i) the Murray River upstream of the sea mouth;

(ii) all lakes, lagoons and channels connected with the Murray River; and

(b) all subjacent land underlying, and land adjacent to—

(i) the Onkaparinga River upstream of the seaward boundary of the Corporation of the City of Noarlunga;

(ii) all lakes, lagoons and channels connected with the Onkaparinga River; and

(c) all subjacent land underlying, and land adjacent to—

(i) the Patawalonga Creek upstream of the seaward boundary of the Corporation of the City of Glenelg;

(ii) all lakes, lagoons and channels connected with the Patawalonga Creek; and

(d) all subjacent land underlying, and land adjacent to, the Glenelg River in the Hundred of Caroline, County of Grey; and

(e) all subjacent land underlying, and land adjacent land to, any other inland waters except Lake Butler; and

(f) the land adjacent to the seashore situated above high water mark in the Hundreds of Copley, Gillen, Jenkins and Cultana from the south eastern corner of the Government Town of Port Augusta West to the southern boundary of the Hundred of Cultana.

Part 4—Restrictions on use of waters

13A—Aquatic activities on River Murray

The following categories of licence are excluded from the operation of section 26(2a) of the Act:

(a) a licence for an event that will not involve a motorised vessel (including any support vessel or vessels);

(b) a licence for an event where only the support vessel or vessels will be motorised and the number of such motorised support vessels will not exceed 2;

(c) a licence for an event where not more than 2 motorised vessels involved in the event will be operated at any particular time, and the number of motorised support vessels (if any) will not exceed 2;

(d) a licence for an event where not more than 5 motorised vessels involved in the event will be operated at any particular time on waters that form part of the River Murray in circumstances where it is proposed that, when the vessels are on the River Murray, they will be spread over at least 2 kilometres of the river, and the number of motorised support vessels (if any) will not exceed 2.

14—Restricted areas: section 27

(1) A person who, without the approval of the CEO, contravenes or fails to comply in a restricted area with a control applying in the area according to Schedule 4 is guilty of an offence (but it is a defence to a charge of such an offence for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency, or taking part in a surf life saving activity conducted by a surf life saving club).

Maximum penalty: $1 250.

Expiation fee: $160.

(2) If a vessel is involved in the commission of an offence against subregulation (1), the owner of the vessel is also guilty of an offence (but it is a defence to a charge of such an offence for the owner to prove that the vessel was operated in the manner constituting the offence without the owner's consent).

Maximum penalty: $1 250.

Expiation fee: $160.

(3) If an offence against subregulation (1) is constituted of a person being towed by a vessel, the operator of the vessel is also guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

(5) A control applying in a restricted area according to Schedule 4 does not apply in relation to an authorised person in the exercise of powers under the Act or these regulations.

Part 5—Harbors

Division 1—Preliminary

15—Interpretation

In this Part (except Divisions 3 and 4)—

adjacent land means adjacent land under the care, control and management of the Minister or a port operator;

contiguous land means land contiguous to a wharf and under the care, control and management of the Minister or a port operator;

harbor means a harbor, or that part of a harbor, under the care, control and management of the Minister or a port operator;

wharf means a wharf under the care, control and management of the Minister or a port operator.

15A—Approval of CEO under this Part

The CEO must not grant an approval under this Part in relation to an activity that is to take place within a port unless the port operator has first been consulted.

Division 2—General activities

16—Obstructions on wharves

(1) A person must not, without the approval of the CEO, place anything on a wharf in a position that is likely to—

(a) obstruct the approaches or any entrance to, or exit from, the wharf; or

(b) obstruct the movement of cargo on, on to or from the wharf; or

(c) impede the free passage of any vehicle on the wharf.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) An authorised person may—

(a) direct the owner of any item on a wharf in contravention of subregulation (1), or the owner, master or operator of a vessel from which the item has been unloaded or on which the item is to be loaded, to remove it from the wharf or to move it to another position on the wharf within a specified time; or

(b) if unable in the circumstances of the particular case to give a direction under paragraph (a) or if a direction is given under that paragraph but the person fails to comply with the direction—remove the item from the wharf or move it to another position on the wharf.

(3) The cost of taking action under subregulation (2)(b) may be recovered as a debt from the owner of the item by—

(a) if the authorised person was an officer or employee of a port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

17—Obstruction of landing places

(1) A person must not moor a vessel at or near a landing place for longer than—

(a) if no direction is given by the CEO or an authorised person—a total of 4 hours in any day; or

(b) if a direction is given by the CEO or an authorised person—the period directed.

Maximum penalty: $1 250.

Expiation fee: $160.

(1a) It is a defence to a charge of an offence against subregulation (1) for the defendant to prove that—

(a) the vessel was unable to be safely moved within the time allowed by subregulation (1) because of a mechanical or equipment failure or because of prevailing weather conditions; and

(b) the vessel was moved as soon as it was reasonably practicable to do so.

(2) In this regulation—

landing place means a ramp, public steps, platform or other landing place which is part of or adjacent to a wharf and gives access from the wharf to vessels below the level of the deck of the wharf.

18—Unauthorised activity on wharf

A person must not, without the approval of the CEO—

(a) undertake any work on a wharf that is not related to the shipping or unloading of cargo; or

(b) sort, pack or repair cargo on a wharf; or

(c) place or leave on a wharf anything other than cargo; or

(d) carry on retail trade on a wharf; or

(e) erect or post any notice or advertisement on a wharf; or

(f) damage, remove or interfere with any notice or advertisement on a wharf; or

(g) fish (for any aquatic organism by any means) in contravention of any notice erected on a wharf apparently on behalf of the CEO or in contravention of a direction of an authorised person; or

(h) light or maintain a fire on a wharf; or

(i) damage or misuse any equipment provided on a wharf for lifesaving or firefighting purposes; or

(j) smoke in or on a structure on a wharf; or

(k) litter a wharf; or

(l) damage a wharf in any manner.

Maximum penalty: $1 250.

Expiation fee: $160.

19—Use of rail trolley

(1) A person must not, without the approval of the CEO, use a trolley except for a purpose connected with the loading or unloading of a vessel or the maintenance of a vessel.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) A person must not propel a trolley at a dangerous speed or in a dangerous manner.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) A person who is propelling a trolley must give other persons effective warning of the approach of the trolley.

Maximum penalty: $1 250.

Expiation fee: $160.

(4) An authorised person may give a person directions in relation to the use of trolleys.

(5) In this regulation—

trolley means a truck or trolley supplied by the Minister or a port operator for use on rails laid on a wharf or contiguous land.

20—Removal of stevedoring gear after use

The master or operator of a vessel that is being loaded or unloaded on a wharf must ensure that all moveable equipment used in the loading or unloading is removed and stored appropriately on completion of the loading or unloading.

Maximum penalty: $1 250.

Expiation fee: $160.

21—Directions relating to dangerous or objectionable cargo

If an authorised person suspects on reasonable grounds that particular cargo on a vessel may present, if unloaded on to a wharf, a risk of injury to persons or damage to property, or a nuisance, the authorised person may give directions to the master or operator or owner of the vessel or the owner of the cargo—

(a) prohibiting the storage of the cargo on the wharf; or

(b) regulating the manner in which the cargo is to be unloaded or stored on the wharf.

22—Spillage of cargo

(1) If any cargo on a wharf or contiguous land, by breaking, leaking or in any other way, causes loss of life or injury to a person or destruction of or damage to the wharf or to anything on the wharf or contiguous land, creates a nuisance or offensive condition, or hinders work on the wharf or contiguous land, the owner of the cargo must—

(a) report the matter to—

(i) if the wharf or contiguous land is within a port—the port operator; or

(ii) in any other case—the CEO; and

(b) remove the cargo from the wharf or contiguous land, clean up any spillage and repair any damage to the wharf.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) If a person fails to take the action required by subregulation (1)(b), an authorised person may take that action.

(3) The cost of taking action under subregulation (2) may be recovered as a debt from the person in default by—

(a) if the authorised person was an officer or employee of a port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

23—Discharge of water on wharves

The master or operator of a vessel moored at a wharf must cause a covering to be placed over each outlet on the vessel that is at or above the level of the deck of the wharf so as to prevent any liquid being discharged from the vessel on to the wharf.

Maximum penalty: $1 250.

24—Abandoned cargo

The CEO may take possession of cargo remaining on a wharf or contiguous land for more than six months and may deal with the cargo under the *Unclaimed Goods Act 1987*.

25—Unauthorised entry to wharf or contiguous land

A person must not, without the approval of the CEO, enter or remain in an area of a wharf or contiguous land to which the Minister has restricted access by the erection of signs, barriers or by other means.

Maximum penalty: $1 250.

Expiation fee: $160.

26—Watch officers in harbors

(1) A vessel that is 35 metres or more in length and is moored in a harbor must, unless the CEO approves otherwise, have at least one person on board for the purposes of communication with the CEO, the port operator or an authorised person.

(2) If subregulation (1) is contravened, the master or operator of the vessel is guilty of an offence.

Maximum penalty: $1 250.

27—Tugs

(1) The master of a tug that is attending a vessel that is being navigated under the control or at the direction of a licensed pilot must comply with the directions of the pilot.

Maximum penalty: $2 500.

(2) The master of a tug that is attending a vessel the master of which holds a current pilotage exemption certificate must comply with the directions of that master.

Maximum penalty: $2 500.

28—Fuel in vehicles etc

(1) Cargo consisting of a vehicle, vessel or machine that uses petroleum, or other liquid fuel, with a flash point below 60°C, must not be carried on a vessel unless each fuel tank of the vehicle, vessel or machine contains less than 50% of its capacity of fuel and is effectively sealed.

(2) Cargo consisting of a vehicle, vessel or machine that uses petroleum or other liquid fuel with a flash point below 60°C must not be stored on a wharf or adjacent land unless each fuel tank of the vehicle, vessel or machine contains less than five litres of fuel and is effectively sealed.

(3) If a vehicle, vessel or machine is carried or stored in contravention of this regulation, the consignor of the vehicle, vessel or machine is guilty of an offence.

Maximum penalty: $750.

(4) A person must not transfer petroleum or other liquid fuel into or out of the tank of a vehicle, vessel or machine—

(a) on a wharf constructed of timber; or

(b) inside a structure on adjacent land under the care, control and management of the Minister or a port operator; or

(c) within 15 metres of any such structure; or

(d) within 15 metres of any cargo; or

(e) on a vessel or within 15 metres of any vessel.

Maximum penalty: $1 250.

29—Operation of motors in cargo spaces

A person responsible for the loading or unloading of cargo on a vessel is guilty of an offence if, during the loading or unloading—

(a) an internal combustion engine or electric motor is operated in a cargo space in the vessel in contravention of Appendix 8, Marine Order No. 12 of 1986, Part 32 (Cargo and Cargo Handling—Equipment and Safety Measures) under the Commonwealth Act; or

(b) any internal combustion engine of a mechanical stowing appliance or other vehicle used is fuelled in a cargo space in the vessel in contravention of that Appendix.

Maximum penalty: $2 500.

30—Mooring lines in harbors

(1) The master or operator of a vessel moored by lines to a wharf or other structure in a harbor must ensure that those lines are adequate and kept taut at all times.

Maximum penalty: $1 250.

(2) A person must not, without lawful authority, interfere with a line attached to any vessel, buoy, anchor, mooring, wharf or other structure or device in a harbor.

Maximum penalty: $1 250.

(3) The CEO may authorise a person to interfere with a line in a manner that would otherwise constitute a contravention of subregulation (2).

31—Restrictions in certain harbors

(1) The engine of a vessel that is more than 35 metres in length and is moored at a wharf in a harbor must not, without the approval of the CEO—

(a) be interfered with in such a manner that immobilises the vessel to the extent that the vessel cannot be made ready to be underway within two hours; or

(b) be operated so as to turn a propeller or propellers.

(2) If the engine of a vessel is operated or interfered with in contravention of subregulation (1), the master or operator of the vessel is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

32—Mooring and unmooring of vessels in certain harbors

(1) A person must not, unless authorised for the purpose by the CEO, make fast or let go mooring lines of a vessel moored or to be moored to a wharf in a harbor.

Maximum penalty: $1 250.

(2) This regulation does not apply in relation to—

(a) a tug, barge or lighter ordinarily used within a harbor to which this regulation applies;

(b) a vessel of less than 1 000 tons gross—

(i) ordinarily employed in trading or going between ports or places in the State; or

(ii) ordinarily used as a pleasure yacht in South Australian waters;

(c) a vessel belonging to the Royal Australian Navy.

(5) Nothing in this regulation prevents a fee being charged for services provided by a person authorised by the CEO under this regulation.

33—Swimming in harbors

A person must not, without the approval of the CEO, swim or dive in any harbor—

(a) within 200 metres of a vessel that is 15 metres or more in length and is arriving or departing from a wharf, mooring or anchorage or is navigating in a channel; or

(b) within 45 metres of a vessel that is 15 metres or more in length and is moored at a wharf; or

(c) from any portion of a wharf not specifically set aside for entrance of a person into the water.

Maximum penalty: $750.

Expiation fee: $105.

Division 3—Vehicles and pedestrians

33A—Application of Division

This Division applies in relation to the following places:

(a) all adjacent land vested in the Minister;

(b) all wharves, docks, jetties or other structures vested in the Minister or a port operator.

34—Traffic signs

(1) The CEO may erect signs on a place to which this Division applies giving directions for any one or more of the following purposes:

(a) regulating the route to be followed by vehicles;

(b) prohibiting or regulating the entry, exit or turning of vehicles (including vehicles over a certain mass);

(c) requiring vehicles to be stopped;

(d) requiring certain vehicles to give way to other vehicles;

(e) prohibiting or regulating the parking of vehicles;

(f) imposing speed limits for vehicles;

(g) otherwise regulating vehicular traffic;

(h) prohibiting or regulating pedestrian traffic.

(2) A direction under this regulation may be of general or limited application according to the class of vehicles, drivers or pedestrians to which it applies, the area in which it applies, the circumstances of its application, or any other specified factor.

(2a) The CEO may issue a permit exempting the holder from directions specified in the permit.

(3) A person who contravenes or fails to comply with the directions displayed on a sign erected under this regulation is guilty of an offence unless the person holds a valid permit issued by the CEO exempting the person from the directions and the person complied with the terms of the permit.

Maximum penalty: $1 250.

Expiation fee: $160.

35—Traffic and other directions

(1) An authorised person may, orally or by hand signals, give to any person (whether a driver of a vehicle, a rider of an animal or a pedestrian) on or approaching a place to which this Division applies reasonable directions for the orderly functioning of the place and activities conducted at the place.

(2) An authorised person who suspects on reasonable grounds that a vehicle that exceeds a mass limit imposed in respect of an area is in, or is about to enter, that area may direct the person in charge of the vehicle—

(a) to submit the vehicle forthwith for weighing by portable apparatus; or

(b) to take the vehicle by the shortest practicable route to a specified weighbridge.

36—Parking signs and markings

(1) The CEO may delineate, by signs or pavement markings or a combination of signs and markings, an area on a place to which this Division applies as an area in which vehicles or vehicles displaying a permit issued by the CEO may be parked.

(2) A person must not park a vehicle on a place to which this Division applies unless—

(a) the vehicle is within an area delineated under this regulation as an area in which vehicles may be parked; or

(b) the vehicle is being loaded or unloaded; or

(c) the vehicle is parked with the approval of the CEO.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) A person must not park a vehicle in an area delineated under this regulation as an area in which vehicles displaying a permit issued by the CEO may be parked unless a valid permit is displayed in the vehicle and the vehicle is parked in accordance with the terms of that permit.

Maximum penalty: $1 250.

Expiation fee: $160.

37—Removal of vehicles

(1) If a vehicle is parked in contravention of this Division and an authorised person believes on reasonable grounds that the vehicle is obstructing the proper use of a place to which this Division applies, or that it constitutes a risk to the safety of persons or property, the authorised person may cause the vehicle to be removed to a convenient place (but this does not empower the authorised person to break into the vehicle).

(2) The cost of removing the vehicle may be recovered as a debt from the owner of the vehicle or the person who parked the vehicle in contravention of this Division by—

(a) if the authorised person was an officer or employee of a port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

38—Signs

(1) A sign erected on or in the vicinity of a place to which this Division applies that appears to have been erected for the purposes of this Division will, in the absence of proof to the contrary, be taken to have been erected in accordance with this Division.

(2) A sign erected by the CEO, the Minister or the department on or in the vicinity of a place to which this Division applies before the commencement of this Division will be regarded as having been erected in accordance with this Division.

(3) In determining the meaning of a direction displayed on a sign under this Division, regard must be given to the characteristics of the surrounding physical environment, including any pavement markings.

(4) In a direction displayed on a sign erected under this Division—

maximum axle load, in relation to a vehicle, means the weight of the vehicle (including its load and the weight of the axle and wheels) borne by any axle of the vehicle;

maximum wheel load, in relation to a vehicle, means the weight of the vehicle (including its load) borne by any wheel of the vehicle;

permit means a permit issued by the CEO (or a delegate of the CEO) under this Division.

38A—Permits

(1) The CEO may issue permits for the purposes of this Division subject to such conditions as the CEO thinks fit (including a condition fixing a fee to be paid to the CEO).

(2) The CEO may cancel a permit issued under this Division by notice in writing to the holder of the permit.

(3) For the purposes of this Division, a permit is displayed in a vehicle only if the permit is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.

(4) An authorised person may require a person apparently acting in a manner for which a permit is required under this Division to produce the permit for inspection forthwith or at a specified place and within a specified period.

39—Evidence

In any proceedings for an offence against this Division, an allegation in a complaint—

(a) that a sign or marking was erected or made in accordance with this Division; or

(b) that a specified person was the driver of a specified vehicle at the time of an alleged offence; or

(c) that a specified vehicle was driven or parked in a specified manner or place at a specified time; or

(d) that a specified person held or did not hold a permit under this Division; or

(e) that a specified permit issued under this Division was subject to specified conditions,

will, in the absence of proof to the contrary, be proof of the matters so alleged.

Division 4—Records

39A—Interpretation

In this Division—

harbor means a harbor, or that part of a harbor, under the care, control and management of the Minister.

40—Notice of entry

(1) The owner or master of a commercial vessel must, as soon as practicable after arrival of the vessel at a wharf, mooring or anchorage in a harbor, deliver a notice of entry to the nearest office of the department.

Maximum penalty: $1 250.

(2) A notice of entry—

(a) must conform to the requirements of the CEO about its form, contents and the manner in which it is given; and

(b) must be signed by the master of the vessel.

41—Certificate of registration

(1) Subject to this regulation, the master of a commercial vessel must, at the request of an authorised person, produce the certificate of registration of the vessel at the nearest office of the department.

Maximum penalty: $1 250.

(2) This regulation does not apply in relation to a vessel that trades only within the jurisdiction if the certificate of registration of the vessel has been produced at an office of the department in the previous six months.

42—Notice of leaving

A person must not, without the approval of the CEO, remove a commercial vessel of more than 35 metres in length from a wharf, mooring or anchorage in a harbor.

Maximum penalty: $1 250.

43—Cargo manifests

(1) A manifest relating to cargo unloaded from a commercial vessel in a harbor must be given to the CEO within three days after arrival of the vessel.

(2) A manifest relating to cargo loaded on to a commercial vessel in a harbor must be given to the CEO within seven days after departure of the vessel.

(3) A manifest—

(a) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(b) if it is in writing, must be in English and must be legible; and

(c) must include, at least, the following information (given, if the CEO so requires, by reference to codes or descriptions specified by the CEO):

(i) the name of the vessel and the number assigned to the vessel in Lloyd's Register of Shipping; and

(ii) a description of the voyage being undertaken by the vessel; and

(iii) a description of the cargo (including the mass and volume of the cargo) sufficient for the purposes of calculating the charges payable to the Minister in respect of the cargo; and

(iv) if the cargo includes a container—

(A) the number, type and dimensions of the container; and

(B) details of the kinds of goods carried in the container; and

(C) the gross weight of the goods carried in the container; and

(v) in the case of a container or other cargo unloaded from the vessel in the harbor—

(A) the port of loading of the container or other cargo; and

(B) the country of origin of the packed container or other cargo; and

(C) if the country of destination of the packed container or other cargo is Australia, the State or Territory of destination; and

(D) if the container or other cargo has been restowed on the vessel in the harbor (with the vessel continuing on the same voyage)—a statement to that effect; and

(E) if the container or other cargo has been or will be transhipped (ie reloaded on a vessel undertaking a different voyage) in the harbor—a statement to that effect; and

(vi) in the case of a container or other cargo loaded on to the vessel in the harbor (other than a container or cargo that has been unloaded from that vessel and restowed, with the vessel continuing on the same voyage)—

(A) if the container or other cargo has been transhipped (ie unloaded from a vessel undertaking a different voyage and reloaded onto the vessel) in the harbor—a statement to that effect; and

(B) if the country of origin of the packed container or other cargo is Australia—the State or Territory of origin; and

(C) the port at which it is intended that the container or other cargo will be unloaded; and

(D) the country of destination of the packed container or other cargo; and

(d) must be certified as correct by the master or owner of the vessel.

(4) Any alteration or correction of a manifest must be notified to the CEO as soon as possible.

(5) If an alteration or correction of a manifest is notified to the CEO when it is not practicable by reason of the movement of the cargo for the alteration or correction to be verified by inspection of the cargo, the alteration need not be taken into account for the purposes of calculating the charges payable to the Minister in respect of the cargo.

(6) If a manifest is not received by the CEO in accordance with this regulation, the charges payable to the Minister in respect of the cargo may be calculated on an estimate by the Minister of the size and nature of the cargo plus 10%.

(7) If a manifest (or an alteration or correction of a manifest) is not given to the CEO in accordance with this regulation, the master and the owner of the vessel are each guilty of an offence (but it is a defence to a charge of an offence against this regulation if the defendant proves that the defendant could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Maximum penalty: $1 250.

(8) A person who views a manifest in the course of official duties connected with the administration of the Act must not divulge the contents of that manifest to any person except in the course of those duties.

Maximum penalty: $1 250.

44—Production of documents relating to cargo

(1) The master or owner of a commercial vessel must, at the request of an authorised person—

(a) produce for inspection and copying all records and documents (including cartnotes, shipping notes and weigh notes) relating to the cargo of that vessel; and

(b) provide the reference number for the bill of lading relating to that cargo.

Maximum penalty: $1 250.

(2) An authorised person who views a record or document in the course of official duties connected with the administration of the Act must not divulge the contents of that record or document to any person except in the course of those duties.

Maximum penalty: $1 250.

Division 5—Pilotage

45—Interpretation of Part 5 Division 5

In this Division a reference to a vessel of a length appropriate to a category of pilotage exemption certificate is a reference—

(a) in the case of a category 1 certificate—to a vessel that is more than 35 metres in length;

(b) in the case of a category 2 certificate—to a vessel that is more than 65 metres in length;

(c) in the case of a category 3 certificate—to a vessel that is more than 155 metres in length;

(d) in the case of a category 4 certificate—to a vessel that is more than 185 metres in length.

46—Licensing of pilots: section 33

To be licensed as a pilot a person must—

(a) hold a Master Class 1 certificate of competency issued by the marine authority of the Commonwealth or a qualification under the law of some other place recognised under the Commonwealth Act as equivalent to such a certificate of competency; and

(b) have had extensive experience in operating vessels in the harbor in respect of which the application is made of a nature that demonstrates, in the opinion of the CEO, that the applicant has developed a sound practical knowledge of the harbor and traffic in the harbor; and

(c) be a fit and proper person to hold a licence; and

(d) satisfactorily pass an examination set by the CEO that examines whether the applicant—

(i) has a sound knowledge of the harbor in respect of which the application is made, and, in particular, of the soundings, minimum keel clearances, tides and currents, buoys, beacons, lights and signals of or within the harbor and the approaches to the harbor; and

(ii) has a sound knowledge of the law applying generally to harbors and of the law applying to the particular harbor in respect of which the application is made; and

(iii) has a sound knowledge of the traffic control practices, traffic patterns, and signals, rules and communications, applying in the harbor; and

(e) comply with the following eyesight standards:

(i) in the case of an applicant who does not use corrective lenses—the applicant must be able to read without the aid of corrective lenses all letters on the fifth line of a letter card based on Snellen's principle; and

(ii) in the case of an applicant who uses corrective lenses—

(A) the applicant must be able to read with the aid of corrective lenses all letters on the sixth line of the letter card based on Snellen's principle and read without the aid of corrective lenses all letters on the fourth line of the card; and

(B) the sight in the applicant's better eye must not be worse than 6/6 on the basis of Snellen's principle; and

(iii) in the case of all applicants—the applicant must not suffer from a progressive eye disorder; and

(f) if the CEO so requires—satisfactorily pass an examination set by the CEO to examine whether the applicant can easily distinguish variously coloured lanterns; and

(g) comply with the following medical standards: the applicant must not suffer any mental or physical impairment that may affect his or her ability to perform the duties of a pilot.

47—Pilotage exemption certificates: section 34

(1) Pilotage exemption certificates will be of the following classes:

(a) category 1—for vessels up to 65 metres in length;

(b) category 2—for vessels up to 155 metres in length;

(c) category 3—for vessels up to 185 metres in length;

(d) category 4—for vessels up to 215 metres in length.

(2) The CEO may specify in a category 3 or 4 certificate that the certificate is limited to vessels of a lesser length if the CEO considers that appropriate in relation to the harbor or section of harbor to which the application for the certificate relates.

(3) A pilotage exemption certificate operates only in respect of navigation during daylight hours unless it is endorsed for night navigation.

(4) A pilotage exemption certificate ceases to be in force if the holder does not navigate a vessel pursuant to the certificate (during daylight hours or the hours of darkness) for—

(a) in the case of a category 1 certificate—12 months;

(b) in any other case—six months.

(5) An endorsement for night navigation on a pilotage exemption certificate ceases to be in force if the holder does not navigate a vessel pursuant to the certificate during the hours of darkness for—

(a) in the case of a category 1 certificate—12 months;

(b) in any other case—six months,

but, subject to the Act and these regulations, the holder of the certificate may continue to navigate vessels pursuant to the certificate during daylight hours.

(6) An applicant for a pilotage exemption certificate—

(a) must hold a certificate of competency for a trading or fishing vessel of the length appropriate to the category of certificate applied for; and

(b) in the case of an applicant for a category 1 certificate who does not hold a current pilotage exemption certificate of any category—must have undertaken, as master of a vessel over 35 metres in length—

(i) two qualifying entry voyages during daylight hours; and

(ii) two qualifying exit voyages during daylight hours; and

(c) in the case of an applicant for a category 2, 3 or 4 certificate who does not hold a current pilotage exemption certificate of any category—

(i) must have undertaken, as master of a vessel of not less than the length appropriate to the category—

(A) three qualifying entry voyages during daylight hours; and

(B) three qualifying exit voyages during daylight hours; and

(C) one further qualifying entry voyage either during daylight hours or during the hours of darkness; and

(D) one further qualifying exit voyage either during daylight hours or during the hours of darkness; or

(ii) must have undertaken—

(A) as master of a vessel of not less than the length appropriate to the category—

- two qualifying entry voyages during daylight hours; and
- two qualifying exit voyages during daylight hours; and

(B) as first mate (actively on duty on the bridge of the vessel) of a vessel of not less than the length appropriate to the category—

- three qualifying entry voyages during daylight hours; and
- three qualifying exit voyages during daylight hours; and

(d) in the case of an applicant who holds a current pilotage exemption certificate of another category—must have undertaken, as master of a vessel of at least the length appropriate to the new category sought—

(i) two qualifying entry voyages during daylight hours; and

(ii) two qualifying exit voyages during daylight hours; and

(e) in the case of an applicant who applies for an endorsement for night navigation—

(i) if the application is for a category 1 certificate—must have undertaken—

(A) one further qualifying entry voyage of the kind required for the certificate but during the hours of darkness; and

(B) one further qualifying exit voyage of the kind required for the certificate but during the hours of darkness; and

(ii) if the application is for a category 2, 3 or 4 certificate—must have undertaken—

(A) three further qualifying entry voyages of the kind required for the certificate but during the hours of darkness; and

(B) three further qualifying exit voyages of the kind required for the certificate but during the hours of darkness; and

(f) must otherwise be eligible to be licensed as a pilot (apart from the certificate of competency and experience requirements); and

(g) must be the master of a vessel that is—

(i) registered in Australia or New Zealand and which generally trades between ports in Australia or New Zealand; or

(ii) used for the purposes of dredging, hydrographic or oil exploration or fishing or used to support the activities of another vessel that is used for one of those purposes.

48—Re-examination

(1) A pass in an examination for eligibility for a pilot's licence remains valid for the purposes of the issue of a pilot's licence or pilotage exemption certificate for a period of 12 months from the date of the examination, unless the CEO determines otherwise.

(2) Where a person fails an examination for eligibility for a pilot's licence, the CEO—

(a) may determine that no further attempt may be made by that person until after a specified interval of time; and

(b) may require the person to complete a further period of experience during that interval.

49—Duration of pilot's licence

A pilot's licence remains in force until—

(a) the licensee dies; or

(b) the licence is surrendered or cancelled.

50—Duration and renewal of pilotage exemption certificates

(1) Subject to the Act and these regulations, a pilotage exemption certificate remains in force for two years and may be renewed for successive periods of two years.

(2) The CEO must, on application made in accordance with these regulations, renew a pilotage exemption certificate if satisfied—

(a) that the applicant complies with the eyesight and medical standards required for issue of a certificate; and

(b) that the applicant has used the certificate at least as often as required by these regulations.

(3) A pilotage exemption certificate that is not in force because it has not been used at least as often as required by these regulations or that has expired may nevertheless be renewed, on application in accordance with these regulations, if—

(a) less than two years has elapsed since the certificate ceased to be in force or expired; and

(b) the CEO is satisfied that the applicant has undertaken the following qualifying voyages in the period since the certificate ceased to be in force or expired:

(i) if the application is for a category 1 certificate—the applicant must have undertaken, as master of a vessel over 35 metres in length—

(A) one qualifying entry voyage during daylight hours; and

(B) one qualifying exit voyage during daylight hours; and

(C) if the application includes an application for an endorsement for night navigation—

- one further qualifying entry voyage during the hours of darkness; and
- one further qualifying exit voyage during the hours of darkness; and

(ii) in any other case—the applicant must have undertaken, as master of a vessel of not less than the length appropriate to the category of certificate—

(A) if the period since the applicant last navigated a vessel pursuant to the certificate is less than 12 months—

- one qualifying entry voyage during daylight hours; and
- one qualifying exit voyage during daylight hours; and
- if the application includes an application for an endorsement for night navigation, one further qualifying entry voyage during the hours of darkness, and one further qualifying exit voyage during the hours of darkness; and

(B) if the period since the applicant last navigated a vessel pursuant to the certificate is 12 months or more but less than 24 months—

- two qualifying entry voyages during daylight hours; and
- two qualifying exit voyages during daylight hours; and
- if the application includes an application for an endorsement for night navigation—two further qualifying entry voyages during the hours of darkness and two further qualifying exit voyages during the hours of darkness; and

(C) if the period since the applicant last navigated a vessel pursuant to the certificate is 24 months or more—

- three qualifying entry voyages during daylight hours; and
- three qualifying exit voyages during daylight hours; and
- if the application includes an application for an endorsement for night navigation—three further qualifying entry voyages during the hours of darkness, and three further qualifying exit voyages during the hours of darkness; and

(c) the CEO is satisfied that the applicant has visited the harbor, or the section of the harbor, in respect of which the application is made and satisfactorily updated his or her knowledge of the harbor and traffic in the harbor.

51—Equivalent qualifying voyages

Where the CEO is satisfied that it is impracticable for an applicant for a pilotage exemption certificate, or for renewal of a pilotage exemption certificate, to complete a required qualifying entry or exit voyage either during the hours of darkness or during daylight hours, the CEO may exempt the person from that requirement subject to the condition that the person complete a further specified qualifying entry or exit voyage.

52—Application for pilot's licence or pilotage exemption certificate

(1) An application for a pilot's licence, pilotage exemption certificate or renewal of a pilotage exemption certificate—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must specify the harbor or the section of the harbor in respect of which the licence or certificate is sought; and

(d) must, in the case of a pilotage exemption certificate, specify whether or not the applicant requires endorsement for night navigation; and

(e) must be accompanied by the fee (if any) fixed by Schedule 14.

(2) An applicant for a pilot's licence or pilotage exemption certificate must provide to the satisfaction of the CEO—

(a) a reference from a suitable person as to the character of the applicant; and

(b) proof that the applicant meets the required eyesight standards, consisting of a report of a legally qualified medical practitioner or registered optician of the results of an optical examination of the applicant conducted within the previous 6 months; and

(c) proof that the applicant meets the required medical standards, consisting of a report of a legally qualified medical practitioner of the results of a medical examination of the applicant conducted within the previous 6 months; and

(d) any other information or records that the CEO reasonably requires.

(3) An applicant for renewal of a pilotage exemption certificate must provide to the satisfaction of the CEO—

(a) proof that the applicant meets the required eyesight standards, consisting of a report of a legally qualified medical practitioner or registered optician of the results of an optical examination of the applicant conducted within the previous 6 months; and

(b) proof that the applicant meets the required medical standards, consisting of a report of a legally qualified medical practitioner of the results of a medical examination of the applicant conducted within the previous 6 months; and

(c) a statement setting out and certifying the date of the last use of the certificate and giving details of the voyage concerned and certifying that the certificate has been used at least as often as required by these regulations; and

(d) any other information or records that the CEO reasonably requires.

53—Replacement licences and certificates

(1) A replacement pilot's licence or pilotage exemption certificate must not be issued unless the original (or previous duplicate) licence or certificate is returned to the CEO or the CEO is satisfied that the licence or certificate has been lost, stolen or destroyed.

(2) A replacement pilotage exemption certificate will only be issued on payment of the fee fixed by Schedule 14.

54—Obligations of pilot or master

A person who holds a pilot's licence or pilotage exemption certificate must—

(a) on receiving the licence or certificate, sign it; and

(b) notify the CEO as soon as practicable of—

(i) any change of his or her name or address; or

(ii) any physical or mental impairment that may affect his or her ability to navigate a vessel.

Maximum penalty: $750.

55—Records to be kept by holder of pilotage exemption certificate

A person who holds a pilotage exemption certificate must keep a record of each occasion on which he or she navigates a vessel pursuant to the certificate (including the dates of the voyages concerned and the name of the vessel navigated).

Maximum penalty: $750.

56—Compulsory pilotage: section 35

Section 35 of the Act (requiring vessels 35 metres or more in length to be piloted) applies in the following harbors:

Port Adelaide (from the pilot station 2 nautical miles west of the channel entrance beacon)

Port Augusta (from the pilot station 2 nautical miles west of the northern light beacon on Eastern Shoal)

Port Bonython (from the entrance beacon Whyalla bearing 165 distance 5 miles, latitude 33(7(S, longitude 137(39(E)

Port Giles (from the pilot station 21/2 nautical miles east of the seaward end of Port Giles jetty)

Port Lincoln (from the pilot station 11/2 nautical miles east south east of Boston Point Light)

Port Pirie (from the pilot station 2 nautical miles west of the northern light beacon on Eastern Shoal)

Thevenard (from the pilot station 1 nautical mile south west of the entrance beacon)

Wallaroo (from the pilot station 11/2 nautical miles west of the channel entrance beacon)

Whyalla (from the pilot station 11/2 nautical miles south east of the entrance beacon).

Part 6—Crewing

Division 1—Preliminary

57—Interpretation of Part 6

In this Part, a reference to a certificate of competency of a particular class (including a certificate of competency with a particular endorsement) extends to a qualification under the law of some other place declared under these regulations to be equivalent to a certificate of competency of that class.

58—Vessels to which crewing requirements apply: section 37

Part 6 of the Act applies to all commercial vessels (that is trading vessels and fishing vessels) except—

(a) a ferry or punt that crosses a river or fairway by means of ropes or cables;

(b) a fishing vessel that—

(i) is 7.5 metres or less in length; and

(ii) is only operated within smooth or partially smooth water; and

(iii) is only used for or in connection with the propagation or rearing of molluscs in marine waters.

59—Application for exemption from crewing requirements: section 39

(1) An application for an exemption from the obligation to comply with the requirements with regard to the crewing of a vessel—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such information and records as the CEO reasonably requires.

Division 2—Fishing vessels

60—Minimum crewing for fishing vessels: section 38(1)

Subject to these regulations, the minimum requirements as to the number and respective qualifications of the crew that must be carried by a fishing vessel are as specified in Schedule 6.

61—Breach by crew of minimum qualifications requirement

(1) Where a certificate of competency of a particular class or with a particular endorsement is specified under this Division in relation to a fishing vessel as the minimum qualification to be held by a master or chief mate of a vessel, a person must not (except in an emergency at sea) take charge of a navigation watch on that vessel unless he or she has at least the minimum qualifications specified for one of those persons or is acting in accordance with an exemption under section 39 of the Act.

Maximum penalty: $4 000.

(2) Where a certificate of competency of a particular class or with a particular endorsement is specified under this Division in relation to a fishing vessel as the minimum qualification to be held by a chief or second engineer of a vessel, a person must not (except in an emergency at sea) take charge of the operation of the main propulsion machinery of the vessel unless he or she has at least the minimum qualifications specified for one of those persons or is acting in accordance with an exemption under section 39 of the Act.

Maximum penalty: $4 000.

Division 3—Trading vessels

62—Breach by crew of minimum qualifications requirement

(1) Where a certificate of competency of a particular class or with a particular endorsement is specified—

(a) in a determination by the *State Crewing Committee* under the Act; or

(b) in an exemption granted under section 39 of the Act,

as the minimum qualification to be held by a master, or chief or other mate of a trading vessel, a person must not (except in an emergency at sea) take charge of a navigation watch on that vessel unless he or she has at least the minimum qualifications specified for one of those persons.

Maximum penalty: $4 000.

(2) Where a certificate of competency of a particular class or with a particular endorsement is specified—

(a) in a determination by the *State Crewing Committee* under the Act; or

(b) in an exemption granted under section 39 of the Act,

as the minimum qualification to be held by a chief or other engineer of a trading vessel, a person must not (except in an emergency at sea) take charge of the operation of the main propulsion machinery of the vessel unless he or she has at least the minimum qualifications specified for one of those persons.

Maximum penalty: $4 000.

Part 7—Certificates of competency

63—Vessels in relation to which certificates of competency required: section 46

Part 7 of the Act applies to—

(a) a recreational vessel fitted with an engine;

(b) a commercial vessel (that is any trading vessel or fishing vessel) apart from a ferry or punt that crosses a river or fairway by means of ropes or cables.

64—Exemptions from section 47(3) and (4)

(1) Section 47(3) of the Act does not apply in relation to—

(aa) the operation of a recreational vessel by a person who holds a temporary Boat Operator's Licence issued under this Part; or

(a) the operation of a recreational vessel at a speed of 10 knots or less by a person who is at least 12 years of age under the direct supervision of a person who holds a Boat Operator's Licence or a temporary Boat Operator's Licence; or

(b) the operation of a recreational vessel by a person who—

(i) is usually resident in another State or a Territory of the Commonwealth; and

(ii) holds a licence, permit or other document issued under the law of that other State or Territory authorising him or her to operate a vessel of that class,

during a period of 90 days following the day on which the person first operates a vessel in the jurisdiction while visiting this State; or

(c) the operation of a hire and drive houseboat by a person who—

(i) is at least 18 years of age; and

(ii) —

(A) holds a current driver's licence under the *Motor Vehicles Act 1959* endorsed with the classification C or R; or

(B) holds a current interstate licence or foreign licence (as defined in the *Motor Vehicles Act 1959*) authorising the person to drive motor vehicles of the kind that may be driven pursuant to a driver's licence referred to in subsubparagraph (A) and is, by virtue of section 97A of that Act, authorised to drive such motor vehicles on roads in this State; and

(iii) has received practical instruction from the owner of the houseboat sufficient to meet the requirements of regulation 91; or

(d) the operation of a hire and drive small vessel by a person who—

(i) is at least 16 years of age; and

(ii) has received practical instruction from the owner of the vessel sufficient to meet the requirements of regulation 91.

(2) Section 47(4) of the Act does not apply to a person who hires out a recreational vessel the operation of which is exempt from the application of section 47(3) of the Act under this regulation.

(3) In this regulation—

hire and drive houseboat and ***hire and drive small vessel*** have the same meanings as in regulation 78.

65—Classes of certificates of competency

Certificates of competency will be of the following classes:

(a) for recreational vessels—

Boat Operator's Licence;

(b) for trading vessels operating solely on the River Murray or inland waters—

Master Class 4 River Murray and Inland Waters

Master Class 5 River Murray and Inland Waters

Master Class 5 River Murray and Inland Waters (Houseboats)

Coxswain River Murray and Inland Waters;

(c) for other trading vessels—

Master Class 3

Master Class 4

Mate Class 4

Master Class 5

Coxswain

Marine Engineer Class 3

Marine Engine Driver Grade 1

Marine Engine Driver Grade 2

Marine Engine Driver Grade 3;

(d) for fishing vessels—

Skipper Grade 1

Skipper Grade 2

Skipper Grade 3

Coxswain

Marine Engineer Class 3

Marine Engine Driver Grade 1

Marine Engine Driver Grade 2

Marine Engine Driver Grade 3.

66—Requirements for certificate of competency: section 48(2)

(1) An applicant for a Boat Operator's Licence must—

(a) be at least 16 years of age; and

(b) meet the following eyesight standards: the sight in the applicant's better eye must not be worse than 6/18 on the basis of Snellen's principle; and

(c) meet the following medical standards: the applicant must not suffer any mental or physical impairment that may affect his or her ability to operate or undertake duties on a vessel pursuant to a Boat Operator's Licence; and

(d) satisfactorily pass any practical, written or oral examination set by the CEO for the purpose.

(2) An applicant will be taken to meet the required eyesight and medical standards if the applicant meets the standards required for obtaining a motor vehicle driver's licence.

(3) An applicant for a certificate of competency of a class appropriate to a trading vessel operating solely on the River Murray or inland waters must comply with the requirements (as to age, eyesight and other medical standards, experience and the passing of examinations) applicable to the particular class of certificate set out in Schedule 7.

(4) An applicant for a certificate of competency of a class appropriate to any other trading vessel must comply with the requirements (as to age, eyesight and other medical standards, experience and the passing of examinations) applicable to the particular class of certificate set out in Part 3 of Section 2 of the Code.

(5) An applicant for a certificate of competency of a class appropriate to a fishing vessel must comply with the requirements (as to age, eyesight and other medical standards, experience, and the passing of examinations) applicable to the particular class of certificate set out in Part 3 of Section 3 of the Code.

(6) An applicant for a certificate of competency of any class must be a fit and proper person to hold a certificate of the particular class.

67—Re-examination

(1) A pass in an examination for applicants seeking certificates of competency remains valid for the purposes of the issue, endorsement, recognition or re-validation of a certificate of competency—

(a) in the case of an oral or a practical examination—for a period of 12 months from the date of the examination; and

(b) in the case of a written examination—for a period of five years from the date of the examination,

unless the CEO determines otherwise.

(2) Where a person fails an examination for applicants seeking certificates of competency, the CEO—

(a) may determine that no further attempt may be made by that person until after a specified interval of time; and

(b) may require the person to complete a further period of experience during that interval.

68—Equivalent experience and qualifications etc

(1) Where the CEO is satisfied that a person who applies to be examined for the issue of a certificate of competency has experience, training or educational qualifications (including relevant experience, training or qualifications obtained in the armed services, an educational institution or other organisation) that substantially comply with the requirements of these regulations as to experience and the passing of examinations, the CEO may, to the extent that he or she thinks fit, accept that experience or training or those educational qualifications as a substitute for compliance with those requirements.

(2) The acceptance of experience, training or educational qualifications by the CEO under subregulation (1) may be unconditional or subject to such conditions or additional requirements as the CEO thinks fit.

(3) Where the CEO is satisfied that a person who fails to meet an eyesight or other medical standard required by these regulations for the issue, endorsement, recognition or re-validation of a certificate of competency, is, notwithstanding that failure, able to satisfactorily perform the duties required of a person with such a certificate, the CEO may, on such conditions as he or she thinks fit, issue, endorse, recognise or re-validate the certificate, as required.

69—Endorsement of certificates of competency

(1) The CEO may, at any time, endorse a certificate of competency issued under the Act with—

(a) a limitation on or extension of the duties for which the certificate is valid; or

(b) an area, or the equipment, vessel, or type or class of equipment or vessel, for which the certificate is valid; or

(c) a condition, based on an eyesight or medical standard required by these regulations, subject to which the holder may perform the duties normally authorised by a certificate of that class.

(2) The CEO may, for the purposes of the endorsement of a certificate of competency under subregulation (1), require the person applying for the endorsement to meet such requirements as to—

(a) age; and

(b) eyesight and other medical standards; and

(c) experience; and

(d) the satisfactory completion of courses or passing of examinations,

as the CEO thinks fit.

(3) The following limitations apply to the endorsement of a certificate of competency under this regulation:

(a) a certificate of competency of a class appropriate to a fishing vessel may not be endorsed so as to extend its application to a trading vessel;

(b) a certificate of competency of a class appropriate to a trading vessel may not be endorsed so as to extend its application to a fishing vessel.

70—Recognition of certificates of competency

(1) The CEO may, by notice in writing, declare a qualification under the law of some other place to be equivalent to a certificate of competency of a specified class.

(2) A notice of recognition under subregulation (1)—

(a) may relate to an individual certificate or to certificates of a specified class; and

(b) may be subject to such conditions as the CEO thinks fit and specifies in the notice, including conditions—

(i) limiting the period of recognition; or

(ii) specifying a class of certificate to which the certificate is recognised as equivalent; or

(iii) specifying the extent (if any) to which an endorsement on the certificate is recognised; or

(iv) specifying the duties, area, equipment or vessel (or type or class of equipment or vessel) for which the certificate is recognised; or

(v) based on eyesight or other medical standards.

(3) The CEO may, for the purposes of a declaration under subregulation (1), require the holder of the qualification to meet such requirements as to—

(a) age; and

(b) eyesight and other medical standards; and

(c) experience; and

(d) the satisfactory completion of courses or passing of examinations,

as the CEO thinks fit.

70A—Duration of certificate of competency of a class appropriate to a trading vessel

(1) Subject to the Act, a certificate of competency of a class appropriate to a trading vessel issued after the commencement of this regulation remains in force for five years after the date of its issue and may be re-validated from time to time for further periods of five years.

(2) Subject to this regulation, a certificate of competency of a class appropriate to a trading vessel issued before the commencement of this regulation remains in force until cancelled.

(3) The holder of a certificate of competency of a class appropriate to a trading vessel issued before the commencement of this regulation is not required to apply for re-validation of the certificate but, if such an application is made after the commencement of this regulation, the following rules apply:

(a) if the application is successful—the certificate ceases to be in force five years after the date of its re-validation but may be re-validated from time to time for further periods of five years;

(b) if the application is refused—the certificate ceases to be in force when the time for appealing against the decision to refuse the application expires or, if there is such an appeal, when the decision is confirmed on appeal or the appeal is discontinued.

71—Re-validation of certificates of competency of a class appropriate to a trading vessel

(1) Subject to this regulation, the CEO may re-validate a certificate of competency of a class appropriate to a trading vessel issued under the Act or the repealed *Harbors Act 1936* on the application of the holder of that certificate.

(2) The CEO must not re-validate a certificate of competency unless the holder of the certificate—

(a) meets the eyesight and other medical standards—

(i) required by these regulations for the issue of a certificate of that class; or

(ii) where the certificate is not one referred to in these regulations, required by the CEO; and

(b) in the case of a master or deck officer—

(i) has completed a total of at least one year of experience (as a master or deck officer) approved by the CEO during the five years immediately preceding the application; or

(ii) has satisfactorily completed a course or an examination approved by the CEO; and

(c) in the case of an engineer—

(i) has completed a total of at least one year of experience (as an engineer) approved by the CEO during the five years immediately preceding the application; or

(ii) has satisfactorily completed a course or passed an examination approved by the CEO; or

(iii) has undertaken at least three months of experience (as an engineer) approved by the CEO—

(A) in a supernumary capacity; or

(B) in a rank lower than that for which the certificate is valid,

immediately prior to the application; or

(iv) has performed functions appropriate to the class of certificate to the satisfaction of the CEO immediately prior to the application; and

(d) has, to the satisfaction of the CEO, complied with any special training requirements or other conditions for experience on a class of vessels for which the certificate is endorsed required by an international agreement to which Australia is a party or with which compliance is required under a law of this State or the Commonwealth or by the CEO.

(3) The CEO may, before re-validating a certificate of competency, require the holder to satisfactorily complete a course or examination referred to in subregulation (2)(b)(ii) or (2)(c)(ii).

(4) The CEO may, on the re-validation of a certificate of competency, issue a replacement certificate of competency or make a note of the period for which the certificate is re-validated on the certificate concerned.

72—Compliance with endorsements

(1) Subject to subregulation (2), the holder of a certificate of competency must, in operating or undertaking duties on a vessel, comply with—

(a) an endorsement on his or her certificate; or

(b) a condition to which the recognition of his or her certificate is subject.

Maximum penalty:

If the vessel is a recreational vessel—$750;

If the vessel is a commercial vessel—$4 000.

(2) This regulation does not apply to duties undertaken—

(a) in accordance with an exemption granted under the Act; or

(b) in an emergency at sea.

(3) In this regulation, a reference to a certificate of competency extends to a qualification under the law of some other place declared under these regulations to be equivalent to a certificate of competency.

73—Special permits for recreational vessels: section 47(3) and (4)

(1) The CEO may issue a special permit to operate a recreational vessel to a suitable person who has not attained 16 years of age.

(2) An applicant for a special permit must satisfactorily pass any practical, written or oral examination set by the CEO for the purpose.

(3) A special permit authorises the holder—

(a) to operate a recreational vessel that is less than 4 metres in length and has a potential speed of 10 knots or less without supervision; and

(b) to operate any other recreational vessel under the direct supervision of a person who holds a Boat Operator's Licence or a temporary Boat Operator's Licence.

(4) A special permit may be issued subject to such conditions as the CEO thinks fit.

(5) The holder of a special permit who contravenes or fails to comply with a condition of the permit is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

74—Application for certificate of competency etc

(1) This regulation applies to an application for—

(a) a certificate of competency;

(b) a special permit;

(c) endorsement of a certificate of competency;

(d) recognition of a certificate of competency;

(e) re-validation of a certificate of competency;

(f) an exemption from the requirement to hold a certificate of competency of the relevant class;

(g) an exemption from the obligation to sit an examination for a certificate of competency.

(2) An application to which this regulation applies—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee (if any) fixed by Schedule 14.

(3) An applicant for a certificate of competency in relation to a commercial vessel must provide to the satisfaction of the CEO—

(a) documentary proof of his or her age (consisting of a birth certificate, extract from a register of births, a passport or a naturalisation certificate); and

(b) proof of the experience required by these regulations (consisting of a statutory declaration by the applicant or a testimonial by the master or owner of the vessel on which the experience took place); and

(c) proof that the applicant meets the required eyesight standards (consisting of a report by a legally qualified medical practitioner or registered optician of the results of an examination conducted within the previous six months); and

(d) proof that the applicant meets the required medical standards (consisting of a report by a legally qualified medical practitioner of the results of an examination of the applicant conducted within the previous six months); and

(e) a reference from a suitable person as to the character of the applicant; and

(f) such other information and records as the CEO reasonably requires.

(4) Any other applicant under this regulation must provide the CEO with such information and records as the CEO reasonably requires.

74A—Issue of temporary Boat Operator's Licence

(1) The CEO may issue a temporary Boat Operator's Licence to an applicant for a Boat Operator's Licence, pending full determination of the application, if satisfied that—

(b) the application for a Boat Operator's Licence has been properly made in accordance with this Part; and

(c) the applicant satisfies the requirements specified in regulation 66(1) and the CEO is not aware of any reason for believing that the applicant is not a fit and proper person to hold a Boat Operator's Licence.

(1a) A temporary Boat Operator's Licence may be issued subject to such conditions as the CEO thinks fit.

(1b) If the holder of a temporary Boat Operator's Licence contravenes or fails to comply with a condition of the Licence, he or she is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

(2) A temporary Boat Operator's Licence remains in force—

(a) for a period of one month; or

(b) until the application for a Boat Operator's Licence is determined,

whichever is the lesser period.

75—Replacement certificates of competency or special permits

(1) A replacement certificate of competency or special permit must not be issued unless the original (or previous replacement) certificate or permit is returned to the CEO or the CEO is satisfied that the certificate or permit has been lost, stolen or destroyed.

(2) A replacement certificate of competency or special permit will only be issued on payment of the fee fixed by Schedule 14.

76—Obligations of holder of certificate of competency or special permit

A person who holds a certificate of competency or special permit must—

(a) on receiving the certificate or permit, sign it; and

(b) notify the CEO within 14 days of—

(i) any change in his or her name or address; or

(ii) any physical or mental impairment that may affect his or her capacity to operate or undertake duties on a vessel.

Maximum penalty: $750.

Expiation fee: $105.

Part 8—Hire of vessels

Division 1—Preliminary

78—Interpretation of Part 8

In this Part, unless the contrary intention appears—

certificate of inspection, in relation to a hire and drive houseboat, means the certificate issued by the CEO certifying as to inspection and compliance with prescribed requirements;

hire and drive houseboat means a houseboat that is, or is to be, hired out and operated while hired out by a person other than the owner of the houseboat or an employee or agent of the owner;

hire and drive small vessel means—

(a) a personal watercraft; or

(b) a motorised dinghy having a length not exceeding five metres,

that is, or is to be, hired out and operated while hired out by a person other than the owner of the vessel or an employee or agent of the owner;

hire and drive vessel means a hire and drive houseboat or a hire and drive small vessel;

hirer means a person who takes a hire and drive vessel on hire;

owner, in relation to a hire and drive vessel, means the person hiring out the vessel pursuant to a licence under Part 8 of the Act (and does not include a person who takes the vessel on hire);

surveyor means a person licensed under the Act as a surveyor.

78A—Application of hiring requirements: section 51

Part 8 of the Act applies to—

(a) hire and drive small vessels; and

(b) hire and drive houseboats operated on the River Murray between the border of South Australia and a line joining the upstream sides of the landings used by the ferry at Wellington.

Division 2—Licences

79—Application for licence

(1) An application for a licence under Part 8 of the Act—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made.

(2) An applicant under this regulation must provide the CEO with such information and records as the CEO reasonably requires.

(3) Before a licence is granted under Part 8 of the Act in respect of houseboats, each of the houseboats to be hired out pursuant to the licence must be inspected under Division 3.

(4) The CEO may require an applicant under this regulation to undertake a practical demonstration relating to the applicant's capacity to satisfy the requirements of this Part.

80—Granting of licence

(1) Subject to subregulation (2), the CEO must not grant an application for a licence under Part 8 of the Act unless satisfied—

(a) that the applicant is of or over 18 years of age and is a fit and proper person to hold a licence; and

(b) in the case of an application for a licence in respect of houseboats—

(i) that the houseboats to be hired out pursuant to the licence are structurally sound and conform with the requirements set out in Schedule 8; and

(ii) that the houseboats to be hired out pursuant to the licence have the equipment required by Schedule 8 and the equipment is in working order.

(1a) For the purpose of determining whether a person is a fit and proper person to hold a licence under Part 8 of the Act, the CEO may, without limitation, have regard to—

(a) the reputation, honesty and integrity (including the creditworthiness) of the person; and

(b) whether the person has appropriate knowledge, experience and skills.

(2) The CEO may grant a licence under Part 8 of the Act in respect of houseboats despite the fact that a houseboat to be hired out pursuant to the licence does not comply with the requirements set out in Schedule 8 if—

(a) operation of the houseboat would not, in the opinion of the CEO, present a risk to the safety of any person; and

(b) the licence is made subject to conditions designed to ensure compliance with the requirements within a period specified in the licence.

81—Duration of licence

A licence under Part 8 of the Act remains in force until—

(a) the licensee dies or, in the case of a licensed body corporate, is dissolved; or

(b) the licensee ceases to carry on the business of hiring out the vessels to which the licence relates; or

(c) the licence is surrendered or cancelled.

82—Transfer of licence

A licence under Part 8 of the Act may, with the approval of the CEO, be transferred to a person who is of or over 18 years of age and is a fit and proper person to hold a licence.

83—Replacement licence

A replacement licence under Part 8 of the Act must not be issued unless the original (or previous replacement) licence is returned to the CEO or the CEO is satisfied that the licence has been lost, stolen or destroyed.

Division 3—Inspections

84—Periodic inspections

(1) Subject to this Division, a hire and drive houseboat to be hired out pursuant to a licence must be inspected under this Division at least once in each two year period.

(1a) A certificate of inspection will only be issued in respect of a houseboat if—

(a) the houseboat is structurally sound and conforms with the requirements set out in Schedule 8; and

(b) the houseboat has the equipment required by Schedule 8 and the equipment is in working order.

(2) A licence under Part 8 of the Act ceases to have effect in relation to a hire and drive houseboat for any period in respect of which there is no certificate of inspection in force under this Division in relation to the boat.

85—Application for fixing place and date of inspection

(1) Where a hire and drive houseboat is to be inspected pursuant to these regulations, the owner of the boat must apply to the CEO for a place and date to be fixed for the inspection.

(2) An application under this regulation—

(a) must be in writing; and

(b) must nominate a day on which and a place at which the owner prefers to make the boat available for inspection, the nominated day being not less than seven days from the date of the application.

86—Fees and other costs to be borne by owners

(1) The fees specified in Schedule 14 are payable by the owner of a hire and drive houseboat in relation to its inspection pursuant to these regulations.

(2) The owner of a hire and drive houseboat is liable for—

(a) the cost of tests carried out by a third party on any material, machinery or equipment pursuant to the direction of a surveyor given during the course of inspecting the boat; and

(b) the cost of slipping the boat for the purposes of an inspection; and

(c) the travel, accommodation and meal expenses (at the rates applicable in the Public Service) incurred by a surveyor—

(i) where the surveyor attended at the place and time fixed for the inspection of the boat but the boat was not made available and the owner did not give five or more days' notice to the surveyor that the boat would not be available; or

(ii) where the time or place nominated by the owner and fixed for the inspection of the boat falls outside the program fixed by the CEO for carrying out boat inspections.

(3) A certificate as to the inspection of a hire and drive houseboat and its compliance with these regulations will not be issued until all fees and costs for which the owner of the boat is liable have been paid to the CEO.

87—Certificate of inspection

(1) A certificate of inspection issued by the CEO in relation to a hire and drive houseboat must—

(a) state the maximum number of persons that the boat is permitted to carry while underway; and

(b) define the geographical limits of the waters within which the boat is permitted to operate.

(2) Subject to regulation 87A, a certificate of inspection issued under this Division remains in force for two years.

87A—Extension of period for which certificate remains in force

(1) The owner of a hire and drive houseboat in respect of which a certificate of inspection is in force may apply for an extension of the period for which the certificate remains in force.

(2) An application under this regulation—

(a) must be made to the CEO not less than five business days before the period for which the certificate remains in force is due to expire; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed by Schedule 14.

(3) The CEO may require information provided in an application under this regulation to be verified by statutory declaration.

(4) On application under this regulation the CEO may, by notice in writing, extend the period for which a certificate of inspection is in force if the CEO—

(a) is of the opinion that it is impractical or would cause unreasonable expense or inconvenience to the owner of the boat to inspect it prior to the expiry of the period; and

(b) is not aware of any grounds for suspecting that the boat is unsound.

(5) The period for which a certificate of inspection remains in force may not be extended under this regulation by more than 3 months from the date on which the period would otherwise expire and no further extensions may be granted.

Division 4—Obligations of owner

88—Licence and certificates of inspection to be displayed

(1) The owner of hire and drive vessels must display his or her licence under Part 8 of the Act in a prominent place at the premises from which the vessels are hired out.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The owner of hire and drive houseboats must—

(a) keep on the premises from which the boats are hired out the certificates of inspection relating to all boats operated pursuant to his or her licence under Part 8 of the Act; and

(b) keep on each boat at all times a copy of the certificate of inspection relating to the boat; and

(c) produce a copy of the certificate of inspection relating to a boat for inspection when requested to do so by an authorised person or a hirer of the boat.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) If a notice is issued under Division 3 extending the period for which a certificate of inspection relating to a hire and drive houseboat remains in force, the owner of the boat must—

(a) during that period, keep the notice on the premises from which the boat is hired out and produce the notice, or a copy of the notice, when requested to do so by an authorised person or a hirer of the boat; and

(b) as soon as is reasonably practicable, place a copy of the notice on the boat and keep the copy on the boat for the remainder of the period.

Maximum penalty: $1 250.

Expiation fee: $160.

89—Register books

(1) The owner of a hire and drive houseboat must maintain a register book (in the manner and form required by the CEO) in respect of that boat in which are recorded the following particulars relating to each contract under which the boat is hired out on a hire and drive basis:

(a) the name, address and specimen signature of the hirer;

(b) the period of the hiring;

(c) the day on which and the time at which the boat is taken by the hirer;

(d) the day on which and the time at which the boat is returned by the hirer;

(e) the maximum number of persons (including the hirer) stated by the hirer as the number that will be carried on the boat while it is underway;

(f) details of the hirer's—

(i) Boat Operator's Licence or temporary Boat Operator's Licence; or

(ii) driver's licence, interstate licence or foreign licence (as defined in the *Motor Vehicles Act 1959*).

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The owner of a hire and drive houseboat must not hire out the boat to a person until the person has supplied the particulars required by subregulation (1)(a), (e) and (f) and given his or her specimen signature.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) The owner of a hire and drive houseboat must, when requested to do so, produce the register book for inspection by an authorised person.

Maximum penalty: $1 250.

Expiation fee: $160.

90—Vessel not to be hired out nor possession to be handed over in certain circumstances

(1) The owner of a hire and drive vessel must not hire out the vessel or hand over possession of the vessel to a hirer unless—

(a) the hirer has a licence to operate the vessel or is exempt from the requirement to hold such a licence; and

(b) in any case where fuel with a flash point lower than 60°C is to be carried on the vessel otherwise than in fuel tanks associated with the engine or a generator—a flammable liquids cabinet is placed on the vessel in accordance with Schedule 8.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The owner of a hire and drive vessel must not hire out the vessel or hand over possession of the vessel to a hirer if—

(a) more persons are to be carried on the vessel than the maximum number that the vessel is permitted to carry while underway; or

(b) the vessel is carrying, or the hirer has taken on board, anything that is prohibited by these regulations or any other law from being carried on board.

Maximum penalty: $1 250.

Expiation fee: $160.

91—Information and instructions to be given to hirers

(1) The owner of a hire and drive vessel must, before handing over possession of the vessel to a hirer—

(a) give practical instruction to the hirer in getting the vessel underway and handling it while it is underway; and

(b) give the hirer clear and concise instructions on—

(i) the geographical limits of the waters within which the vessel is permitted to operate; and

(ii) the correct techniques of handling the vessel and of navigation; and

(iii) the correct way of operating any machinery and fuel, gas and pumping systems on the vessel and any valves or other openings in the hull; and

(iv) the location and correct use of any lifesaving and fire appliances on the vessel; and

(v) the correct way of operating any radio equipment on the vessel; and

(vi) the maximum number of persons that can safely ride on or be in the vessel while it is underway; and

(vii) in the case of a houseboat—the maximum number of persons that can safely be in the boat while it is moored; and

(c) require the hirer to sign a statement to the effect that the owner has complied with the requirements of this regulation and give the hirer a copy of the signed statement.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The owner of a hire and drive vessel must keep a copy of the signed statement referred to in subregulation (1)(c) and produce it for inspection when requested to do so by an authorised person.

Maximum penalty: $1 250.

Expiation fee: $160.

Division 5—Obligations of hirer

92—Use of hire and drive vessels

(1) The hirer of a hire and drive houseboat must not cause or permit—

(a) more persons to be carried on the boat while it is underway than the maximum number of persons that the boat is permitted to carry while underway (in accordance with its certificate of inspection); or

(b) the boat to go outside the geographical limits within which the boat is permitted to be operated (in accordance with its certificate of inspection); or

(c) the boat, or any equipment supplied with the boat, to be improperly handled or used; or

(d) fuel with a flash point lower than 60°C to be carried on the boat otherwise than in the fuel tanks associated with the engine or a generator or in a flammable liquids cabinet in accordance with Schedule 8; or

(e) fuel to be decanted on the boat; or

(f) flammable material to be stored or left within 1 metre of a liquefied petroleum gas cylinder on the boat.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The hirer of a hire and drive vessel must at all times—

(a) operate the vessel in a safe and responsible manner; and

(b) comply with any prior instructions given by the owner of the vessel for the safe operation of the vessel; and

(c) comply with any other conditions relating to the operation of the vessel that—

(i) have been imposed on the licence under Part 8 of the Act held by the owner of the vessel; and

(ii) have been communicated to the hirer by the owner; and

(d) comply with any directions given by an authorised person for the safe operation of the vessel; and

(e) if the vessel is a personal watercraft—

(i) while operating the vessel wear a personal flotation device that complies with AS 2260 of the correct size and in a properly adjusted manner; and

(ii) operate the vessel only within the area defined in the licence as marked by coloured inflatable or polystyrene buoys or by some other means; and

(iii) operate the vessel with not more than one person onboard or, if the vessel is designed to carry more than one person, with not more than two persons onboard.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) An authorised person may give the hirer of a hire and drive vessel directions for the safe operation of the vessel by the hirer.

Division 6—Miscellaneous

93—Duties of licence holder

The holder of a licence under Part 8 of the Act—

(a) must, no later than seven days after the event, give written notice to the CEO of—

(i) any change in the licence holder's business address; or

(ii) the transfer of ownership of a hire and drive vessel operated pursuant to the licence and the name and address of the new owner; and

(b) must give written notice to the CEO of the loss, theft, destruction or defacement of the licence or the certificate of inspection relating to any hire and drive vessel operated pursuant to the licence.

Maximum penalty: $1 250.

Expiation fee: $160.

94—Duty to report accidents etc

The owner of a hire and drive vessel must, no later than 24 hours after the event, give written particulars to the CEO of—

(a) the loss, theft or abandonment of the vessel; or

(b) any structural or substantial damage to the vessel, whether due to grounding or any other cause; or

(c) the death of or serious injury to any person apparently arising out of the use of the vessel or any equipment supplied with the vessel; or

(d) damage to any property apparently arising out of the use of the vessel or any equipment supplied with the vessel.

Maximum penalty: $750.

Expiation fee: $105.

Part 9—Registration and certificates of surveys

Division 1—Registration of vessels

95—Interpretation of Part 9 Division 1

In this Division—

owner of a vessel does not include a person who takes the vessel on hire.

96—Vessels that must be registered: section 54

Part 9 Division 1 of the Act applies to—

(a) a recreational vessel fitted with an engine; and

(b) a fishing vessel that—

(i) is 7.5 metres or less; and

(ii) is only operated within smooth or partially smooth water; and

(iii) is only used for or in connection with the propagation or rearing of molluscs in marine waters; and

(c) a restricted vessel that is 7.5 metres or less in length.

97—Exemptions from section 55

(1) A vessel is not required to be registered and marked in accordance with these regulations if—

(a) —

(i) the vessel is registered under the law of another State or a Territory of the Commonwealth and is marked in accordance with that law; and

(ii) not more than 90 days have passed since the day on which the vessel was first operated after being brought into the jurisdiction; or

(b) —

(i) the vessel is owned by a person to whom the CEO has issued trade plates; and

(ii) all conditions on which the trade plates have been issued by the CEO have been, and are being, complied with; and

(iii) a pair of trade plates and a trade plate label issued by the CEO are affixed to the vessel in accordance with this Division.

(2) If the owner or operator of a vessel that is exempt under subregulation (1)(a) from the requirement to be registered is requested by an authorised person to produce satisfactory evidence of registration of the vessel under the law of another State or a Territory of the Commonwealth, the owner or operator must produce that evidence either—

(a) forthwith to the person who made the request; or

(b) within 48 hours after the making of the request, at a police station or office of the department conveniently located for the owner or operator, specified by the authorised person at the time of making the request.

Maximum penalty: $750.

(3) In any legal proceedings, a document apparently signed by the Commissioner of Police and certifying that evidence has not been produced as required by this regulation is, in the absence of proof to the contrary, proof of the matter so certified.

97A—Trade plates

(1) An application for trade plates—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed by Schedule 14.

(2) On application under this regulation, the CEO may issue trade plates to a person if satisfied that the person is engaged in a business in which trade plates are reasonably required for one or more of the following purposes:

(a) demonstration of a vessel to a prospective purchaser;

(b) testing of a vessel prior to delivery of the vessel to a purchaser of the vessel;

(c) testing of a vessel in the course of repairs or servicing or the making of alterations or additions to the vessel;

(d) demonstration of a vessel while the vessel is on display at a boating show or other similar event.

(3) Trade plates will be issued or reissued for a period of 12 months and may be subject to such conditions (if any) as the CEO thinks fit.

(4) The CEO must, on issuing trade plates to an applicant, also issue to the applicant—

(a) a certificate of issue of trade plates; and

(b) a trade plate label.

(5) A replacement of such a certificate or label must not be issued unless the original (or previous replacement) certificate or label is returned to the CEO or the CEO is satisfied that the certificate or label has been lost, stolen or destroyed.

(6) A replacement certificate or label will only be issued on payment of the fee fixed by Schedule 14.

(7) Trade plates and a trade plate label issued under this regulation must be affixed to a vessel as follows:

(a) one plate must be securely fixed to the forepart of each side of the vessel; and

(b) the trade plate label must be affixed on to the trade plate that is on the starboard side of the vessel, aligned with that edge of the trade plate that is closest to the stern of the vessel; and

(c) the plates must be fixed to the vessel in such a manner that every figure and letter on the plate is clearly visible and legible up to a distance of at least 50 metres in clear weather conditions while the vessel is underway.

(8) A person to whom trade plates have been issued or reissued may surrender them to the CEO at any time.

(9) If a person who holds trade plates ceases to carry on the business in relation to which the plates were issued or reissued, the person must, within seven days of ceasing to carry on that business—

(a) surrender the plates to the CEO; and

(b) if the business is purchased or acquired by another person—notify the CEO in writing of the name and address of that other person and the date of the sale or acquisition.

Maximum penalty: $250.

(10) If a person surrenders trade plates to the CEO under this regulation, the CEO must refund to the person the proportion of the fee paid for issue or reissue of the plates corresponding to the unexpired period of their issue or reissue less the fee fixed by Schedule 14 for surrender of the plates (the total refundable amount being rounded to the nearest dollar).

98—Person in whose name vessel must be registered

A vessel must be registered in the name of a person who is of or above 16 years of age.

99—Application for registration or exemption

(1) An application for registration of a vessel or for an exemption from the requirement for a vessel to be registered—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must, in the case of an application for registration of a vessel, state correctly—

(i) the full name of the owner of the vessel; and

(ii) if the owner of the vessel is a natural person, the address at which the owner is ordinarily resident and, in the case of an application for registration in a business name, the address of the principal place of business at which the owner carries on business in that business name; and

(iii) if the owner of the vessel is a body corporate, the address of the principal place of business in this State of the body corporate; and

(d) must in the case of an application for initial registration of a restricted vessel—nominate a day on which and a place at which the applicant prefers to make the vessel available for inspection, the nominated day being not less than seven days from the date of the application; and

(e) must be accompanied by the fee fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such information and records as he or she reasonably requires.

100—Grant of registration

(1) Subject to this regulation, where a person applies for registration of a vessel in accordance with these regulations, the CEO must grant the application unless satisfied—

(a) that the vessel is not structurally sound or does not conform with the requirements of these regulations; or

(b) that the vessel does not have the equipment required by these regulations or that the equipment is not in working order; or

(c) that the vessel is unsafe; or

(d) that the vessel has been stolen or unlawfully obtained.

(1a) The CEO must not—

(a) grant the initial application to register a recreational vessel fitted with an engine; or

(b) grant an application to transfer the registration of a recreational vessel fitted with an engine or to re-register a recreational vessel fitted with an engine,

unless the CEO is satisfied—

(c) that HIN plates have been fixed to the hull of the vessel (or, in the case of a multi-hulled vessel, to one of the hulls of the vessel) in accordance with Division 1A; or

(d) that—

(i) letters and numbers identifying the vessel in a form approved by the CEO have been fixed in accordance with a law of another State or Territory of the Commonwealth or of another country that corresponds with Division 1A of Part 9; and

(ii) those letters and numbers have been recorded against the vessel by the appropriate authority pursuant to that law.

(1b) Where more than one person is registered as the owner of a recreational vessel fitted with an engine and an application is made to transfer the registration to one or more of those registered owners or to re-register the vessel in the name of one or more of those registered owners, subsection (1a) does not apply.

(2) A restricted vessel will be inspected before initial registration.

(3) The CEO may refuse to register a vessel pending investigations (which may include inspection of the vessel) to verify any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the CEO.

(4) If, on investigation under this regulation, the CEO finds that any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the CEO is incorrect, the CEO may refuse to register the vessel.

101—Grant of temporary registration pending determination of application for registration

(1) The CEO may, pending determination of an application for registration, grant temporary registration of a vessel under this regulation.

(2) Temporary registration of a vessel under this regulation—

(a) authorises operation of the vessel until—

(i) the application for registration is determined; or

(ii) a period, not exceeding 21 days, specified in the certificate of temporary registration expires,

whichever first occurs; and

(b) may be granted on such conditions as the CEO thinks fit.

(3) If a vessel that is registered under this regulation is operated in the jurisdiction contrary to any condition of registration, the owner of the vessel, and the operator of the vessel, are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated without the owner's consent).

Maximum penalty: $750.

102—Duration

(1) Subject to these regulations, full registration of a recreational vessel remains in force for one year and full registration of a restricted vessel remains in force for two years.

(2) The CEO may fix a common expiry date in respect of the registration of a number of vessels owned by the same person and may fix registration periods of such length, and adjust registration fees, as may be necessary for that purpose.

103—Certificate of registration and registration label

(1) The CEO must, on full registration of a vessel, issue to the applicant for registration—

(a) a certificate of registration; and

(b) except in the case of a restricted vessel—a registration label.

(2) A replacement certificate of registration or replacement registration label must not be issued unless the original (or previous replacement) certificate or label is returned to the CEO or the CEO is satisfied that the certificate or label has been lost, stolen or destroyed.

(3) A replacement certificate of registration or replacement registration label will only be issued on payment of the fee fixed by Schedule 14.

104—Marking of vessel: section 55

(1) On registering a vessel other than a restricted vessel, the CEO will assign an identification mark to the vessel (if a mark has not already been assigned).

(2) The CEO may, at any time on his or her own initiative or on application by the registered owner of a vessel, assign a new identification mark in substitution for a mark previously assigned and, on doing so, must issue a new certificate of registration.

(3) An application for assignment of a new identification mark—

(a) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(b) must be accompanied by the certificate of registration of the vessel and by the fee fixed by Schedule 14.

(4) A vessel (other than a restricted vessel) with full registration under these regulations must, as soon as practicable and in any event within 14 days of registration, have its identification mark painted or otherwise displayed as high as practicable on the outside of each bow, or in such other positions as are approved by the CEO, as follows:

(a) the identification mark must be in a colour that contrasts with the surface on which it is painted or displayed; and

(b) in the case of numbers included in the identification mark—the numbers must be in figures; and

(c) —

(i) if the vessel is less than 3 metres in length—all characters in the identification mark must be at least 100 millimetres in height;

(ii) if the vessel is 3 metres or more in length—all characters in the identification mark must be at least 150 millimetres in height; and

(d) the identification mark must be clearly legible at a distance of not less than 50 metres in clear weather conditions while the vessel is underway.

(5) Where the identification mark of a vessel is substituted, the new mark must be displayed on the vessel in accordance with this regulation—

(a) if the reason for the substitution is a proposed transfer of ownership of the vessel—as soon as practicable but in any event before ownership of the vessel is transferred;

(b) in any other case—as soon as practicable.

(6) A vessel must not be marked with—

(a) the identification mark of another vessel; or

(b) a mark that could be mistaken for an identification mark of a vessel.

(7) If a vessel is marked in contravention of subregulation (6), the owner of the vessel is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

(8) If a vessel that is marked in contravention of subregulation (6) is operated in the jurisdiction, the operator of the vessel is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

105—Registration label

(1) The registration label of a vessel must be affixed adjacent to the vessel's steering position so as to be clearly visible and legible in daylight.

(2) A vessel must not have affixed or displayed on it—

(a) a registration label issued in respect of another vessel; or

(b) a label that could be mistaken for a registration label issued under these regulations.

(3) If a vessel does not have a label affixed to it as required by this regulation or has a label affixed to, or displayed on, it contrary to this regulation, the owner of the vessel is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

(4) If a vessel is operated in the jurisdiction without a label affixed to it as required by this regulation or with a label affixed to, or displayed on, it contrary to this regulation, the operator of the vessel is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

106—Transfer of registration

(1) Where ownership of a registered vessel is transferred, the transferee must within 14 days of the transfer, or within such longer period as the CEO may allow, apply for registration of the vessel in his or her name.

Maximum penalty: $750.

Expiation fee: $105.

(2) An application for transfer of registration—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) subject to subregulation (2a), must be accompanied by the fee fixed by Schedule 14.

(2a) Without limiting the power of the CEO to waive or reduce fees in accordance with Schedule 14, the CEO must, where he or she is satisfied that an application for transfer of registration of a vessel has been lodged only for the purpose of transferring registration of the vessel into the name of one or more of the vessel's joint owners following the death of a joint owner of the vessel, waive the fee fixed by Schedule 14 in respect of the application.

(3) An applicant under this regulation must provide the CEO with such information and records as he or she reasonably requires.

(4) On due application for transfer being made, the CEO must register the vessel in the name of the applicant.

107—Cancellation of registration

(1) The CEO may cancel the full or temporary registration of a vessel under these regulations—

(a) if satisfied—

(i) that the registration was obtained improperly; or

(ii) that the vessel was, at the time that it was registered, stolen or unlawfully obtained; or

(iii) that the vessel has been destroyed or is no longer operational; or

(iv) that the vessel is no longer of a class that must be registered under these regulations; or

(b) on application by the registered owner of the vessel.

(2) The CEO must not cancel the registration of a vessel under ssubregulation (1)(b) unless the registration label for the vessel has been returned to the CEO or the CEO is satisfied that the label has been lost, stolen or destroyed.

108—Return of certificate of registration or registration label

(1) The CEO may require the registered owner of a vessel to return the certificate of registration or registration label of the vessel by a specified date—

(a) if the registration of the vessel is cancelled; or

(b) if the CEO wishes to issue a replacement certificate or label (including a replacement issued for the purposes of substituting the identification mark of the vessel).

(2) A person who refuses or fails to comply with a requirement of the CEO under this regulation is guilty of an offence.

Maximum penalty: $750.

109—Refunds of registration fees

(1) If full registration of a vessel under these regulations is refused, the registration fee paid on application for registration will be refunded to the applicant less any amount accountable to a period of temporary registration (rounded to the nearest dollar).

(2) If registration of a vessel is cancelled on application by the registered owner of the vessel, the proportion of the registration fee corresponding to the unexpired period of registration less the cancellation fee fixed by Schedule 14 (rounded to the nearest dollar) will be refunded to the applicant.

110—Notification of change of address

The registered owner of a vessel must give written notice to the CEO within 14 days of any change in his or her name or address.

Maximum penalty: $750.

Expiation fee: $105.

Division 1A—Hull identification numbers (HIN)

110A—Interpretation

(1) In this Division, unless the contrary intention appears—

boat code agent means a person whose appointment as a boat code agent under this Division is in force;

boat code examiner means a person whose approval as a boat code examiner under this Division is in force;

business day means every day except—

(a) Saturday, Sunday or a public holiday; or

(b) a day which falls between 25 December in one year and 1 January in the following year;

HIN means a series of letters and numbers that identify the vessel to which they are attached or on which they are inscribed and that—

(a) indicate that the vessel is registered in Australia; and

(b) identify the authority that issued the HIN; and

(c) identify the boat code agent who fixed the HIN plate to the vessel; and

(d) identify the year in which the HIN plate was fixed;

HIN plate means a plate issued by the CEO on which part of a HIN is inscribed at the time of issue (the HIN is to be completed by the boat code agent to which the plate is issued—see regulation 110F).

(2) A reference in this Division to—

(a) fixing a HIN plate to a vessel includes a reference to the forming of the letters and numbers comprising a HIN into the fabric of the hull of a vessel in the course of manufacturing it; and

(b) a HIN plate includes (in the appropriate context) a reference to a HIN that is not inscribed on a plate but is, or is to be, formed into the fabric of the hull of a vessel.

110B—Fixing HIN plates to vessels

(1) Only—

(a) a boat code agent; or

(b) a boat code examiner acting on behalf of the boat code agent by whom he or she is employed,

may fix a HIN plate to a vessel.

(2) A person who is not a boat code agent, or a boat code examiner acting on behalf of the boat code agent by whom he or she is employed, who fixes a HIN plate to a vessel is guilty of an offence.

Maximum penalty: $2 500.

(3) A person, whether a boat code agent or a boat code examiner or not, who fixes anything to a vessel that appears to be a HIN plate, but is not a HIN plate, is guilty of an offence.

Maximum penalty: $2 500.

(4) Two HIN plates must be fixed to the hull of each vessel (or, in the case of a multi-hulled vessel, to one of the hulls of the vessel).

(5) One plate must be fixed by the boat code agent—

(a) in the case of a vessel that has a transom—on the outside of the starboard side of the transom so that—

(i) the top edge of the plate is not more than 50mm below the top edge of the transom; and

(ii) the plate is clearly visible;

(b) in the case of a vessel that does not have a transom—on the outside of the starboard side of the vessel's hull as close as reasonably practicable to the stern of the vessel so that—

(i) the top edge of the plate is not more than 50mm below the top of the gunwale; and

(ii) the plate is clearly visible.

(6) The other HIN plate must be fixed by the boat code agent—

(a) in a position on the inside of the vessel's hull that is not likely to be found without searching; and

(b) to a part of the hull—

(i) that is not likely to be damaged in the normal course of using the vessel; and

(ii) that can not be easily removed.

(7) HIN plates must be fixed to the hull of a vessel—

(a) in a manner that prevents removal of the plate without causing visible damage to the vessel; and

(b) in accordance with written directions (if any) of the CEO that are in force for the time being.

(8) Before fixing a HIN plate to the hull of a vessel the boat code agent must add the letters and numbers to complete the HIN on the plate in accordance with the directions of the CEO under regulation 110F.

(9) A HIN plate must not be fixed to a vessel that—

(a) is not a recreational vessel; or

(b) is a recreational vessel but is not fitted with an engine (but a HIN plate may be fixed to a vessel in the course of manufacturing it if it is designed to be fitted with an engine).

(10) Subject to subregulation (11), a boat code agent must not fix HIN plates to a vessel that is not registered, or temporarily registered, under these regulations.

(11) Subregulation (10) does not apply in the following circumstances:

(a) a boat code agent who carries on the business of dealing in new or used vessels may fix HIN plates to a vessel supplied to him or her in the course of carrying on that business despite the fact that the vessel is not registered or temporarily registered;

(b) a boat code agent, whether he or she carries on the business of dealing in new or used vessels or not, may, at the request of a person who does carry on that business, fix HIN plates to a vessel supplied to the dealer in the course of carrying on that business despite the fact that the vessel is not registered or temporarily registered;

(c) a boat code agent who manufactures vessels may—

(i) fix HIN plates to a vessel; or

(ii) form the letters and numbers comprising a HIN into the fabric of the hull of a vessel,

in the course of manufacturing it;

(d) where a vessel—

(i) was previously registered under this Act but is not registered now; and

(ii) is still owned by the same person who was last registered as its owner under this Act,

a boat code agent may, with the approval of the CEO, fix HIN plates to the vessel as though it were registered, or temporarily registered.

(12) A boat code agent must not form the letters and numbers comprising a HIN into the fabric of the hull of a vessel after it has been manufactured.

Maximum penalty: $2 500.

(13) A boat code agent must return to the CEO HIN plates issued to him or her by the CEO as soon as is reasonably practicable after it becomes certain, or likely, that the boat code agent will not use them for fixing to a vessel.

Maximum penalty: $2 500.

(14) As soon as is reasonably practicable after a boat code agent has formed the letters and numbers comprising a HIN appearing on a HIN plate issued to the agent by the CEO into the fabric of the hull of a vessel, the agent must inform the CEO in writing of the HIN concerned.

Maximum penalty: $2 500.

110C—Unauthorised removal of a HIN plate

A person who removes a HIN plate, or interferes with a HIN plate, without being authorised in writing by the CEO to do so is guilty of an offence.

Maximum penalty: $2 500.

Expiation fee: $210.

110D—Appointment of boat code agents

(1) A person may apply to the CEO to be appointed as a boat code agent.

(2) The application must—

(a) be in a form approved by the CEO; and

(b) be accompanied by such information as the CEO may require; and

(c) be accompanied by the fee prescribed inSchedule 14.

(3) The CEO may grant an application under this regulation if, in his or her opinion, the applicant is a suitable person to be a boat code agent.

(4) The appointment of a boat code agent—

(a) is subject to such conditions as the CEO thinks fit and specifies when the application is granted; and

(b) is for such term as is specified by the CEO; and

(c) may be revoked by the CEO at any time by 7 days written notice served on the agent.

(5) A boat code agent must carry out his or her functions as a boat code agent in accordance with directions given to the agent in writing from time to time by the CEO.

110E—Boat code examiners

(1) If a boat code agent does not fix HIN plates personally to a vessel, he or she can only fix HIN plates to a vessel through the agency of another person if that person is an employee of the agent and is approved by the CEO as a boat code examiner.

(2) An application for approval as a boat code examiner must—

(a) be in a form approved by the CEO; and

(b) be accompanied by such information as the CEO may require; and

(c) be accompanied by the fee prescribed in Schedule 14.

(3) The CEO may grant an application under this regulation if, in his or her opinion, the applicant is a suitable person to be a boat code examiner.

(4) The approval of a boat code examiner—

(a) is subject to such conditions as the CEO thinks fit and specifies when the application is granted; and

(b) is for such term as is specified by the CEO; and

(c) may be revoked by the CEO at any time by 7 days written notice served on the examiner and the boat code agent.

110F—Adding letters and numbers to HIN

Without limiting regulation 110D(5), the CEO may give directions to a boat code agent specifying—

(a) the letters and numbers and the dimensions of the letters and numbers that must be added by the agent to a HIN plate issued to the agent by the CEO to identify—

(i) the agent; and

(ii) the year in which the HIN plate is fixed; and

(b) the manner in which those letters and numbers are to be added to the HIN plate.

110G—Forming a HIN into the fabric of a vessel

Without limiting regulation 110D(5), the CEO may give directions to a boat code agent who manufactures vessels and who wishes to form the letters and numbers comprising a HIN into the fabric of the hull of a vessel, specifying—

(a) the dimensions of the letters and numbers; and

(b) the manner in which they are to be formed into the fabric of the hull of the vessel.

110H—Interim boat code certificate

(1) Within five business days after fixing HIN plates to a vessel the boat code agent must—

(a) complete an interim boat code certificate in relation to those plates; and

(b) give the certificate to the CEO.

(2) An interim boat code certificate must be in a form approved by the CEO and must include the following information:

(a) the HIN to which the certificate relates including the letters and numbers added by the agent; and

(b) a short description of the vessel to which the HIN plates have been fixed including—

(i) the name of the person who manufactured the vessel; and

(ii) the class to which it belongs; and

(iii) its length; and

(iv) the material of which it is constructed; and

(v) the vessel's primary method of propulsion; and

(vi) where the vessel is registered or temporarily registered—the registration number; and

(c) the position in the vessel in which the HIN plate that is hidden has been fixed; and

(d) such other information as the CEO requires.

110I—Boat code certificate

(1) After receiving an interim boat code certificate from a boat code agent the CEO must issue a boat code certificate to the owner of the vessel.

(2) The boat code certificate must include—

(a) the information included in the interim boat code certificate; and

(b) such other information as the CEO thinks fit.

110J—Register of HINs and vessels

(1) The CEO must maintain a register of HINs and the vessels to which HIN plates are fixed.

(2) The register must record the following information:

(a) all HIN plates issued by the CEO and the date on which each plate was issued and the name of the boat code agent to which each plate was issued; and

(b) a short description of the vessel to which each HIN plate has been fixed including—

(i) the name of the person who manufactured the vessel; and

(ii) the class to which it belongs; and

(iii) its length; and

(iv) the material of which it is constructed; and

(v) the vessel's primary method of propulsion; and

(vi) where the vessel is registered, or temporarily registered—the registration number; and

(d) the individual plates (identified by the HIN on them) which have been fixed to each vessel; and

(e) the position in each vessel in which the HIN plate that is hidden has been fixed; and

(f) the name and address of the person in whose name the vessel is for the time being registered or temporarily registered.

(3) The CEO may maintain the register as a separate register or may combine it with the register of vessels.

Division 2—Certificates of survey

111—Vessels requiring certificate of survey: section 56

(1) Subject to these regulations, a certificate of survey is required in respect of—

(a) the following classes of commercial vessels:

Class 1A	Class 2A	Class 3A
Class 1B	Class 2B	Class 3B
Class 1C	Class 2C	Class 3C
Class 1D	Class 2D	Class 3D
Class 1E	Class 2E	Class 3E;

(b) an observation vessel.

(2) A certificate of survey is not required in respect of—

(a) a ferry or punt that crosses a river or fairway by means of ropes or cables; or

(b) a fishing vessel that is 7.5 metres or less and operates only in inland waters; or

(c) a vessel that is required to be registered under these regulations.

112—Application for certificate of survey etc: sections 58—60

(1) This regulation applies to an application for—

(a) a certificate of survey;

(b) consent of the CEO to a structural alteration to the hull of a vessel, or a material alteration to the equipment of a vessel, in respect of which a certificate of survey is in force;

(c) an exemption from the requirement for a vessel to be surveyed.

(2) An application to which this regulation applies—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must (except in the case of an application for an exemption) nominate a day on which and a place at which the applicant prefers to make the vessel available for survey, the nominated day being not less than seven days from the date of the application; and

(d) must be accompanied by the fee (if any) fixed by Schedule 14.

113—Obligations of applicant for certificate of survey etc

(1) An applicant for a certificate of survey or consent to an alteration to a vessel or its equipment must, if requested to do so by a surveyor—

(a) provide—

(i) any certificate issued in respect of the vessel; and

(ii) any other relevant papers; and

(iii) any particulars of that vessel; and

(b) provide a certificate relating to the radio equipment of the vessel from a person of a class specified by the surveyor who has examined and tested the equipment as required by the surveyor (although such a certificate may not be required from an applicant for a certificate of survey more frequently than at two year intervals); and

(c) withdraw the vessel from the water and position the vessel to enable the surveyor to make an external examination; and

(d) open up and have available for inspection all machinery necessary for the safe working of the vessel; and

(e) in the case of a commercial vessel—

(i) clear all holds and place all hull ladders in position; and

(ii) clear all bilges and strum boxes; and

(iii) remove all access doors from tanks and fore and aft peaks; and

(iv) clear and open up all chain lockers; and

(v) clean, clear and have available for inspection all decks and accommodation; and

(vi) clear, open up and have available for inspection all boilers and pressure vessels; and

(vii) otherwise have the vessel cleaned, cleared and available for inspection; and

(f) in the case of an observation vessel—

(i) have the flotation chambers opened for inspection; and

(ii) have the mooring chains and anchors ranged for inspection; and

(iii) otherwise have the vessel cleaned, cleared and available for inspection; and

(g) provide the surveyor with such other information and records, or take such other specified action, as the surveyor reasonably requires.

(2) An applicant for consent to the alteration of a vessel or its equipment must provide the CEO—

(a) in the case of a commercial vessel—with such information, plans and specifications as are set out in Section 1, Part 5 of the Code; and

(b) in any case—with such information, plans and specifications as the CEO reasonably requires.

(3) An applicant for a certificate of survey or for consent to an alteration of a vessel or its equipment is liable for—

(a) the fees fixed by Schedule 14; and

(b) the cost of tests carried out by a third party on any material, machinery or equipment pursuant to the direction of a surveyor given during the course of surveying the vessel; and

(c) the cost of slipping the vessel for the purposes of the survey; and

(d) the travel, accommodation and meal expenses (at the rates applicable in the Public Service) incurred by a surveyor—

(i) where the surveyor attended at the place and time fixed for the survey of the vessel but the vessel was not made available and the owner did not give five or more days' notice to the surveyor that the vessel would not be available; or

(ii) where the time or place nominated by the owner and fixed for the inspection of the vessel falls outside the program fixed by the CEO for carrying out surveys.

(4) A certificate of survey will not be issued or a consent to an alteration given until all fees and costs for which the applicant is liable have been paid to the CEO.

114—Certificate of survey

A certificate of survey must state—

(a) the period for which it remains in force; and

(b) in relation to a commercial vessel—

(i) the vessel's class; and

(ii) the vessel's main engine power; and

(iii) the vessel's length; and

(iv) the geographical limits of the waters within which the vessel is permitted to operate; and

(v) the number of passengers and crew that the vessel may carry; and

(c) in relation to an observation vessel—

(i) the vessel's length, or if length is not appropriate in relation to the vessel, a measurement that will be taken to be its length for the purposes of these regulations; and

(ii) the place at which the vessel is to be anchored or moored; and

(iii) the number of visitors and staff the vessel may carry; and

(d) any conditions to which it is subject.

115—Certificate of survey to be displayed

(1) The certificate of survey of a vessel must be displayed—

(a) in the case of a Class 1 vessel—in a prominent position that is visible to passengers;

(b) in the case of an observation vessel—in a prominent position visible to persons entering the vessel;

(c) in any other case—in a prominent position adjacent to the steering position or in such other prominent position as is approved by the CEO in a particular case.

(2) If a vessel that is required to have a certificate of survey is operated in the jurisdiction without a current certificate of survey displayed as required by this regulation, the owner and the master of the vessel are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated without the owner's consent).

Maximum penalty: $4 000.

(3) In this regulation, a reference to a certificate of survey extends to a certificate or document issued under some other law but recognised under these regulations as equivalent to a certificate of survey.

115A—Extension of period for which certificate remains in force

(1) The owner of a commercial vessel in respect of which a certificate of survey is in force may apply for an extension of the period for which the certificate remains in force.

(2) An application under this regulation—

(a) must be made to the CEO not less than five business days before the period for which the certificate remains in force is due to expire; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed by Schedule 14.

(3) The CEO may require information provided in an application under this regulation to be verified by statutory declaration.

(4) On application under this regulation the CEO may, by notice in writing, extend the period for which a certificate of survey is in force if the CEO—

(a) is of the opinion that it is impractical or would cause unreasonable expense or inconvenience to the owner of the vessel to survey it prior to the expiry of the period; and

(b) is not aware of any grounds for suspecting that the vessel is unsound.

(5) The period for which a certificate of survey remains in force may not be extended under this regulation by more than 3 months from the date on which the period would otherwise expire and no further extensions may be granted.

(6) If a notice is issued under this regulation extending the period for which a certificate of survey relating to a vessel remains in force, the owner of the vessel must—

(a) during that period, keep the notice and produce the notice, or a copy of the notice, when requested to do so by an authorised person; and

(b) as soon as is reasonably practicable, display a copy of the notice on the vessel, with the certificate of survey, for the remainder of the period.

Maximum penalty: $1 250.

Expiation fee: $160.

116—Replacement certificates of survey

(1) A replacement certificate of survey must not be issued unless the original (or previous replacement) certificate is returned to the CEO or the CEO is satisfied that the certificate has been lost, stolen or destroyed.

(2) A replacement certificate of survey will only be issued on payment of the fee fixed by Schedule 14.

117—Notification of change of address etc

(1) If ownership of a vessel in respect of which a certificate of survey is in force is transferred, the transferee must, within 14 days of the transfer, notify the CEO of his or her name and address.

Maximum penalty: $750.

(2) The owner of a vessel in respect of which a certificate of survey is in force must notify the CEO as soon as practicable of—

(a) a change of his or her name or address;

(b) any proposed withdrawal of the vessel from industrial, commercial or scientific operations;

(c) any proposed transfer of the vessel's operations into the jurisdiction of another marine authority for an extended period or permanently;

(d) any proposed changes in the manner or area of operation of the vessel;

(e) any proposed alterations to the structure or equipment of the vessel (including alterations to the wiring of radiotelephony equipment);

(f) the loss, theft, destruction or defacement of the certificate of survey.

Maximum penalty: $750.

Division 3—Loadline certificates

118—Vessels requiring a loadline certificate: section 61

(1) Subject to these regulations, a loadline certificate is required in respect of the following classes of commercial vessels:

Class 1A	Class 2A
Class 1B	Class 2B
Class 1C	Class 2C.

(2) A loadline certificate is not required in respect of—

(a) a commercial vessel—

(i) that is less than 24 metres in length; or

(ii) that operates solely within any port or on any lake or river within the State; or

(b) a restricted vessel.

119—Application for loadline certificate or exemption

(1) An application for a loadline certificate or for an exemption from the requirement to have a loadline certificate issued in respect of a vessel—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such information and records as the CEO reasonably requires.

120—Loadline certificate to be on board

(1) The loadline certificate of a vessel must be kept in a readily accessible place on board the vessel.

(2) If a vessel that is required to have a loadline certificate is operated in the jurisdiction without a current loadline certificate on board the vessel as required by this regulation, the owner and the master of the vessel are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated without the owner's consent).

Maximum penalty: $4 000.

(3) The master of a vessel that is required to have a loadline certificate must, at the request of any person on board the vessel, produce the current loadline certificate of the vessel for inspection by that person.

Maximum penalty: $750.

(4) In this regulation, a reference to a loadline certificate extends to a certificate or document issued under some other law but recognised under these regulations as equivalent to a loadline certificate.

121—Replacement loadline certificates

(1) A replacement loadline certificate must not be issued unless the original (or previous replacement) certificate is returned to the CEO or the CEO is satisfied that the certificate has been lost, stolen or destroyed.

(2) A replacement loadline certificate will only be issued on payment of the fee fixed by Schedule 14.

122—Marking requirements: section 63

(1) Subject to these regulations, a vessel that is required to have a loadline certificate must comply with Section 7 of the Code.

(2) The application of Section 7 of the Code is subject to the following modifications:

(a) strike out clause 3.15 of Part 1;

(b) strike out clauses 74.4, 74.5, 74.7 and 74.8 of Part 14.

Division 4—Structural and equipment requirements for vessels

123—Structural and equipment requirements for vessels

A vessel must comply with the applicable requirements set out in Schedule 9 as to the structure of the vessel and the equipment required to be carried on the vessel.

Division 5—Miscellaneous

124—Equivalent requirements

(1) If the CEO is satisfied—

(a) that a requirement of this Part has been substantially complied with; or

(b) that compliance with the requirement is, in the circumstances of the case, impracticable or unnecessary; or

(c) that the action taken or provision made regarding the subject matter of that requirement is sufficiently effective, or is as effective as, or more effective than, actual compliance with the requirement,

the CEO may direct that compliance with the requirement be dispensed with under such conditions and for such period as the CEO thinks fit.

125—Recognition of other certificates of survey and loadline certificates

(1) The CEO may, by notice in writing, recognise a certificate or document issued under some other law as equivalent to a certificate of survey or a loadline certificate.

(2) A notice of recognition under subregulation (1)—

(a) may relate to an individual certificate or document or to certificates or documents of a specified class;

(b) may be subject to such conditions as the CEO thinks fit and specifies in the notice, including conditions—

(i) limiting the period of recognition; or

(ii) specifying the extent (if any) to which a condition or endorsement on the certificate or document is recognised; or

(iii) specifying the type or class of vessel for which the certificate is recognised.

(3) A condition imposed under subregulation (2) is to be taken to be a condition of a certificate of survey or loadline certificate (as the case may require).

(4) The CEO may, for the purposes of the recognition of an individual certificate or document under subregulation (1), require the holder of that certificate to produce such information and records as the CEO reasonably requires.

Part 10—Safety

Division 1—General rules of navigation

126—Navigation at sea

(1) The Prevention of Collisions at Sea Regulations are incorporated in these regulations and apply to all vessels in any part of the jurisdiction except inland waters.

(2) If a vessel is operated in the jurisdiction contrary to the Prevention of Collisions at Sea Regulations, the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence.

Maximum penalty: $4 000.

(3) If—

(a) a vessel fitted with navigation lights is operated in any part of the jurisdiction (other than inland waters); and

(b) the navigation lights are not fitted and exhibited in accordance with the Prevention of Collisions at Sea Regulations,

the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence.

Maximum penalty: $4 000.

Expiation fee: $300.

(4) It is a defence to a charge of an offence against this regulation brought against the owner for the owner to prove that the vessel was operated without the owner's consent.

127—Navigation in inland waters

(1) Section 17 of the Code (River Murray Traffic Regulations) is incorporated in these regulations and applies to all vessels in inland waters.

(2) If a vessel is operated in the jurisdiction contrary to Section 17 of the Code (River Murray Traffic Regulations), the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence.

Maximum penalty: $4 000.

(3) If—

(a) a vessel fitted with navigation lights is operated in inland waters; and

(b) the navigation lights are not fitted and exhibited in accordance with section 17 of the Code (River Murray Traffic Regulations),

the owner of the vessel, and the master or operator of the vessel, are each guilty of an offence.

Maximum penalty: $4 000.

Expiation fee: $300.

(4) It is a defence to a charge of an offence against this regulation brought against the owner for the owner to prove that the vessel was operated without the owner's consent.

128—Navigation in rivers and channels

(1) The master or operator of a vessel proceeding along the course of a river or channel must keep the vessel as near to the outer limit of the river or channel which lies on its starboard side as is safe and practicable.

Maximum penalty: $4 000.

Expiation fee: $300.

(2) The master or operator of a vessel which can safely navigate outside a channel must not allow the vessel to hamper the safe passage of a vessel which can safely navigate only inside the channel.

Maximum penalty: $4 000.

Expiation fee: $300.

(3) The master or operator of a vessel engaged in fishing must not allow the vessel to impede the passage of any other vessel navigating within a channel.

Maximum penalty: $4 000.

Expiation fee: $300.

(4) The master or operator of a vessel must not, except in an emergency, anchor the vessel in a channel.

Maximum penalty: $4 000.

Expiation fee: $300.

(5) If a vessel is anchored in a channel in an emergency, the master or operator of the vessel must, as soon as practicable, move the vessel to the side of the channel.

Maximum penalty: $4 000.

Expiation fee: $300.

(6) The master or operator of a vessel navigating in a channel must only overtake another vessel if this can be done safely.

Maximum penalty: $4 000.

Expiation fee: $300.

(7) A person must not, except with the approval of the CEO, cause or permit a cable, chain, hawser or rope to be placed across a channel.

Maximum penalty: $4 000.

Expiation fee: $300.

Division 2—Speed restrictions

129—Speed restrictions

(1) A person who operates a vessel at a speed in excess of 4 knots—

(a) in or through a mooring area or boat haven; or

(b) within 30 metres of a jetty, wharf or other place at which a vessel is being removed from the water or placed into the water; or

(e) within 30 metres of any vessel that may be adversely affected by the wash of the vessel; or

(ea) within 50 metres of—

(i) a person in the water; or

(ii) a vessel or buoy on which is displayed a flag indicating that there is a diver below (International Code Flag A); or

(iii) a person in or on a canoe, kayak, surf ski, surf board, sailboard or similar small unpowered recreational vessel; or

(f) within 100 metres of a ferry crossing,

is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) A person who operates a vessel within the waters specified in Schedule 10 at a speed in excess of that applicable to those waters in accordance with that Schedule is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

(4) It is a defence to a charge of an offence under this regulation for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency, or taking part in a surf life saving activity conducted by a surf life saving club.

Division 3—Dangerous substances guidelines

130—Incorporation of Dangerous Substances Guidelines

(1) The Dangerous Substances Guidelines are incorporated in these regulations subject to the modifications expressed in this regulation.

(2) The Dangerous Substances Guidelines are modified by striking out the definition of MARINE AUTHORITY from rule 2.3 and substituting the following definition:

MARINE AUTHORITY—means the Chief Executive Officer of the department or administrative unit of the Public Service that has, subject to the relevant Minister, responsibility for administering the *Harbors and Navigation Act 1993* of South Australia.

131—Offences against Guidelines

A person who contravenes or fails to comply with the Dangerous Substances Guidelines is guilty of an offence.

Maximum penalty: $4 000.

Division 4—Rules of special application to recreational vessels

132—Life-jackets on certain recreational vessels

The operator of—

(aa) a vessel (other than a surfboard, surf ski or racing shell) that can only carry the operator and no other person; or

(a) a canoe, kayak or other similar small human powered vessel (other than a rowboat); or

(b) a mono-hulled sailing dinghy or a similar small multi-hulled sailing vessel; or

(c) a personal watercraft; or

(d) a tender vessel while it is being used in conjunction with another vessel and is 1500 metres or more from the shore,

must ensure that the operator and any other occupants of the vessel are wearing properly adjusted life-jackets or personal flotation devices at all times while the vessel is underway.

Maximum penalty: $1 250.

Expiation fee: $160.

132A—Personal watercraft must display notice approved by Minister

(1) A personal watercraft must not be operated in the jurisdiction unless a notice specifying obligations of operators of personal watercraft (in a form and containing the information approved by the Minister) is affixed to the vessel so as to be clearly visible and legible, in daylight, from the steering position of the vessel.

(2) If a personal watercraft is operated in contravention of subregulation (1)—

(a) the registered owner; and

(b) if the operator is a person who is required to hold a Boat Operator's Licence—the operator,

of the vessel are each guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

132B—Personal watercraft only to be used during certain hours

(1) Subject to this regulation, a person must not operate a personal watercraft—

(a) after sunset or 8 p.m. (whichever is the earlier) on any day; or

(b) before 9 a.m. on a Sunday or before 8 a.m. on any other day.

Maximum penalty: $1 250.

Expiation fee: $160.

(1a) However, a person may operate a personal watercraft on the River Murray for the purpose of towing another person at any time between sunrise and sunset on any day.

(2) It is a defence to a charge of an offence under this regulation for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency, or taking part in a surf life saving activity conducted by a surf life saving club.

133—Means of escape from recreational vessel

The operator of a recreational vessel must ensure that all hatches and doors on the vessel are kept unlocked and are clear of obstruction at all times while the vessel is underway.

Maximum penalty: $1 250.

134—Excess persons on recreational vessel

(1) The operator of a recreational vessel must ensure that the number of persons carried on the vessel does not exceed—

(a) when the vessel is moored or operated in calm conditions—

(i) in the case of a vessel fitted by the manufacturer with a compliance plate stating the maximum number of persons that may be safely carried as determined in accordance with AS 1799.1—the number stated on that plate; or

(ii) in any other case—the maximum number of persons specified in Schedule 11 in relation to a vessel of the relevant class;

(b) when the vessel is moored or operated in any other conditions—such lesser number of persons as can be carried safely in all the circumstances.

Maximum penalty: $1 250.

(2) The operator of a recreational vessel must not cause or permit a load to be carried on the vessel while it is underway or moored greater than can safely be carried in all the circumstances.

Maximum penalty: $1 250.

(3) In this regulation—

calm conditions means a force zero wind speed on the Beaufort Scale.

Division 5—Radio rules for commercial vessels

Note—

See clause 22 of Schedule 9 for details as to the radio equipment required to be carried on commercial vessels.

135—Radio communication with coast station

The master of a commercial vessel that is required to have a certificate of survey must ensure, unless the CEO approves otherwise, that contact is made with a coast station by use of the radiotelephony equipment of the vessel—

(a) as soon as practicable after leaving port on a voyage; and

(b) as soon as practicable on entering port at the conclusion of a voyage; and

(c) at least once during each day that the vessel is at sea.

Maximum penalty: $1 250.

136—Radio watch

(1) Subject to this regulation, a radio watch must be maintained on a commercial vessel that is required to have a certificate of survey at all times while the vessel is at sea.

(2) 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° but within 200 nautical miles seaward of the low water mark of the coast—12290 kHz;

(ii) while the vessel is 200 nautical miles or more seaward of the low water mark of the coast—16420 kHz;

(iii) while the vessel is in any other area—one of the following frequencies:

2182 kHz

4125 kHz

6215 kHz

8291 kHz;

(b) in the case of VHF FM radiotelephony equipment—on VHF Channel 16 (156.8 MHz).

(3) A radio watch is not required—

(a) if the vessel is moored; or

(b) if the vessel is exchanging communications with a coast station or another vessel; or

(c) if the master believes on reasonable grounds that conditions are such that a radio watch would interfere with the safe navigation or safe working of the vessel; or

(d) in any other circumstances approved by the CEO in relation to the particular vessel.

(4) If a radio watch is not maintained as required by this regulation, the master of the vessel is guilty of an offence.

Maximum penalty: $1 250.

137—Prohibition of transmission during silence period

The master of a commercial vessel that is required to have a certificate of survey must ensure that the radiotelephony equipment of the vessel is not used to transmit signals during the period of three minutes following each hour and half hour except during an emergency.

Maximum penalty: $1 250.

138—Log-book of distress calls received

The master of a commercial vessel that is required to have a certificate of survey must ensure that a log-book is kept recording the details of each distress call received on the radiotelephony equipment of the vessel including—

(a) the date and time at which the call was received; and

(b) the frequency on which it was received; and

(c) any call sign used; and

(d) the name and position of the vessel in distress; and

(e) the nature of the distress; and

(f) any action taken in respect of the call.

Maximum penalty: $1 250.

Division 6—Water skiing, aquaplaning and like activity

139—Obligations of operator, participator and observer where person towed by vessel

(1) No more than one device designed, constructed or adapted for use by persons being towed by a vessel, may be towed by a vessel at any one time.

(1a) No more than three persons may be towed by a vessel (whether on a device referred to in subregulation (1) or not) at any one time.

(2) A person who is being towed by a vessel must wear a personal flotation device that complies with AS 1499 or 2260.

(3) A person must not be towed by a vessel between sunset and sunrise.

(4) A person must not be towed by a vessel unless another person (the observer) on the vessel is continuously observing the person being towed and giving such directions to the operator of the vessel as may be necessary to prevent injury or risk of injury to the person being towed or to other persons.

(5) The observer must not be the operator of the vessel.

(6) Either—

(a) both the operator of the vessel and the observer must have attained 16 years of age; or

(b) the observer must hold a special permit to operate a recreational vessel issued under the Act (see regulation 73) and the operator of the vessel must have attained 18 years of age.

(6a) The CEO may, subject to such conditions as the CEO thinks fit, exempt a person from any of the requirements of this regulation.

(7) If this regulation is contravened, the operator of the vessel, each person being towed by the vessel (whether or not on a device), and the observer (if any) are each guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

140—Obligation of person being towed

If a person being towed by a vessel falls into the water, the person must, where practicable, hold an arm, ski or other device vertically in the air to signal his or her presence.

Maximum penalty: $750.

Expiation fee: $105.

141—Obligation of operator of vessel towing a person

(1) The operator of a vessel that is towing a person must—

(a) turn the vessel in an anti-clockwise direction when leaving or returning to any area being used by more than one vessel for the purpose of commencing or finishing towing of a person; and

(b) on leaving such an area keep the vessel out of the way of any vessel returning to the area.

Maximum penalty: $4 000.

Expiation fee: $300.

(2) The operator of a vessel that has finished towing a person must, before returning to any area being used by more than one vessel for the purpose of commencing or finishing towing of a person, ensure that all apparatus used in connection with towing the person is back on board the vessel and is not trailing in the water or outside the vessel.

Maximum penalty: $4 000.

Expiation fee: $300.

142—Operating another vessel too close to person being towed

A person who operates a vessel within 100 metres directly behind a person who is being towed by another vessel is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

Division 7—Diving signals

143—Signal when divers working

(1) The master or operator of a vessel that is over 10 metres in length must, at all times while a diver is operating from the vessel, display in a conspicuous position on the vessel the International Code Flag A.

Maximum penalty: $1 250.

(2) The master or operator of a vessel that is 10 metres or less in length must, at all times while a diver is operating from the vessel, display in a conspicuous position on the vessel a rigid replica of International Code Flag A, at least 750 millimetres by 600 millimetres in size.

Maximum penalty: $1 250.

(3) A diver who is operating in a harbor independently of a vessel must ensure that a rigid replica of International Code Flag A, at least 300 millimetres by 200 millimetres in size, is displayed, at all times, from a buoy or float which is moored within 30 metres of the diver or is attached to a line and towed by the diver.

Maximum penalty: $1 250.

(4) A diver must not operate in a harbor, independently of a vessel, in a dredged channel used by vessels.

Maximum penalty: $1 250.

(5) The master or operator of a vessel navigating in the vicinity of a vessel, float or buoy displaying an International Code Flag A or a replica of that flag, must navigate so as to avoid injury to the diver or interference with the vessel, float or buoy.

Maximum penalty: $1 250.

(6) Where this regulation requires an International Code Flag A or a replica to be displayed, the person who is required to display the flag or replica must ensure that it is illuminated during the hours of darkness.

Maximum penalty: $1 250.

Division 8—Fishing nets, yabbie pots and set lines

144—Interpretation of Part 10 Division 8

In this Division—

drop net, ***drum net***, ***hoop net***, ***mesh net***, ***set line***, ***shrimp trap*** and ***yabbie pot*** have the meanings respectively ascribed to those terms under the *Fisheries Act 1982*.

145—Mesh nets and set lines

(1) The following provisions apply in relation to a mesh net or set line that is being used in the waters of Lake Alexandrina, Lake Albert, the Coorong, or in any contiguous waterway downstream of Wellington:

(a) one extremity must be marked by two black buoys;

(b) the other extremity must be marked by a yellow buoy;

(c) if the mesh net or set line exceeds 50 metres in length—it must be marked by red buoys placed at intervals not exceeding 50 metres.

(2) The following provisions apply in relation to a mesh net or set line that is being used in the River Murray upstream of Wellington or in any contiguous waterway where the mesh net or set line is placed at a depth beneath the water of less than 1.7 metres:

(a) the extremity that is closest to the shore must be marked by a yellow buoy;

(b) the extremity that is furthest from the shore must be marked by a white buoy;

(c) if the mesh net or set line exceeds 50 metres in length—it must be marked by red buoys placed at intervals not exceeding 50 metres.

(3) The following provisions apply in relation to a mesh net or set line that is being used in the River Murray upstream of Wellington or in any contiguous waterway where the mesh net or set line is placed at a depth beneath the water of not less than 1.7 metres:

(a) the extremity that is closest to the shore must be marked by a yellow buoy;

(b) a white buoy must be placed at a distance of at least three metres from the yellow buoy, indicating the direction in which the net or set line is placed.

(4) A buoy referred to in this regulation—

(a) must be approximately spherical in shape; and

(b) must be of a volume of not less than four litres; and

(c) must be made of plastic, polystyrene foam, rubber or other material approved by the CEO.

146—Drop nets, drum nets, hoop nets, shrimp traps and yabbie pots

A drop net, drum net, hoop net, shrimp trap or yabbie pot that is set away from the shore in inland waters must be marked by a buoy that is—

(a) white; and

(b) approximately spherical in shape; and

(c) of a volume of not less than two litres; and

(d) made of plastic, polystyrene foam, rubber or other material approved by the CEO.

147—Positioning of fishing apparatus

(1) In inland waters (other than the main stream of the River Murray upstream of Wellington) fishing apparatus must not be placed in a manner that prevents navigation of vessels in those waters or, if there is in those waters a recognised navigable channel, in that channel.

(2) In the River Murray upstream of Wellington, fishing apparatus must not extend on the surface for more than half the width of the river.

148—Offence of using fishing apparatus contrary to this Division

A person using fishing apparatus in inland waters must ensure that this Division is complied with in relation to the apparatus.

Maximum penalty: $1 250.

Division 9—Rules for certain bridges

149—Birkenhead Bridge

(1) The master or operator of a vessel approaching the Birkenhead Bridge during its operating hours (determined by the CEO) and requiring the bridge to be opened must sound one long blast followed by three short blasts.

(2) The master or operator of a vessel who does not intend to pass through the bridge after having sounded the signal requiring the bridge to be opened must sound two long blasts followed by one short blast.

Maximum penalty: $750.

(3) The person operating the bridge will indicate—

(a) his or her intention to open the bridge by sounding one short blast followed by two short blasts;

(b) his or her intention to cancel opening the bridge by sounding three short blasts.

(4) The master or operator of the vessel must not allow the vessel to approach within 150 metres of the bridge with the intention of passing through the bridge until the bridge is fully opened.

Maximum penalty: $750.

149A—Hindmarsh Island Bridge

(1) This regulation applies to a vessel that is more than 10 metres in length and the master or operator of which intends to navigate under Hindmarsh Island Bridge.

(2) The master or operator of a vessel must ensure that the vessel, when being navigated under the bridge, is only operated within the navigation pass.

Maximum penalty: $750.

(3) The master or operator of a vessel must proceed with caution in the navigation pass and maintain a mid-channel course through the navigation pass.

Maximum penalty: $750.

(4) The master or operator of a vessel must ensure that the vessel does not come into contact with a support pier of the bridge.

Maximum penalty: $750.

(5) The master or operator of a vessel must not cause or allow the vessel to approach the bridge or attempt to negotiate the navigation pass unless the vessel can be maintained under safe control throughout the manoeuvre.

Maximum penalty: $750.

(6) If two vessels are approaching the bridge simultaneously, the master or operator of the vessel proceeding upstream must give the vessel proceeding downstream priority of passage through the navigation pass.

Maximum penalty: $750.

(7) The master or operator of a vessel proceeding upstream that has had to wait for a vessel proceeding downstream to pass under the bridge must wait until the vessel proceeding downstream is clear of the structure before proceeding under the bridge.

Maximum penalty: $750.

(8) In this regulation—

navigation pass means the dredged channel under the bridge marked—

(a) by day—on the starboard or right hand side facing upstream with a green triangular shape and on the port or left hand side facing upstream with a red square shape;

(b) by night—on the starboard or right hand side facing upstream with a green light and on the port or left hand side facing upstream with a red light.

150—Kingston Bridge

(1) This regulation applies to a vessel that is more than 10 metres in length and the master or operator of which intends to navigate under Kingston Bridge.

(2) The master or operator of a vessel must ensure that the vessel, when being navigated under the Kingston Bridge, is only operated within the navigation pass.

Maximum penalty: $750.

(3) The navigation pass is marked as follows:

(a) by day—on the starboard or right hand side facing upstream with a green triangular shape and on the port or left hand side facing upstream with a red square shape;

(b) by night—on the starboard or right hand side facing upstream with a green light and on the port or left hand side facing upstream with a red light.

(5) The master or operator of a vessel must proceed with caution in the navigation pass and maintain a mid-channel course through the navigation pass.

Maximum penalty: $750.

(6) The master or operator of a vessel must ensure that the vessel does not come into contact with a support pier of the bridge.

Maximum penalty: $750.

(7) The master or operator of a vessel must not cause or allow the vessel to approach the bridge or attempt to negotiate the navigation pass unless the vessel can be maintained under safe control throughout the manoeuvre.

Maximum penalty: $750.

(8) The master or operator of a vessel must sound one long blast when the vessel is within 0.5 nautical miles of the bridge.

Maximum penalty: $750.

(9) The master or operator of a vessel approaching the bridge must, if a long blast is heard apparently from an approaching vessel, respond with one long blast.

Maximum penalty: $750.

(10) The master or operator a vessel must not cause or allow the vessel to pass another vessel within 0.25 nautical miles of the bridge.

Maximum penalty: $750.

(11) If two vessels are approaching the bridge simultaneously, the master or operator of the vessel proceeding upstream must give the vessel proceeding downstream priority of passage through the navigation pass.

Maximum penalty: $750.

(12) The master or operator of a vessel proceeding upstream that has had to wait for a vessel proceeding downstream to pass under the bridge must wait until the vessel is clear of the structure and then again sound one long blast before proceeding under the bridge.

Maximum penalty: $750.

(13) In this regulation—

navigation pass means the specially marked dredged channel under the Kingston Bridge.

151—Paringa Bridge

(1) The master or operator of a vessel approaching the Paringa Bridge and requiring the bridge to be raised to pass through it must, when no more than 600 metres and no less than 400 metres from the bridge, sound three long blasts or wave a flag.

Maximum penalty: $750.

(2) If a person is available to operate the bridge,[1] the person will indicate—

(a) that he or she hears or observes a signal referred to in subregulation (1) by showing a flashing red light or waving a red flag;

(b) that a vessel should proceed through the bridge by showing a flashing green light or waving a green flag.

(3) The master or operator of a vessel must not cause or allow the vessel to approach within 150 metres of the bridge with the intention of passing through the bridge until the signal to indicate that the vessel should proceed through the bridge is displayed by the person operating the bridge.

Maximum penalty: $750.

(4) Before proceeding through the bridge, the master or operator of a vessel must sound a long blast followed by a short blast or wave a flag.

Maximum penalty: $750.

Note—

1 A person is only available to operate Paringa Bridge during hours determined by the CEO.

Division 10—Miscellaneous

151A—Vessels excluded from vicinity of oil rigs

(1) Vessels are prohibited from entering or remaining in waters within 500 metres of a vessel or structure engaged in petroleum exploration consisting of—

(a) drilling, or operations associated with drilling, subjacent land; or

(b) tests carried out subsequently for the purposes of discovering petroleum or ascertaining the quality and quantity of petroleum discovered (including tests involving the recovery of petroleum).

(2) The distance referred to in subregulation (1) is to be measured from each point of the outer edge of the vessel or structure or any anchor, buoy or other equipment deployed from the vessel or structure.

(3) If a vessel enters or remains in waters in contravention of this regulation, the owner and the master or operator of the vessel are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated in the manner constituting the offence without the owner's consent).

Maximum penalty: $4 000.

(4) This regulation does not apply to vessels used in connection with the operations of the vessel or structure engaged in petroleum exploration.

(5) In this regulation—

drilling and ***petroleum*** have the same meaning as in the *Petroleum Act 1940*.

151B—Vessels excluded from vicinity of vessels engaged in transfer of petroleum

(1) Vessels are prohibited from entering or remaining in waters within one nautical mile of a vessel to which petroleum is being transferred from another vessel or from which petroleum is being transferred to another vessel.

(2) The distance referred to in subregulation (1) is to be measured from each point of the outer edge of a vessel engaged in the transfer of petroleum or any anchor, buoy or other equipment deployed from such a vessel.

(3) If a vessel enters or remains in waters in contravention of this regulation, the owner and the master or operator of the vessel are each guilty of an offence (but it is a defence to a charge of such an offence brought against the owner for the owner to prove that the vessel was operated in the manner constituting the offence without the owner's consent).

Maximum penalty: $4 000.

(4) This regulation does not apply to vessels used in connection with the operations of a vessel engaged in the transfer of petroleum to or from another vessel.

(5) In this regulation—

petroleum has the same meaning as in the *Petroleum Act 1940*.

152—Nuisance

A person who operates a vessel in the vicinity of any person in or near the water or on a vessel in a manner that is likely to cause nuisance or annoyance to the person is guilty of an offence.

Maximum penalty: $2 500.

153—Use of spot lights

(1) A person must not, without reasonable excuse, direct a beam of light from a vessel on to another vessel.

Maximum penalty: $1 250.

(2) If subregulation (1) is contravened, the master or operator of the vessel from which the light is directed is also guilty of an offence (but it is a defence if the defendant proves that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Maximum penalty: $1 250.

154—Emissions and discharges

(1) If a vessel emits smoke or vapour to the extent that it causes danger to any other person, the owner of the vessel and the master or operator of the vessel are each guilty of an offence.

Maximum penalty: $1 250.

(2) If any offensive material is discharged from a vessel directly or indirectly into waters in the jurisdiction or on adjacent land under the care, control and management of the Minister, the owner of the vessel and the master or operator of the vessel are each guilty of an offence.

Maximum penalty: $4 000.

(3) It is a defence to a charge brought against the owner of a vessel of an offence against this regulation committed while the vessel was being operated in the jurisdiction for the owner to prove that the vessel was operated without the owner's consent.

(4) In this regulation—

offensive material includes oil, tar, spirit, other inflammable material, refuse, wire, rope, plastic, the carcass of any animal, sludge from ballast tanks and any matter that may cause pollution, a nuisance or offence.

154A—Work involving flame or flash

(1) A person must not do any work on a vessel by means of a device that produces a flame or flash exposed to the air unless—

(a) the work has been authorised in writing by the owner of the vessel or the owner's agent; and

(b) the work is carried out in a safe and professional manner; and

(c) no vessel is being refuelled within 10 metres of the vessel.

Maximum penalty: $750.

(2) If this regulation is contravened, the master or operator of the vessel on which the work was done is also guilty of an offence (but it is a defence for the master or operator to prove that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Maximum penalty: $750.

155—Misuse of signals

(1) A person who uses or displays, or causes another to use or display, a signal required by these regulations in circumstances not contemplated by these regulations is guilty of an offence.

Maximum penalty: $750.

(2) A person who responds to a signal used or displayed in contravention of this regulation may recover the costs of that response, as a debt, from the person who contravened the regulation.

156—Smoking and use of combustion equipment in hold

(1) A person must not—

(a) smoke, strike a match or use a cigarette lighter; or

(b) without the approval of the CEO, use any other device that produces a flame or a flash exposed to the air,

in the hold of a commercial vessel or within six metres of any open hatch of a commercial vessel.

Maximum penalty: $2 500.

(2) If subregulation (1) is contravened, the master of the vessel is also guilty of an offence (but it is a defence for the master to prove that the master could not, by the exercise of reasonable diligence, have prevented the commission of the offence).

Maximum penalty: $2 500.

(3) The CEO must not grant an approval under subregulation (1)(b) in relation to the use of a device within a port unless the port operator has first been consulted.

157—Gangways

(1) The master of a vessel engaged in trade or plying for hire when lying alongside a wharf, riverbank or another vessel must ensure that there is a gangway in place between the vessel and the wharf, riverbank or other vessel, and a safety net rigged over the gap between the vessel and the wharf, riverbank or other vessel, in accordance with this regulation.

Maximum penalty: $1 250.

(2) A gangway must comply with the following requirements:

(a) the gangway must be provided with a closely boarded walkway at least 550 millimetres in clear width and fitted with transverse treads at suitable and equally spaced intervals;

(b) the gangway must be fenced on each side of its entire length with upper and intermediate side rails supported by stanchions that are not more than two metres apart and fitted with a locking device to prevent accidental dislodgment;

(c) the side rails must not be more than 0.61 metres apart and the upper rail must be at a height of not less than 1.07 metres (measured from the surface of the treads, perpendicular to the longitudinal axis of the gangway);

(d) the side rails may be fixed rails or taut ropes or chains and any covering material used on ropes or chains must be capable of removal to allow inspection of the condition of the ropes or chains;

(e) the sides of the gangway must be fitted with screens or netting;

(f) the upper end of the gangway must be fitted with suitable means to effectively secure it to the vessel;

(g) if the gangway requires the use of a derrick or crane to position or stow it, the gangway must be provided with suitable lifting attachments so located as to balance it whilst it is freely suspended.

(3) A safety net must comply with Appendix 7 of Marine Order No. 15 of 1983, Part 23 (*Equipment—Miscellaneous and Safety Measures*), under the Commonwealth Act.

(4) This regulation does not apply to a hire and drive houseboat (within the meaning of Part 8) hired out pursuant to a licence under Part 8 of the Act.

158—Anchors not to be used in certain areas

(1) The master or operator of a vessel must not cause or allow the vessel to be anchored or an anchor to be used in any of the following areas:

(a) the area comprising the full width of the Port Adelaide River which lies within 70 metres of a line from a point on the western bank of the river distance 490 metres and bearing 314° from No. 11 front inward leading beacon to a point on the eastern bank of the river distance 215 metres and bearing 22° from No. 11 front inward leading beacon;

(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 460 metres and bearing 269° from No. 12 rear inward leading beacon to a point on the eastern bank of the river distance 270 metres and bearing 204° from No. 12 rear inward leading beacon;

(c) the area comprising the area of the Port Adelaide River situated within a radius of 70 metres from the control towers of the Birkenhead Bridge;

(d) the area of Spencer Gulf within 1.5 miles either side of a line joining a point latitude 33°39.6′S and longitude 137°12.8′E (adjacent to Shoalwater Point) and a point latitude 33°52.4′S and longitude 137°36.4′E (adjacent to Point Riley);

(e) the area of Backstairs Passage within 1.5 miles either side of a line joining a point latitude 35°38.0′S and longitude 138°6.9′E (Fishery Bay, Kangaroo Island) and a point latitude 35°44.3′S and longitude 138°1.4′E (Cuttlefish Bay, Kangaroo Island).

Maximum penalty: $2 500.

159—General defence

It is a defence to a charge of an offence against this Part if it is proved that the contravention or non-compliance with the Part was justified in the circumstances in order to avoid immediate danger having regard to all the dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved.

Part 11—Accidents

160—Minor accidents involving recreational vessels need not be reported: section 75(1)

Section 75 of the Act does not apply in relation to an accident that only involves a recreational vessel or recreational vessels provided that—

(a) no personal injury resulting from the accident requires medical attention; and

(b) the total damage to property does not exceed $300.

161—Particulars to be reported: section 75(2)

A report of an accident made to the CEO under section 75 of the Act must include the following particulars:

(a) particulars of the vessels involved; and

(b) in the case of a recreational vessel—the name and address of the owner and the operator of the vessel involved; and

(c) in the case of a commercial vessel—the name and address of the owner and any agent of the owner of the vessel and the name, address and qualifications of the master of the vessel and of any other member of the crew of the vessel whose action may have been a factor contributing to the accident; and

(d) the time and place of the accident; and

(e) the circumstances of the accident; and

(f) the name and address (if known) of each person killed or injured in the accident; and

(g) the name and address (if known) of each witness to the accident.

Part 12—Court of Marine Enquiry

162—Assessors: section 77(4)

The Court of Marine Enquiry must choose two assessors from the panel of expert assessors established by the Minister to sit with the Court in relation to a matter before it as follows:

(a) the assessors must have knowledge or experience relevant to the kind of matter before the Court; and

(b) the assessors must not have a personal interest or a direct or indirect pecuniary interest in the matter before the Court.

Part 13—Application of Commonwealth Act

163—Application of Commonwealth Act: section 81

Part 2 of the Commonwealth Act (except Divisions 1, 2A, 3, 15 and 19) and any regulations made under that Part apply in relation to the owners and crews of vessels that are required to have certificates of survey (except observation vessels and vessels that are less than 7.5 metres in length) and that are in the jurisdiction as if—

(a) a reference to a ship were a reference to a vessel; and

(b) a reference to the Authority were a reference to the CEO; and

(c) a reference to the Commonwealth were a reference to the State.

Part 14—Miscellaneous

Division 1—Boat havens

164—Application of Part 14 Division 1

This Division applies in relation to the waters specified in Schedule 12.

165—Moorings not to be laid without approval

(1) A person must not lay down a mooring in a boat haven except in accordance with the approval of the CEO.

Maximum penalty: $1 250.

(2) The owner of a mooring in a boat haven must, at the request of the CEO, relocate or remove the mooring as required by the CEO.

Maximum penalty: $1 250.

166—Obligation to have permit to moor in boat haven

(1) A person must not moor a vessel in a boat haven except in accordance with a permit issued under this Division.

Maximum penalty: $1 250.

(2) A person must not cause or permit a vessel to be moored in a boat haven except in accordance with a permit issued under this Division.

Maximum penalty: $1 250.

167—Permit to moor in boat haven

A permit to moor a vessel in a boat haven—

(a) must specify the vessel to which it relates and the mooring site to which it relates; and

(b) remains in force for the period specified in the permit; and

(c) is not transferable.

168—Application for permit

(1) An application for a permit to moor a vessel in a boat haven—

(a) must be made to the CEO; and

(b) must conform to the requirements of the CEO about its form, contents and the manner in which it is made; and

(c) must be accompanied by the fee fixed bySchedule 14.

(2) An applicant for a permit must produce to the CEO any information and records that the CEO reasonably requires.

169—Issue of permit

(1) On application under this Division, the CEO must issue a permit to moor a vessel in a boat haven unless—

(a) there is no suitable mooring site available; or

(b) in the opinion of the CEO, all mooring sites are required for fishing vessels or for vessels used in connection with fishing vessels.

(2) In determining which mooring site in a boat haven to allocate to an applicant for a permit under this Division, the CEO must give special consideration to the convenience of applicants and permit holders who moor or will moor a fishing vessel, or a vessel used in connection with a fishing vessel, in the boat haven.

170—Obligations of permit holders

A person who holds a permit under this Division—

(a) must produce it at the request of an authorised person;

(b) must notify the CEO as soon as practicable of—

(i) a change of name or address of the owner of the vessel to which the permit relates;

(ii) the transfer of ownership of the vessel and the name and address of the new owner;

(iii) any intention to no longer moor the vessel at the mooring site;

(iv) the loss, theft, destruction or defacement of the permit.

Maximum penalty: $1 250.

171—Cancellation of permits

(1) If the holder of a permit issued under this Division has contravened or failed to comply with this Division, the CEO may, by notice in writing to the permit holder, cancel the permit.

(2) The CEO may, on the application of the holder of a permit issued under this Division, cancel the permit.

(3) If a permit is cancelled on the application of the holder of the permit, the proportion of the fee for the permit corresponding to the unexpired period of the permit will be refunded to the applicant.

(4) If a permit to moor a vessel in a boat haven is cancelled, the permit holder must cause the vessel to which the permit relates to be removed from the boat haven.

Maximum penalty: $1 250.

Division 2—Ballast water

172—Prohibition of releasing ballast water in specified waters

(1) The Minister may, by notice in the Gazette, prohibit the discharge, without the approval of an authorised person, of ballast water, or ballast water of a specified class, from any vessel in the whole or a specified part of the jurisdiction.

(2) If ballast water is discharged from a vessel in contravention of subregulation (1), the master or operator of the vessel is guilty of an offence.

Maximum penalty: $4 000.

173—Directions relating to ballast water

(1) An authorised person may give the master or operator of a vessel in the jurisdiction directions relating to any ballast water carried on the vessel including directions—

(a) prohibiting the discharge of ballast water in specified waters; or

(b) requiring ballast water to be discharged in specified waters or in a specified manner (including that it be treated in a specified manner prior to discharge); or

(c) requiring ballast water to be exchanged in specified waters; or

(d) as to the loading of ballast water.

(2) A master or operator of a vessel who, without reasonable excuse, fails to obey a direction of an authorised person under this regulation is guilty of an offence.

Maximum penalty: $4 000.

Division 3—Facilities levy

174—Facilities levies

(1) The levy fixed by Schedule 14 in relation to recreational vessels must be paid on the registration of a recreational vessel and the vessel will not be registered until the levy is paid.

(2) The levy fixed by Schedule 14 in relation to commercial fishing vessels must be paid—

(a) in the case of a vessel that is registered—on the registration of the vessel (and the vessel will not be registered until the levy is paid);

(b) in the case of a vessel that is required to have a certificate of survey—on issue of the vessel's certificate of survey (and the certificate will not be issued until the levy is paid);

(c) in any other case—on or before 30 June in each year.

(3) A levy payable under this regulation is in addition to any other fee or charge relating to the vessel that is payable under these regulations.

175—Recreational Boating Facilities Fund

(1) All levies recovered under these regulations in relation to recreational vessels must be paid into a separate fund.

(2) That fund is to be applied by the Minister (after consultation with the *Boating Facility Advisory Committee*) for the purpose of establishing, maintaining and improving recreational boating facilities and may only be applied for that purpose.

176—Commercial Fishing Vessels Facilities Fund

(1) All levies recovered under these regulations in relation to commercial fishing vessels must be paid into a separate fund.

(2) That fund is to be applied by the Minister (after consultation with the *Boating Facility Advisory Committee*) for the purpose of establishing, maintaining and improving facilities for commercial fishing vessels and may only be applied for that purpose.

177—Boating Facility Advisory Committee

(1) The *Boating Facility Advisory Committee* continues in existence.

(2) The Committee consists of seven or eight members appointed by the Minister, of whom—

(a) one must be a person nominated by the Boating Industry Association of South Australia Inc.;

(b) one must be a person nominated by the South Australian Recreational Boating Council Inc.;

(c) one must be a person nominated by the South Australian Recreational Fishing Advisory Council Inc.;

(d) two must be persons nominated by the South Australian Fishing Industry Council;

(e) one must be a person nominated by the Local Government Association of South Australia.

(3) At least one member of the Committee must be a woman and one a man.

(4) The Minister may appoint a person to be a deputy of a member of the Committee and the deputy may act as a member of the Committee in the absence or during a temporary vacancy in the office of that member.

(5) Where a person is appointed as a member of the Committee on the nomination of a body, a person appointed as his or her deputy must also be appointed on the nomination of that body.

(6) If a body fails to nominate a person within six weeks of a written request to do so from the Minister, the Minister may appoint such person as the Minister thinks fit and that person will be taken to have been duly appointed as a member or deputy member (as the case may require) of the Committee.

(7) A member of the Committee will be appointed for a term not exceeding two years and, at the expiration of a term of appointment, will be eligible for reappointment.

(8) A member of the Committee is entitled to such fees and allowances as may be determined by the Minister.

(9) The Minister may remove a member of the Committee from office on any ground that the Minister considers sufficient.

(10) The office of a member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) is removed from office by the Minister under subregulation (9).

(11) An act of the Committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

(12) The Minister will appoint one member of the Committee to be the presiding member of the Committee and may appoint one member to be the deputy presiding member.

(13) The presiding member of the Committee or, in his or her absence, the deputy presiding member (if a deputy presiding member has been appointed), will preside at any meetings of the Committee.

(14) Subject to these regulations and the directions of the Minister, the Committee may conduct its business in such manner as it thinks fit.

(15) The functions of the Committee are to advise the Minister on the amounts of the levies imposed by this Part and the application of the funds established under this Part.

Division 5—Miscellaneous

179—False statements

A person must not, in providing any information required under these regulations, make a statement that is false or misleading in a material particular.

Maximum penalty: $2 500.

180—Notices

A request made by the CEO under these regulations may be made by notice in writing served on the person of whom the request is made personally or by post.

Schedule 1—Partially smooth and smooth waters

(Part 2)

Area	Smooth Water Limits
Eyre Peninsula	Baird Bay, Lake Newland, Round Lake, Lake Hamilton, Lake Greenly and Sleaford Mere.
Port Lincoln	Boston Bay and Port Lincoln south of a line joining Hayden Point to Cape Donnington and west of a line joining Maria Point to Point Boston.
Cowell	Franklin Harbor north of a line joining Germein Point to Victoria Point.
Port Augusta	North of a line joining Curlew Point to latitude 32°32.52′ South and longitude 137°46.8′ East.
Port Pirie	Port Pirie Harbor and approaches south of a line joining Mangrove Point to Mount Ferguson.
Port Adelaide	Port Adelaide river north of a line drawn 270° from Outer Harbor Signal Station and Barker Inlet not north of a line drawn 050°T ↔ 230°T through Point Grey Light Beacon.
River Murray	The River Murray north of Wellington, Lake Bonney, the Goolwa channel and the Coorong.
Lakes in the South East of South Australia	Lake Leake, Lake Bonney, Lake George, Lake St. Claire, Lake Eliza, Lake Robe, Lake Fellmongery, Lake Batte, Valley Lake.
Lakes and rivers in the North of South Australia	Coopers Creek, Lake Eyre, Lakes Frome, Lake Gairdner, Lake Torrens
Other inland areas	All other inland waters except waters designated by this Schedule as partially smooth.

Area	Partially Smooth Water Limits
Thevenard	Tourville Bay, Murat Bay, D'Ecres Bay and Smoky Bay bounded by a line drawn from the southern extremity of Peter Point to the Yatala Channel Fairway Beacon then to the north west extremity of St. Peter Island then from the north eastern extremity of St. Peter Island to Cape Missiessy.
Streaky Bay	Streaky Bay south of a line drawn from the northern extremity of Cape Bauer through the South Channel Beacon to the shore at Perlubie.
Venus Bay	Venus Bay east of a line drawn northerly from the north eastern extremity of South Head to the shore line east of Point Weyland.
Coffin Bay	Coffin Bay south of a line drawn from Sir Isaac Point easterly to Mount Dutton.
Port Lincoln	Louth Bay and adjacent waters which lie west of a line from Pt. Bolingbroke to Cape Donnington.
Tumby Bay	Adjacent to Tumby Bay west of a line drawn from the southern extremity of Massena Bay to the eastern extremity of Tumby Island then 020°T to the shore.
Port Neill	Dutton Bay west of a line drawn from Cape Burr 020°T to the shore.
Arno Bay	Arno Bay west of a line drawn from Cape Driver 040°T to the shore.
Port Gibbon	North of a line drawn from Point Gibbon to the Knob.

Area	Partially Smooth Water Limits
Port Augusta	The approaches to Port Augusta north of a line drawn from Lowly Point Light House to Ward Spit Beacon.
Port Pirie	Germein Bay east of a line drawn from Ward Spit Beacon to Point Jarrold.
Port Broughton	The approaches to Port Broughton including Tickera Bay east of a line drawn from Point Jarrold to the Mundoora Channel (Point Broughton) Entrance Beacon then to Point Riley.
Wallaroo	Wallaroo Bay east of a line drawn from Point Riley to Warburto Point.
Moonta Bay and Point Hughes	Tipara Bay east of a line drawn from Warburto Point to Cape Elizabeth.
Port Victoria	The approaches to Port Victoria bounded by a line drawn from Reef Point to Goose Island then to Cliff Point on Wardang Island then to Gawler Point.
Port Turton	South of a line drawn from Corny Point Light House to Port Minlacowie Jetty.
From Edithburgh coastwise to Port Noarlunga including Adelaide and Environs	St. Vincent Gulf which lie towards the shore from a line commencing at Troubridge Point then to Troubridge Shoal Light House then through Middle Spit Beacon at Port Vincent to join a line drawn eastwards from the silo at Ardrossan which joins a line drawn northerly from Long Spit Beacon then from Long Spit Beacon to Port Adelaide Fairway Beacon then to Onkaparinga Point.
Kangaroo Island	The waters of Nepean Bay but not seaward of a line from Marsden Point to latitude 35°43.1' South and longitude 137°58' East. The waters of Emu Bay but not seaward of a line from Cape D'estrainge to latitude 35°34' South and longitude 130°34.3' East.
River Murray	The lower reaches of the River Murray south of Wellington including Lake Alexandrina and Lake Albert.

Schedule 2—Definition of restricted vessel—operational areas

(Part 2)

West Coast Eyre Peninsular Area

All that area of the coastal waters of the west coast of the Eyre Peninsula lying eastwards of a line from James Point to the south-western extremity of Goat Island, then to the most southerly point of Franklin Island, then to a position three nautical miles south-west of Brown Point, then to a position three nautical miles south-west of Westall Point, then to a position three nautical miles south-west of Cape Blanche, then to a position three nautical miles south-west of Cape Labatt, then following the coast in a general south-easterly direction at a distance of three nautical miles from the shore to a position three nautical miles south of Cape Catastrophe.

Spencer Gulf and Gulf St. Vincent Area

All that area lying to the north and west of a line from a position three nautical miles south of Cape Catastrophe then to Waterhouse Point on the south-easternmost point of Thistle Island then to the light on Dangerous Reef then to the easternmost point of Spilsby Island then to Winceby Island light; and the waters of north Spencers Gulf north of a line from Winceby Island light to a position three nautical miles west of Wardang Island; and the coastal waters east and north of a line from a position three nautical miles west of Wardang Island to a position three nautical miles west of Corny Point then following the coast line at a distance of three nautical miles from the shore of southern Yorke Peninsula terminating at Marion Reef light; and the waters of Gulf St. Vincent north of a line from Marion Reef light to a position three nautical miles west of Port Stanvac jetty, and east of a line from three nautical miles west of Port Stanvac jetty following the coast at a distance of three nautical miles from the shore to a position three nautical miles north of Rapid Head.

Kangaroo Island and Backstairs Passage Area

All that area of Investigator Strait and Backstairs Passage lying east and south of a line from Cape Borda light to a point three nautical miles to the north then to a point three nautical miles to the north of Cape Cassini, then to a point three nautical miles north-east of Marsden Point light, then to a point three nautical miles north of Rapid Head; and north of a line from Cape Willoughby light to the southernmost islet of the Pages Group then to the Murray Mouth.

South East Area

All that area lying to the east of a line commencing at a point on the coast 25 nautical miles north of Kingston projecting seaward for three nautical miles, then southward following the coastline at a distance of three nautical miles from the shore terminating at the border of South Australia with Victoria.

The following map is provided for convenience of reference only.

Schedule 3—Definition of harbors

(Part 2)

American River

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks, and inlets to high water mark of American River and Eastern Cove bounded as follows: on the north by a line running north- west from the American River Entrance Beacon to intersect with high water mark on the western side of Eastern Cove then generally south-west along high water mark to its intersection with a straight line drawn from the south-west corner of Section 8, Hundred of Haines to the most northerly point of Section 178, Hundred of Dudley; then south-easterly along the line to its intersection with high water mark; then generally easterly and northerly along high water mark on the eastern side of American River to Strawbridge Point, then easterly along high water mark to its intersection with a line running south-west from the Entrance Beacon, then along this line to the point of commencement.

Ardrossan

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent bounded as follows:

> Commencing at a point on a line bearing 106°25′T and distance 1 nautical mile from the intersection of the centre line of the Ardrossan town jetty and high water mark; then by a line bearing 196°25′T to its intersection with the Ausbulk jetty line of leads bearing 333°30′T; then by a line bearing 286°25′T to its intersection with high water mark; then generally north north easterly along high water mark to a point distant 1 nautical mile north north easterly and radial from the intersection of high water mark and centre line of the Ardrossan town jetty: then by a 1 nautical mile radial line to the point of commencement.

Beachport and Southend

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the coast within three nautical miles from any point on a straight line between Cape Martin and Cape Buffon.

Cape Jaffa

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within 100 metres seaward of any part of the Cape Jaffa Jetty.

Cape Jervis

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within a distance of 200 metres from the western tip of the south-eastern breakwater at Cape Jervis;

(b) Allotments 2, 3 and 4 of Deposited Plan No. 40711.

Coffin Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Coffin Bay, Port Douglas, Mount Dutton Bay and Kellidie Bay, contained within a line drawn from Point Sir Isaac to a hill known as "Frenchman Lookout" in the Hundred of Warrow.

Cowell (Franklin Harbor)

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Franklin Harbor and within a straight line from Germein Point to Victoria Point, and 100 metres to seaward of any point on that line.

Kingscote

(a) The subjacent land underlying, and the adjacent land extending from, waters, rivers, creeks and inlets to high water mark in Nepean Bay, Kangaroo Island and west of a straight line from Point Marsden to Point Morrison;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 1586 Folio 8

Volume 2057 Folio 75

Volume 2255 Folio 161

Volume 2397 Folio 33

Volume 2402 Folio 191

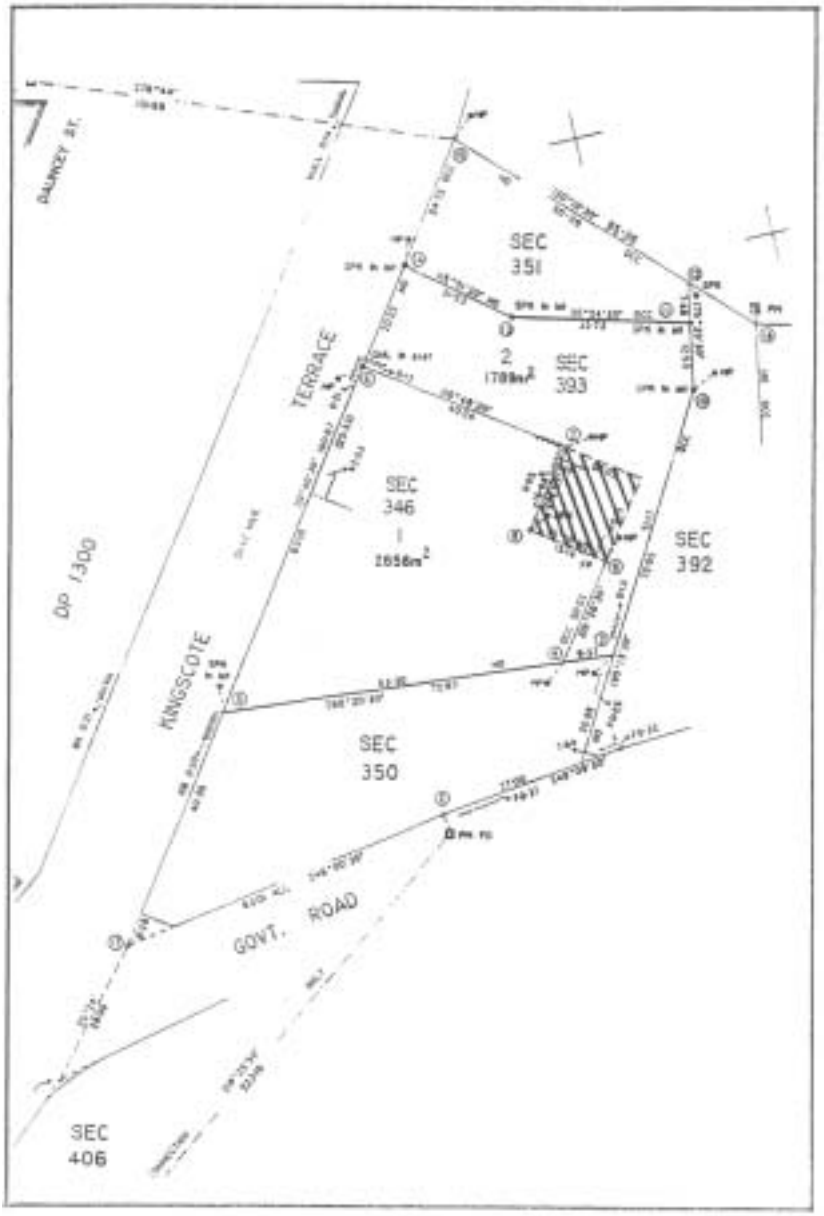
Volume 1658 Folio 19

Volume 2624 Folio 26

Volume 2470 Folio 138

Volume 3129 Folio 196;

(c) that portion of the land described as Section 346, Hundred of Menzies that was contained in Land Grant Register Book Volume 3180 Folio 86 immediately before it was cancelled and that is also, and more particularly, described as Portion of Allotment 2 of Deposited Plan No. 39677, being the area hatched on the plan below.



Kingston (SE)

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within 100 metres seaward of any part of the Kingston Jetty.

Klein Point

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within one nautical mile seaward of any part of the Klein Point Jetty.

Penneshaw

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the northern coast of Dudley Peninsula, Kangaroo Island, and within a straight line from Hog Point to Ironstone Hill, and one nautical mile to seaward from any point on that line.

Point Turton

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the southern shore of Hardwicke Bay, within the following boundaries: commencing at Point Souttar; then true east to high water mark on the sea coast; then south-westerly and north-westerly following high water mark to the point of commencement.

Port Adelaide

For the purposes of paragraph (a) of this item, the ***prescribed day*** is a day to be fixed by the Minister by notice in the Gazette.

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark bounded as follows:

- on the north by a line extending due west for—
  - before the prescribed day—3 nautical miles; or
  - on or after the prescribed day—5 nautical miles,

  from a point on low water mark being the north-western corner of the Hundred of Port Adelaide (approximate latitude 34°40.42′S);
- on the south by a line extending due west for—
  - before the prescribed day—3 nautical miles; or
  - on or after the prescribed day—5 nautical miles,

  from a point on low water mark being the south-western corner of the Hundred of Port Adelaide (approximate latitude 34°51.30′S);
- on the west by a line extending north-north-westerly and connecting the western extremities of the southern and northern boundaries;

but excluding—

- the area bounded on the south by a line being the production west of the southern side of Section 1048, Hundred of Port Adelaide, and on the north by a line running east and west one nautical mile north of the Largs Bay Jetty, except for—
  - a strip of land 10 metres wide on each side of the centreline of the Semaphore Jetty and extending easterly from low water mark to the eastern end of the approach to that jetty; and
  - a strip of land 10 metres wide on each side of the centreline of the Largs Bay Jetty and extending easterly from low water mark to the eastern end of the approach to that jetty;

- the area bounded on the south by a line running east and west one nautical mile north of the Largs Bay Jetty and on the north-west by a line extending south-westerly from the northern most corner of Section 389, Hundred of Port Adelaide, and at right angles to the north-eastern boundary of Section 389;
- the area bounded as follows: commencing at a point on the northern boundary of the Hundred of Port Adelaide, being its intersection with the western edge of the mangroves along the eastern shore of Gulf St. Vincent, then southerly and generally south-easterly along portion of that western edge to intersect the production south-westerly of the north-western boundary of the road north-west of Section B, Hundred of Port Adelaide, then north-easterly along that production and portion of boundary to high water mark, then generally north-westerly along that high water mark to that northern Hundred boundary, then generally westerly along portion of the latter boundary to the point of commencement;
- that portion of the subjacent land underlying, and the adjacent land extending from, Old Port Reach (including Port Adelaide Canal), Port Adelaide River, Out of Hundreds (Adelaide) to high water mark bounded as follows:
- on the north by a straight line between the bend on the eastern boundary of Section 661, Hundred of Port Adelaide, at corner 162°12′ and the bend on the western boundary of Section 7640, Hundred of Port Adelaide at corner 173°45′;
- on the south by the southern boundary of the Hundred of Port Adelaide;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 1962 Folio 149

Volume 1974 Folio 153

Volume 1974 Folio 154

Volume 2436 Folio 64

Volume 2772 Folio 12

Volume 3009 Folio 131

Volume 4383 Folio 154

Volume 5086 Folio 57

Volume 5123 Folio 453

Volume 5128 Folio 416

Volume 5143 Folio 963

Volume 5179 Folio 216

Volume 5179 Folio 219

Volume 5179 Folio 223

Volume 5191 Folio 911

Volume 5202 Folio 446

Volume 5202 Folio 448

Volume 5202 Folio 451

Volume 5202 Folio 452

Volume 5211 Folio 177;

(c) the following parcels of land:

Allotments 1, 2, 7, 9, 10 and 12 of Deposited Plan No. 40901

Allotments 52, 55, 57 and 58 of Deposited Plan No. 41580

Allotments 1, 2, 4, 5 and 6 of Deposited Plan No. 41006

Allotments 1, 3, 4 and 7 of Deposited Plan No. 41578

Allotments 101 and 102 of Deposited Plan No. 39922

Allotment 2 of Deposited Plan No. 31181

Allotments 54 and 55 of Deposited Plan No. 41577.

Port Augusta

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of all that portion of Spencer Gulf, north of a line drawn across the Gulf from Point Patterson to Commissariat Point, and including all navigable waters to the extreme northern extent of the Gulf.

Port Bonython

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Spencer Gulf bounded as follows: commencing at the eastern extremity of the harbor of Whyalla, Latitude 33°03.75′S, Longitude 137°40.5′E, then along the north-east boundary of that harbor bearing 319°T to high water mark, then generally easterly along high water mark to its intersection with a straight line bearing 143.5°T from Lowly Point Light, then along the latter line for a distance of approximately 3.4 nautical miles to the north boundary of the harbor of Port Pirie, then along the latter line bearing 251°T for a distance of approximately 2.5 nautical miles to the west extremity of that harbor, then along the south-west boundary of that harbor bearing 126°T for a distance of approximately 1.6 nautical miles to its intersection with a straight line bearing 97°T from the point of commencement, then along the latter line to the point of commencement.

Port Broughton

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the eastern coast of Spencer Gulf, and within a straight line drawn from Woods Point to Webling Point, and over three nautical miles to seaward measured from any point on the line.

Port Giles

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent bounded as follows: commencing at a point on high water mark one nautical mile due north of the intersection of the centre line of the Port Giles Jetty with high water mark; then by a line bearing due east from high water mark for seven nautical miles; then on a line bearing due south for two nautical miles; then on a line bearing due west to high water mark; then generally northerly along high water mark to the point of commencement.

Port Lincoln

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Port Lincoln, as embraced within a straight line drawn between Cape Donnington and Point Boston, and over three nautical miles to seaward, measured from any point on the line;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 1586 Folio 7

Volume 3254 Folio 161

Volume 4147 Folio 471

Volume 4342 Folio 87.

Port MacDonnell

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of MacDonnell Bay bounded as follows: commencing at the intersection of high water mark and a line 100 metres westerly and parallel to the centre line of the breakwater, then generally south and east along the line to a point south-west of the eastern tip of the breakwater, then north-easterly along a line towards the south-east corner of Section 114, Hundred of MacDonnell to its intersection with high water mark, then generally westerly along high water mark to the point of commencement.

Port Pirie

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark in Germein Bay, Spencer Gulf, bounded as follows: commencing at a point on a line bearing 282°T and distant 13 nautical miles from Mount Ferguson (Latitude 33°06.34′S, Longitude 138°01.78′E) situate in Section 1, Hundreds of Telowie and Pirie, then by a line bearing 126°T to high water mark on the shore, generally easterly, generally southerly and generally northerly following that high water mark to a point being its intersection with a line bearing 71°T from the point of commencement, then west-south-westerly along the latter line to the point of commencement;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 1058 Folio 19

Volume 1066 Folio 122

Volume 1637 Folio 122

Volume 4358 Folio 898

Volume 4358 Folio 899

Volume 4358 Folio 900.

Port Stanvac

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the eastern side of Gulf St. Vincent bounded as follows:

- on the north-east by a line bearing 315° for three nautical miles from the intersection of the production westerly of the northern boundary of Section 572, Hundred of Noarlunga with high water mark (Latitude 35°05.50′S, Longitude 138°29.25′E approx.);
- on the south by a line bearing 270°T for three nautical miles from the intersection of the production westerly of the southern boundary of Section 618, Hundred of Noarlunga with high water mark (Latitude 35°07.50′S, Longitude 138°28.25′E approx.);
- on the north-west by a straight line connecting the extremities of those boundaries.

Port Wakefield

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of Gulf St. Vincent situated to the north of a line drawn from Sandy Point on the eastern shore to Mangrove Point on the western shore, but excluding an area commencing at a point being the intersection of the production easterly of the northern boundary of Wandilta Terrace, Town of Clinton, Hundred of Clinton, with the eastern edge of the mangroves along the western shore of Gulf St. Vincent, then westerly along that production and portion of boundary to high water mark, then generally northerly along high water mark to its intersection with the production south-easterly of the north-eastern boundary of Section 93 in the Hundred of Clinton; then generally southerly following that edge of the mangroves to the point of commencement.

Rapid Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within half of one nautical mile seaward of any part of the Rapid Bay Jetty.

Robe

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Guichen Bay, Lake Butler, including the entrance channel, as embraced within straight lines drawn from Cape Dombey to the outward point of Godfrey Island, and from there to Cape Thomas, and over three nautical miles to seaward, measured from any point on these lines.

Streaky Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark to the north and east of a line joining Point Brown to Point Westall.

Thevenard

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of portions of Denial Bay, Murat Bay, Bosanquet Bay, and D'Ecres Bay bounded as follows: commencing at low water mark, Cape Beaufort, Hundred of Moule, then true south for two nautical miles, then 150°T for 3.2 nautical miles, then 71°T on a straight line to low water mark at Wittelbee Point, Hundred of Bonython, then along low water mark in a westerly, northerly, westerly, and southerly direction to the point of commencement, and including—

- that portion of the foreshore 30.48 metres wide being 15.24 metres on each side of the centreline of the Denial Bay Jetty, situated opposite Main Street, Denial Bay, Hundred of Moule, extending from high water mark to low water mark;
- that portion of the foreshore 30.48 metres wide being 15.24 metres on each side of the centreline of the Murat Bay Jetty, situated opposite McKenzie Street, Ceduna, Hundred of Bonython, extending from high water mark to low water mark;
- that portion of the foreshore adjoining Block 1, Hundred of Bonython, bounded on the north by the production westerly of the northern boundary of that Block to low water mark, then southerly, south-westerly, and south-easterly along that low water mark to a point being the intersection of a line being the production southerly of the eastern boundary of that Block, then northerly along that line to high water mark, then generally north-westerly, westerly, and north-easterly along that high water mark to the point of commencement;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 3067 Folio 186

Volume 3475 Folio 138.

Venus Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Venus Bay, including the islands of the bay and the subjacent land underlying, and the adjacent land extending from, waters to the north of a straight line between Point Weyland and South Head.

Victor Harbor

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark bounded as follows: commencing at the intersection of high water mark and a line running 141° true from Rosetta Head, Hundred of Waitpinga; then south-westerly along that line for 0.5 nautical miles; then along a line 51° true to high water mark about 1.5 nautical miles eastward from Middleton, Hundred of Goolwa; then westerly and south-westerly along high water mark to the point of commencement.

Vivonne Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers creeks and inlets to high water mark to the north of a line joining Point Ellen to Mount Bloomfield.

Wallaroo

(a) The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that part of Wallaroo Bay bounded as follows:

- on the north by a line extending due west for three nautical miles from a point on high water mark at the south-west extremity on Point Riley;
- on the south by a line extending due west for three nautical miles from a point on high water mark at the northern extremity of Point Hughes;
- on the west by a line joining the seaward extremities of those north and south boundaries,

and including—

- an area commencing at the northern most corner of Block 15, Hundred of Wallaroo, then north-easterly at the south-eastern angle of 89°57′20″ for 30.81 metres, easterly at a southern angle of 157°26′30″ to a northern corner of Allotment 322, Town of Wallaroo, along north-western boundaries and north-eastern boundary of Allotment 322 generally south-westerly and north-westerly to the north-eastern boundary of Block 15, then along the latter boundary north-westerly to the point of commencement,

but excluding—

- the portion of the foreshore between the north-east boundary of Section 500, Hundred of Wallaroo, comprised in Certificate of Title Volume 1451, Folio 101, and a line being the production westerly of the south boundary of Section 929, Hundred of Wallaroo; and
- the portion of the foreshore between high water mark and low water mark and adjacent to Sections 924, 925, 928 and 929, Hundred of Wallaroo;

(b) the whole of the land comprised in Certificates of Title Register Book—

Volume 59 Folio 37

Volume 69 Folio 97

Volume 1736 Folio 149

Volume 5206 Folio 675.

Whyalla

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Spencer Gulf bounded as follows: commencing at point Latitude 33°03.75′S, Longitude 137°40.50′E, then by a straight line to Latitude 33°06.25′S, Longitude 137°37.00′E, then on a line bearing 319°T to high water mark, then generally north-easterly following high water mark to its intersection with a line bearing 319°T from the point of commencement, then from the latter line to the point of commencement but excluding that portion comprising land reclaimed as follows:

- that portion of Allotment 6 in DP 26386, Hundred of Randell, situated between Old Medium High Water Mark and the Toe of Bank of Reclaimed Area delineated on that Plan;

- that portion shown on DP 26386 as situated between the southern boundary of Allotment 7 and Medium High Water Mark;
- Allotment 3 in DP 26088, Hundred of Randell and Out of Hundreds (Whyalla).

Schedule 3A—Ports

Note—

The maps in this Schedule are provided for convenience of reference only.

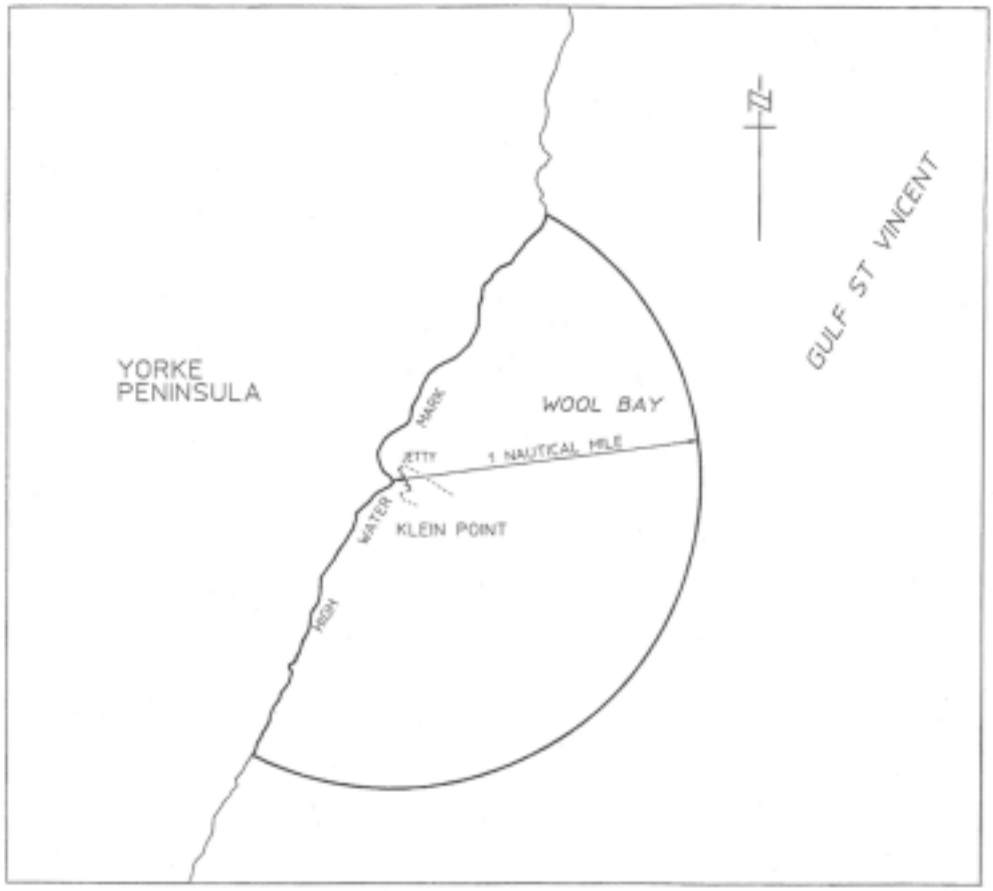
Ardrossan

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent bounded as follows:

Commencing at a point on high water mark distant 0.5 nautical miles north north-easterly of the centre line of the Ausbulk jetty; then by a line bearing 106°25′T to its intersection with eastern boundary of the harbor of Ardrossan; then by the boundary of the harbor of Ardrossan generally south south-westerly, west north-westerly, north north-easterly (along high water mark) to the point of commencement.

Klein Point

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent within one nautical mile seaward of the intersection of high water mark and the Klein Point jetty.



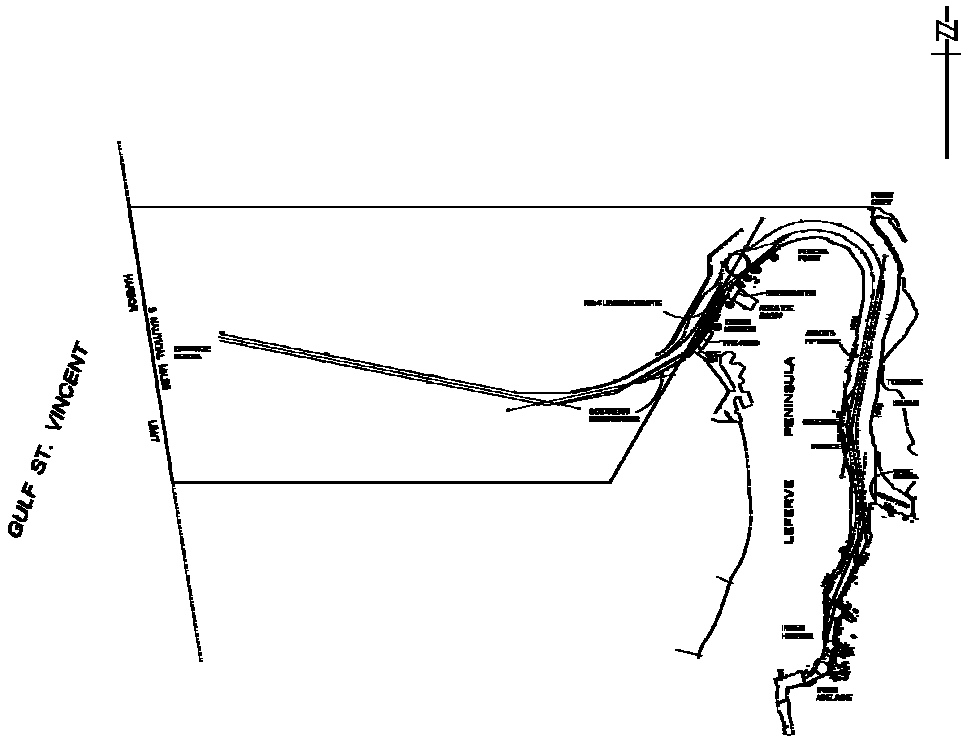
Port Adelaide

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark bounded as follows:

Commencing at Point Grey then due west along a line to its intersection with the western boundary of the harbor of Port Adelaide; then generally south south-easterly along the harbor boundary for 3 nautical miles; then along a line due east to its intersection with the south westerly production of the No 4 Leading Lights; then generally north easterly along the production to its intersection with high water mark on the southern face of the Southern Breakwater; then generally north easterly along high water mark to its intersection with south western boundary of Section 694 Hundred of Port Adelaide; then generally north westerly along the aforementioned boundary across the Southern Breakwater to its intersection with high water mark on the northern face of the Southern Breakwater; then generally north easterly along high water mark to the northern extremity of No 4 berth; then generally south easterly along high water mark to its intersection with the production southerly of the high water mark of the western face of the breakwater at the R.S.A.Y.S.; then generally north easterly along the production across the R.S.A.Y.S. Basin; then generally north westerly and north easterly along high water mark to Pelican Point; then generally south easterly and southerly along high water mark to its intersection with a line across the Port Adelaide River perpendicular to the high water mark alignment of No 12 berth commencing at its intersection with a 180 metre radial line from the north west corner of No 17 berth; then generally easterly along afore mentioned perpendicular line across the Port Adelaide River to its intersection with high water mark; then generally north and easterly along high water mark including Nos 2 and 3 docks to its intersection with the Wave Screen in North Arm; then generally northerly along the western face of the Wave Screen and its production to intersect with high water mark on Torrens Island; then generally northerly along high water mark to the point of commencement at Point Grey.

And including—Portion of Section 694 Hundred of Port Adelaide being the area described as easement E on FPX 43068

But excluding—Allotment 5 FP 102960


N
GULF ST. VINCENT
LEFEVRE PENINSULA

Port Giles

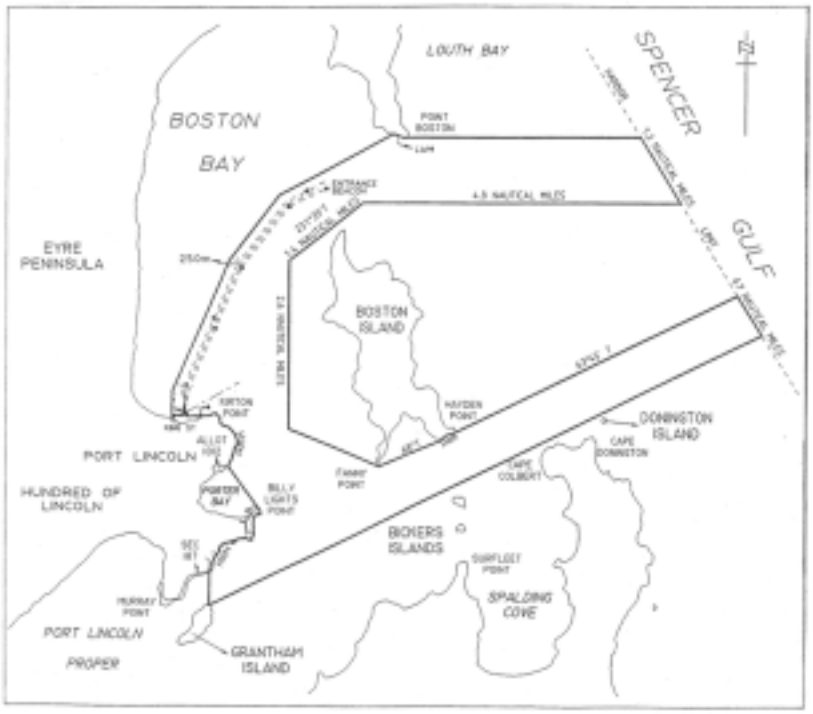
The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent bounded as follows:

Commencing at a point on high water mark one nautical mile due south of the intersection of the centre line of the Port Giles Jetty with high water mark; then by a line bearing due east from high water mark for three nautical miles; then by a line bearing due north for two nautical miles; then by a line bearing due west to high water mark; then generally southerly along high water mark to the point of commencement.

Port Lincoln

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Port Lincoln bounded as follows:

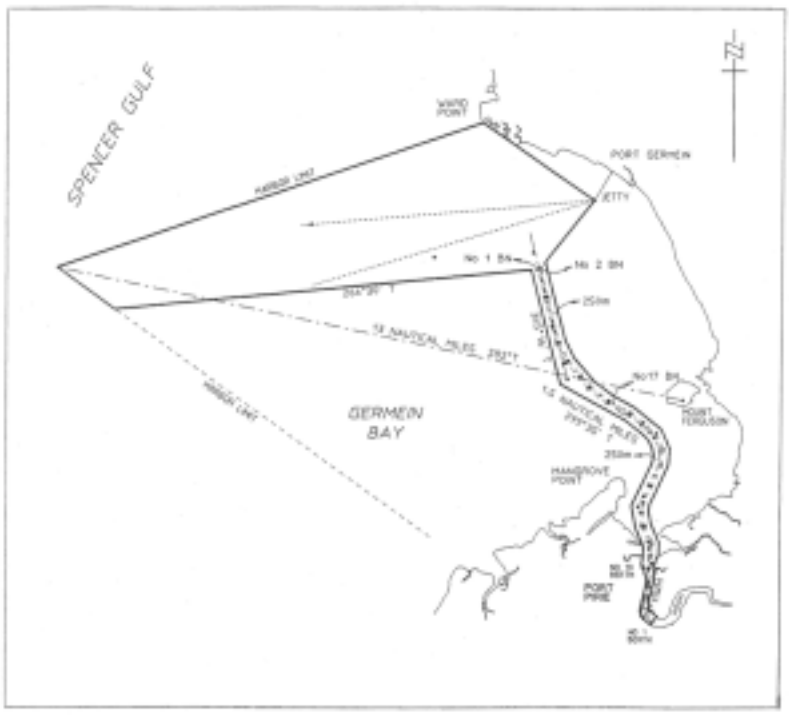
Commencing at the intersection with high water mark of a line running due north from the north-east corner of King and Porter Streets; then due north along the said line to its intersection with a line 250 metres from and parallel to the port side of the maintained channel; then generally north-easterly by a line 250 metres from and parallel to the port side of the maintained channel to a point adjacent the entrance beacon; then continuing generally north-easterly along the production of that line to its intersection with low water mark; then along low water mark to Point Boston; then due east along a line to its intersection with the eastern boundary of the harbor of Port Lincoln; then generally south-easterly along the harbor boundary for 1.2 nautical miles; then due west along a line for 4.8 nautical miles; then along a line bearing 231°39′T for 1.4 nautical miles; then due south along a line for 2.6 nautical miles; then generally south-easterly along a line to high water mark at Fanny Point; then along a line bearing 68°T or thereabouts to its intersection with high water mark on Boston Island; then along high water mark on Boston Island to Hayden Point; then by a line bearing 63°45′T to its intersection with the eastern boundary of the harbor of Port Lincoln; then generally south-easterly along the harbor boundary for 0.7 nautical miles; then generally south-westerly by a line to high water mark on the northern tip of Grantham Island; then due north along a line to its intersection with high water mark adjacent Section 187 Hundred of Lincoln; then generally north easterly and northerly along high water mark to Billy Lights Point; then by a line generally north-westerly to its intersection with high water mark and the western corner of Allotment 1012, Town of Port Lincoln; then generally northerly and westerly along high water mark to the point of commencement.



Port Pirie

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark in Germein Bay, Spencer Gulf, bounded as follows:

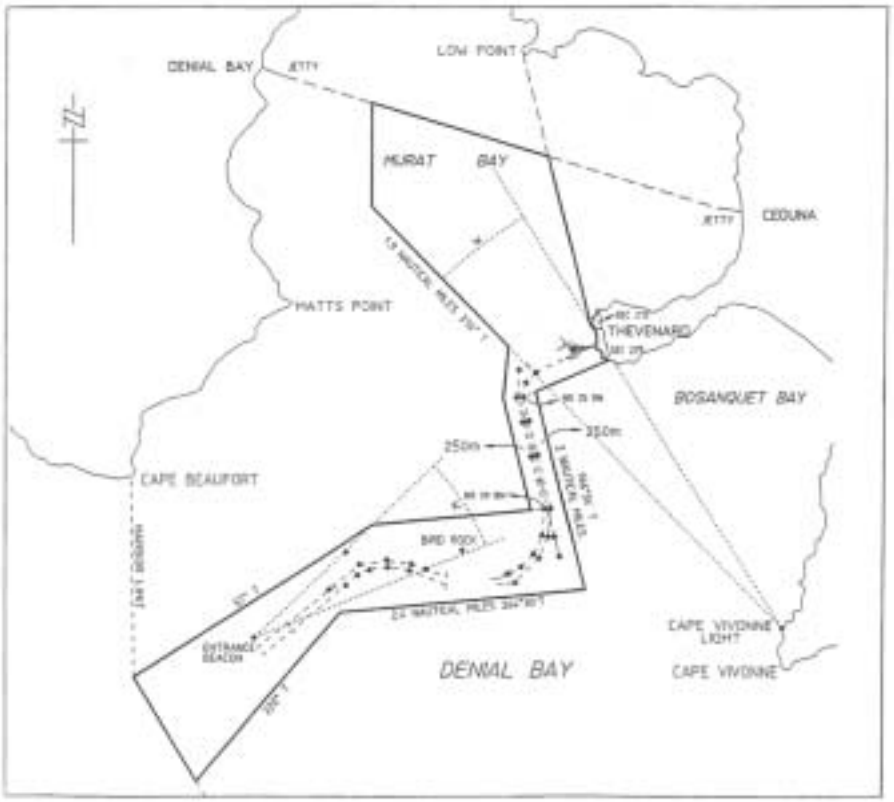
Commencing at a point on a line bearing 282°T and distance 13 nautical miles from Mount Ferguson (Latitude 33°06.34′S, Longitude 138°01.78′E); then generally north-easterly along the north-western harbor boundary to high water mark; then generally south-easterly along a line to the Port Germein jetty light; then generally south-westerly along a line joining No 2 port beacon to the intersection point of a line 250 metres from and parallel to the port side of the maintained channel; then generally southerly and south-easterly by a line 250 metres from and parallel to the port side of the maintained channel to its intersection with high water mark; then generally southerly along high water mark to a point being the prolongation of the southern extremity of No 1 berth Port Pirie across the Port Pirie River; then generally south-westerly across the Port Pirie River along that prolongation to the southern extremity of No 1 berth Port Pirie; then generally north-westerly and northerly along high water mark to the northern extremity of No 10 berth; then generally westerly along the No 10 berth to its intersection with high water mark; then generally northerly along high water mark to the intersection of a line 250 metres from and parallel to the starboard side of the maintained channel; then generally north and north-westerly by a line 250 metres from and parallel to the starboard side of the maintained channel to a point south-west of the No 17 starboard beacon; then by a line bearing 299°35′T for 1.5 nautical miles; then by a line bearing 345°16′T to the intersection point of a line bearing 264°30′T from No 1 starboard beacon; then by a line bearing 264°30′T to the intersection with the south-western limit of the harbor of Port Pirie; then generally north-westerly along the south-western limit of the harbor of Port Pirie to the point of commencement.



Thevenard

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Denial Bay, Murat Bay and Bosanquet Bay bounded as follows:

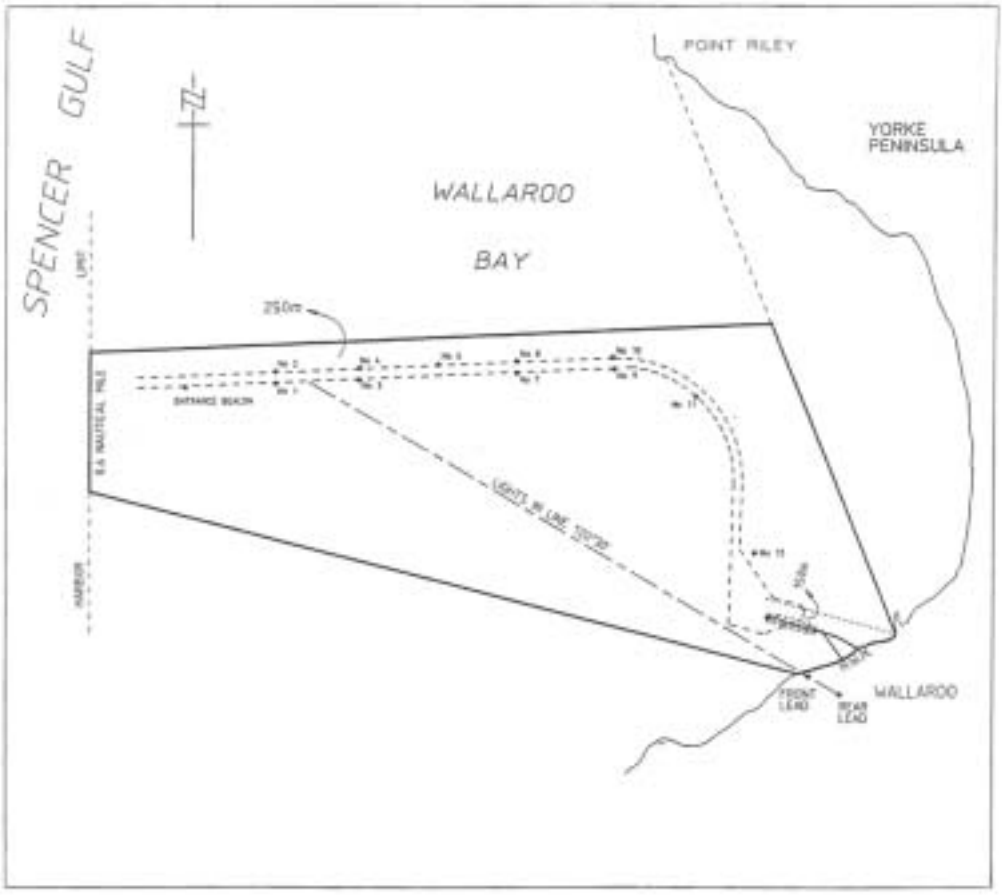
Commencing at a point at the intersection of high water mark and the production south-westerly of the northern western boundary of Section 212 Hundred of Bonython; then generally southerly along high water mark to the south western corner of Section 275 Hundred of Bonython; then generally west south-westerly along a line joining No 25 starboard beacon to the intersection point of a line 250 metres from and parallel to the starboard side of the maintained channel; then by that line bearing 166°34′T for 2 nautical miles; then by a line bearing 264°30′T for 2.4 nautical miles; then by a line bearing 220°T to its intersection with the south-western boundary of the harbor of Thevenard; then generally north-westerly along the harbor boundary to a point 2 nautical miles due south of Cape Beaufort; then by a line bearing 57°T to the intersection with a line bearing 46°T from the Entrance beacon (white sector light); then generally easterly by a line joining No 20 port beacon to the intersection point of a line 250 metres from and parallel to the port side of the maintained channel; then by a series of lines 250 metres from and parallel to the port side of the maintained channel to the intersection point with a line bearing 316°T from Cape Vivonne (white sector light); then by that line bearing 316°T for 1.9 nautical miles; then by a line bearing true north to the intersection point on a line joining Denial Bay jetty and Ceduna jetty; then along the said line generally east south-easterly to the intersection point of a line joining Low Point and the point of commencement; then generally southerly along that line to the point of commencement.



Wallaroo

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that part of Wallaroo Bay bounded as follows:

Commencing at a point on high water mark intersected by a line 150 metres north east and parallel to the northern face of the shipping pier; then generally north-westerly along a line joining high water mark at the south-west extremity of Point Riley to the intersection with a line being the production generally easterly of a line 250 metres from and parallel to the port side of the maintained channel; then generally westerly along that line to its intersection with western boundary of the harbor of Wallaroo; then generally southerly along the harbor boundary for 0.6 nautical miles; then generally east-south-easterly along a line joining the front lead to the intersection with high water mark; then generally north-easterly along high water mark to the point of commencement.



Schedule 4—Restricted areas—controls

(Part 4)

1—Interpretation of Schedule 4

(1) In this Schedule—

planing attitude means the attitude of a vessel when buoyancy has ceased to be its sole support and a proportion of its weight is supported by the dynamic lift resulting from the speed of the vessel through the water.

(2) In this Schedule, a reference to a control of a particular number is a reference to the regulation, restriction or prohibition of the relevant number listed below:

1 A person must not take a vessel into the specified waters or cause or permit a vessel to enter or remain in the specified waters.

2 A person must not operate a vessel fitted with an engine in the specified waters at a speed in excess of 4 knots or in a planing attitude.

3 A person must not operate a vessel in the specified waters at a speed in excess of 4 knots or in a planing attitude.

4 A person must not ski, aquaplane or be towed in any other manner by a vessel in the specified waters.

5 A person must not ski, aquaplane or be towed in any other manner by a vessel in specified waters at a speed in excess of 4 knots.

6 A person must not swim, bathe or dive (including scuba dive) in the specified waters.

7 A person must not swim, bathe or dive (including scuba dive) in the specified waters except for purposes connected with water skiing, aquaplaning or like activity.

7A A person must not swim or bathe in the specified waters except for purposes connected with scuba diving or snorkelling.

8 A person must not operate a vessel fitted with an engine in the specified waters.

8A A person must not operate a vessel fitted with an engine in the specified waters during the period between 1 October and 1 April (inclusive) in any year.

9 A person must not operate a vessel in the specified waters except for the purposes of water skiing, aquaplaning or like activity.

9A A person must not leave any fishing apparatus unattended in the specified waters.

10 A person must not moor a vessel, fish or trawl in the specified waters.

10A A person must not moor a vessel in the specified waters except at a permanent mooring facility established in the waters.

10B A person must not remove or interfere with a wreck or any part of a wreck in the specified waters.

11 A person must not—

(a) operate a vessel other than a personal watercraft; or

(b) swim, bathe or dive (including scuba dive) except for purposes connected with operating a personal watercraft,

in the specified waters.

12 A person must not operate a personal watercraft in the specified waters during the period between 1 May and 30 September (inclusive) in any year.

2—Table of controls

The following table sets out the controls applicable in restricted areas:

Restricted areas (defined in Schedule 5)	Controls applying in those areas	Additional controls applying in those areas
Angas Inlet	Controls 1 and 4 (but this does not apply in relation to a vessel in the specified waters for a purpose connected with the operation or maintenance of Torrens Island Power Station)	
Ardrossan Area 1	Controls 1 and 4	
Ardrossan Area 2	Control 2	
Balgowan Areas 1 and 2	Controls 3 and 5	
Black Point	Controls 3 and 5	
Blackfellow's Caves Area 1	Controls 3 and 5	
Blackfellow's Caves Area 2	Controls 1 and 4	
Blanchetown	Controls 3 and 5	
Blanchetown Area 2	Controls 2 and 5	
Brighton Areas 1 to 5	Controls 1 and 4	
Bucks Bay	Controls 1 and 4	
Caloote Landing Area 1	Controls 1 and 4	
Caloote Landing Area 2	Controls 3 and 5	
Clayton Bay	Controls 1 and 4	
Currency Creek	Control 2	
East Wellington	Controls 2 and 5	
Fisherman Bay	Controls 2 and 5	
Fleurieu Reef	Controls 3, 4, 7A, 10A and 10B	
Forbys Island	Controls 1 and 4	
Glenelg	Controls 3 and 5	
Glenelg River	Controls 3 and 5	

Restricted areas (defined in Schedule 5)	Controls applying in those areas	Additional controls applying in those areas
Goolwa Areas 1, 3 and 5	Controls 3 and 5	
Goolwa Areas 2, 4 and 6	Controls 2 and 5	
Goolwa Area 7	Control 11	
Goolwa Area 8	Controls 2 and 4	
Hog Bay	Controls 1 and 4	
Kellidie Bay	Controls 3 and 5	
Lake Bonney (Barmera Area 1)	Controls 1 and 4	
Lake Bonney (Barmera Area 2)	Controls 2 and 5	
Lake Bonney (South East)	Controls 1 and 4	
Lake Fellmongery Area 1	Control 8	A person must not operate a vessel that is not fitted with an engine at a speed in excess of 4 knots or in a planing attitude.
Lake Fellmongery Area 2	Controls 1 and 4	
Lake Fellmongery Area 3	Controls 7 and 9	A person must not— (a) operate a vessel at a speed in excess of 35 knots; or (b) operate a vessel or engage in water skiing, aquaplaning or like activity before 8.00 am or after sunset or 8.00 pm (whichever is the earlier) on any day; or (c) operate a vessel or engage in water skiing, aquaplaning or like activity if there are already eight vessels within the area. If there are eight vessels within the area and others waiting to use the area— (a) a vessel must not remain in the area for more than 30 minutes at any one time; and (b) unless otherwise agreed by the operators of all the vessels, vessels must enter the area in the order of their arrival at the area and then rotate turns in the same order.

Restricted areas (defined in Schedule 5)	Controls applying in those areas	Additional controls applying in those areas
		If the above control is contravened or not complied with, the operator of the vessel concerned is guilty of an offence against Part 4.
Lake Leake	Controls 1 and 4	
Mannum Areas 1 and 2	Controls 1 and 4	
Mannum Area 3	Controls 3 and 5	
Meningie	Controls 1 and 4	
Milang	Controls 1 and 4	
Moana	Controls 1 and 4	
Morgan and Cadell Areas 1 and 2	Controls 1 and 4	
Murray Bridge Area 1	Controls 3 and 5	
Murray Bridge Area 2	Control 8 (but this does not apply in relation to a vessel fitted with an engine that is in the area because of its official association with a rowing, sailing or similar race or practice)	In this area the river is divided into two channels and the usual rules of navigation apply in respect of each of those channels.
Murray Bridge (bathing) Areas 1 to 7	Controls 1 and 4	
Nildottie	Controls 2 and 5	
North Shields	Controls 3 and 5	
O'Sullivan Beach	Controls 2 and 6	
Point Turton Area 1	Controls 1 and 4	
Point Turton Area 2	Control 2	
Port Adelaide	Control 9A	
Port Bonython Zone 1	Controls 1 and 4	
Port Bonython Zone 2	Controls 1 and 4 but only while the berth operations signal at the seaward end of the jetty is signalling a single red light flashing at an approximate rate of one flash per second.	

Restricted areas (defined in Schedule 5)	Controls applying in those areas	Additional controls applying in those areas
Port Bonython Zone 3	Controls 1 and 4 but only while the berth operations signal at the seaward end of the jetty is signalling two red lights (in a vertical line 3 metres apart) flashing each at an approximate rate of one flash per second (so that together they flash at an approximate rate of two flashes per second).	
Port Elliot	Control 2	
Porter Bay	Controls 2 and 5	
Port Hughes	Control 6	
Port Neill	Controls 2 and 5	
Port Stanvac Areas 1 and 2	Controls 1 and 4	
Port Vincent Area 1	Controls 3 and 5	
Port Vincent Area 2	Control 8A	
Robe	Controls 3 and 5	
Semaphore	Control 6	
Stansbury Areas 1 and 2	Controls 3 and 5	
Swan Reach	Controls 1 and 4	
Thevenard	Control 6	
Thistle Island Areas 1 and 2	Control 10 but the prohibition on fishing does not apply in respect of the taking of abalone in Area 2 in accordance with a licence under the *Fisheries Act 1982*.	
Tumby Bay Areas 1 and 4	Controls 2 and 5	
Tumby Bay Areas 2 and 3	Control 7	
Tumby Bay Area 5	Controls 3 and 5	
Valley Lake Areas 1, 2 and 3	Controls 1 and 4	
Victor Harbor	Control 12	
Wallaroo Bay Area 1	Controls 2, 4 and 6	
Wallaroo Bay Area 2	Controls 1 and 4	
West Beach	Controls 4 and 6	
Whyalla Areas 1 and 3	Control 8	
Whyalla Area 2	Controls 3 and 5	
Whyalla Area 2A	Control 1	

Restricted areas (defined in Schedule 5)	Controls applying in those areas	Additional controls applying in those areas
Whyalla Areas 4 and 5	Controls 1 and 4	
Yatco Lagoon	Control 2	

3—Non-application of controls to certain vessels at Port Bonython, Port Stanvac and Whyalla

The controls set out in the table in clause 2 in relation to Port Bonython Zone 1, 2 and 3, Port Stanvac Areas 1 and 2 and Whyalla Areas 4 and 5 do not apply in relation to vessels of the following classes:

(a) vessels entering or remaining in the relevant area for the purposes of loading or unloading at the port facilities;

(b) vessels entering or remaining in the relevant area for purposes connected with the operation of the port facilities or the harbor.

Schedule 5—Restricted areas—delineation

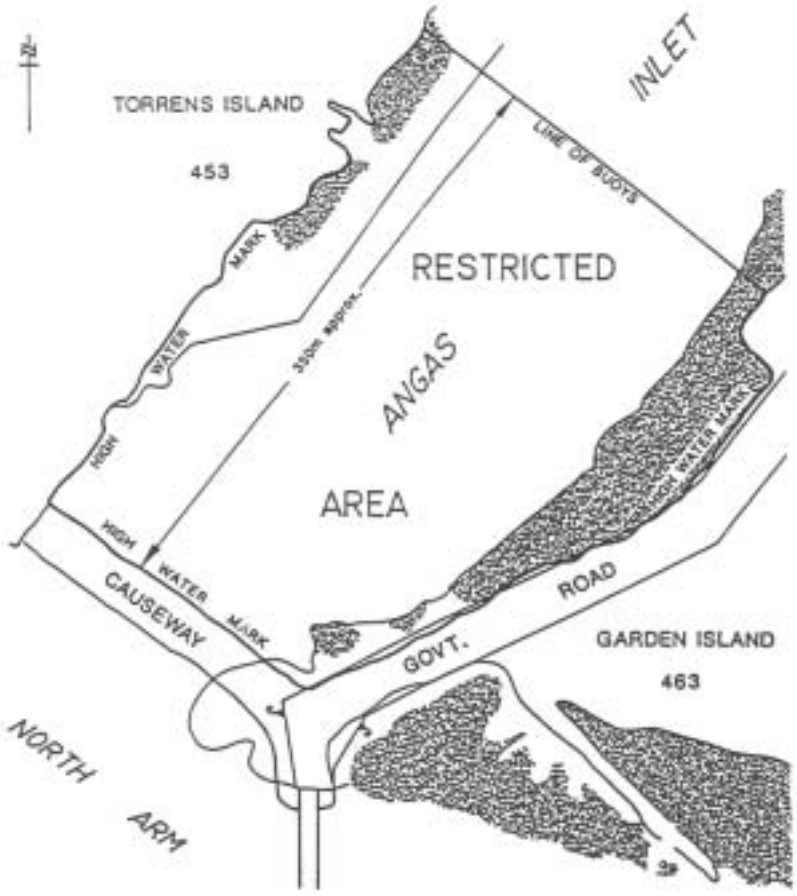
(Part 4)

Note—

Unless the contrary intention appears, the maps in this Schedule are provided for convenience of reference only.

Angas Inlet

The portion of Angas Inlet that is bounded as follows: commencing at a point where median high water mark on Torrens Island intersects the line of buoys, then south-east along the line of buoys to a point where median high water on Garden Island intersects the line of buoys, then south-west along median high water mark to the Causeway, then north-west along median high water mark to the point of commencement.

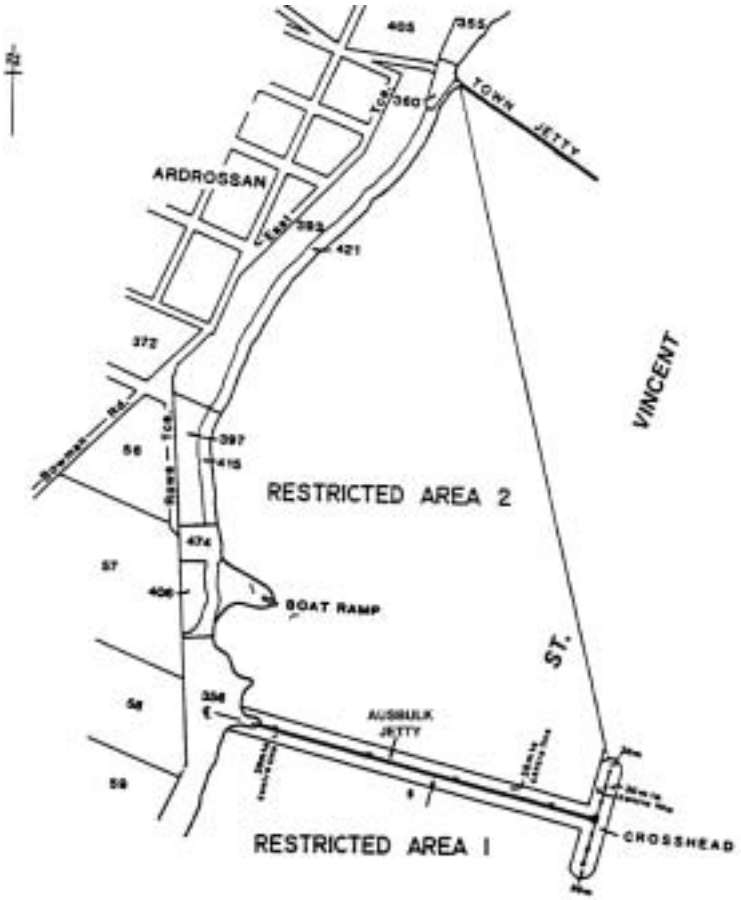


Ardrossan

Area 1: the area of the sea at Ardrossan extending for 30 metres north and south of the Ausbulk jetty centre line and its production westerly, 30 metres east and west of the Ausbulk jetty crosshead centre line, and 30 metres from the intersections of that centre line with the north and south ends of the Ausbulk jetty crosshead.

Area 2: the area of the sea at Ardrossan bounded as follows:

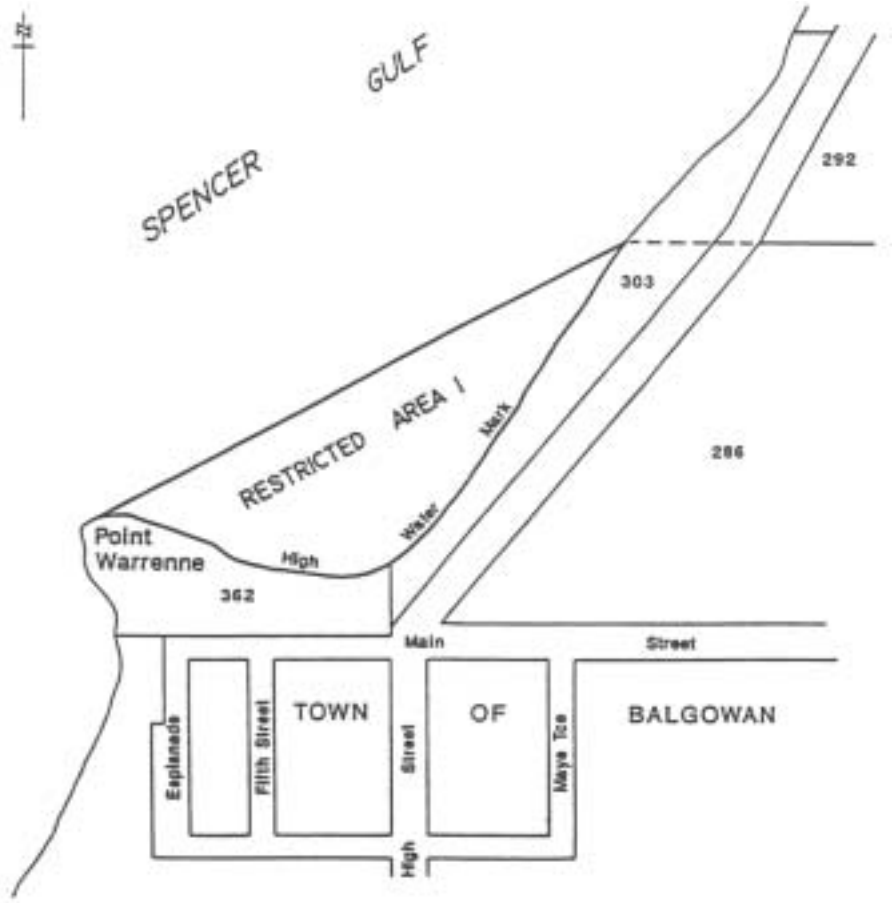
- on the east by a straight line commencing at the intersection of the south-west side of the town jetty and high water mark and drawn in a south-easterly direction toward the north-east corner of the Ausbulk jetty crosshead: to a point where it intersects with a straight line 30 metres west of and parallel to the Ausbulk jetty crosshead centre line and its production northerly;
- on the south by a straight line 30 metres north and parallel to the Ausbulk jetty centre line and its production westerly;
- on the west and north-west by high water mark.



Balgowan

Area 1: the portion of the sea at Balgowan bounded as follows:

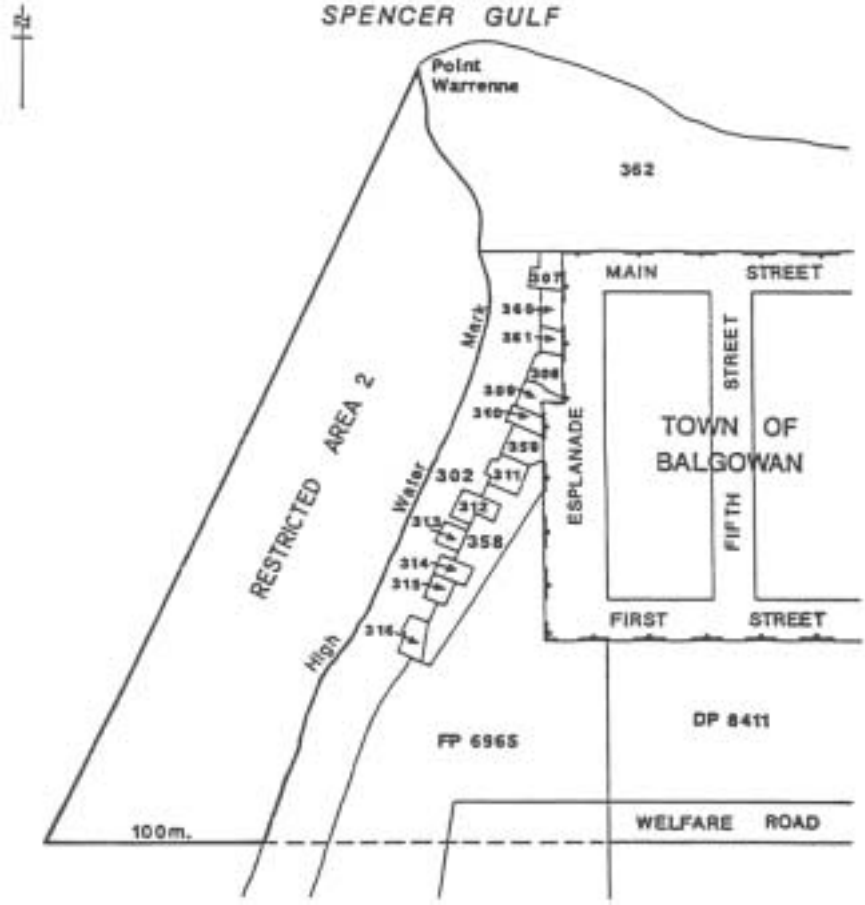
- on the north-west by a straight line joining Point Warrenne with a point being the intersection of the high water mark and the prolongation seaward of the northern boundary of Section 286, Hundred of Kilkerran;
- on the south and east by the high water mark.



Balgowan

Area 2: the portion of the sea at Balgowan bounded as follows:

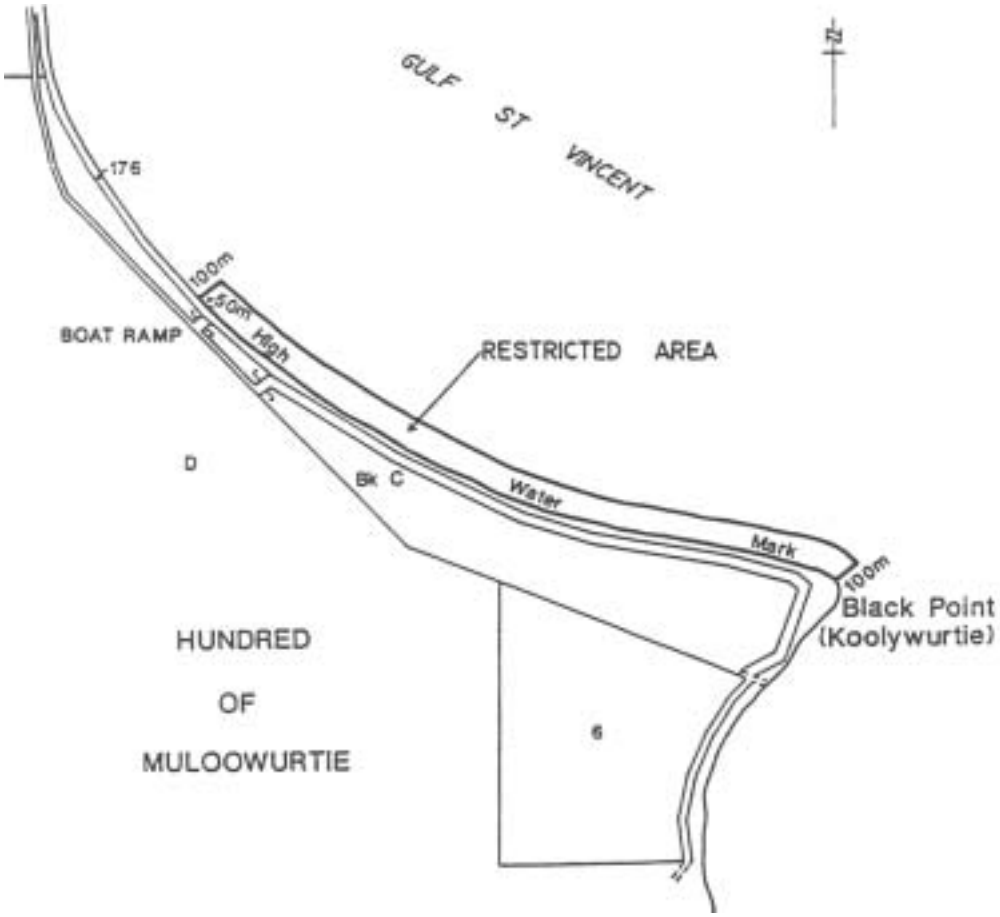
- on the west by a straight line joining Point Warrenne with a point being 100 metres west of the high water mark on the prolongation seaward of the southern boundary of Welfare Road, Township of Balgowan, Hundred of Kilkerran;
- on the south by a straight line commencing at high water mark and extending seaward for 100 metres along the prolongation of the southern boundary of Welfare Road, Township of Balgowan, Hundred of Kilkerran;
- on the east by the high water mark.



Black Point

The portion of the sea at Black Point bounded as follows:

- on the north-west by a straight line commencing 50 metres north-west of the boat ramp and extending seaward (north-easterly) for 100 metres from the high water mark;
- on the south-east by a straight line parallel to the north-east boundary and extending 100 metres seaward from the high water mark at Black Point;
- on the north-east by a straight line 100 metres from, and parallel to, the high water mark, and joining the seaward extremities of the north-west and south-east boundaries;
- on the south-west by the high water mark.



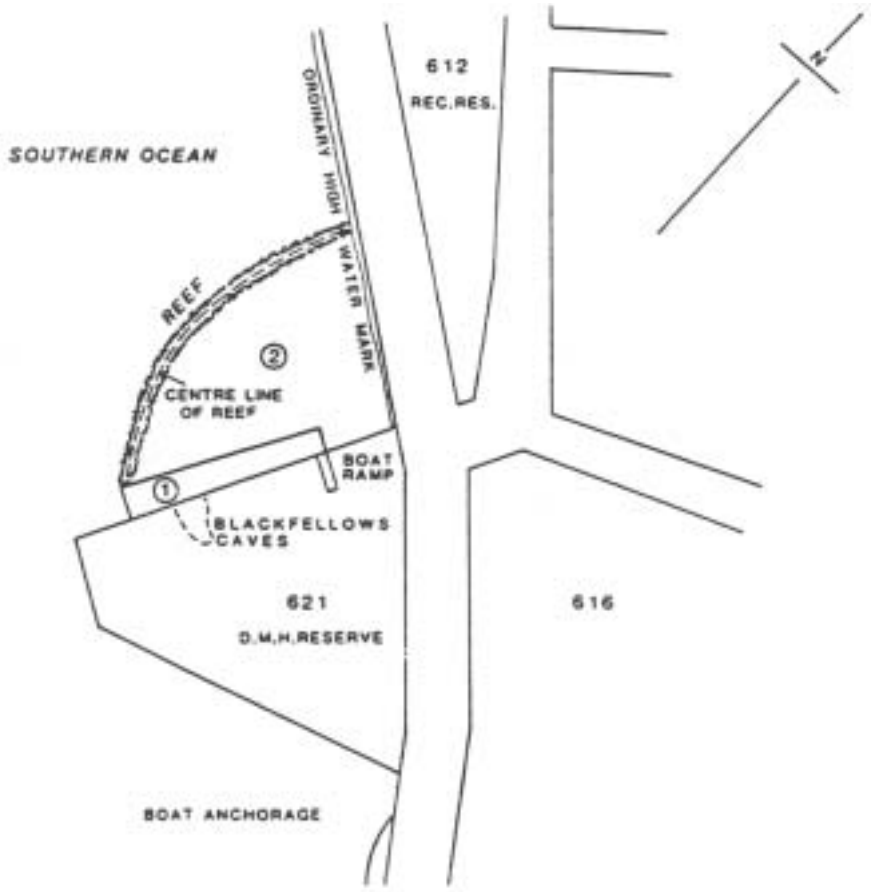
Blackfellows' Caves

Area 1: the portion of the sea at Blackfellows' Caves bounded as follows:

- on the south-east by the north-west boundary of section 621, Hundred of Kongorong;
- on the north-east by a straight line being the prolongation north-westerly of the north-east edge of the boat ramp for a distance of 10 metres seawards from the aforesaid south-east boundary;
- on the south-west by a straight line extending south-easterly from the south extremity of the centre line of the reef to intersect the aforesaid south-east boundary at right angles;
- on the north-west by a straight line joining the north-west extremities of the aforesaid south-west and north-east boundaries.

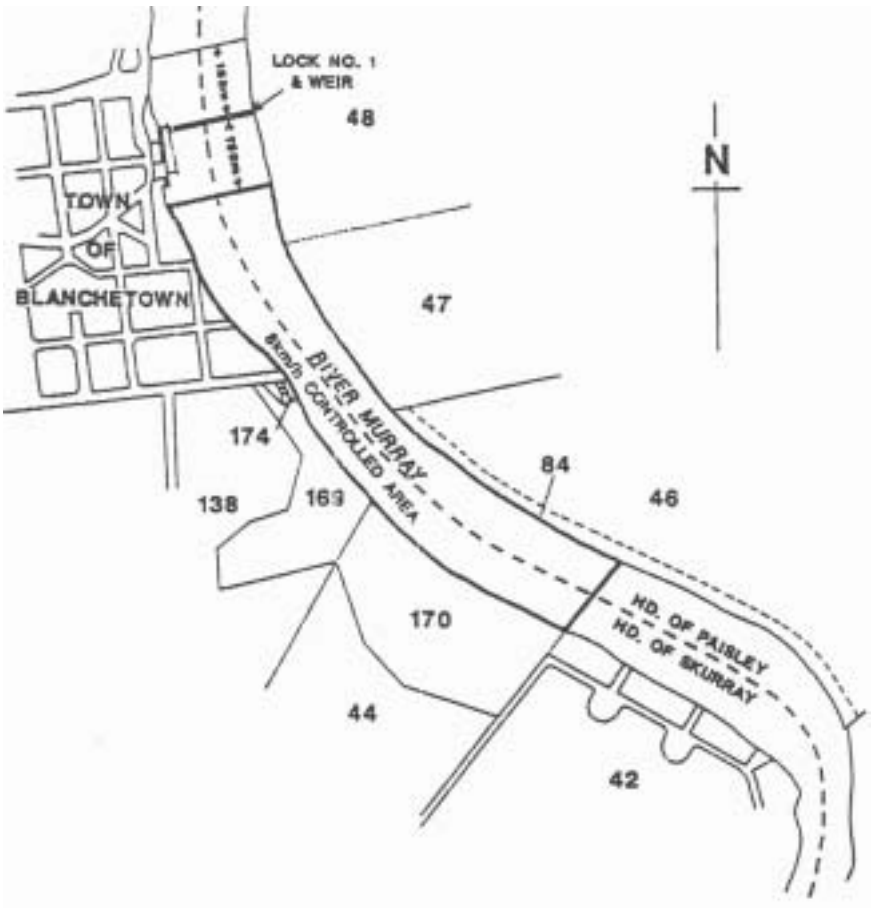
Area 2: the portion of the sea at Blackfellows' Caves bounded as follows:

- on the south-west, west and north-west by the centre line of the reef;
- on the north-east by ordinary high water mark;
- on the south-east by the north-west and north-east boundaries of Area 1 and the north-west boundary of Section 621, Hundred of Kongorong.



Blanchetown

The portion of the River Murray at Blanchetown delineated in bold on the plan below:



Blanchetown Area 2

Area 2: the portion of the River Murray at Blanchetown bounded as follows:

- on the north by the northern alignment of the Sturt Highway road bridge;
- on the south by the northern alignment of Lock No. 1;
- on the east and west by the river edge.

Brighton

Area 1: the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the north boundary of the City of Brighton adjoining the sea coast and its production seaward;
- on the south by a straight line being the production seaward of the north alignment of Whyte Street;
- on the east by high water mark;
- on the west by a line approximately 100 metres seaward of and parallel to low water mark.

Area 2: the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the south alignment of Harrow Road;
- on the south by a straight line extending seaward of high water mark and being 200 metres north of and parallel to the north alignment of Gladstone Road;
- on the east by high water mark;
- on the west by a line approximately 100 metres seaward of and parallel to low water mark.

Area 3: the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the south alignment of Downing Street;
- on the south by a straight line being the production seaward of the south alignment of Cambridge Terrace;
- on the east by high water mark;
- on the west by a line approximately 100 metres seaward of and parallel to low water mark.

Area 4: the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the north alignment of Oleander Street;
- on the south by a straight line extending seaward of high water mark and being 200 metres north of the centre of the boat ramp at Maitland Terrace and parallel to the north alignment of Maitland Terrace;
- on the east by high water mark;
- on the west by a line approximately 100 metres seaward of and parallel to low water mark.

Area 5: the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line extending seaward form the south extremity of the Seacliff Surf Life Saving Club building;

- on the south by a straight line, being the south boundary of the City of Brighton adjoining the sea coast, and its production seaward;
- on the east by high water mark;
- on the west by a line approximately 100 metres seaward of and parallel to low water mark.

Bucks Bay

The portion of the sea at Bucks Bay bounded as follows:

- on the north-west by a straight line joining the south-east corner of the toilet block adjacent to the southern access road to the beach and the north-west extremity of the promontory forming the southern limit of the bay, the line being further defined by two yellow marker posts, the first post on the northern side of the junction of the access road with the beach, the second post being on the north-west extremity of the promontory;
- on the south and east by High Water Mark.

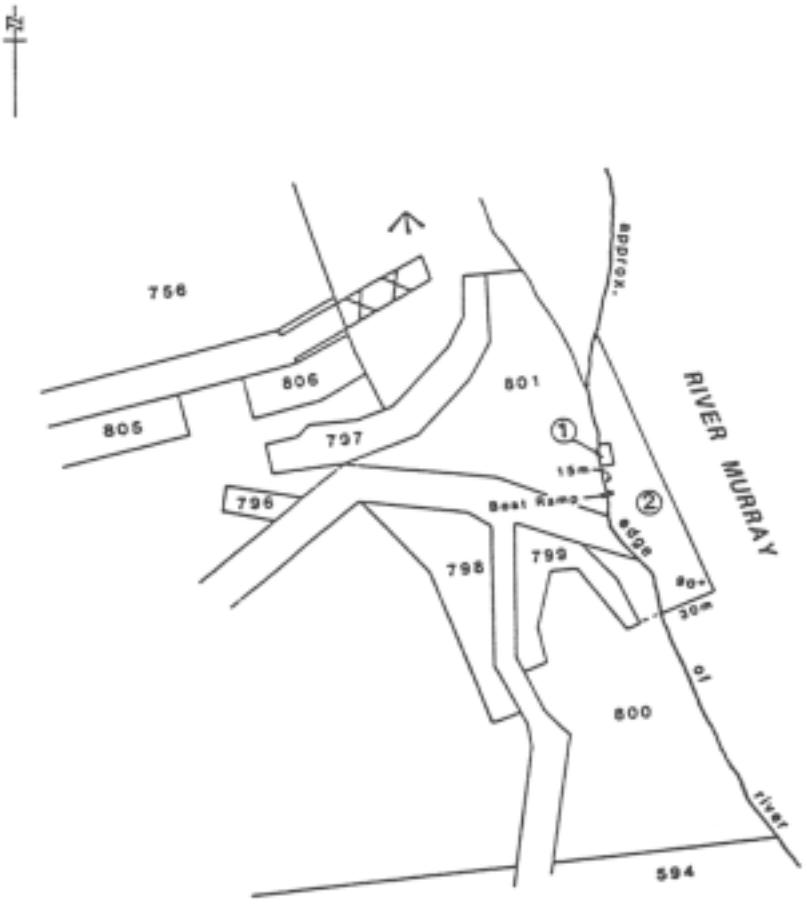
Caloote Landing

Area 1: the portion of the River Murray near Caloote Landing bounded as follows:

- on the west by the river edge;
- on the north, east and south by lines of spherical marker buoys being flame orange in colour, the south boundary being a distance of 15 metres north of the boat ramp.

Area 2: the portion of the River Murray near Caloote Landing bounded as follows:

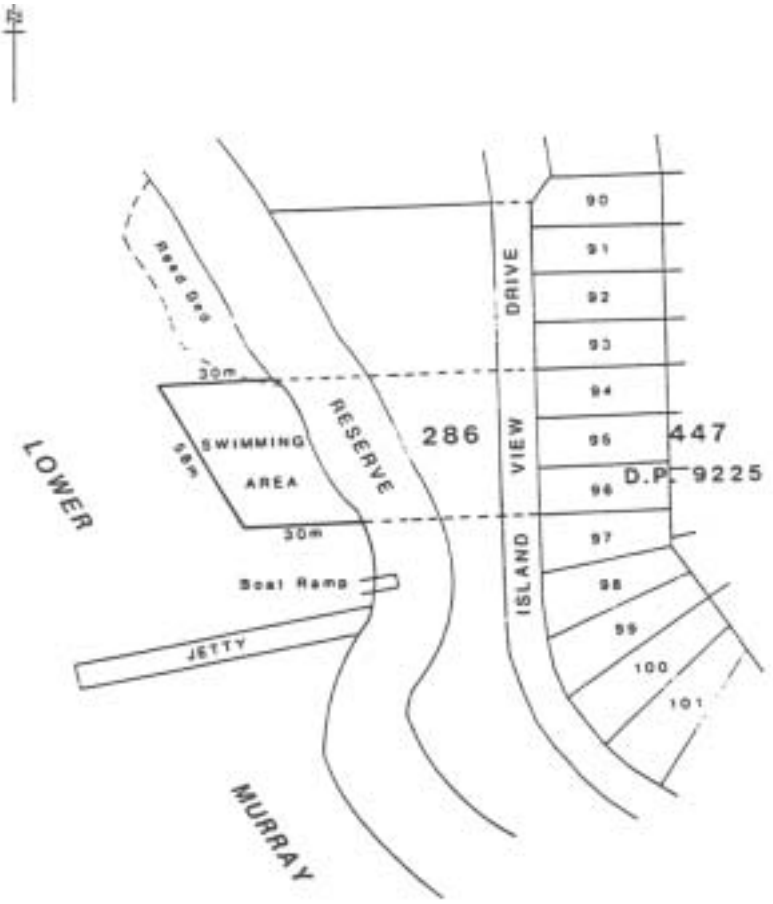
- on the south by a straight line being the prolongation easterly of the most southerly boundary of Section 799, Hundred of Finniss for a distance of 30 metres easterly from the river edge;
- on the east by a straight line at right angles to the aforesaid south boundary commencing at its east extremity and extending to intersect the river edge;
- on the west by the river edge.



Clayton Bay

The portion of the lower River Murray at Clayton bounded as follows:

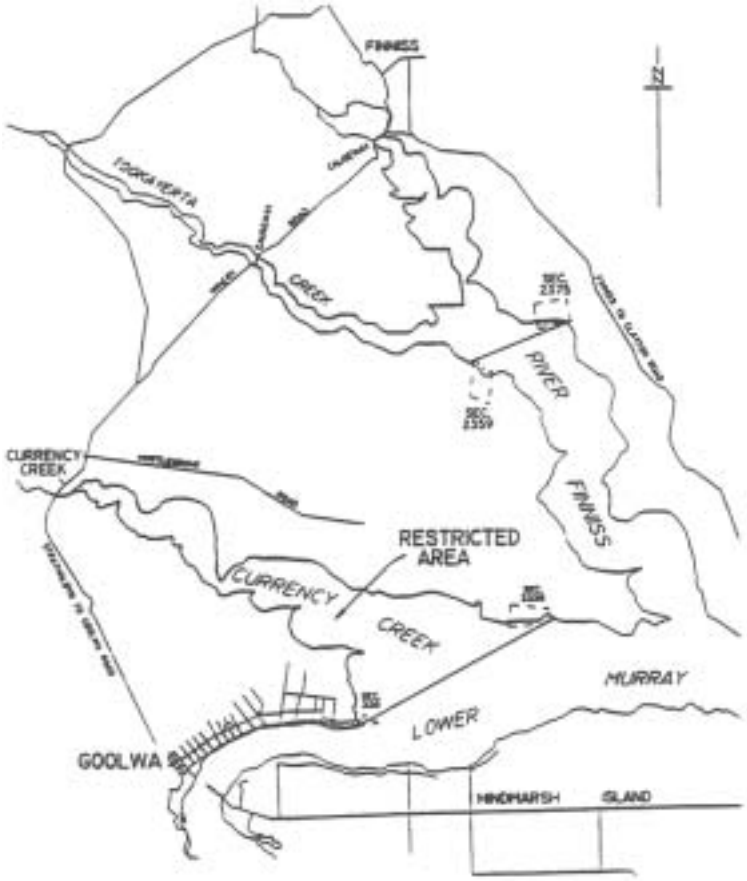
- on the north by a straight line, marked by flame orange spherical buoys, being the prolongation westerly of the north boundary of Lot 94 in D.P. 9225 Section 447, Hundred of Alexandrina for a distance of 30 metres westerly from the edge of the water;
- on the south by a straight line, marked by flame orange spherical buoys, being the prolongation westerly of the north boundary of Lot 97 in D.P. 9225 Section 447, Hundred of Alexandrina for a distance of 30 metres westerly from the edge of the water;
- on the south-west by a straight line joining the west extremities of the aforesaid north and south boundaries;
- on the north-east by the edge of the water.



Currency Creek

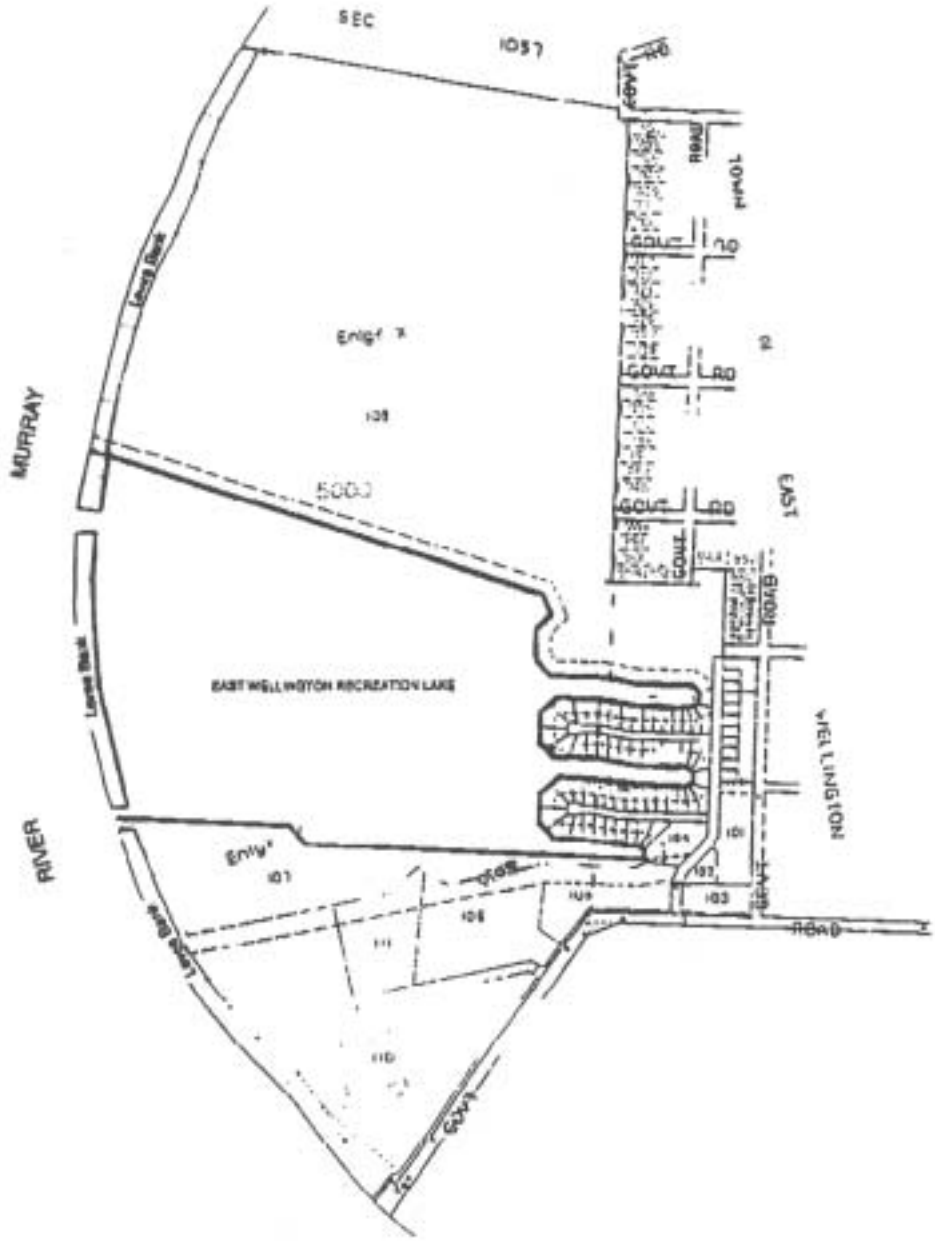
All the waters of Currency Creek bounded as follows:

- on the west by the causeway on the Goolwa to Strathalbyn Road;
- on the south-east by a line joining the south-west corner of Section 330, Hundred of Goolwa to the south-east corner of Section 2338, Hundred of Nangkita.



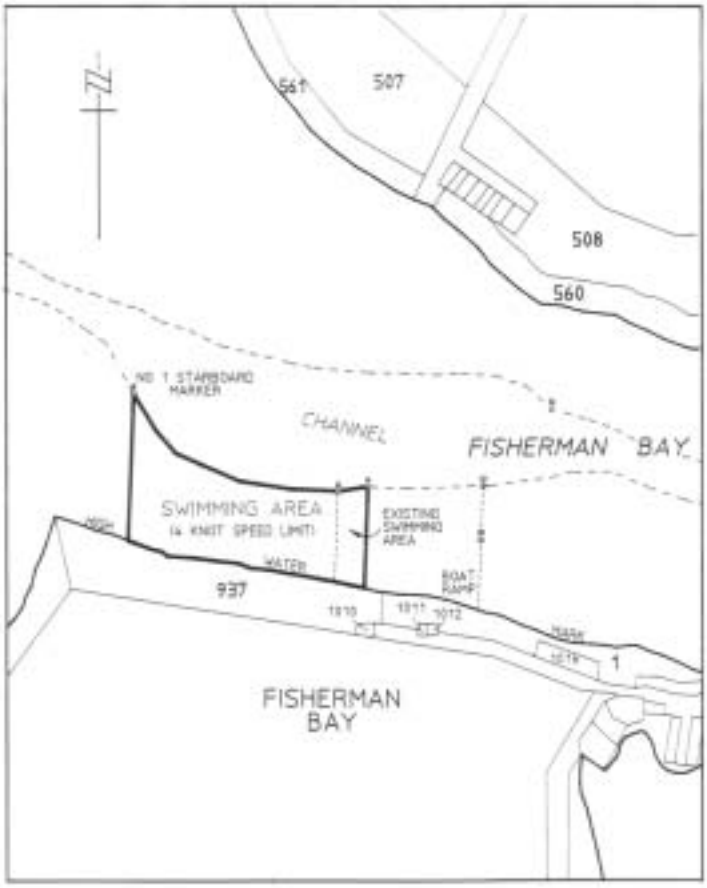
East Wellington

The portion of the East Wellington Recreation Lake delineated in bold on the plan below:



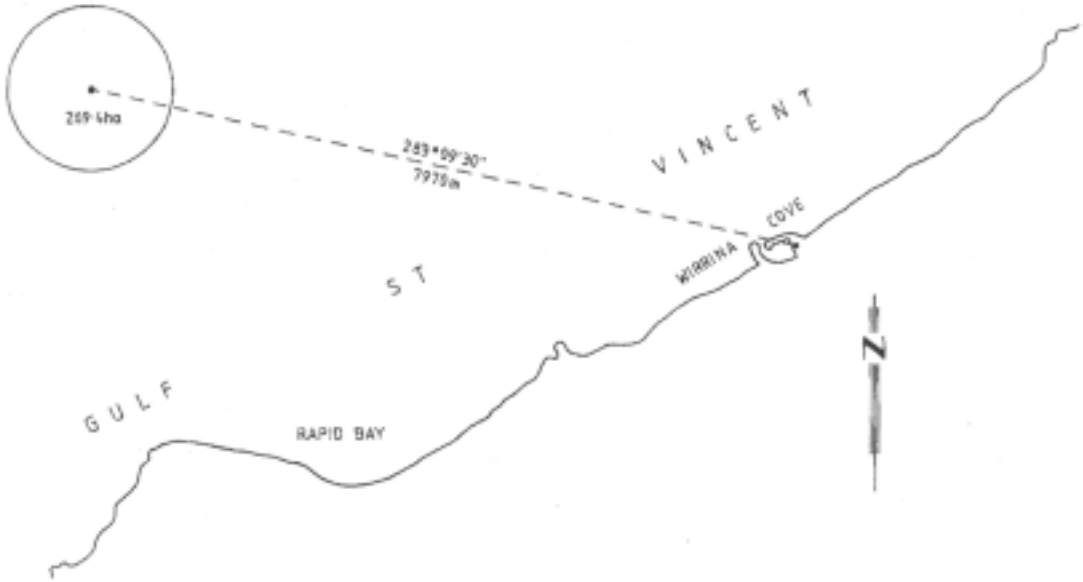
Fisherman Bay

The portion of the waters of Fisherman Bay delineated in bold on the plan below:



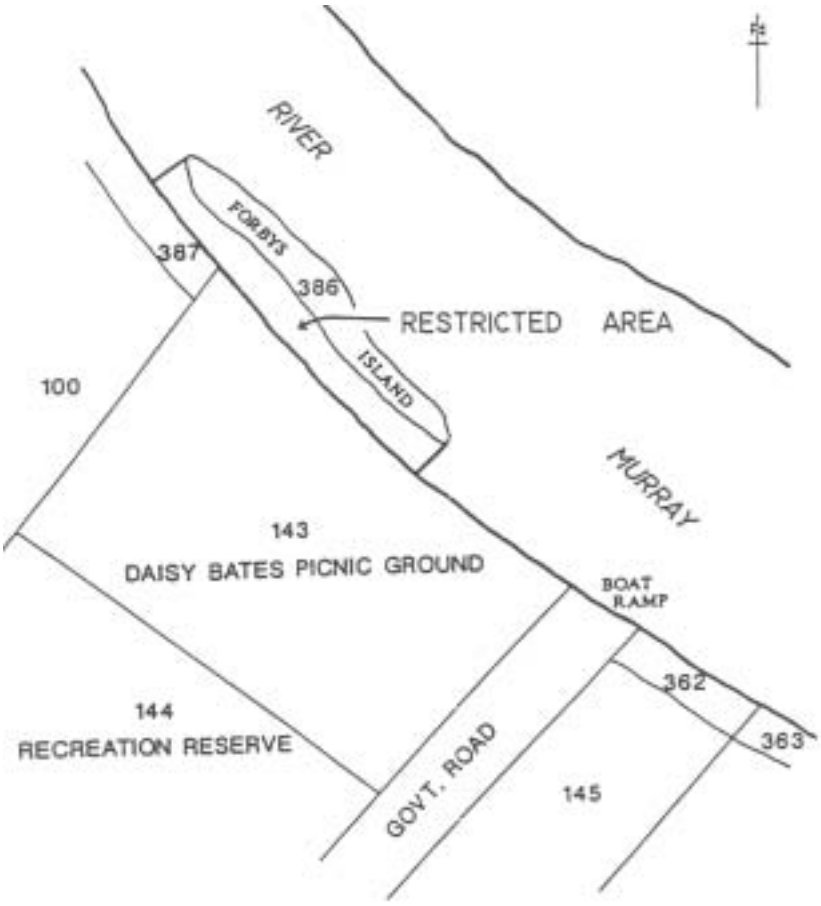
Fleurieu Reef

The portion of the waters of Gulf St. Vincent off the coast of Wirrina Cove bounded by a circle of radius 0.5 of a nautical mile centred on a point at latitude 35° 28.9′ south, longitude 138° 09.5′ east.



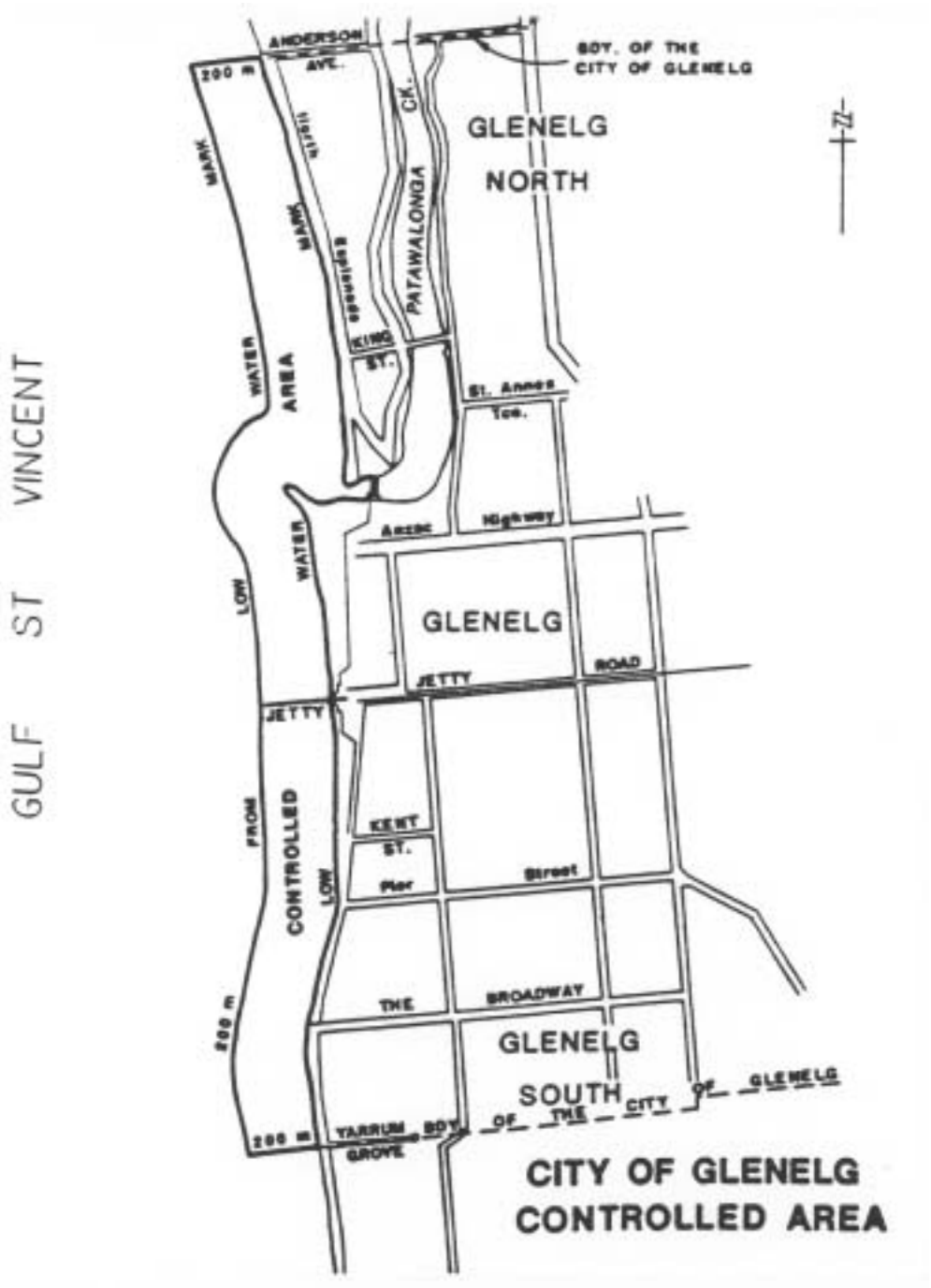
Forbys Island

The portion of the River Murray (near Loxton) between Forbys Island and the south-west edge of the river, marked by flame orange spherical buoys.



Glenelg

The portion of the sea at Glenelg delineated in bold on the plan below:



Glenelg River

All the waters of the Glenelg River within the State.

Goolwa

Area 1: The portion of the River Murray at Goolwa bounded as follows:

- on the west by a straight line being the prolongation northerly of the western boundary of Section 476, Hundred of Nangkita, Hindmarsh Island;
- on the north-west by a line 30 metres from, and parallel to the edge of the water;
- on the north-east by a straight line being the prolongation north-westerly of the north-eastern boundary of FP11193;
- on the south by the edge of the water on the north side of Hindmarsh Island.

Area 2: the portion of the River Murray at Goolwa bounded as follows:

- on the east by the prolongation southerly of the eastern boundary of New Orleans Street;
- on the south by a line 60 metres from and parallel to the edge of the water;
- on the west by a straight line 100 metres upstream from and parallel to the Hindmarsh Island Bridge;
- on the north by the edge of the water.

Area 3: the portion of the River Murray at Goolwa bounded as follows:

- on the south-west by a straight line 100 metres downstream from the south-east corner of the Goolwa wharf and at right angles to the production of the face of the wharf;
- on the north-west by the edge of the water;
- on the north by a straight line 50 metres downstream from the south-east corner of the Goolwa wharf and at right angles to the edge of the water;
- on the south-east by a line 30 metres from and parallel to the edge of the water.

Area 4: those portions of the River Murray and the Coorong in the vicinity of the Murray Mouth bounded as follows:

- on the east and west by lines bearing 025° (true) and 300 metres distant from the centre (for the time being) of the Murray Mouth;
- on the north by the edge of the water on the southern side of Hindmarsh Island;
- on the south-west by the edge of the water on the River Murray side of Sir Richard Peninsula;
- on the south-east by the edge of the water on the Coorong side of Younghusband Peninsula;
- on the south by a straight line across the Murray Mouth joining the westerly extremity of Younghusband Peninsula to the easterly extremity of Sir Richard Peninsula.

Area 5: the portion of the Mundoo Channel to the edge of the water bounded as follows:

- on the north-east by a straight line 150 metres downstream and parallel to the south-west side of the Mundoo Barrage;
- on the south by a straight line bearing 315° (true) from the A.G.A. light on Mundoo Island.

Area 6: those portions of the River Murray and the Coorong in the vicinity of the Murray Mouth bounded as follows:

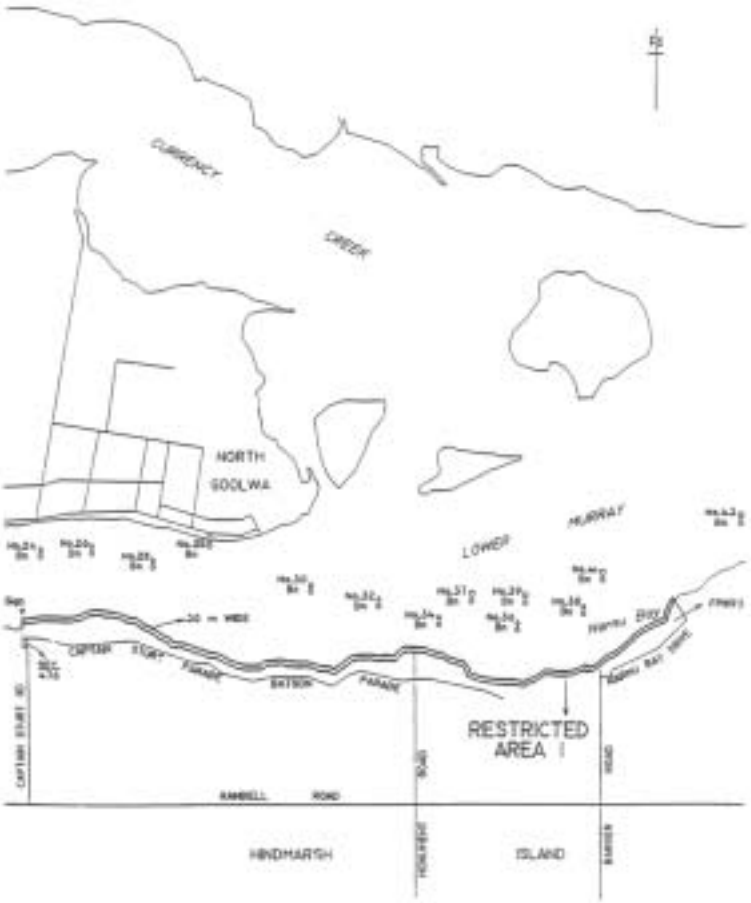
- on the north by the edge of the water on the southern side of Hindmarsh Island;
- on the west by a line bearing 030° (true) from No. 4 beacon;
- on the east by a line bearing 315° (true) from the A.G.A. light on Mundoo Island;
- on the south by a line 30 metres from and parallel to the edge of the water.

Area 7: the portion of the River Murray at Goolwa bounded as follows:

- on the east by a straight line extending 300 metres northwards from a point 20 metres from the southern waters edge, parallel to and 600 metres upstream from the Goolwa Barrage;
- on the west by a straight line extending 300 metres northwards from a point 20 metres from the southern waters edge, parallel to and 750 metres upstream from the Goolwa Barrage;
- on the north by a straight line joining the northern extremities of the eastern and western boundaries;
- on the south by a line parallel to and 20 metres from the edge of the water.

Area 8: the portion of the River Murray at Goolwa bounded as follows:

- on the south by a straight line from a point on the edge of the water at Goolwa 100 metres downstream from the southern end of the Goolwa wharf to a point on the western side of Hindmarsh Island, 70 metres south of the northern corner of the Hindmarsh Island end of the causeway;
- on the east by the edge of the water on the western side of Hindmarsh Island;
- on the north by a line from a point on the edge of the water at Goolwa 100 metres upstream from the northern face of the Hindmarsh Island Bridge, then parallel to the northern face of the Bridge to the point at which that line intersects a line perpendicular to the Bridge extending from the tip of the causeway in a generally north-easterly direction, then along the latter line to the tip of the causeway, then along the northern face of the causeway;
- on the west by the face of the Goolwa wharf and the edge of the water.


CURRENCY
CREEK
NORTH
SCOTLWA
LOWER
MURRAY
RESTRICTED
AREA
HINDMARSH
ISLAND

N
NEW ORLEANS STREET
LIVERPOOL ROAD
No.22 Bn
RESTRICTED AREA 2
No.20 Bn
LOWER MURRAY
GOOLWA
RESTRICTED AREA 8
HINDMARSH ISLAND
RESTRICTED AREA 3
No.18 Bn

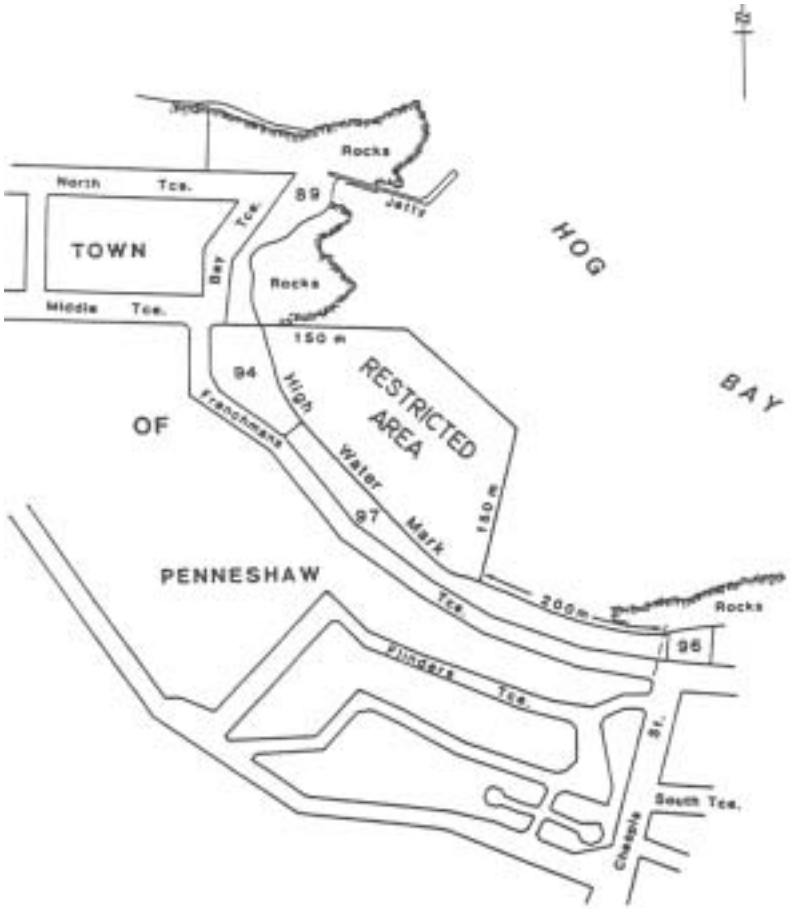
HINDMARSH ISLAND
ROAD
ROAD
CHURCHILL
HURRAY MOUTH ROAD
RESTRICTED AREA 6
RESTRICTED AREA 5
RESTRICTED AREA 4
MUNDOO
CHANNEL
MUNDOO ISLAND
GOOLWA CHANNEL
SIR RICHARD PENINSULA
ENCOUNTER BAY
HURRAY MOUTH
COORONG CHANNEL
YOUNGHUSBAND PENINSULA
BOUNDARY VARIABLE -TO BE 300 METRES EITHER SIDE OF CENTRE OF HURRAY MOUTH

No.27 Bn
HINDMARSH ISLAND
No.26 Bn
LOWER
No.25 Bn
MURRAY
RESTRICTED AREA 7
Sign
300 m
300 m
No.23A Bn
350 m
20 m
150 m
150 m
Ramp
RAMP
JETSKI HIRE AREA
Ramp
BARRAGE
Sign
150 m
50m
BARRAGE
SIR
RICHARD
PENINSULA
ROAD

Hog Bay

The portion of the sea at Hog Bay on Kangaroo Island bounded as follows:

- on the north by a straight line being the prolongation of the south boundary of Middle Terrace for a distance of 150 metres seawards from high water mark;
- on the east by a straight line parallel to the west boundary of Cheopis Street and commencing at a point 200 metres westerly along high water mark from the prolongation of the west boundary at Cheopis Street, and extending 150 metres seaward from high water mark;
- on the north-east by a straight line joining the seaward extremities of the north and east boundaries;
- on the south-west by the high water mark.

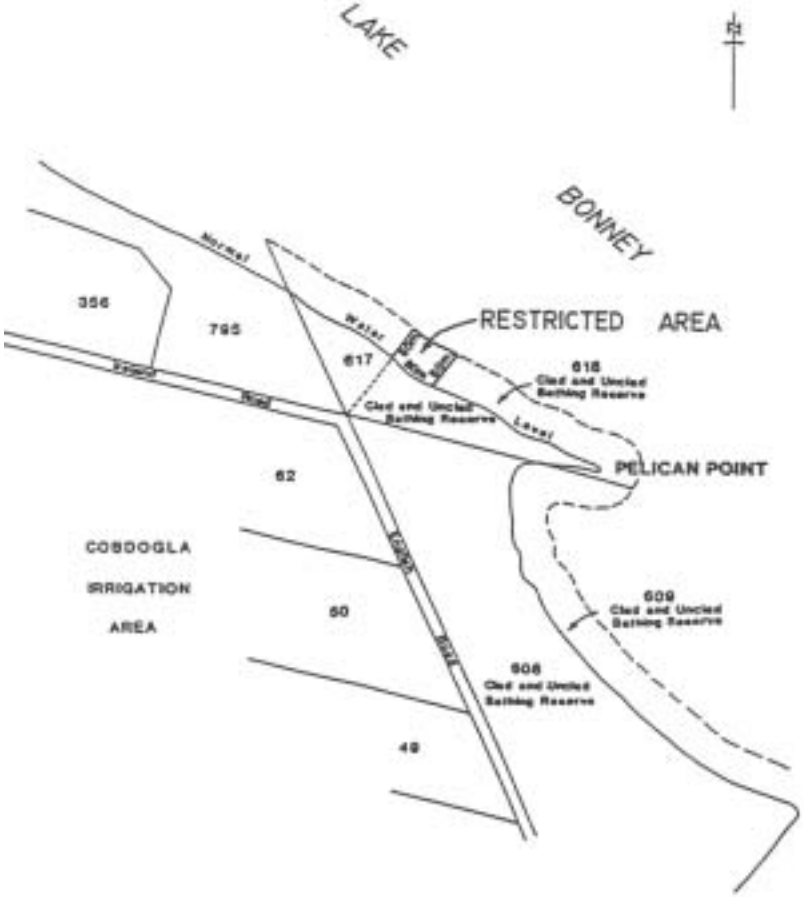


Kellidie Bay

The portion of the sea at Kellidie Bay bounded as follows: commencing at a point being the southern corner of section 2147 North Out of Hundreds, then north-west along high water mark to its intersection with the north-eastern corner of section 278 Hundred of Lake Wangary, then north along a straight line to its intersection with high water mark at section 631 Hundred of Lake Wangary, then south-west along high water mark to its intersection with the south-western corner of Section 2146 North Out of Hundreds, then south-east along the south-western boundary of Section 2146 North Out of Hundreds to its southern corner, then east along its southern boundary to its south-eastern corner and then north along its eastern boundary to its north-eastern corner, then south-east along a straight line to its intersection with high water mark at a point being the prolongation of the north boundary of Seaview Road, then south along high water mark to its intersection with the eastern corner of section 2147 North Out of Hundreds, then north-west along the north-eastern boundary to its northern corner, then south-west along the north-western boundary to its western corner, then south-east along its south-eastern boundary to the point of commencement, but excluding Goat Island (Section 913 Hundred of Lake Wangary).

Lake Bonney (Barmera Area 1)

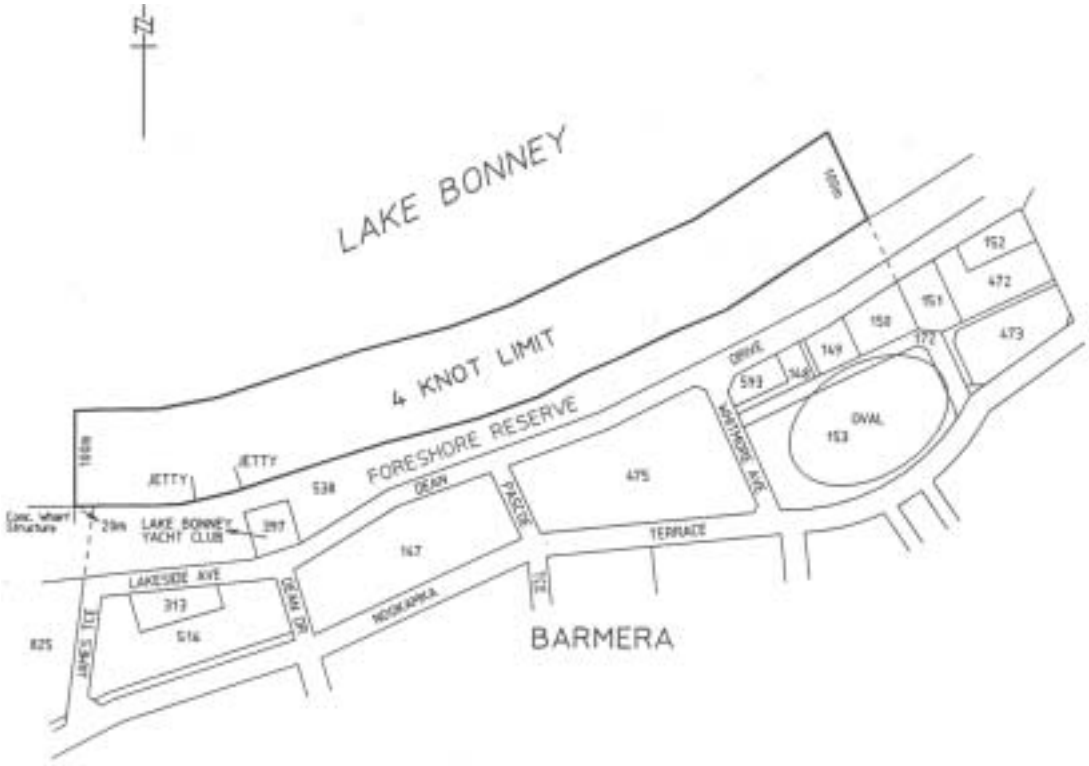
The portion of Lake Bonney marked out by flame orange spherical buoys and yellow marker posts.



Lake Bonney (Barmera Area 2)

The portion of Lake Bonney bounded as follows:

- on the north by a line 100 metres from, and parallel to, the edge of the water;
- on the east by the prolongation, north-westerly, of the boundary between Section 150 and Section 151 in the Cobdogla Irrigation Area;
- on the south by the edge of the water;
- on the west by a straight line from the eastern end of the concrete wharf (approximately 20 metres west of the prolongation, northerly, of the western boundary of James Terrace) and at right angles to the edge of the water.



Lake Bonney (South East)

All the waters of Lake Bonney.

Lake Fellmongery

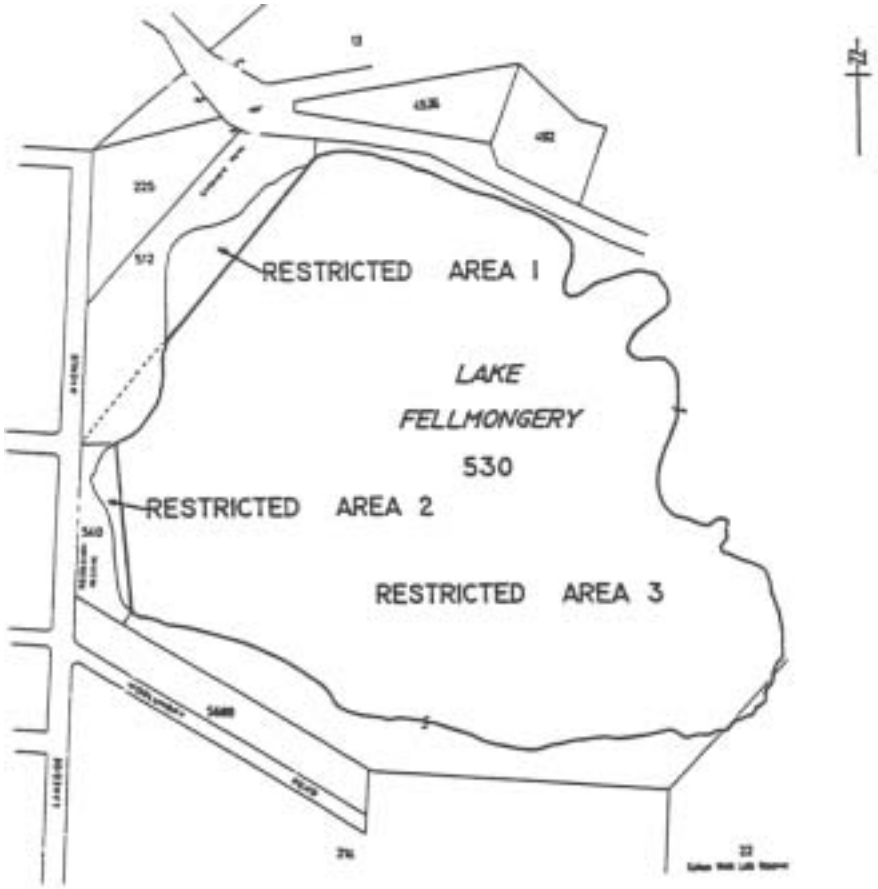
Area 1: the portion of Lake Fellmongery at Robe bounded as follows:

- on the south-east by a straight line joining the southerly extremity of the most easterly boundary of Section 512, Hundred of Waterhouse, to the intersection of the north alignment of Tobruk Avenue and the west alignment of Lakeside Avenue, the line being marked by a yellow marker post at each of its two intersections with the edge of the water, and by a line of marker buoys on the lake;
- on the west and north-west by the edge of the water.

Area 2: the portion of Lake Fellmongery at Robe bounded as follows:

- on the east by a straight line joining the north-east corner of Section 540, Hundred of Waterhouse, to the south-east corner of allotment 1 in Lands Titles Office Deposited Plan 5689; the line being marked by a yellow marker post at each of its two intersections with the edge of the water, and by a line of marker buoys on the lake;
- on the south-west and north-west by the edge of the water.

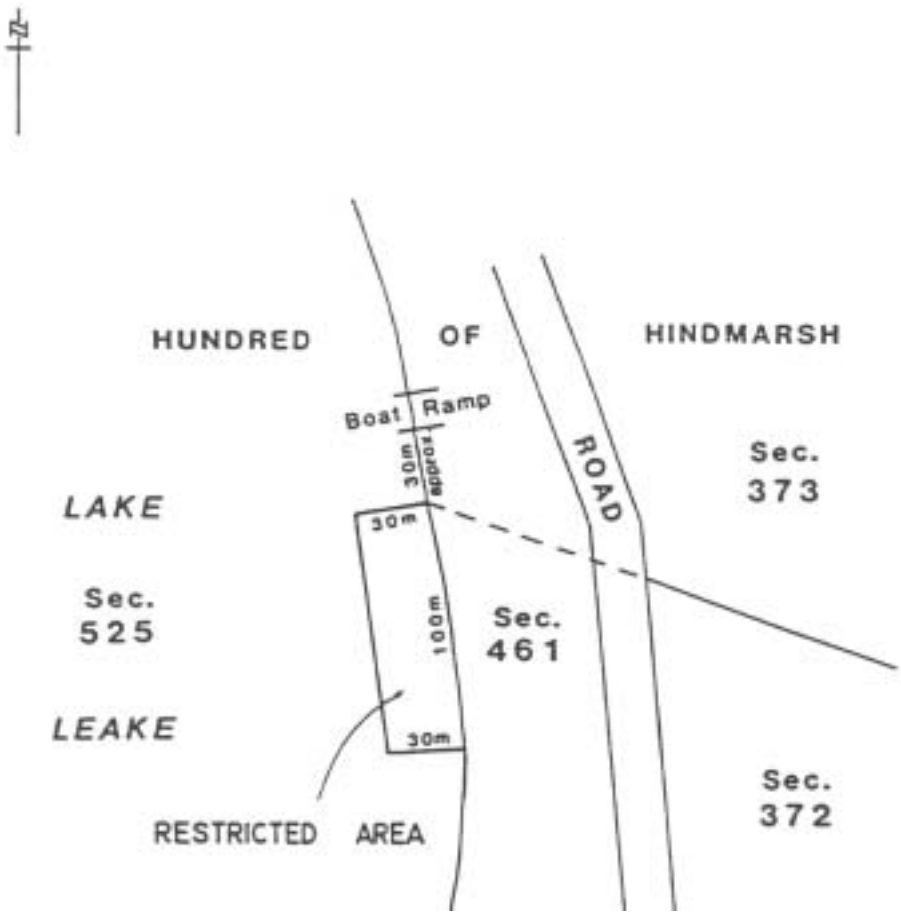
Area 3: the portion of Lake Fellmongery not included in Areas 1 and 2.



Lake Leake

The area of Lake Leake bounded as follows:

- on the north by a straight line commencing at a point, being the intersection of the east boundary of Section 525 Hundred of Hindmarsh and the north-westerly production of the north-east boundary of Section 372 Hundred of Hindmarsh, and extending westerly at right angles to the water's edge for a distance of 30 metres;
- on the east by a line extending southerly along the east boundary of Section 525 Hundred of Hindmarsh from the north boundary for a distance of 100 metres;
- on the south by a straight line commencing at the south extremity of the east boundary and extending westerly at right angles to the water's edge for a distance of 30 metres;
- on the west by a straight line joining the west extremities of the north and south boundaries.



Mannum

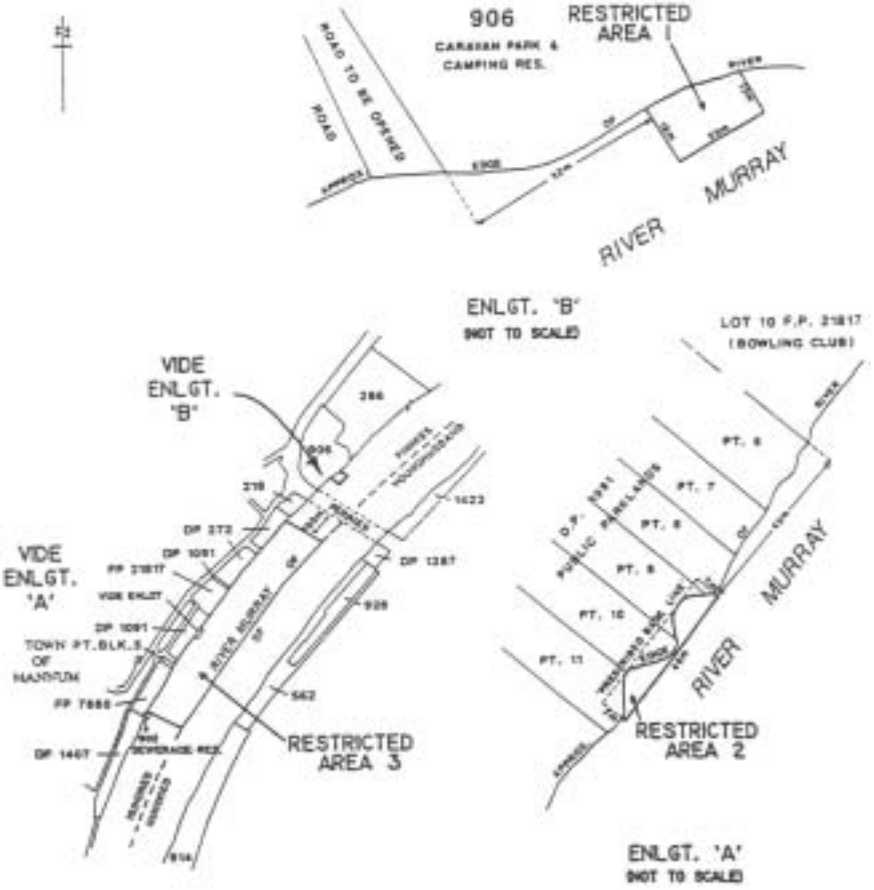
Area 1: the portion of the River Murray at Mannum bounded as follows:

- on the south-west, by a straight line from the edge of the water for a distance of 16 metres in a south-easterly direction parallel to and at a perpendicular distance of 52 metres north-east of the prolongation of the south-western boundary of Section 906, Hundred of Finniss;
- on the north-east, by a straight line from the edge of the water for a distance of 12 metres in a south-easterly direction parallel to and at a perpendicular distance of 77 metres north-east of the prolongation of the south-western boundary of Section 906, Hundred of Finniss;
- on the south-east, by a straight line joining the southern extremities of the south-western and north-eastern boundaries;
- on the north-west, by the edge of the water.

Area 2: the portion of the River Murray at Mannum bounded as follows:

- on the south-west, by a straight line in a south-easterly direction from the prescribed base line parallel to and at a perpendicular distance of 85 metres south-west of the prolongation of the south-western boundary of Allotment 10 in Filed Plan 21817, Hundred of Finniss for a distance of seven metres perpendicular to the prescribed base line;
- on the north-east, by a straight line in a south-easterly direction from the prescribed base line parallel to and at a perpendicular distance of 45 metres south-west of the prolongation of the south-western boundary of Allotment 10 in Filed Plan 21817, Hundred of Finniss for a distance of seven metres perpendicular to the prescribed base line;
- on the south-east, by a straight line joining the southern extremities of the south-western and north-eastern boundaries;
- on the north-west, by the edge of the water.

Area 3: the portion of the waters of the River Murray at Mannum delineated in bold on the plan below as Area 3.


906
CARAVAN PARK & CAMPING RES.
RESTRICTED AREA 1
ROAD TO BE OPENED
ROAD
RIVER MURRAY
ENLGT. 'B'
NOT TO SCALE
VIDE ENLGT. 'B'
VIDE ENLGT. 'A'
TOWN PT. BLK. 3 OF HAMILTON
RESTRICTED AREA 3
LOT 10 F.P. 21817 (BOWLING CLUB)
PT. 6
PT. 7
PT. 8
PT. 9
PT. 10
PT. 11
RESTRICTED AREA 2
ENLGT. 'A'
NOT TO SCALE

Meningie

The portion of Lake Albert at Meningie bounded as follows:

- on the south, by a straight line being the prolongation of the north boundary of Allotment 75 in Development Plan 16240, Hundred of Bonney commencing from the water's edge and extending in a westerly direction for a distance of 75 metres;
- on the west, by a straight line perpendicular to the south boundary commencing at its western extremity and extending in a north-easterly direction for a distance of 100 metres;
- on the north-east, by the southern side of the Meningie boat ramp commencing at the water's edge and extending in a north-westerly direction for a distance of 18 metres;
- on the north-west, by a straight line joining the northern extremity of the west boundary with the western extremity of the north-east boundary;
- on the east, by the water's edge.

Milang

The portion of Lake Alexandrina at Milang bounded as follows:

- on the north-east by a straight line parallel to and 50 metres from a straight line joining piles A and B;
- on the north-west by a straight line commencing at pile A then heading north-east to intersect the north-eastern boundary at right angles;
- on the south-east by a straight line commencing at pile B then heading north-east to intersect the north-eastern boundary at right angles;
- on the south-west by the north-eastern face of the jetty between piles A and B.

Moana

The portion of the sea at Moana bounded as follows:

- on the north by a straight line west of and parallel to the north side of Third Avenue, that line passing through the south extremity of the pedestrian ramp to the beach and extending for 255 metres west of the east alignment of the Esplanade;
- on the south by a straight line west of and parallel to the south side of the west end of Nashwauk Crescent, that line passing through the north extremity of the vehicle ramp to the beach and extending for 270 metres west of the east alignment of the Esplanade;
- on the west by a straight line joining the west extremities of the north and south boundaries;
- on the east by High Water Mark.

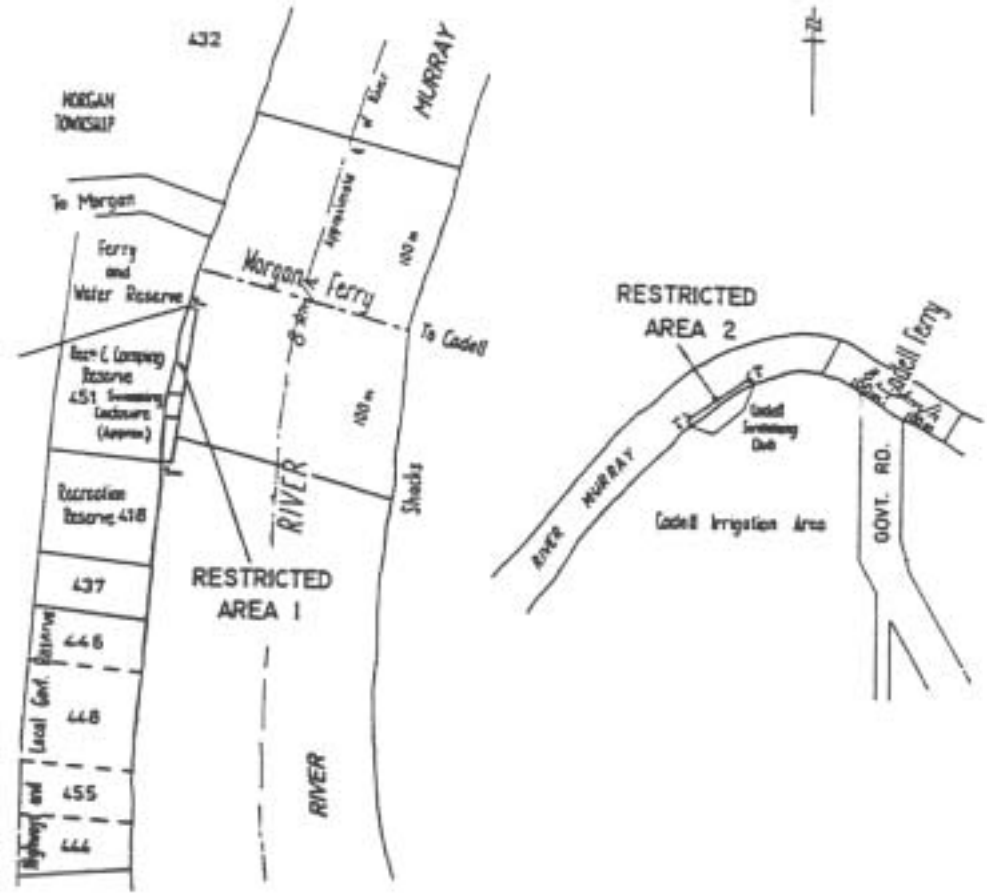
Morgan and Cadell

Area 1: the portion of the River Murray at Morgan bounded as follows:

- on the north by a straight line extending easterly from the yellow marker post situated on the west bank of the River Murray at the north-east corner of Section 451, Hundred of Eba, for 5 metres beyond and at right angles to the edge of the water;
- on the south by a straight line extending easterly from the yellow marker post situated on the west bank of the River Murray at the south-east corner of Section 451, Hundred of Eba, for 5 metres beyond and at right angles to the edge of the water;
- on the east by a straight line joining the easterly extremities of the north and south boundaries;
- on the west by the edge of the water between those two yellow marker posts.

Area 2: the portion of the River Murray at Cadell bounded as follows:

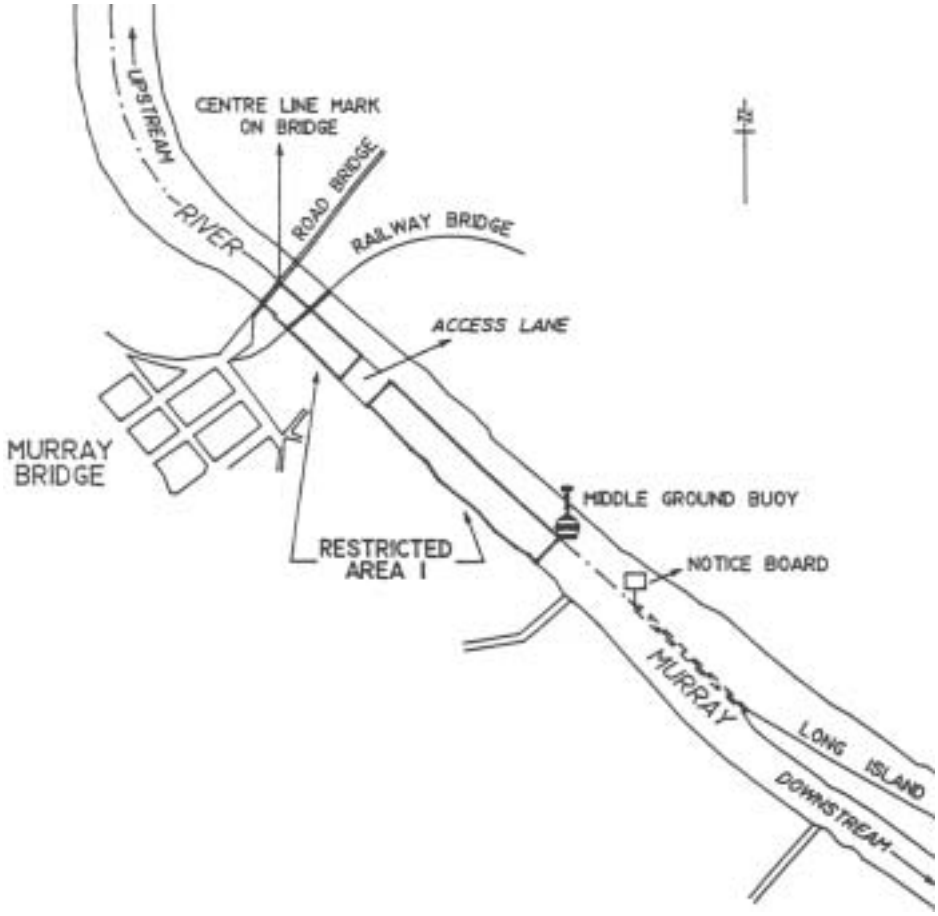
- on the south-east by the edge of the water between the two yellow marker posts situated on the south-east bank of the River Murray, the upstream post being approximately 160 metres west of the north-west corner of the Government Road immediately south of the Cadell ferry crossing, and the downstream post being approximately 90 metres south-west of the upstream post;
- on the north-east by a straight line extending north-westerly from the upstream yellow marker post of the two posts previously defined, for 5 metres beyond and at right angles to the edge of the water;
- on the south-west by a straight line extending north-westerly from the downstream yellow marker post of the two posts previously defined, for 5 metres beyond and at right angles to the edge of the water;
- on the north-west by a straight line joining the north-westerly extremities of the north-east and south-west boundaries.


432
MURRAY
MORGAN TOWNSHIP
To Morgan
Ferry and Water Reserve
Morgan Ferry
To Cadell
Shacks
RIVER
RESTRICTED AREA 1
437
446
448
455
444
RESTRICTED AREA 2
Cadell Ferry
RIVER MURRAY
Cadell Irrigation Area
GOVT. RD.

Murray Bridge

Area 1: the portion of the River Murray at Murray Bridge bounded as follows:

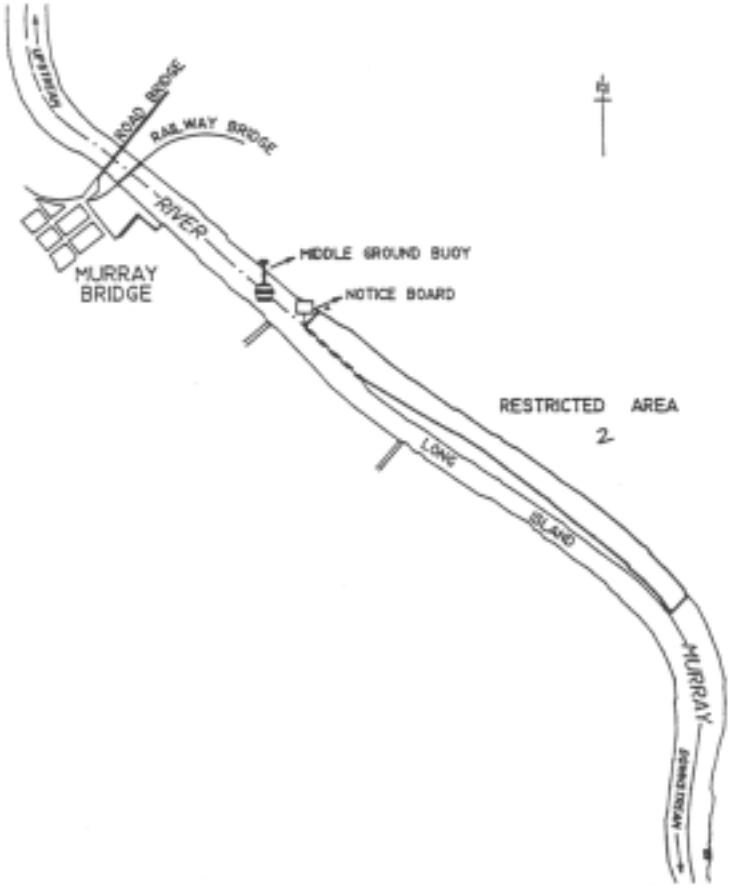
- on the north-east by the centre line of the river;
- on the south-east by a straight line extending south-west from the middle ground buoy to the south-west from the middle ground buoy to the south-west bank of the river;
- on the north-west by a line extending from the red mark C on the upstream side of the road traffic bridge, south-west along the line of the north-west (upstream) side of the road traffic bridge to the south-west bank of the river, and on the south-west by the south-west bank of the river, except for an accessway between the south-west bank of the river and the centre line of the river extending north-west for a distance of 100 metres from a line being the north-west boundary of allotment 30 in Lands Titles Registration Office Plan No. 1443.



Murray Bridge

Area 2: the portion of the River Murray at Murray Bridge on the north-east side of Long Island bounded as follows:

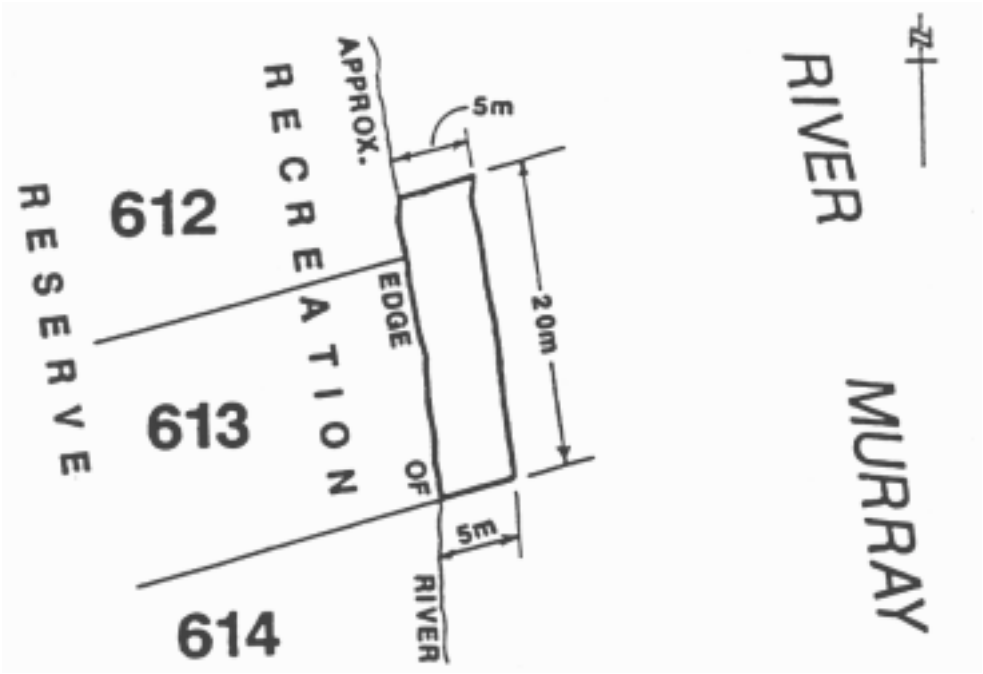
- on the north-east by the north-east bank of the river;
- on the south-east by a straight line from the south-east (downstream) extremity of Long Island north-east to the north-east bank of the river;
- on the north-west by a straight line from the notice board north-east to the north-east bank of the river;
- on the south-west by a straight line from the notice board to the north-west (upstream) end of Long Island, then generally south-east along the north-east side of Long Island to its south-east (downstream) extremity.



Murray Bridge (bathing)

Area 1: the portion of the River Murray at Murray Bridge (Wellington Reserve) bounded as follows:

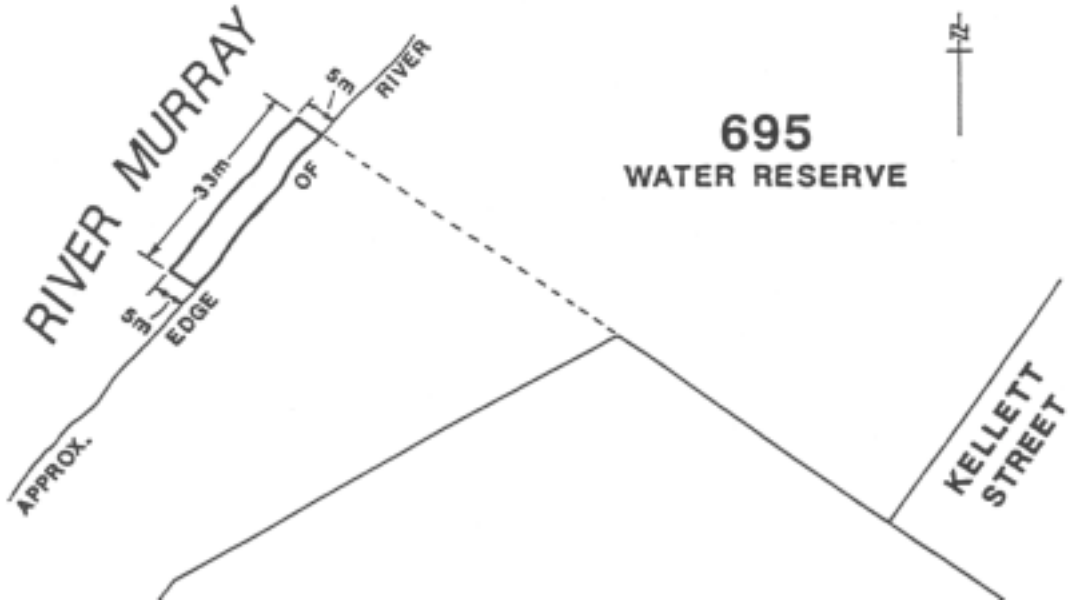
- on the south by a line being the prolongation of the southern boundary of Lot 613, Town of Wellington, easterly for a distance of 5 metres from the waters edge;
- on the north by a line running easterly from the waters edge for a distance of 5 metres and at a distance of 20 metres in a northerly direction from the southern boundary of Lot 613, Town of Wellington;
- on the east by a line joining the eastern extremities of the north and south boundaries and parallel to the waters edge;
- on the west by the waters edge.



Murray Bridge (bathing)

Area 2: the portion of the River Murray at Murray Bridge (Bells Landing—Monteith) bounded as follows:

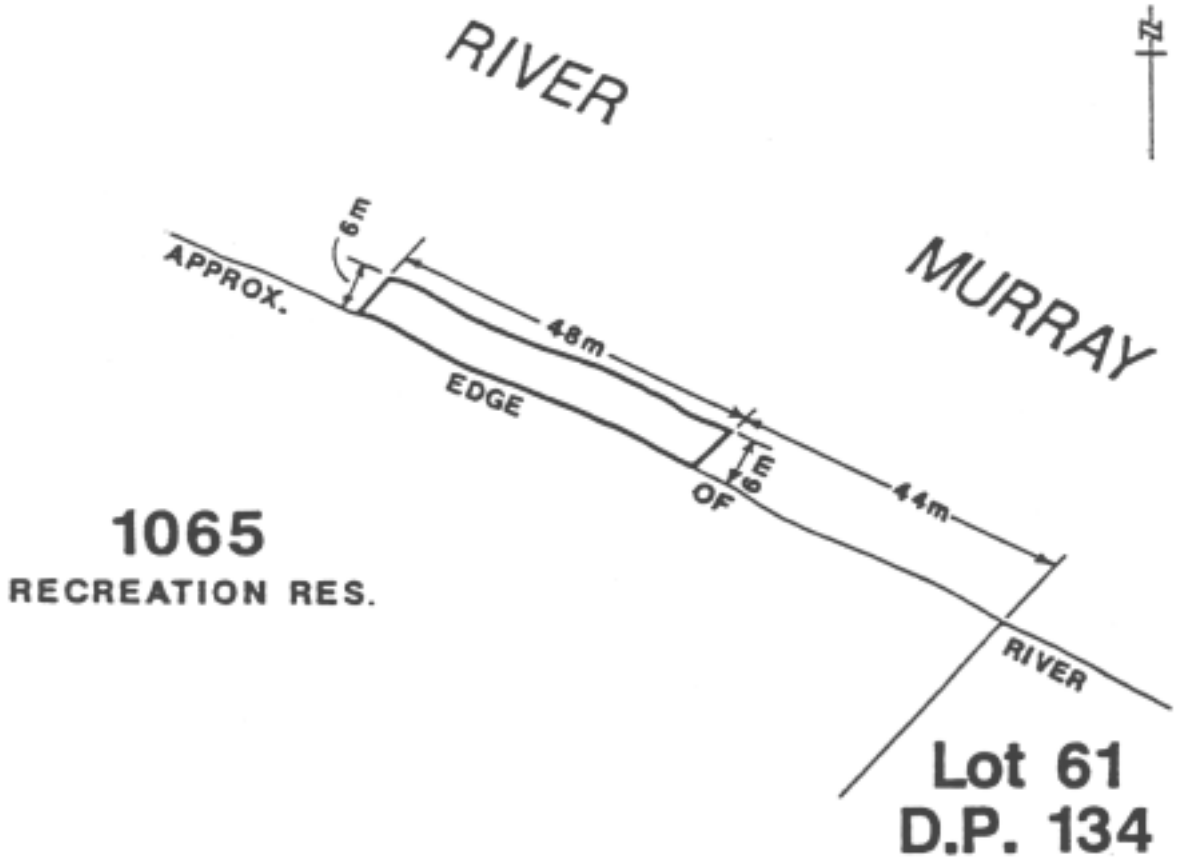
- on the north-east by a line being the prolongation of a boundary of Section 695 on line with the south-western end of Kellett Street, Hundred of Burdett, westerly for a distance of 5 metres from the waters edge;
- on the south-west by a straight line running north-westerly from the waters edge for a distance of 5 metres parallel to and at a distance of 30 metres from the north-east boundary;
- on the north-west by a line joining the western extremities of the north-east and south-west boundaries and parallel to the waters edge;
- on the south east by the waters edge.



Murray Bridge (bathing)

Area 3: the portion of the River Murray at Murray Bridge (Swanport Reserve) bounded as follows:

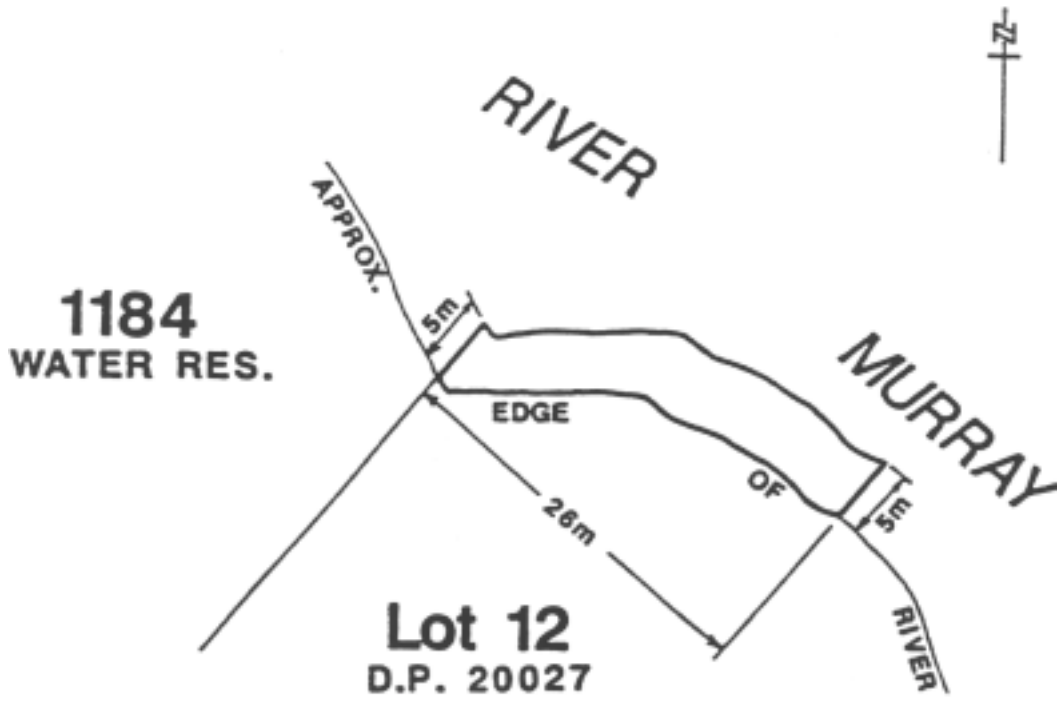
- on the south-east by a straight line running north-easterly from the waters edge for a distance of 6 metres at a distance of 44 metres in a north-westerly direction along the waters edge from the north-eastern corner of Section 1065, Hundred of Mobilong;
- on the north-west by a straight line running north-easterly from the waters edge for a distance of 6 metres parallel to and at a distance of 92 metres in a north-westerly direction along the waters edge from the north-eastern boundary of Section 1065, Hundred of Mobilong;
- on the north-east by a line joining the eastern extremities of the south-east and north-west boundaries and parallel to the waters edge;
- on the south-west by the waters edge.



Murray Bridge (bathing)

Area 4: the portion of the River Murray at Murray Bridge (Long Island Reserve) bounded as follows:

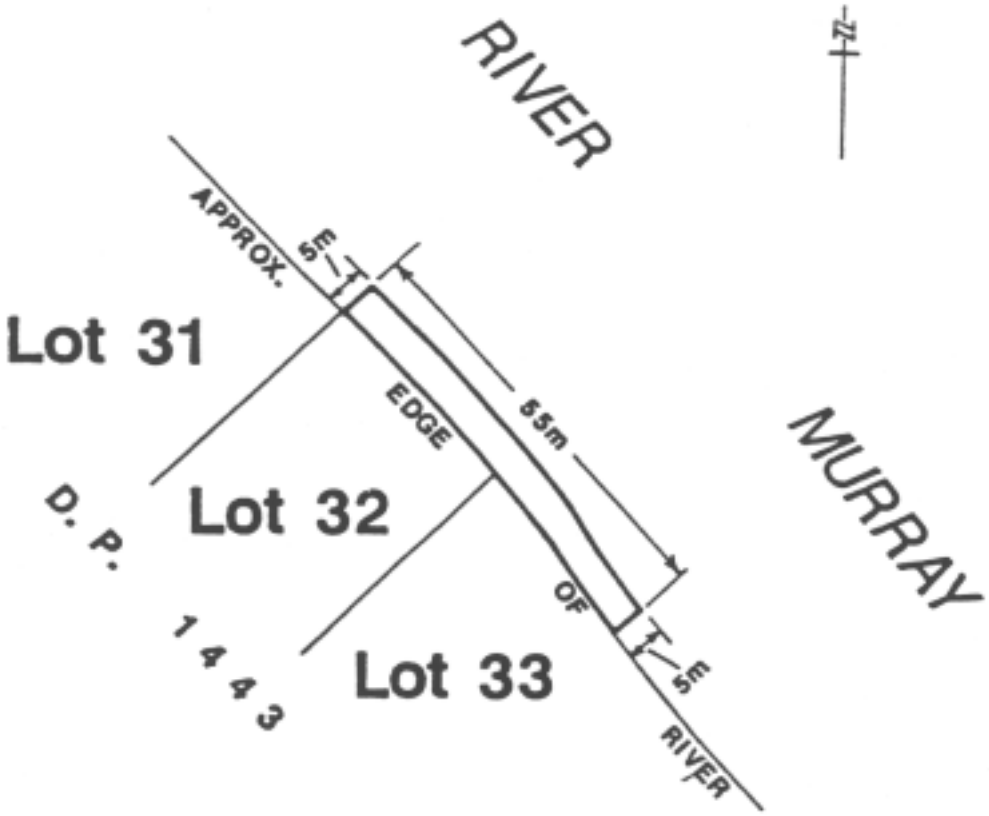
- on the north-west by a line being the prolongation of the north-western boundary of Lot 12, DP 20027, north-easterly for a distance of 5 metres from the waters edge;
- on the south-east by a straight line running north-easterly from the waters edge for a distance of 5 metres at a distance of 26 metres in a south-easterly direction from the north-western corner of Lot 12, DP 20027;
- on the north-east by a line joining the north-eastern extremities of the north-west and south-east boundaries and parallel to the waters edge;
- on the south-east by the waters edge.



Murray Bridge (bathing)

Area 5: the portion of the River Murray at Murray Bridge (Sturt Reserve) bounded as follows:

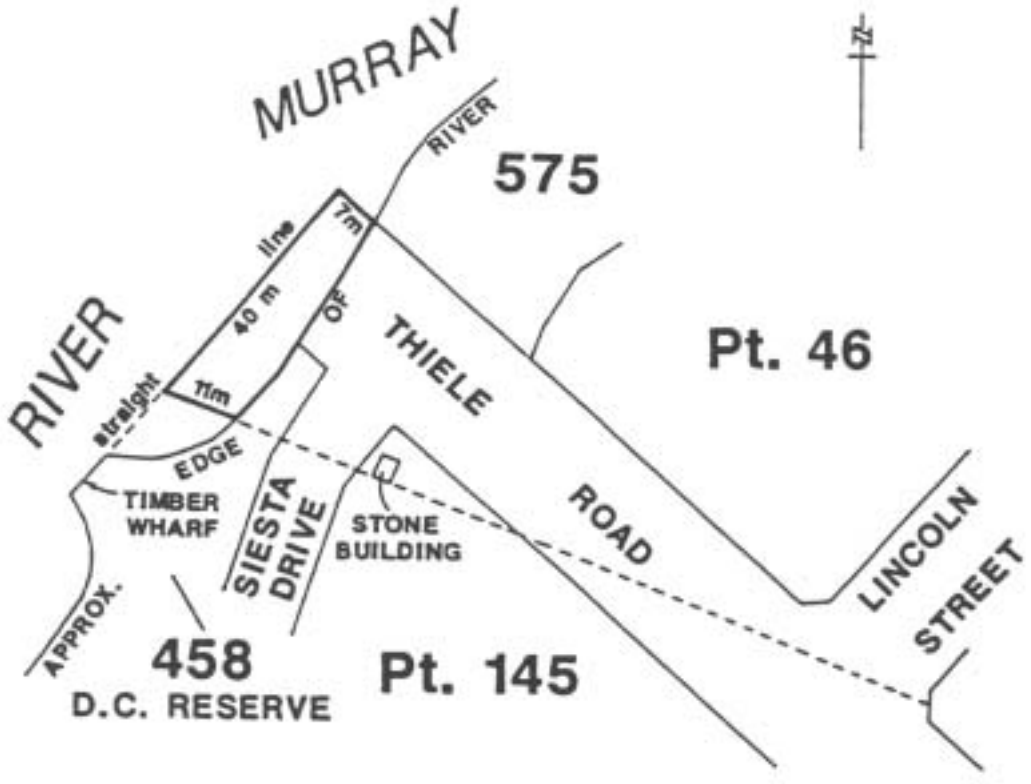
- on the north-west by a line being the prolongation of the north-western boundary of Lot 32, DP 1443, north-easterly for a distance of 5 metres from the waters edge;
- on the south-east by a straight line running north-easterly from the waters edge for a distance of 5 metres at a distance of 55 metres in a south-easterly direction along the waters edge from the northern corner of Lot 32, DP 1443;
- on the north-east by a line joining the north-eastern extremities of the north-west and south-east boundaries and parallel to the waters edge;
- on the south-east by the waters edge.



Murray Bridge (bathing)

Area 6: the portion of the River Murray at Murray Bridge (Thiele Reserve) bounded as follows:

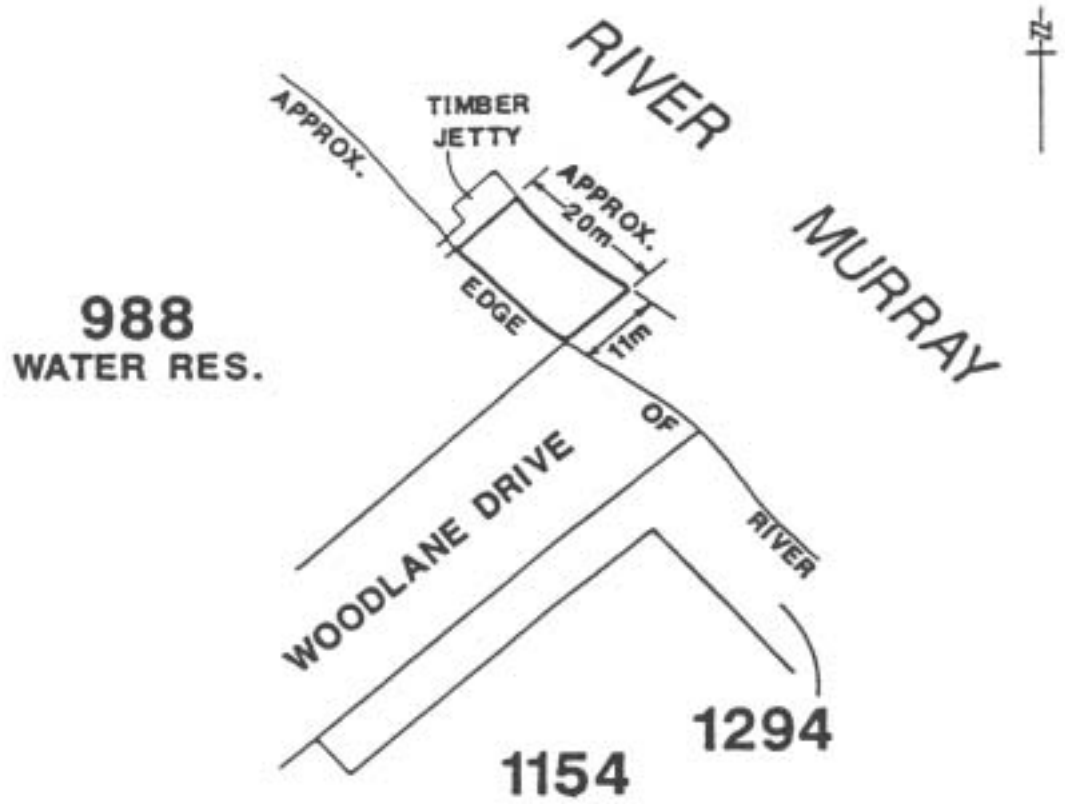
- on the north-east by a line being the prolongation of the south-western boundary of Section 575, Hundred of Burdett, north-westerly for a distance of 7 metres from the waters edge;
- on the south-west by a straight line running north-westerly from the waters edge for a distance of 11 metres on the prolongation of a line joining the south-eastern corner of Lincoln Street with the south-western wall of the stone building on the south-eastern corner of the intersection of Siesta Drive and Thiele Road, Hundred of Burdett;
- on the north-west by a line joining the north-western extremities of the north-east and south-west boundaries (being part of a straight line joining the north-western extremity of the north-eastern boundary with the north-eastern tip of the Timber Wharf in Section, 458, Hundred of Burdett);
- on the south-east by the waters edge.



Murray Bridge (bathing)

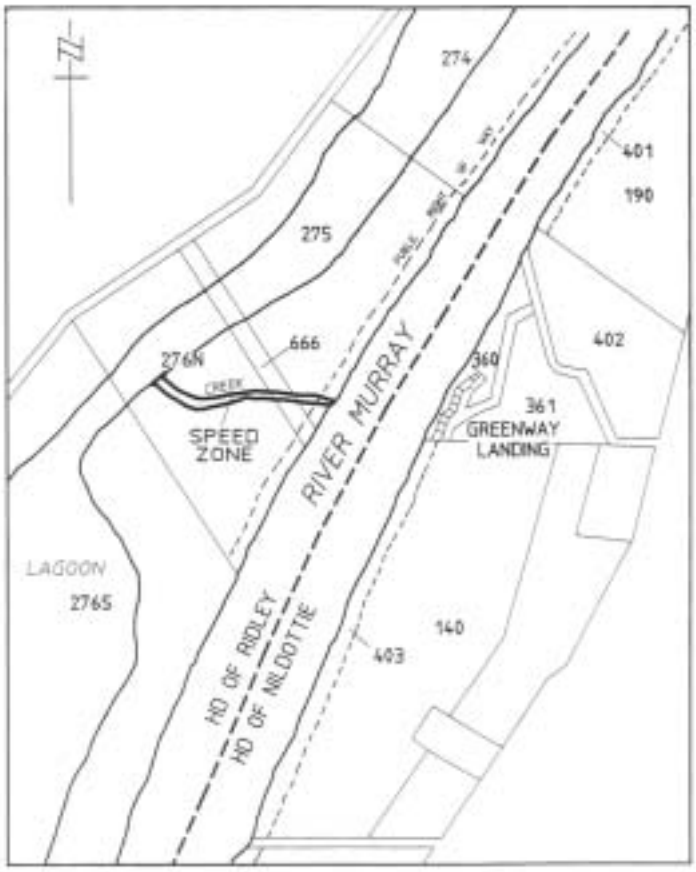
Area 7: the portion of the River Murray at Murray Bridge (Woodlane Reserve) bounded as follows:

- on the south-east by a line being the prolongation of the south-eastern boundary of Section 988, Hundred of Mobilong, north-easterly for a distance of 11 metres from the waters edge;
- on the north-west by the south-eastern face of the Timber Jetty approximately 20 metres north-west along the waters edge from the south-eastern boundary of Section 988, Hundred of Mobilong;
- on the north-east by a line joining the north-eastern extremities of the north-west and south-east boundaries and parallel to the waters edge;
- on the south-east by the waters edge.



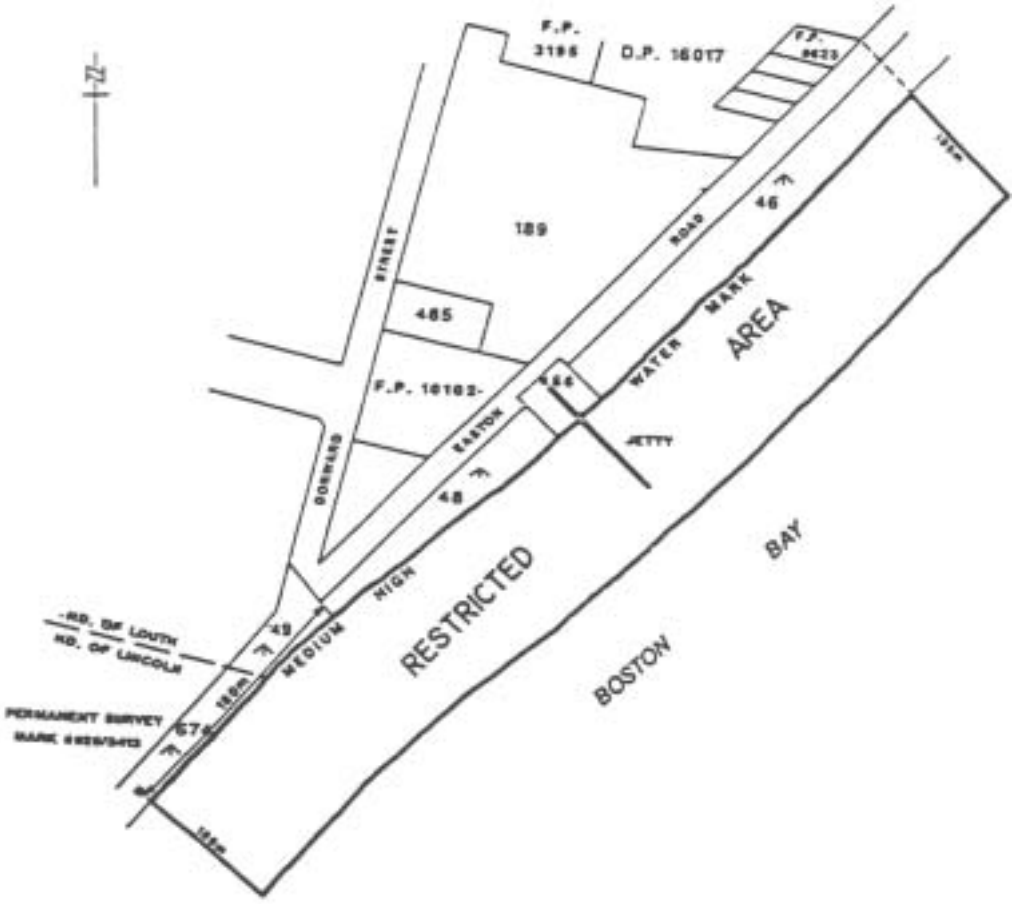
Nildottie

The creek flowing between the River Murray and the Lagoon through sections 275, 666 and 276N, Hundred of Ridley, delineated in bold on the plan below:



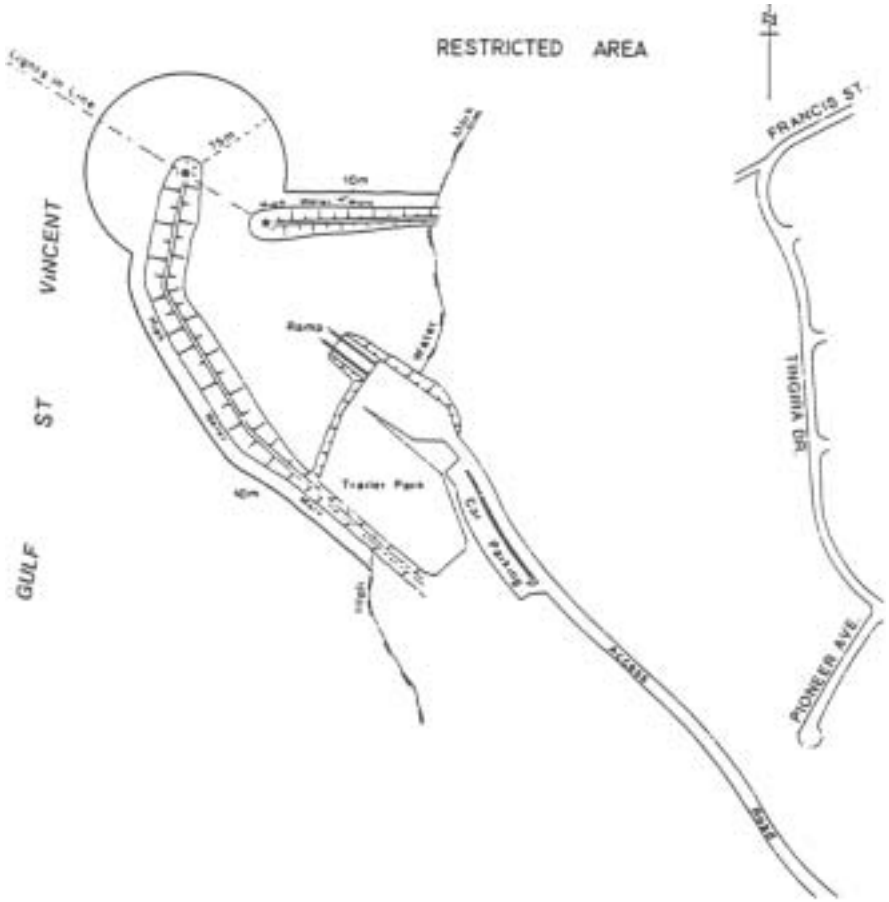
North Shields

The portion of the waters of the sea at North Shields delineated in bold on the plan below:



O'Sullivan Beach

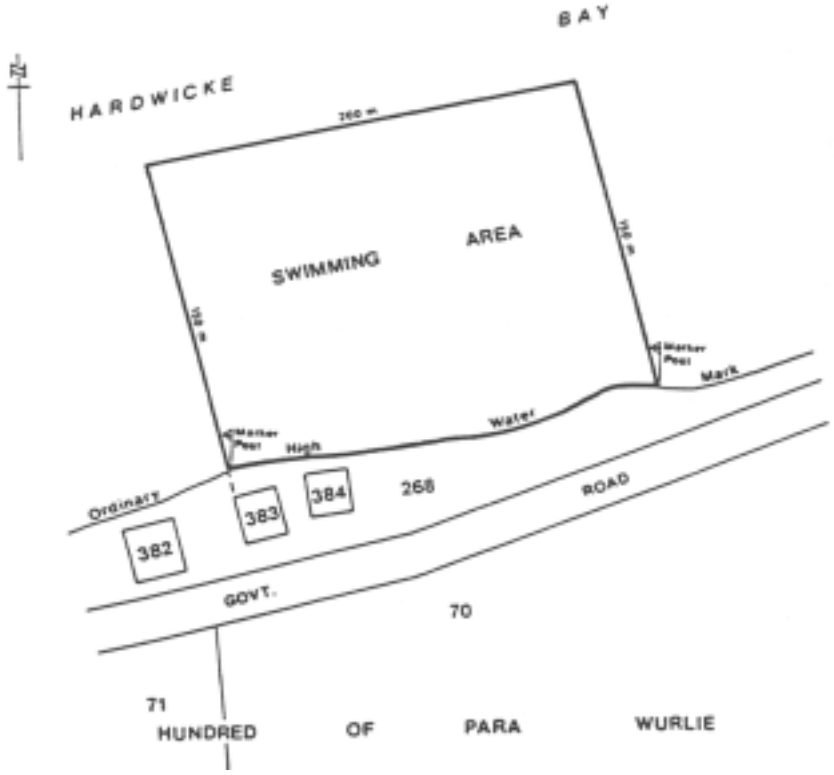
The area of the sea at O'Sullivan Beach bounded as follows: commencing at a point being the intersection with high water mark of a line 10 metres north of and parallel to high water mark on the north side of the inner breakwater, then west along the said line to its intersection with the circumference of a circle of 75 metres radius centred on the light at the seaward end of the outer breakwater, then anti-clockwise around the said circumference to its intersection with a line 10 metres south-west of and parallel to high water mark on the south-west side of the outer breakwater, then south-east along that line to its intersection with high water mark, then along high water mark to the point of commencement.



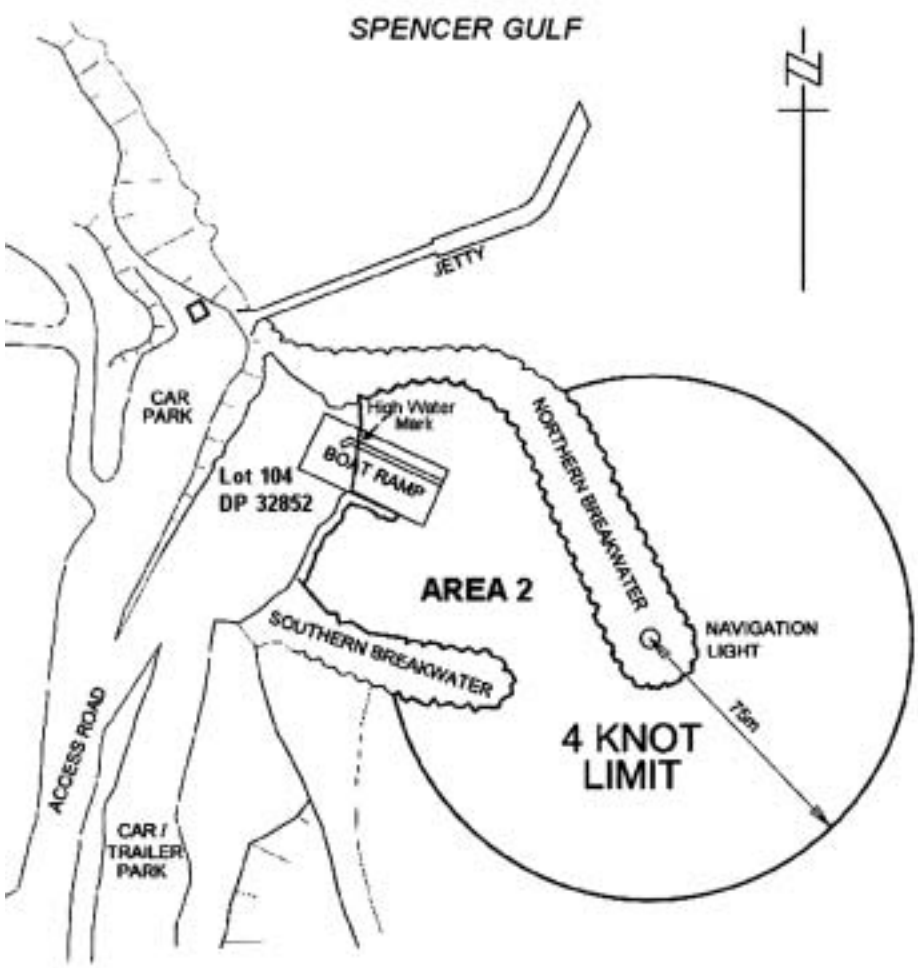
Point Turton

Area 1: the portion of the sea at Hardwicke Bay in Spencer Gulf near Point Turton bounded as follows:

- on the west by a straight line being the prolongation northerly of the west boundary of Section 383, Hundred of Para Wurlie commencing at a point at which that line intersects high water mark (marked by a marker post) and extending 150 metres seaward;
- on the east by a straight line parallel to and 200 metres to the east of the west boundary of Area 1 described above commencing at a point at which that line intersects high water mark (marked by a marker post) and extending 150 metres seaward;
- on the north by a straight line joining the northernmost extremities of the east and west boundaries;
- on the south by high water mark.



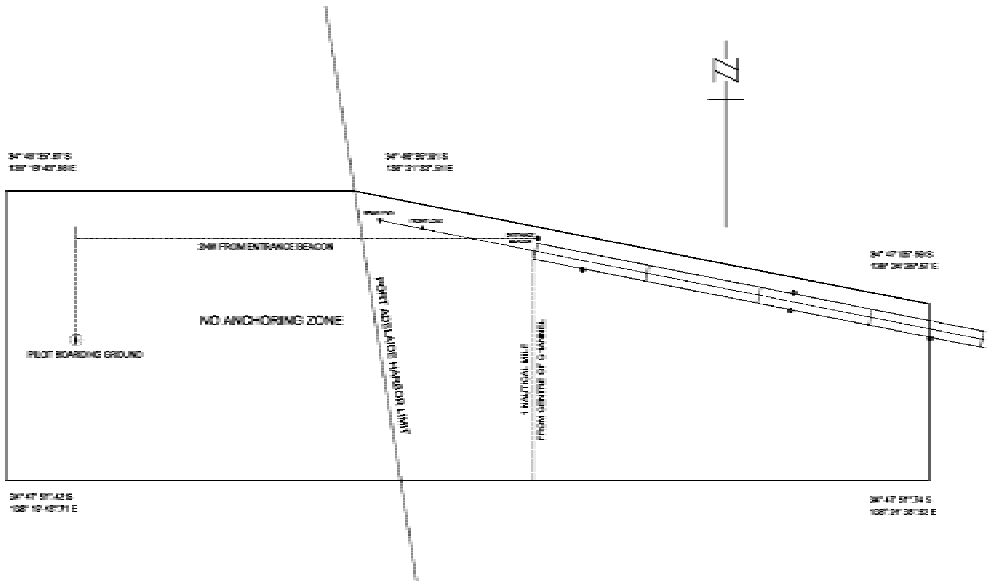
Area 2: the portion of the waters of Hardwicke Bay in Spencer Gulf near Point Turton described as "Area 2" on the plan below:



Port Adelaide

The portion of the sea at Port Adelaide bounded as follows:

- on the north-east by a straight line commencing at a point at latitude 34°46′35″.81 south, longitude 138°21′33″.51 east and extending to a point at latitude 34°47′05″.59 south, longitude 138°24′35″.57 east;
- on the east by a straight line commencing at a point at latitude 34°47′05″.59 south, longitude 138°24′35″.57 east and extending to a point at latitude 34°47′51″.74 south, longitude 138°24′35″.52 east;
- on the south by a straight line commencing at a point at latitude 34°47′51″.74 south, longitude 138°24′35″.52 east and extending to a point at latitude 34°47′51″.42 south, longitude 138°19′43″.71 east;
- on the west by a straight line commencing at a point at latitude 34°47′51″.42 south, longitude 138°19′43″.71 east and extending to a point at latitude 34°46′35″.67 south, longitude 138°19′43″.86 east;
- on the north by a straight line commencing at a point at latitude 34°46′35″.67 south, longitude 138°19′43″.86 east and extending to a point at latitude 34°46′35″.81 south, longitude 138°21′33″.51 east.

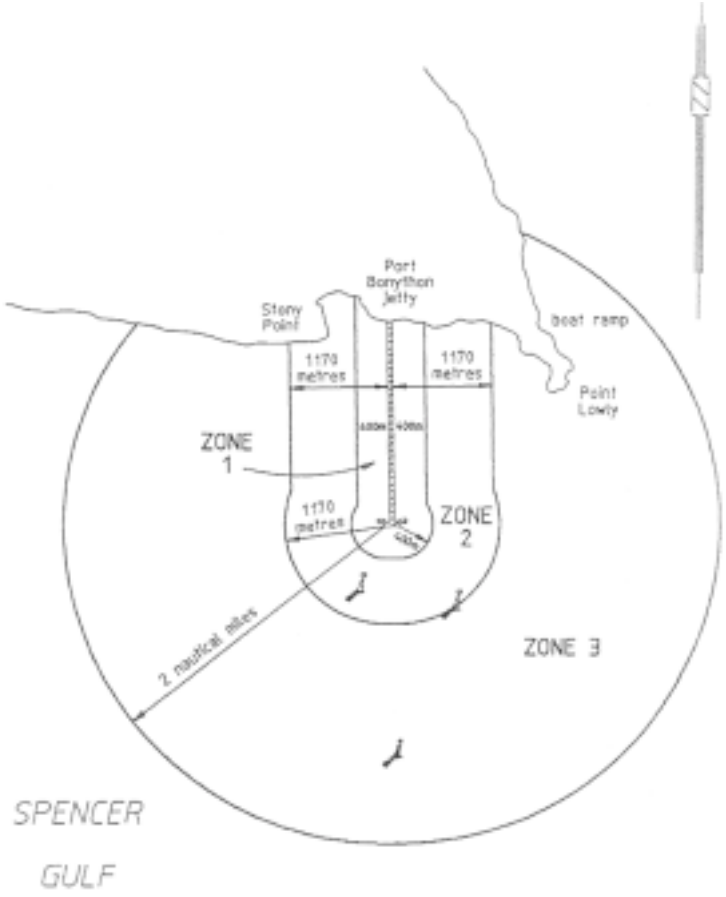


Port Bonython

Zone 1: waters within 400 metres of Port Bonython jetty.

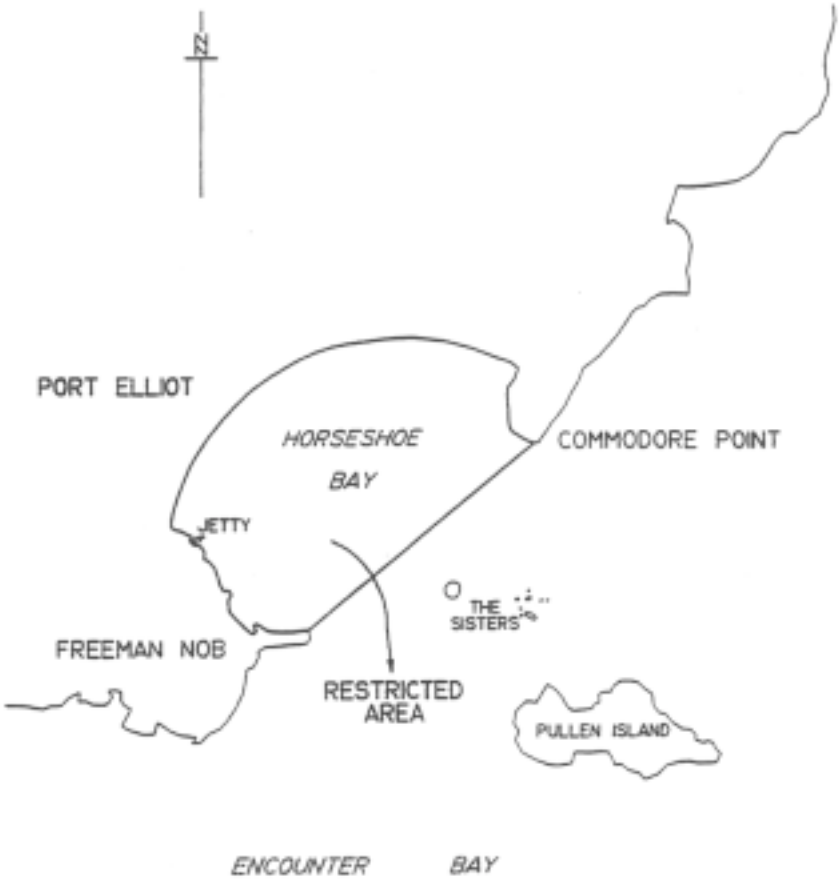
Zone 2: waters within 1 170 metres of Port Bonython jetty.

Zone 3: waters within 2 nautical miles of the berth operations signal at the seaward end of Port Bonython jetty.



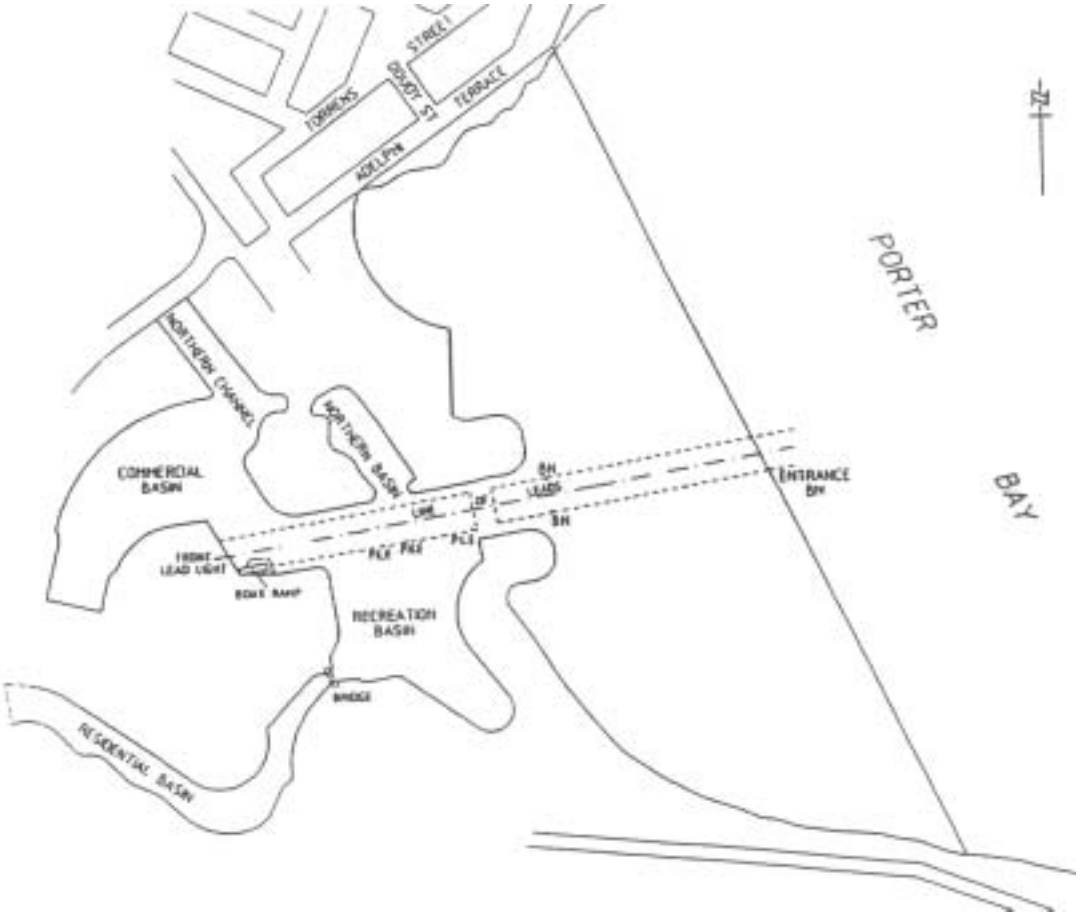
Port Elliot

All the waters of Horseshoe Bay north-west of a line joining the eastern extremity of the breakwater at Freeman Nob with Commodore Point.



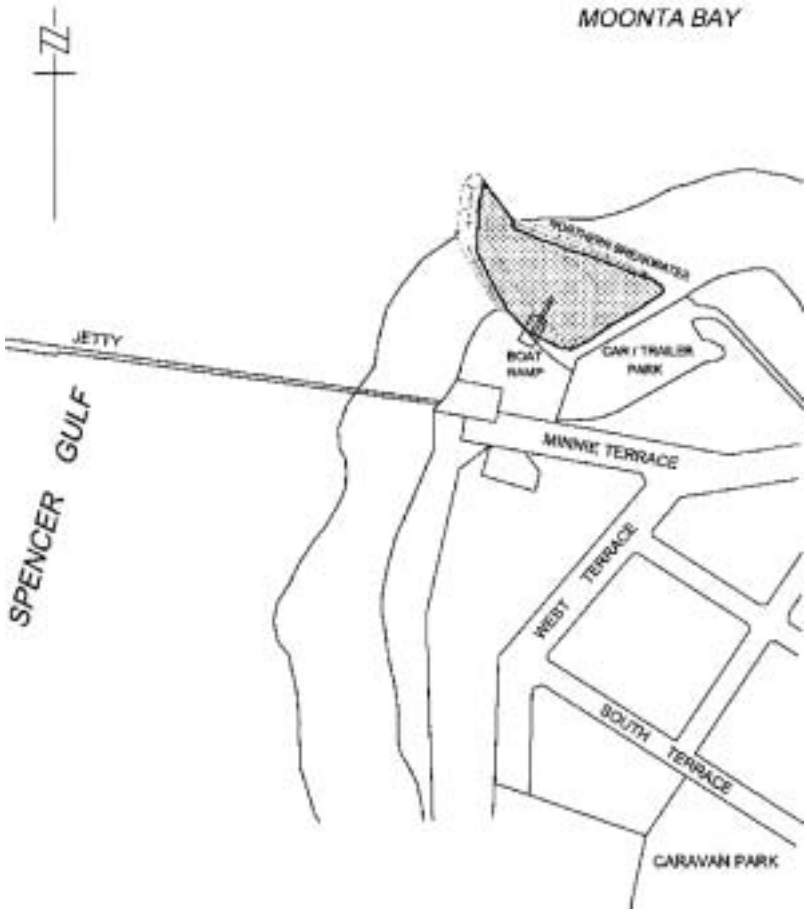
Porter Bay

The portion of the waters at Porter Bay to the west of an imaginary straight line commencing from the seaward boundary of Adelphi Terrace where an obtuse bend occurs, then to the outer entrance beacon of Lincoln Cove Marina and prolongated until it meets the southern foreshore of Porter Bay.



Port Hughes

The portion of the waters of the sea at Port Hughes within the Moonta Bay boat ramp basin, landward of the northern and southern breakwater (shown as a shaded area on the plan below).



Port Neill

The portion of the sea at Port Neill bounded as follows:

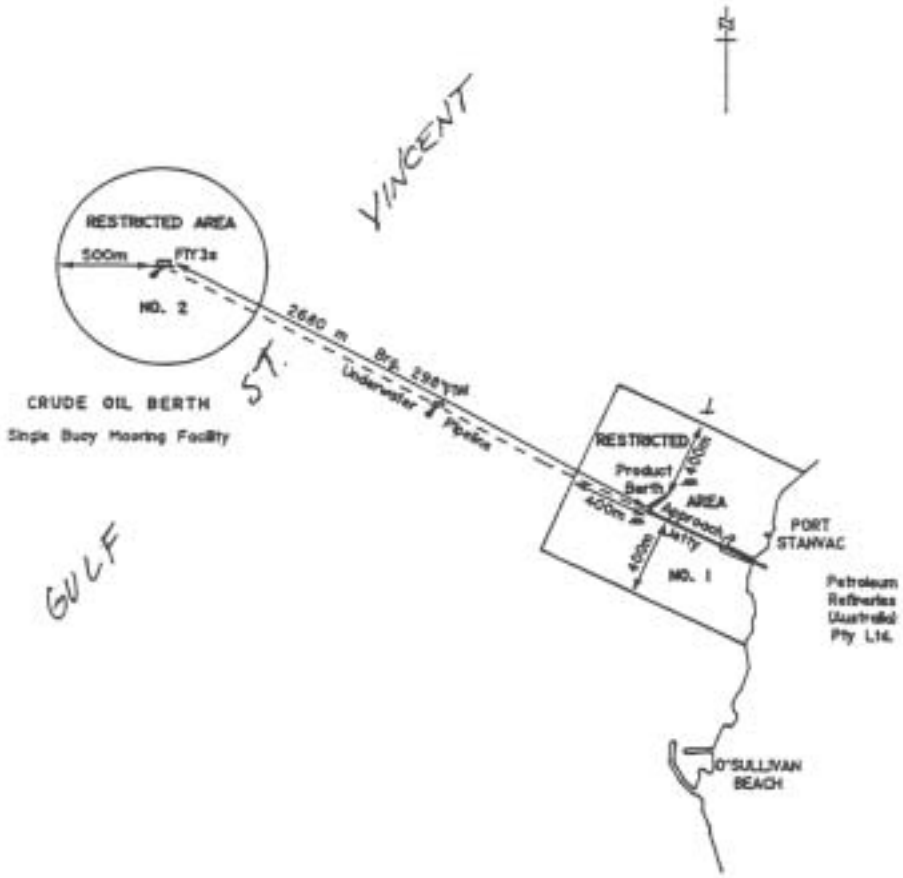
- on the north-west by a straight line being the prolongation seawards of the north-west boundary of Gill Street and Coneybeer Terrace for a distance of 350 metres from the high water mark;
- on the south-west and south-east by the high water mark;
- on the north-east by a straight line joining the seaward extremities of the north-western boundary and the south-east high water mark.

Port Stanvac

Area 1: the portion of western Gulf St. Vincent bounded as follows:

- on the north-east by a straight line 400 metres north-east of the north extremity of the Product Berth structure and parallel to the Approach Jetty;
- on the south-east by a straight line 400 metres south-west of the south-west side of the Approach Jetty at Port Stanvac and parallel to the jetty;
- on the north-west by a straight line at right angles to the north-east and south-west boundaries and distant 400 metres seaward (along the production of the Approach Jetty) from the outermost extremity of the jetty;
- on the east by high water mark.

Area 2: the portion of the waters of western Gulf St. Vincent at Port Stanvac within a 500 metre radius of the Single Buoy Mooring Facility in approximate position Latitude 35°05.9′S, Longitude 138°26.3′E.



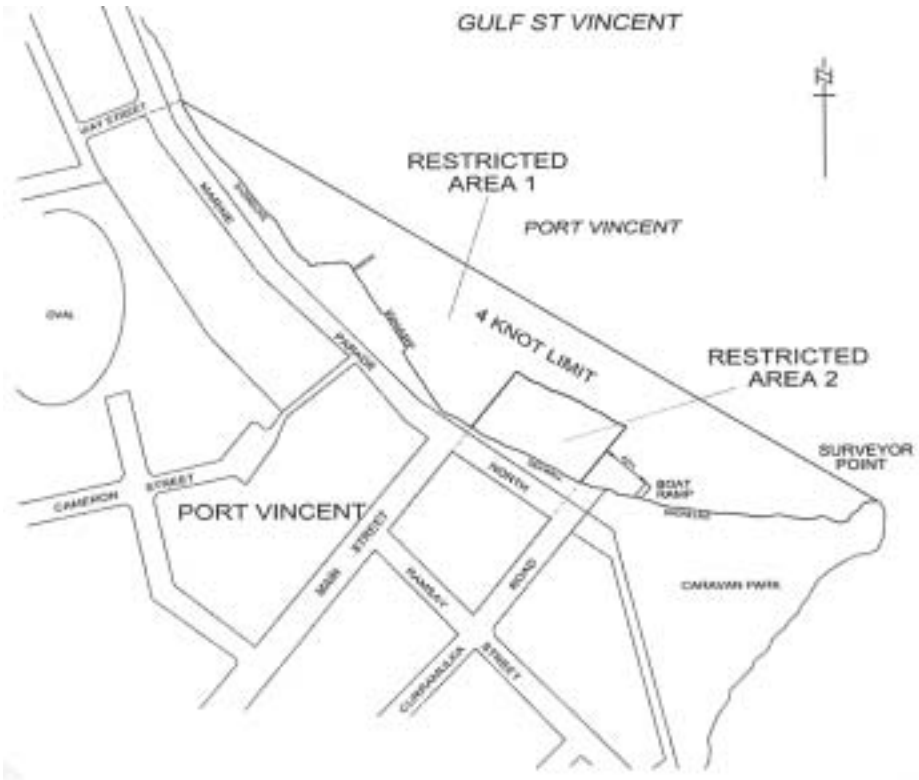
Port Vincent

Area 1: the portion of the waters of Gulf St. Vincent at Port Vincent bounded as follows:

- on the north-east by a straight line joining Surveyor Point with a point being the intersection of the edge of the water and the prolongation seaward of the south-eastern boundary of Way Street;
- on the south-west by the edge of the water, the face of the wharf and the north-western, north-eastern and south-eastern boundaries of Area 2.

Area 2: the portion of the waters of Gulf St. Vincent at Port Vincent bounded as follows:

- on the north-west by a straight line being the prolongation seaward of the south-eastern boundary of Main Street;
- on the north-east by a line 60 metres seaward of, and parallel to, the sea wall;
- on the south-east by a straight line being the prolongation seaward of the north-western boundary of Curramulka Road;
- on the south-west by the edge of the water.



Robe

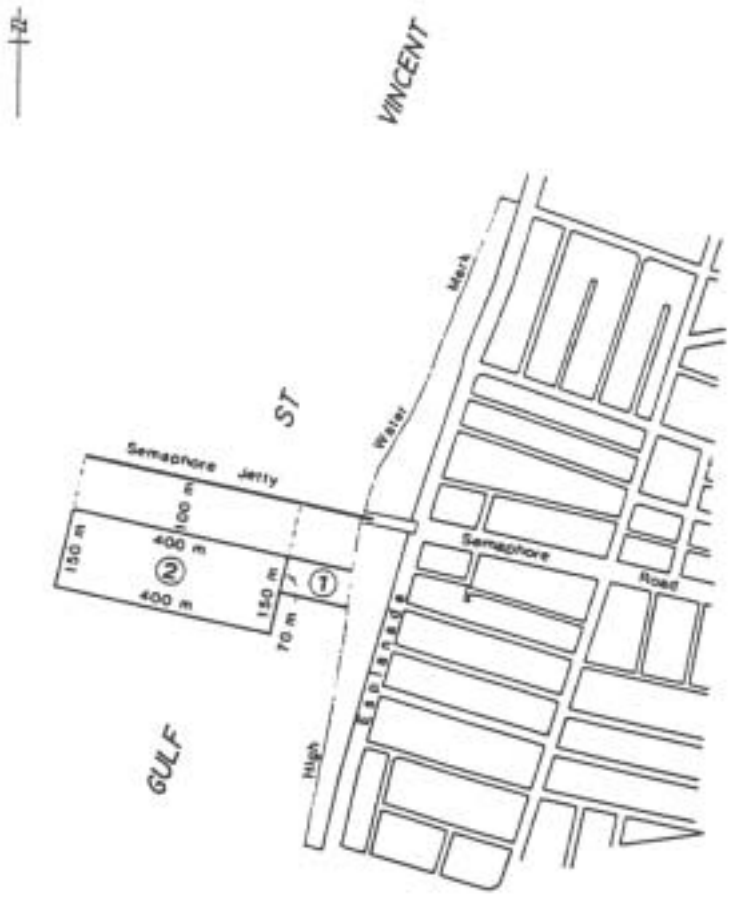
The portion of the sea at Robe bounded as follows:

- on the west by a straight line being the production seaward of the western boundary of Bagot Street;
- on the east by a straight line extending seaward in a northerly direction from Robe Point;
- on the south by high water mark;
- on the north by a line approximately 200 metres seaward of, and parallel to, high water mark.

Semaphore

The portion of the sea at Semaphore bounded as follows:

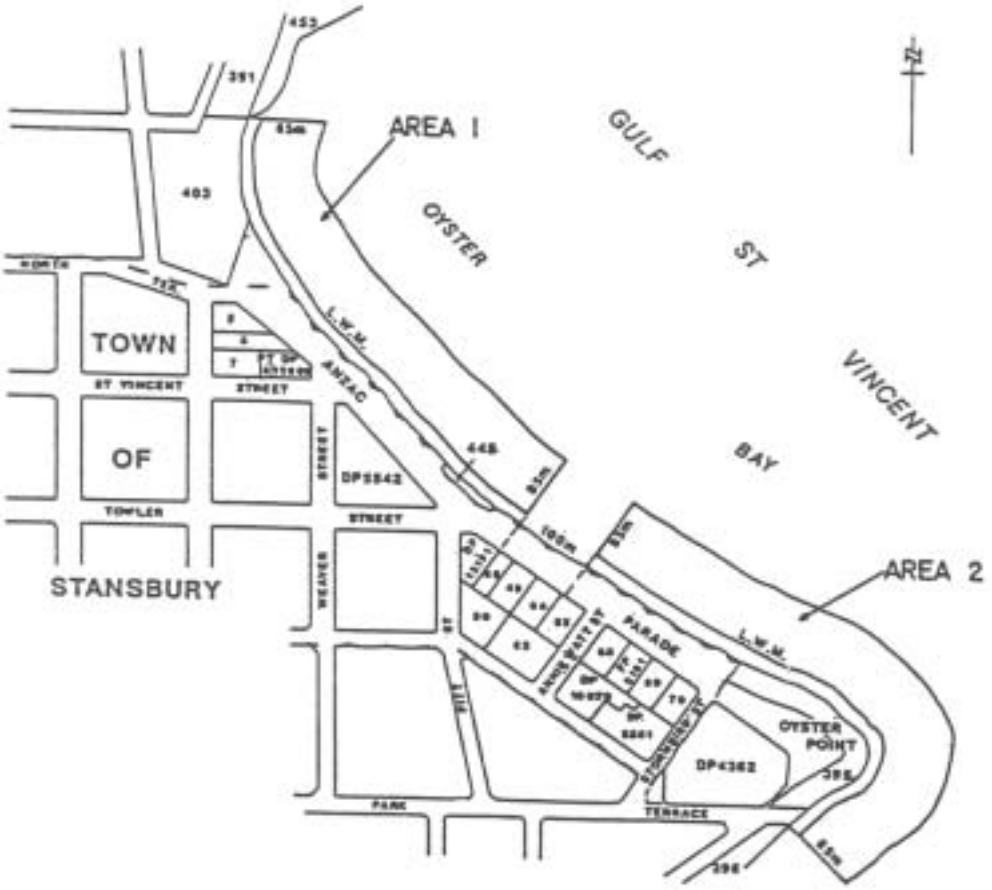
- on the north by a straight line 100 metres south of and parallel to the south side of the Semaphore Jetty;
- on the south by a straight line 170 metres south of and parallel to the south side of the Semaphore Jetty;
- on the west by a straight line 400 metres east of the seaward end of the Semaphore Jetty and at right angles to the southern side of the jetty;
- on the east by High Water Mark.



Stansbury

Area 1: the portion of the waters of the sea at Stansbury delineated on the plan below as Area 1;

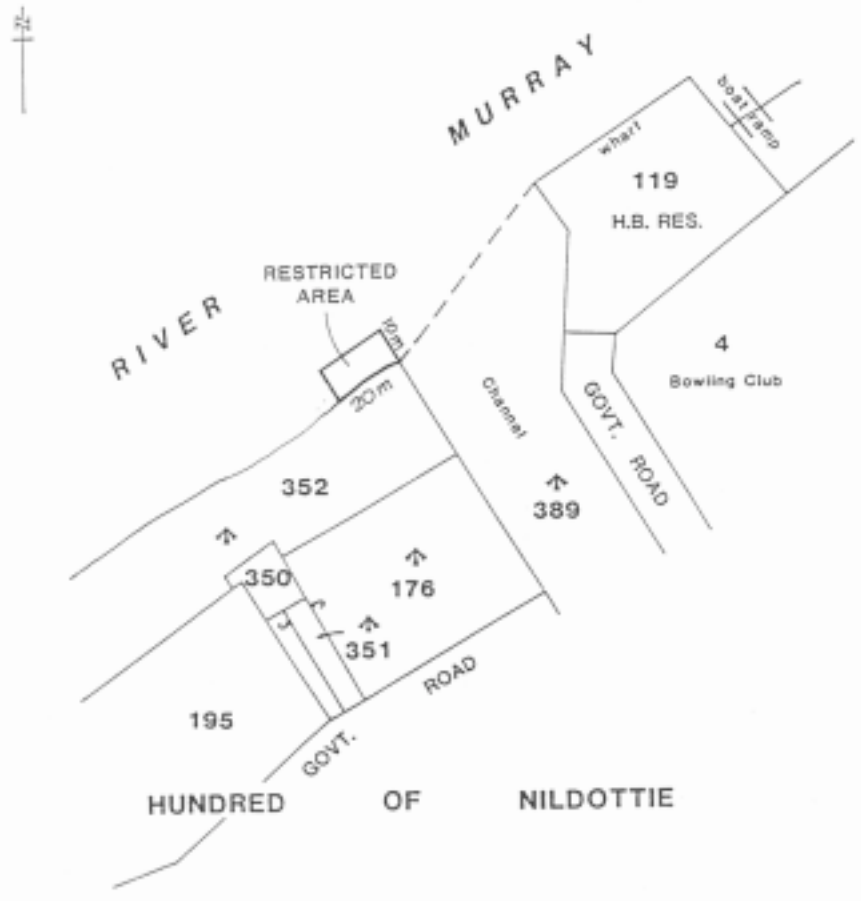
Area 2: the portion of the waters of the sea at Stansbury delineated on the plan below as Area 2.



Swan Reach

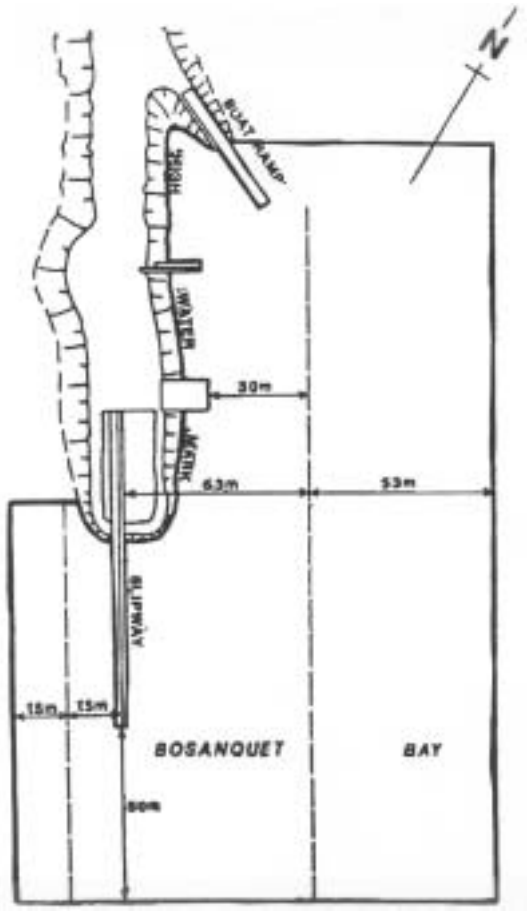
The portion of the River Murray at Swan Reach bounded as follows:

- on the north-east by a straight line, marked by yellow spherical buoys, being the prolongation north-westerly of the north-east boundary of Section 352, Hundred of Nildottie, extending 10 metres north-westerly from the river edge;
- on the south-west by a straight line, 20 metres from and parallel to the north-eastern boundary, extending 10 metres north-westerly from the river edge;
- on the north-west by a straight line, marked by yellow spherical buoys, joining the north-west extremities of the south-west and north-east boundaries;
- on the south-east by the river edge.



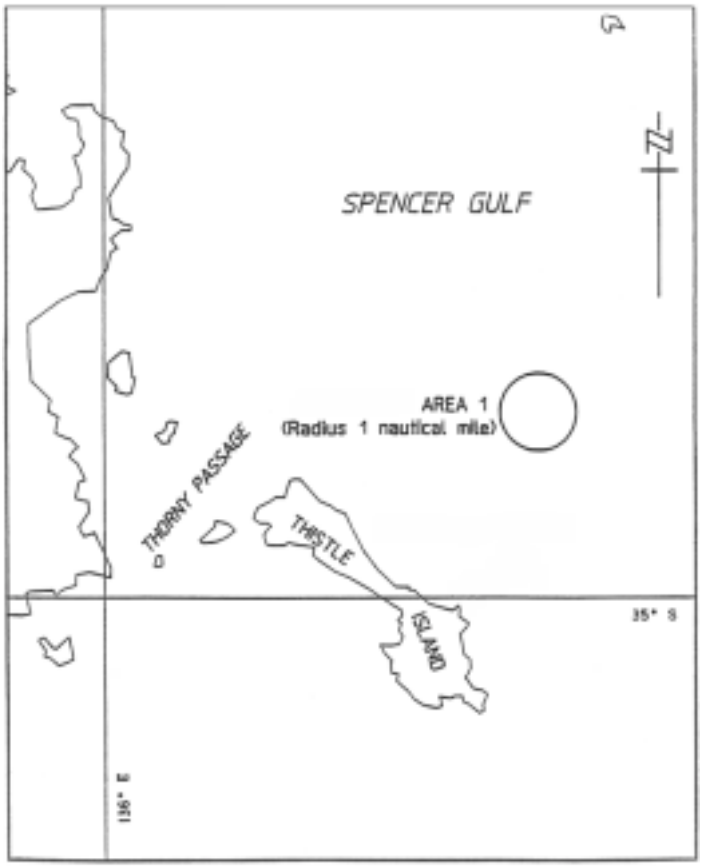
Thevenard

The portion of the sea at Bosanquet Bay delineated in bold on the plan below:

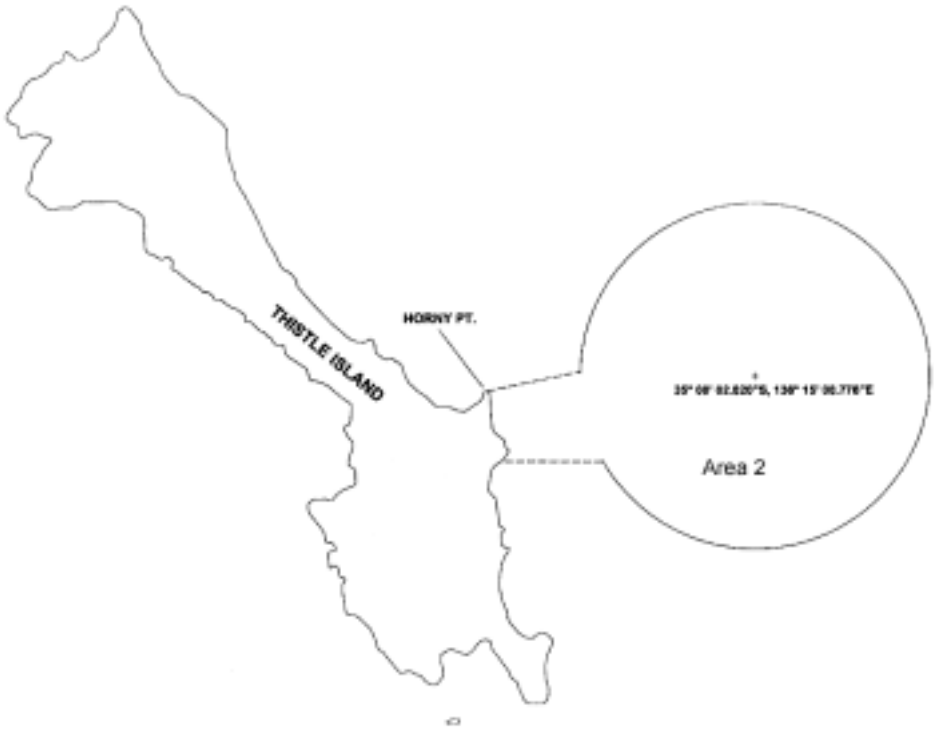


Thistle Island

Area 1: the portion of the waters of Spencer Gulf bounded by a circle of radius 1 nautical mile centred on a point at latitude 34°55.9' south, longitude 136°14.05' east.



Area 2: the portion of the waters of Spencer Gulf bounded as follows: commencing at high water mark near Horny Point at a point at latitude 35°00'13.860" south, longitude 136°11'23.744" east, then east north east in a straight line to a point at latitude 35°00'00.000" south, longitude 136°12'42.495" east, being the intersection of that line with the western circumference of a circle of radius 2 nautical miles centred on a point at latitude 35°00'02.280" south, longitude 136°15'08.778" east, then clockwise from that intersection around the circumference to a point on the western circumference of the circle at latitude 35°01'02.251" south, longitude 136°13'01.891" east, then west in a straight line to high water mark at latitude 35°01'02.251" south, longitude 136°11'36.068" east, then north along high water mark to the point of commencement (all positions being in the WGS84 datum).



Tumby Bay

Area 1: the portion of the sea at Tumby Bay bounded as follows:

- on the north by a straight line being the prolongation seawards of the south boundary of Elanora Avenue for a distance of 100 metres from high water mark;
- on the east by a straight line joining the seaward extremity of the north boundary and the north-east corner of the old jetty;
- on the north-east by a straight line joining the north-east corner of the old jetty and the north-east corner of the new jetty;
- on the east by the seaward end of the new jetty;
- on the south by the south side of the new jetty;
- on the west by high water mark.

Area 2: the area of the sea at Tumby Bay bounded as follows:

- on the south-west by a line parallel to and 100 metres seaward from high water mark;
- on the east by a straight line commencing at a point 50 metres west of the east extremity of Section 354, Hundred of Hutchison, and extending due north for 450 metres from the south-west boundary;
- on the north by a straight line commencing at a point 2 kilometres generally north-westerly along the south-west boundary from the east boundary, and extending due east for 450 metres from the south-west boundary;
- on the north-east by a straight line joining the seaward extremities of the south-west and east boundaries.

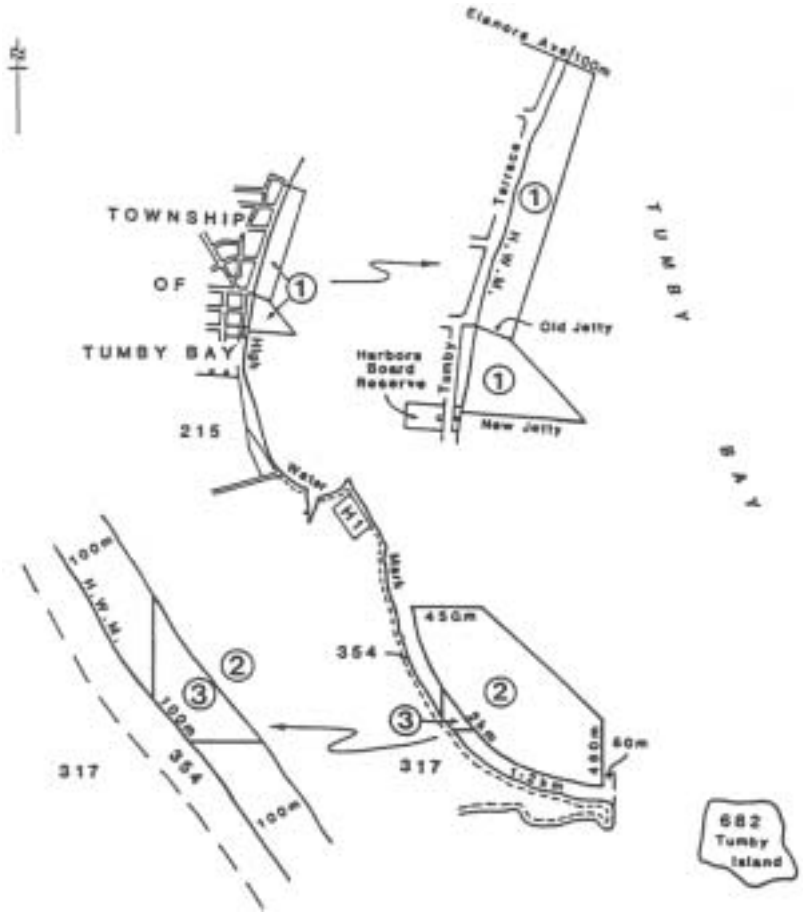
Area 3: the area of the sea at Tumby Bay bounded as follows:

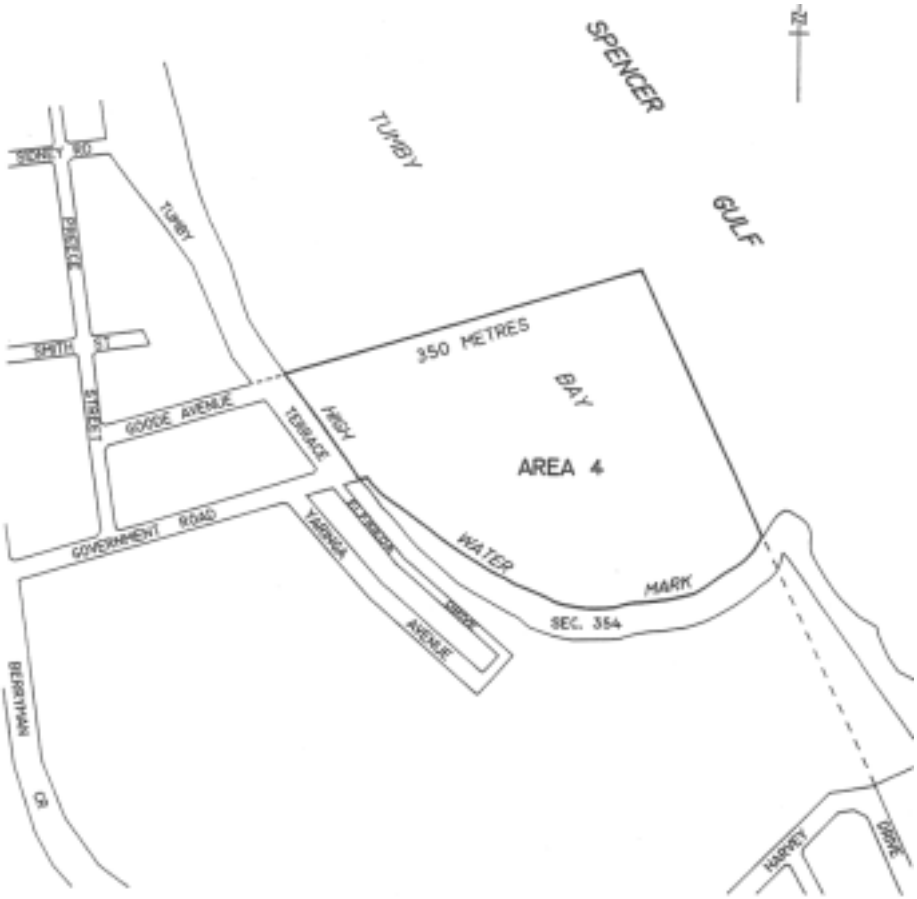
- on the south by a straight line extending due east from a point 1.2 kilometres along high water mark and generally north-west from the east extremity of Section 354, Hundred of Hutchison;
- on the west by a straight line extending due north from a point 100 metres along high water mark and generally north-west from the west extremity of the south boundary;
- on the north-east by the south-west boundary of Area 2.

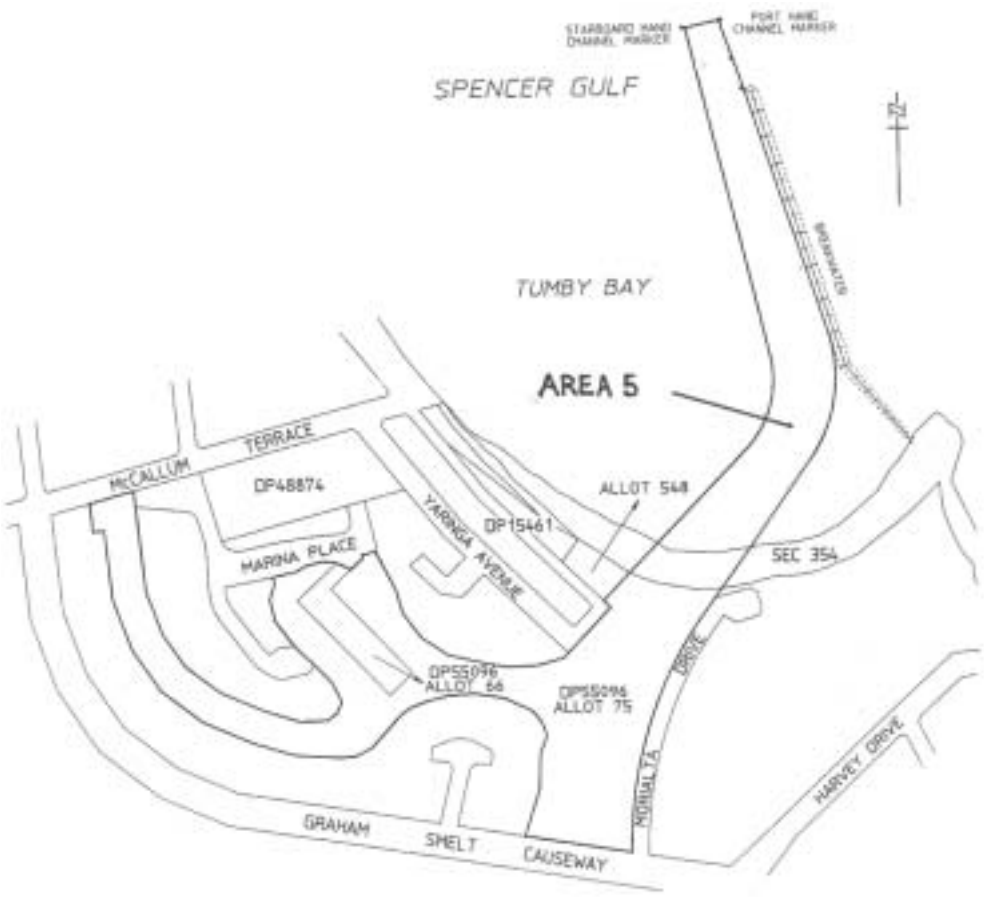
Area 4: the area of the sea at Tumby Bay bounded as follows:

- on the west and south by the high water mark;
- on the north by a straight line being the prolongation seawards of the northern boundary of Goode Avenue for a distance of 350 metres from the high water mark;
- on the east by a straight line being the prolongation seawards of the eastern boundary of Harvey Drive in a northerly direction joining the seaward extremity of the north boundary.

Area 5: the area of the sea at Tumby Bay bounded as follows: commencing at the northern most starboard hand channel marker of the marked navigation channel leading to the Tumby Bay Marina, then generally easterly across the marked navigation channel to the northern most port hand channel marker of the marked navigation channel, then generally south-easterly along the eastern edge of the marked navigation channel to its intersection with the breakwater, then generally south-easterly along the western edge of the breakwater to the point at which there is a bend in the breakwater, then generally south-westerly along the eastern edge of marked navigation channel to its intersection with the north-eastern corner of Allotment 75 in DP 55096, then generally southerly, westerly and easterly around the boundary of that Allotment (including Allotment 66 in DP 55096) to its intersection with the north-eastern corner of Allotment 548 in DP 15461, then generally north-easterly and northerly along the western edge of the marked navigation channel to the point of commencement.




SPENCER
GULF
TUMBY
BAY
350 METRES
AREA 4
WATER
MARK
SEC. 354
HIGH
TERRACE
GOODE AVENUE
GOVERNMENT ROAD
TARINGA
AVENUE
PARSLOE
STREET
SMITH ST
TUMBY
BERRYMAN
CR
HARVEY
DRIVE


STARBOARD HAND CHANNEL MARKER
PORT HAND CHANNEL MARKER
SPENCER GULF
TUMBY BAY
AREA 5
BREAKWATER
McCALLUM TERRACE
DP48874
MARINA PLACE
YARRINGA AVENUE
DP15461
ALLOT 548
SEC 354
DP55096 ALLOT 66
DP55096 ALLOT 75
NORMALTA DRIVE
HARVEY DRIVE
GRAHAM SMELT CAUSEWAY

Valley Lake

Area 1: the portion of Valley Lake bounded on the south-east by a straight line extending south-west from the white marker post situated approximately midway along the north shore of Valley Lake to the white marker post situated on the west shore of Valley Lake.

Area 2: the portion of Valley Lake bounded on the west by a straight line from the white marker post situated near the east end of the north shore of Valley Lake to the white marker post on the east shore of Valley Lake.

Area 3: the portion of Valley Lake not included in Area 1 or 2 bounded on the south-west by a straight line extending south-east from the yellow marker post situated on the north shore of Valley Lake to the yellow marker post situated on the shore at the approximate north-east corner of Valley Lake.

Victor Harbor

The portion of the sea at Victor Harbor bounded as follows:

- on the west by a line joining the most southerly point of King Head to the most southerly point of West Island;
- on the south by a line commencing at the most southerly point of West Island and then proceeding generally eastward towards the Murray mouth to a point where the line intersects at right angles with the prolongation, generally south and to seaward, of the easterly boundary of the area of the City of Victor Harbor;
- on the east by the prolongation, generally south and to seaward, of the easterly boundary of the area of the City of Victor Harbor (ie the eastern side of Ocean Road, Port Elliot);
- on the north by the high water mark of the coastline between the easterly boundary of the area of the City of Victor Harbor (ie the eastern side of Ocean Road, Port Elliot) and the most southerly point of King Head.

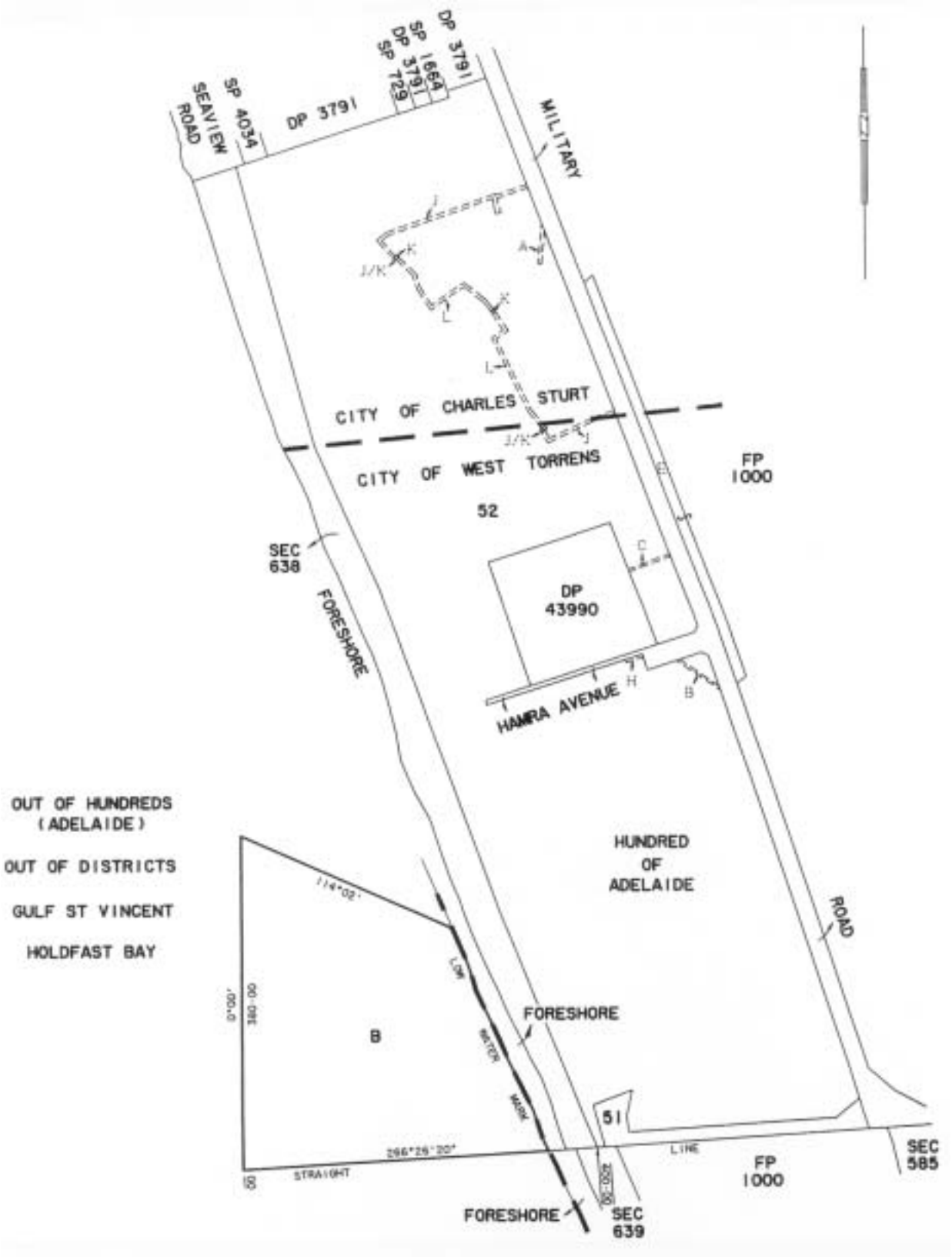
Wallaroo Bay

Area 1: The portion of the waters of the sea at Wallaroo described as "Area 1" on the plan below.

Area 2: The portion of the waters of the sea at Wallaroo described as "Area 2" on the plan below.

West Beach

The portion of the waters of Gulf St. Vincent designated by the letter "B" in the plan below:



Whyalla

Area 1: the portion of Spencer Gulf at Whyalla bounded as follows:

- on the south-west by a line being the prolongation of the western side of Agett Street, Town of Whyalla, seawards from high water mark for a distance of 100 metres;
- on the north-east commencing at the south-eastern corner of Section 108, Hundred of Randell, then south-westerly along high water mark for 100 metres;
- on the south-east by a line joining the south-eastern extremities of the south-west and north-east boundaries and parallel to high water mark;
- on the north-west by high water mark.

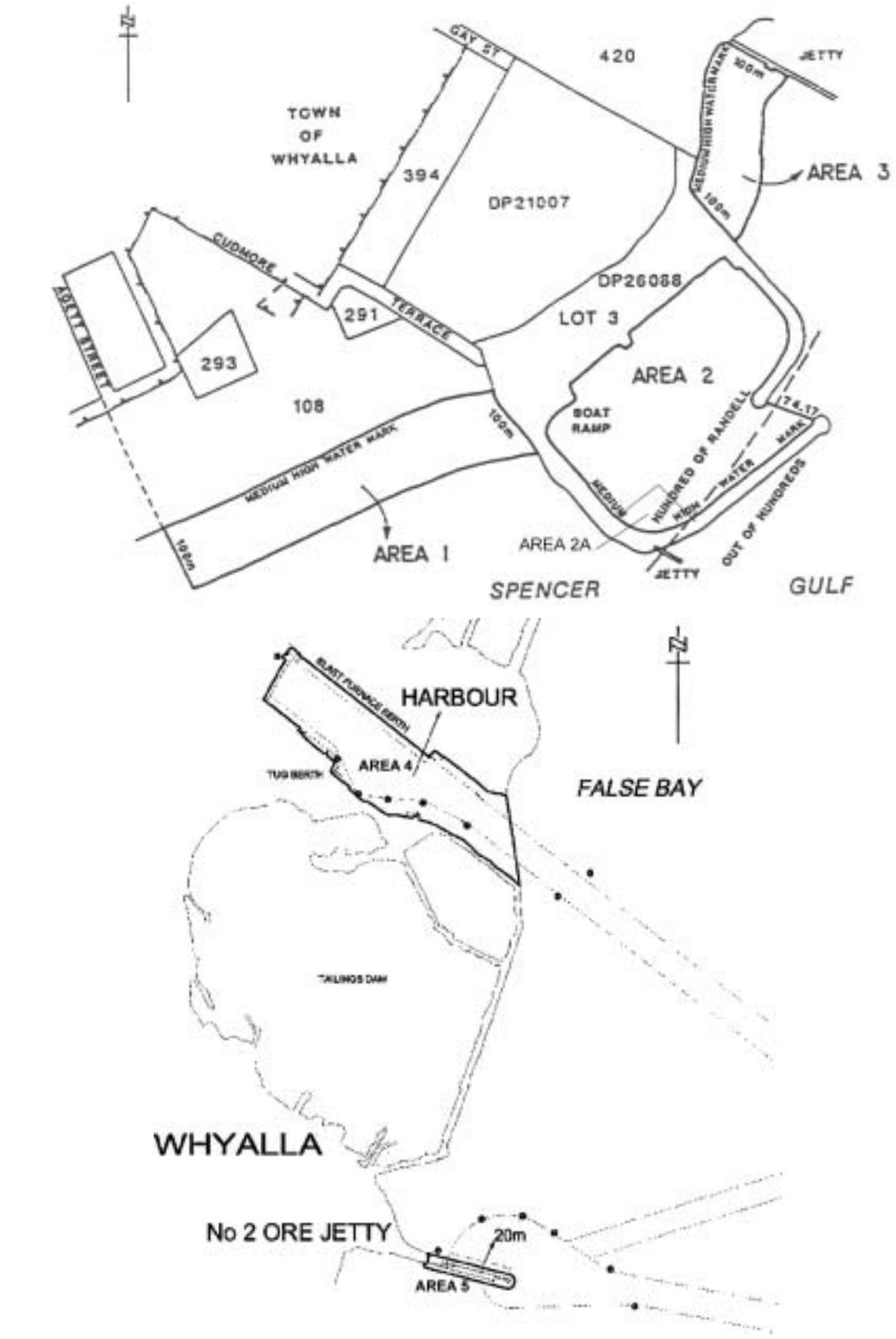
Area 2: the portion of Spencer Gulf at Whyalla bounded as follows, but excluding the area defined as Area 2A: commencing at the most westerly point on the north-eastern tip of the southern breakwater (being portion of Lot 3 in DP 26088); then west-north-westerly along a line of bearing 290°14′10″ for a distance of 74.17 metres to intersect with high water mark on the northern breakwater; then following high water mark along the inside of the boat haven to the point of commencement.

Area 2A: the portion of Spencer Gulf at Whyalla bounded as follows: commencing at a point on the northern face of the southern breakwater (being portion of Lot 3 in DP 26088), being a point that is 246 metres (measured along the northern face of the southern breakwater) from the most westerly point on the north-eastern tip of the southern breakwater; then generally north-westerly for a distance of 77 metres; then south-westerly for a distance of 87 metres to the northern face of the southern breakwater, being the area bounded by yellow buoys.

Area 3: the portion of Spencer Gulf at Whyalla bounded as follows: commencing at the intersection of high water mark and the south-western side of the jetty adjacent to Section 420, Hundred of Randell; then south-easterly along the southern side of the jetty for 100 metres; then generally south-westerly along a line parallel to and 100 metres seawards of high water mark to its intersection with the northern breakwater (part of Lot 3, DP 26088); then generally north-westerly and northerly along high water mark to the point of commencement.

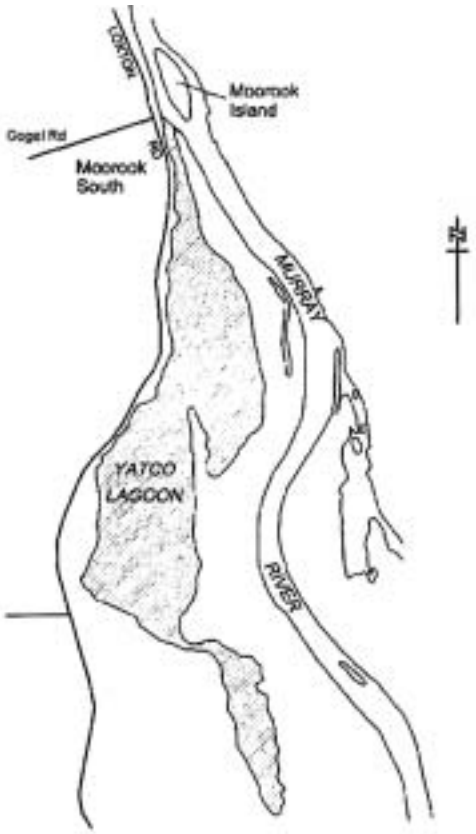
Area 4: the portion of False Bay at Whyalla described as "Area 4" on the plan below.

Area 5: the portion of False Bay at Whyalla described as "Area 5" on the plan below.


GAY ST
420
JETTY
TOWN OF WHYALLA
394
DP21007
AREA 3
CUDMORE
DP26088
LOT 3
291
TERRACE
293
AREA 2
108
BOAT RAMP
HUNDRED OF RANDELL
AREA 1
AREA 2A
SPENCER GULF
HARBOUR
AREA 4
FALSE BAY
WHYALLA
No 2 ORE JETTY
20m
AREA 5

Yatco Lagoon

The whole of Yatco Lagoon being the body of water to the south of a straight line commencing at the point at which the prolongation easterly of the northern boundary of Gogel Road meets the waters edge and extending south easterly to the northernmost point of the headland immediately to the south of Moorook Island.



Schedule 6—Fishing vessels—crewing requirements

(Part 6 Division 2)

1—Interpretation of Schedule 6

In this Schedule—

Australian Coastal and Middle-water, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast and within 600 nautical miles (or such lesser distance determined by the CEO) to seaward;

CLASS 3 means a Marine Engineer Class 3;

Inshore, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast from a specified base or regular port of departure and within 15 nautical miles (or such lesser distance determined by the CEO) to seaward of the coast or of the seaward limit of waters designated by the CEO as smooth or partially smooth;

MED 1, ***MED 2*** or ***MED 3*** means a Marine Engine Driver Grade 1, 2 or 3;

Offshore, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast and within 200 nautical miles (or such lesser distance determined by the CEO) to seaward;

propulsion power means—

(a) in relation to a multi-screw vessel of less than 35 metres in length and an operational area other than Unlimited or Australian Coastal and Middle-water operations—the maximum continuous rated power in kilowatts of the largest engine provided for the propulsion of the vessel by one screw;

(b) in relation to any other vessel—the total maximum continuous rated power in kilowatts of all of the machinery provided for the propulsion of the vessel;

Restricted Offshore, in relation to the operational area of a vessel, means operations within 30 nautical miles (or such lesser distance determined by the CEO) from the seaward limit of a safe haven or of waters designated by the CEO as smooth or partially smooth;

S1, ***S2*** or ***S3*** means a Skipper Grade 1, 2 or 3;

Unlimited, in relation to the operational area of a vessel, means all overseas, ocean-going and Australian coastal operations without limitation as to geographical range.

2—Minimum crewing of fishing vessels

A fishing vessel referred to in columns 1 and 2 of tables 1 and 2 of this Schedule must carry at least the number of crew members with at least the respective qualifications specified in those tables, in the positions set out in those tables.

Table 1—Minimum Crewing

Vessel size (length)	Operational area	Total complement	Master	Chief mate	Other
80 metres and over	Unlimited	*	*	*	*
	Australian Coastal & Middle-water	*	*	*	*
	Offshore	*	*	*	*
35 metres and over, but less than 80 metres	Unlimited	*	*	*	*
	Australian Coastal & Middle-water	6	S1	S2	4
	Offshore	5	S2	S3	3
	Offshore (to 100nm)	5	S2	S3	3
	Inshore	4	S2	—	3
24 metres and over, but less than 35 metres	Unlimited	*	*	*	*
	Australian Coastal & Middle-water	5	S2	S3	3
	Offshore	5	S2	S3	3
	Offshore (to 100nm)	4	S2	—	3
	Restricted Offshore	3	S2	—	2
12 metres and over, but less than 24 metres	Unlimited	*	*	*	*
	Australian Coastal & Middle-water (see note 2)	3 or 4	S2	S3	1 or 2
	Offshore (see note 2)	3 or 4	S3 endorsed (see note 3)	S3	1 or 2
	Offshore (to 100nm) (see note 2)	2 or 3	S3	—	1 or 2
	Restricted Offshore	2	S3	—	1
Less than 12 metres	Unlimited	*	*	*	*
	Australian Coastal & Middle-water	*	*	*	*
	Offshore (see note 2)	2 or 3	S3 endorsed (note 3)	S3	0 or 1
	Offshore (to 100nm) (see note 1)	1 or 2	S3	—	0 or 1
	Inshore	1	Coxswain	—	—

* As determined by the CEO

Notes—

1 An additional person is required when the length of voyage exceeds 12 hours.

2 The engineer table indicates the number of engineers and the minimum engineer qualifications required, according to the propulsion power of a vessel and its operational area. These engineers are included in this table in the minimum total complement (Column 3) and in Column 6.

3 Endorsement to 200nm is issued on completion of the examination in Navigation and Position Determination required for the issue of the Skipper Grade 2 certificate.

Table 2—Minimum Crewing (Engineers)

Propulsion power	Operational area	Chief engineer	Second engineer
Vessels of 1500kw and over	Unlimited	*	*
	Australian Coastal & Middle-water	*	*
	Offshore	*	*
	Inshore	*	*
Vessels of 750kw and over but less than 1500kw	Unlimited	*	*
	Australian Coastal & Middle-water	CLASS 3	MED 1
	Offshore	CLASS 3	MED 2
	Restricted Offshore	MED 1	—
Vessels of 500kw and over but less than 750kw	Unlimited	*	*
	Australian Coastal & Middle-water	MED 1	MED 2
	Offshore	MED 1	—
	Inshore	MED 2	—
Vessels of 250kw and over but less than 500kw	Unlimited	*	*
	Australian Coastal & Middle-water	MED 1	—
	Offshore	MED 2	—
	Inshore	MED 3	—
Vessels less than 250kw	Unlimited	*	*
	Australian Coastal & Middle-water	MED 2	—
	Offshore (to 100nm)	MED 3	—
	Inshore	COXSWAIN	—

* As determined by the CEO

Schedule 7—Certificates of competency—River Murray and Inland Waters

(Part 7)

1—Certificate of competency as Coxswain River Murray and Inland Waters

To be eligible for the issue of a certificate of competency as Coxswain River Murray and Inland Waters, an applicant must—

(a) have attained the age of 18 years; and

(b) meet the eyesight and medical standards for a coxswain required by clause 16.1 of Section 2 of the Code as modified by these regulations; and

(c) have not less than 6 months of experience approved by the CEO on vessels not less than 4 metres in length; and

(d) satisfy the CEO (by oral, practical or written examination, as determined by the CEO) as to his or her competency in the following syllabus:

Syllabus—Coxswain River Murray and Inland Waters

Section 1—Vessel Handling

Demonstrate that the candidate can handle the proposed type or types of vessels for which a certificate is sought in all conditions that may be expected within the proposed operational area.

Section 2—Emergency and Safety

Knowledge of—

(a) action to be taken in an emergency;

(b) steps to be taken if capsized or holed;

(c) rendering assistance to others in distress including person overboard procedures and procedures for recovery;

(d) seating, entering or leaving the boat by passengers;

(e) distribution of persons and equipment on board to ensure satisfactory stability and buoyancy;

(f) fuelling precautions and use of fuels including fuel with a flashpoint below 60°C (petrol);

(g) artificial respiration and a working knowledge of first aid.

Section 3—Safety Equipment

Working knowledge of the following:

(a) use of safety equipment;

(b) use of fire extinguishers;

(c) statutory requirements for equipment;

(d) care and maintenance of equipment;

(e) use of distress signals.

Section 4—Meteorology

Understanding of local weather conditions and seasonal changes in local weather including stable and unstable weather patterns. Understanding of weather information including strong wind and flood warnings.

Section 5—Engineering Knowledge

(a) Working knowledge of propelling machinery;

(b) Working knowledge of the care and maintenance of engines and batteries;

(c) Basic knowledge of fuel filter systems;

(d) Basic knowledge of pumping and venting systems;

(e) Working knowledge of precautions against fire or explosion associated with the use of petrol, liquefied petroleum gas, distillate or other fuel and with the charging of batteries.

Section 6—Navigation and Local Knowledge

(a) Knowledge of Section 17 of the Code;

(b) Knowledge of lights or local signals;

(c) Knowledge of lock or local signals;

(d) Knowledge of statutory requirements regarding registration of vessels and licensing of operators and carriage of equipment and a clear understanding of limitations of certificates;

(e) Knowledge of regulations for recreational boating including obligatory assistance and reporting of accidents etc;

(f) Knowledge of requirements for survey and maintenance of vessels and equipment;

(g) Understanding of Marine Notices issued by the Minister.

2—Certificate of competency as Master Class 5 River Murray and Inland Waters

To be eligible for the issue of a certificate of competency as Master Class 5 River Murray and Inland Waters, an applicant must—

(a) have attained the age of 18 years; and

(b) meet the eyesight and medical standards for a Master Class 5 required by clause 17.1 of Section 2 of the Code as modified by these regulations; and

(c) —

(i) where the applicant does not hold a certificate of competency, have 12 months of experience approved by the CEO within the previous 5 years of which at least 6 months must have been served on commercial vessels of less than 80 metres in length on the River Murray or inland waters; or

(ii) where the applicant holds other qualifications acceptable to the CEO, have a period appropriate to those qualifications of experience approved by the CEO on the River Murray or inland waters on vessels of less than 80 metres in length; and

(d) satisfy the CEO (by oral, practical or written examination, as determined by the CEO) as to his or her competence in the following syllabus:

Syllabus—Master Class 5 River Murray and Inland Waters

SHIP KNOWLEDGE

Section 1—Design and Construction

(a) Knowledge of the principal parts of a vessel and their various functions;

(b) Practical appreciation of how the watertight integrity of a vessel is maintained;

(c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;

(d) Practical knowledge of bilge pumping arrangements;

(e) Practical knowledge of the steering arrangements of a vessel.

Section 2—Stability

A general understanding of the effect on the stability of a vessel of—

(a) adding and removing weights;

(b) the disposition of passengers;

(c) ballast and fuel;

(d) slack tanks;

(e) free surface.

Section 3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) maintenance of vessels.

NAUTICAL KNOWLEDGE

Section 1—Marine Legislation

(a) Knowledge of the certificates required to be carried by vessels;

(b) A working knowledge of the law relating to the following:

(i) lifesaving appliances;

(ii) distress signals;

(iii) rendering assistance;

(iv) overloading;

(v) fire appliances;

(vi) musters and drills.

Section 2—Meteorology

(a) A knowledge of basic meteorological terms so that a candidate can interpret information provided by radio broadcasts and weather maps including a general understanding of stable and unstable systems;

(b) An understanding of the effect of fetch on wave height.

Section 3—Protection of the Environment

(a) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;

(b) Knowledge of the management of sewage holding tanks.

Section 4—Navigational Safety

(a) A sound knowledge of the content and application of—

(i) Section 17 of the Code;

(ii) channel and lock marking systems;

(b) A knowledge of the content of publications and Marine Notices issued by the Minister with respect to navigational warnings, precautions concerning submarine cables and pipelines and other information relating to the safe navigation of vessels on the River Murray and inland waters.

Section 5—Practical Seamanship

A working knowledge of the following:

(a) knots, hitches and bends in common use;

(b) care of rope, wire and chains;

(c) the safe handling of moorings.

Section 6—Vessel Handling

A practical knowledge of the following:

(a) berthing and unberthing;

(b) conning the vessel, the effect of propellers on the steering of a vessel, turning a vessel short round and negotiating locks;

(c) the effect of current, wind and shallows on manoeuvring;

(d) manoeuvring a vessel, including a vessel with independent or fixed paddles;

(e) the dangers of manoeuvring and passing too close to vessels in a narrow channel or river;

(f) emergency manoeuvres—emergency stop and person overboard procedures;

(g) towing and being towed;

(h) duties when underway and alongside;

(i) approaching a ferry crossing.

Section 7—Safety Equipment and Emergency Procedures

A general knowledge of safe practices in the following:

(a) the use and care of lifesaving appliances;

(b) the use and care of fire fighting appliances;

(c) the prevention of fire and fire fighting;

(d) the action to be taken in the event of fire, collision, grounding or damage to the vessel;

(e) precautions for the protection and safety of passengers and crew in emergency situations.

Section 8—Engineering

A practical knowledge of the operation of the mechanical equipment in the engine room of a vessel, with particular reference to:

(a) marine internal combustion engines and their fittings, shafting and propellers and preparation for the use of engines and fittings;

(b) the precautions necessary for the prevention of fire or explosion associated with the use of petrol, liquefied petroleum gas, distillate or other fuel and with the charging of batteries;

(c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;

(d) cooling water and fuel systems and bilge pumping arrangements, including precautions against back-flooding;

(e) care of electrical systems (including batteries), safety procedures when working on low and medium voltage a.c. and d.c. systems and procedures relating to fuses and circuit breakers;

(f) steering gear and deck machinery;

(g) fuel consumption including estimation and calculation.

3—Certificate of competency as Master Class 5 River Murray and Inland Waters (Houseboats)

To be eligible for the issue of a certificate of competency as Master Class 5 River Murray and Inland Waters (Houseboats), an applicant must—

(a) have attained the age of 18 years; and

(b) meet the eyesight and medical standards for a Master Class 5 required by clause 17.1 of Section 2 of the Code as modified by these regulations; and

(c) —

(i) where the applicant does not hold a certificate of competency, have 12 months of experience approved by the CEO within the previous 5 years of which at least 6 months must have been served on houseboats of less than 80 metres in length on the River Murray or inland waters; or

(ii) where the applicant holds other qualifications acceptable to the CEO, have a period appropriate to those qualifications of experience approved by the CEO on the River Murray or inland waters on vessels of less than 80 metres in length; and

(d) satisfy the CEO (by oral, practical or written examination, as determined by the CEO) as to his or her competence in the following syllabus:

Syllabus—Master Class 5 River Murray and Inland Waters (Houseboats)

SHIP KNOWLEDGE

Section 1—Design and Construction

(a) Knowledge of the principal parts of a vessel and their various functions;

(b) Practical appreciation of how the watertight integrity of a vessel is maintained;

(c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;

(d) Practical knowledge of bilge pumping arrangements;

(e) Practical knowledge of the steering arrangements of a vessel.

Section 2—Stability

A general understanding of the effect on the stability of a vessel of—

(a) adding and removing weights;

(b) the disposition of passengers;

(c) ballast and fuel;

(d) slack tanks;

(e) free surface.

Section 3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) maintenance of vessels.

NAUTICAL KNOWLEDGE

Section 1—Marine Legislation

(a) Knowledge of the certificates required to be carried by vessels;

(b) A working knowledge of the law relating to the following:

(i) lifesaving appliances;

(ii) distress signals;

(iii) rendering assistance;

(iv) overloading;

(v) fire appliances;

(vi) musters and drills.

Section 2—Meteorology

(a) A knowledge of basic meteorological terms so that a candidate can interpret information provided by radio broadcasts and weather maps including a general understanding of stable and unstable systems;

(b) An understanding of the effect of fetch on wave height.

Section 3—Protection of the Environment

(a) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;

(b) Knowledge of the management of sewage holding tanks.

Section 4—Navigational Safety

(a) A sound knowledge of the content and application of—

(i) Section 17 of the Code;

(ii) channel and lock marking systems;

(b) A knowledge of the content of publications and Marine Notices issued by the Minister with respect to navigational warnings, precautions concerning submarine cables and pipelines and other information relating to the safe navigation of vessels on the River Murray and inland waters.

Section 5—Practical Seamanship

A working knowledge of the following:

(a) knots, hitches and bends in common use;

(b) care of rope, wire and chains;

(c) the safe handling of moorings.

Section 6—Vessel Handling

A practical knowledge of the following:

(a) berthing and unberthing;

(b) conning the vessel, the effect of propellers on the steering of a vessel, turning a vessel short round and negotiating locks;

(c) the effect of current, wind and shallows on manoeuvring;

(d) manoeuvring a vessel, including a vessel with independent or fixed paddles;

(e) the dangers of manoeuvring and passing too close to vessels in a narrow channel or river;

(f) emergency manoeuvres—emergency stop and person overboard procedures;

(g) towing and being towed;

(h) duties when underway and alongside;

(i) approaching a ferry crossing.

Section 7—Safety Equipment and Emergency Procedures

A general knowledge of safe practices in the following:

(a) the use and care of lifesaving appliances;

(b) the use and care of fire fighting appliances;

(c) the prevention of fire and fire fighting;

(d) the action to be taken in the event of fire, collision, grounding or damage to the vessel;

(e) precautions for the protection and safety of passengers and crew in emergency situations.

Section 8—Engineering

A practical knowledge of the operation of the mechanical equipment in the engine room of a vessel, with particular reference to:

(a) marine internal combustion engines and their fittings, shafting and propellers and preparation for the use of engines and fittings;

(b) the precautions necessary for the prevention of fire or explosion associated with the use of petrol, liquefied petroleum gas, distillate or other fuel and with the charging of batteries;

(c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;

(d) cooling water and fuel systems and bilge pumping arrangements, including precautions against back-flooding;

(e) care of electrical systems (including batteries), safety procedures when working on low and medium voltage a.c. and d.c. systems and procedures relating to fuses and circuit breakers;

(f) steering gear and deck machinery;

(g) fuel consumption including estimation and calculation.

4—Certificate of competency as Master Class 4 River Murray and Inland Waters

To be eligible for the issue of certificate of competency as Master Class 4 River Murray and Inland Waters, an applicant must—

(a) have attained the age of 20 years; and

(b) meet the eyesight and medical standards for a Master Class 4 required by clause 19.1 of Section 2 of the Code as modified by these regulations; and

(c) —

(i) where the applicant does not hold a certificate of competency, have 30 months of experience approved by the CEO, at least 12 months of which must have been served during the previous 5 years and at least 18 months of which must have been served on the River Murray or inland waters on commercial vessels of not less than 12 metres in length; or

(ii) where the applicant holds a certificate of competency as Master Class 5 River Murray and Inland Waters, have 12 months of experience approved by the CEO during the previous 5 years, at least 6 months of which must have been served as mate on the River Murray or inland waters on vessels of not less than 12 metres in length; or

(iii) where the applicant holds other qualifications acceptable to the CEO, have a period appropriate to those qualifications of experience approved by the CEO on the River Murray or inland waters on vessels of not less than 12 metres in length; and

(d) satisfy the CEO (by oral, practical or written examination, as determined by the CEO) as to his or her competence in the following syllabus:

Syllabus—Master Class 4 River Murray and Inland Waters

SHIP KNOWLEDGE

Section 1—Design and Construction

(a) Knowledge of the principal parts of a vessel and their various functions;

(b) Practical appreciation of how the watertight integrity of a vessel is maintained;

(c) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;

(d) Practical knowledge of bilge pumping arrangements;

(e) Practical knowledge of the steering arrangements of a vessel.

Section 2—Stability

A general understanding of the effect on the stability of a vessel of—

(a) adding and removing weights;

(b) the disposition of passengers;

(c) ballast and fuel;

(d) slack tanks;

(e) free surface.

Section 3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) the maintenance of vessels.

NAUTICAL KNOWLEDGE

Section 1—Marine Legislation

(a) Knowledge of the certificates required to be carried by vessels;

(b) A working knowledge of the law relating to the following:

(i) lifesaving appliances;

(ii) distress signals;

(iii) rendering assistance;

(iv) overloading;

(v) fire appliances;

(vi) musters and drills.

Section 2—Meteorology

(a) A knowledge of basic meteorological terms so that a candidate can interpret information provided by radio broadcasts and by weather maps including a general understanding of stable and unstable systems;

(b) An understanding of the effect of fetch on wave height.

Section 3—Protection of the Environment

(a) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;

(b) Knowledge of the management of sewage holding tanks.

Section 4—Navigational Safety

(a) A sound knowledge of the content and application of—

(i) Section 17 of the Code;

(ii) channel and lock marking systems;

(b) A knowledge of the content of publications and Marine Notices issued by the Minister with respect to navigational warnings, precautions concerning submarine cables and pipelines and other information relating to the safe navigation of vessels on the River Murray and inland waters.

Section 5—Practical Navigation

A working knowledge of the following:

(a) knots, hitches and bends in common use;

(b) care of rope, wire and chains;

(c) the safe handling of moorings.

Section 6—Vessel Handling

A practical knowledge of the following:

(a) berthing and unberthing;

(b) conning the vessel, the effect of propellers on the steering of a vessel, turning a vessel short round and negotiating locks;

(c) the effect of current, wind and shallows on manoeuvring;

(d) manoeuvring a vessel, including a vessel with independent or fixed paddles;

(e) the dangers of manoeuvring and passing too close to vessels in a narrow channel or river;

(f) emergency manoeuvres—emergency stop and person overboard procedures;

(g) towing and being towed;

(h) duties when underway and alongside;

(i) approaching a ferry crossing.

Section 7—Safety Equipment and Emergency Procedures

A general knowledge of safe practices in the following:

(a) the use and care of lifesaving appliances;

(b) the use and care of fire fighting appliances;

(c) the prevention of fire and fire fighting;

(d) the action to be taken in the event of fire, collision, grounding or damage to the vessel;

(e) precautions for the protection and safety of passengers and crew in emergency situations.

Section 8—Engineering

A practical knowledge of the operation of the mechanical equipment in the engine room of a vessel, with particular reference to:

(a) marine internal combustion engines and their fittings, shafting and propellers and preparation for the use of engines and fittings;

(b) the precautions necessary for the prevention of fire or explosion associated with the use of petrol, liquefied petroleum gas, distillate or other fuel and with the charging of batteries;

(c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;

(d) cooling water and fuel systems and bilge pumping arrangements, including precautions against back-flooding;

(e) care of electrical systems (including batteries), safety procedures when working on low and medium voltage a.c. and d.c. systems and procedures relating to fuses and circuit breakers;

(f) steering gear and deck machinery;

(g) fuel consumption including estimation and calculation.

Schedule 8—Structural and equipment requirements for hire and drive houseboats

(Part 8)

1—Length, size and speed

(1) Subject to subclause (2), a hire and drive houseboat—

(a) must not exceed 20 metres in length; and

(b) must not exceed 8.5 metres beam; and

(c) must not be a boat that is permitted (under its certificate of inspection) to carry more than 12 persons while underway; and

(d) must not have a potential speed of more than 10 knots.

(2) A hire and drive houseboat—

(a) in respect of which a certificate of inspection issued under the Act was purportedly in force immediately before the commencement of these regulations; and

(b) that was, immediately before that commencement, available for hiring out by its owner in the course of carrying on a business of hiring out boats for operation by hirers,

may exceed 20 metres in length.

2—Pontoons

(1) A pontoon must be constructed of steel, marine grade aluminium alloy, or fibreglass or other suitable material approved by the CEO.

(2) If the material of which a pontoon is constructed is less than 3 mm thick, it must be approved by the CEO as having adequate structural strength.

(3) A pontoon must be of adequate strength to support the fixed house that it is designed for and must be suitably stiffened in both the transverse and longitudinal directions.

(4) A pontoon must be subdivided into transverse bulkheads of watertight construction spaced not more than 1.2 metres apart.

(5) A transverse bulkhead must be suitably stiffened.

(6) Each pontoon must be provided with brackets or other effective arrangement for attaching the deck structure supporting the fixed house.

(7) All compartments in a pontoon are to be air tested to a pressure of 3.5 kPa to ensure that all external joints and bulkheads are watertight, and the test must be evidenced by a test record sheet that gives full details of the test, signed by the person carrying out the tests on behalf of the pontoon manufacturer.

(8) A metal plate bearing the manufacturer's name, the date of manufacture and an identification number must be permanently affixed near the aft end of each pontoon so as to be clearly visible and protected from accidental damage.

3—Decks

(1) The deck of a hire and drive houseboat that has a mono-hull must be of sufficient strength to permit the fixed house to be adequately fitted to it.

(2) The deck of a hire and drive houseboat that is constructed of pontoons must be constructed of timber or metal beams of sufficient strength to take the static and wind loads of the fixed house.

(3) Where the spacing of transverse beams exceeds 600 mm between centres, the size of the beam must be correspondingly increased.

(4) Cross bracing for the deck beams must be provided.

(5) Any area of open deck must be capable of supporting the maximum number of persons that the houseboat is permitted to carry while underway.

(6) The perimeter of all decks must be fitted with horizontal rails—

(a) extending at least 850 mm above the deck and spaced not more than 250 mm apart; and

(b) capable of withstanding a horizontal thrust equivalent to 300 kgs,

or an alternative barrier that provides, in the opinion of the CEO, adequate protection against the risk of a person falling from the deck.

(7) Any access gate in the rails or other barrier must be designed and constructed so as to only open inwards and must be fitted with a device designed and constructed to prevent a child from opening the gate.

(8) All decks must have a non-slip surface suitable for wet conditions.

4—Steps and ladders

Any steps or ladders—

(a) must have an angle to the vertical of not less than 15°; and

(b) must have a width of at least 600 mm; and

(c) must have steps that—

(i) have a depth of at least 200 mm; and

(ii) are not more than 250 mm apart; and

(iii) have a non-slip surface.

5—Fixed house

(1) The side frames, internal frames and house top beams must be constructed of timber or metal and of a size to meet standard house specifications.

(2) The floor of the house must be constructed of water resistant particle board or marine grade plywood effectively fastened to the deck beams.

(3) The internal house framing must be welded or bolted to the deck beams and be weather-tight.

(4) Weather-tight external cladding must be fitted on the sides and ends of the house and the internal linings and ceilings must be of low flame spread materials.

(5) Floors of toilet and wash places must be covered with ceramic tiles or equivalent waterproof materials.

(6) Windows, glass doors and wooden doors must meet house construction standards.

6—Visibility

A hire and drive houseboat must be constructed so as to allow the greatest possible visibility for the person operating the boat.

7—Freeboard

(1) When a hire and drive houseboat is fully loaded (including all fuel that may be carried on the boat) the height of the top of the deck above water level at the lowest point must be—

(a) for a boat that is 6 metres or less in length—not less than 400 mm;

(b) for a boat that is 20 metres or more in length—not less than 600 mm;

(c) for a boat that is more than 6 metres but less than 20 metres in length—not less than a distance determined by interpolation.

(2) Where a hire and drive houseboat is constructed of pontoons, the freeboard required by subclause (1) must be such that allows the pontoons to have a reserve buoyancy of at least 25% of the total volume of the pontoons.

8—Stability

A hire and drive houseboat must comply with the following elementary stability test:

When a number of persons equal to the maximum number that the boat is permitted to carry while underway are on one side of the uppermost deck at its extreme breadth from the centreline of the hull—

(a) the angle of heel must not exceed 7° from the upright; and

(b) the freeboard of the hull on the heeled or immersed side, measured from the inclined waterline to the intersection of the edge of the main deck line and sheerline of the main hull at its lowest point, must not be less than 25% of the freeboard in the upright condition when fully loaded.

9—Structural fire protection

A hire and drive houseboat must be constructed so as to minimise fire hazards and in particular—

(a) the engine compartment must be lined with non-combustible material; and

(b) if the sides of the engine compartment adjoin any other compartment and are not made of steel, the sides must be constructed (in accordance with Section 5F of the Code) of a material that, after exposure of one side of the material to fire for 30 minutes, the average temperature of the side not exposed to fire does not rise more than 139°C above the original temperature; and

(c) the cooking area must be protected by non-combustible material or fire resistant material; and

(d) there must be no combustible material within 750 mm above the stove; and

(e) if the stove is located within 300 mm of combustible material, it must be protected as required by Section 5F of the Code; and

(f) all exposed surfaces of the lining of accommodation areas must be of low flame spread material and the lining must be constructed as required by Section 5F of the Code;

(g) two smoke detectors, or such greater number as the CEO may, in a particular case, direct, must be installed in appropriate positions in accommodation areas.

10—Engines

(1) If a hire and drive houseboat is propelled by an inboard engine, the engine must operate on fuel that has a flash point of not less than 60°C.

(2) The engine must be provided with such instrumentation as is necessary to ensure its satisfactory operation.

11—Exhaust systems

(1) Exhaust pipes and silencers must be constructed of steel, copper or other suitable material approved by the CEO.

(2) Exhaust pipes and silencers must either be water cooled or effectively insulated.

(3) Exhaust pipes must be constructed so that any back flow of water cannot enter the engine manifold.

(4) Any part of an exhaust pipe that passes through an accommodation area must be enclosed in a gas tight casing.

12—Ventilation of machinery spaces

The engine compartment and any other area housing machinery must be adequately ventilated and, in particular, the volume of air flow must be sufficient to provide air for aspiration of the machinery when running at full power and additional air to provide adequate cooling (see AS 2387).

13—Fuel tanks and fuel systems for engines and generators

(1) The following requirements apply to fuel tanks and fuel systems used in connection with an engine or a generator.

(2) A fuel tank must be—

(a) soundly constructed from carbon steel, stainless steel, copper, marine grade aluminium alloy, or, if the fuel to be contained in the tank has a flash point above 60°C, glass reinforced plastic; and

(b) designed and constructed for a working pressure of not less than 20 kPa; and

(c) tested—

(i) in the presence of a surveyor; and

(ii) with the tank full of water to the maximum head or 2.5 metres above the top of the tank, whichever is the greater,

to ensure paragraph (b) is complied with.

(3) If a fuel tank is installed independently of the hull, the tank and fuel system must, in addition, comply with the following requirements:

(a) the tank must be securely installed in such a position that it is clear of the engine and the exhaust pipes and that ensures that any fuel spilled during filling of the tank will not come into contact with hot machinery; and

(b) the tank supports and fastenings must be insulated from the tank by non-abrasive and non-absorbent material; and

(c) a shut-off valve or cock must be fitted at each tank outlet line and only metal pipes and fittings may be used between the tank and the shut-off valve or cock; and

(d) if the fuel has a flash point of less than 60°C—

(i) all elements of the fuel system must be electrically bonded; and

(ii) if the tank has a capacity of more than 30 litres—the fill pipe must extend to within 50 mm of the bottom of the tank; and

(iii) if the tank has a capacity of more than 10 litres—fuel outlet must be by means of a siphon tube extending to within 12 mm of the bottom of the tank; and

(e) if the fuel has a flash point of 60°C or more—the fill pipe need only be taken to the top of the tank and the outlet may be fitted on the side or end of the tank; and

(f) the tank must be vented with a pipe that is fitted with a corrosion resistant anti-flash gauze (usually formed into a cone and inserted inside the vent pipe ensuring that there is good metal to metal contact with the pipe) that does not reduce the open area of the pipe; and

(g) if the tank is a portable fuel tank fitted in connection with an outboard engine—the fuel lines must be of heavy duty synthetic rubber suitable for carrying fuel and fitted with bayonet type fittings which, when disconnected, automatically shut off the fuel from the tank; and

(h) fuel pipes that are flexible must—

(i) be as short as possible; and

(ii) be constructed of metal braided reinforced material with a synthetic rubber 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 of fuel resistant material in accordance with AS 1799.3); and

(iii) be capable of withstanding 2.5 minutes of exposure to free burning kerosene while containing fuel; and

(i) fuel pipes that are not flexible must be constructed of seamless metal; and

(j) if the tank contains fuel for use in a generator—

(i) the tank must be installed in such a manner that it is not possible to overfill the supply tank of the generator; and

(ii) if the tank may not be of sufficient capacity for a period of hire of the boat—a fuel transfer pumping and piping system or gravity feed system must be installed to ensure that fuel does not have to be decanted by the hirer into the tank.

14—Additional fuel

If fuel is carried on a hire and drive houseboat otherwise than in fuel tanks associated with the engine or a generator, the following requirements apply:

(a) the fuel (which must have a flash point under 60°C) must be stored in a flammable liquids cabinet designed and constructed in accordance with AS 1940; and

(b) the cabinet must be located so that there is no ignition source within 3 metres; and

(c) the cabinet must be vented and gauze flash arresters fitted to the vents; and

(d) if the cabinet is on an open deck—it must be shaded by a structure to protect it from excessive temperature; and

(e) the quantity of additional fuel must not exceed 120 litres; and

(f) the fuel must be stored in containers of a type approved by the CEO.

15—Shipside valves and pipes

(1) All water inlets or points of discharge below the waterline must be fitted with metal valves or cocks secured directly to the hull.

(2) The valves or cocks must be readily accessible and provided with permanently attached handles or handwheels as a means of opening and closing them.

(3) Any flexible pipes over 25 mm bore below the waterline must be fitted with two corrosion resistant pipe clips at each end.

16—Electrical installations

(1) The following requirements apply in addition to other laws applying to electrical work and fittings.

(2) Switchboards, distribution boards and fuse boxes must not be located within 1.5 metres (or such lesser distance as is approved by the CEO in a particular case) of equipment which may give off flammable vapours such as fuel tanks, gas cylinders and batteries.

(3) All electrical circuits supplying power outlets with alternating power voltage above 32 volts must be fitted with earth leakage circuit breakers that comply with AS 3190 .

(4) All circuit breakers, switches, fuses, and alarms, designed, constructed or adapted for use in an emergency must be labelled as such.

(5) Navigation lights must be on a separate electrical circuit with each light individually fused or fitted with an overload circuit breaker.

(6) Batteries must be of sufficient capacity for their intended service and must be contained in a tray that is not less than 100 mm deep and lined with lead, fibreglass or other acid resistant material.

(7) If a battery is located on an open deck, it must be fully protected from the weather.

(8) Starter leads for an inboard engine must be—

(a) as short as is compatible with the safe storage of the batteries; and

(b) taken directly to the starter through the starting relay contacts with the relay mounted directly on or adjacent to the starter motor.

(9) The insulation resistance between conductors installed on a hire and drive houseboat and the conductors and earth, with all fuses in place, all circuit breakers closed and all consuming devices disconnected, must be tested (with a 500 volt insulation tester arranged to indicate resistance in Ohms or, if there is any risk of damage to the installation, a low voltage tester) to ensure that the resistance is not less than 1 000 000 Ohms.

(10) The electrical system must be tested to ensure that all earth continuity conductors and earthing leads are connected to the frame of the boat and to the pontoon structure or hull.

17—Liquefied petroleum gas installations

(1) The following requirements apply in addition to other laws applying in relation to liquefied petroleum gas.

(2) An appliance with a continuous burning pilot light or other continuous flame device—

(a) must not be installed below the main deck; and

(b) must be fitted with a device that automatically shuts off the gas in the main supply line to the appliance if the pilot light or continuous flame is extinguished.

(3) A gas heater without a flue must not be fitted unless additional permanent vents are fitted in the area in which the heater is located in accordance with the approval of the CEO.

(4) An enclosed area containing a gas appliance must be ventilated as follows:

(a) if the area provides accommodation other than for sleeping or cooking—

(i) there must be two vents (in addition to any opening windows or other required vents) fitted on opposite sides of the area; and

(ii) the lower edge of one vent must not be more than 150 mm above the floor; and

(iii) the upper edge of the other vent must not be more than 300 mm below the ceiling; and

(iv) if the lower vent is in the floor, it must be located where it is unlikely to be covered; and

(v) the vents must be of the following sizes:

(A) if the area contains a refrigerator—

- if the refrigerator has a capacity of less than 100 litres—325 square centimetres;

- if the refrigerator has a capacity of 100 litres or more but less than 200 litres—450 square centimetres;
- if the refrigerator has a capacity of 200 litres or more—650 square centimetres;

(B) if the area does not contain a refrigerator—

- if the area is less than 4 metres in length—240 square centimetres;
- if the area is 4 or more metres, but less than 5 metres, in length—300 square centimetres;
- if the area is 5 metres or more in length—360 square centimetres;

(b) in any other case—

(i) the door to the area must be suitably louvred; or

(ii) there must be two vents in the area as follows:

(A) the vents must have a clear area of at least 325 square mm per megajoule per hour of gas input to all appliances within the area;

(B) the vents must be at least 50 mm high and 100 mm wide;

(C) the lower edge of one vent must not be less than 75 mm above the top of the highest draught diverter relief opening of the gas appliances in the area;

(D) the lower edge of the other vent must not be more than 100 mm above the floor of the area.

(5) The area within one metre of a liquefied petroleum gas cylinder must be clear of flammable material (including paper and oily rags).

(6) A liquefied petroleum gas cylinder—

(a) must be secured vertically in position with valves uppermost by fastenings designed and constructed to withstand a load, in any direction, equal to four times the weight of the cylinder when full; and

(b) must be stored so that there is no source of ignition within a cone shaped area around the cylinder, with the radius of the base of the cone being 1.5 metres, the base of the cone and the base of the cylinder being in the same horizontal plane and having the same centre point, and the height of the cone being 1 metre greater than the height of the cylinder, but excluding that part of the cone shaped area that is above a horizontal plane that is 500mm above the topmost part of the cylinder (ie the tip of the cone); and

(c) must be positioned so that the valves are more than 1 metre horizontally from any window or opening into a structure and more than 150 mm below any window or opening into a structure or, if positioned closer, must be fitted with a non-combustible baffle; and

(d) must be stored in an area—

(i) that is constructed of fire resistant material or is lined with fire resistant material; and

(ii) that is vapour proof to accommodation areas; and

(iii) in which no electrical equipment or appliances are installed.

(7) If copper pipes are used for liquefied petroleum gas—

(a) the pipes must be secured with clips fitted at least each 1 metre if the pipe is vertical and at least each 400 mm if the pipe is not vertical; and

(b) the material of which the clips are constructed must be compatible with copper pipe so that corrosion is not caused; and

(c) suitable grommets must be fitted to protect the pipe where it passes through a structure.

18—Accommodation and associated facilities

(1) Headroom in accommodation areas must be at least 1.9 metres.

(2) Passageways that are less than 4.5 metres in length must be at least 600 mm wide.

(3) Passageways that are 4.5 metres or more in length must be at least 800 mm wide.

(4) There must be at least two avenues of escape (one of which may be a readily accessible opening window with a clear opening of at least 460 mm vertically and 410 mm horizontally) from all accommodation areas.

(5) Doors to enclosed areas must be capable of being opened from inside the area without the use of a key.

(6) Each sleeping area must be provided with a vent with an open area of not less than 80 square centimetres per bunk located in the area, in addition to any opening windows.

(7) Bunks must be—

(a) at least 1.9 metres long; and

(b) at least 600 mm wide; and

(c) at least 600 mm apart.

(8) If bunks are placed on top of each other—

(a) there must not be more than two bunks on top of each other; and

(b) there must be at least 600 mm separating the bottom bunk from the top bunk.

(9) A toilet compartment must not be less than 700 mm square.

19—Sewerage system

A hire and drive houseboat must be fitted with a sewerage system that complies with the following requirements:

(a) the sewerage holding tank must have a capacity of at least 180 litres; and

(b) the pipe connecting the toilet pan to the tank must be at least 75 mm in diameter and the outlet pipe, the flushing pipe and the air pipe must each be at least 40 mm in diameter; and

(c) if the sewerage tank is suspended between the pontoons—the tank must be protected against damage by floating debris; and

(d) any other laws applying in relation to a sewerage system.

20—Lifesaving appliances

(1) A hire and drive houseboat must carry on it the following lifesaving appliances:

(a) one 750 mm lifebuoy painted in a highly visible colour with not less than 30 metres of 12 mm buoyant line attached; and

(b) a number of coastal type lifejackets or personal flotation devices equal to the maximum number of persons that the boat is permitted to carry while underway.

(2) A lifebouy required to be carried on a hire and drive houseboat must comply with Section 10 of the Code.

(3) A personal flotation device required to be carried on a hire and drive houseboat must comply with AS 1499, AS 1512 or AS 2260.

21—Fire appliances

A hire and drive houseboat must carry on it the following fire appliances:

(a) —

(i) two 4.5 kg dry chemical powder fire extinguishers; or

(ii) one 4.5 kg dry chemical powder fire extinguisher and one 3 kg carbon dioxide fire extinguisher; or

(iii) one 4.5 kilogram dry chemical powder fire extinguisher and one 9 litre foam fire extinguisher; and

(b) two buckets each of not less than 9 litre capacity and fitted with a lanyard of not less than 2 metres.

22—Radio equipment

A hire and drive houseboat must be fitted with radio equipment that is capable of communication with a person onshore.

23—Navigation lights

A hire and drive houseboat must be fitted with lights so as to enable compliance with Section 17 of the Code.

24—Miscellaneous equipment

A hire and drive houseboat must be fitted with the following equipment:

(a) a sound signalling device, being a power-operated (by electricity or otherwise) horn, whistle, siren or klaxon; and

(b) an electric signalling torch; and

(c) a first aid kit of a common proprietary brand including at least the following items:

(i) Adhesive Plaster;

(ii) Antiseptic Cream;

(iii) Antiseptic Solution;

(iv) Aspirin;

(v) Bandages;

(vi) Cotton Wool;

(vii) Crepe Pressure Bandage;

(viii) Dressings;

(ix) Finger Stall;

(x) First Aid Pamphlet;

(xi) Gauze;

(xii) Safety Pins;

(xiii) Scissors;

(xiv) Splinter Forceps;

(xv) Splinter Probe.

Schedule 9—Structural and equipment requirements for vessels

(Part 9 Division 4)

Part 1—Structural and equipment requirements for vessels not otherwise specified in this Schedule

1—Application of Part

This Part applies in relation to all vessels other than hire and drive houseboats and vessels to which Parts 2, 3 or 4 apply.

2—Hatches and exterior doors

All hatches and doors on a vessel constructed after 1 January 1996 must be able to be opened from both inside and outside.

3—No open exhausts

A vessel must not be equipped with any device capable of producing an open exhaust from the engine of the vessel.

4—Compliance plate re maximum load

A vessel constructed after 1 January 1996 must have affixed in a prominent position a compliance plate stating the maximum number of persons that the vessel may carry in accordance with AS 1799.1.

5—Additional fuel

If fuel with a flash point below 60°C is carried on a houseboat (a vessel that has facilities for overnight accommodation and all the living facilities are on or above the deck of the vessel) otherwise than in fuel tanks associated with the engine or a generator, the following requirements apply:

(a) the fuel must be stored in a flammable liquids cabinet designed and constructed in accordance with AS 1940; and

(b) the cabinet must be located so that there is no ignition source within 3 metres; and

(c) the cabinet must be vented and gauze flash arresters fitted to the vents; and

(d) if the cabinet is on an open deck—it must be shaded by a structure to protect it from excessive temperature; and

(e) the quantity of additional fuel must not exceed 120 litres; and

(f) the fuel must be stored in containers of a type approved by the CEO.

6—Life saving appliances, fire appliances and miscellaneous equipment

(1) Subject to these regulations, a vessel that is less than 8 metres in length must be equipped with the following:

(a) while the vessel is operated in protected waters—

(i) one life-jacket or personal flotation device for each person who may be carried on the vessel;

(ii) one pair of paddles or oars or one suitable anchor with cable;

(iii) one bailing bucket with line attached or a manually operated bilge pump;

(iv) if the vessel has an engine or includes facilities for cooking meals—one fire extinguisher;

(b) while the vessel is operated in semi-protected waters—

(i) one life-jacket or personal flotation device for each person who may be carried on the vessel;

(ii) one pair of paddles or oars or other means of auxiliary propulsion;

(iii) one bailing bucket with line attached or a manually operated bilge pump;

(iv) one waterproof torch or lantern;

(v) one suitable anchor with cable;

(vi) if the vessel has an engine or includes facilities for cooking meals—one fire extinguisher;

(c) while the vessel is operated in unprotected waters—

(i) one personal flotation device that complies with AS 1512 for each person who may be carried on the vessel;

(ii) one two-way marine radio;

(iii) one bailing bucket with line attached or a manually operated bilge pump;

(iv) one waterproof torch or lantern;

(v) one suitable anchor with cable;

(vi) if the vessel has an engine or includes facilities for cooking meals—one fire extinguisher;

(vii) two flares;

(viii) two smoke signals;

(ix) one compass—

(A) from which it is possible to determine, with reasonable accuracy, the vessel's position and bearings; and

(B) that is fitted in a suitable position adjacent to the steering position and as far removed as practicable from articles of steel or iron or electrical equipment;

(x) four litres of fresh water;

(xi) while the vessel is operated more than five 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 three nautical miles seaward of low water mark in the waters of any other area except Lakes Alexandrina and Albert (in addition to the equipment referred to in subparagraphs (i) to (x))—

(A) one emergency position-indicating radio beacon;

(B) one V distress sheet;

(xii) while the vessel is operated more than 10 nautical miles seaward of low water mark (in addition to the equipment referred to in subparagraphs (i) to (xi))—

(A) two distress rockets with parachutes;

(B) one map or chart of the operational area.

(2) Subject to these regulations, a vessel that is 8 metres or more in length must be equipped with the following:

(a) while the vessel is operated in protected waters—

(i) one life-jacket or personal flotation device for each person who may be carried on the vessel;

(ii) one bailing bucket with line attached;

(iii) one manually operated bilge pump;

(iv) one suitable anchor with cable;

(v) if the vessel has an engine or includes facilities for cooking meals—two fire extinguishers;

(vi) one life-buoy with line;

(b) while the vessel is operated in semi-protected waters—

(i) one life-jacket or personal flotation device for each person who may be carried on the vessel;

(ii) two bailing buckets with lines attached;

(iii) one manually operated bilge pump;

(iv) one waterproof torch or lantern;

(v) two suitable anchors (but if the vessel is less than 12 metres in length, one anchor may be carried as a spare);

(vi) if the vessel has an engine or includes facilities for cooking meals—two fire extinguishers;

(vii) one life-buoy with line;

(c) while the vessel is operated in unprotected waters—

(i) one personal flotation device that complies with AS 1512 for each person who may be carried on the vessel;

(ii) one two-way marine radio capable of communication with onshore stations;

(iii) two bailing buckets with lines attached;

(iv) one manually operated bilge pump (unless the vessel is constructed of permanently enclosed pontoon hulls);

(v) one waterproof torch or lantern;

(vi) two suitable anchors with cable;

(vii) if the vessel has an engine or includes facilities for cooking meals—two fire extinguishers;

(viii) two flares;

(ix) two smoke signals;

(x) one compass—

(A) from which it is possible to determine, with reasonable accuracy, the vessel's position and bearings; and

(B) that is fitted in a suitable position adjacent to the steering position and as far removed as practicable from articles of steel or iron or electrical equipment;

(xi) four litres of fresh water;

(xii) while the vessel is operated more than five 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 three nautical miles seaward of low water mark in the waters of any other area except Lakes Alexandrina and Albert (in addition to the equipment referred to in subparagraphs (i) to (xi))—

(A) one emergency position-indicating radio beacon;

(B) one V distress sheet;

(xiii) while the vessel is operated more than 10 nautical miles seaward of low water mark (in addition to the equipment referred to in subparagraphs (i) to (xii))—

(A) two distress rockets with parachutes;

(B) one map or chart of the operational area;

(xiv) one life buoy with line.

(3) Subject to these regulations, a vessel that is more than 15 metres in length must also be equipped with the following:

(a) an additional life buoy with line;

(b) a life-raft.

(4) In this clause—

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

7—Exemptions from requirement for appliances and equipment

(1) A surfboard, surf ski or racing shell is exempt from the requirement to be equipped as set out in the previous clause.

(2) A vessel that can only carry the operator and no other person may instead of being equipped as required by the previous clause be equipped with a life-jacket or personal flotation device.

(3) A canoe, kayak, rowboat or other similar small human powered recreational vessel may, instead of being equipped as required by the previous clause, be equipped with the following:

(a) a life-jacket or personal flotation device for each person who may be carried on the vessel;

(b) unless the vessel is constructed of permanently enclosed pontoon hulls, a bailer or other suitable device for removing water;

(c) if the vessel is operated at night—a waterproof torch or lantern.

(3a) A mono-hulled sailing dinghy or a similar small multi-hulled sailing vessel may, whilst in protected or semi-protected waters, instead of being equipped as required by the previous clause, be equipped with the following:

(a) a life-jacket or personal flotation device for each person who may be carried on the vessel;

(b) unless the vessel is constructed of permanently enclosed pontoon hulls, a bailer or other suitable device for removing water;

(c) if the vessel is operated at night, a waterproof torch or lantern.

(4) A personal watercraft may, instead of being equipped as required by the previous clause, be equipped with a life-jacket or personal flotation device for each person who may be carried on the vessel.

(5) A tender vessel, while it is being used in conjunction with another vessel, may, instead of being equipped as required by the previous clause, be equipped with the following:

(a) one pair of paddles or oars or other means of auxiliary propulsion;

(b) one bailing bucket with line attached or a manually operated bilge pump;

(c) if the vessel is 1 500 metres or more from the shoreline—a life-jacket or personal flotation device for each person who may be carried on the vessel.

(6) A surf rescue boat propelled by paddles or oars may, instead of being equipped as required by the previous clause, be equipped with a suitable bailer.

(7) An inflatable surf rescue boat involved in rescue work within 1 500 metres of the shoreline or patrol work within 1 000 metres of the shoreline may, instead of being equipped as required by the previous clause, be equipped with a pair of paddles or oars or other means of auxiliary propulsion.

8—Standard of equipment

(1) A personal flotation device required to be carried on a vessel must comply with AS 1499, AS 1512 or AS 2260 .

(2) A distress signal comprised of a pyrotechnic required to be carried on a vessel must comply with AS 2092 and be stamped indelibly by the manufacturer with its date of expiry and that date must not have passed.

(3) A fire extinguisher required to be carried on a vessel must comply with the applicable part of AS 1841.

9—Placement of equipment

The equipment required to be carried on a vessel must be suitably located and secured on the vessel having regard to the need for access to the equipment and the need to protect the equipment from accidental damage or loss.

Part 2—Structural and equipment requirements for restricted vessels

10—Life saving appliances

A restricted vessel must be equipped with the following:

(a) if the vessel is over 7.5 metres in length and is not required by these regulations to carry more than two crew—two lifebuoys, one with light and one with line;

(b) if the vessel is over 7.5 metres in length and is required by these regulations to carry more than two crew—

(i) internal buoyancy as required by Section 10 Appendix N of the Code and one lifebuoy with light; or

(ii) one coastal life-raft capable of carrying the maximum number of persons that the vessel is certified to carry and one lifebuoy with light;

(c) if the vessel is 7.5 metres or less in length—

(i) one lifebuoy for each member of the crew; or

(ii) internal buoyancy as required by Section 10 Appendix N of the Code or other such internal buoyancy as is approved by the CEO;

(d) a coastal life-jacket with whistle for each person that the vessel carries;

(e) the following distress signals:

(i) two red hand flares;

(ii) two hand held orange smoke signals;

(f) waterproof torches or lamps as approved by the CEO.

11—Fire fighting appliances

A restricted vessel must be equipped with fire fighting equipment as required by Section 11, Part 2 of the Code for a Class 3C vessel.

12—Radio equipment

A restricted vessel must be equipped with VHF FM radiotelephony equipment, UHF radiotelephony equipment or radiotelephony equipment capable of receiving and transmitting on 27 MHz.

13—Miscellaneous equipment

A restricted vessel must be equipped with the following miscellaneous equipment:

(a) a signalling light;

(b) a V distress sheet;

(c) a safe means of access approved by the CEO;

(d) anchor and cables—sufficient in number, weight and strength for the vessel and approved by the CEO;

(e) navigation shapes and sound signals to comply with Section 17 of the Code;

(ea) if the vessel is operated at night or is over 7.5 metres in length—navigation lights to comply with section 17 of the Code;

(f) medicines and medical stores in accordance with Section 13, Scale G of the Code;

(g) while the vessel is operated more than three nautical miles seaward of low water mark—a magnetic compass.

Part 3—Structural and equipment requirements for observation vessels

14—Structural and equipment requirements for observation vessels

(1) An observation vessel must comply with Sections 5, 8, 10, 11, 12 and 13 of the Code.

(2) For the purposes of the application of the Code to an observation vessel—

(a) an observation vessel that is anchored or moored in smooth water will be taken to be a Class 1E vessel;

(b) an observation vessel that is anchored or moored in partially smooth water will be taken to be a Class 1D vessel;

(c) an observation vessel that is anchored or moored elsewhere will be taken to be a Class 1C vessel.

Part 4—Structural and equipment requirements for other surveyed vessels

15—Application of Schedule 9 Part 4

This Part applies in relation to a commercial vessel (other than an observation vessel) in respect of which a certificate of survey is required.

16—Construction

(1) A commercial vessel must comply with—

(a) Section 5 of the Code; or

(b) the rules of a classification society approved by the CEO in relation to vessels of the relevant class.

(2) The application of subsection A of Section 5 of the Code is modified by striking out clause A.2.

17—Engineering

A commercial vessel must comply with—

(a) Section 9 of the Code; or

(b) the rules of a classification society for the machinery of a vessel that are approved by the CEO in relation to vessels of the relevant class.

18—Crew accommodation

A commercial vessel that is 25 metres or more in length must comply with Section 6 of the Code.

19—Stability

(1) A commercial vessel must comply with Section 8 of the Code.

(2) An open vessel may be required by the surveyor surveying the vessel to satisfactorily undertake a swamp test.

20—Life saving appliances

(1) A commercial vessel must comply with Section 10 of the Code.

(2) The application of Section 10, Part 3 of the Code is subject to the following modifications:

(a) Classes 1B and 1C—strike out "Less than 10 metres 1 lifebuoy with light", twice occurring;

(b) Classes 1D and 2D—under the heading "Lifebuoys", strike out "Additional to any lifebuoys";

(c) Classes 1C, 2C and 3C—under the heading "Distress Signals"—

(i) strike out "15 metres and over but";

(ii) strike out "less than 15 metres 3 parachute distress rockets";

(d) Class 3C—under the heading "Lifeboats, Life-rafts and Internal Buoyancy" strike out "(2) Dinghy for 100 per cent complement, or" and substitute "(2) Vessels less than 15 metres in length operating within 15 nautical miles from the coast with 2 crew or less may carry 2 lifebuoys or buoyant appliances in lieu of either (1) or (3)";

(e) Class 2D and 3D—under the heading "Distress Signals" strike out—

3 parachute distress rockets
2 red hand flares
1 hand held orange smoke signal

NOTE—

Consistent with the area of operations allocated to the vessel, a reduction in distress signals may be permitted by the Authority.

and substitute—

2 red hand flares
2 hand held orange smoke signals;

(f) Class 1E—under the heading "Buoyant Appliances" insert "NOTE: 25% of the Buoyant appliances must consist of Coastal life-jackets" after "the above appliances".

(3) Vessels of Classes 1B, 1C, 2B, 2C, 3B and 3C operating more than three nautical miles from the coast must carry an emergency position-indicating radio beacon.

21—Fire appliances

(1) A commercial vessel must comply with Section 11 of the Code.

(2) The application of Section 11 of the Code is subject to the following modifications:

(a) Part 1, Clauses 5 and 7—strike out "15 metres" twice occurring and substitute, in each case, "12.5 metres";

(b) Part 2, Class 2C—under the heading "Portable Fire Extinguishers" strike out—

Less than 25 metres	Two, suitable for extinguishing oil fires, for use in each space containing propelling machinery

and substitute—

10 metres and over but less than 25 metres	Two, suitable for extinguishing oil fires, for use in each space containing propelling machinery
less than 10 metres	One, suitable for extinguishing oil fires, for use in— (a) each space containing propelling machinery; or (b) vessels propelled by an outboard engine or engines;

(c) Part 2, Classes 2D, 2E, 3C, 3D and 3E—under the heading "Portable Fire Extinguishers" strike out—

less than 10 metres	One, suitable for extinguishing oil fires, for use in each space containing propelling machinery

and substitute—

less than 10 metres	One, suitable for extinguishing oil fires, for use in— (a) each space containing propelling machinery; or (b) vessels propelled by an outboard engine or engines;

(d) Part 2, Class 3D—under the heading "Emergency Fire Pumps" insert "pump" after "manually operated emergency fire";

(e) Appendix K, Clause 1—insert "a capacity of not less than 9 litres" before "metal painted".

(3) The requirement of Section 11, Part 2 of the Code that all Class 3 vessels over 12.5 metres in length be fitted with fixed fire extinguishing installations does not apply in relation to a vessel with a current certificate of survey issued in this State.

22—Radio equipment

(1) A Class 1A, 2A or 3A commercial vessel must comply with the requirements of Marine Order No. 2 of 1992, Part 26 (Equipment Communications) of under the Commonwealth Act.

(2) A commercial vessel of any other class must be equipped with radiotelephony equipment and—

(a) the equipment must comply with *Specification DOC211B for MF/HF radiotelephone equipment*, published by Spectrum Management Agency, Adelaide, except that—

(i) if the vessel is operated only within 20 nautical miles 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 *Specification DOC274 for VHF FM radiotelephone equipment* published by Spectrum Management Agency, Adelaide; or

(ii) if vessel is operated only within range of an OTC seaphone installation—the equipment may instead comply with *Specification DOC274 for VHF FM radiotelephone equipment* and have seaphone capability; and

(b) the equipment's transmitter must be capable of effectively transmitting and receiving as follows:

(i) in the case of MF/HF radiotelephony equipment—on the following frequencies using the following emissions:

(A) on 2182 kHz using H3E emissions (single sideband, amplitude modulated radiotelephony having a carrier emitted at a power level not more than six decibels below the peak envelope power); and

(B) on 4125 kHz using J3E emissions (single banded, amplitude modulated, suppressed carrier radiotelephony having a carrier restricted to a power level of 40 decibels or more below the peak envelope power); and

(C) on 6215 kHz using J3E emissions; and

(D) on 8291 kHz using J3E emissions; and

(E) if the vessel operates west of latitude 132° but within 200 nautical miles seaward of the low water mark of the coast—on 12290 kHz using J3E emissions; and

(F) if the vessel operates 200 nautical miles or more seaward of the low water mark of the coast—on 16420 kHz using J3E emissions; and

(ii) in the case of VHF FM radiotelephony equipment—on the following VHF FM maritime mobile band frequencies:

(A) the international distress and calling frequency—Channel 16 (156.8 MHz); and

(B) the supplementary safety frequency—Channel 67 (156.375 MHz); and

(iii) in any case—on any other frequency that is appropriate to the service in which the vessel is engaged; and

(c) the main source of electrical energy for the vessel must be capable of effectively operating the equipment; and

(d) the vessel must be equipped with a reserve source of electrical energy that is readily available to be used to operate the equipment and that has the capacity to supply continuously for a period of six hours a current equal to the sum of—

(i) 50% of the current required to operate the equipment's transmitter for the transmission of speech; and

(ii) the current required to operate the equipment's receiver; and

(iii) the current required to operate the required emergency light (see paragraph (n)); and

(iv) any other load to which the source is connected or in relation to which it is contemplated that the source may be used; and

(e) if a battery provides a source of electrical energy for the operation of the equipment under ordinary or emergency conditions—

(i) the battery—

(A) must be rechargeable; and

(B) must be solely dedicated to the operation of the equipment and the required emergency light (see paragraph (n)) or able to be readily isolated for sole use in connection with the equipment and light; and

(C) must be located close to the equipment in as high a position as is practicable; and

(D) must be satisfactorily housed; and

(ii) the following further equipment must be carried on the vessel:

(A) a device capable of fully charging the battery from a discharged condition within 16 hours; and

(B) a device capable of testing the charge condition of the battery; and

(f) a device must be provided for the purpose of protecting the equipment against voltage fluctuations in the electrical energy supply; and

(g) the antenna of the equipment's radiating system must be designed, constructed and installed—

(i) so as to secure efficient radiation;

(ii) so as to be protected from mechanical damage and the adverse effects of water; and

(iii) so as not to pose a danger to any person through risk of accidental contact; and

(iv) so as not to interfere with the safe navigation or safe working of the vessel; and

(h) in the case of VHF FM radiotelephony equipment—

(i) the antenna of the equipment's radiating system must be vertically polarised; and

(ii) the product of any antenna gain, with reference to an isotropic radiator, and the power of the equipment's transmitter (measured at the point of connection to the antenna terminal) must not exceed 41 watts of Effective Isotropic Radiated Power; and

(i) in the case of MH/HF radiotelephony equipment—the equipment must be fitted with an efficient radio frequency earth and a suitable connection between the equipment and the earth; and

(j) the equipment must be designed, constructed and installed so that effective reception of radio signals is not hindered by interference while the vessel is at sea (taking into account that equipment that causes interference may be fitted with a device to prevent interference); and

(k) the equipment must be installed—

(i) subject to paragraph (l), in the place from which the vessel is usually navigated; and

(ii) in as high a position as is practicable; and

(iii) so that it does not affect the operation of any compass or other navigational equipment on the vessel; and

(iv) so that it is protected against the effects of moisture and extremes of temperature; and

(l) the equipment need not be installed in the place from which the vessel is usually navigated if the equipment is fitted with a loud speaker enabling signals received on the equipment to be heard and understood from the place from which the vessel is usually navigated (and so enabling the required radio watch to be maintained); and

(m) the following spare components for the equipment must be carried on the vessel:

(i) four of each type of fuse used in the equipment; and

(ii) one globe for the required emergency light (see paragraph (n)); and

(iii) if a lamp is the only indicator of power output on the equipment—one spare lamp; and

(n) the following further equipment must be carried on the vessel—

(i) a reliable time piece that is positioned so as to be visible to a person operating the radiotelephony equipment; and

(ii) a notice explaining the use of the radiotelephony equipment in an emergency by an unskilled person positioned so as to be easily visible to a person operating that equipment; and

(iii) an emergency light which is capable of illuminating the controls of the radiotelephony equipment and the time piece and notice referred to above and which can be operated both from the equipment and from the entry to that part of the vessel in which the equipment is located; and

(o) a copy of the latest edition of the *Handbook for Radiotelephone Ship Station Operators* published by Spectrum Management Agency, Adelaide must be kept readily available for use by a person operating the equipment; and

(p) a log-book for entries relating to distress signals must be kept readily available for use by a person operating the equipment.

23—Miscellaneous equipment

(1) Subject to these regulations, a commercial vessel must comply with Section 13 of the Code.

(2) The application of Section 13, Part 3 of the Code is subject to the following modifications:

(a) Classes 1B and 2B—strike out—

All lengths Mechanical depth sounding device
All lengths Hand lead line
All lengths daylight signalling lamp
All lengths One set of international code flags
All lengths One copy of 'International Code of Signals'

and substitute—

All lengths Mechanical depth sounding device and Hand lead line	
35 metres and over	Daylight signalling lamp
	One set of International Code Flags
	One copy of 'International Code of Signals'
Less than 35 metres	Signalling light
	International Code Flags NC;

(b) Classes 1D and 2D—insert "or Mechanical depth sounding device" after "All lengths ..... Hand lead line";

(c) Classes 2B and 2C—strike out "Less than 10 metres ..... Sea anchor";

(d) Class 3D—strike out—

10 metres and over	Clock
10 metres and over	Barometer
All lengths	Magnetic Compass;

(e) Class 3B—insert "vessels less than 15 metres may carry one V distress sheet in lieu of these flags" after "Less than 35 metres ..... Flags NC";

(f) Class 3C—insert "vessels less than 15 metres may carry one V distress sheet in lieu of these flags" after "All lengths ..... Flags NC".

Schedule 10—Speed restrictions in certain waters

(Part 10 Division 2)

Note—

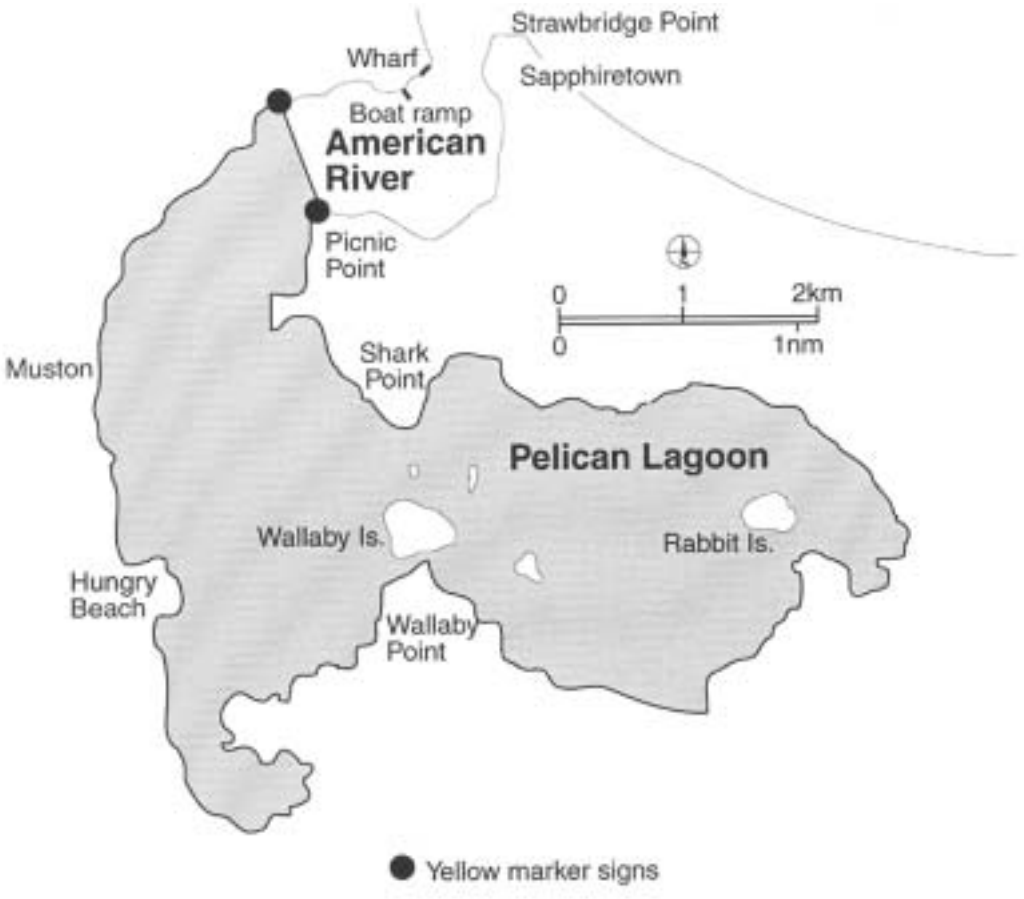
Unless the contrary intention appears, the maps in this Schedule are provided for convenience of reference only.

1—7 knot limit—all vessels

The speed limit in the following waters is seven knots:

(a) **Kangaroo Island**

The area, known as the American River Aquatic Reserve, comprising all the waters of American River upstream of the geodesic commencing at high water mark on the western shore of American River at position latitude 35°47.5′S, longitude 137°45.5′E, then in a south easterly direction to high water mark on the eastern shore of American River, position latitude 35°48′S, longitude 137°45.8′E, together with the waters of Pelican Lagoon and all adjoining creeks and inlets of Pelican Lagoon.



(b) **Port Adelaide**

(i) That portion of the marked channel in Barker Inlet, Port Adelaide between the middle ground beacon and Angas Inlet, Port Adelaide entrance beacon; and

(ii) Angas Inlet, Port Adelaide; and

(iii) that portion of the Port Adelaide River which lies between No. 6 Channel Beacon and No. 12 Channel Beacon; and

(iv) that portion of the Port Adelaide River in the port of Port Adelaide which lies south of No. 27 Channel Beacon.

(c) **Port Augusta**

The area bounded as follows: Commencing at the intersection of the south-eastern end of Great Western Bridge and approaches with high water mark, then south-westerly along high water mark to its intersection with the production shorewards of the north-eastern end of Port Augusta wharf, then seawards along that production and the northern end of Port Augusta wharf to the north-eastern corner of the wharf, then along the face of that wharf and its production south-westerly to its intersection with high water mark on the north-western side of Port Augusta channel, then generally north-east along high water mark to its intersection with the north-western end of the Great Western Bridge and approaches, then south-easterly along the Great Western Bridge to the point of commencement.

(d) **Port Lincoln (Boston Bay)**

The area bounded as follows: Commencing at the intersection with High Water Mark of a line running due north from the north-east corner of King and Porter Streets, then due north along that line to its intersection with a line running due east and distant 120 metres from the north-west corner of the shipping pier, due east along the latter line to its intersection with a line running due north from the south-eastern extremity of Gawler Terrace, then due south along the latter line to High Water Mark, then generally westerly along High Water Mark to the point of commencement.

(da) **Port Lincoln (Proper Bay)**

The area bounded as follows: Commencing at the intersection with High Water Mark of a line bearing 155° and distant 120 metres from the south-westerly face of the most south-western dolphin at the jetty, then approximately south-easterly along that line to its intersection with a line bearing 65° and 150 metres distant from the seaward face of the jetty, then along the latter line to a point opposite the easternmost dolphin at the jetty, then on a line bearing 335° to its intersection with the south-eastern edge of the channel, the channel being 122 metres, 61 metres either side of the line of leads which bears 245°, then north-easterly along the south-eastern edge of the channel, to a point opposite the outermost beacon, then on a line bearing 335° for 122 metres to its intersection with the north-western edge of the channel, then south-westerly on a bearing of 245° along the north-western edge of that channel to a point, being its intersection with a line bearing 155° from High Water Mark and in line with the easternmost dolphin at the jetty, then north-westerly along that line to High Water Mark and then generally south-westerly along High Water Mark to the point of commencement.

(db) **Port Pirie**

That portion of the Port Pirie River which lies to the southward of a line drawn east-north-east and west-south-west through No. 11 Side Channel Beacon, at such times as a signal in the form of a drum shape with black and yellow vertical stripes or a flashing light of amber colour is displayed from the stobie pole adjacent to the watch officer's office at No. 4 berth during the hours of daylight and darkness respectively.

(dc) **Thevenard**

The area bounded as follows: Commencing at a point being the intersection of High Water Mark and a line 200 metres from and parallel to the southern face of the jetty, then approximately south-westerly along that line to its intersection with a line at right angles to it and 200 metres distant to seaward at its nearest point to the seaward end of the jetty, then approximately northerly along the latter line to its intersection with a line being the production seawards of the north boundary of H.B. Block 1, then approximately easterly along that produced line to High Water Mark, then approximately southerly along High Water Mark to the point of commencement.

(dd) **Wallaroo**

The area bounded as follows: Commencing at the north western corner of lot 242, town of Wallaroo, then generally north-westerly to the intersection with a line 150 metres from and parallel to the southern face of the shipping pier, then north-westerly along the latter line to a point opposite the seaward end of the shipping pier, then north-westerly a further 120 metres on the production north-westerly of the latter line, then north-easterly along a line at right angles to the latter line to its intersection with a line 150 metres from and parallel to the northern face of the new shipping pier, then south-easterly along the latter line to its intersection with High Water Mark, then generally south-westerly along High Water Mark to its intersection with the northern boundary of lots 261 and 262, then westerly along the latter boundary to the western corner of lot 261, then south-westerly along the north-western boundary of lot 260, then south-easterly along the south-western boundary of lot 260 to High Water Mark, then generally north-westerly, westerly, south-westerly and westerly along High Water Mark to its intersection with the south-western boundary of lot 252, then north-westerly along that boundary to the western corner of lot 252, then generally south-westerly along the north-western boundaries of lots 251, 250, Reserve, 248, 247, 246, 245, 244, 243 and 242 to the point of commencement.

(e) **Whyalla**

The area bounded as follows: Commencing at the intersection of high water mark and the production westerly of the face of the wharf on the north side of the Inner Harbor, then along the face of that wharf to its seaward end, then approximately south-easterly to the entrance beacon, then approximately southerly to a light beacon being the central of three beacons marking the northern side of the No. 2 Ore Channel, then approximately south-easterly to the light beacon marking the northern side of the seaward end of that channel, then at an angle of 90° bearing approximately south-westerly for 140 metres then bearing approximately north-westerly to the light beacon marking the inner end of the southern side of the channel, then approximately south-westerly to a point on the production of the line of dolphins at No. 1 Ore Jetty and 120 metres distant from the south-westerly face of the most south-westerly dolphin, then approximately north-westerly and parallel to the centre line of the latter jetty, to high water mark, then along high water mark to the point of commencement.

2—4 knot limit—all vessels

The speed limit in the following waters is four knots:

(a) **Cowell**

That portion of the waters of Cowell (Franklin Harbor) bounded by and to the west of a line commencing at the seaward end of the jetty and extending in a south-westerly direction to the seaward end of the southern breakwater.

(aa) **Kingston**

That portion of the waters of Maria Creek seaward of a line 50 metres upstream of, and parallel to, the eastern boundary of the boat ramp, that portion of the waters of Lacepede Bay in the channel between the northern groyne and the southern groyne (extending from Maria Creek to a line drawn between the western-most end of the northern groyne and the navigation light at the western end of the southern groyne) and that portion of the waters of Lacepede Bay within a 75 metre radius of the midpoint of that line.

(b) **Lincoln Cove Marina**

That portion of the waters within Lincoln Cove Marina bounded by a line commencing at the eastern extremity of the northern breakwater and extending to the starboard land entrance beacon (F1.G), then to the port land entrance beacon (F1.R), and then to the eastern extremity of the southern breakwater.

(ba) **Moonta Bay/Port Hughes**

That portion of the waters of Spencer Gulf between the prolongation seaward of the northern boundary of North Terrace, Moonta Bay, and the prolongation seaward of the southern boundary of the Copper Coast District Council (at South Beach) and within 200 metres seaward of high water mark.

(c) **North Arm**

That portion of the North arm bounded by a line extending generally north and south along the western face of the Wave Screen at the western end and the Grand Trunkway Bridge at the eastern end.

(ca) **Port Adelaide**

The area comprising the full width of Port Adelaide River—

(i) lying abreast of any vessel for the time being moored at any wharf or any established mooring place together with the area lying 200 metres upstream or downstream of that area; or

(ii) lying abreast of any dredge or marine works in progress between the Fairway Beacon and Jervois Bridge together with the area lying 200 metres upstream or downstream of that area.

(d) **Victor Harbor**

That portion of the waters of Encounter Bay commencing at the intersection of high water mark and the base of the north-western edge of the jetty adjacent to the boat ramp at Rosetta Head, then generally easterly along the north-western edge of the jetty, then generally north-easterly and easterly along the starboard hand channel markers of the navigation channel to the solar light navigation aid at the eastern entrance to the navigation channel, then generally westerly and south-westerly along the port hand channel markers of the navigation channel to the southern-most port hand channel marker, then to a point, on high water mark, 40 metres south-east of the point of commencement, then generally north-westerly along high water mark to the point of commencement.

(da) **Wallaroo Bay**

Area 1: the portion of the waters of Wallaroo Bay extending to 200 metres seaward from high water mark, bounded at one end by a straight line being the prolongation seaward of the southern boundary of Phillips Street, Wallaroo and at the other by the southern breakwater near Copper Cove Marina;

Area 2: the portion of the waters of Wallaroo Bay extending to 200 metres seaward from high water mark, bounded at one end by the northern breakwater near Copper Cove Marina and at the other by a straight line extending westerly from the northern end of Otago Road, North Beach;

Area 3: the portion of the waters of Wallaroo Bay extending to 200 metres seaward from high water mark, bounded at one end by a straight line being the prolongation seaward of the southern boundary of Oceanview Drive, North Beach and at the other by a straight line being the prolongation seaward of the northern boundary of North Beach Road, North Beach.

(e) **West Beach**

That portion of the sea along the metropolitan foreshore within the Adelaide Shores boat ramp facility at West Beach bounded as follows:

- on the south and west by the Adelaide Shores boat ramp and rigging area and the adjoining breakwater;

- on the north by the northern breakwater;
- on the east by the high water mark;
- on the north-west by a straight line across the entrance to the Adelaide Shores boat ramp facility joining the northern end of the western breakwater and the western end of the northern breakwater.

(f) **Port Broughton**

The area bounded as follows: Commencing at the stick beacon without a top-mark situated approximately 655 metres north-north-west of the centre of sea-end of the Port Broughton jetty and between stick beacons Nos. 34 and 35 which are both surmounted by black triangles (the three beacons are on the western side of the Port Broughton channel) then due east to high water mark on the eastern side of Mundoora Arm, then generally southerly along the high water mark to its intersection with the production westerly of the southern side of Edmund Street, then west-north-westerly on a line parallel to the jetty to intersect high water mark on the western side of the Mundoora Arm, then generally north-easterly, easterly, south-easterly, north-easterly and north-westerly along high water mark to a point due west of the point of commencement then due east to the point of commencement.

(g) **Edithburgh Harbor**

The waters within the Edithburgh boating facility bounded by the northern and southern breakwaters and the waters within a 100 metre radius of the centrepoint of the eastern end of the southern breakwater.

3—4 knot limit—personal watercraft

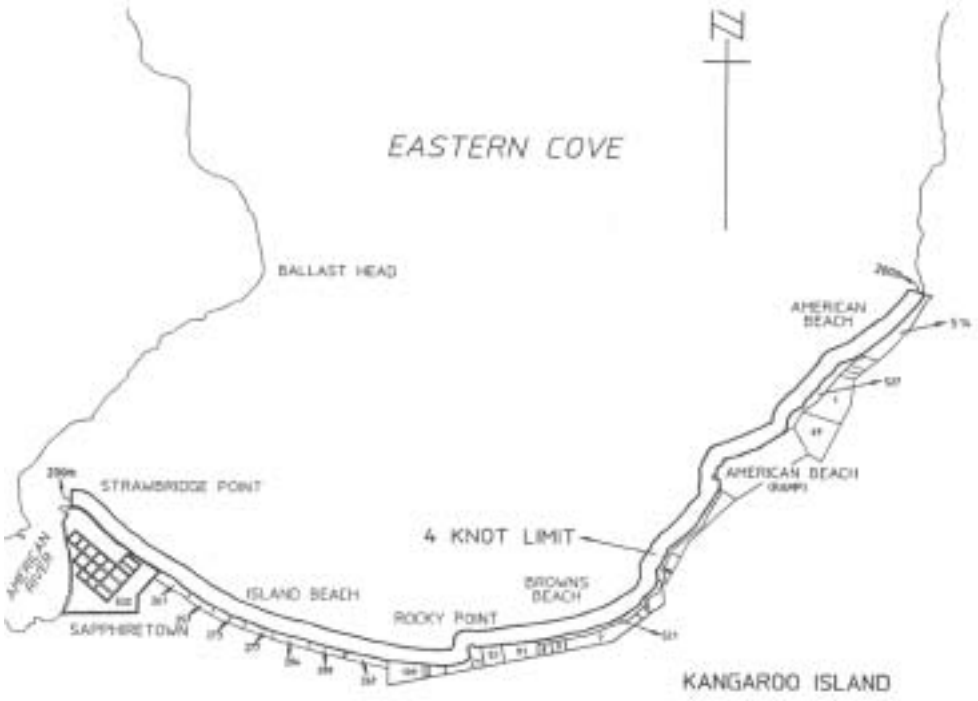
The speed limit applicable to personal watercraft in the following waters is four knots:

(a) **Beachport**

That portion of the waters of Rivoli Bay, Beachport, between a straight line extending easterly from the eastern extremity of Section 467, Hundred of Rivoli Bay, and the prolongation, south-easterly, of the western boundary of Section 465, Hundred of Rivoli Bay, and within 100 metres seaward of high water mark.

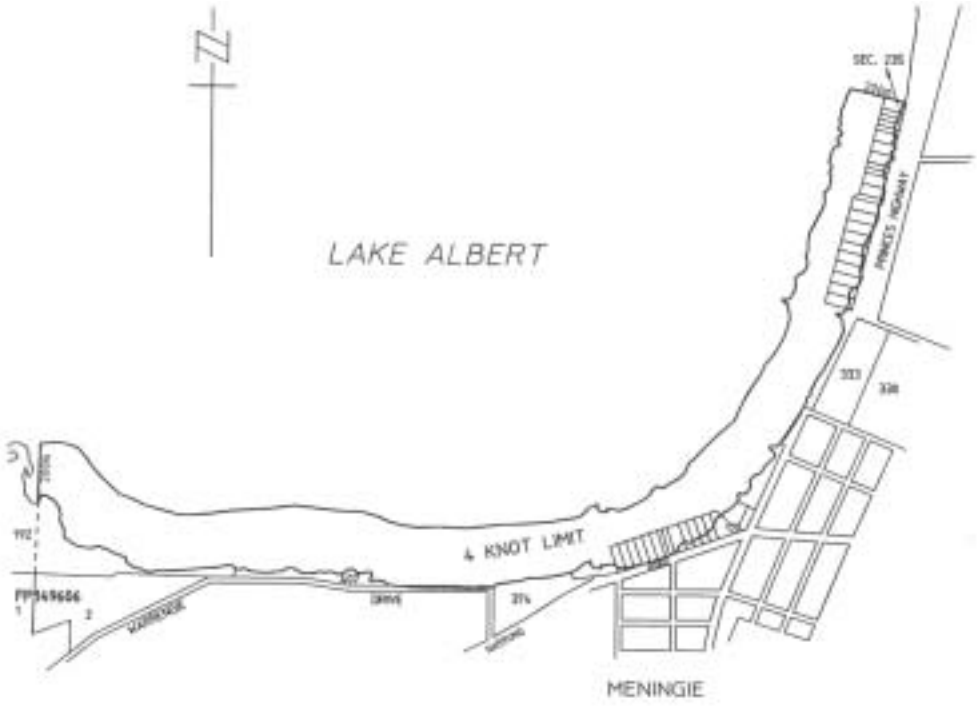
(b) **Kangaroo Island**

That portion of the waters of Eastern Cove, Kangaroo Island, between a straight line extending northerly from the northern extremity of Strawbridge Point and the prolongation, westerly, of the northern boundary of Section 514, Hundred of Dudley, and within 200 metres seaward of high water mark.


N
EASTERN COVE
BALLAST HEAD
AMERICAN BEACH
AMERICAN BEACH (RAMP)
STRAWBRIDGE POINT
4 KNOT LIMIT
ISLAND BEACH
BROWNS BEACH
ROCKY POINT
SAPPHIRETOWN
KANGAROO ISLAND

(c) **Meningie**

That portion of the waters of Lake Albert, Meningie, between the prolongation, northerly, of the far western boundary of Allotment 2 in Filed Plan 149606 and the prolongation, westerly, of the northern boundary of Section 235, Hundred of Bonney, and within 200 metres of the shoreline.



(d) **Metropolitan Foreshore**

That portion of the sea along the metropolitan foreshore from the landward end of the southern breakwater of the Outer Harbor to the southern end of Sellicks Beach and 200 metres seaward of the shoreline.

(e) **River Murray**

All creeks, tributaries, lakes, lagoons and other bodies of water connected to the River Murray between the border of South Australia and a line joining the upstream sides of the landings used by the ferry at Wellington, except a body of water that has been exempted by the CEO by notice published in the Gazette.

(f) **Southend**

That portion of the waters of Rivoli Bay, Southend, between the prolongation, north-easterly, of the northern boundary of Section 372, Hundred of Rivoli Bay, and the prolongation, north-westerly, of the north-east boundary of Section 108, Hundred of Rivoli Bay, and within 100 metres seaward of high water mark.

(g) **Victor Harbor**

(i) That portion of the waters of the sea within 200 metres of the centreline of the Granite Island causeway.

(ii) That portion of the waters of the sea within 200 metres of the high water mark of Granite Island, Seal Island, Wright Island or West Island.

(iii) That portion of the waters of the sea within 200 metres of the high water mark of the mainland coastline within the area of the City of Victor Harbor, being waters within the area bounded—

(A) on the east by the prolongation, generally south and to seaward, of the easterly boundary of the area of the City of Victor Harbor (ie the eastern side of Ocean Road, Port Elliot); and

(B) on the west by a line joining the most southerly point of King Head to the most southerly point of West Island.

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

(Part 10 Division 4)

The maximum number of persons who may be carried on a recreational vessel that does not have a compliance plate stating the maximum capacity of the vessel must be determined in accordance with the following tables:

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

Length (m) / **Breadth (m)**	**3**	**3.5**	**4**	**4.5**	**5**	**5.5**	**6**	**7**	**8**	**9**	**10**
1	2	3	3								
1.5	3	3	4	4	5	5	6				
2			4	5	5	6	6	7	8	10	12
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

Example—

A vessel with a length of 5.5 metres and a breadth of 2 metres has a capacity of 6 adults.

Table 2—Maximum safe capacity (adults) for conventional vessels with flybridges

Length (m) / **Breadth (m)**	**4**	**4.5**	**5**	**5.5**	**6**	**7**	**8**	**9**	**10**
1.5	3	3	4	4	4				
2	3	4	4	5	5	6	7	8	8
2.5			5	5	6	7	8	9	9
3					6	7	8	9	10
3.5							9	10	11
4								11	12
4.5									13

Example—

A flybridge vessel with a length of 8 metres and a breadth of 2.5 metres has a capacity of 8 adults.

Schedule 12—Boat havens

(Part 14 Division 1)

Note—

The maps in this Schedule are provided for convenience of reference only.

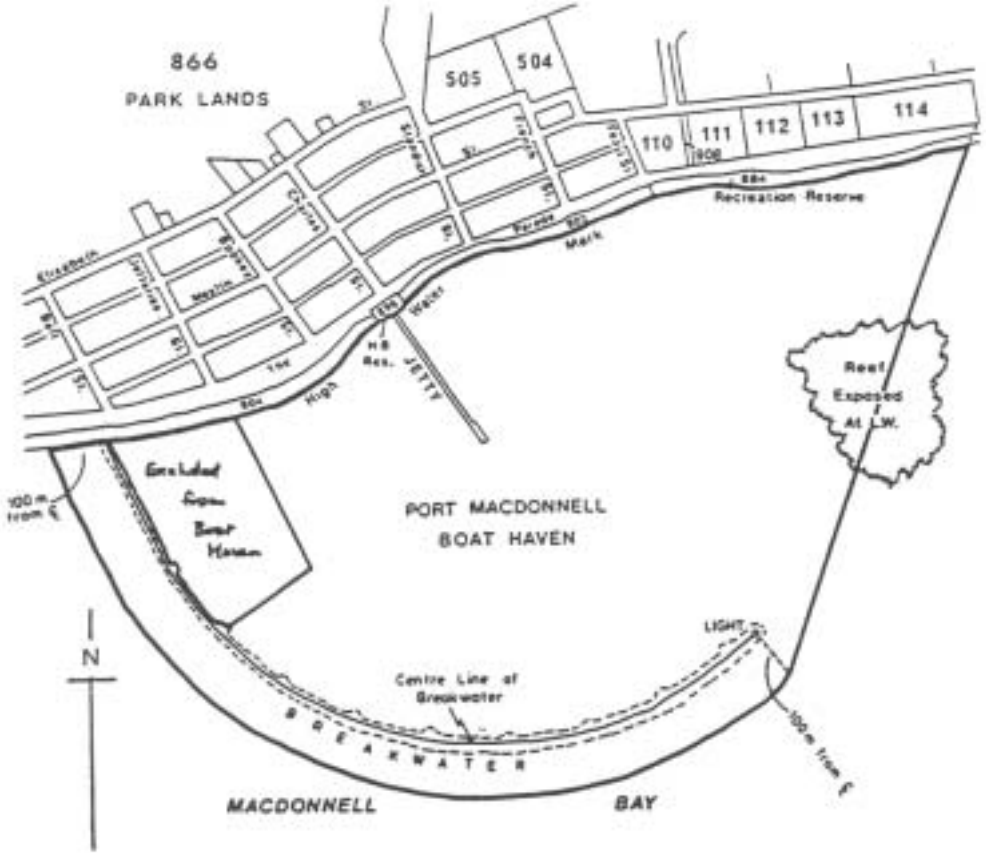
North Arm Boat Haven

The portion of the waters of the North Arm of the Port Adelaide River bounded by a line extending generally north and south along the western face of the Wave Screen at the western end and the Grand Trunkway Bridge at the eastern end.

Port MacDonnell Boat Haven

The waters of Port MacDonnell harbor excluding the waters within the area bounded as follows:

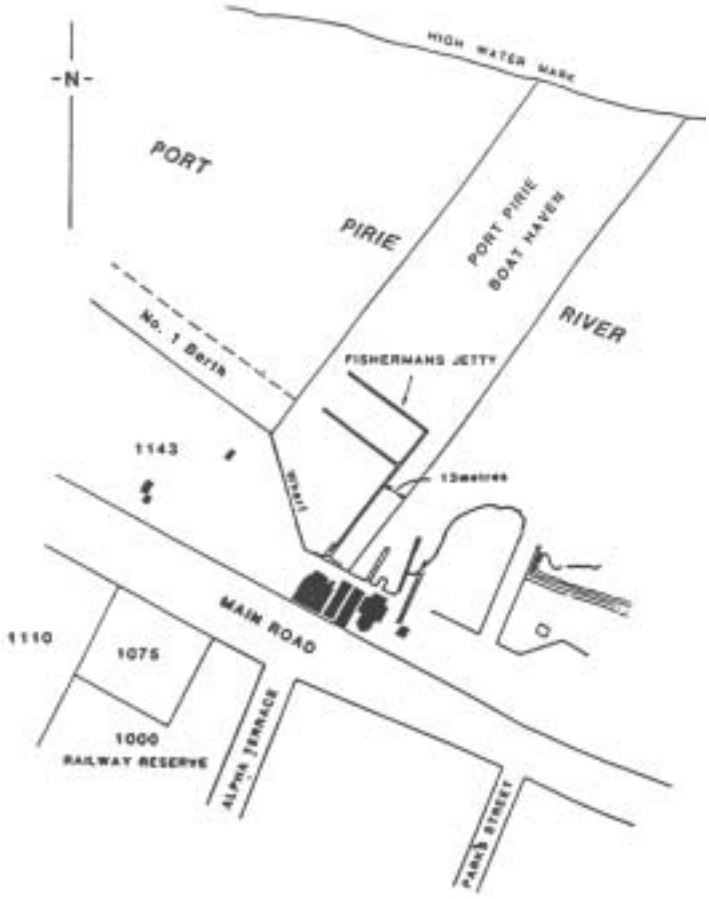
- on the south-east by a line joining the centre of the second turning bay on the breakwater to the seaward end of the jetty;
- on the south-west by the centre line of the breakwater;
- on the north by high water mark;
- on the north-east by the production seaward of the north-eastern boundary of Jefferies Street.



Port Pirie Boat Haven

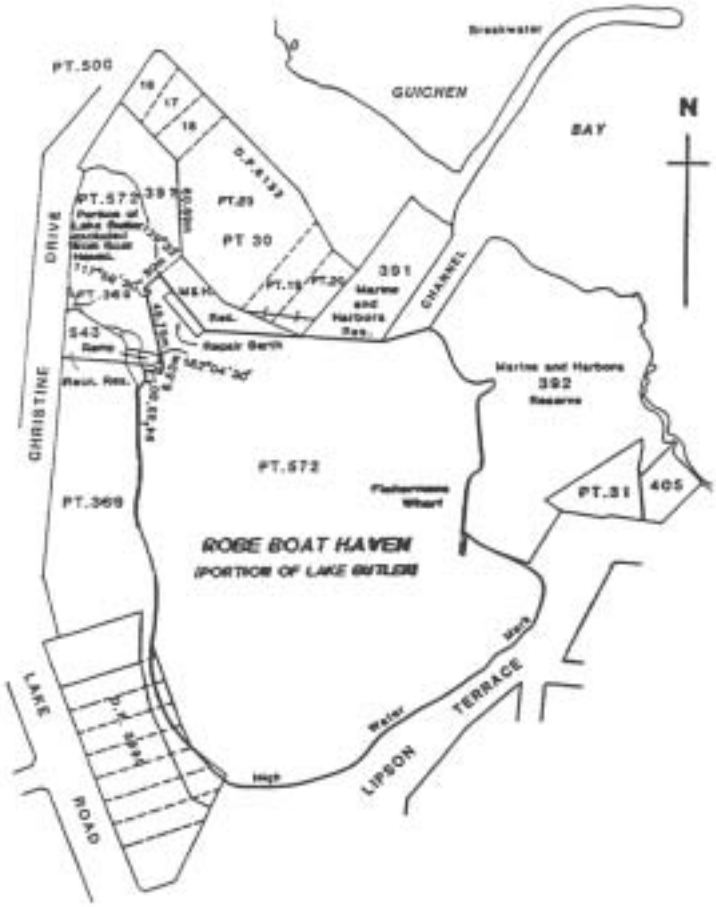
That portion of Port Pirie River bounded as follows:

- on the north-west by a straight line, parallel to the south-east section of the marina structure, extending from the bend in the wharf face at the south corner of No. 1 Berth to high water mark on the north side of the river;
- on the south-east by a straight line, parallel to and 13 metres south-east of that marina structure, extending from the wharf face to high water mark on the north side of the river;
- on the west and south-west by the wharf face;
- on the north by high water mark.



Robe Boat Haven

The waters of Lake Butler to high water mark bounded by a line commencing at a point 60.89 metres southerly from the south corner of lot 18 D.P. 6132 along the boundary of Section 391, Hundred of Waterhouse, then through a north-west angle of 129°32′ from that boundary for 30 metres south-westerly, then through a south-east angle of 117°59′30″ for 48.78 metres southerly, then through a south-west angle of 152°04′30″ for 5.53 metres south-westerly, then through a north-west angle of 94°33′30″ westerly to high water mark, then along high water mark generally southerly, south-easterly, north-easterly, north-westerly and northerly to the west corner of Section 392, Hundred of Waterhouse, then along a straight line to the south-east corner of Section 391, Hundred of Waterhouse, then generally westerly and north-westerly along high water mark to the point of commencement.



Schedule 14—Fees

1—Waiver of fees and payment in instalments

(1) The CEO may waive or reduce the fee payable by a person under these regulations if the CEO considers the circumstances of the particular case justify the waiver or reduction.

(2) The CEO may allow a person to pay a fee in instalments.

2—Interpretation of table of fees

(1) In the table below, where a fee is expressed as an amount per metre, the fee is to be calculated for each metre or part of a metre in the length of the vessel.

(2) For the purposes of this Schedule, an observation vessel is to be regarded as a Class 3 vessel.

3—Fees payable

The following fees are payable to the CEO for the purposes of the Act and these regulations:

Fees relating to Part 5		
1	Pilotage exemption certificate	$446.00
2	Renewal of pilotage exemption certificate	$223.00
3	Replacement pilotage exemption certificate	$43.00
Fees relating to Part 6		
4	Exemption from crewing requirements	$101.00
Fees relating to Part 7		
5	Certificate of competency—	
	(a) for recreational vessels—	
	(i) Boat Operator's Licence—	
	• if the applicant has, not more than 6 months before the application, been the holder of a special permit	$13.00
	• in any other case	$28.75
	• plus for a written examination (whether a first or subsequent attempt)	$29.75
	(ii) Special Permit	$12.50
	• plus for a written examination (whether a first or subsequent attempt)	$13.75
	• plus for a practical test	nil
	(b) for trading vessels operating solely on the River Murray or inland waters—	
	(i) Master Class 4 River Murray and Inland Waters	$657.00

	• plus for a second or subsequent attempt at a written examination	$37.25
	• plus for a second or subsequent attempt at an oral examination	$244.00
(ii)	Master Class 5 River Murray and Inland Waters (including Houseboat)	$544.00
	• plus for a second or subsequent attempt at a written examination	$37.25
	• plus for a second or subsequent attempt at an oral examination	$133.00
(iii)	Coxswain River Murray and Inland Waters	$413.00
	• plus for a second or subsequent attempt at a written examination	$37.25
	• plus for a second or subsequent attempt at an oral examination	$112.00
(c)	for other trading vessels and fishing vessels—	
(i)	Master Class 3 or Skipper Grade 1	$1051.00
	• plus for a second or subsequent attempt at a written examination	$73.50
	• plus for a second or subsequent attempt at an oral examination	$263.00
(ii)	Master Class 4, Mate Class 4 or Skipper Grade 2	$868.00
	• plus for a second or subsequent attempt at a written examination	$57.00
	• plus for a second or subsequent attempt at an oral examination	$244.00
(iii)	Master Class 5 or Skipper Grade 3	$712.00
	• plus for a second or subsequent attempt at a written examination	$37.25
	• plus for a second or subsequent attempt at an oral examination	$187.00
(iv)	Coxswain	$413.00
	• plus for a second or subsequent attempt at a written examination	$37.25
	• plus for a second or subsequent attempt at an oral examination	$112.00
(v)	Marine Engineer Class 3	$867.00
	• plus for a second or subsequent attempt at a written examination	$96.50
	• plus for a second or subsequent attempt at an oral examination	$244.00
(vi)	Marine Engine Driver Grade 1	$657.00

	• plus for a second or subsequent attempt at a written examination	$86.00
	• plus for a second or subsequent attempt at an oral examination	$149.00
	(vii) Marine Engine Driver Grade 2	$491.00
	• plus for a second or subsequent attempt at a written examination	$57.00
	• plus for a second or subsequent attempt at an oral examination	$96.50
	(viii) Marine Engine Driver Grade 3	$300.00
	• plus for a second or subsequent attempt at a written examination	$37.25
6	Exemption from requirement to hold certificate of competency	$101.00
7	Endorsement of certificate of competency	$101.00
8	Recognition of certificate of competency—	
	(a) if applicant not required to sit examination	$101.00
	(b) if applicant required to sit examination	$358.00
9	Re-validation of certificate of competency	$25.50
10	Replacement certificate of competency—	
	(a) Boat Operator's Licence or special permit	$13.00
	(b) other	$101.00

Fees relating to Part 8—Hire and Drive Houseboats

11	For inspection of a hire and drive houseboat in relation to initial grant of licence under Part 8 of the Act or in relation to adding a houseboat to the fleet operated pursuant to such a licence	$47.00 per metre
12	For inspection of a hire and drive houseboat pursuant to a condition of a licence under Part 8 of the Act—	
	(a) where the inspection is required as a result of damage or alteration to the houseboat	$19.10 per metre
	(b) in any other case	$31.25 per metre
13	For examination of houseboat building plans—	
	(a) for construction of a houseboat	$35.50 per metre
	(b) for alterations to a houseboat	$19.20 per metre
14	For non-attendance by owner or agent at an appointed inspection	$237.00
15	For issue of a replacement or additional certificate of inspection	$51.50
16	For extension of period for which certificate of inspection remains in force	$4.35 per metre

Fees relating to Part 9—Registration

17	Registration of vessel—	
	(a) recreational vessel—	
	(i) vessel that is not more than 3.1 metres in length and is powered by an engine capable of developing not more than 5 horsepower—	
	• initial registration	$27.50
	• subsequent registration in same name	nil
	• subsequent registration in different name	$13.00
	(ii) any other vessel—	
	• initial registration	$59.50
	• subsequent registration in same name	$40.50
	• subsequent registration in different name	$53.50
	(b) restricted vessel—	
	(i) initial registration	$254.00
	(ii) subsequent registration	$158.00
18	Exemption from requirement for vessel to be registered	nil
19	Trade plates—	
	(a) initial issue	$59.50
	(b) subsequent issue	$40.50
	(c) issue of replacement certificate or label	$13.00
	(d) surrender of trade plates	$13.00
20	Substitution of identification mark at request of owner	$13.00
21	Transfer of registration of vessel	$13.00
22	Replacement certificate of registration	$13.00
23	Replacement registration label	$13.00
24	Cancellation of registration	$13.00
25	Application for appointment as a boat code agent	$111.00
26	Application for renewal of a term of appointment as a boat code agent	$88.00
27	Application for approval as a boat code examiner	$55.50
28	Application for renewal of a term of approval as a boat code examiner	$27.75
29	Set of 20 HIN plates	$86.50
30	Pad of 50 interim boat code certificates	$23.00
31	Duplicate copy of boat code certificate	$13.00

Certificates of Survey

32	Certificate of survey or application for consent to structural alteration to hull or material alteration to equipment	the sum of the applicable fees fixed by clauses 33 to 38
33	Survey—	
	(a) survey for initial issue of certificate of survey	$117.00 per metre
	(b) survey for subsequent issue of certificate of survey—	
	(i) if the vessel has been surveyed by a classification society	$54.50 per metre
	(ii) in any other case—	
	• Class 1 and 2 vessels: first visit	$58.00 per metre
	• Class 1 and 2 vessels: subsequent visit	$31.25 per metre
	• Class 3 vessels: first visit	$64.50 per metre
	• Class 3 vessels: subsequent visit	$32.25 per metre
	(c) survey of alterations or repairs to vessel—	
	(i) Class 1 and 2 vessels	$31.25 per metre
	(ii) Class 3 vessels	$32.25 per metre
	(iii) Minimum fee	$192.00
34	Examination and approval of plans—	
	(a) construction of vessel or major hull modifications	$90.00 per metre
	(b) major alterations	$58.50 per metre
	(c) other alterations	$30.50 per metre
35	Attendance of surveyor at an inclining experiment	$192.00
36	Examination and approval of vessel's stability information—	
	(a) if the information is based on a metacentric height (GM) criteria	$195.00
	(b) in any other case	$126.00 per hour minimum fee: $578.00
37	For non-attendance of owner of vessel or representative at an appointed survey	$31.25 per metre
38	Alteration to certificate of survey following consent to alteration of vessel or its equipment	$51.50
39	Exemption from requirement for vessel to be surveyed	nil
40	Extension of period for which certificate of survey remains in force—	
	(a) Class 1 and 2 vessels	$16.50 per metre
	(b) Class 3 vessels	$9.00 per metre
41	Recognition as equivalent to certificate of survey	nil
42	Replacement certificate of survey	$51.50

Loadline Certificates

43	Loadline certificate—	
	(a) initial issue	$58.50 per metre
	(b) subsequent issue	$30.50 per metre
44	Exemption from requirement for loadline certificate to be issued in respect of vessel	nil
45	Recognition as equivalent to loadline certificate	nil
46	Replacement loadline certificate	$30.50 per metre

Fees relating to Part 14—Boat Havens

47	Permit to moor vessel in boat haven—	
	(a) *North Arm Boat Haven*	
	(i) annual permit—	
	• fishing vessel 9 metres and over in length	$58.00 per metre
	• fishing vessel less than 9 metres in length	$77.50 per metre
	• tender vessel	$58.00 per metre
	• the above is subject to the following maximum fees:	
	• Fishing vessel and 2 tender vessels	$374.00
	• Fishing vessel and 3 tender vessels	$425.00
	• Other vessels 12 metres or more in length	$146.00 per metre
	• Other vessels less than 12 metres in length	$1 739.00
	(ii) temporary permit (1 week or part of a week)	$51.00
	(b) *Port MacDonnell Boat Haven* and *Robe Boat Haven*	
	(i) annual permit	$77.50 per metre
	(ii) temporary permit (24 hours)	$4.90
	(c) *Port Pirie Boat Haven*	
	(i) annual permit—	
	• vessels 9 metres and over in length	$129.00
	• vessels less than 9 metres in length	$65.50
	(ii) temporary permit (24 hours)	$4.90

Levies

48	Facilities levy—		
	Recreational vessel—		
	(a)	recreational vessel that is not more than 3.1 metres in length and is powered by an engine capable of developing not more than 5 horsepower	nil
	(b)	any other recreational vessel	$28.75

Legislative history

Notes

- This version is comprised of the following:

Part 1	1.7.2004
Part 2	1.7.2003 (Reprint No 28)
Part 3	1.7.2003 (Reprint No 28)
Part 4	24.11.2003 (Reprint No 29)
Part 5	1.7.2003 (Reprint No 28)
Part 6	1.7.2003 (Reprint No 28)
Part 7	1.12.2004
Part 8	4.5.2006
Part 9	1.12.2004
Part 10	1.12.2004
Part 11	1.7.2003 (Reprint No 28)
Part 12	1.7.2003 (Reprint No 28)
Part 13	1.7.2003 (Reprint No 28)
Part 14	1.7.2003 (Reprint No 28)
Schedule 1	1.7.2003 (Reprint No 28)
Schedule 2	1.7.2003 (Reprint No 28)
Schedule 3	15.12.2005
Schedule 3A	15.12.2005
Schedule 4	4.5.2006
Schedule 5	4.5.2006
Schedule 6	1.7.2003 (Reprint No 28)
Schedule 7	1.7.2003 (Reprint No 28)
Schedule 8	1.7.2003 (Reprint No 28)
Schedule 9	1.7.2003 (Reprint No 28)
Schedule 10	20.10.2005
Schedule 11	1.7.2003 (Reprint No 28)
Schedule 12	1.7.2003 (Reprint No 28)
Schedule 14	1.7.2006

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Legislation revoked by principal regulations

The *Harbors and Navigation Regulations 1994* revoked the following:

> All regulations previously made under the Harbors Act 1936, the Boating Act 1974 and the Marine Act 1936

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1994	176	*Gazette 20.10.1994 p988*	24.10.1994: r 2
1994	195	*Gazette 24.11.1994 p1619*	24.11.1994: r 2
1994	196	*Gazette 24.11.1994 p1621*	24.11.1994: r 2
1995	2	*Gazette 5.1.1995 p49*	5.1.1995: r 2
1995	84	*Gazette 10.5.1995 p2059*	1.7.1995: r 2
1995	155	*Gazette 13.7.1995 p83*	1.10.1995: r 2
1995	180	*Gazette 31.8.1995 p636*	31.8.1995: r 2
1995	198	*Gazette 26.10.1995 p1208*	26.10.1995: r 2
1995	217	*Gazette 30.11.1995 p1527*	1.1.1996: r 2
1995	234	*Gazette 21.12.1995 p1800*	21.12.1995: r 2
1996	20	*Gazette 1.2.1996 p1020*	1.2.1996: r 2
1996	38	*Gazette 14.3.1996 p1655*	14.3.1996: r 2
1996	75	*Gazette 23.5.1996 p2576*	23.5.1996: r 2
1996	122	*Gazette 30.5.1996 p2737*	1.7.1996: r 2
1996	149	*Gazette 13.6.1996 p2946*	13.6.1996: r 2
1996	259	*Gazette 23.12.1996 p2262*	3.2.1997: r 2
1997	17	*Gazette 20.2.1997 p1000*	20.2.1997: r 2
1997	29	*Gazette 13.3.1997 p1191*	13.3.1997: r 2
1997	39	*Gazette 27.3.1997 p1374*	21.4.1997: r 2
1997	104	*Gazette 13.5.1997 p1914*	1.7.1997: r 2
1997	223	*Gazette 13.11.1997 p1304*	1.12.1997: r 2
1998	12	*Gazette 29.1.1998 p383*	29.1.1998: r 2
1998	26	*Gazette 31.3.1998 p1598*	30.3.1998: r 2
1998	47	*Gazette 21.5.1998 p2231*	21.5.1998: r 2
1998	90	*Gazette 28.5.1998 p2363*	1.7.1998: r 2
1998	139	*Gazette 11.6.1998 p2552*	1.7.1998: r 2
1998	219	*Gazette 17.12.1998 p1986*	17.12.1998: r 2
1999	3	*Gazette 14.1.1999 p405*	14.1.1999: r 2
1999	13	*Gazette 25.2.1999 p1175*	25.2.1999: r 2
1999	93	*Gazette 27.5.1999 p2881*	1.7.1999: r 2
1999	114	*Gazette 3.6.1999 p3031*	3.6.1999: r 2
1999	159	*Gazette 29.7.1999 p626*	29.7.1999: r 2
1999	182	*Gazette 2.9.1999 p1097*	16.9.1999: r 2
1999	191	*Gazette 23.9.1999 p1305*	23.9.1999: r 2

1999	199	*Gazette 30.9.1999 p1393*	1.11.1999: r 2
1999	206	*Gazette 14.10.1999 p1979*	25.10.1999: r 2
1999	231	*Gazette 25.11.1999 p2541*	1.12.1999: r 2
1999	232	*Gazette 25.11.1999 p2544*	13.12.1999: r 2
2000	98	*Gazette 25.5.2000 p2787*	1.7.2000: r 2
2000	267	*Gazette 23.11.2000 p3313*	23.12.2000: r 2
2000	272	*Gazette 30.11.2000 p3381*	7.12.2000: r 2
2001	20	*Gazette 15.3.2001 p930*	22.3.2001: r 2
2001	74	*Gazette 31.5.2001 p2002*	1.7.2001: r 2
2001	172	*Gazette 12.7.2001 p2616*	1.9.2001: r 2
2001	220	*Gazette 20.9.2001 p4275*	20.9.2001: r 2
2001	226	*Gazette 4.10.2001 p4377*	31.10.2001: r 2
2001	257	*Gazette 13.12.2001 p5401*	20.12.2001: r 2
2002	39	*Gazette 6.6.2002 p2095*	6.6.2002: r 2
2002	114	*Gazette 20.6.2002 p2640*	1.7.2002: r 2
2002	145	*Gazette 18.7.2002 p2909*	18.7.2002: r 2
2002	207	*Gazette 7.11.2002 p4061*	7.11.2002: r 2
2003	122	*Gazette 29.5.2003 p2320*	1.7.2003: r 2
2003	233	*Gazette 20.11.2003 p4237*	24.11.2003: r 2
2004	84	*Gazette 27.5.2004 p1557*	1.7.2004: r 2
2004	231	*Gazette 4.11.2004 p4190*	1.12.2004: r 2
2005	98	*Gazette 26.5.2005 p1513*	1.7.2005: r 2
2005	225	*Gazette 20.10.2005 p3781*	20.10.2005: r 2
2005	263	*Gazette 8.12.2005 p4221*	8.12.2005: r 2
2005	280	*Gazette 15.12.2005 p4372*	15.12.2005: r 2
2006	43	*Gazette 27.4.2006 p1175*	27.4.2006: r 2
2006	45	*Gazette 4.5.2006 p1249*	4.5.2006: r 2
2006	**131**	***Gazette 15.6.2006 p1832***	**1.7.2006: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
rr 2 and 3	*omitted under the Legislation Revision and Publication Act 2002*	*1.7.2004*
r 5		
r 5(4)	varied by 219/1998 Sch	17.12.1998
r 6	varied by 267/2000 r 3	23.12.2000
r 7	*deleted by 226/2001 r 3*	*31.10.2001*
Pt 2		
r 8		

r 8(1)		
moor	substituted by 267/2000 r 4(a)	23.12.2000
personal watercraft	inserted by 231/1999 r 3	1.12.1999
	substituted by 257/2001 r 3	20.12.2001
protected waters	substituted by 29/1997 r 3(a)	13.3.1997
semi-protected waters	varied by 29/1997 r 3(b)	13.3.1997
underway	varied by 267/2000 r 4(b)	23.12.2000
unprotected waters	varied by 29/1997 r 3(c)	13.3.1997
V distress sheet	(c) deleted by 267/2000 r 4(c)	23.12.2000
r 9A	inserted by 226/2001 r 4	31.10.2001
Pt 4		
r 13A	inserted by 233/2003 r 4	24.11.2003
r 14		
r 14(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 r 3, Sch	17.12.1998
r 14(2) and (3)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 2219/1998 Sch	17.12.1998
r 14(4)	deleted by 226/2001 r 5	31.10.2001
r 14(5)	inserted by 206/1999 r 3	25.10.1999
Pt 5		
Pt 5 Div 1	heading substituted by 226/2001 r 6	31.10.2001
r 15	substituted by 226/2001	31.10.2001
r 15A	inserted by 226/2001	31.10.2001
Pt 5 Div 2		
r 16		
r 16(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 226/2001 r 7(a)	31.10.2001
r 16(3)	substituted by 226/2001 r 7(b)	31.10.2001
r 17		
r 17(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	substituted by 267/2000 r 5	23.12.2000
r 17(1a)	inserted by 267/2000 r 5	23.12.2000
r 18	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 19		
r 19(1)—(3)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 19(5)		
trolley	varied by 226/2001 r 8	31.10.2001

r 20	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 22		
r 22(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 226/2001 r 9(a)	31.10.2001
r 22(2)	varied by 226/2001 r 9(b)	31.10.2001
r 22(3)	inserted by 226/2001 r 9(c)	31.10.2001
r 23	varied by 219/1998 Sch	17.12.1998
r 25	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 26		
r 26(1)	varied by 226/2001 r 10	31.10.2001
r 26(2)	varied by 219/1998 Sch	17.12.1998
r 27		
r 27(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 28		
r 28(3)	varied by 219/1998 Sch	17.12.1998
r 28(4)	varied by 219/1998 Sch	17.12.1998
	varied by 226/2001 r 11	31.10.2001
r 29	varied by 219/1998 Sch	17.12.1998
r 30		
r 30(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 31		
r 31(1)	varied by 226/2001 r 12(a)	31.10.2001
r 31(2)	varied by 219/1998 Sch	17.12.1998
	varied by 226/2001 r 12(b)	31.10.2001
r 31(3) and (4)	*varied by 219/1998 Sch*	*17.12.1998*
	deleted by 267/2000 r 6	*23.12.2000*
r 31(5)	*varied by 2/1995 r 3*	*5.1.1995*
	deleted by 226/2001 r 12(c)	*31.10.2001*
r 31(6)	*deleted by 226/2001 r 12(c)*	*31.10.2001*
r 32		
r 32(1)	varied by 219/1998 Sch	17.12.1998
	varied by 226/2001 r 13(a)	31.10.2001
r 32(2)	varied by 267/2000 r 7	23.12.2000
r 32(3)	*varied by 2/1995 r 4*	*5.1.1995*
	deleted by 226/2001 r 13(b)	*31.10.2001*
r 32(4)	*deleted by 226/2001 r 13(b)*	*31.10.2001*
r 33	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
Pt 5 Div 3		
r 33A	inserted by 47/1998 r 3	21.5.1998

	varied by 226/2001 r 14	31.10.2001
r 34		
r 34(1)	varied by 47/1998 r 4(a)	21.5.1998
r 34(2)	varied by 47/1998 r 4(b)	21.5.1998
r 34(2a)	inserted by 47/1998 r 4(c)	21.5.1998
r 34(3)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 47/1998 r 4(d)	21.5.1998
	varied by 219/1998 Sch	17.12.1998
r 35		
r 35(1)	varied by 47/1998 r 5	21.5.1998
r 36		
r 36(1)	varied by 47/1998 r 6(a)	21.5.1998
r 36(2)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 47/1998 r 6(b)	21.5.1998
	varied by 219/1998 Sch	17.12.1998
r 36(3)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 36(4)—(6)	*deleted by 47/1998 r 6(c)*	*21.5.1998*
r 37		
r 37(1)	varied by 47/1998 r 7	21.5.1998
r 37(2)	substituted by 226/2001 r 15	31.10.2001
r 38		
r 38(1)	varied by 47/1998 r 8(a)	21.5.1998
r 38(2)	varied by 47/1998 r 8(b)	21.5.1998
r 38(4)	substituted by 47/1998 r 8(c)	21.5.1998
r 38A	inserted by 47/1998 r 9	21.5.1998
r 39	varied by 47/1998 r 10	21.5.1998
Pt 5 Div 4		
r 39A	inserted by 226/2001 r 16	31.10.2001
r 40		
r 40(1)	varied by 219/1998 Sch	17.12.1998
r 41		
r 41(1)	varied by 219/1998 Sch	17.12.1998
r 42	varied by 219/1998 Sch	17.12.1998
r 43		
r 43(7) and (8)	varied by 219/1998 Sch	17.12.1998
r 44		
r 44(1) and (2)	varied by 219/1998 Sch	17.12.1998
Pt 5 Div 5		
rr 54 and 55	varied by 219/1998 Sch	17.12.1998
Pt 6		
Pt 6 Div 1		
r 58	varied by 267/2000 r 8	23.12.2000

Pt 6 Div 2		
r 61		
r 61(1) and (2)	varied by 219/1998 Sch	17.12.1998
Pt 6 Div 3		
r 62		
r 62(1) and (2)	varied by 219/1998 Sch	17.12.1998
Pt 7		
r 64		
r 64(1)	r 64 varied and redesignated as r 64(1) by 182/1999 r 3(a), (b)	16.9.1999
	varied by 267/2000 r 9	23.12.2000
r 64(2) and (3)	inserted by 182/1999 r 3(b)	16.9.1999
r 66		
r 66(4)	varied by 191/1999 r 3(a)	23.9.1999
	(a) and (b) deleted by 191/1999 r 3(a)	23.9.1999
r 66(5)	varied by 191/1999 r 3(b)	23.9.1999
	(a) and (b) deleted by 191/1999 r 3(b)	23.9.1999
r 69		
r 69(3)	inserted by 191/1999 r 4	23.9.1999
r 70A	inserted by 191/1999 r 5	23.9.1999
r 71		
r 71(1)	varied by 191/1999 r 6(a)	23.9.1999
r 71(2)	varied by 191/1999 r 6(b)	23.9.1999
r 71(4)	substituted by 191/1999 r 6(c)	23.9.1999
r 71(5) and (6)	*deleted by 191/1999 r 6(c)*	*23.9.1999*
r 72		
r 72(1)	varied by 219/1998 Sch	17.12.1998
r 73		
r 73(3)	varied by 267/2000 r 10	23.12.2000
r 73(5)	varied by 219/1998 Sch	17.12.1998
	varied by 231/2004 r 4	1.12.2004
r 74A	inserted by 267/2000 r 11	23.12.2000
r 74A(1)	(a) deleted by 231/2004 r 5(1)	1.12.2004
r 74A(1a)	inserted by 231/2004 r 5(2)	1.12.2004
r 74A(1b)	inserted by 231/2004 r 5(2)	1.12.2004
r 74A(2)	varied by 231/2004 r 5(3)	1.12.2004
r 76	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 77	*deleted by 182/1999 r 4*	*16.9.1999*
Pt 8		
Pt 8 Div 1		
r 78		

hire and drive small vessel	inserted by 182/1999 r 5(a)	16.9.1999
	varied by 231/1999 r 4	1.12.1999
hire and drive vessel	inserted by 182/1999 r 5(a)	16.9.1999
hirer	varied by 182/1999 r 5(b)	16.9.1999
owner	varied by 182/1999 r 5(c), (d)	16.9.1999
r 78A	inserted by 182/1999 r 6	16.9.1999
Pt 8 Div 2		
r 79		
r 79(3)	varied by 182/1999 r 7	16.9.1999
r 79(4)	inserted by 43/2006 r 4	27.4.2006
r 80	substituted by 182/1999 r 8	16.9.1999
r 80(1a)	inserted by 43/2006 r 5	27.4.2006
Pt 8 Div 3		
r 84		
r 84(1)	varied by 267/2000 r 12	23.12.2000
r 84(1a)	inserted by 257/2001 r 4	20.12.2001
r 87		
r 87(2)	varied by 267/2000 r 13	23.12.2000
r 87A	inserted by 267/2000 r 14	23.12.2000
Pt 8 Div 4		
r 88	varied by 219/1998 Sch	17.12.1998
	substituted by 182/1999 r 9	16.9.1999
r 88(3)	inserted by 267/2000 r 15	23.12.2000
r 89		
r 89(1)	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 10(a), (b)	16.9.1999
	varied by 267/2000 r 16	23.12.2000
r 89(2)	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 10(c)	16.9.1999
r 89(3)	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 10(d)	16.9.1999
r 90		
r 90(1)	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 11(a)—(d)	16.9.1999
r 90(2)	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 11(e)—(g)	16.9.1999
r 91	varied by 219/1998 Sch	17.12.1998
	substituted by 182/1999 r 12	16.9.1999
Pt 8 Div 5		
r 92	varied by 219/1998 Sch	17.12.1998
r 92(1)	r 92 varied and redesignated as r 92(1) by 182/1999 r 13(a), (b)	16.9.1999

r 92(2)	inserted by 182/1999 r 13(b)	16.9.1999
	varied by 231/1999 r 5	1.12.1999
r 92(3)	inserted by 182/1999 r 13(b)	16.9.1999
Pt 8 Div 6		
r 93	varied by 219/1998 Sch	17.12.1998
	varied by 182/1999 r 14	16.9.1999
r 94	varied by 219/1998 Sch	17.12.1998
	substituted by 182/1999 r 15	16.9.1999
Pt 9		
Pt 9 Div 1		
r 97		
r 97(1)	varied by 267/2000 r 17	23.12.2000
r 97(2)	varied by 219/1998 Sch	17.12.1998
r 97A	inserted by 267/2000 r 18	23.12.2000
r 97A		
r 97A(8)—(10)	inserted by 74/2001 r 3	1.7.2001
r 100		
r 100(1a)	inserted by 172/2001 r 3	1.9.2001
	varied by 231/2004 r 6(1)	1.12.2004
r 100(1b)	inserted by 231/2004 r 6(2)	1.12.2004
r 101(2)	varied by 172/2001 r 4	1.9.2001
r 101(3)	varied by 219/1998 Sch	17.12.1998
r 104		
r 104(7) and (8)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 105		
r 105(3) and (4)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 106		
r 106(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 106(2)	varied by 231/2004 r 7(1)	1.12.2004
r 106(2a)	inserted by 231/2004 r 7(2)	1.12.2004
r 108		
r 108(2)	varied by 219/1998 Sch	17.12.1998
r 110	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
Pt 9 Div 1A	inserted by 172/2001 r 5	1.9.2001
Pt 9 Div 2		
r 115		
r 115(2)	varied by 219/1998 Sch	17.12.1998
r 115A	inserted by 267/2000 r 19	23.12.2000
r 117		

r 117(1) and (2)	varied by 219/1998 Sch	17.12.1998
Pt 9 Div 3		
r 120		
r 120(2) and (3)	varied by 219/1998 Sch	17.12.1998
Pt 10		
Pt 10 Div 1		
r 126		
r 126(2)	varied by 219/1998 Sch	17.12.1998
	varied by 231/2004 r 8(1)	1.12.2004
r 126(3) and (4)	inserted by 231/2004 r 8(2)	1.12.2004
r 127		
r 127(2)	varied by 219/1998 Sch	17.12.1998
	varied by 231/2004 r 9(1)	1.12.2004
r 127(3) and (4)	inserted by 231/2004 r 9(2)	1.12.2004
r 128		
r 128(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1996
	varied by 219/1998 Sch	17.12.1998
r 128(2)—(7)	varied by 219/1998 Sch	17.12.1998
	varied by 231/2004 r 10	1.12.2004
Pt 10 Div 2		
r 129		
r 129(1)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 231/1999 r 6(b)	1.12.1999
	(c) and (d) deleted by 231/1999 r 6(a)	1.12.1999
r 129(2)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 129(3)	*deleted by 226/2001 r 17*	*31.10.2001*
r 129(4)	inserted by 231/1999 r 6(c)	1.12.1999
Pt 10 Div 3		
r 131	varied by 219/1998 Sch	17.12.1998
Pt 10 Div 4		
r 132	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 20	23.12.2000
	varied by 231/1999 r 7	1.12.1999
	varied by 20/2001 r 3	22.3.2001
r 132A	inserted by 231/1999 r 8	1.12.1999
r 132B		
r 132B(1)	inserted by 231/1999 r 8	1.12.1999
	varied by 272/2000 r 3(a)	7.12.2000
r 132B(1a)	inserted by 272/2000 r 3(b)	7.12.2000
r 133	varied by 219/1998 Sch	17.12.1998

r 134		
r 134(1)	varied by 219/1998 Sch	17.12.1998
	substituted by 267/2000 r 21(a)	23.12.2000
r 134(2)	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 21(b)	23.12.2000
r 134(3)	inserted by 267/2000 r 21(c)	23.12.2000
Pt 10 Div 5		
r 135	varied by 219/1998 Sch	17.12.1998
r 136		
r 136(3)	varied by 267/2000 r 22	23.12.2000
r 136(4)	varied by 219/1998 Sch	17.12.1998
rr 137 and 138	varied by 219/1998 Sch	17.12.1998
Pt 10 Div 6		
r 139		
r 139(1)	varied by 13/1999 r 3(a)	25.2.1999
r 139(1a)	inserted by 13/1999 r 3(b)	25.2.1999
r 139(2)	varied by 29/1997 r 4	13.3.1997
r 139(6a)	inserted by 13/1999 r 3(c)	25.2.1999
r 139		
r 139(7)	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 13/1999 r 3(d)	25.2.1999
r 140	varied by 267/2000 r 23	23.12.2000
r 141	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
r 141(1)	r 141 varied by and redesignated as r 141(1) by 267/2000 r 24(a), (b)	23.12.2000
	(c) deleted by 267/2000 r 24(a)	23.12.2000
r 141(2)	inserted by 267/2000 r 24(b)	23.12.2000
r 142	varied by 259/1996 r 3 (Sch cl 12)	3.2.1997
	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 25	23.12.2000
Pt 10 Div 7		
r 143		
r 143(1)—(6)	varied by 219/1998 Sch	17.12.1998
Pt 10 Div 8		
r 148	varied by 219/1998 Sch	17.12.1998
Pt 10 Div 9		
r 149		
r 149(1)	varied by 155/1995 r 3	1.10.1995
r 149(2) and (4)	varied by 219/1998 Sch	17.12.1998
r 149A	inserted by 257/2001 r 5	20.12.2001
r 150		

r 150(1)	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 26(a)	23.12.2000
r 150(2)	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 26(b)	23.12.2000
r 150(3)	varied by 219/1998 Sch	17.12.1998
	varied by 267/2000 r 26(c)	23.12.2000
r 150(4)	*deleted by 267/2000 r 26(d)*	*23.12.2000*
r 150(5)—(12)	varied by 219/1998 Sch	17.12.1998
r 151		
r 151(1), (3) and (4)	varied by 219/1998 Sch	17.12.1998
Pt 10 Div 10		
r 151A	inserted by 180/1995 r 3	31.8.1995
r 151A(3)	varied by 219/1998 Sch	17.12.1998
r 151B	inserted by 114/1999 r 3	3.6.1999
r 152	varied by 219/1998 Sch	17.12.1998
r 153		
r 153(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 154		
r 154(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 154A	inserted by 267/2000 r 27	23.12.2000
r 155		
r 155(1)	varied by 219/1998 Sch	17.12.1998
r 156		
r 156(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 156 (3)	inserted by 226/2001 r 18	31.10.2001
r 157		
r 157(1)	varied by 219/1998 Sch	17.12.1998
r 158		
r 158(1)	varied by 219/1998 Sch	17.12.1998
r 158(2)	*deleted by 226/2001 r 19*	*31.10.2001*
Pt 11		
r 160	substituted by 267/2000 r 28	23.12.2000
Pt 14		
Pt 14 Div 1		
r 165		
r 165(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 166		
r 166(1) and (2)	varied by 219/1998 Sch	17.12.1998
r 170	varied by 219/1998 Sch	17.12.1998
r 171		
r 171(4)	varied by 219/1998 Sch	17.12.1998
Pt 14 Div 2		

172		
r 172(2)	varied by 219/1998 Sch	17.12.1998
r 173		
r 173(2)	varied by 219/1998 Sch	17.12.1998
Pt 14 Div 3		
r 177	substituted by 220/2001 r 3	20.9.2001
Pt 14 Div 4	*deleted by 259/1996 r 3 (Sch cl 12)*	*3.2.1997*
Pt 14 Div 5		
r 179	varied by 219/1998 Sch	17.12.1998
Sch 1	varied by 159/1999 r 4(b) (Sch 2 cl 1)	29.7.1999
	varied by 267/2000 r 29	23.12.2000
Sch 3	varied by 2/1995 r 5	5.1.1995
	varied by 75/1996 r 3	23.5.1996
	varied by 226/2001 r 20	31.10.2001
	varied by 231/2004 r 11	1.12.2004
	varied by 263/2005 r 4(1), (2)	8.12.2005
Sch 3A	inserted by 226/2001 r 21	31.10.2001
Ardrossan	inserted by 39/2002 r 3	6.6.2002
	varied by 231/2004 r 12	1.12.2004
Port Adelaide	varied by 263/2005 r 5	8.12.2005
Sch 4		
cl 1		
cl 1(2)		
Item 1	varied by 206/1999 r 4(a)	25.10.1999
Item 7A	inserted by 207/2002 r 3(a)	7.11.2002
Item 8A	inserted by 231/2004 r 13(1)	1.12.2004
Item 9A	inserted by 231/2004 r 13(2)	1.12.2004
Item 10	inserted by 38/1996 r 3(a)	14.3.1996
Items 10A and 10B	inserted by 207/2002 r 3(b)	7.11.2002
Item 11	inserted by 149/1996 r 3(a)	13.6.1996
	varied by 231/1999 r 9	1.12.1999
Item 12	inserted by 257/2001 r 6(a)	20.12.2001
cl 2	varied by 195/1994 r 3	24.11.1994
	varied by 198/1995 r 3	26.10.1995
	varied by 234/1995 r 3	21.12.1995
	varied by 38/1996 r 3(b)	14.3.1996
	varied by 149/1996 r 3(b)—(d)	13.6.1996
	varied by 39/1997 r 3	21.4.1997
	varied by 223/1997 r 3(a)	1.12.1997
	varied by 26/1998 r 3(a)	30.3.1998
	varied by 3/1999 r 3	14.1.1999
	varied by 199/1999 r 3	1.11.1999

	varied by 206/1999 r 4(b)	25.10.1999
	varied by 232/1999 r 3	13.12.1999
	varied by 272/2000 r 4	7.12.2000
	varied by 267/2000 r 30(a)	23.12.2000
	varied by 20/2001 r 4	22.3.2001
	varied by 257/2001 r 6(b), (c)	20.12.2001
	varied by 207/2002 r 3(c)	7.11.2002
	varied by 231/2004 r 13(3)—(7)	1.12.2004
	varied by 280/2005 r 4	15.12.2005
	varied by 45/2006 r 4	4.5.2006
cl 3	inserted by 223/1997 r 3(b)	1.12.1997
	varied by 231/2004 r 13(8)	1.12.2004
cl 4	*inserted by 26/1998 r 3(b)*	*30.3.1998*
	deleted by 267/2000 r 30(b)	*23.12.2000*
cl 5	*inserted by 206/1999 r 4(c)*	*25.10.1999*
	deleted by 257/2001 r 6(d)	*20.12.2001*
Sch 5		
Delineation Ardrossan	varied by 231/2004 r 14(1), (2)	1.12.2004
Delineation Blanchetown		
Area 2	inserted by 39/1997 r 4(a)	21.4.1997
Currency Creek	inserted by 149/1996 r 4(a)	13.6.1996
East Wellington	inserted by 234/1995 r 4(a) (Sch 1)	21.12.1995
Fisherman Bay	inserted by 3/1999 r 4	14.1.1999
Fleurieu Reef	inserted by 207/2002 r 4	7.11.2002
Glenelg	inserted by 195/1994 r 4	24.11.1994
Goolwa	substituted by 149/1996 r 4(b)	13.6.1996
Area 2	varied by 231/2004 r 14(3)	1.12.2004
Area 3	substituted by 206/1999 r 5(a)	25.10.1999
Area 4	varied by 12/1998 r 3(a)	29.1.1998
Area 7	substituted by 12/1998 r 3(b)	29.1.1998
Area 8	inserted by 206/1999 r 5(b)	25.10.1999
	substituted by 231/2004 r 14(4)	1.12.2004
Map — Areas 2 and 3	substituted by 206/1999 r 5(c)	25.10.1999
	substituted by 231/2004 r 14(5)	1.12.2004
Map — Areas 4, 5 and 6	substituted by 12/1998 r 3(c) (Sch 1)	29.1.1998
Map — Area 7	substituted by 12/1998 r 3(d) (Sch 2)	29.1.1998
Map — Area 8	inserted by 206/1999 r 5(c)	25.10.1999
	substituted by 231/2004 r 14(5)	1.12.2004

Lake Bonney (Barmera Areas 1 and 2)	substituted by 272/2000 r 5	7.12.2000
Nildottie	inserted by 3/1999 r 4	14.1.1999
Port Bonython	inserted by 223/1997 r 4	1.12.1997
Point Turton before substitution by 225/2005		
Area 1	*Area redesignated as Area 1 by 231/2004 r 14(6)*	*1.12.2004*
Area 2	*inserted by 231/2004 r 14(7)*	*1.12.2004*
Map—Area 2	*inserted by 231/2004 r 14(8)*	*1.12.2004*
Point Turton	substituted by 225/2005 r 4(1)	20.10.2005
Port Adelaide	inserted by 231/2004 r 14(9)	1.12.2004
	substituted by 263/2005 r 6	8.12.2005
Port Elliot	inserted by 149/1996 r 4(c)	13.6.1996
Porter Bay	inserted by 39/1997 r 4(b)	21.4.1997
Port Hughes	inserted by 231/2004 r 14(10)	1.12.2004
Port Neill	inserted by 234/1995 r 4(b) (Sch 2)	21.12.1995
Port Vincent	inserted by 232/1999 r 4	13.12.1999
Map—Areas 1 and 2	substituted by 225/2005 r 4(2)	20.10.2005
Area 2	substituted by 231/2004 r 14(11)	1.12.2004
Robe	inserted by 199/1999 r 4	1.11.1999
Swan Reach	substituted by 17/1997 r 3	20.2.1997
Thevenard	inserted by 198/1995 r 4	26.10.1995
Thistle Island	inserted by 38/1996 r 4	14.3.1996
	substituted by 225/2005 r 4(3)	20.10.2005
Area 2	substituted by 45/2006 r 5	4.5.2006
Tumby Bay		
Area 4	inserted by 234/1995 r 4(c), (d) (Sch 3)	21.12.1995
Area 5	inserted by 20/2001 r 5(a)	22.3.2001
Map — Area 5	inserted by 20/2001 r 5(b)	22.3.2001
Victor Harbor	inserted by 257/2001 r 7	20.12.2001
Wallaroo Bay	inserted by 231/2004 r 14(12)	1.12.2004
West Beach	inserted by 26/1998 r 4	30.3.1998
Whyalla		
Area 2	varied by 280/2005 r 5(1)	15.12.2005
Area 2A	inserted by 280/2005 r 5(2)	15.12.2005
Areas 4 and 5	inserted by 231/2004 r 14(13)	1.12.2004
Map		
Areas 1, 2 and 3	substituted by 280/2005 r 5(3)	15.12.2005
Areas 4 and 5	inserted by 231/2004 r 14(14)	1.12.2004
Yatco Lagoon	inserted by 231/2004 r 14(15)	1.12.2004

	substituted by 225/2005 r 4(4)	20.10.2005
Sch 8		
cl 5		
cl 5(4)	varied by 267/2000 r 31(a)	23.12.2000
cl 9	varied by 267/2000 r 31(b)	23.12.2000
cl 16		
cl 16(2)	varied by 257/2001 r 8(a)	20.12.2001
cl 17		
cl 17(6)	varied by 257/2001 r 8(b)	20.12.2001
Sch 9		
Pt 1	heading substituted by 267/2000 r 32(a)	23.12.2000
cl 1	substituted by 267/2000 r 32(b)	23.12.2000
cl 6		
cl 6(1)	varied by 20/1996 r 3(a)—(c)	1.2.1996
	varied by 29/1997 r 5(a), (b)	13.3.1997
	varied by 267/2000 r 32(c)—(i)	23.12.2000
cl 6(2)	varied by 20/1996 r 3(d)—(f)	1.2.1996
	varied by 29/1997 r 5(c)	13.3.1997
	varied by 223/1997 r 5	1.12.1997
	varied by 267/2000 r 32(j)—(p)	23.12.2000
cl 6(4)	inserted by 196/1994 r 3	24.11.1994
	substituted by 20/1996 r 3(g)	1.2.1996
Map — Spencer Gulf and Gulf St. Vincent	inserted by 20/1996 r 3(g)	1.2.1996
cl 7		
cl 7(3)	varied by 267/2000 r 32(q)	23.12.2000
cl 7(3a)	inserted by 267/2000 r 32(r)	23.12.2000
cl 7(4)	varied by 231/1999 r 10	1.12.1999
cl 7(5)	substituted by 267/2000 r 32(s)	23.12.2000
cl 7(7)	varied by 3/1999 r 5	14.1.1999
cl 13	varied by 267/2000 r 32(t)—(v)	23.12.2000
Sch 10	varied by 2/1995 r 6	5.1.1995
	varied by 223/1997 r 6	1.12.1997
	varied by 219/1998 r 4	17.12.1998
	varied by 13/1999 r 4	25.2.1999
	varied by 231/1999 r 11	1.12.1999
	substituted by 272/2000 r 6	7.12.2000
cl 1	(b) varied by 145/2002 r 3(a)	18.7.2002
	(d) deleted 257/2001 r 9(a)	20.12.2001
	(d) inserted by 145/2002 r 3(b)	18.7.2002
cl 2	varied by 257/2001 r 9(b)	20.12.2001
	varied by 145/2002 r 3(c)	18.7.2002
	varied by 231/2004 r 15	1.12.2004

	varied by 225/2005 r 5(1), (2)	20.10.2005
cl 3	varied by 257/2001 r 9(c)	20.12.2001
Sch 11	varied by 267/2000 r 33	23.12.2000
Sch 12	varied by 74/2001 r 4	1.7.2001
Sch 13	*deleted by 259/1996 r 3 (Sch cl 12)*	*3.2.1997*
Sch 14 before substitution by 84/2004	*varied by 84/1995 r 3*	*1.7.1995*
	varied by 217/1995 r 3	*1.1.1996*
	substituted by 122/1996 r 3	*1.7.1996*
	varied by 104/1997 r 3	*1.7.1997*
	substituted by 90/1998 r 3	*1.7.1998*
	varied by 139/1998 r 3	*1.7.1998*
	varied by 93/1999 r 3	*1.7.1999*
	substituted by 98/2000 r 3	*1.7.2000*
	varied by 267/2000 r 34	*23.12.2000*
	substituted by 74/2001 r 5	*1.7.2001*
	varied by 172/2001 r 6	*1.9.2001*
	varied by 220/2001 r 4	*20.9.2001*
	substituted by 114/2002 r 3	*1.7.2002*
	substituted by 122/2003 r 4	*1.7.2003*
Sch 14	substituted by 84/2004 r 4	1.7.2004
	varied by 98/2005 r 4	1.7.2005
	substituted by 131/2006 r 4	**1.7.2006**

Transitional etc provisions associated with regulations or variations

Regulations Variation (Common Expiation Scheme) Regulations 1996 (No 259 of 1996)

4—Transitional provision

A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

No 220 of 2001

5—Transitional provision relating to the Boating Facility Advisory Committee

On the commencement of regulation 177 of the principal regulations as substituted by these regulations—

(a) a person who, immediately prior to that commencement, was a member of the Boating Facility Advisory Committee, will be taken to be appointed under that substituted regulation as a member of the Committee for the balance of his or her term of office; and

(b) a person who, immediately prior to that commencement, was a proxy member of the Committee, will be taken to be appointed under that substituted regulation as a deputy member of the Committee; and

(c) the member who, immediately prior to that commencement, was the presiding member of the Committee, will be taken to be appointed under that substituted regulation as the presiding member.

Historical versions

Reprint No 1—1.12.1997
Reprint No 2—29.1.1998
Reprint No 3—30.3.1998
Reprint No 4—21.5.1998
Reprint No 5—1.7.1998
Reprint No 6—17.12.1998
Reprint No 7—14.1.1999
Reprint No 8—25.2.1999
Reprint No 9—3.6.1999
Reprint No 10—1.7.1999
Reprint No 11—29.7.1999
Reprint No 12—23.9.1999
Reprint No 13—1.11.1999
Reprint No 14—13.12.1999
Reprint No 15—1.7.2000
Reprint No 16—7.12.2000
Reprint No 17—23.12.2000
Reprint No 18—22.3.2001
Reprint No 19—1.7.2001
Reprint No 20—1.9.2001
Reprint No 21—20.9.2001
Reprint No 22—31.10.2001
Reprint No 23—20.12.2001
Reprint No 24—6.6.2002
Reprint No 25—1.7.2002
Reprint No 26—18.7.2002
Reprint No 27—7.11.2002
Reprint No 28—1.7.2003
Reprint No 29—24.11.2003
1.7.2004
1.12.2004
1.7.2005
20.10.2005
8.12.2005 (electronic only)
15.12.2005

27.4.2006 (electronic only)
4.5.2006