South Australia

Harbors and Navigation Regulations 2009

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 2009*.

2—Commencement

(1) Subject to subregulation (2), these regulations will come into operation on 1 September 2009.

(2) The following provisions of Schedule 9 will come into operation on 1 June 2010:

(a) clause 6(1)(b)(vi) and (vii);

(b) clause 6(3)(b)(viii) and (ix).

3—Interpretation

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

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

AS or ***Australian Standard*** or ***AS/NZS*** or ***Australian/New Zealand Standard*** means a standard published by or under the authority of Standards Australia (alone or jointly with others);

boat operator's licence means a certificate of competency of the class for recreational vessels;

certificate of competency means a certificate of competency issued under Part 7 of the Act (and a reference to a certificate of competency will be taken to include, if the context permits, a reference to a replacement certificate of competency issued under these regulations);

certificate of registration, in relation to a vessel, means—

(a) a certificate of registration issued in respect of the vessel under regulation 117; or

Note—

This includes a certificate of registration issued in respect of a vessel referred to in regulation 147.

(b) in the case of a vessel registered in another jurisdiction—a corresponding certificate or other document issued in respect of the vessel by the marine authority of that jurisdiction,

(and a reference to a certificate of registration will be taken to include, if the context permits, a reference to a replacement certificate of registration issued under these regulations);

certificate of survey, in relation to a vessel, means a certificate of survey issued in respect of the vessel under Part 9 of the Act (and a reference to a certificate of survey will be taken to include, if the context permits, a reference to a replacement certificate of survey issued under these regulations);

channel, in relation to a harbor, means an area within the harbor regularly used as a course for vessels entering, leaving or moving within the 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 shore-based facility—

(a) established by the Minister for the purposes of communications by radio with vessels and maintaining a radio watch; or

(b) approved by the Minister by notice in the Gazette for the purposes of this definition;

the Code means the *Uniform Shipping Laws Code*, endorsed by the Australian Transport Council and published by the National Marine Safety Committee, 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 1 mode of transport; and

(d) with devices so as to enable it to be readily handled between 1 mode of transport and another; and

(e) to carry a load the volume of which is at least 1 cubic metre;

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;

EPIRB means an emergency position indicating radio beacon;

fishing apparatus means an implement, apparatus, device or substance for taking or facilitating the taking of an aquatic resource (within the meaning of the *Fisheries Management Act 2007*);

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;

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 5 m,

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;

houseboat—see subregulation (7);

identification mark, in relation to a vessel that is registered under these regulations, means the identification mark assigned to the vessel under regulation 118;

Note—

A HIN on a HIN plate affixed to a vessel in accordance with Part 11 Division 2 Subdivision 6 is not an identification mark within the meaning of this definition.

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

ISO means an International Standard, published by the International Organization for Standardization, as in force from time to time;

kiteboard means a vessel (being a surfboard or similar item) propelled by a kite tethered to the vessel or the operator of the vessel;

long blast means a blast of a whistle approximately 5 seconds in 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;

National Standard for Commercial Vessels or ***NSCV*** means the *National Standard for Commercial Vessels* endorsed by the Australian Transport Council and published by the National Marine Safety Committee, as in force from time to time (and includes any standard as in force from time to time referred to in the NSCV);

navigation pass, in relation to a bridge, means the marked channel under the bridge through which vessels are intended to navigate when passing under the bridge;

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—the waters specified in Schedule 1 Part 2 are partially smooth waters;

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;

PFD Type 1 means—

(a) a personal flotation device that complies with 1 or more of the following:

(i) AS 4758.1: Personal flotation devices—General requirements in relation to a PFD classified as providing level 100 or level 150 buoyancy (or more);

(ii) *Personal flotation devices—Type 1* AS 1512—1996, as in force on 1 January 2008;

(iii) appendix R of section 10 of the Code;

(iv) *European Standard* EN399-1993 Lifejackets-275N, as in force from time to time;

(v) *European Standard* EN396-1993 Lifejackets-150N, as in force from time to time;

(vi) *European Standard* EN395-1993 Lifejackets-100N, as in force from time to time;

(vii) *ISO 12402-2*, as in force from time to time;

(viii) *ISO 12402-3*, as in force from time to time;

(ix) *ISO 12402-4*, as in force from time to time;

(x) in the case of a device intended for use by adults—*Canadian General Standards Board* CAN/CGSB-65.11-M88, as in force from time to time;

(xi) in the case of a device intended for use by children—*Canadian General Standards Board* CAN/CGSB-65.15-M88, as in force from time to time;

(xii) *Underwriters Laboratories Standards UL1180* Fully inflatable recreational personal flotation devices, as in force from time to time;

(xiii) *New Zealand Standard NZ5823:2001 Type 401*, as in force from time to time;

(xiv) any other standard or specification approved by the CEO by notice in the Gazette for the purposes of this paragraph; or

(b) a personal flotation device that complies with the requirements of *Australian Maritime Safety Authority Marine Orders Part 25* related to the type of life-jackets required to be carried on Australian registered ships;

PFD Type 2 means a personal flotation device that complies with 1 or more of the following:

(a) AS 4758.1: Personal flotation devices—General requirements, as that standard relates to a PFD classified as providing level 50 buoyancy;

(b) *Personal Flotation Devices Type—2* AS1499—1996, as in force on 1 January 2008;

(c) *European Standard* EN393-1993 Lifejackets-50N, as in force from time to time;

(d) *ISO 12402-5*, as in force from time to time;

(e) any other standard or specification approved by the CEO by notice in the Gazette for the purposes of this paragraph;

PFD Type 3 means a personal flotation device that complies with 1 or more of the following:

(a) AS 4758.1: Personal flotation devices—General requirements in relation to a PFD classified as providing level 50 special purpose (50S) buoyancy;

(b) *Personal Flotation Devices Type—3* AS2260—1996, as in force on 1 January 2008;

(c) any other standard or specification approved by the CEO by notice in the Gazette for the purposes of this paragraph;

planing attitude, in relation to a vessel, means the attitude of the 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;

Port River Expressway Bridges means—

(a) the road bridge (including any fendering that forms part of the navigation pass of the bridge); and

(b) the rail bridge (including any fendering that forms part of the navigation pass of the bridge),

constructed as part of the authorised project (within the meaning of the *Highways Act 1926*) known as the Port River Expressway Project (and a reference to a ***Port River Expressway Bridge*** will be taken to be a reference to the road bridge or the rail bridge (as the case requires));

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 or ***COLREGS*** 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 (formed after consultation with the relevant port operator), been satisfactorily completed; and

(c) that has been undertaken not more than 1 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 (formed after consultation with the relevant port operator), been satisfactorily completed; and

(c) that has been undertaken not more than 1 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;

Note—

The fact that a person is recorded as the registered owner of a vessel does not, in itself, confer proprietary rights on the person in respect of the vessel.

relevant port operator, in relation to a harbor, means the port operator (if any) operating a port comprising or including the whole or some of the land and waters constituting the harbor;

restricted area means an area of water identified in Schedule 5 Part 1;

restricted vessel means a fishing vessel that operates only within 1 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 2 nautical miles seaward of the low water mark of a coast or of the banks of Lakes Alexandrina and Albert;

short blast means a blast of a whistle approximately 1 second in duration;

smooth water—the waters specified in Schedule 1 Part 1 are smooth waters;

surveyor means—

(a) a person licensed under the Act as a surveyor; or

(b) a person authorised by the CEO to carry out inspections or surveys for the purposes of these regulations;

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 2 nautical miles seaward of the low water mark of a 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 m by 1.2 m in size; and

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

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

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

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

(2) For the purposes of these regulations, a reference in the Code or the NSCV to ***the Authority*** will be taken to be a reference to the CEO.

(3) For the purposes of these regulations, a reference in the Code or the NSCV to ***approved*** will be taken to be a reference to approved by a surveyor.

(4) For the purposes of these regulations, a reference to a vessel of a particular class is a reference to a vessel of that class as defined in Part B of the NSCV.

(5) For the purposes of these regulations, unless the contrary intention appears, a reference to a ***harbor*** includes a reference to a port.

(6) For the purposes of these regulations, vessels will be regarded as in sight of one another only when 1 can be observed visually from the other.

(7) 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.

(8) For the purposes of these regulations, a reference to a particular Australian Standard will, unless the contrary intention appears, be taken to be a reference to that standard as in force from time to time.

(9) For the purposes of these regulations, a requirement to wear a PFD 1, PFD 2 or PFD 3 or any other life-jacket or personal flotation device will be taken to include a requirement that the device be of an appropriate size for the wearer and properly adjusted.

(10) For the purposes of these regulations, a reference to a PFD 1, PFD 2 or PFD 3 will, in relation to a personal flotation device worn or required to be worn by a child—

(a) less than 12 years of age; or

(b) weighing less than 40 kg,

be taken not to include a reference to a PFD 1, PFD 2 or PFD 3 that is designed to inflate automatically on immersion.

(11) For the purposes of these regulations, a requirement that a person wear, or that a vessel be equipped with, a PFD 1, PFD 2 or PFD 3 or any other life-jacket or personal flotation device will, in the case of a device that is designed to inflate automatically on immersion and that has been so inflated, be taken to include a requirement that—

(a) the device has been recharged in accordance with the manufacturer's instructions; and

(b) has not been inflated since being so recharged.

(12) For the purposes of the definitions of ***semi-protected waters*** and ***unprotected waters***, a reference to a ***coast*** will be taken to be a reference to—

(a) the coast of the mainland; and

(b) the coast of Kangaroo Island.

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) If 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—Application of Commonwealth Act

Pursuant to section 81 of the Act, 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 m in length) and that are in the jurisdiction as if—

(a) a reference in the Commonwealth Act to a ship were a reference to a vessel; and

(b) a reference in the Commonwealth Act to the Authority were a reference to the CEO; and

(c) a reference in the Commonwealth Act to the Commonwealth were a reference to the State.

Part 2—Administration

6—Approvals

(1) An application for an approval of the CEO or a port operator under these regulations must be made in a manner and form determined by the CEO or port operator (as the case requires).

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

(3) An approval given by the CEO or a port operator 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 or port operator (including a condition fixing a fee to be paid to the CEO or port operator); and

(c) may be varied or revoked by the CEO or port operator (as the case requires) at any time.

(4) If the CEO or a port operator 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: $5 000.

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

7—Exclusion of property from vesting in Minister

For the purposes of section 15(3)(c) of the Act, the following real property is excluded from the ambit of that section:

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

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

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

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

(i) the Onkaparinga River upstream of the seaward boundary of the area of the City of Onkaparinga; and

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

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

(i) the Patawalonga Creek upstream of the seaward boundary of the area of the City of Holdfast Bay; and

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

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

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

(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 3—Exemptions and exclusions from certain provisions of Act

8—Royal Australian Navy vessels

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

(a) section 35;

(b) Part 6;

(c) Part 7;

(d) Part 9;

(e) section 65;

(f) section 66;

(g) section 68.

9—Licences for aquatic activities—River Murray, Adelaide Dolphin Sanctuary and marine parks

Pursuant to section 26(2c) of the Act, 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.

Part 4—Vessels

10—Determination of length of vessels

(1) Pursuant to section 4(3) of the Act, the length of a vessel is to be determined as follows:

(a) in the case of a commercial vessel that is required to have a certificate of survey—the length of the vessel is to be determined in accordance with Part B of the NSCV;

(b) in the case of a commercial vessel required to be registered under regulation 147—the length of the vessel is to be determined in accordance with Part B of the NSCV;

(c) in the case of a vessel that is not required to have a certificate of survey 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;

(d) 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 (for example 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 (for example a fender, sponson or rubbing strip).

Part 5—Restricted areas and restrictions on use of certain waters

11—Restricted areas

(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 under Schedule 5 is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that he or she was taking part in—

(a) a rescue operation or otherwise acting in an emergency; or

(b) a surf life saving activity conducted by a surf life saving club.

(3) 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.

Maximum penalty: $1 250.

Expiation fee: $160.

(4) It is a defence to a charge of an offence against subregulation (3) if the owner proves that the vessel was operated in the manner constituting the offence without the owner's consent.

(5) 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.

(6) This regulation does not apply in relation to an authorised person in the exercise of powers under the Act or these regulations.

12—Special rule in relation to sailing on Port Adelaide River

(1) A person must not, without the approval of the CEO, operate a vessel under sail power alone in the waters of the Port Adelaide River—

(a) west of the Birkenhead Bridge; or

(b) in No 1 Dock.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) It is a defence to a charge of an offence against subregulation (1) for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency.

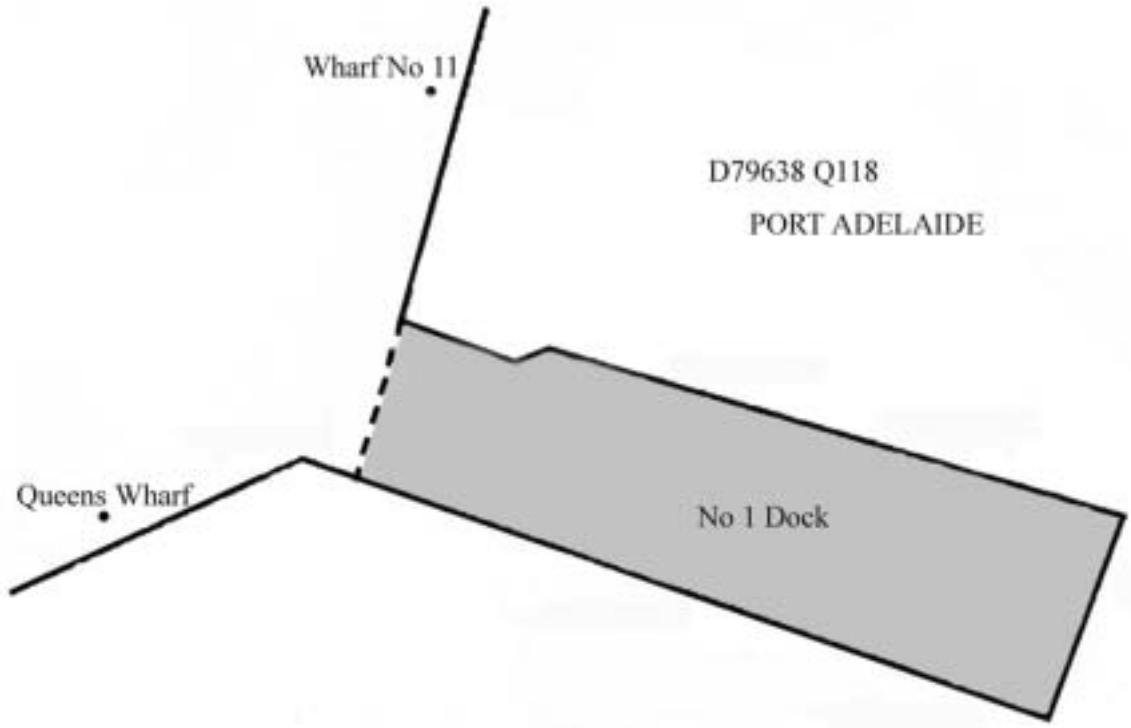
(3) Without limiting regulation 6, an application for approval under subregulation (1) may be made by an applicant on the applicant's own behalf or on behalf of a group of persons and, if an approval is granted to a group of persons, each member of the group is bound by the conditions (if any) to which the approval is subject.

(4) In this regulation—

No 1 Dock means the waters of the Port Adelaide River east of a line being the prolongation generally south of the western boundary of Piece 118 of Deposited Plan 79638.

Note—

The following map is provided for convenience of reference only.



13—Certain vessels not to be operated in unprotected waters

(1) A person must not, without the approval of the CEO, operate—

(a) a personal watercraft; or

(b) a canoe, kayak or other similar small human-powered vessel (other than a rowboat),

in unprotected waters.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) It is a defence to a charge of an offence under subregulation (1) for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency.

(3) Without limiting regulation 6, an application for approval under subregulation (1) may be made by an applicant on the applicant's own behalf or on behalf of a group of persons and, if an approval is granted to a group of persons, each member of the group is bound by the conditions (if any) to which the approval is subject.

Part 6—Activities in relation to wharves other than in harbors

Division 1—Preliminary

14—Interpretation

In this Part—

wharf means a wharf under the care, control and management of the Minister that is not within a harbor.

Division 2—General activities

15—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 or pedestrian on the wharf.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) If an item is placed on a wharf in contravention of subregulation (1), an authorised person may—

(a) direct—

(i) the owner of the item; or

(ii) 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 the item 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 the CEO.

16—Obstruction of landing places

(1) A person must not, without the approval of the CEO, moor a vessel at or near a landing place for longer than—

(a) if the CEO has erected a sign regulating mooring at or near the landing place—the period specified by the sign; or

(b) if a direction is given by the CEO or an authorised person—the period specified in the direction; or

(c) in any other case—a total of 4 hours in any day.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) 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.

(3) 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.

17—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 loading 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 a notice erected on a wharf by 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.

Division 3—Vehicles and pedestrians

18—Application of Division

This Division applies in relation to the following places:

(a) all adjacent land vested in the Minister that is not within a harbor;

(b) all wharves, docks, jetties or other structures vested in the Minister that are not within a harbor.

19—Traffic signs

(1) The CEO may erect signs on a place to which this Division applies giving directions for any 1 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.

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

(4) 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.

20—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.

21—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, without the approval of the CEO, 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.

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.

22—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 by the CEO as a debt from the owner of the vehicle or the person who parked the vehicle in contravention of this Division.

23—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 under this Division.

24—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.

25—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.

Part 7—Harbors and ports

Division 1—Preliminary

26—Interpretation

In this Part (except Division 3 and Division 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 that is within a harbor.

27—Definition of harbor boundaries

For the purposes of Schedule 1 of the Act, Schedule 3 defines the boundaries of the harbors referred to in clause 1(1) of that Schedule.

28—Constitution of ports

For the purposes of the definition of ***port*** in section 4(1) of the Act, each area of land and water described in Schedule 4 is constituted as a port.

Division 2—General activities

29—Obstructions on wharves

(1) A person must not, without the approval of the CEO or the relevant port operator, 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 or pedestrian on the wharf.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) If an item is placed on a wharf in contravention of subregulation (1), a port management officer may—

(a) direct—

(i) the owner of the item; or

(ii) 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 the item 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 port management officer was an officer or employee of the relevant port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

30—Obstruction of landing places

(1) A person must not, without the approval of the CEO or the relevant port operator, moor a vessel at or near a landing place for longer than—

(a) if the CEO or relevant port operator has erected a sign regulating mooring at or near the landing place—the period specified by the sign; or

(b) if a direction is given by the CEO, the relevant port operator or a port management officer—the period specified in the direction; or

(c) in any other case—a total of 4 hours in any day.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) 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.

(3) 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.

31—Unauthorised activity on wharf

A person must not, without the approval of the CEO or the relevant port operator—

(a) undertake any work on a wharf that is not related to the loading 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 a notice erected on a wharf by the CEO or the relevant port operator or in contravention of a direction of a port management officer; 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.

32—Use of rail trolley

(1) A person must not, without the approval of the CEO or the relevant port operator, 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) A port management officer 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.

33—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.

34—Directions relating to dangerous or objectionable cargo

If a port management officer 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 port management officer may give directions to the master or operator or owner of the vessel or the owner of the cargo—

(a) prohibiting the unloading of the cargo on to the wharf; or

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

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

35—Damage etc caused by cargo

(1) If cargo on a wharf or contiguous land—

(a) causes death or injury to a person; or

(b) causes damage to the wharf or anything on the wharf or contiguous land; or

(c) creates a nuisance or causes offence; or

(d) hinders work on the wharf or contiguous land,

(whether by spillage, leakage or otherwise) the owner of the cargo must—

(e) report the matter to—

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

(ii) in any other case—the CEO; and

(f) 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)(f), a port management officer 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 port management officer was an officer or employee of a port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

36—Discharge of liquid 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.

Expiation fee: $160.

37—Abandoned cargo

The CEO or relevant port operator may take possession of cargo remaining on a wharf or contiguous land for more than 6 months and may deal with the cargo under the *Unclaimed Goods Act 1987*.

38—Unauthorised entry to wharf or contiguous land

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

Maximum penalty: $1 250.

Expiation fee: $160.

39—Watch officers in harbors

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

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

Maximum penalty: $1 250.

Expiation fee: $160.

40—Tugs

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

Maximum penalty: $5 000.

(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: $5 000.

41—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 5 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: $1 250.

Expiation fee: $160.

(4) However, subregulation (3) does not apply to the carriage of a vehicle, vessel or machine on an open deck of—

(a) a ferry; or

(b) a punt that crosses a river or fairway by means of ropes or cables.

(5) 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 m of any such structure; or

(d) within 15 m of any cargo; or

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

Maximum penalty: $1 250.

Expiation fee: $160.

(6) Subregulation (5) does not apply to the transfer of petroleum or other liquid fuel into the tank of a vehicle, vessel or machine—

(a) in accordance with any sign erected by the CEO or a port operator; or

(b) in accordance with any guidelines published by the CEO or the relevant port operator for the purposes of this subregulation.

42—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 Part 32—Cargo Handling Equipment* under the Commonwealth Act; or

(b) an 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.

Expiation fee: $210.

43—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—

(a) the vessel is safely moored at all times; and

(b) the mooring lines are in good condition and properly adjusted.

Maximum penalty: $1 250.

Expiation fee: $160.

(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.

Expiation fee: $160.

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

44—Use of vessel engines in harbors

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

(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 2 hours; or

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

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

Maximum penalty: $1 250.

Expiation fee: $160.

45—Mooring and unmooring of vessels in certain harbors

(1) A person must not, unless authorised for the purpose by the CEO or the relevant port operator, 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.

Expiation fee: $160.

(2) This regulation does not apply in relation to the following vessels:

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

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

(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.

(3) Nothing in these regulations prevents a fee being charged for services provided by a person authorised by the CEO or the relevant port operator under this regulation.

46—Swimming in harbors

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

(a) within 200 m of a vessel that is 15 m 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 m of a vessel that is 15 m 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

47—Application of Division

This Division applies in relation to the following places:

(a) all adjacent land vested in the Minister that is within a harbor;

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

48—Traffic signs

(1) The CEO or relevant port operator may erect signs on a place to which this Division applies giving directions for any 1 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.

(3) The CEO or the relevant port operator may issue a permit exempting the holder from directions specified in the permit.

(4) 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 or the relevant port operator exempting the person from the directions and the person complied with the terms of the permit.

Maximum penalty: $1 250.

Expiation fee: $160.

49—Traffic and other directions

(1) A port management officer 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) A port management officer 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.

50—Parking signs and markings

(1) The CEO or relevant port operator 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 or port operator may be parked.

(2) A person must not, without the approval of the CEO or the relevant port operator, 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.

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 or the relevant port operator 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.

51—Removal of vehicles

(1) If a vehicle is parked in contravention of this Division and a port management officer 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 port management officer may cause the vehicle to be removed to a convenient place (but this does not empower the port management officer 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 port management officer was an officer or employee of a port operator (other than the Minister)—the port operator; or

(b) in any other case—the CEO.

52—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, the department or a port operator 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 port operator under this Division.

53—Permits

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

(2) The CEO or relevant port operator 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) A port management officer 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.

54—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

55—Notice of entry

(1) The owner or master of a commercial vessel must, as soon as practicable after arrival of the vessel at a port, deliver a notice of entry to the relevant port operator.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) A notice of entry—

(a) must be made in a manner and form determined by the relevant port operator; and

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

56—Certain papers to be produced

(1) The master of a commercial vessel must, at the request of a port management officer, produce the prescribed papers in respect of the vessel to the relevant port operator.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) Subregulation (1) does not apply in relation to a vessel that trades only within the jurisdiction if the prescribed papers in respect of the vessel have been produced to the relevant port operator in the previous 6 months.

(3) In this regulation—

prescribed papers means—

(a) in the case of an Australian registered vessel that is not a vessel to which regulation 147 applies—the certificate of survey issued in respect of the vessel; or

(b) in the case of a vessel to which regulation 147 applies—the certificate of registration issued in respect of the vessel; or

(c) in the case of a foreign registered vessel—a document issued in respect of the vessel corresponding to a certificate of survey.

57—Notice of leaving

A person must not, without the approval of the relevant port operator, remove a commercial vessel of more than 35 m in length from a wharf, mooring or anchorage in a port.

Maximum penalty: $1 250.

Expiation fee: $160.

58—Cargo manifests

(1) A manifest relating to cargo unloaded from a commercial vessel in a port must be given to the relevant port operator within 3 days after arrival of the vessel.

(2) A manifest relating to cargo loaded on to a commercial vessel in a port must be given to the relevant port operator within 7 days after departure of the vessel.

(3) A manifest—

(a) must be made in a manner and form determined by the relevant port operator; 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 relevant port operator so requires, by reference to codes or descriptions specified by the port operator):

(i) the name of the vessel and the number assigned to the vessel by the International Maritime Organization;

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

(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 port operator in respect of the cargo;

(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;

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

(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 restored on the vessel in the port (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 port—a statement to that effect;

(vi) in the case of a container or other cargo loaded on to the vessel in the port (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 port—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 relevant port operator as soon as possible.

(5) If an alteration or correction of a manifest is notified to the relevant port operator 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 port operator in respect of the cargo.

(6) If a manifest is not received by the relevant port operator in accordance with this regulation, the charges payable to the port operator in respect of the cargo may be calculated on an estimate by the port operator 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 relevant port operator 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.

Expiation fee: $160.

(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.

Expiation fee: $160.

59—Production of documents relating to cargo

(1) The master or owner of a commercial vessel must, at the request of a port management officer—

(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.

Expiation fee: $160.

(2) A 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.

Expiation fee: $160.

Division 5—Pilotage

60—Licensing of pilots—qualifications

(1) For the purposes of section 33 of the Act, a person is qualified to be licensed as a pilot if—

(a) the person holds—

(i) a certificate of competency that is in force issued by the marine authority of the Commonwealth of such kind as may be specified by the CEO for the purposes of this paragraph; or

(ii) a qualification under the law of some other place recognised under the Commonwealth Act as equivalent to such a certificate of competency; and

(b) the person has such experience or knowledge in relation to the operation of vessels in the harbor in respect of which the application is made as may be required by the CEO, after consultation with the relevant port operator, for the purposes of this paragraph; and

(c) the person's eyesight complies with the following requirements:

(i) in the case of a person who does not use corrective lenses—the person 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;

(ii) in the case of a person who uses corrective lenses—

(A) the person 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 person's better eye must not be worse than 6/6 on the basis of Snellen's principle;

(iii) the person must not suffer from a progressive eye disorder;

(iv) the person must be able to easily distinguish variously coloured lanterns; and

(d) the person does not suffer any mental or physical impairment that may, in the opinion of the CEO (formed after consultation with the relevant port operator), affect his or her ability to perform the duties of a pilot.

(2) For the purposes of determining whether a person—

(a) has the required knowledge in relation to the operation of vessels in the harbor in respect of which an application for a licence is made; or

(b) can easily distinguish variously coloured lanterns,

the CEO may require the person to satisfactorily pass an examination set by the CEO.

(3) A pass in an examination remains valid for the purposes of this regulation for a period of 12 months from the date of the examination, unless the CEO determines otherwise.

(4) If a person fails an examination, the CEO may determine that no further attempt may be made by that person for a specified period.

61—Duration of pilot's licence

A pilot's licence remains in force until—

(a) the licensee ceases to be qualified, in accordance with regulation 60, to hold a pilot's licence; or

(b) the licensee dies; or

(c) the licence is surrendered or cancelled,

whichever occurs first.

62—Pilotage exemption certificates

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

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

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

(c) category 3—for vessels up to 185 m in length.

(2) Subject to this regulation, the CEO may issue a pilotage exemption certificate to the master of a vessel in respect of a particular harbor or harbors if—

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

(b) the master has undertaken a qualifying voyage or voyages as follows:

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

(A) 2 qualifying entry voyages during daylight hours; and

(B) 2 qualifying exit voyages during daylight hours;

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

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

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

- 1 further qualifying entry voyage either during daylight hours or during the hours of darkness; and
- 1 further qualifying exit voyage either during daylight hours or during the hours of darkness; or

(B) the master has undertaken, as master of a vessel of not less than the length appropriate to the category—

- 2 qualifying entry voyages during daylight hours; and
- 2 qualifying exit voyages during daylight hours,

and, as first mate (actively on duty on the bridge of the vessel) of such a vessel—

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

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

(A) 2 qualifying entry voyages during daylight hours; and

(B) 2 qualifying exit voyages during daylight hours;

(iv) in the case of a master who applies for an endorsement for night navigation—

(A) if the application is for a category 1 certificate—the master has undertaken—

- 1 further qualifying entry voyage of the kind required for the certificate but during the hours of darkness; and
- 1 further qualifying exit voyage of the kind required for the certificate but during the hours of darkness;

(B) if the application is for a category 2 or 3 certificate—the master has undertaken—

- 3 further qualifying entry voyages of the kind required for the certificate but during the hours of darkness; and
- 3 further qualifying exit voyages of the kind required for the certificate but during the hours of darkness; and

(c) the master would (apart from the certificate of competency and experience requirements) be eligible to be licensed as a pilot.

(3) The CEO may only issue a pilotage exemption certificate in respect of a harbor for which there is a port operator after consultation with the port operator.

(4) Without limiting subregulation (2) and subject to this regulation, the CEO may issue a pilotage exemption certificate (a ***special pilotage exemption certificate***) to the master of a vessel in respect of a particular vessel over 185 m in length and in respect of a particular harbor if—

(a) the master holds a certificate of competency appropriate to the vessel; and

(b) the master has undertaken a qualifying voyage or voyages as follows:

(i) the master has undertaken—

(A) as master of a vessel of not less than the length of the relevant vessel—

- 3 qualifying entry voyages during daylight hours; and
- 3 qualifying exit voyages during daylight hours; and
- 1 further qualifying entry voyage either during daylight hours or during the hours of darkness; and
- 1 further qualifying exit voyage either during daylight hours or during the hours of darkness; or

(B) as master of a vessel of not less than the length of the relevant vessel—

- 2 qualifying entry voyages during daylight hours; and
- 2 qualifying exit voyages during daylight hours,

and, as first mate (actively on duty on the bridge of the vessel) of such a vessel—

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

(ii) in the case of a master who holds a current pilotage exemption certificate of category 1, 2 or 3—the master has undertaken, as master of a vessel of at least the length of the relevant vessel—

(A) 2 qualifying entry voyages during daylight hours; and

(B) 2 qualifying exit voyages during daylight hours;

(iii) in the case of a master who applies for an endorsement for night navigation—the master has undertaken—

(A) 3 further qualifying entry voyages of the kind required for the certificate but during the hours of darkness; and

(B) 3 further qualifying exit voyages of the kind required for the certificate but during the hours of darkness; and

(c) the master would (apart from the certificate of competency and experience requirements) be eligible to be licensed as a pilot.

(5) The CEO may only issue a special pilotage exemption certificate in respect of a harbor for which there is a port operator on the recommendation of the port operator.

(6) If the CEO is satisfied that it is impracticable for an applicant for a category 1, 2 or 3 pilotage exemption certificate or special pilotage exemption certificate to complete a required qualifying entry or exit voyage, 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.

(7) The CEO may specify in a category 3 pilotage exemption certificate or special pilotage exemption 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.

(8) A category 1, 2 or 3 pilotage exemption certificate or special pilotage exemption certificate operates only in respect of navigation during daylight hours unless it is endorsed for night navigation.

(9) A category 1, 2 or 3 pilotage exemption certificate or special 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 period of not less than—

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

(b) in the case of a category 2 or 3 certificate—6 months; or

(c) in the case of a special pilotage exemption certificate—6 months.

(10) 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 period of not less than—

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

(b) in the case of a category 2 or 3 certificate—6 months;

(c) in the case of a special pilotage exemption certificate—6 months,

(but, to avoid doubt, nothing in this subregulation prevents the holder of the certificate from navigating vessels pursuant to the certificate during daylight hours).

63—Duration and renewal of pilotage exemption certificates

(1) Subject to the Act and these regulations, a pilotage exemption certificate remains in force for 2 years and may be renewed, in accordance with any procedure determined by the CEO, for successive periods of 2 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 any eyesight and medical standards required for the issue of a pilot's licence; and

(b) that the applicant has navigated a vessel pursuant to the certificate at least as often as is required for the certificate to remain in force.

(3) Despite subregulation (2), the CEO may renew a pilotage exemption certificate that has ceased to be in force pursuant to regulation 62(9), or that has expired, if—

(a) less than 2 years has elapsed since the certificate ceased to be in force or expired; and

(b) subject to this regulation, 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 relates to a category 1 certificate—the applicant has undertaken, as master of a vessel over 35 m in length—

(A) 1 qualifying entry voyage during daylight hours; and

(B) 1 qualifying exit voyage during daylight hours; and

(C) if the application includes an application for an endorsement for night navigation—1 further qualifying entry voyage during the hours of darkness, and 1 further qualifying exit voyage during the hours of darkness;

(ii) if the application relates to a category 2, 3 or 4 certificate—the applicant has 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—

- 1 qualifying entry voyage during daylight hours; and
- 1 qualifying exit voyage during daylight hours; and
- if the application includes an application for an endorsement for night navigation—1 further qualifying entry voyage during the hours of darkness, and 1 further qualifying exit voyage during the hours of darkness; or

(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—

- 2 qualifying entry voyages during daylight hours; and
- 2 qualifying exit voyages during daylight hours; and
- if the application includes an application for an endorsement for night navigation—2 further qualifying entry voyages during the hours of darkness and 2 further qualifying exit voyages during the hours of darkness; or

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

- 3 qualifying entry voyages during daylight hours; and
- 3 qualifying exit voyages during daylight hours; and
- if the application includes an application for an endorsement for night navigation—3 further qualifying entry voyages during the hours of darkness, and 3 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.

(4) If the CEO is satisfied that it is impracticable for an applicant for renewal of a pilotage exemption certificate to complete a required qualifying entry or exit voyage, 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.

64—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 in a manner and form determined by the CEO; and

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

(c) in the case of an application for a pilotage exemption certificate or renewal of a pilotage exemption certificate—must specify whether or not the applicant requires endorsement for night navigation; and

(d) 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 for the purpose of determining the application.

(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—

(i) the date on which the person last navigated a vessel pursuant to the certificate and giving details of the voyage concerned; and

(ii) that the person has navigated a vessel pursuant to the certificate has been used at least as often as is required for the certificate to remain in force; and

(d) any other information or records that the CEO reasonably requires for the purpose of determining the application.

65—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 (if any) fixed by Schedule 14.

66—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: $5 000.

Expiation fee: $315.

67—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.

Expiation fee: $105.

68—Compulsory pilotage

Section 35 of the Act applies in the following harbors:

(a) Port Adelaide;

Note—

The pilot station is 2 nautical miles south-west of the channel entrance beacon.

(b) Port Augusta;

Note—

The pilot station is 2 nautical miles west of the northern light beacon on Eastern Shoal latitude 33°04.55′S, longitude 137°45.5′E.

(c) Port Bonython;

Note—

The pilot station is 2 nautical miles west of the northern light beacon on Eastern Shoal latitude 33°04.55′S, longitude 137°45.5′E.

(d) Port Giles;

Note—

The pilot station is 2.5 nautical miles east of the seaward end of Port Giles jetty.

(e) Port Lincoln;

Note—

The pilot station is 1.5 nautical miles east-south-east of Boston Point Light.

(f) Port Pirie;

Note—

The pilot station is 2 nautical miles west of the northern light beacon on Eastern Shoal latitude 33°04.55′S, longitude 137°45.5′E.

(g) Thevenard;

Note—

The pilot station is 1 nautical mile south-west of the entrance beacon.

(h) Wallaroo;

Note—

The pilot station is 1.5 nautical miles west of the channel entrance beacon.

(i) Whyalla.

Note—

The pilot station is 1.5 nautical miles south-east of the entrance beacon.

Part 8—Crewing

Division 1—Preliminary

69—Interpretation

For the purposes of this Part, a reference to a certificate of competency of a particular class (including a certificate of competency with a particular endorsement) includes a reference 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.

70—Positions of responsibility

For the purposes of the definition of ***crew*** in section 4(1) of the Act, the following positions are declared to be positions of responsibility:

(a) mates on commercial vessels;

(b) engineers on commercial vessels;

(c) general purpose hands on commercial vessels.

71—Key positions on vessels

For the purposes of the definition of ***key position*** in section 4(1) of the Act, positions of the following classes are declared to be positions in relation to which a certificate of competency is required:

(a) mates on commercial vessels;

(b) engineers on commercial vessels.

72—Vessels to which crewing requirements apply

For the purposes of section 37 of the Act, Part 6 of the Act applies to the class of vessels comprising all commercial vessels (that is trading vessels and fishing vessels) except—

(a) ferries or punts that cross a river or fairway by means of ropes or cables; and

(b) fishing vessels that—

(i) are 7.5 m or less in length; and

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

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

Division 2—Fishing vessels

73—Minimum crewing for fishing vessels

For the purposes of section 38(1) of the Act, 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.

74—Breach by crew of minimum qualifications requirement

(1) If 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 1 of those persons or is acting in accordance with an exemption under section 39 of the Act.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) If 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 1 of those persons or is acting in accordance with an exemption under section 39 of the Act.

Maximum penalty: $5 000.

Expiation fee: $315.

Division 3—Trading vessels

75—Breach by crew of minimum qualifications requirement

(1) If 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 1 of those persons.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) If 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 1 of those persons.

Maximum penalty: $5 000.

Expiation fee: $315.

Division 4—Applications for exemptions

76—Application for exemption from crewing requirements

(1) An application for an exemption of a kind from the obligation to comply with the requirements with regard to the minimum number and qualifications of the crew of the vessel or a determination of the State Crewing Committee—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

Note—

See section 39(1) of the Act.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

Part 9—Certificates of competency etc

Division 1—Preliminary

77—Vessels in relation to which certificates of competency required

For the purposes of section 46(b) of the Act, Part 7 of the Act applies to a commercial vessel (that is any trading vessel or fishing vessel) other than a ferry or punt that crosses a river or fairway by means of ropes or cables.

78—Classes of certificates of competency

Certificates of competency will be of the following classes:

(a) for recreational vessels—boat operator's licence;

(b) for commercial vessels—

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

(A) Master Class 4 River Murray and Inland Waters;

(B) Master Class 5 River Murray and Inland Waters;

(C) Master Class 5 River Murray and Inland Waters (Houseboats);

(D) Coxswain River Murray and Inland Waters;

(ii) for other trading vessels—

(A) Master Class 3;

(B) Master Class 4;

(C) Mate Class 4;

(D) Master Class 5;

(E) Coxswain;

(F) Marine Engineer Class 3;

(G) Marine Engine Driver Grade 1;

(H) Marine Engine Driver Grade 2;

(I) Marine Engine Driver Grade 3;

(iii) for fishing vessels—

(A) Skipper Grade 1;

(B) Skipper Grade 2;

(C) Skipper Grade 3;

(D) Coxswain;

(E) Marine Engineer Class 3;

(F) Marine Engine Driver Grade 1;

(G) Marine Engine Driver Grade 2;

(H) Marine Engine Driver Grade 3.

Division 2—Applications under this Part

79—Applications under this Part

(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 in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) documentary proof, to the satisfaction of the CEO, of the identity of the applicant; and

(ii) such other information and records as the CEO may reasonably require; and

(iii) the fee (if any) fixed by Schedule 14.

(3) Without limiting subregulation (2)(b), an applicant for a certificate of competency in relation to a commercial vessel must provide to the satisfaction of the CEO—

(a) proof of the experience required by these regulations in a form specified by the CEO; and

(b) 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 6 months); and

(c) 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 6 months); and

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

(e) such further information and records as the CEO may reasonably require to determine the application.

Division 3—Provisions applying to certificates of competency for recreational vessels and special permits

80—Exemptions from section 47 of the Act

For the purposes of section 47(3) of the Act, the following persons are exempt from the requirement to hold a certificate of competency of the relevant class:

(a) a person who holds a temporary boat operator's licence issued under this Division;

(b) a person who is at least 12 years of age and who is operating a recreational vessel (other than a personal watercraft) at a speed of 10 knots or less under the direct supervision of a person who holds a boat operator's licence or a temporary boat operator's licence;

(c) a person who—

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

(ii) either—

(A) holds a licence, permit or other document issued under the law of another State or a Territory of the Commonwealth authorising him or her to operate a recreational vessel of a kind to which Part 7 of the Act would apply if the vessel were in this State; or

(B) is entitled, under a law of another State or a Territory of the Commonwealth recognised by the CEO for the purposes of this paragraph, to operate a recreational vessel of a kind to which Part 7 of the Act would apply if the vessel were in this State,

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

81—Requirements for applicants for boat operator's licence

(1) For the purposes of section 48(2) of the Act, an applicant for a boat operator's licence must satisfy the following requirements:

(a) the applicant must be at least 16 years of age;

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

(c) 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;

(d) the applicant must satisfactorily pass any practical, written or oral examination set by the CEO for the purposes of this subregulation.

(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) A pass in an examination remains valid for the purposes of the issue of a boat operator's licence for a period of 6 months from the date of the examination (unless the CEO determines otherwise).

(4) If a person fails an examination, the CEO may determine that no further attempt may be made by that person until after a specified interval of time.

(5) Despite subregulation (1), the CEO may issue a boat operator's licence to a person who fails to meet an eyesight or other medical standard required under that subregulation if the CEO is satisfied that the person can satisfactorily perform the duties required of the holder of a licence.

82—Endorsement of boat operator's licence

(1) The CEO may, at any time by notice in writing, endorse a boat operator's licence with 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 the licence.

(2) The CEO may, for the purposes of the endorsement of a boat operator's licence under subregulation (1), require an applicant for a licence or the holder of a licence to meet such standards as the CEO thinks fit.

(3) The holder of a boat operator's licence must, in operating a vessel, comply with an endorsement on his or her licence.

Maximum penalty: $750.

Expiation fee: $105.

(4) For the purposes of this regulation, a reference to a boat operator's licence includes a reference to a qualification under the law of some other place declared under these regulations to be equivalent to a boat operator's licence.

83—Special permits

(1) For the purposes of section 47(3), (3a) and (4) of the Act, the CEO may issue a special permit to operate a recreational vessel to a person who is not more than 15 years of age.

Note—

A special permit is not a certificate of competency.

(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 m in length and has a potential speed of 10 knots or less without supervision; and

(b) to operate any other recreational vessel (other than a personal watercraft) 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.

84—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—

(a) the application for a boat operator's licence has been properly made in accordance with this Part; and

(b) the applicant satisfies the requirements specified in regulation 81(1); and

(c) the applicant is a fit and proper person to hold a boat operator's licence.

(2) A temporary boat operator's licence may be issued subject to such conditions as the CEO thinks fit.

(3) A holder of a temporary boat operator's licence must not contravene or fail to comply with a condition of the licence.

Maximum penalty: $750.

Expiation fee: $105.

(4) A temporary boat operator's licence remains in force—

(a) for a period of 1 month; or

(b) until the relevant application for a boat operator's licence is determined,

whichever is the lesser period.

85—Obligations of holder of boat operator's licence or special permit

(1) A person who holds a boat operator's licence or special permit must sign the licence on receiving it.

Maximum penalty: $750.

Expiation fee: $105.

(2) A person who holds a boat operator's licence or special permit must notify the CEO within 14 days of—

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

(b) any physical or mental impairment that may affect his or her capacity to operate a vessel.

Maximum penalty: $750.

Expiation fee: $105.

86—Replacement boat operator's licence or special permit

(1) A replacement boat operator's licence or special permit must not be issued unless the original (or previous replacement) licence or permit is returned to the CEO or the CEO is satisfied that the licence or permit has been lost, stolen or destroyed.

(2) A replacement boat operator's licence or special permit will only be issued on payment of the fee (if any) fixed by Schedule 14.

Division 4—Provisions applying to certificates of competency for commercial vessels

87—Requirements for applicants for certificates of competency

(1) For the purposes of section 48(2) of the Act, 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 relevant class of certificate as set out in Schedule 7.

(2) For the purposes of section 48(2) of the Act, 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 D of the NSCV.

(3) For the purposes of section 48(2) of the Act, 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 D of the NSCV.

(4) A pass in an examination required under a previous subregulation 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 5 years from the date of the examination,

unless the CEO determines otherwise.

(5) If a person fails an examination, 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.

(6) Despite this regulation, the CEO may issue a certificate of competency to a person who fails to meet an eyesight or other medical standard required under this regulation if the CEO is satisfied that the person can satisfactorily perform the duties required of the holder of a certificate of competency of the relevant class.

88—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—

(a) on or after 23 September 1999 but before the commencement of this regulation; or

(b) after the commencement of this regulation,

remains in force for 5 years after the date of its issue and may be re-validated, in accordance with any procedure determined by the CEO, for further periods of 5 years.

(2) Subject to this regulation, a certificate of competency of a class appropriate to a trading vessel issued before 23 September 1999 remains in force until cancelled.

(3) The holder of a certificate of competency of a class appropriate to a trading vessel issued before 23 September 1999 is not required to apply for re-validation of the certificate but, if such an application is made, the following rules apply:

(a) if the application is successful—the certificate ceases to be in force 5 years after the date of its re-validation but may be re-validated, in accordance with any procedure determined by the CEO, for further periods of 5 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.

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

(1) 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) Subject to this regulation, 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 1 year of experience (as a master or deck officer) approved by the CEO during the 5 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 1 year of experience (as an engineer) approved by the CEO during the 5 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 3 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) Despite subregulation (2), the CEO may re-validate a certificate of competency to a person who fails to meet an eyesight or other medical standard required under that subregulation if the CEO is satisfied that the person can satisfactorily perform the duties required of the holder of a certificate of competency of the relevant class.

(4) 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).

(5) 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.

90—Endorsement of certificates of competency

(1) The CEO may, at any time, endorse a certificate of competency 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 a person applying for an endorsement, or the holder of a certificate of competency, 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.

(4) 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: $5 000.

Expiation fee: $315.

(5) 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.

(6) For the purposes of this regulation, a reference to a certificate of competency includes a reference to a qualification under the law of some other place declared under these regulations to be equivalent to a certificate of competency.

91—Obligations of holder of certificate of competency

A person who holds a certificate of competency must notify the CEO within 14 days of—

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

(b) 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.

92—Replacement certificate of competency

(1) A replacement certificate of competency 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 competency will only be issued on payment of the fee (if any) fixed by Schedule 14.

Division 5—Recognition of experience and qualifications etc

93—Equivalent experience and qualifications etc

(1) If 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 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 subject to such conditions or additional requirements as the CEO thinks fit.

94—Recognition of other qualification as equivalent of certificate 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.

Part 10—Hire and drive vessels

Division 1—Preliminary

95—Interpretation

In this Part—

certificate of inspection, in relation to a hire and drive houseboat, means the certificate of inspection issued by the CEO in relation to the houseboat under regulation 106;

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

licence means a licence under Part 8 of the Act;

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 (but does not include a hirer of the vessel).

96—Application of Part 8 of the Act

For the purposes of section 51 of the Act, Part 8 of the Act applies to the following classes of vessels:

(a) hire and drive small vessels;

(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.

97—Exemptions from certain provisions of Act

(1) A person operating a hire and drive houseboat is exempt from any requirement to hold a certificate of competency if the person—

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

(b) —

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

(ii) 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 (i) and is, by virtue of section 97A of that Act, authorised to drive such motor vehicles on roads in this State; and

(c) has received practical instruction from the owner of the houseboat sufficient to meet the requirements of regulation 110.

(2) A person operating a hire and drive small vessel is exempt from any requirement to hold a certificate of competency if the person—

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

(b) has received practical instruction from the owner of the vessel sufficient to meet the requirements of regulation 110.

(3) For the purposes of section 47(4) of the Act, a person is exempt from the requirement to hold a certificate of competency of the relevant class if he or she is a person who is exempt from any requirement to hold a certificate of competency under this regulation.

Division 2—Licences

98—Application for licence

(1) An application for a licence or renewal of a licence—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(2) The CEO may require an applicant—

(a) to undertake a practical demonstration relating to the applicant's capacity to satisfy the requirements of this Part; and

(b) to provide such other information or records that the CEO may reasonably require for the purpose of determining the application.

99—Limitations etc on granting licence

(1) Subject to this regulation, the CEO must not grant a licence to a person unless satisfied—

(a) in the case of an applicant who is a natural person—the applicant is of or over 18 years of age and is a fit and proper person to hold a licence; or

(b) in the case of an applicant who is a body corporate—that each director of the applicant is a fit and proper person to hold a licence.

(2) The CEO may only grant a licence to a person in relation to the hiring out of hire and drive houseboats if the CEO has imposed the following conditions on the licence:

(a) a condition preventing the hiring out of hire and drive houseboats pursuant to the licence other than the houseboats specified in the condition;

(b) a condition requiring the person not to hire out a hire and drive houseboat unless that houseboat is the subject of a current certificate of inspection;

(c) a condition requiring the person to maintain the register book required under regulation 108 in respect of any hire and drive houseboats hired out pursuant to the licence;

(d) a condition requiring the person not to contravene any provision of the Act or these regulations in relation to the hiring out of hire and drive houseboats.

(3) For the purpose of determining whether a person is a fit and proper person to hold a licence, the CEO may 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; and

(c) any other matter the CEO thinks fit.

100—Duration of licence

A licence remains in force—

(a) for a period of 12 months (or such shorter period as may be specified in the licence); or

(b) until the licence is surrendered or cancelled,

whichever is the shorter period, and may be renewed, in accordance with any procedure determined by the CEO, for successive periods of 12 months.

101—Transfer of licence

A licence may, with the written approval of the CEO, be transferred to—

(a) a natural person who is of or over 18 years of age and is a fit and proper person to hold a licence; or

(b) a body corporate, each director of which is a fit and proper person to hold a licence.

102—Replacement licence

A replacement licence 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—Certificate of inspection

103—Inspections of hire and drive houseboats

Subject to this Division, a hire and drive houseboat to be hired out pursuant to a licence must be inspected in accordance with the requirements set out in regulation 105.

104—Application for inspection

(1) The owner of a hire and drive houseboat may apply to the CEO for an inspection to be carried out on the houseboat.

(2) An application under this regulation—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such information and records as the CEO may reasonably require; and

(ii) the application fee (if any) fixed by Schedule 14.

(3) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

105—Inspections

(1) Subject to these regulations, an inspection is to be carried out in accordance with any requirements determined by the CEO.

(2) The fees (if any) fixed by Schedule 14 are payable by the owner of a hire and drive houseboat in relation to an inspection.

(3) Without limiting subregulation (2), the owner of a hire and drive houseboat is also liable for the following costs in relation to an inspection:

(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;

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

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

(i) 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 5 or more days notice to the surveyor that the boat would not be available; or

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

106—Certificate of inspection

(1) The CEO may issue a certificate of inspection in relation to a hire and drive houseboat if—

(a) the houseboat has been inspected in accordance with regulation 105; and

(b) either—

(i) the houseboat—

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

(B) has the equipment required by Schedule 8 and the equipment is in working order; or

(ii) if the houseboat does not satisfy all requirements under Schedule 8—

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

(B) either:

- the CEO is satisfied that compliance with a particular requirement is, in the circumstances of the case, impracticable or unnecessary; or

- the CEO is satisfied that any alternative action taken or provision made regarding a particular requirement is sufficiently effective in respect of the requirement; and

(c) subject to these regulations, the owner of the houseboat has paid to the CEO any fees and costs in relation to the inspection for which the owner is liable.

(2) If the CEO issues a certificate of inspection to which regulation 106(1)(b)(ii) applies, the CEO may, by notice in writing, require the owner of the houseboat—

(a) to take such action in respect of the houseboat as the CEO thinks fit for a purpose related to the relevant requirement; and

(b) provide evidence to the satisfaction of the CEO that such action has been taken (including requiring such evidence to be verified by statutory declaration).

(3) A certificate of inspection 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.

(4) Subject to these regulations, a certificate of inspection remains in force for 2 years.

(5) The CEO may, on application by the owner of a hire and drive houseboat in respect of which a certificate of inspection is in force, by notice in writing made, extend the period for which a certificate of inspection is in force (for a period or periods not exceeding 3 months at a time and not exceeding 12 months in aggregate) 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.

(6) An application under subregulation (5)—

(a) must be made to the CEO in the manner and form determined by the CEO not less than 5 business days before the certificate of inspection is due to expire; and

(b) must be accompanied by—

(i) such information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(7) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(8) The CEO may require information provided in an application to be verified by statutory declaration.

107—Cancellation of certificate of inspection

(1) The CEO may, by notice in writing, cancel a certificate of inspection issued in relation to a hire and drive houseboat if the CEO is satisfied that—

(a) the houseboat—

(i) is no longer structurally sound or no longer conforms with the requirements set out in Schedule 8; or

(ii) does not have the equipment required by Schedule 8 or such equipment is not in working order; or

(b) operation of the houseboat presents a risk to the safety of any person; or

(c) the owner of the houseboat fails to comply with a requirement under regulation 106(2).

(2) If a certificate of inspection is cancelled under this regulation, the owner of the houseboat in relation to which the certificate of inspection was issued must—

(a) return the certificate of inspection to the CEO; or

(b) must destroy the certificate of inspection,

in accordance with any requirement set out in the notice under subregulation (1).

Maximum penalty: $1 250.

Expiation fee: $160.

Division 4—Obligations of owners of hire and drive vessel

108—Records etc to be kept available for inspection

(1) The owner of a hire and drive vessel must maintain a register book (in the manner and form determined by the CEO) in respect of that vessel in accordance with this regulation.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) The register book must include copies of the following:

(a) the owner's licence;

(b) any notice varying or revoking a condition of the owner's licence;

(c) the certificate of inspection in relation to the houseboat;

(d) any notice extending the period for which a certificate of inspection relating to the houseboat remains in force, or cancelling the certificate of inspection in relation to the houseboat.

(3) Without limiting subregulation (2), the register book in respect of a hire and drive houseboat must also contain the following particulars relating to each contract under which the houseboat 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 houseboat is taken by the hirer;

(d) the day on which and the time at which the houseboat 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 houseboat 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*).

(4) The register book in respect of a hire and drive vessel must be kept at the premises from which the vessel is hired out.

(5) The owner of a hire and drive vessel must produce the register book in respect of the vessel for inspection when requested to do so by an authorised person.

Maximum penalty: $1 250.

Expiation fee: $160.

(6) The owner of a hire and drive vessel must produce the information referred to in subregulation (2) in respect of the vessel for inspection when requested to do so by a hirer of the vessel, or a person proposing to hire the vessel (however, to avoid doubt, nothing in this subregulation requires or authorises the production of the particulars referred to in subregulation (3) to a hirer or other person).

Maximum penalty: $1 250.

Expiation fee: $160.

109—Vessel not to be hired out nor possession 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 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.

(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 unless—

(a) the hirer—

(i) has an appropriate certificate of competency; or

(ii) is exempt from the requirement to hold a boat operator's licence; and

(b) in the case of a hire and drive houseboat—

(i) the hirer has supplied the particulars required by regulation 108(3)(a), (e) and (f) and given his or her specimen signature; and

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

Maximum penalty: $1 250.

Expiation fee: $160.

110—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) if the vessel is a hire and drive houseboat or if the hirer is a person referred to in regulation 97(2)—give practical instruction to the hirer in—

(i) getting the vessel underway; and

(ii) handling the vessel while it is underway; and

(iii) mooring the vessel; and

(b) in any case—give the hirer clear and concise written instructions on—

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

(ii) the rules of navigation applicable to the vessel while it is being operated in the waters within which it is permitted to operate; 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 communications 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 hire and drive houseboat—the maximum number of persons that can safely be in the boat while it is moored; and

(viii) in the case of a hire and drive houseboat—the potential risks of harm to unsupervised children on the houseboat and ways to minimise such risks; and

(c) if the vessel is a hire and drive houseboat—produce the certificate of inspection issued in relation to the vessel to the hirer for inspection; and

(d) require the hirer to sign a statement to the effect that the owner has complied with the requirements of this regulation; and

(e) 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)(d) and produce it for inspection when requested to do so by an authorised person.

Maximum penalty: $1 250.

Expiation fee: $160.

(3) For the purposes of this regulation, a reference to mooring a vessel includes, in the case of a vessel that is a personal watercraft, a reference to beaching the vessel.

111—Duties of licence holder

The holder of a licence must, within 7 days, give written notice to the CEO—

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

(b) of any change in ownership of a hire and drive vessel operated pursuant to the licence and the name and address of the new owner; or

Note—

The owner of the vessel is the person hiring out the vessel pursuant to a licence under Part 8 of the Act.

(c) if a hire and drive houseboat specified in a condition of the licence under regulation 99(2)(a) is no longer being hired out pursuant to the licence.

Maximum penalty: $1 250.

Expiation fee: $160.

112—Duty to report certain incidents to CEO

Without limiting the operation of Part 13 or any other provision of the Act or these regulations, or any other Act or law, the owner of a hire and drive vessel must, within 48 hours, give written notice 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: $1 250.

Expiation fee: $160.

Division 5—Obligations of hirer of hire and drive vessel

113—Use of hire and drive vessels

(1) 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 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 imposed on the licence held by the owner of the vessel and communicated to the hirer by the owner; and

(d) comply with any directions given to the hirer by an authorised person in relation to the operation of the vessel; and

(e) if the vessel is a hire and drive houseboat—must ensure that the view of the person operating the houseboat is not obstructed; and

(f) if the vessel is a personal watercraft—

(i) while operating the vessel wear a PFD Type 2 or PFD Type 3; and

(ii) operate the vessel with not more than 1 person onboard or, if the vessel is designed to carry more than 1 person, with not more than 2 persons onboard; and

(iii) in the case of a vessel being operated by a person referred to in regulation 97(2)—only operate the vessel within the area defined in the licence as marked by coloured inflatable or polystyrene buoys or by some other means.

Maximum penalty: $1 250.

Expiation fee: $160.

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

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

(b) the houseboat to be operated outside of the geographical limits within which the houseboat may be operated under its certificate of inspection; or

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

(d) fuel with a flash point lower than 60°C to be carried on the houseboat 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 houseboat; or

(f) flammable material (other than fuel or a liquefied petroleum gas cylinder) to be stored or left—

(i) in the same flammable liquids cabinet as fuel or a liquefied petroleum gas cylinder; or

(ii) within 1 m of a liquefied petroleum gas cylinder,

on the houseboat.

Maximum penalty: $1 250.

Expiation fee: $160.

Part 11—Registration, certificates of survey, loadline certificates and Australian Builders Plates

Division 1—Preliminary

114—Interpretation

In this Part—

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

Division 2—Provisions applying to recreational vessels

Subdivision 1—Registration of vessels

115—Application for registration

(1) An application for registration of a vessel—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must correctly state—

(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

(c) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

116—Grant of registration

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

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

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

(c) is unsafe; or

(d) has been stolen or unlawfully obtained.

(2) The CEO may only register a vessel in the name of—

(a) a natural person who is of or above 16 years of age; or

(b) a body corporate.

(3) The CEO must not—

(a) grant the initial application to register a vessel under this Subdivision; or

(b) grant an application to transfer the registration of a vessel, or to re-register a vessel, under this Subdivision,

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 1 of the hulls of the vessel) in accordance with Subdivision 6; 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 Subdivision 6; and

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

(4) Subregulation (3) does not apply if—

(a) more than 1 person is registered as the owner of a vessel; and

(b) an application is made to transfer the registration to 1 or more of those registered owners or to re-register the vessel in the name of 1 or more of those registered owners.

(5) 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.

(6) 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.

(7) Subject to these regulations, registration of a vessel under this Subdivision remains in force for a period of 1 year and may be renewed in accordance with any procedure determined by the CEO.

(8) 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.

117—Certificate of registration and registration label

The CEO must, on registering a vessel under this Subdivision, issue to the applicant for registration—

(a) a certificate of registration; and

(b) a registration label.

118—Marking of vessel

(1) The CEO must, on registering a vessel under this Subdivision, 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 be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) by the fee (if any) fixed by Schedule 14.

(4) A vessel registered under this Subdivision 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;

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

(c) all characters in the identification mark must be at least—

(i) if the vessel is less than 3 m in length—100 mm in height; or

(ii) if the vessel is 3 m or more in length—150 mm in height;

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

(5) If 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; or

(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.

119—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) Despite subregulation (1), a registration label is not required to be affixed to a vessel if—

(a) payment of any fee payable for registration or renewal of registration has been made; and

(b) the registration label has not been received by the registered owner of the vessel or the registered owner's agent; and

(c) not more than 21 days have elapsed from the date the payment was made.

(3) 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.

(4) 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.

(5) 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.

120—Transfer of registration

(1) If ownership of a registered vessel is transferred, the new owner must, within 14 days of the transfer, or within such longer period as the CEO may allow, apply for the registration of the vessel to be transferred to the new owner's name.

Maximum penalty: $750.

Expiation fee: $105.

(2) An application for transfer of registration—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) subject to subregulation (3), must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(3) Without limiting the power of the CEO to waive or reduce fees under these regulations, the CEO must, if 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 1 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.

(4) If a person applies for transfer of registration of a vessel in accordance with this regulation, the CEO must grant the application.

121—Refund of registration fees

If registration of a vessel under this Subdivision 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).

122—Replacement certificates of registration and registration labels

(1) The CEO must not issue a replacement certificate of registration, or replacement registration label, in respect of a vessel unless—

(a) the original (or previous replacement) certificate or label for the vessel has been returned to the CEO; or

(b) the CEO is satisfied that the certificate or label has been lost, stolen or destroyed.

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

123—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 the registered owner's name or address.

Maximum penalty: $750.

Expiation fee: $105.

Subdivision 2—Temporary registration

124—Temporary registration

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

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

(a) remains in force—

(i) until the application for registration is determined; or

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

whichever period is shorter; and

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

(3) The CEO must, on registering a vessel under this regulation, issue to the applicant for registration a certificate of temporary registration.

(4) If a vessel that is registered under this regulation is operated in the jurisdiction contrary to any condition of such 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.

Expiation fee: $105.

Subdivision 3—Cancellation of registration etc

125—Cancellation of registration

(1) The CEO may, by notice in writing, cancel the registration, 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 or temporarily 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 made in a manner and form determined by the CEO.

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

(3) If registration of a vessel is cancelled under subregulation (1)(b), the proportion of the registration fee corresponding to the unexpired period of registration less the cancellation fee (if any) fixed by Schedule 14 (rounded to the nearest dollar) will be refunded to the applicant.

Note—

A levy payable under Part 15 is not refundable on cancellation of registration under this regulation.

126—Return of certificate of registration or registration label

(1) The CEO may, by notice in writing, 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 fails to comply with a requirement of the CEO under this regulation is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

Subdivision 4—Exemptions from requirement that vessel be registered

127—Application for exemption

(1) For the purposes of section 55(3) of the Act, the following provisions apply in relation to an application for an exemption from the requirements of that section:

(a) the applicant must be—

(i) a natural person who is of or above 16 years of age; or

(ii) a body corporate;

(b) the application must be made to the CEO in a manner and form determined by the CEO;

(c) the application must correctly state—

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

(ii) —

(A) 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 an exemption in a business name, the address of the principal place of business at which the owner carries on business in that business name; or

(B) 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;

(d) the application must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

128—Exemptions from requirement to be registered and marked

(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 Subdivision 5.

(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.

Expiation fee: $105.

(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.

Subdivision 5—Trade plates

129—Trade plates

(1) A person is exempt from the operation of section 55 of the Act in respect of a vessel that is not registered and marked in accordance with these regulations if the person—

(a) has been issued trade plates under this regulation; and

(b) the trade plates are in force; and

(c) the person operates the vessel in accordance with any condition imposed in relation to the trade plates under this regulation.

(2) The CEO may, on the application of a person, issue trade plates to the person if satisfied that the person is engaged in a business in which trade plates are reasonably required for 1 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) An application for trade plates—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(4) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(5) Trade plates may be issued subject to such conditions as the CEO thinks fit and specifies in the certificate of issue of trade plates.

(6) The CEO may, by notice in writing to the holder of trade plates, vary or revoke a condition of the trade plates.

(7) A person who holds trade plates must not contravene or fail to comply with a condition of the trade plates.

Maximum penalty: $2 500.

Expiation fee: $210.

(8) The CEO may, by notice in writing to the holder of trade plates, cancel the trade plates for breach of a condition.

(9) Subject to this regulation, trade plates remain in force for a period of 12 months (and may be renewed, in accordance with any procedures determined by the CEO for further periods of 12 months).

(10) 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.

(11) Trade plates and a trade plate label must be affixed to a vessel as follows:

(a) 1 plate must be securely fixed to the forepart of each side of the vessel;

(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;

(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 m in clear weather conditions while the vessel is underway.

(12) The holder of trade plates may surrender them to the CEO at any time.

(13) If the holder of trade plates ceases to carry on the business in relation to which the plates were issued, the person must, within 7 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: $2 500.

Expiation fee: $210.

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

130—Return of trade plates, certificates of issue of trade plates or trade plate labels

(1) The CEO may, by notice in writing, require the holder of trade plates to return the trade plates, a certificate of issue of trade plates or a trade plate label by a specified date—

(a) if the relevant trade plates are cancelled or otherwise cease to be in force; or

(b) if the CEO wishes to issue replacement trade plates, certificate of issue of trade plates or trade plate label.

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

Maximum penalty: $750.

Expiation fee: $105.

131—Replacement trade plates, certificates of issue of trade plates or trade plate labels

(1) The CEO must not issue replacement trade plates, certificates of issue of trade plates or trade plate labels unless—

(a) the original (or previous replacement) trade plates, certificate or label has been returned to the CEO; or

(b) the CEO is satisfied that the trade plates, certificate or label have been lost, stolen or destroyed.

(2) Replacement trade plates, certificates of issue of trade plates or trade plate labels will only be issued on payment of the fee (if any) fixed by Schedule 14.

Subdivision 6—Hull identification numbers (HIN)

132—Interpretation

(1) In this Subdivision—

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

boat code examiner means a person whose approval as a boat code examiner under this Subdivision 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 1 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.

(2) For the purposes of this Subdivision—

(a) a reference to 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 reference to a HIN plate includes (if the context permits) 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.

133—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.

Expiation fee: $210.

(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.

Expiation fee: $210.

(4) 2 HIN plates must be fixed to the hull of each vessel (or, in the case of a multi-hulled vessel, to 1 of the hulls of the vessel).

(5) 1 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 50 mm 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 50 mm 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 137.

(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) 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) if 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.

Expiation fee: $210.

(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.

Expiation fee: $210.

(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.

Expiation fee: $210.

134—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.

135—Appointment of boat code agents

(1) A person may apply to the CEO to be appointed as a boat code agent.

(2) An application must—

(a) be made in a manner and a form determined by the CEO; and

(b) be accompanied by—

(i) such information as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(3) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(4) The CEO may only grant an application under this regulation if—

(a) in the case of an applicant who is a natural person—the applicant is of or over 18 years of age and is, in the opinion of the CEO, a fit and proper person to hold a licence; or

(b) in the case of an applicant who is a body corporate—each director of the applicant is, in the opinion of the CEO, a fit and proper person to hold a licence.

(5) 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.

(6) A boat code agent must carry out his or her functions as a boat code agent in accordance with any directions given to the agent in writing from time to time by the CEO.

136—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 made in a manner and a form determined by the CEO; and

(b) be accompanied by—

(i) such information as the CEO may reasonably require; and

(ii) the fee (if any) fixed by Schedule 14.

(3) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(4) 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.

(5) 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.

137—Adding letters and numbers to HIN

Without limiting regulation 135(6), 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.

138—Forming a HIN into the fabric of a vessel

Without limiting regulation 135(6), 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.

139—Interim boat code certificate

(1) Within 5 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;

(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 primarily constructed; and

(v) the vessel's primary method of propulsion; and

(vi) if the vessel is registered or temporarily registered—the registration number;

(c) the position in the vessel in which the HIN plate that is hidden has been fixed;

(d) any other information required by the CEO.

140—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 the information included in the interim boat code certificate, and may include any other information the CEO thinks fit.

141—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;

(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 primarily constructed; and

(v) the vessel's primary method of propulsion; and

(vi) if the vessel is registered, or temporarily registered—the registration number;

(c) the individual plates (identified by the HIN on them) which have been fixed to each vessel;

(d) the position in each vessel in which the HIN plate that is hidden has been fixed;

(e) 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.

Subdivision 7—Australian Builders Plate

142—Interpretation

In this Subdivision—

ABP Standard means the *National Standard for the Australian Builders Plate for Recreational Boats* endorsed by the Australian Transport Council and published by the National Marine Safety Committee as modified by this Division, as in force from time to time (and includes any standard as in force from time to time referred to in the ABP Standard);

aquatic toy means an object designed primarily for play in or on the water, but does not include a personal watercraft or other power-driven vessel;

National Marine Manufacturers Association Inc. means the not for profit organisation of that name established in the United States of America;

NMMA Certification Handbook means the book of that name published by the National Marine Manufacturers Association Inc. as in force from time to time.

143—Vessels to which Part 9 Division 4 of Act applies

For the purposes of section 64B of the Act, vessels other than the following are declared to be a class of vessels in respect of which an Australian Builders Plate is required:

(a) sailing vessels (whether or not the vessel has an auxiliary means of propulsion);

(b) personal watercraft designed to carry not more than 2 persons;

(c) personal watercraft bearing a clearly visible plate or marking displaying the following information:

(i) the total weight (in kilograms) of persons and equipment that may be carried by the personal watercraft;

(ii) the maximum number of persons that may be carried by the personal watercraft,

as recommended by the builder;

(d) inflatable boats to which *ISO 6185* applies bearing—

(i) a plate attached in accordance with *European Directive* 94/25/EC—Recreational Craft Directive as in force from time to time; or

(ii) a plate attached in accordance with the requirements set out in the NMMA Certification Handbook that certifies that the inflatable boat complies with the relevant requirements of that handbook;

(e) surf row boats;

(f) rowing shells designed solely for racing in organised events or a purpose associated with such racing;

(g) canoes, kayaks, surf skis and similar vessels designed to be powered by a paddle;

(h) sailboards, kiteboards and similar vessels;

(i) hydrofoils or hovercraft;

(j) amphibious vehicles;

(k) submersibles;

(l) pedal-powered vessels;

(m) aquatic toys;

(n) water skis;

(o) vessels that are the subject of a certificate of survey or an application for a certificate of survey;

(p) hire and drive houseboats in relation to which a certificate of inspection issued under Part 10 is in force, or in relation to which an application for such a certificate has been made under the Act;

(q) ferries or punts that cross a river or fairway by means of ropes or cables.

144—Australian Builders Plate

For the purposes of section 64B of the Act, an Australian Builders Plate must be affixed to a vessel in accordance with, and must contain the information required by and determined in accordance with, the ABP Standard.

145—Certain vessels declared to be constructed before commencement of section 64B of the Act

For the purposes of section 64B(2)(a) of the Act, the following vessels are declared to be vessels constructed before the commencement of that section:

(a) in the case of a keel vessel—a vessel the keel of which was laid before the commencement of that section;

(b) in any other case—a vessel that, before the commencement of that section—

(i) was identifiable as a vessel of a particular class before the commencement of that section; and

(ii) had not less than 50 tonnes or 1% of the estimated total mass of the completed vessel (whichever is the lesser) constructed.

146—Modification of ABP Standard

For the purposes of these regulations the ABP Standard is modified as follows:

(a) a reference to "boat" in the ABP Standard will be taken to be a reference to a vessel;

(b) after clause 8.1(b) insert:

(ba) either—

(i) if the person affixing the plate is an employee of the company or business who manufactured or imported the vessel—the name of the person who caused the person to affix the ABP to the boat to which it is affixed and the name of the company or business; or

(ii) if the person affixing the plate is not an employee of the company or business who manufactured or imported the vessel—the name of the person who affixed the ABP to the boat to which it is affixed (and details of the person's occupation or qualifications insofar as they may be relevant to the determination by the person of any of the information contained on the ABP);

(c) delete the following words from clause 8.1(h):

In addition, if the boat has a build date prior to 1 July 2006, the term "inadequate flotation" may be used.

(d) after clause 8.2(b) insert:

(ba) either—

(i) if the person affixing the plate is an employee of the company or business who manufactured or imported the vessel—the name of the person who caused the person to affix the ABP to the boat to which it is affixed and the name of the company or business; or

(ii) if the person affixing the plate is not an employee of the company or business who manufactured or imported the vessel—the name of the person who affixed the ABP to the boat to which it is affixed (and details of the person's occupation or qualifications insofar as they may be relevant to the determination by the person of any of the information contained on the ABP);

(e) delete clause 9.2(f) and substitute:

(f) any other standard approved by the CEO for the purposes of this clause

(f) delete clause 9.3(g) and substitute:

(g) any other standard approved by the CEO for the purposes of this clause

(g) delete clause 9.5(f) and substitute:

(f) any other standard approved by the CEO for the purposes of this clause

Division 3—Provisions relating to commercial vessels

Subdivision 1—Certain commercial vessels to be registered

147—Certain commercial vessels to be registered

(1) For the purposes of section 54 of the Act, vessels of the following classes are declared to be classes of vessels to which Part 9 Division 1 of the Act applies:

(a) a fishing vessel that—

(i) is 7.5 m 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;

(b) a restricted vessel that is 7.5 m or less in length.

Note—

These commercial vessels do not require a certificate of survey.

(2) Subject to this regulation, Division 2 (other than regulations 116(3), 116(4), 116(7), 117(b), 118, 119, Subdivision 2, Subdivision 5 and Subdivision 6) applies to a vessel referred to in subregulation (1) as if the vessel were a recreational vessel with an engine fitted.

(3) The following provisions apply in relation to the registration of a vessel referred to in subregulation (1):

(a) a restricted vessel must be inspected, in accordance with any requirements determined by the CEO, before initial registration;

Note—

This inspection is to ensure that the restricted vessel complies with the requirements of Schedule 9 Part 2.

(b) the registration of such a vessel remains in force for a period of 2 years and may be renewed in accordance with any procedure determined by the CEO.

Subdivision 2—Certificates of survey

148—Vessels requiring certificate of survey

(1) For the purposes of section 56 of the Act, the following classes of vessels are declared to be classes of vessels in respect of which a certificate of survey is required:

(a) commercial vessels of the following classes:

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) observation vessels.

(2) However, a certificate of survey is not required in respect of commercial vessels of the following classes:

(a) ferries or punts that cross a river or fairway by means of ropes or cables;

(b) vessels referred to in regulation 147(1).

149—Application for certificate of survey

(1) An application for a certificate of survey—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the application fee (if any) fixed by Schedule 14.

(2) Without limiting subregulation (1), the CEO or an authorised person may require an applicant to do any or all of the following in relation to the application:

(a) have the vessel surveyed by a surveyor;

(b) provide to a surveyor—

(i) any certificate issued in respect of the vessel; and

(ii) any other relevant information or records in respect of the vessel;

(c) provide a certificate relating to the radio equipment of the vessel from a person of a class specified by a 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 2 year intervals);

(d) withdraw the vessel from the water and position the vessel to enable a surveyor to make an external examination;

(e) open up and have available for inspection all machinery necessary for the safe working of the vessel;

(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;

(g) in any other case—

(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;

(h) take such other specified action, or provide such further information and records, as the CEO or an authorised person reasonably requires.

(3) The fees (if any) fixed by Schedule 14 are payable by the applicant in relation to an application for a certificate of survey.

(4) Without limiting subregulation (3), the applicant is also liable for the following costs in relation to an application for the issue of a certificate of survey:

(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 surveying the vessel;

(b) the cost of slipping the vessel for the purposes of a survey;

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

(i) 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 5 or more days notice to the surveyor that the vessel would not be available; or

(ii) if the time or place nominated by the owner and fixed for the survey of the vessel falls outside any program fixed by the CEO for carrying out surveys.

(5) A certificate of survey will not be issued until all fees and costs for which the applicant is liable have been paid to the CEO.

150—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 boarding 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: $5 000.

Expiation fee: $315.

(3) For the purposes of this regulation, a reference to a certificate of survey includes a reference to a certificate or document issued under some other law but recognised under these regulations as equivalent to a certificate of survey.

151—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 (if any) fixed by Schedule 14.

152—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.

Expiation fee: $105.

(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; and

(b) any proposed withdrawal of the vessel from industrial, commercial or scientific operations; and

(c) any proposed transfer of the vessel's operations into the jurisdiction of another marine authority for an extended period or permanently; and

(d) any proposed changes in the manner or area of operation of the vessel; and

(e) any proposed alterations to the structure or equipment of the vessel (including alterations to the wiring of radiotelephony equipment); and

(f) the loss, theft, destruction or defacement of the certificate of survey.

Maximum penalty: $750.

Expiation fee: $105.

153—Application for consent to alter vessel

(1) An application for a consent contemplated by section 59(3) of the Act—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such information, plans and specifications as are set out in Annex D of Part B of the NSCV; and

(ii) such other information and records as the CEO may reasonably require; and

(iii) the application fee (if any) fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(3) Regulation 149 applies to an application for consent as if it were an application for a certificate of survey.

154—Application for exemption from requirement to be surveyed

(1) An application for an exemption from the requirement to be surveyed under Part 9 Division 2 of the Act—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such information, plans and specifications as are set out in Annex D of Part B of the NSCV; and

(ii) such other information and records as the CEO may reasonably require; and

(iii) the application fee (if any) fixed by Schedule 14.

Note—

See section 60(4) of the Act.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

Subdivision 3—Loadline certificates

155—Vessels requiring a loadline certificate

(1) For the purposes of section 61 of the Act, the following classes of vessels are declared to be classes of vessels in respect of which a loadline certificate is required:

(a) commercial vessels of the following classes:

Class 1A	Class 2A
Class 1B	Class 2B
Class 1C	Class 2C;

(b) any other vessel declared by the CEO by notice in the Gazette to be a vessel in respect of which a loadline certificate is required.

(2) However, a loadline certificate is not required in respect of a commercial vessel—

(a) that is less than 24 m in length; or

(b) that operates solely within any port or on any lake or river within the State.

156—Application for loadline certificate

(1) An application for a loadline certificate—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) such other information and records as the CEO may reasonably require; and

(ii) the application fee (if any) fixed by Schedule 14.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(3) The fees and costs (if any) fixed by Schedule 14 are payable by the applicant in relation to an application for a loadline certificate.

(4) A loadline certificate will not be issued until all fees and costs for which the applicant is liable have been paid to the CEO.

157—Loadline certificate to be kept on board

(1) The loadline certificate in respect of a vessel required to have a loadline certificate 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: $5 000.

Expiation fee: $315.

(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.

Expiation fee: $105.

(4) For the purposes of this regulation, a reference to a loadline certificate includes a reference to a certificate or document issued under some other law but recognised under these regulations as equivalent to a loadline certificate.

158—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 (if any) fixed by Schedule 14.

159—Marking requirements

(1) For the purposes of section 63(1) of the Act, a vessel must, in relation to markings displayed for the purposes of determining whether the vessel is properly loaded, comply with section 7 of the Code as modified by subregulation (2).

(2) The application of section 7 of the Code is subject to the following modifications:

(a) delete clause 3.15 of Part 1;

(b) delete clauses 74.4, 74.5, 74.7 and 74.8 of Part 14.

160—Application for exemption from requirement to have a loadline certificate

(1) An application for an exemption from the requirement to have a loadline certificate issued in respect of a vessel under Part 9 Division 3 of the Act—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) in the case of an application in relation to a commercial vessel—such information, plans and specifications as are set out in Annex D of Part B of the NSCV; and

(ii) such other information and records as the CEO may reasonably require; and

(iii) the application fee (if any) fixed by Schedule 14.

Note—

See section 64(4) of the Act.

(2) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

Subdivision 4—Miscellaneous

161—Equivalent requirements

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.

162—Recognition of other certificates etc as 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 12—Safety

Division 1—Structural and equipment requirements

163—Structural and equipment requirements for vessels

For the purposes of sections 59(1) and 65(1)(b) of the Act, a vessel—

(a) in the case of a vessel required to have a certificate of survey—is required to comply with any structure requirements set out in Schedule 9 in relation to vessels of the relevant class; and

(b) in any case—is required to have the equipment and markings set out in Schedule 9 in relation to vessels of the relevant class.

164—Emergency position indicating radio beacons (EPIRBs)

(1) For the purposes of section 65A(1) of the Act, the following classes of vessels are specified:

(a) commercial vessels of Classes 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B and 3C being operated more than 3 nautical miles from a coast;

(b) all other vessels being operated in prescribed unprotected waters.

(2) For the purposes of section 65A(1) of the Act, the following requirements relating to emergency position indicating radio beacons are specified:

(a) the beacon must be capable of transmitting on a frequency of 406 megahertz;

(b) the beacon must comply with AS/NZS 4280.1:2003:*406 MHz satellite distress beacons - Marine emergency position-indicating radio beacons (EPIRBs)*;

(c) the beacon must be currently registered with the Australian Maritime Safety Authority;

Note—

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

(d) the beacon must be suitably located and secured on the relevant vessel having regard to the need for access to the beacon and the need to protect the beacon from accidental damage or loss;

(e) the beacon must be maintained in good working order.

(3) In this regulation—

coast means—

(a) the coast of the mainland; and

(b) the coast of Kangaroo Island;

prescribed unprotected waters means—

(a) those unprotected waters more than 5 nautical miles seaward of the low water mark of the coast in the waters of Spencer Gulf or Gulf St. Vincent; or

(b) those unprotected waters more than 3 nautical miles seaward of the low water mark of the coast in the waters of any other area except Lakes Alexandrina and Albert;

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

Division 2—General rules of navigation

165—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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(4) Subregulation (3) does not apply in relation to a vessel being used by an authorised person—

(a) in accordance with an approval of the CEO for the purposes of this subregulation; and

(b) in a manner that does not cause undue risk to other vessels.

(5) 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.

166—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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(4) Subregulation (3) does not apply in relation to a vessel being used by an authorised person—

(a) in accordance with an approval of the CEO for the purposes of this subregulation; and

(b) in a manner that does not cause undue risk to other vessels.

(5) 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.

167—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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(4) The master or operator of a vessel must not, except in an emergency, anchor the vessel in a channel.

Maximum penalty: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

Division 3—Speed restrictions

168—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 m of a jetty, wharf or other place at which a vessel is being removed from the water or placed into the water; or

(c) within 30 m of any vessel that may be adversely affected by the wash of the vessel; or

(d) within 50 m 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, kiteboard or similar small unpowered recreational vessel; or

(e) within 100 m 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.

(3) 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.

(4) In this regulation—

boat haven has the same meaning as in Part 14.

Division 4—Rules of special application to recreational vessels

169—Personal flotation devices to be worn on certain recreational vessels

(1) Each occupant of—

(a) a vessel (other than a surfboard, surf ski or racing shell) that can only carry the operator and no other person; or

(b) a surfboard, surf ski or similar vessel that is being operated in inland waters; or

(c) a sailboard or kiteboard; or

(d) a canoe, kayak or other similar small human-powered vessel (other than a rowboat); or

(e) a mono-hulled sailing dinghy or a similar small multi-hulled sailing vessel (being a dinghy or vessel that is not more than 6 m in length); or

(f) a personal watercraft; or

(g) a tender vessel while it is being used in conjunction with another vessel and is 1 500 m or more from the shore,

must, at all times while the vessel is underway, wear—

(h) in the case of a vessel being operated in unprotected waters—a PFD Type 1; or

(i) in the case of a vessel (other than a personal watercraft) that is being operated in semi-protected waters—a PFD Type 1, PFD Type 2 or PFD Type 3; or

(j) in the case of a sailboard or kiteboard—

(i) being operated more than 400 m from the shore—

(A) before 1 June 2010—a PFD Type 1, PFD Type 2 or PFD Type 3;

(B) on or after 1 June 2010—a PFD Type 1; or

(ii) being operated not more than 400 m from the shore—a PFD Type 1, PFD Type 2 or PFD Type 3; or

(k) in the case of a personal watercraft—a PFD Type 2 or PFD Type 3; or

(l) in the case of a tender vessel being used in conjunction with another vessel and being operated 1 500 m or more from the shore—

(i) before 1 June 2010—a PFD Type 1, PFD Type 2 or PFD Type 3;

(ii) on or after 1 June 2010—a PFD Type 1; or

(m) in any other case—a PFD Type 1, PFD Type 2 or PFD Type 3.

Maximum penalty: $1 250.

Expiation fee: $160.

Note—

A personal flotation device must be of an appropriate size for the wearer and properly adjusted—see regulation 3(9) and (10).

A personal flotation device that is designed to inflate automatically on immersion and that has been so inflated must be recharged in accordance with the manufacturer's instructions before being used again—see regulation 3(11).

(2) If subregulation (1) is contravened by an occupant of a vessel other than the operator, the operator of the vessel is guilty of an offence.

Maximum penalty: $1 250.

Expiation fee: $160.

170—Personal watercraft must display approved notice

(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 CEO) 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.

171—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 pm (whichever is the earlier) on any day; or

(b) before 9 am on a Sunday or before 8 am on any other day.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) 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.

(3) 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.

172—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.

Expiation fee: $160.

173—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 such number as can be carried safely in all the circumstances, and in any case must not exceed the maximum number—

(a) 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—stated on that plate; or

(b) if no such compliance plate is fitted but the vessel is fitted with an Australian Builders Plate—stated on the Australian Builders Plate; or

(c) if neither a compliance plate nor an Australian Builders Plate is fitted to the vessel—specified in Schedule 11 in relation to a vessel of the relevant class.

Maximum penalty: $1 250.

Expiation fee: $160.

(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.

Expiation fee: $160.

Division 5—Communication rules for commercial vessels

Note—

See Schedule 9 clause 23 for details as to the communications equipment required to be carried on commercial vessels.

174—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 a harbor on a voyage; and

(b) as soon as practicable on entering a harbor at the conclusion of a voyage; and

(c) at least once during each day that the vessel is at sea.

Maximum penalty: $1 250.

Expiation fee: $160.

175—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) In the case of Class 1A, 2A or 3A commercial vessels, the radio watch must be maintained in accordance with *Marine Orders Part 27 (Radio Equipment)* under the Commonwealth Act.

(3) In the case of any other vessel, the radio watch must be maintained by continuous listening on the radiotelephony equipment of the vessel on the frequency determined as follows:

(a) in the case of MF/HF radiotelephony equipment—

(i) while the vessel is west of longitude 132°—8291 kHz;

(ii) in any other case—1 of the following frequencies:

(A) 4125 kHz;

(B) 6215 kHz;

(C) 8291 kHz;

(b) in the case of VHF FM radiotelephony equipment—on VHF Channel 16 (156.8 MHz).

(4) 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.

(5) 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.

Expiation fee: $160.

176—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.

Expiation fee: $160.

Division 6—Water skiing and similar activities

177—Obligations of person towed by vessel

(1) No more than 1 prescribed device may be towed by a vessel at any one time.

(2) No more than 3 persons may be towed by a vessel (whether on a prescribed device or not) at any one time.

(3) A person who is being towed by a vessel must wear a PFD Type 2 or PFD Type 3.

(4) A person must not be towed by a vessel between sunset and sunrise.

(5) 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.

(6) The observer must not be the operator of the vessel.

(7) Either—

(a) both the operator of the vessel and the observer must be not less than 16 years of age; or

(b) the observer must hold a special permit issued under regulation 83 and the operator of the vessel must be not less than 18 years of age.

(8) The CEO may, subject to such conditions as the CEO thinks fit, exempt a person from any of the requirements of this regulation.

(9) 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.

(10) In this regulation—

prescribed device means a device (whether inflatable or otherwise)—

(a) that is designed, constructed or adapted to be towed behind a vessel while carrying a person or persons; and

(b) the direction of which is not capable of being effectively controlled by a person being so towed.

Note—

Examples of a prescribed device include an inner tube or a device commonly known as a donut.

Examples of items that are not prescribed devices include water skis, kneeboards and wakeboards.

178—Obligation of person being towed

If a person being towed by a vessel falls into the water, the person must, if practicable, hold an arm, ski or other device vertically in the air to signal his or her presence.

Maximum penalty: $750.

Expiation fee: $105.

179—Obligation of operator of vessel towing a person

(1) The operator of a vessel that is towing a person must, in any area being used by more than 1 vessel for the purpose of commencing or finishing towing of a person—

(a) on leaving such an area—

(i) keep the vessel to the starboard side of the waterway; and

(ii) keep the vessel clear of any vessel returning to the area; and

(b) on returning to such an area—

(i) access the area from the starboard side of the waterway; and

(ii) clear the area as soon as is reasonably practicable after finishing towing the person.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) The operator of a vessel that has finished towing a person must, before returning to any area being used by more than 1 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: $5 000.

Expiation fee: $315.

(3) This regulation is in addition to, and does not derogate from, any other requirement the operator must comply with under the Act or these regulations in relation to the operation of the vessel.

180—Obligation of operator of vessel around water skiers etc

(1) The operator of a vessel (being a vessel that is not towing a person) must, on leaving or returning to an area being used by more than 1 vessel for the purpose of commencing or finishing towing of a person, keep the vessel clear of any vessel towing a person in the area.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) This regulation is in addition to, and does not derogate from, any other requirement the operator must comply with under the Act or these regulations in relation to the operation of the vessel.

181—Operating another vessel too close to person being towed

(1) A person who operates a vessel within 100 m directly behind a person who is being towed by another vessel is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) This regulation is in addition to, and does not derogate from, any other requirement the operator must comply with under the Act or these regulations in relation to the operation of the vessel.

Division 7—Diving signals

182—Signal when divers working

(1) The master or operator of a vessel that is over 10 m 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.

Expiation fee: $160.

(2) The master or operator of a vessel that is 10 m 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 mm by 600 mm in size.

Maximum penalty: $1 250.

Expiation fee: $160.

(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 mm by 200 mm in size, is displayed, at all times, from a buoy or float which is moored within 30 m of the diver or is attached to a line and towed by the diver.

Maximum penalty: $1 250.

Expiation fee: $160.

(4) A diver must not operate in a harbor, independently of a vessel, in a marked channel used by vessels.

Maximum penalty: $1 250.

Expiation fee: $160.

(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, or a light or shape required by Rule 27 of the COLREGS, must navigate so as to avoid injury to the diver or interference with the vessel, float or buoy.

Maximum penalty: $1 250.

Expiation fee: $160.

(6) If 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.

Expiation fee: $160.

Division 8—Fishing nets, yabbie pots and set lines

183—Interpretation

In this Division—

drop net, ***drum net***, ***hoop net***, ***mesh net***, ***set line***, ***shrimp trap*** and ***yabbie pot*** have the same meanings as in the *Fisheries Management Act 2007*.

184—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) 1 extremity must be marked by 2 black buoys;

(b) the other extremity must be marked by a yellow buoy;

(c) if the mesh net or set line exceeds 50 m in length—it must be marked by red buoys placed at intervals not exceeding 50 m.

(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 m:

(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 m in length—it must be marked by red buoys placed at intervals not exceeding 50 m.

(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 m:

(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 3 m from the yellow buoy, indicating the direction in which the net or set line is placed.

(4) For the purposes of this regulation, a buoy—

(a) must be approximately spherical in shape; and

(b) must be of a volume of not less than 4 litres; and

(c) must be made of plastic, polystyrene foam, rubber or other material approved by the CEO.

185—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 2 litres; and

(d) made of plastic, polystyrene foam, rubber or other material approved by the CEO.

186—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.

187—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.

Expiation fee: $160.

Division 9—Rules for certain bridges

188—Birkenhead Bridge

(1) The master or operator of a vessel approaching the Birkenhead Bridge during its operating times and requiring the bridge to be opened must contact the person operating the bridge in accordance with any procedure determined by the CEO for the purposes of this subregulation—

(a) by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation; or

(b) by VHF radio on a frequency determined by the CEO for the purposes of this subregulation.

(2) The master or operator of a vessel who does not intend to navigate under the bridge after requesting the opening of the bridge in accordance with subregulation (1) must immediately notify the person operating the bridge of that fact—

(a) by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation; or

(b) by VHF radio on a frequency determined by the CEO for the purposes of this subregulation.

Maximum penalty: $5 000.

Expiation fee: $315.

(3) The master or operator of a vessel must not allow the vessel to approach within 100 m of the bridge with the intention of passing through the bridge until the bridge is fully opened.

Maximum penalty: $5 000.

Expiation fee: $315.

(4) Subject to any direction of the operator of the bridge to the contrary, 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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(6) If 2 vessels are approaching the bridge from opposite directions simultaneously, the master or operator of the vessel proceeding upstream must give the vessel proceeding downstream priority of passage through the navigation pass unless it is safe for both vessels to pass through the navigation pass simultaneously.

Maximum penalty: $5 000.

Expiation fee: $315.

(7) In this regulation—

operating times, in relation to the Birkenhead Bridge, means the operating times determined by the CEO for the purposes of this regulation.

189—Port River Expressway Bridges

(1) The master or operator of a vessel approaching a Port River Expressway Bridge during its operating times and requiring the bridge to be opened must contact the person operating the bridge in accordance with the procedure determined by the CEO for the purposes of this subregulation—

(a) by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation; or

(b) by VHF radio on a frequency determined by the CEO for the purposes of this subregulation.

(2) Without limiting subregulation (1), the procedure determined by the CEO for the purposes of that subregulation may include a requirement that the master or operator of a vessel provide the person operating the bridge with the following information:

(a) the registration number or other identification number of the vessel;

(b) the name of the vessel;

(c) a description of the vessel;

(d) the location of the vessel;

(e) a mobile phone number, or a VHF radio frequency, on which the master or operator can be contacted.

(3) The CEO may, by notice in the Gazette, exempt the master or operator of a vessel, or class of vessels, referred to in subregulation (1) from complying with the requirements of that subregulation in the circumstances set out in the notice.

(4) The master or operator of a vessel who does not intend to navigate under a Port River Expressway Bridge after requesting the opening of the bridge in accordance with subregulation (1) must immediately notify the person operating the bridge of that fact—

(a) by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation; or

(b) by VHF radio on a frequency determined by the CEO for the purposes of this subregulation.

Maximum penalty: $5 000.

Expiation fee: $315.

(5) The master or operator of a vessel approaching or navigating under a Port River Expressway Bridge during its operating times and requiring the bridge to be opened must, if the vessel is fitted with a VHF radio, cause a radio watch to be maintained on the frequency determined by the CEO for the purposes of this subregulation while the vessel is within 100 m of the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

(6) The master or operator of a vessel navigating under a Port River Expressway Bridge, or approaching a Port River Expressway Bridge, must comply with the following provisions:

(a) he or she must comply with any vessel traffic control signals operating at the time on, or in relation to, the bridge;

(b) he or she must comply with any directions of the person operating the bridge;

(c) he or she must not allow the vessel to approach within 100 m of the bridge with the intention of navigating under the bridge while the bridge is in the process of opening or closing;

(d) without limiting paragraph (a) or (b), if the vessel does not require the bridge to be opened to navigate under the bridge, he or she must give way to any vessel approaching a Port River Expressway Bridge or passing through the navigation pass of a Port River Expressway Bridge that does require the bridge to be so opened;

(e) if no vessel traffic control signals are operating at the time on, or in relation to, the bridge and the vessel is approaching the bridge proceeding upstream, he or she must give any vessel proceeding downstream priority of passage through the navigation pass (and he or she must wait until the vessel proceeding downstream is clear of the bridge before proceeding under the bridge) unless it is safe for both vessels to pass through the navigation pass simultaneously;

(f) subject to any direction of the person operating the bridge to the contrary, he or she must ensure that the vessel, when being navigated under the bridge—

(i) in the case of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge—is not operated within the navigation pass; or

(ii) in any other case—is only operated within the navigation pass;

(g) subject to any direction of the person operating the bridge to the contrary, he or she must not reverse direction while passing through the navigation pass;

(h) he or she must not approach the bridge or attempt to navigate under the bridge unless the vessel can be maintained under safe control throughout the manoeuvre;

(i) he or she must not remain in—

(i) the navigation pass; or

(ii) the area within 100 m of the bridge,

unless intending to navigate under the bridge (and, having navigated under the bridge, must not remain in the area within 100 m on the opposite side of the bridge);

(j) he or she must not allow the vessel to approach within 100 m of the bridge or attempt to navigate under the bridge with the vessel's sail or sails (if any) wholly or partly raised or unfurled;

(k) in the case of a vessel with a beam of more than 10 m, or a displacement of more than 200 tonnes—he or she must not allow the vessel to approach within 100 m of the bridge or attempt to pass through the navigation pass without the approval of the CEO;

(l) in the case of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge—he or she must not stop the vessel within 10 metres of the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

(7) Subject to this regulation, a person who contravenes a provision of subregulation (6) is guilty of an offence.

(7a) Paragraphs (a), (i) and (j) of subregulation (6) do not apply to the master or operator of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge.

(8) Subregulation (6)(i)(ii) does not apply to the master or operator of a vessel entering or leaving a lawfully constructed temporary berthing facility located within 100 m of a Port River Expressway Bridge.

(9) It is a defence to a charge of an offence under subregulation (6) for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency.

(10) If a vessel appears from evidence obtained through the operation of a camera installed by the CEO on, or in the immediate vicinity of, the Port River Expressway Bridges to have been involved in the commission of an offence against subregulation (6), the owner of the vessel is guilty of an offence against this subregulation unless it is proved—

(a) that although the vessel appears to have been involved in the commission of the offence, no such offence was in fact committed; or

(b) that the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the CEO a statutory declaration stating the name and address of some person other than the owner who was the master or operator of the vessel at the time; or

(c) that—

(i) if the owner is a body corporate—the vessel was not being operated at the time by any officer or employee of the body corporate acting in the ordinary course of his or her duties as such; and

(ii) the owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was operating the vessel at the time; and

(iii) the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the CEO a statutory declaration stating the reasons why the identity of the master or operator is not known to the owner and the inquiries (if any) made by the owner to identify the master or operator.

Maximum penalty: $5 000.

Expiation fee: $315.

(11) If there are 2 or more owners of the same vessel—

(a) a prosecution for an offence against subregulation (10) may be brought against 1 of the owners or against some or all of the owners jointly as co-defendants; and

(b) if the case for the prosecution is proved and a defence is not established under subregulation (10)(a), the defendant or each of the defendants who does not establish a defence under subregulation (10)(b) or (c) is liable to be found guilty of an offence against subregulation (10).

(12) If an offence against subregulation (6) or (10) is alleged, and the allegation is based (wholly or in part) on evidence obtained through the operation of a camera installed by the CEO on, or in the immediate vicinity of, the Port River Expressway Bridges, an expiation notice, an expiation reminder notice or summons in respect of the offence must be accompanied by a notice containing the information set out in Schedule 13.

(13) If—

(a) an expiation notice for an offence against subregulation (6) is given to a person named as the alleged master or operator in a statutory declaration under this regulation; or

(b) proceedings for an offence against subregulation (6) are commenced against a person named as the alleged master or operator in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged master or operator.

(14) The particulars of the statutory declaration provided to the person named as the alleged master or operator must not include the address of the person who provided the statutory declaration.

(15) If a person is found guilty of, or expiates, an offence against subregulation (6), neither that person nor any other person is liable to be found guilty of, or to expiate, an offence against subregulation (10) in relation to the same incident.

(16) If a person is found guilty of, or expiates, an offence against subregulation (10), neither that person nor any other person is liable to be found guilty of, or to expiate, an offence against subregulation (6) in relation to the same incident.

(17) A person who, without proper authority or reasonable excuse, interferes with a camera installed on, or in the immediate vicinity of, the Port River Expressway Bridges by the CEO, or a vessel traffic control signal, or the proper functioning of such devices, is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $315.

(18) In proceedings for an offence against this regulation—

(a) a data storage device produced by the prosecution will be admitted in evidence if the images recorded on the device were recorded by a camera installed by the CEO on, or in the immediate vicinity of, the Port River Expressway Bridges, and a denotation as to date, time and location that appears as part of such a device, or on such images, is, in the absence of proof to the contrary, proof of the date, time and location at which the images on the device were recorded by the camera;

(b) a certificate produced by the prosecution and apparently signed by the CEO or a delegate of the CEO certifying that a specified camera used at a specified location during a specified period was a camera installed by the CEO is, in the absence of proof to the contrary, proof of that fact;

(c) a certificate produced by the prosecution and apparently signed by the CEO or a delegate of the CEO that a specified camera was designed and set to operate according to a specified system during that period is, in the absence of proof to the contrary, proof that the camera was designed and set to operate according to that system during that period and did, in fact, so operate;

(d) a certificate produced by the prosecution and apparently signed by the CEO or a delegate of the CEO certifying that a specified vessel traffic control signal—

(i) was designed and set to operate automatically according to a specified system during a particular period; or

(ii) was designed and set to be operated manually according to a specified system during a particular period,

is, in the absence of proof to the contrary, proof that the vessel traffic control signal was designed and set to operate automatically or manually (as the case requires) according to the system and did, in fact, so operate;

(e) a certificate produced by the prosecution and apparently signed by the CEO or a delegate of the CEO certifying that a specified person was the person operating a Port River Expressway Bridge at a specified time and on a specified date is, in the absence of proof to the contrary, proof of the matters so certified;

(f) a certificate produced by the prosecution and apparently signed by the CEO or a delegate of the CEO certifying that a specified vessel traffic control signal was operated manually in a specified manner at a specified time and on a specified date by the person operating a Port River Expressway Bridge is, in the absence of proof to the contrary, proof of the matters so certified.

(19) For the purposes of this regulation, the master or operator of a vessel complies with a vessel traffic control signal if he or she complies with the following provisions:

(a) the master or operator of a vessel that is more than 100 m from a Port River Expressway Bridge must not approach to within 100 m of the bridge if a vessel traffic control signal is showing an illuminated solid or flashing red light to vessels travelling in the same direction as the vessel;

(b) the master or operator of a vessel that is within 100 m of a Port River Expressway Bridge must navigate through the navigation pass of the bridge if a vessel traffic control signal is showing an illuminated solid green light to vessels travelling in the same direction as the vessel;

(c) subject to a direction of the person operating the bridge to the contrary, the master or operator of a vessel that is within 100 m of a Port River Expressway Bridge but outside of the navigation pass of that bridge—

(i) must not enter the navigation pass of the bridge; and

(ii) must immediately reverse direction and exit the area within 100 m of the bridge,

if a vessel traffic control signal is showing an illuminated solid red light to vessels travelling in the same direction of the vessel (whether or not the vessel traffic control signal was showing an illuminated solid green light to vessels travelling in the same direction as the vessel at the time the vessel approached to within 100 m of the bridge);

(d) subject to a direction of the person operating the bridge to the contrary, the master or operator of a vessel that is within 100 m of a Port River Expressway Bridge but outside of the navigation pass of that bridge must either—

(i) pass through the navigation pass; or

(ii) immediately reverse direction and exit the area within 100 m of the bridge,

if a vessel traffic control signal is showing an illuminated flashing red light to vessels travelling in the same direction of the vessel (whether or not the vessel traffic control signal was showing an illuminated solid green light to vessels travelling in the same direction as the vessel at the time the vessel approached to within 100 m of the bridge);

(e) in the case of a vessel traffic control signal consisting of a sign (whether electronic or otherwise) displaying directions in writing to vessels approaching a Port River Expressway Bridge—the master or operator of a vessel within 100 m of a Port River Expressway Bridge must comply with any direction displayed on the vessel traffic control signal.

(20) Subregulation (19)(b), (c) and (d) do not apply to the master or operator of a vessel moored at a lawfully constructed temporary berthing facility located within 100 m of the bridge.

(21) In this regulation—

operating times, in relation to a Port River Expressway Bridge, means the operating times determined by the CEO for the purposes of this regulation;

owner of a vessel means—

(a) a person who is the sole owner, a joint owner or a part owner of the vessel; or

(b) a person who has possession or use of the vessel under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vessel to be registered in the name of someone else,

and includes a registered owner of the vessel;

registered owner, in relation to a vessel, means the person to whom a certificate of registration for the vessel has been issued;

vessel traffic control signal means a visual or audible device, or a combination of visual and audible devices, (whether electronic or otherwise) installed on, or in the immediate vicinity of, a Port River Expressway Bridge regulating 1 or more of the following:

(a) entry of vessels to the area lying within 100 m of a Port River Expressway Bridge;

(b) navigation of vessels (including direction of travel) within the area lying within 100 m of a Port River Expressway Bridge;

(c) entry to and exit from the navigation pass of a Port River Expressway Bridge;

(d) any other matter related to the prevention of damage to a Port River Expressway Bridge.

190—Exemptions

(1) The CEO may, on such conditions as the CEO thinks fit, exempt the owner or master of a vessel from the obligation to comply with a requirement of regulation 189.

(2) The CEO may, by notice in writing to the holder of an exemption, revoke the exemption or impose further conditions if there are, in the CEO's opinion, proper reasons for doing so.

191—Hindmarsh Island Bridge

(1) This regulation applies to a vessel that is more than 10 m 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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(6) If 2 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: $5 000.

Expiation fee: $315.

(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 bridge before proceeding under the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

192—Jervois Bridge

(1) The master or operator of a vessel must ensure that the vessel, when being navigated under the Jervois Bridge, is only operated within the navigation pass.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) The master or operator of a vessel must not approach the bridge or attempt to navigate under the bridge unless the vessel can be maintained under safe control throughout the manoeuvre.

Maximum penalty: $5 000.

Expiation fee: $315.

(3) If 2 vessels are approaching the bridge from opposite directions 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: $5 000.

Expiation fee: $315.

(4) The master or operator of a vessel proceeding upstream that has had to wait for a vessel proceeding downstream to navigate under the bridge must wait until the vessel proceeding downstream is clear of the bridge before proceeding under the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

193—Kingston Bridge

(1) This regulation applies to a vessel that is more than 10 m 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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

(6) The master or operator of a vessel must sound 1 long blast when the vessel is within 0.5 nautical miles of the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

(7) The master or operator of a vessel approaching the bridge must, if a long blast is heard apparently from an approaching vessel, respond with 1 long blast.

Maximum penalty: $5 000.

Expiation fee: $315.

(8) The master or operator of a vessel must not cause or allow the vessel to pass another vessel within 0.25 nautical miles of the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

(9) If 2 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: $5 000.

Expiation fee: $315.

(10) 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 bridge and then again sound 1 long blast before proceeding under the bridge.

Maximum penalty: $5 000.

Expiation fee: $315.

194—Paringa Bridge

(1) The master or operator of a vessel approaching the Paringa Bridge during its operating times and requiring the bridge to be opened must contact the person operating the bridge (in accordance with any procedure determined by the CEO for the purposes of this subregulation) by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation.

(2) The master or operator of a vessel who does not intend to navigate under the bridge after requesting the opening of the bridge in accordance with subregulation (1) must immediately notify the person operating the bridge of that fact by mobile phone on a telephone number determined by the CEO for the purposes of this subregulation.

Maximum penalty: $5 000.

Expiation fee: $315.

(3) The person operating the bridge will indicate his or her intention to open the bridge by activating a rotating red light installed on, or in the immediate vicinity of, the bridge.

(4) The master or operator of a vessel must not allow the vessel to approach within 100 m of the bridge with the intention of passing through the bridge until—

(a) the bridge is fully opened; and

(b) a green light installed on, or in the immediate vicinity of, the bridge is illuminated to vessels travelling in the same direction as the vessel.

Maximum penalty: $5 000.

Expiation fee: $315.

(5) Subject to any direction of the operator of the bridge to the contrary, 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: $5 000.

Expiation fee: $315.

(6) 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: $5 000.

Expiation fee: $315.

(7) The master or operator of a vessel that does not require the bridge to be opened to navigate under the bridge must give way to any vessel approaching the bridge or passing under the bridge that does require the bridge to be so opened.

Maximum penalty: $5 000.

Expiation fee: $315.

(8) If 2 vessels are approaching the bridge from opposite directions simultaneously, the master or operator of the vessel proceeding upstream must give the vessel proceeding downstream priority of passage through the navigation pass unless it is safe for both vessels to pass through the navigation pass simultaneously.

Maximum penalty: $5 000.

Expiation fee: $315.

(9) In this regulation—

operating times, in relation to the Paringa Bridge, means the operating times determined by the CEO for the purposes of this regulation.

Division 10—Miscellaneous

195—Vessels excluded from vicinity of oil rigs

(1) Vessels are prohibited from entering or remaining in waters within 500 m 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: $5 000.

Expiation fee: $315.

(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—

petroleum has the same meaning as in the *Petroleum Act 2000*.

196—Vessels excluded from vicinity of vessels engaged in transfer of petroleum

(1) Vessels are prohibited from entering or remaining in waters within 1 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: $5 000.

Expiation fee: $315.

(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 2000*.

197—Vessels excluded from vicinity of transhipment points in Spencer Gulf

(1) Vessels are prohibited from entering or remaining in waters within 0.5 nautical miles of a prescribed vessel while the prescribed vessel is, or is about to be, engaged in loading operations at a prescribed transhipment point.

(2) The distance referred to in subregulation (1) is to be measured from each point of the outer edge of the prescribed vessel or any anchor, buoy or other equipment deployed from the prescribed 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: $5 000.

Expiation fee: $315.

(4) This regulation does not apply to vessels used in connection with the operations of prescribed vessels at the prescribed transhipment points.

(5) In this regulation—

prescribed transhipment point means a transhipment point in Spencer Gulf at, or in the vicinity of, either of the following locations:

(a) latitude 33°09′12″S, longitude 137°38′21″E (the ***Cape Vessel Transhipment Point***);

(b) latitude 33°06′12″S, longitude 137°38′30″E (the ***Panamax Vessel Transhipment Point***);

prescribed vessel means—

(a) in the case of the Cape Vessel Transhipment Point—a vessel of the class of vessels known as Cape-size vessels; or

(b) in the case of the Panamax Vessel Transhipment Point—a vessel of the class of vessels known as Panamax-size vessels.

198—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 other person is guilty of an offence.

Maximum penalty: $2 500.

Expiation fee: $210.

199—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.

Expiation fee: $160.

(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.

Expiation fee: $160.

200—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.

Expiation fee: $160.

(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: $5 000.

Expiation fee: $315.

(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.

201—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 m of the vessel.

Maximum penalty: $750.

Expiation fee: $105.

(2) If subregulation (1) 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.

Expiation fee: $105.

202—Misuse of signals

(1) A person who uses, displays or activates, or causes another to use, display or activate, a signal required under these regulations in circumstances not contemplated by these regulations is guilty of an offence.

Maximum penalty: $750.

Expiation fee: $105.

(2) A person who responds to a signal used or displayed in contravention of subregulation (1) may recover the costs of that response, as a debt, from the person who contravened the subregulation.

(3) In this regulation—

signal includes a flare, an EPIRB or a similar device.

203—Smoking and use of combustion equipment in hold

(1) A person must not, in the hold of a commercial vessel or within 6 m of any open hatch of a commercial vessel—

(a) smoke, strike a match or use a cigarette lighter; or

(b) use any other device that produces a flame or a flash exposed to the air without the approval of—

(i) if the vessel is within a port—the relevant port operator; or

(ii) in any other case—the CEO.

Maximum penalty: $5 000.

Expiation fee: $315.

(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: $5 000.

Expiation fee: $315.

204—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 to provide safe access 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.

Expiation fee: $160.

(2) A gangway must comply with the following requirements:

(a) the gangway must be provided with a closely boarded walkway at least 550 mm 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 2 m apart and fitted with a locking device to prevent accidental dislodgment;

(c) the side rails must not be more than 0.61 m apart and the upper rail must be at a height of not less than 1.07 m (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 9, Marine Order Part 21 (Safety of Navigation and Emergency Procedures)*, under the Commonwealth Act.

(4) This regulation does not apply to a hire and drive houseboat hired out pursuant to a licence under Part 8 of the Act.

205—Anchors not to be used in certain areas

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 m of a line from a point on the western bank of the river distance 490 m and bearing 314° from No 11 front inward leading beacon to a point on the eastern bank of the river distance 215 m 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 m of a line from a point on the western bank of the river distance 410 m and bearing 273° from No 12 rear inward leading beacon to a point on the eastern bank of the river distance 210 m 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 m from the control towers of the Birkenhead Bridge;

(d) the area comprising the area of the Port Adelaide River situated within 100 m from a Port River Expressway Bridge;

(e) the area of Spencer Gulf within 1½ 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);

(f) the area of Backstairs Passage within 1½ 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.

206—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 13—Accidents

207—Minor accidents involving vessels need not be reported

For the purposes of section 75(1) of the Act, minor injury or damage of the following kinds is excluded from the ambit of that section:

(a) an injury that does not require medical attention;

(b) property damage that does not exceed $300.

208—Particulars required in accident report

For the purposes of section 75(2) of the Act, the following particulars are required:

(a) particulars of the vessels involved;

(b) in the case of a recreational vessel—the name and address of the owner and the operator of the vessel involved;

(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;

(d) the time and place of the accident;

(e) the circumstances of the accident;

(f) the name and address (if known) of each person killed or injured in the accident;

(g) the name and address (if known) of each witness to the accident.

Part 14—Boat havens

209—Interpretation

In this Part—

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

owner of a mooring means—

(a) if a permit to moor a vessel on the mooring is in force—the holder of a permit; or

(b) in any other case—the person who laid the mooring down or caused the mooring to be laid down;

permit means a permit to moor a vessel in a boat haven issued under this Part.

210—Moorings not to be laid without approval

(1) A person must not lay down a mooring, or cause a mooring to be laid down, in a boat haven except in accordance with the approval of the CEO.

Maximum penalty: $1 250.

Expiation fee: $160.

(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.

Expiation fee: $160.

(3) If the owner of a mooring in a boat haven fails to comply with a request under subregulation (2), the CEO may remove the mooring from the boat haven and recover the costs of doing so, as a debt, from the owner of the mooring.

211—Permit to moor vessel in boat haven

(1) The CEO, on an application being made in accordance with this regulation—

(a) if the applicant is the person who laid down the mooring or caused the mooring to be laid down—must issue a permit to moor a specified vessel on the mooring unless the CEO is of the opinion that the vessel is unseaworthy; or

(b) in any other case—may issue a permit to moor a specified vessel at a specified mooring site in a boat haven.

(2) The CEO may refuse to issue a permit under subregulation (1)(b)—

(a) if the CEO is of the opinion that—

(i) there is no suitable mooring site available; or

(ii) all mooring sites are required for fishing vessels or for vessels used in connection with fishing vessels; or

(iii) the vessel is not seaworthy; or

(b) for any other reason the CEO thinks fit.

(3) A person must not moor a vessel, or cause or permit a vessel to be moored, in a boat haven except in accordance with a permit issued under this regulation.

Maximum penalty: $1 250.

Expiation fee: $160.

(4) An application for a permit—

(a) must be made to the CEO in a manner and form determined by the CEO; and

(b) must be accompanied by—

(i) proof, in a manner and form determined by the CEO, that the vessel to which the application relates is seaworthy; and

(ii) such other information and records as the CEO may reasonably require; and

(iii) the application fee (if any) fixed by Schedule 14.

(5) An applicant under this regulation must provide the CEO with such further information and records as the CEO may reasonably require to determine the application.

(6) A permit—

(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 may be renewed in accordance with any procedure determined by the CEO); and

(c) is not transferable.

(7) It is a condition of a permit issued under this regulation that a vessel moored at a mooring pursuant to the permit be maintained in a seaworthy condition.

(8) A permit issued under subregulation (1)(b) may be subject to such further conditions as the CEO specifies in the permit.

(9) The CEO may, by notice in writing, vary or revoke a condition of a permit issued under subregulation (1)(b).

(10) The holder of a permit issued under this regulation must not contravene or fail to comply with a condition of the permit.

Maximum penalty: $1 250.

Expiation fee: $160.

(11) In determining which mooring site in a boat haven to allocate to an applicant for a permit, 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.

(12) A person who holds a permit—

(a) must produce it at the request of an authorised person; and

(b) must notify the CEO as soon as practicable of any of the following:

(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.

Expiation fee: $160.

212—Cancellation of permits

(1) If the holder of a permit has contravened or failed to comply with this Part, 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, 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 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.

Expiation fee: $160.

213—Orders

(1) If the CEO is of the opinion that a vessel moored in a boat haven is in such a state of disrepair that it is in danger of sinking or causing environmental harm (within the meaning of the *Environment Protection Act 1993*), the CEO may issue an order requiring that the registered owner of the vessel—

(a) take action to repair the vessel; or

(b) remove the vessel from the waters of the jurisdiction.

(2) If a vessel moored in a boat haven—

(a) is, in the opinion of the CEO, obstructing navigation in the boat haven; or

(b) is not the subject of a current permit,

the CEO may issue an order requiring that the registered owner of the vessel remove the vessel from the boat haven.

(3) An order issued under this regulation—

(a) must be in the form of a written notice served on the registered owner of the vessel; and

(b) must specify the vessel that is the subject of the order; and

(c) must specify a period within which the registered owner of the vessel must comply with the order.

(4) A vessel that has been ordered to be removed from the waters of the jurisdiction under subregulation (1) must not be returned to the water until it is in a seaworthy condition.

(5) The CEO may, by written notice served on the registered owner of a vessel to whom an order has been issued, vary or revoke the order.

(6) A registered owner of a vessel to whom an order is issued must not fail to comply with the order.

Maximum penalty: $5 000.

Expiation fee: $315.

214—Removal of vessel and disposal of vessel if unclaimed

(1) If the registered owner of a vessel fails to comply with an order under regulation 213, the CEO may remove the vessel from the waters of the jurisdiction and recover the costs of doing so, as a debt, from the registered owner of the vessel.

(2) The CEO must notify the registered owner of the vessel of its removal and of the place to which the vessel was removed—

(a) by written notice—

(i) served on the registered owner personally; or

(ii) sent by registered post to the registered owner's last-known residential address,

forthwith after the removal of the vessel; or

(b) by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vessel.

(3) If the registered owner of the vessel does not, within 1 month after service or publication of the notice relating to the removal of the vessel—

(a) take possession of the vessel; and

(b) pay all expenses in connection with the removal, custody and maintenance of the vessel and of serving, posting or publishing the notice,

the CEO may, subject to subregulation (4), offer the vessel for sale by public auction.

(4) If—

(a) the vessel is offered for sale by public auction but is not sold at the auction; or

(b) the CEO reasonably believes that the proceeds of the sale of the vessel would be unlikely to exceed the costs incurred in selling the vessel,

the CEO may dispose of the vessel in such manner as the CEO thinks fit.

(5) The CEO must apply any proceeds of sale of the vessel as follows:

(a) firstly, in payment of the costs of and incidental to the sale;

(b) secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vessel and of the notice served, posted or published under this regulation;

(c) thirdly, in payment of the balance to the registered owner of the vessel.

(6) If after reasonable inquiry following sale of the vessel the registered owner of the vessel cannot be found, the balance of the proceeds of the sale will be paid to the Treasurer to be credited to the Consolidated Account.

Part 15—Facilities Fund

215—Facilities levy

A facilities levy of the amount fixed by Schedule 14 is payable on the registration, inspection or survey of a vessel and, in accordance with section 90A(4) of the Act, a certificate of registration, inspection or survey will not be issued for the vessel until the levy is paid.

216—Boating facility advisory committee

(1) There is to be a committee to advise the Minister on any variation of the amounts of the facilities levies, and the application of the Facilities Fund, under section 90A of the Act.

(2) The committee is to consist of a maximum of 8 members appointed by the Minister of whom—

(a) 1 must be a person nominated by the Boating Industry Association of South Australia Incorporated; and

(b) 1 must be a person nominated by the South Australian Recreational Boating Council Incorporated; and

(c) 1 must be a person nominated by the South Australian Recreational Fishing Advisory Council Incorporated; and

(d) 1 must be a person nominated by the Local Government Association of South Australia; and

(e) 2 must be persons who, in the opinion of the Minister, have experience in the operation of commercial vessels (with at least 1 having experience in the commercial fishing industry).

(3) At least 1 member of the committee must be a woman and 1 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) If 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 6 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 2 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 1 member of the committee to be the presiding member of the committee and may appoint 1 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 any directions of the Minister, the committee may conduct its business in such manner as it thinks fit.

Part 16—Miscellaneous

218—Discharging ballast water prohibited in specified waters

(1) The Minister may, by notice in the Gazette, prohibit the discharge, without the approval of—

(a) in the case of the discharge of ballast water within a port—a port management officer; or

(b) in any other case—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: $5 000.

Expiation fee: $315.

219—Directions relating to ballast water

(1) Without limiting regulation 218, an authorised person or port management officer may give the master or operator of a vessel in the jurisdiction directions relating to any ballast water carried on the vessel.

(2) Without limiting subregulation (1), a direction may—

(a) prohibit the discharge of ballast water in specified waters; or

(b) require 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) require ballast water to be exchanged in specified waters; or

(d) make any requirement in relation to the loading of ballast water.

(3) A master or operator of a vessel who, without reasonable excuse, fails to obey a direction under subregulation (1) is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $315.

220—Court of Marine Enquiry assessors

For the purposes of section 77(4) of the Act, the Court of Marine Enquiry must choose 2 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;

(b) the assessors must not have a personal interest or a direct or indirect pecuniary interest in the matter before the Court.

221—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.

Expiation fee: $210.

222—Notices

(1) A notice or other document required or authorised to be given to or served on a person under these regulations may be given or served as follows:

(a) by personal service on the person or the agent of the person;

(b) by leaving it for the person at his or her place of residence or, in the case of a company, at the company's registered office, with someone apparently over the age of 16 years;

(c) by serving it by registered post on the person or an agent of the person at his or her last known address.

(2) 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.

(3) Service by post is effected by addressing, prepaying and posting the notice or document and service will be taken to have occurred when the notice or document, or notice that the notice or document is available for collection, would be delivered in the ordinary course of post.

223—Signs

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

(2) A sign erected by the CEO, the Minister, the department or a port operator on or in the vicinity of a place before the commencement of this regulation will be regarded as having been erected in accordance with these regulations.

(3) In determining the meaning of a direction displayed on a sign under these regulations, regard must be given to the characteristics of the surrounding physical environment.

(4) In proceedings for an offence against these regulations, an allegation in a complaint that—

(a) a specified sign was erected by the CEO or a port operator; or

(b) a specified sign erected by the CEO or a port operator contained a specified direction or specified information,

will be accepted, in the absence of proof to the contrary, as proof of the matter so alleged.

224—Waiver, remission and reduction of fees and payment in instalments

(1) The CEO may waive, remit or reduce a fee payable by a person under these regulations if the CEO considers the circumstances of the particular case justify the waiver, remission or reduction.

(2) The CEO may allow a person to pay a fee in instalments.

Note—

This regulation does not apply in relation to a levy payable under Part 15.

Schedule 1—Smooth and partially smooth waters

Part 1—Smooth waters

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.

Part 2—Partially smooth waters

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.

Area	Partially smooth water limits
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.
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—Operational areas for restricted vessels

West Coast Eyre Peninsula 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 3 nautical miles south-west of Brown Point, then to a position 3 nautical miles south-west of Westall Point, then to a position 3 nautical miles south-west of Cape Blanche, then to a position 3 nautical miles south-west of Cape Labatt, then following the coast in a general south-easterly direction at a distance of 3 nautical miles from the shore to a position 3 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 3 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 3 nautical miles west of Wardang Island; and the coastal waters east and north of a line from a position 3 nautical miles west of Wardang Island to a position 3 nautical miles west of Corny Point then following the coast line at a distance of 3 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 3 nautical miles west of Port Stanvac jetty, and east of a line from 3 nautical miles west of Port Stanvac jetty following the coast at a distance of 3 nautical miles from the shore to a position 3 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 3 nautical miles to the north then to a point 3 nautical miles to the north of Cape Cassini, then to a point 3 nautical miles north-east of Marsden Point light, then to a point 3 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 3 nautical miles, then southward following the coastline at a distance of 3 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 harbor boundaries

Note—

Unless the contrary intention appears, the maps in this Schedule are provided for convenience of reference only.

American River

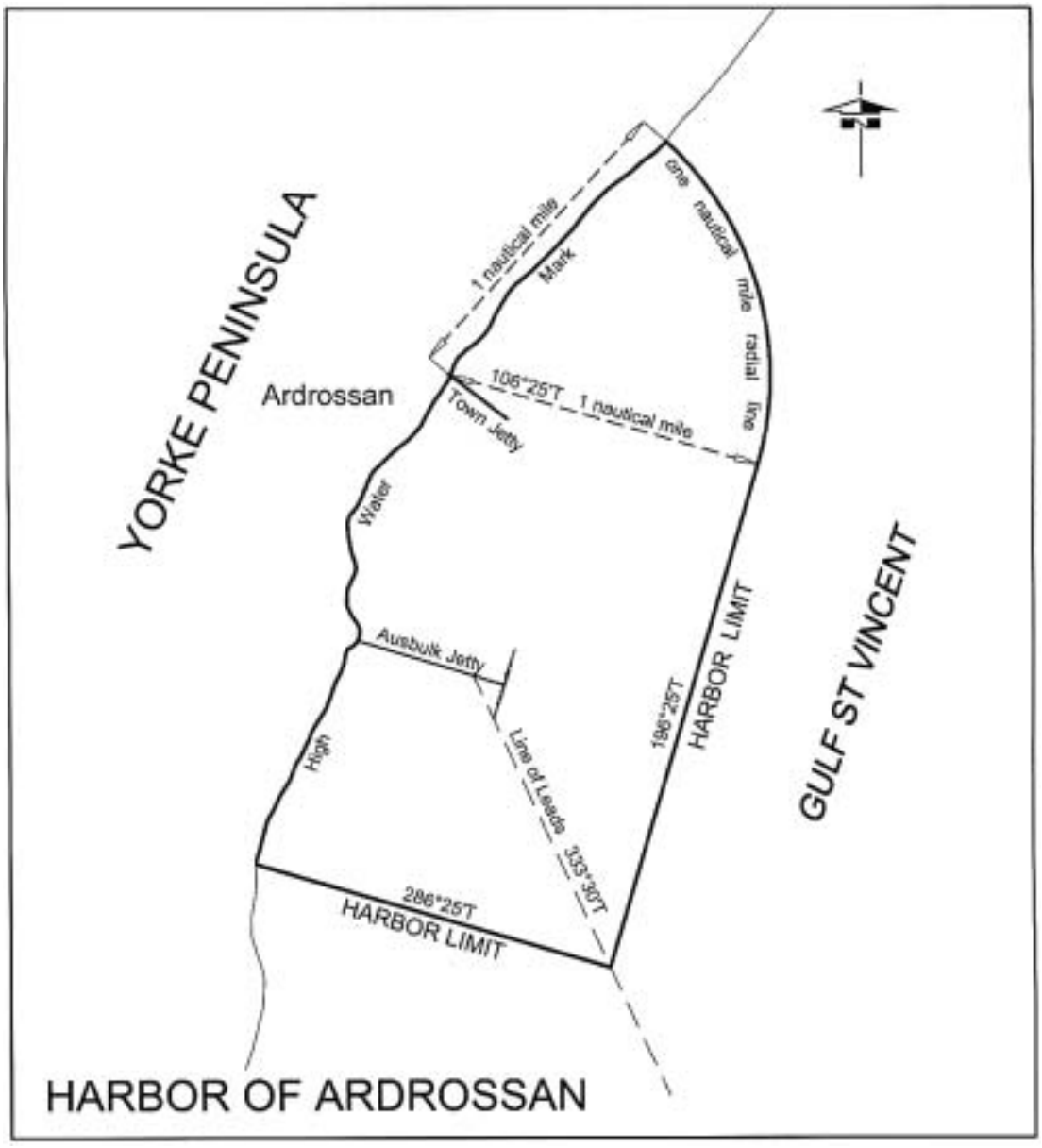
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks, and inlets to high water mark of American River and Eastern Cove bounded as follows:

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 Allotment 500 in Deposited Plan No 68304 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

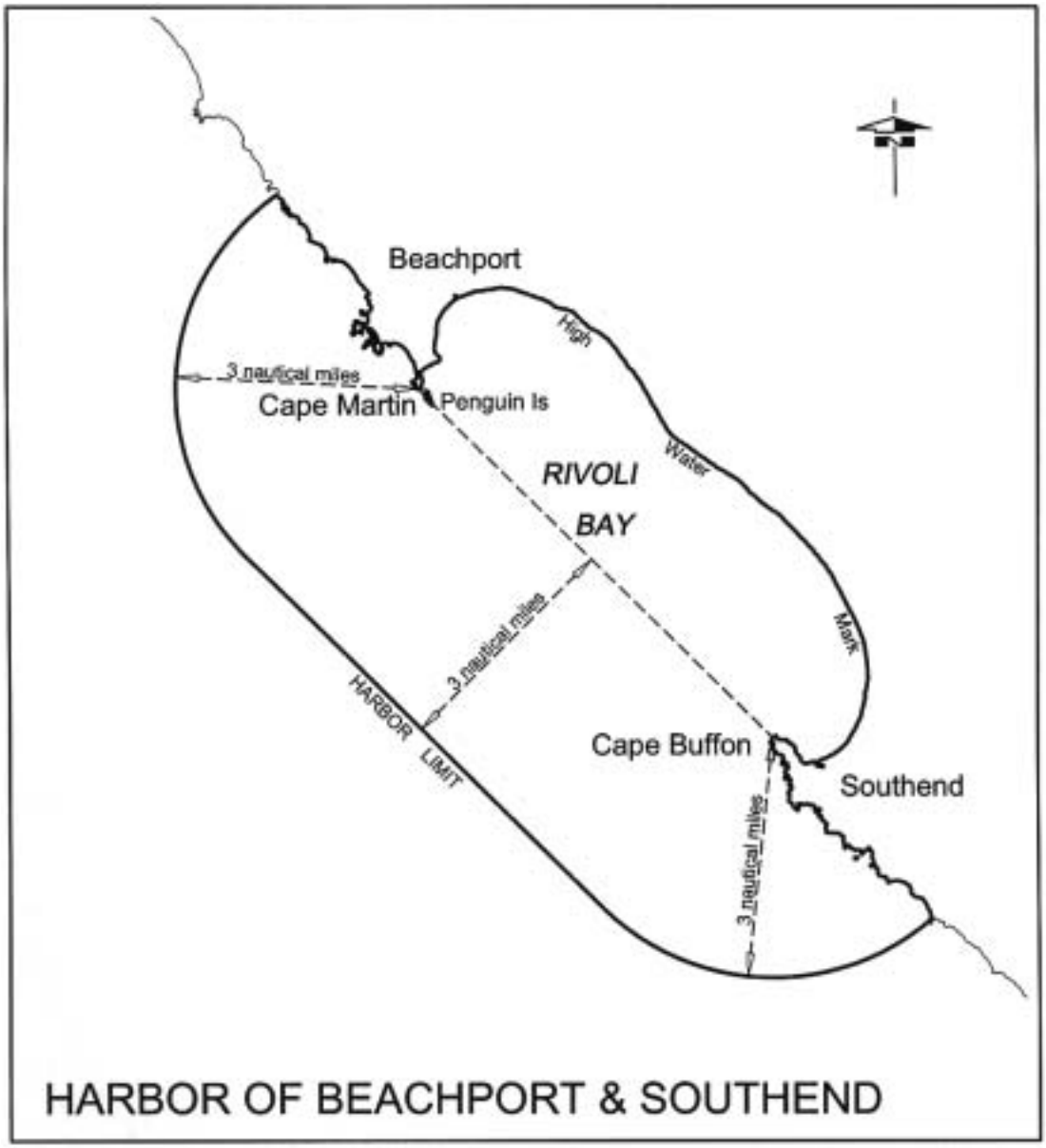
The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Gulf St. Vincent bounded as follows:

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.



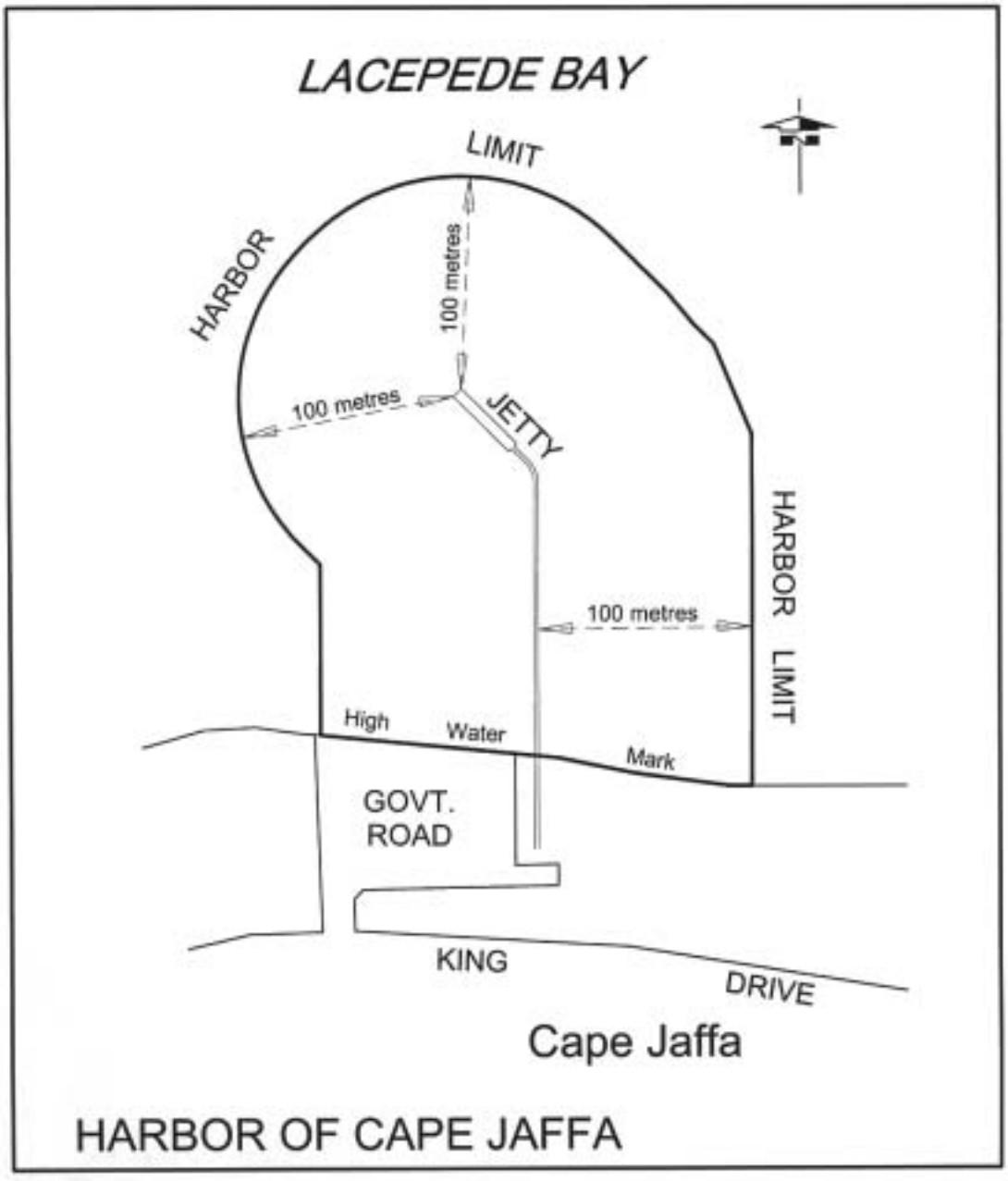
Beachport and Southend

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the coast within 3 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 m seaward of any part of the Cape Jaffa Jetty.

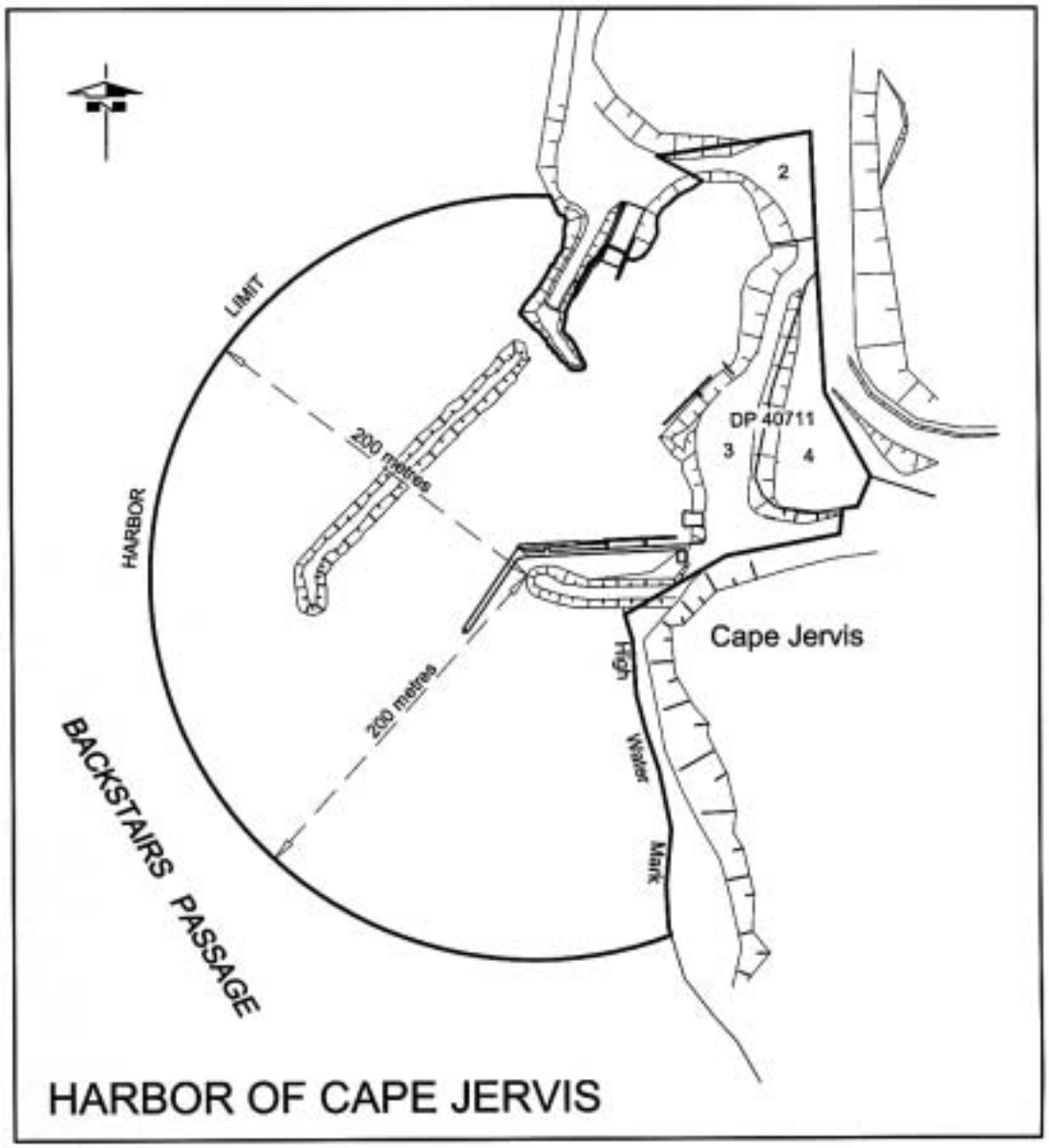


Cape Jervis

The following areas:

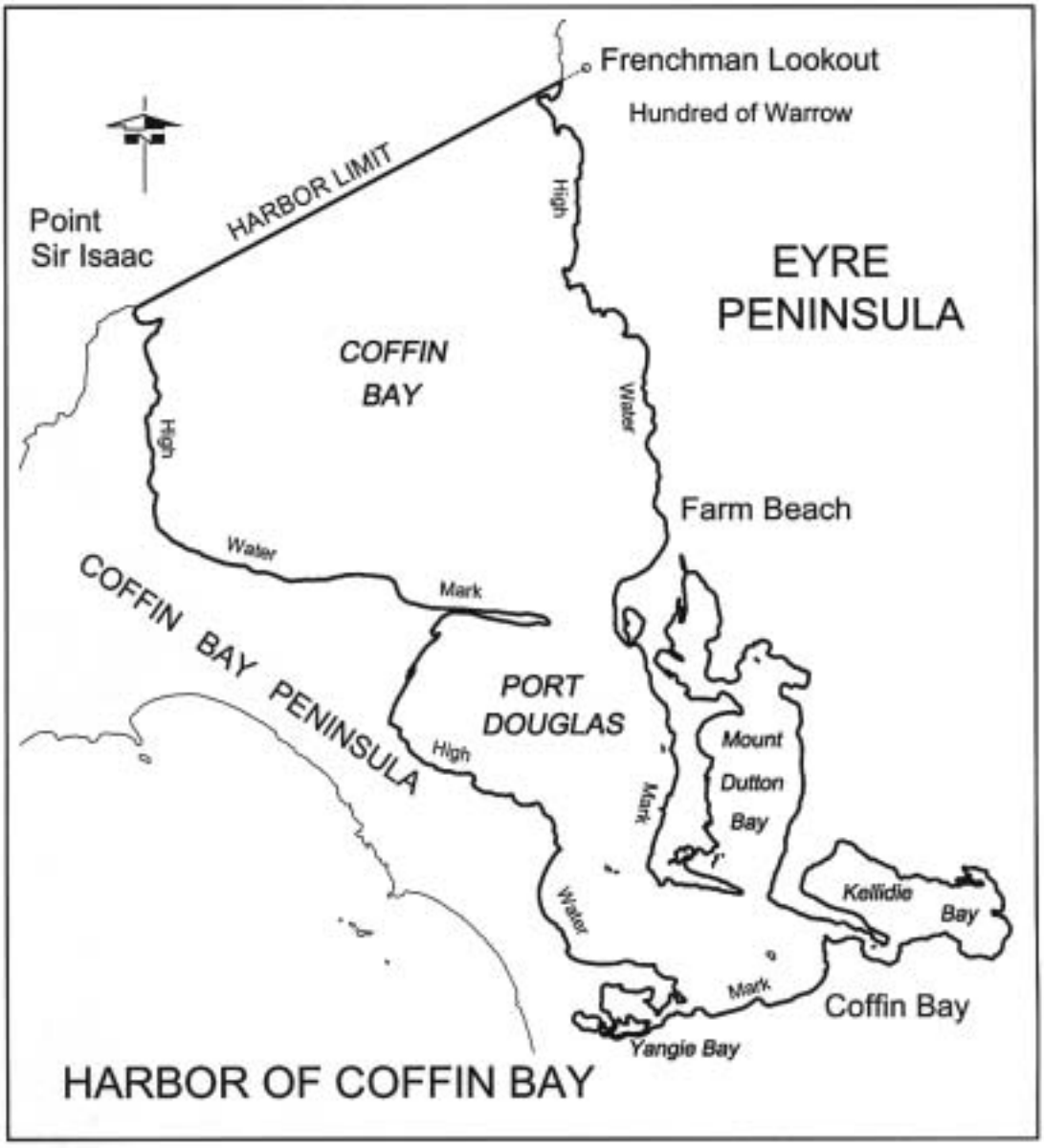
(a) the subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within a distance of 200 m from the western tip of the south-eastern breakwater at Cape Jervis;

(b) allotments 2, 3 and 4 of Deposited Plan No 40711.



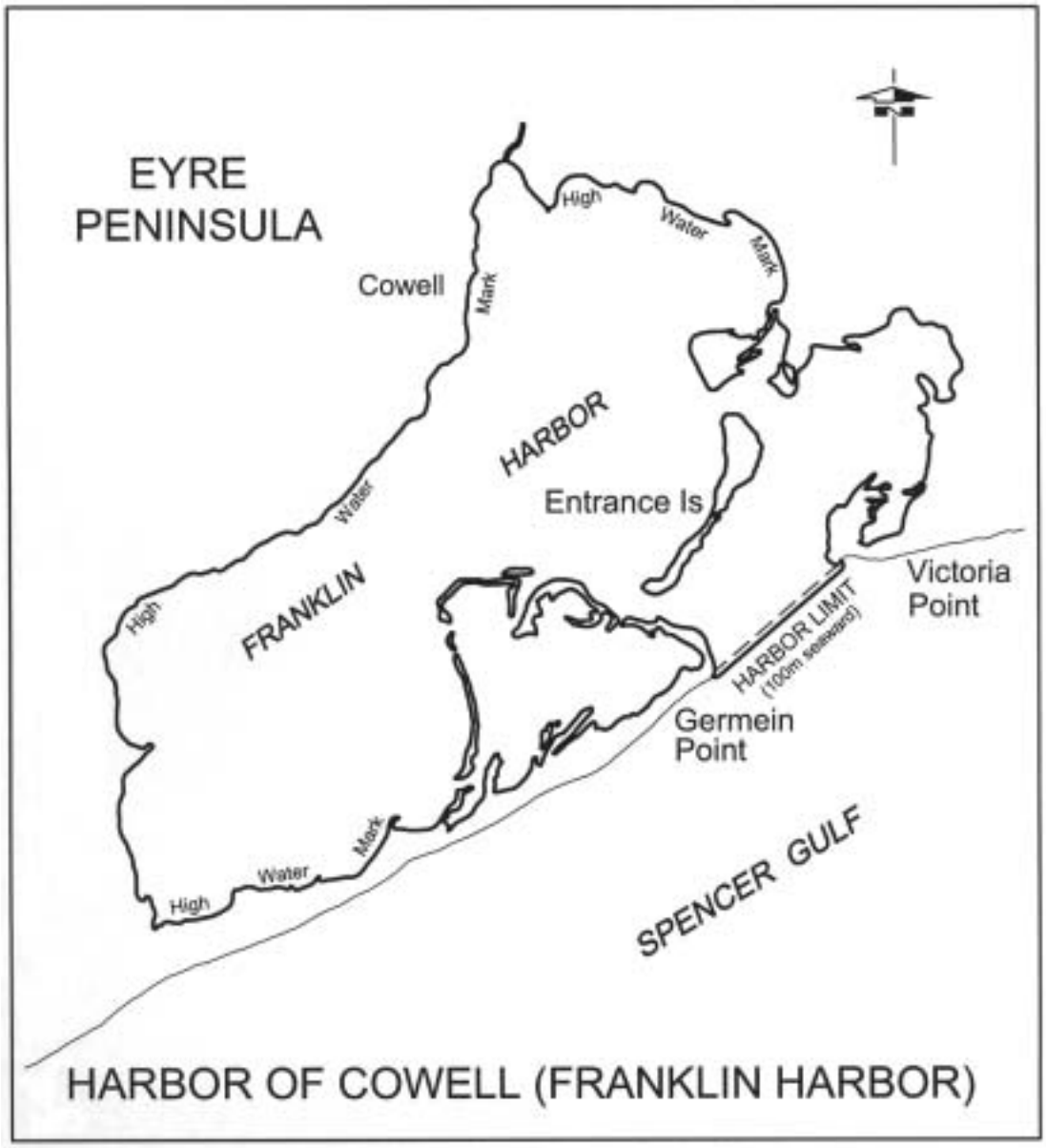
Coffin Bay

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 m to seaward of any point on that line.



Kingscote

The following areas:

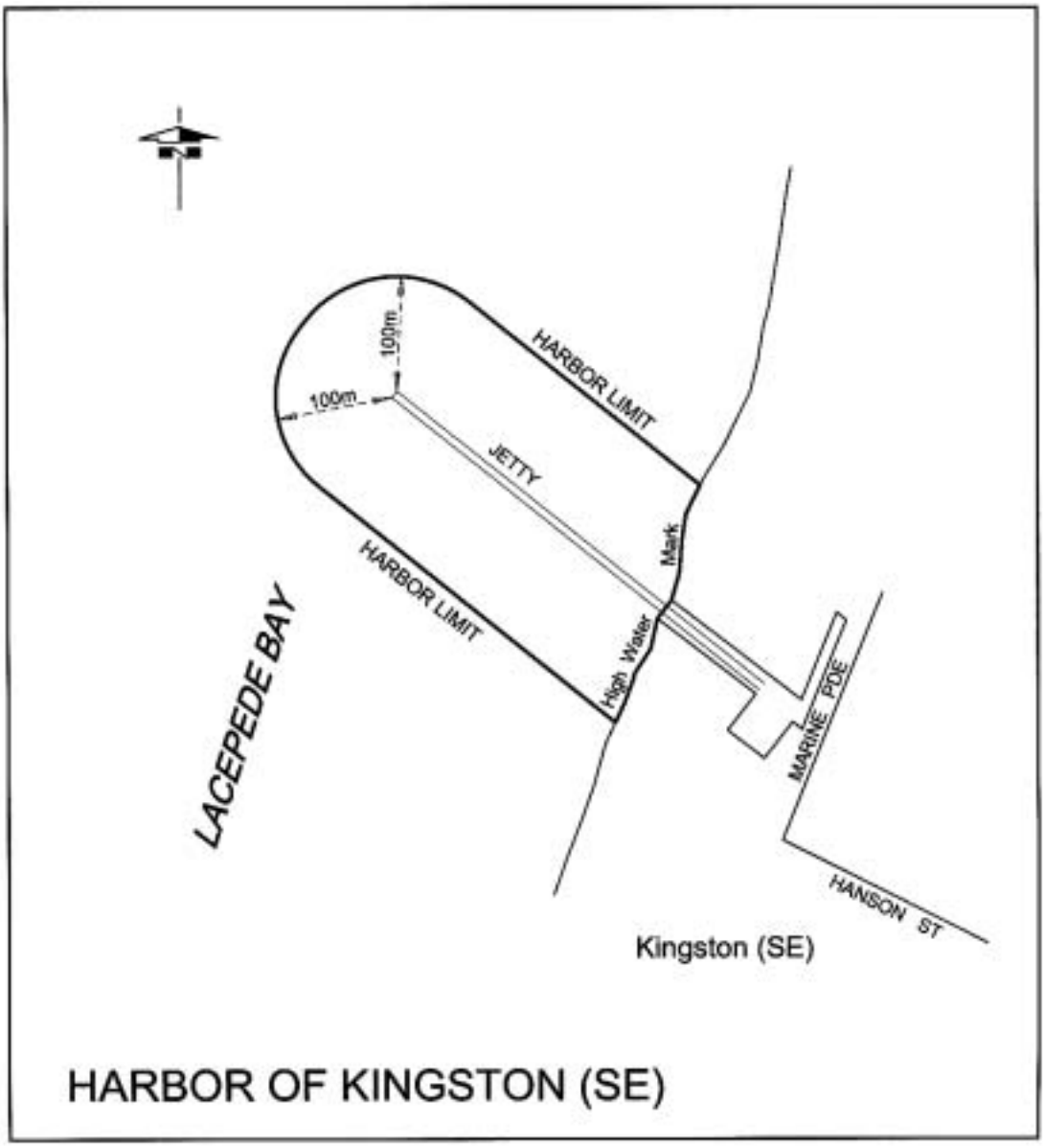
(a) the subjacent land underlying, and the adjacent land extending from, waters, rivers, creeks and inlets to high water mark in Nepean Bay, Kangaroo Island and west of a straight line from Point Marsden to Point Morrison;

(b) the following parcels of land:

- Sections 351, 348, 349, 392, 395, 399 and Blocks 1 and 2 in the Hundred of Menzies
- Allotment 2 in Deposited Plan No 39677
- Closed Road A in Road Plan 4046.

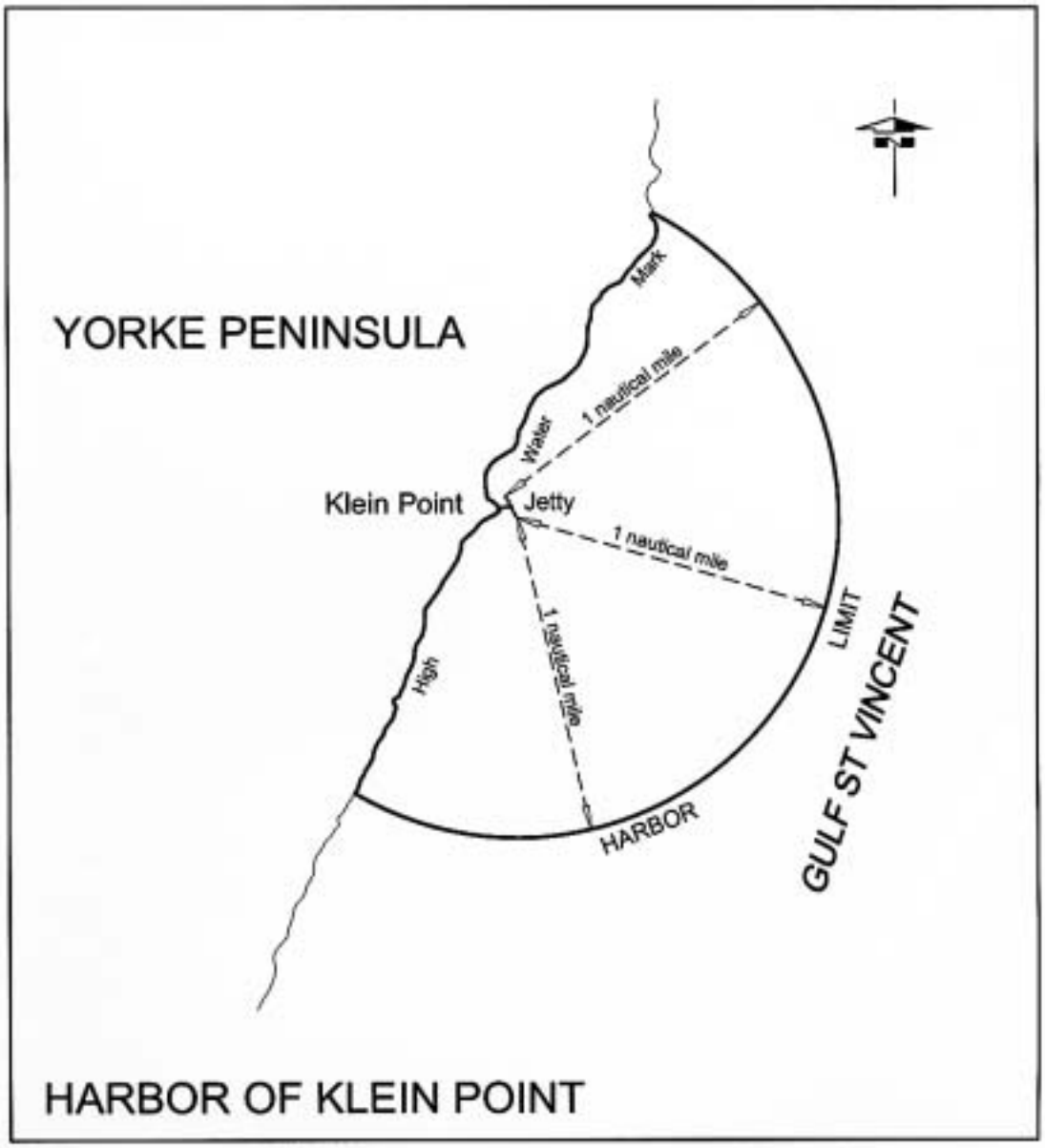
Kingston (SE)

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within 100 m seaward of any part of the Kingston Jetty.



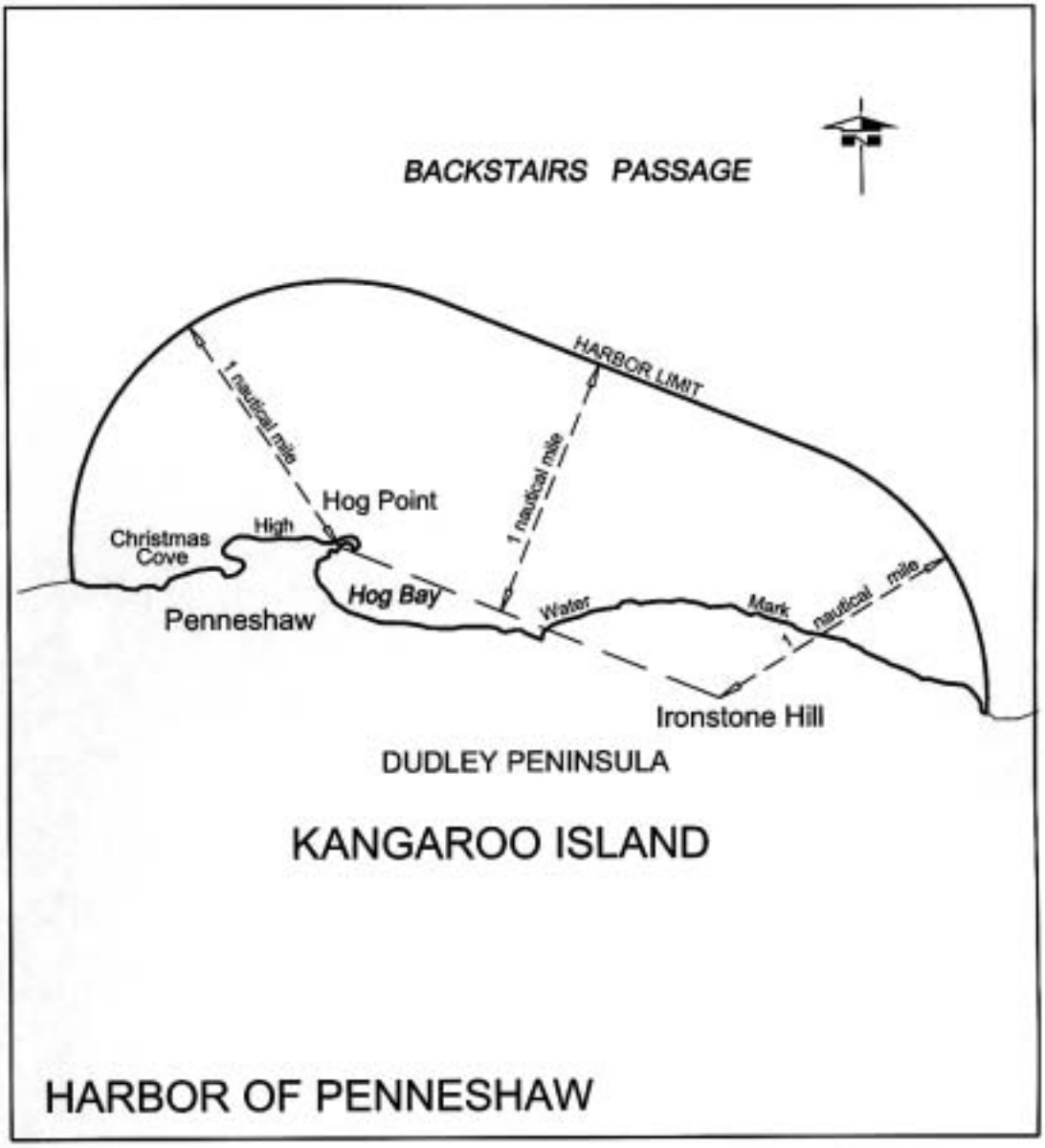
Klein Point

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within 1 nautical mile seaward of any part of the Klein Point Jetty.



Penneshaw

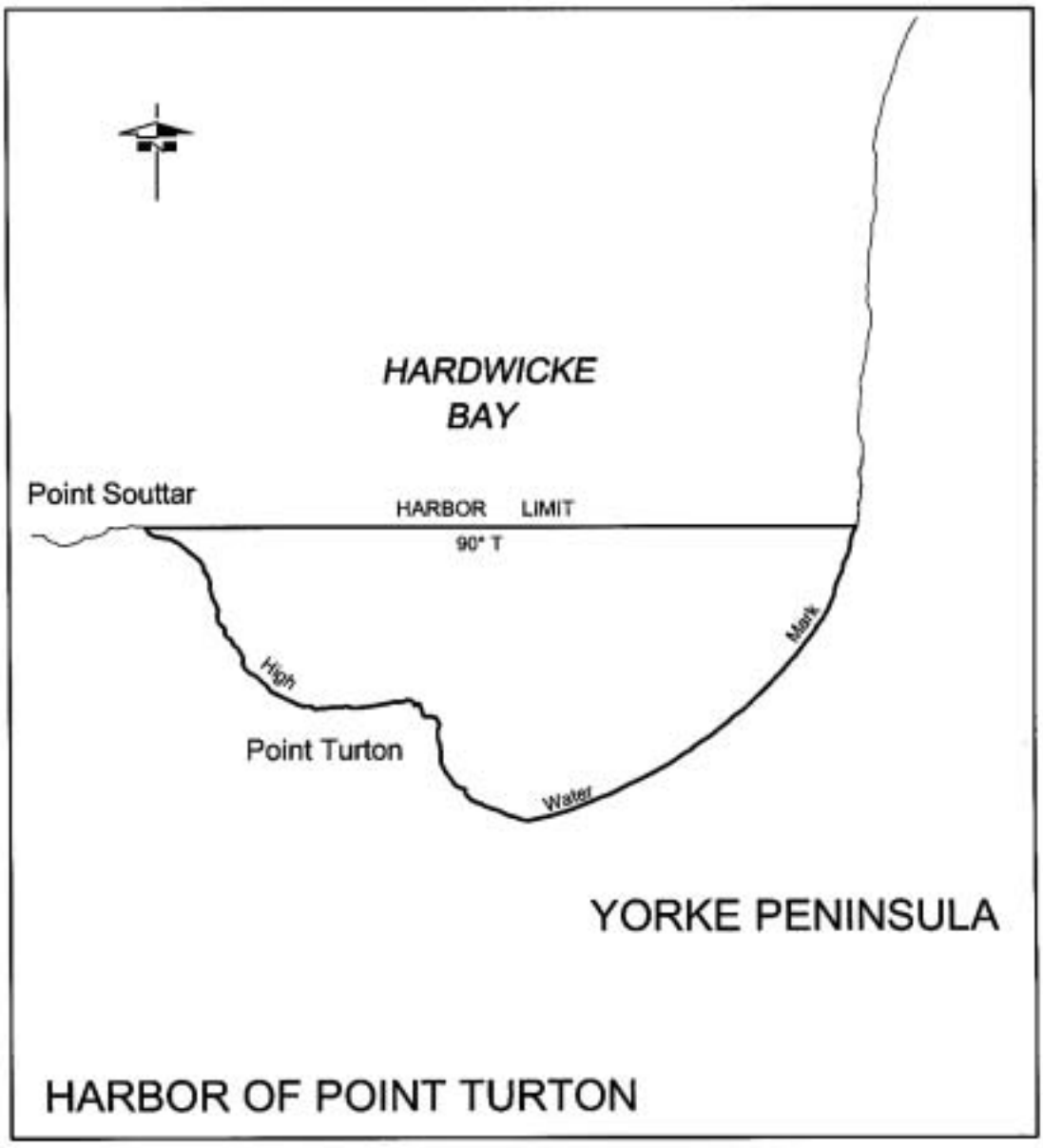
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the northern coast of Dudley Peninsula, Kangaroo Island, and within a straight line from Hog Point to Ironstone Hill, and 1 nautical mile to seaward from any point on that 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

The following areas:

(a) the subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark bounded as follows:

(i) 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);

(ii) 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);

(iii) on the west by a line extending north-north-westerly and connecting the western extremities of the southern and northern boundaries;

but excluding—

(iv) 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 1 nautical mile north of the Largs Bay Jetty, except for—

(A) a strip of land 10 m 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

(B) a strip of land 10 m 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;

(v) the area bounded on the south by a line running east and west 1 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;

(vi) 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;

(vii) 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:

(A) 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′;

(B) 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:

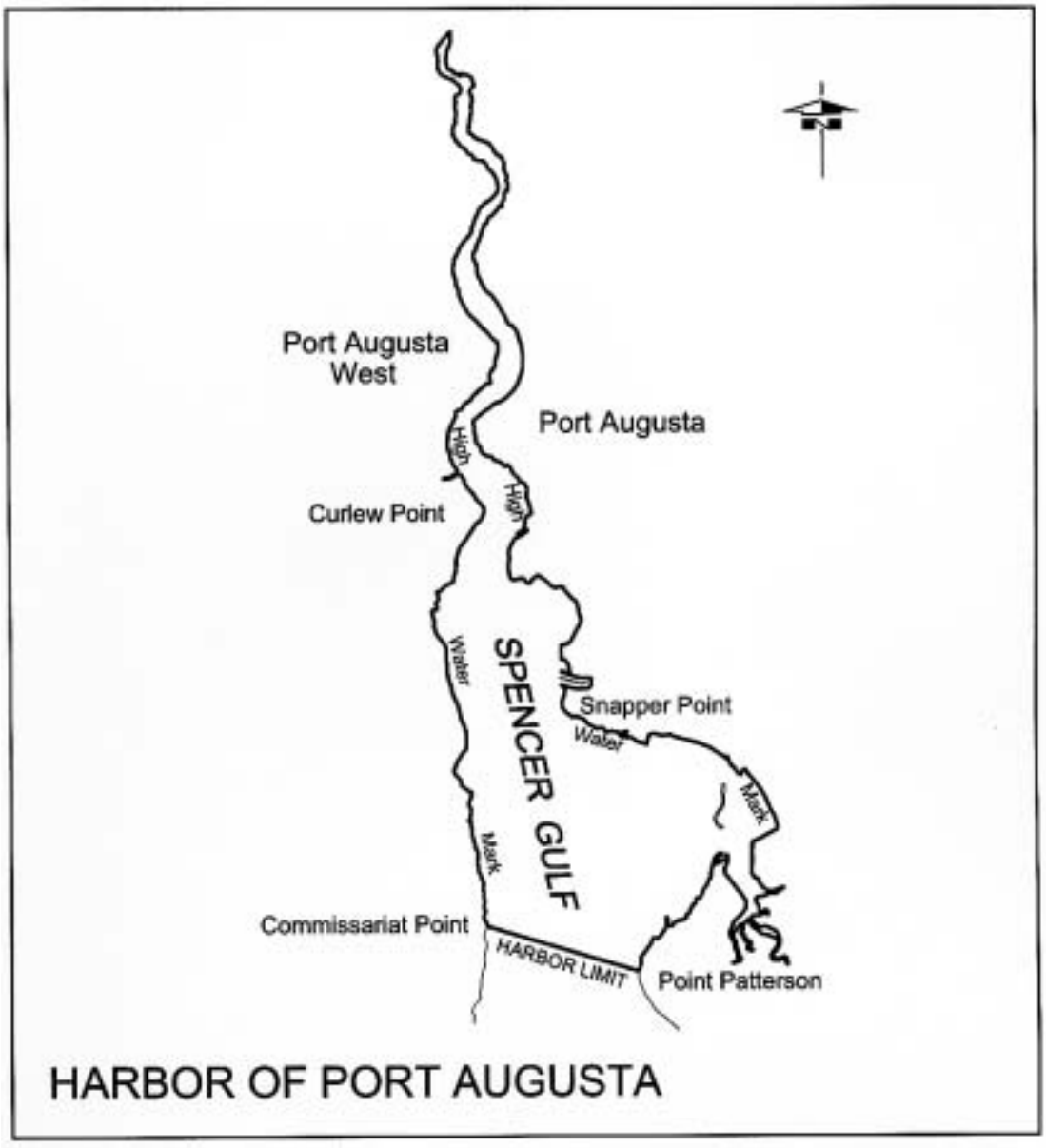
- Allotments 1, 2, 7, 9, 10 and 12 of Deposited Plan No 40901
- Allotments 52, 55, 57 and 58 of Deposited Plan No 41580
- Allotments 1, 2, 4, 5 and 6 of Deposited Plan No 41006
- Allotments 1, 3, 4 and 7 of Deposited Plan No 41578
- Allotments 101 and 102 of Deposited Plan No 39922
- Allotment 2 of Deposited Plan No 31181

- Allotments 54 and 55 of Deposited Plan No 41577.

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.

Port Augusta

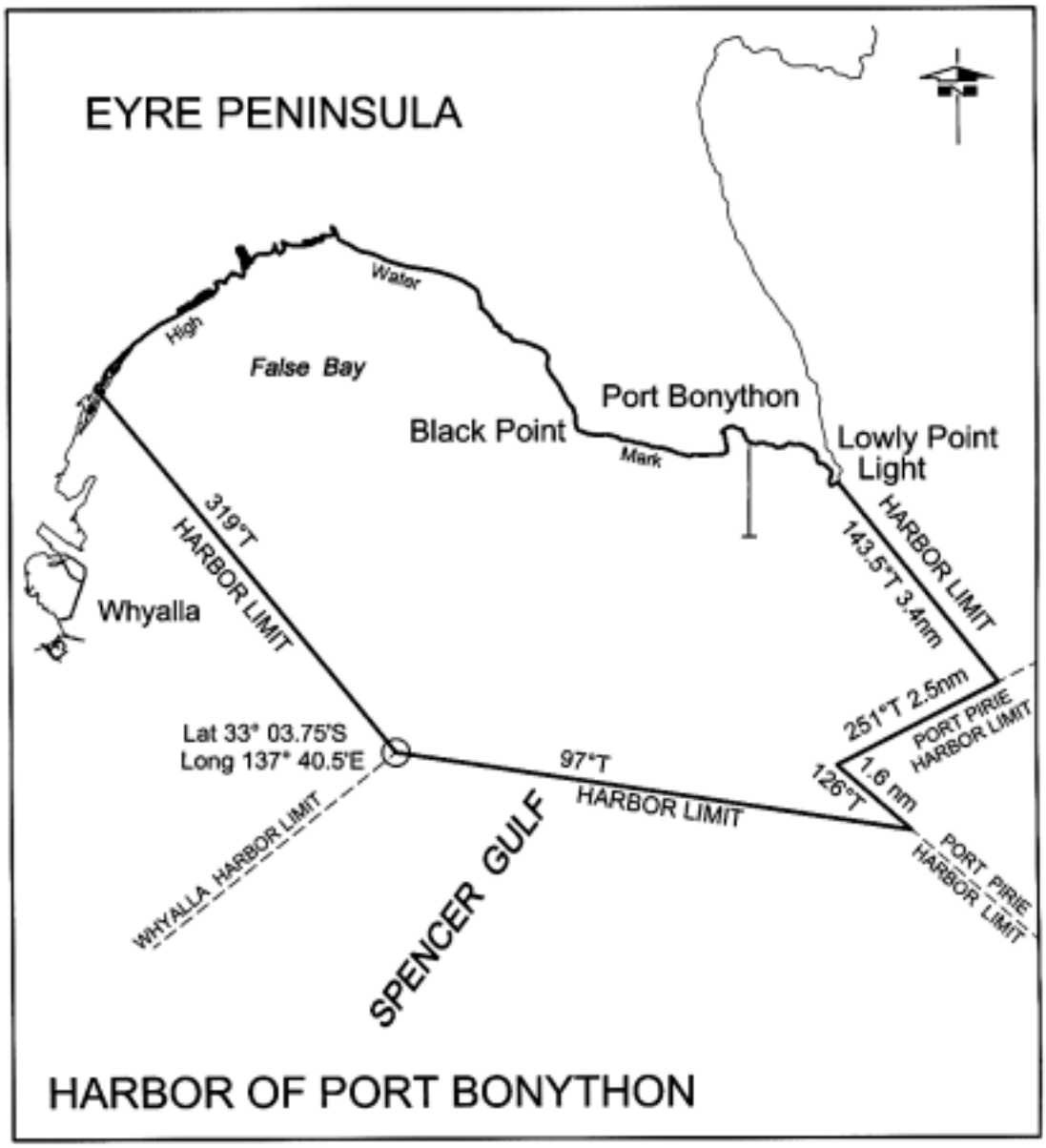
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of all that portion of Spencer Gulf, north of a line drawn across the Gulf from Point Patterson to Commissariat Point, and including all navigable waters to the extreme northern extent of the Gulf.



Port Bonython

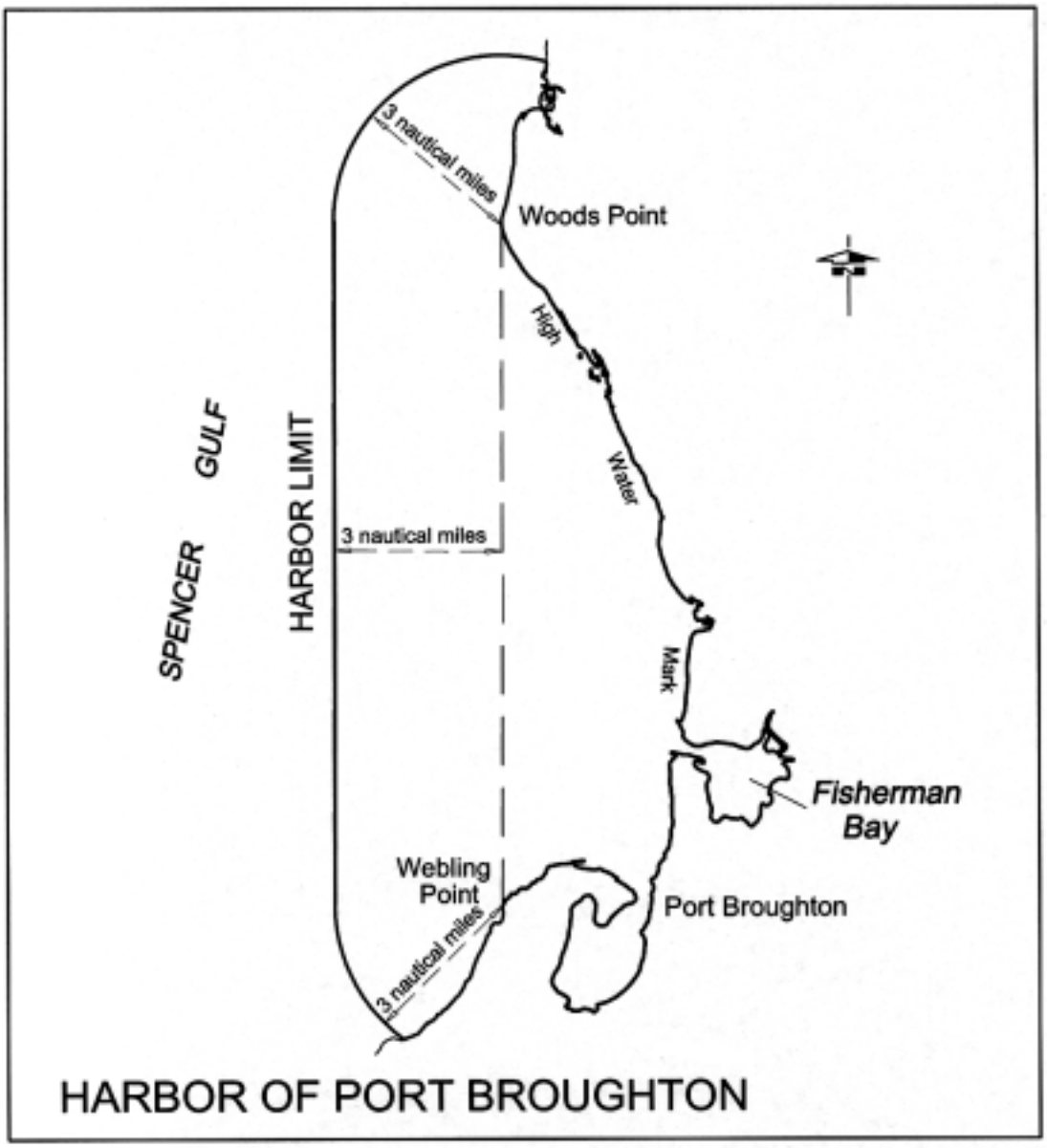
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of that portion of the western coast of Spencer Gulf bounded as follows:

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

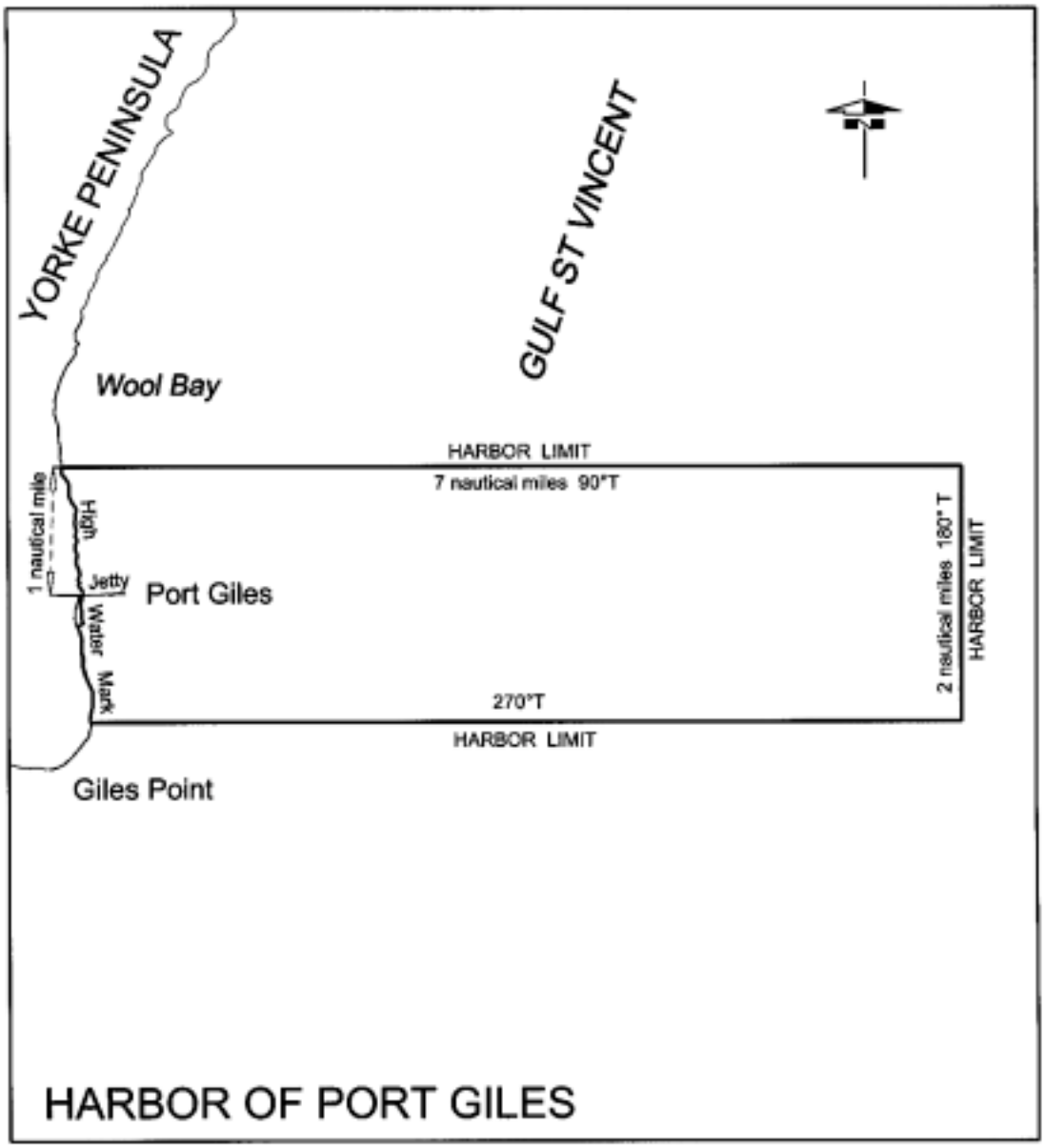
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark on the eastern coast of Spencer Gulf, and within a straight line drawn from Woods Point to Webling Point, and over 3 nautical miles to seaward measured from any point on the line.



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 1 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 7 nautical miles; then on a line bearing due south for 2 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.



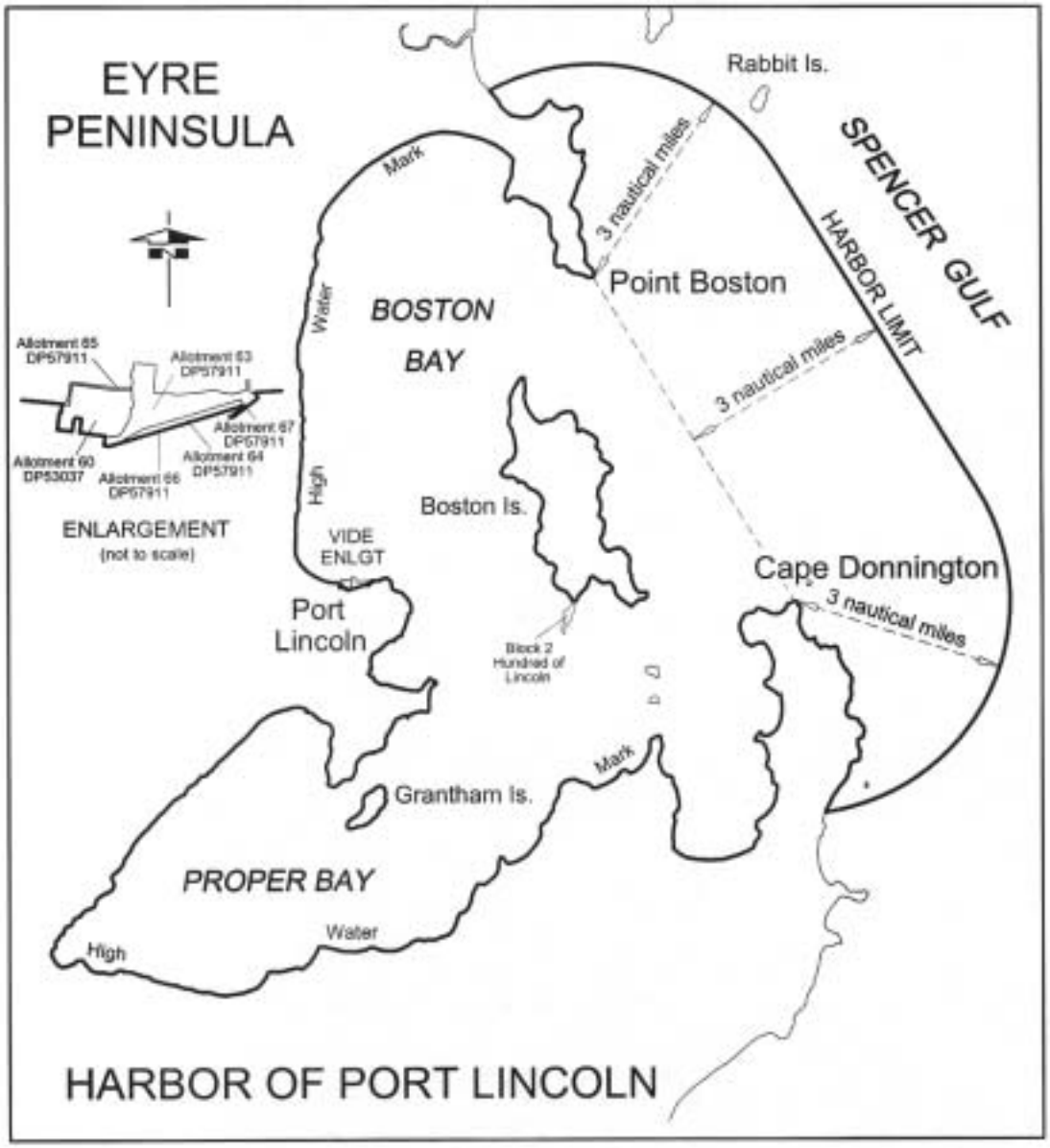
Port Lincoln

The following areas:

(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 within 3 nautical miles to seaward, measured from any point on the line;

(b) the following parcels of land:

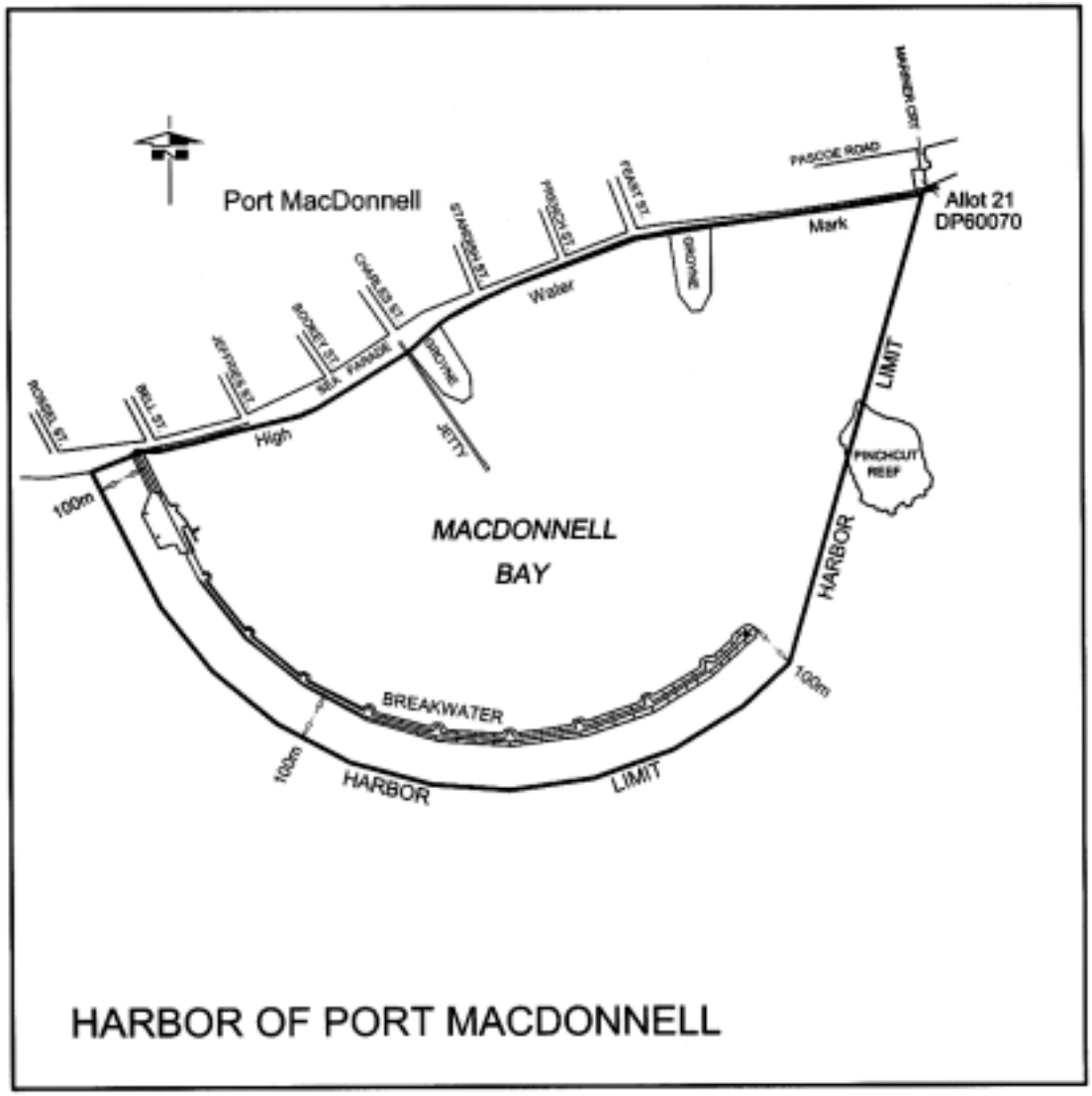
- Allotments 63, 64, 65 and 66 in Deposited Plan No 57911
- Allotment 60 in Deposited Plan No 53037
- Block 2, Hundred of Lincoln.



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 m 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 Allotment 21 of Deposited Plan No 60070 to its intersection with high water mark, then generally westerly along high water mark to the point of commencement.



Port Pirie

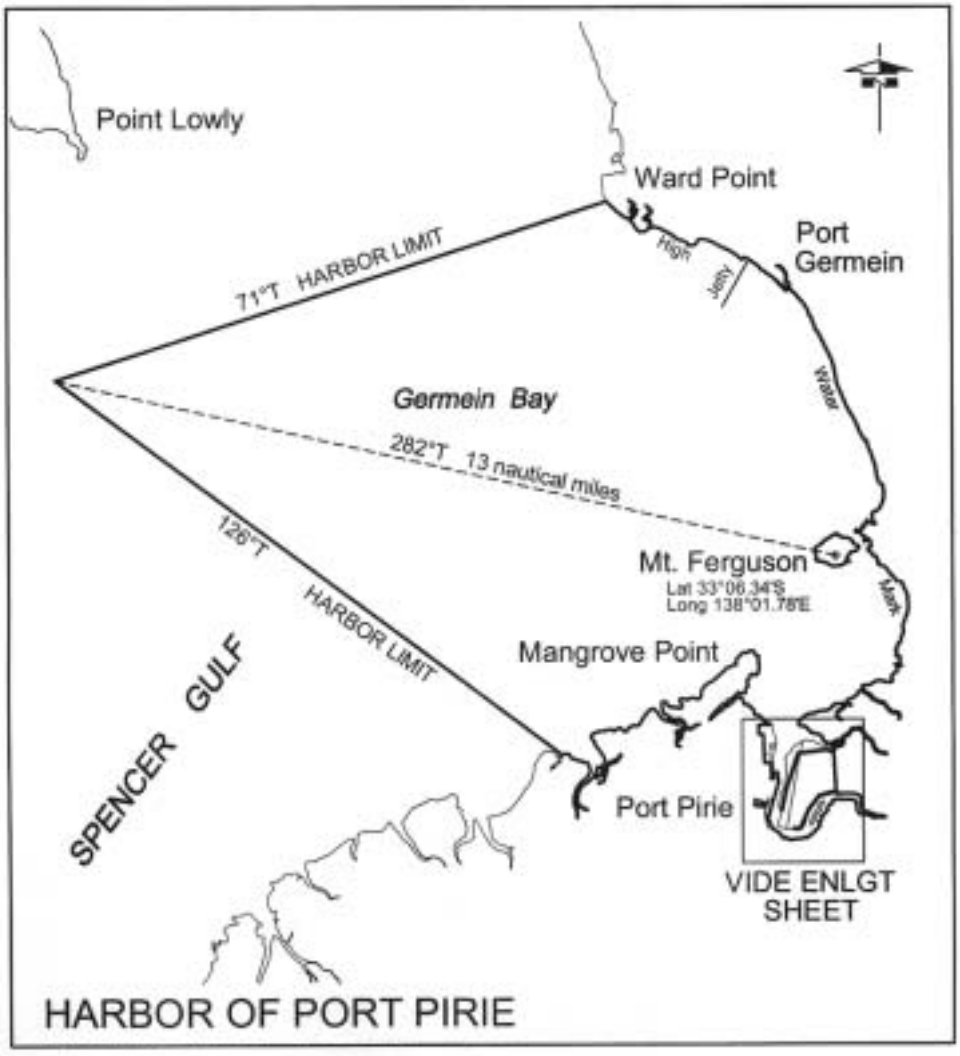
The following areas:

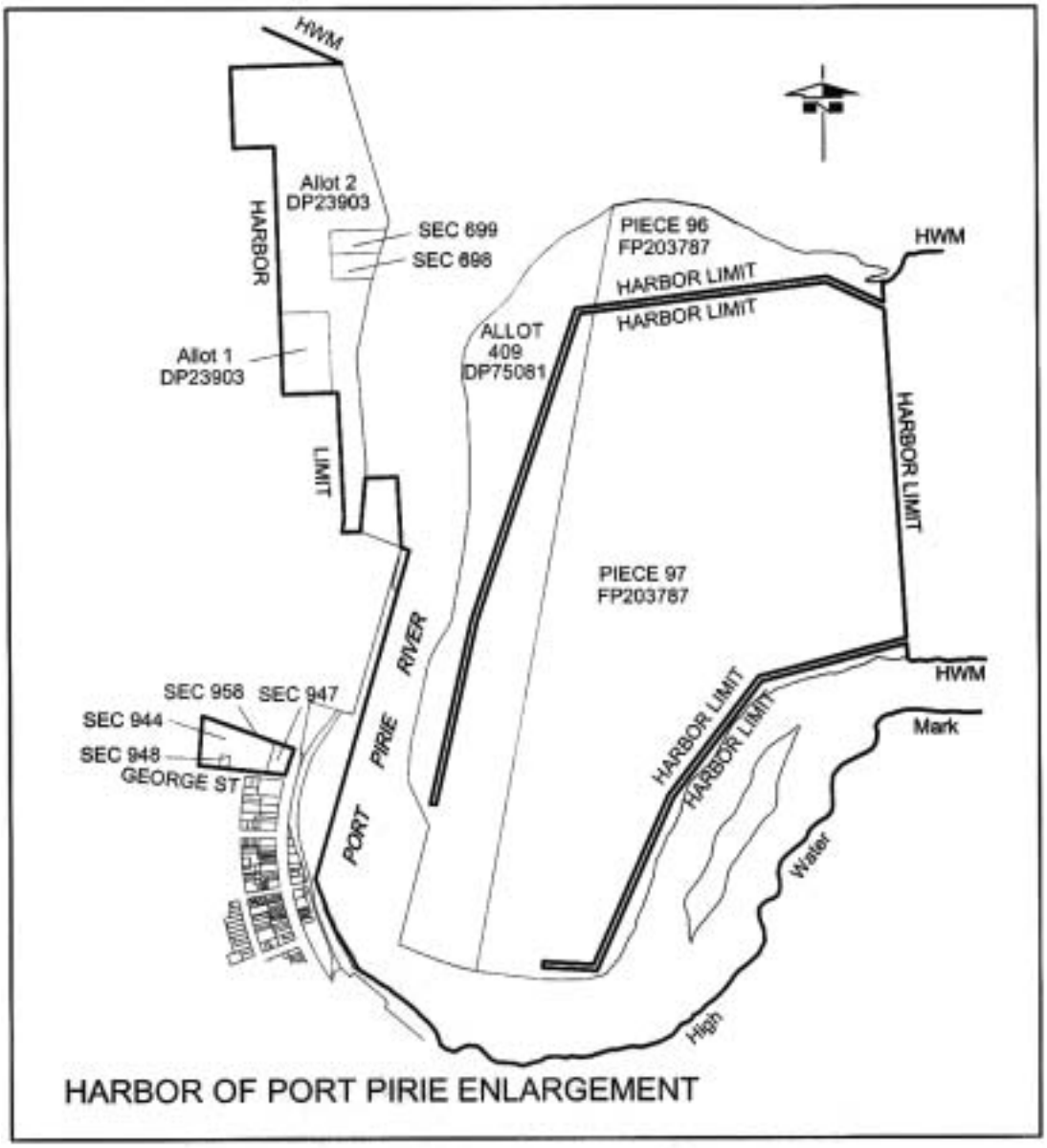
(a) the subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark in Germein Bay, Spencer Gulf, bounded as follows:

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 following parcels of land:

- Allotments 409 of Deposited Plan No 57081
- Pieces 96 and 97 in Filed Plan 203787
- Sections 698, 699, 944, 947, 948 and 958, Hundred of Pirie.




HWM
Allot 2
DP23903
HARBOR
SEC 699
SEC 698
PIECE 96
FP203787
HWM
HARBOR LIMIT
HARBOR LIMIT
Allot 1
DP23903
ALLOT
409
DP75081
LIMIT
HARBOR LIMIT
PIECE 97
FP203787
RIVER
PIRIE
PORT
SEC 958
SEC 947
SEC 944
SEC 948
GEORGE ST
HWM
Mark
HARBOR LIMIT
HARBOR LIMIT
Water
High
HARBOR OF PORT PIRIE ENLARGEMENT

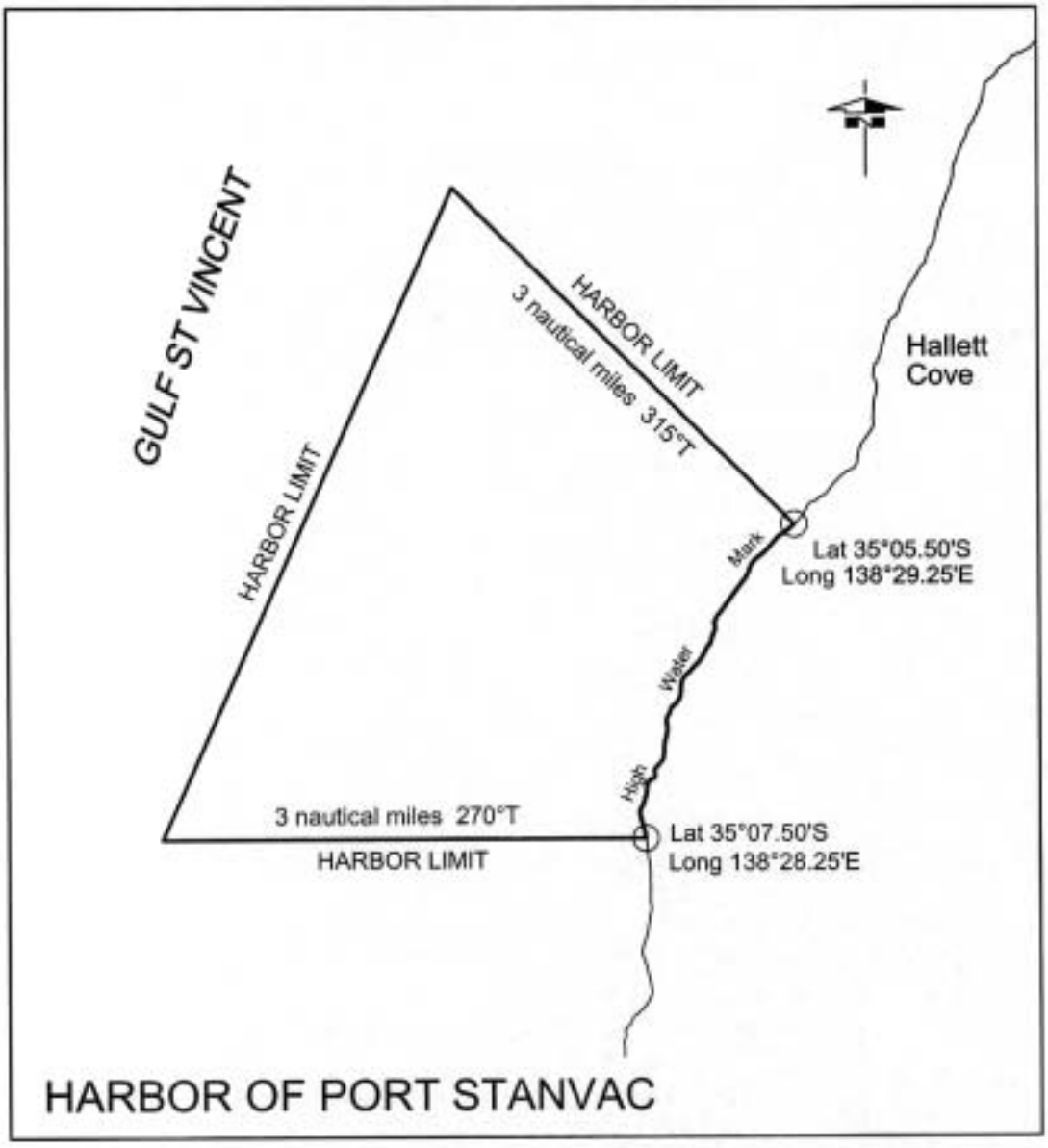
Port Stanvac

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:

(a) on the north-east by a line bearing 315° for 3 nautical miles from the high water mark at Latitude 35°05.50′S, Longitude 138°29.25′E approx.;

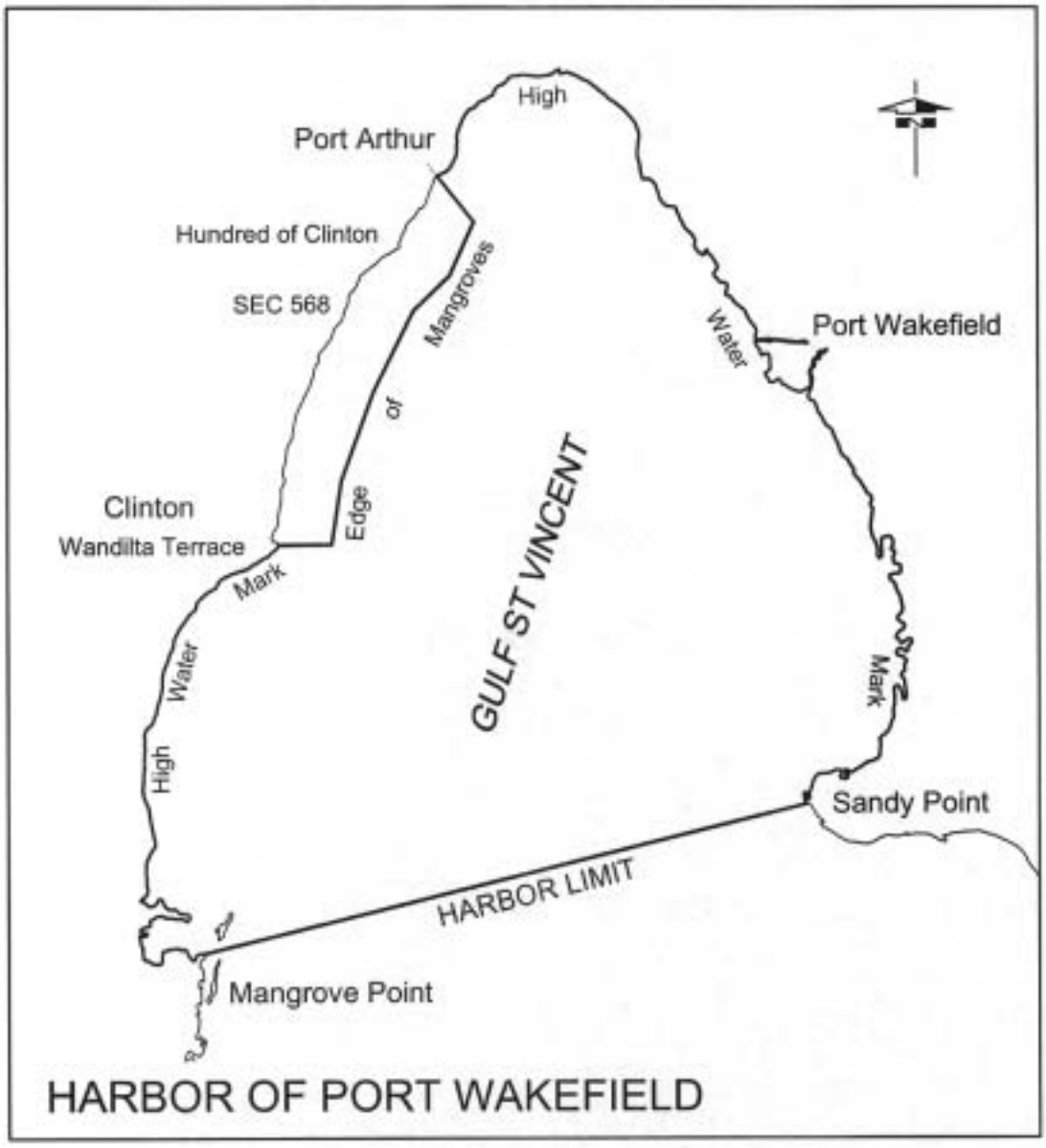
(b) on the south by a line bearing 270°T for 3 nautical miles from the high water mark at Latitude 35°07.50′S, Longitude 138°28.25′E approx.;

(c) on the north-west by a straight line connecting the extremities of those boundaries.



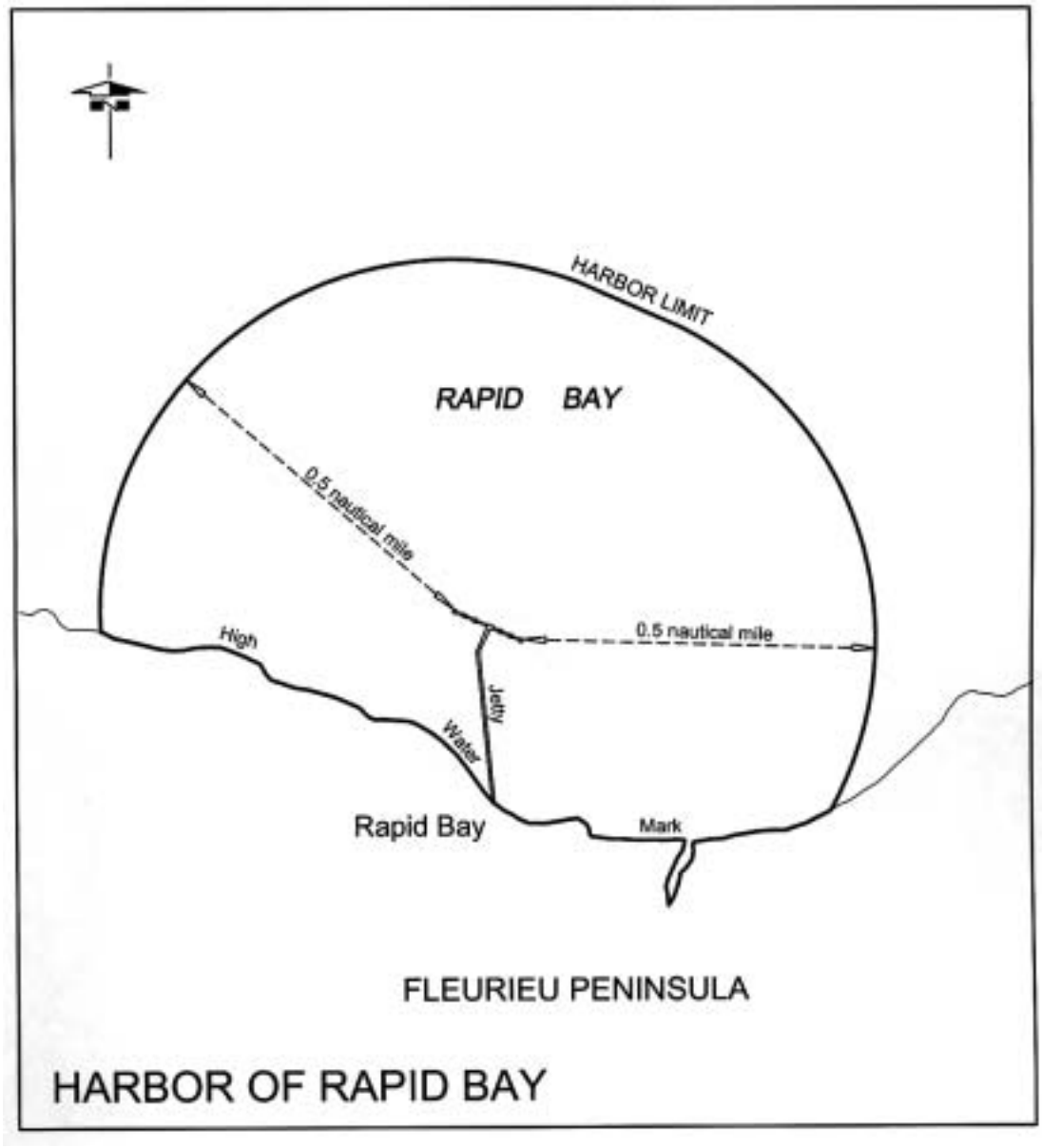
Port Wakefield

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 568 in the Hundred of Clinton; then generally southerly following that edge of the mangroves to the point of commencement.



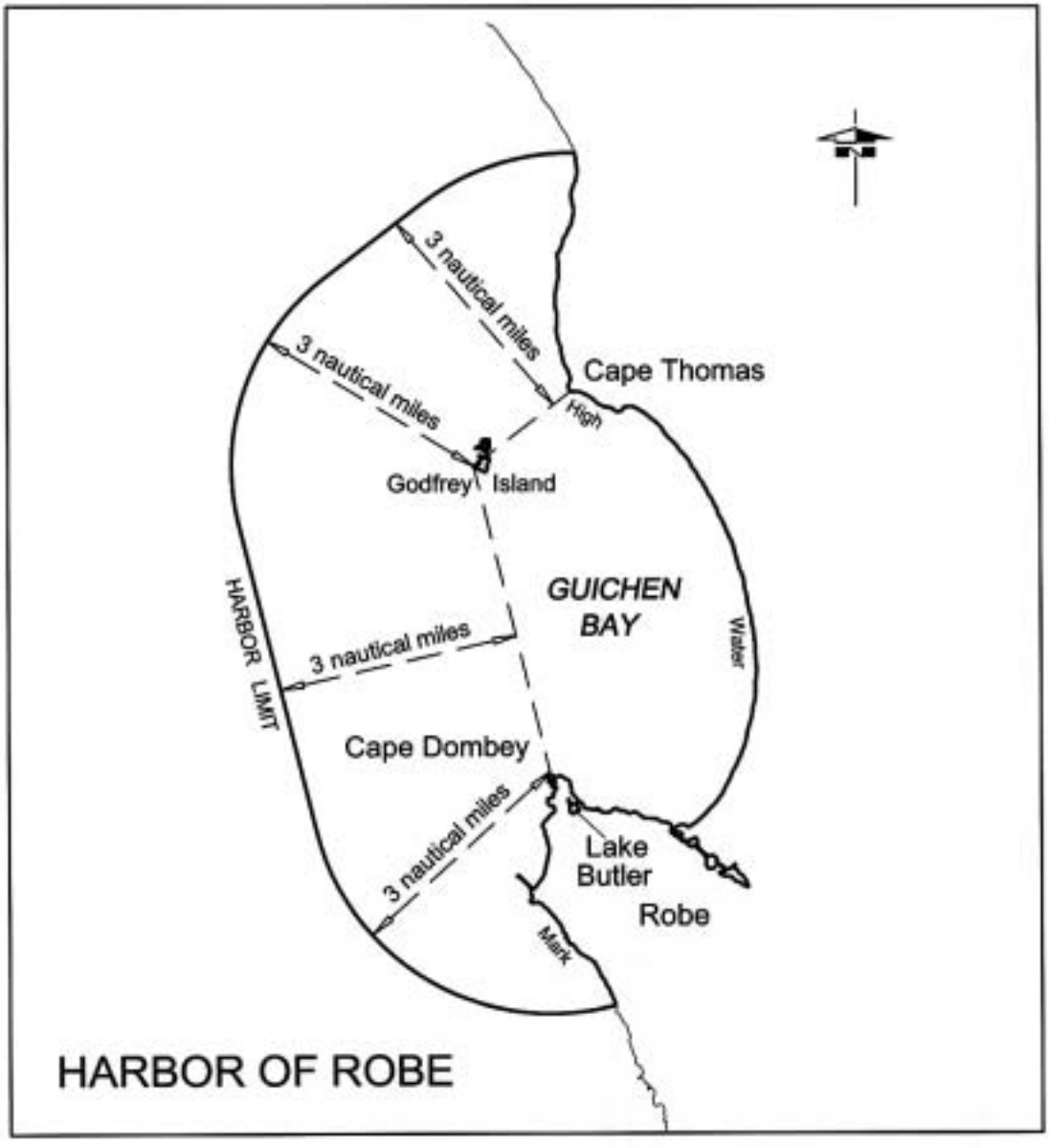
Rapid Bay

The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark within 0.5 nautical miles seaward of any part of the Rapid Bay Jetty.



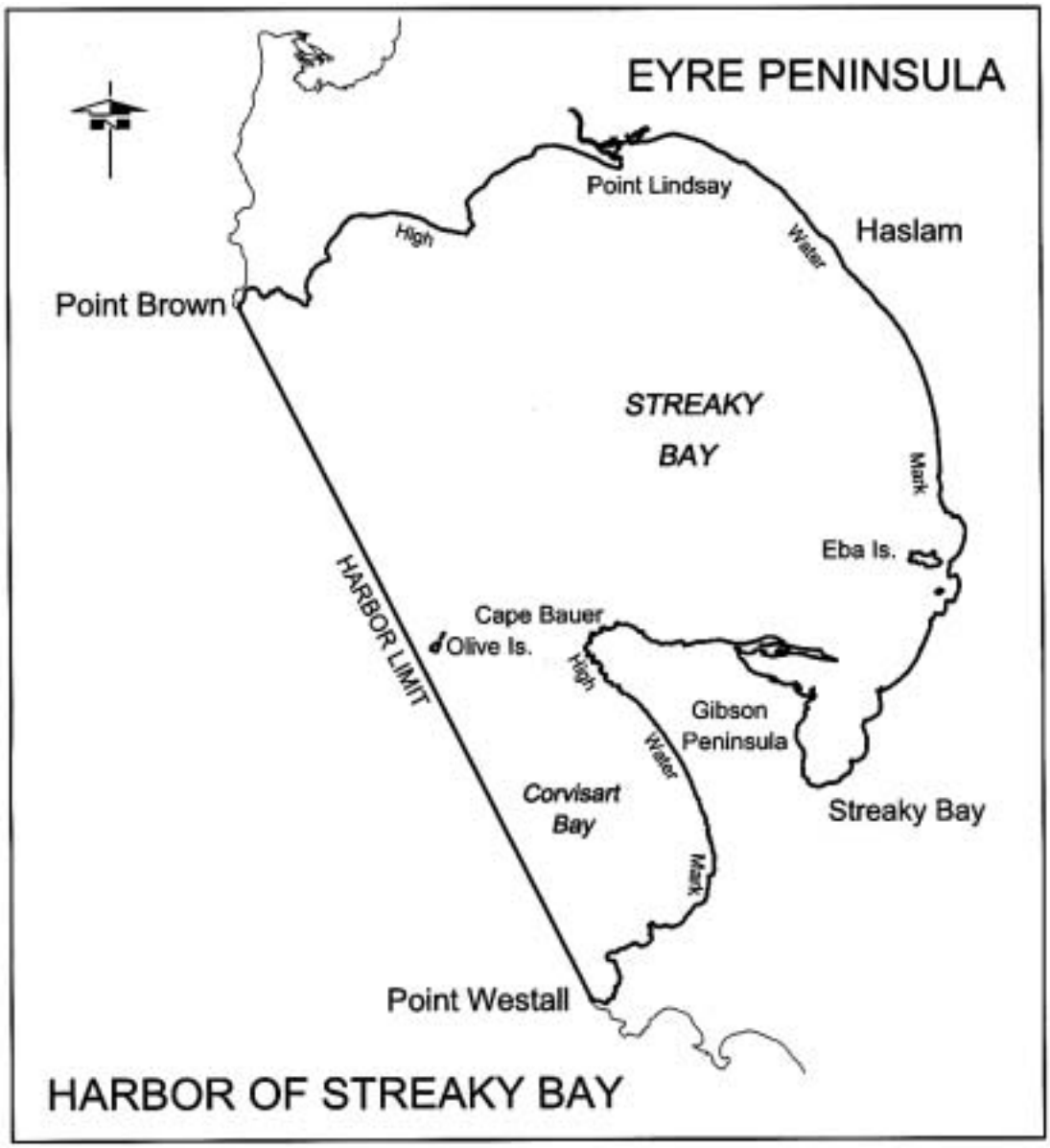
Robe

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 3 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

The following areas:

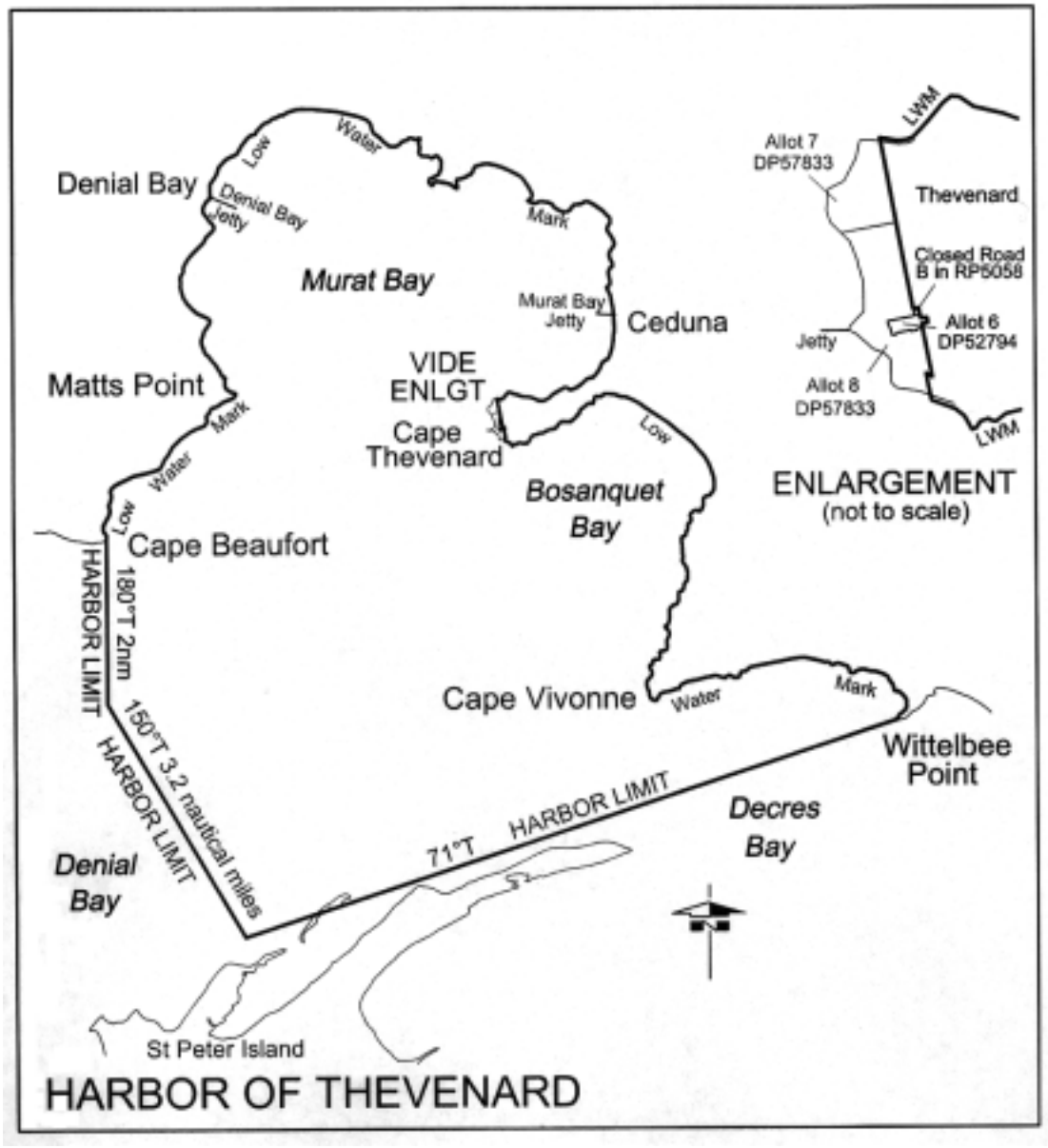
(a) the subjacent land underlying the waters, rivers, creeks and inlets to low water mark of portions of Denial Bay, Murat Bay, Bosanquet Bay, and D'Ecres Bay bounded as follows:

commencing at low water mark, Cape Beaufort, Hundred of Moule, then true south for 2 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 m wide being 15.24 m 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 m wide being 15.24 m 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;

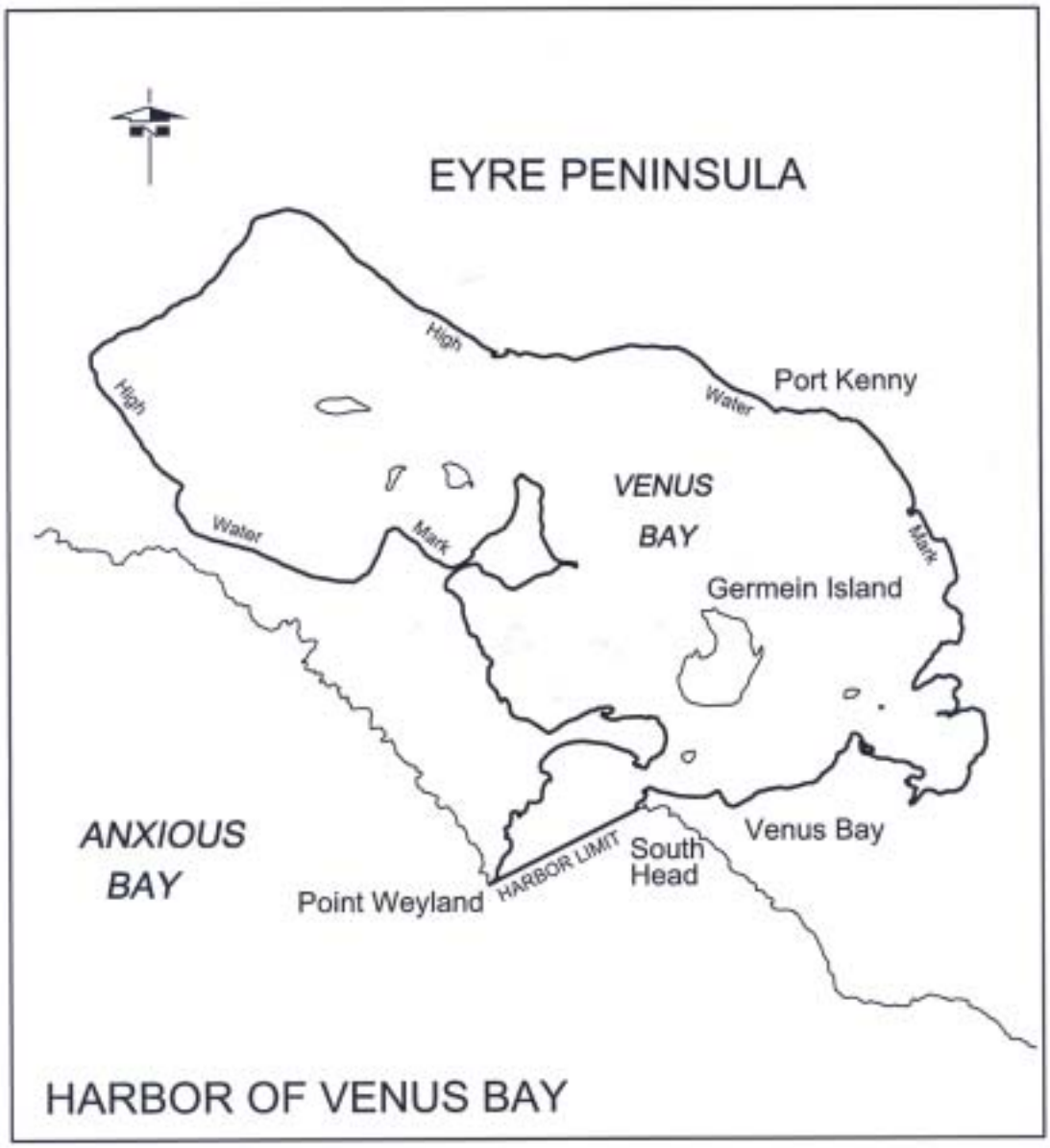
(b) the whole of the land comprised in—

- Allotments 7 and 8 in Deposited Plan No 57833
- Allotment 6 in Deposited Plan No 52794
- Closed Road B in Road Plan 5058.


Denial Bay
Low Water
Denial Bay Jetty
Mark
Murat Bay
Murat Bay Jetty
Ceduna
VIDE ENLGT
Matts Point
Mark
Water
Cape Thevenard
Low
Bosanquet Bay
Cape Beaufort
HARBOR LIMIT
180°T 2nm
150°T 3.2 nautical miles
HARBOR LIMIT
Cape Vivonne
Water
Mark
Wittelbee Point
71°T HARBOR LIMIT
Decres Bay
Denial Bay
St Peter Island
HARBOR OF THEVENARD
Allot 7 DP57833
LWM
Thevenard
Closed Road B in RP5058
Allot 6 DP52794
Jetty
Allot 8 DP57833
LWM
ENLARGEMENT
(not to scale)

Venus Bay

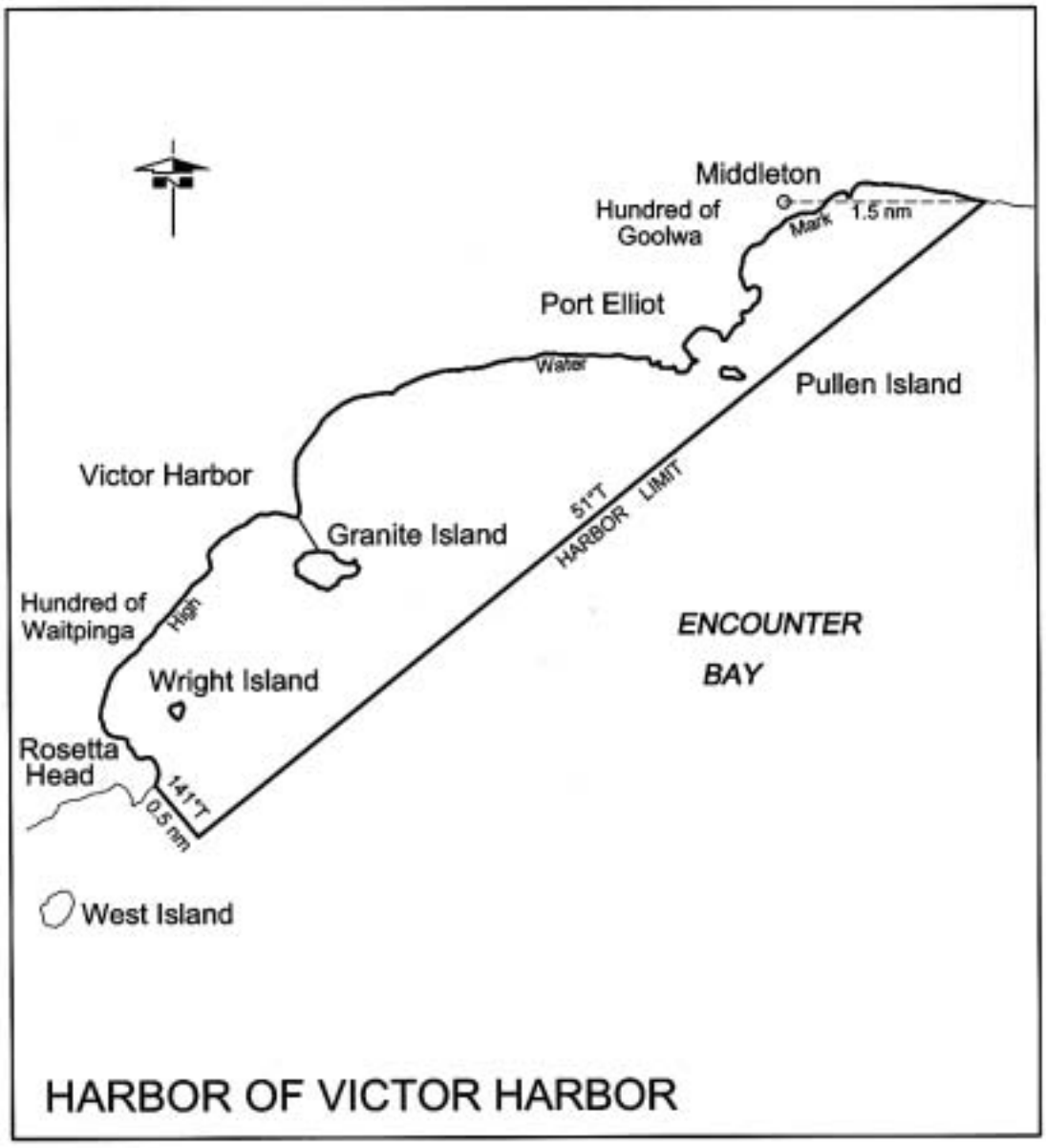
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark of Venus Bay, including the islands of the bay and the subjacent land underlying, and the adjacent land extending from, waters to the north of a straight line between Point Weyland and South Head.



Victor Harbor

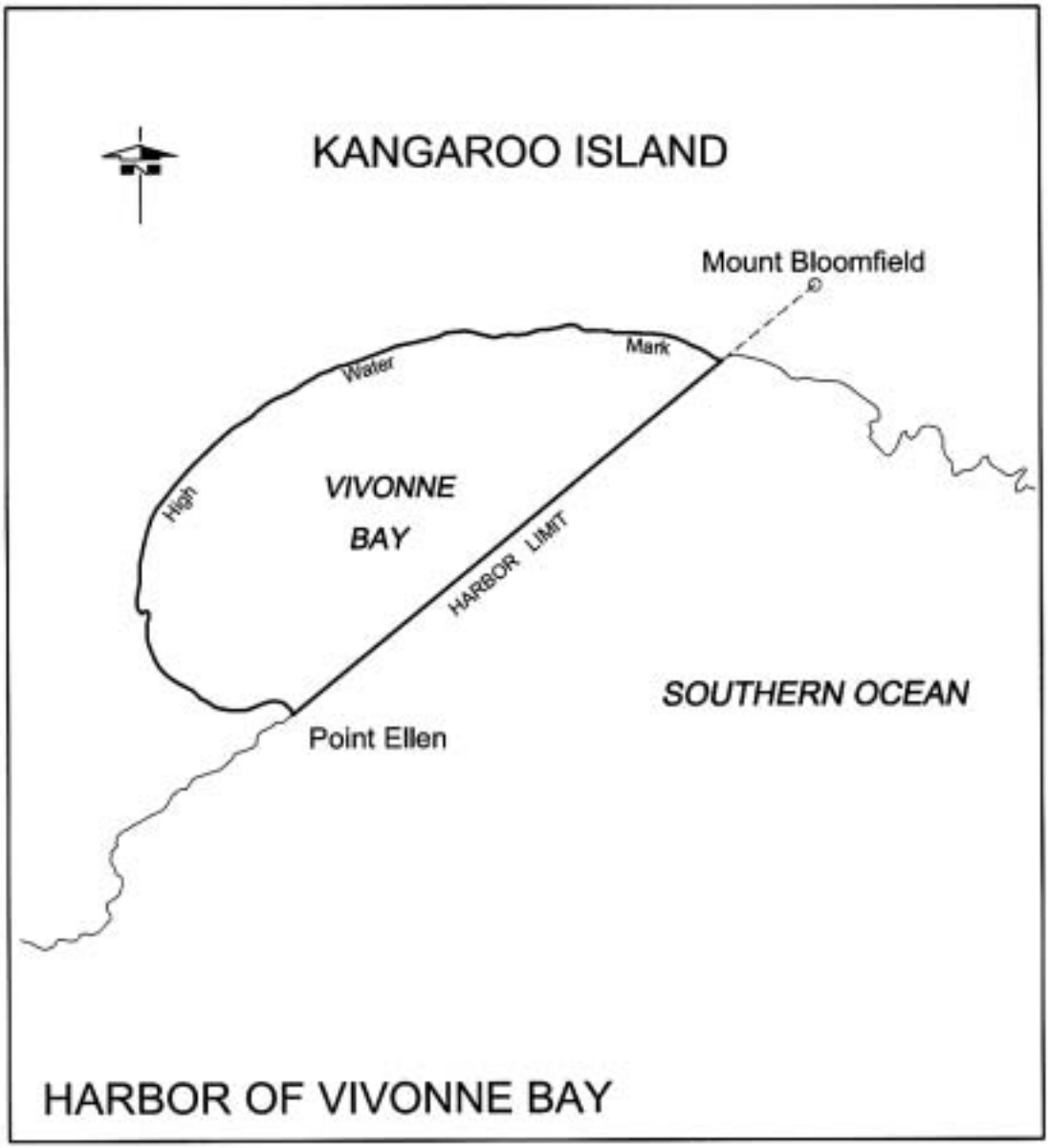
The subjacent land underlying, and the adjacent land extending from, the waters, rivers, creeks and inlets to high water mark bounded as follows:

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

The following areas:

(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:

(i) on the north by a line extending due west for 3 nautical miles from a point on high water mark at the south-west extremity on Point Riley;

(ii) on the south by a line extending due west for 3 nautical miles from a point on high water mark at the northern extremity of Point Hughes;

(iii) on the west by a line joining the seaward extremities of those north and south boundaries;

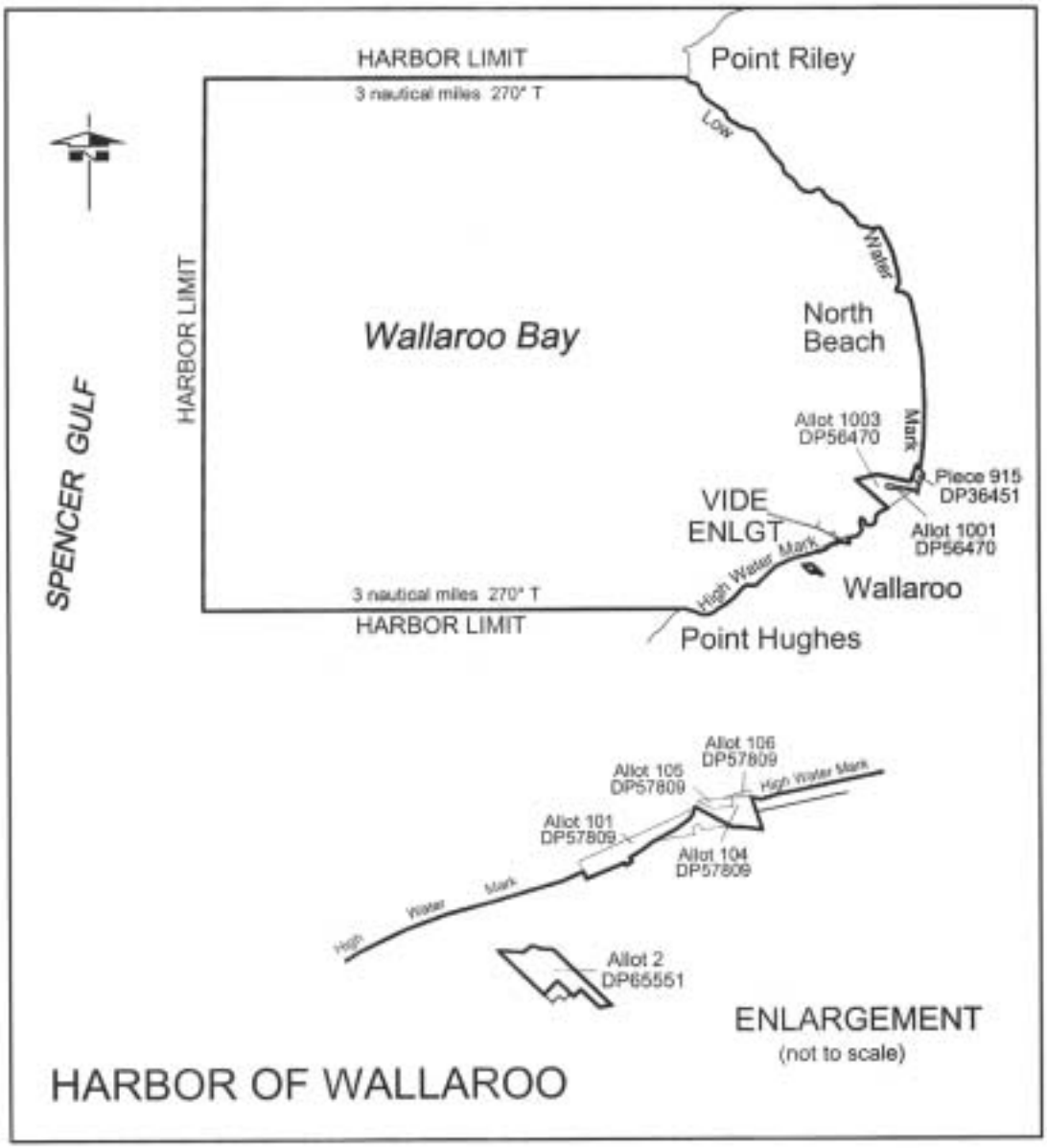
(iv) on the east commencing at a point where the southern boundary intersects with the high water mark and continuing in a general north-easterly direction along high water mark to the northerly most corner of Piece 915 in Deposited Plan No 36451 then generally northerly along the low water mark to Point Riley where it intersects with the northerly boundary,

but excluding—

(v) Allotments 1001 and 1003 in Deposited Plan No 56470;

(b) the whole of the land comprised in Certificate of Title Register Book—

- Allotments 101, 104, 105 and 106 in Deposited Plan No 57809
- Allotment 2 in Deposited Plan No 65551

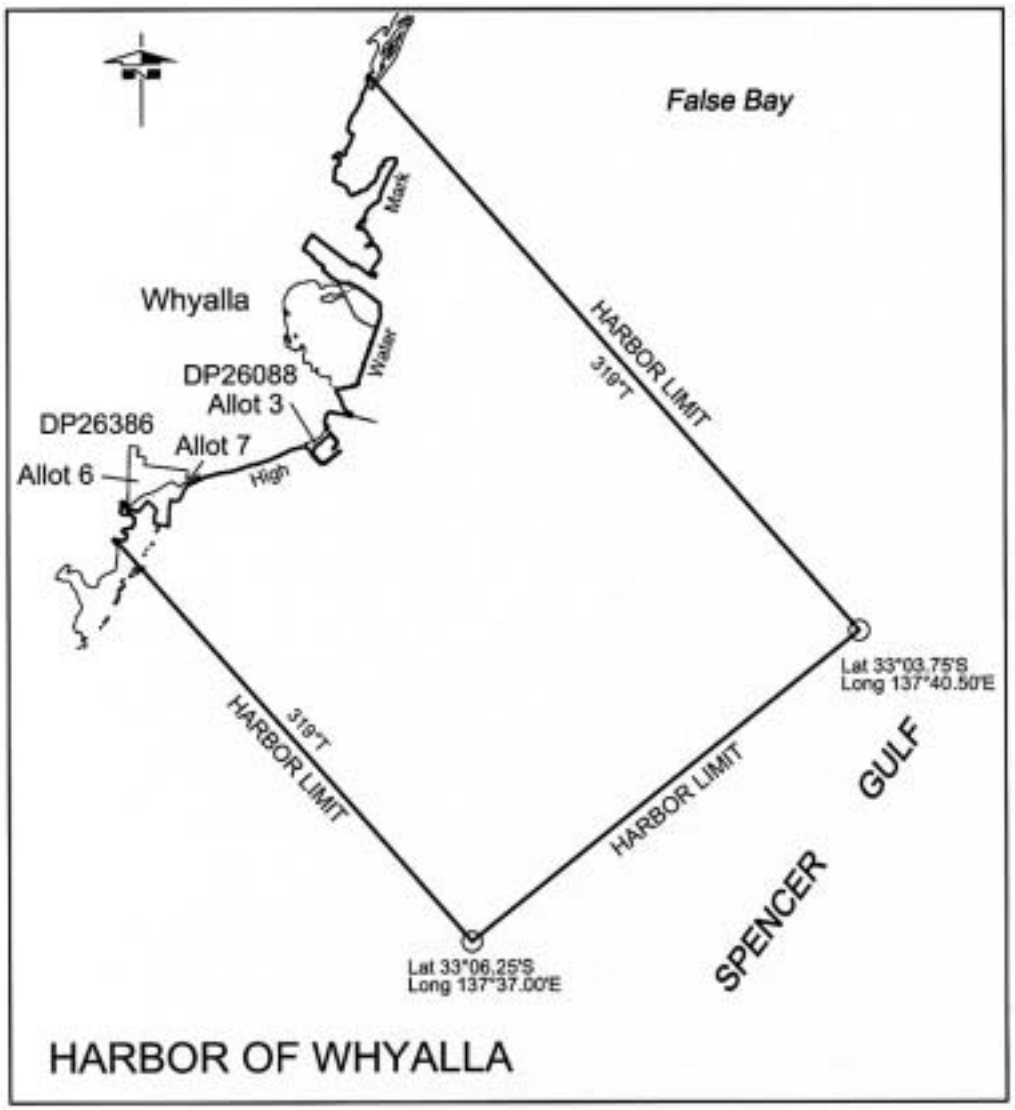


Whyalla

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 Deposited Plan No 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 Deposited Plan No 26386 as situated between the southern boundary of Allotment 7 and Medium High Water Mark;
- Allotment 3 in Deposited Plan No 26088, Hundred of Randell and Out of Hundreds (Whyalla).


False Bay
Mark
Whyalla
Water
DP26088
Allot 3
DP26386
Allot 7
Allot 6
High
HARBOR LIMIT
319°T
Lat 33°03.75'S
Long 137°40.50'E
319°T
HARBOR LIMIT
HARBOR LIMIT
GULF
SPENCER
Lat 33°06.25'S
Long 137°37.00'E
HARBOR OF WHYALLA

Schedule 4—Ports

Note—

Unless the contrary intention appears, the maps in this Schedule are provided for convenience of reference only.

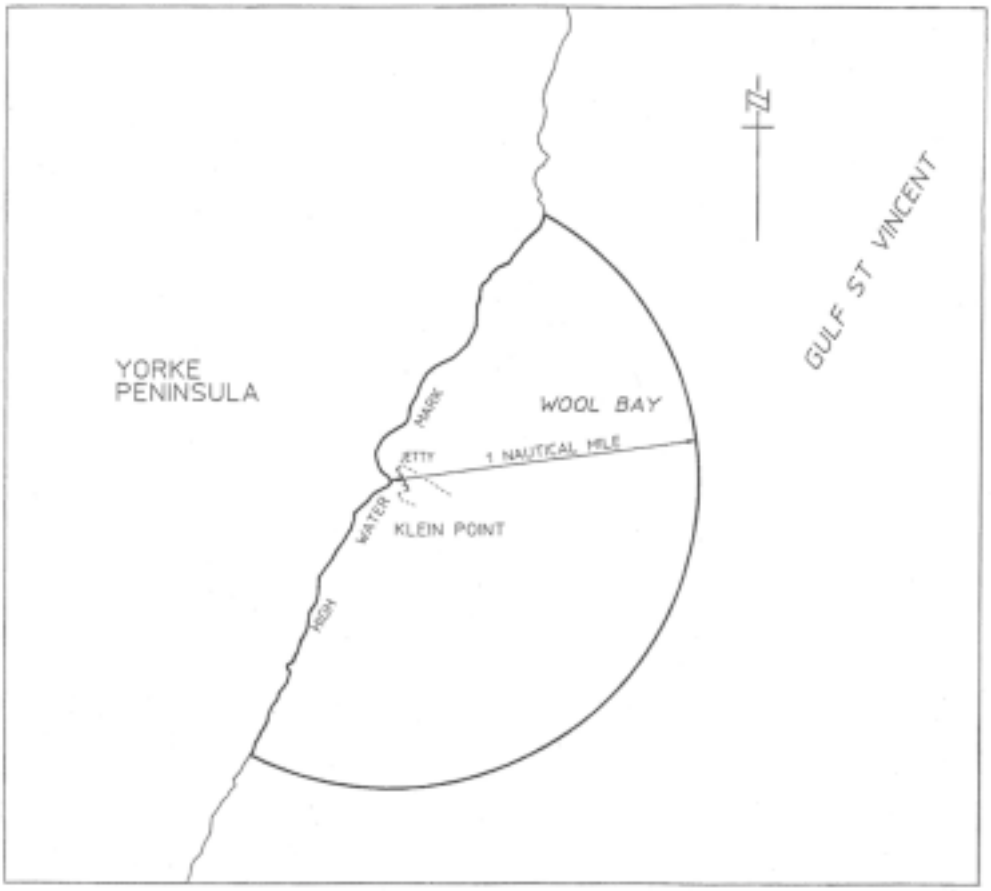
Ardrossan

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 1 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 the high water mark bounded as follows:

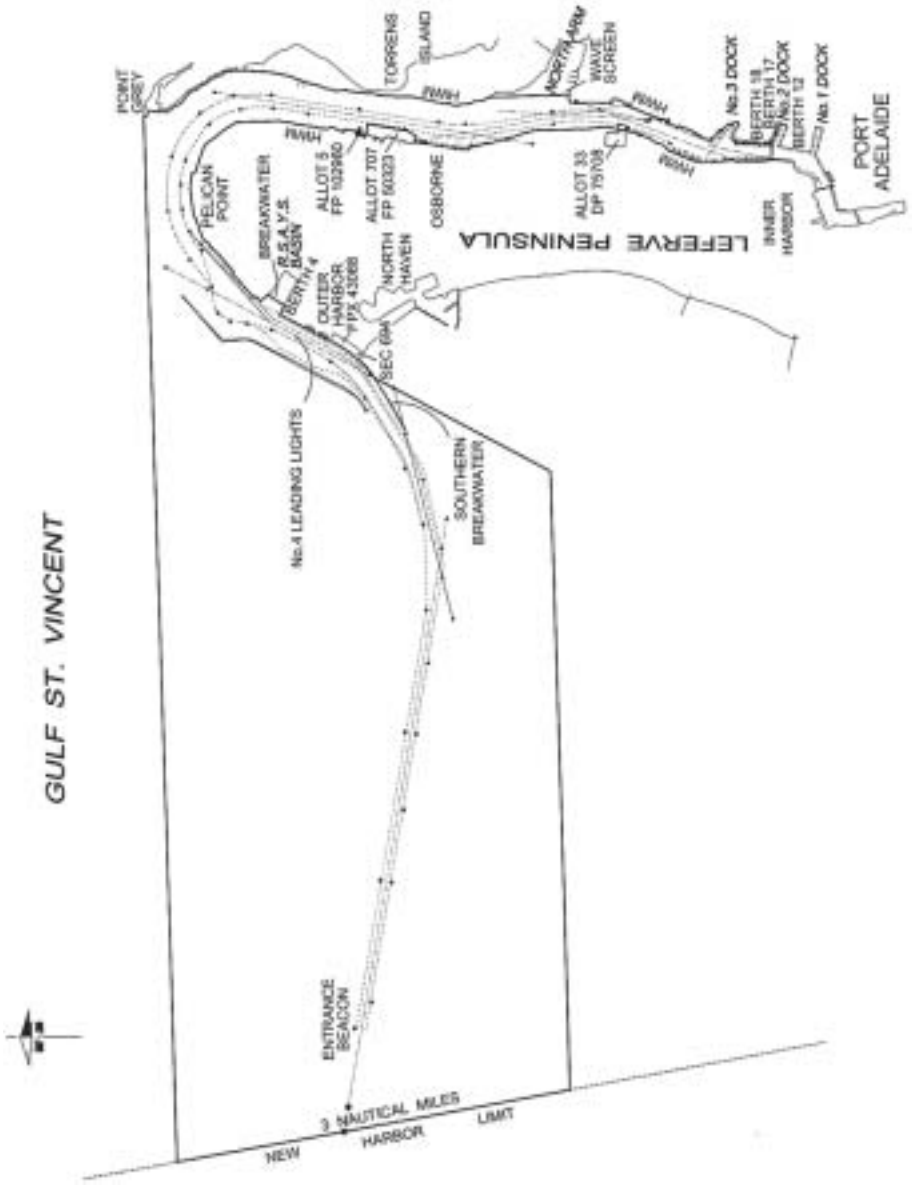
- commencing at Point Grey then due west along a line to its intersection with the western boundary of the harbor of Port Adelaide;
- then generally south-south-easterly along the harbor boundary for 3 nautical miles;
- then along a line due east to its intersection with the south-westerly production of the Number 4 Leading Lights;
- then generally north-easterly along the production to its intersection with the high water mark on the southern face of the Southern Breakwater;
- then generally north-easterly along the high water mark to its intersection with the south-western boundary of Section 694 Hundred of Port Adelaide;
- then generally north-westerly along that boundary of Section 694 Hundred of Port Adelaide across the Southern Breakwater to its intersection with the high water mark on the northern face of the Southern Breakwater;
- then generally north-easterly along the high water mark to the northern extremity of Number 4 berth;
- then generally south-easterly along the high water mark to its intersection with the production southerly of the high water mark of the western face of the breakwater at the Royal South Australian Yacht Squadron (RSAYS);
- then generally north-easterly along the production across the RSAYS Basin;
- then generally north-westerly and north-easterly along the high water mark to Pelican Point;
- then generally south-easterly and southerly along the high water mark to its intersection with a line across the Port Adelaide River perpendicular to the western face of Number 18 berth and intersecting the western face of Number 18 berth and its southerly production at the southern extremity of the western face of Number 18 berth;
- then generally easterly along that perpendicular line across the Port Adelaide River to its intersection with the high water mark;
- then generally northerly and easterly along the high water mark, including Number 3 dock, 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 the high water mark on Torrens Island;
- then generally northerly along the 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:

- before the prescribed day—Allotment 5 FP 102960; or

- on or after the prescribed day—
    - Allotment 5 FP 102960; and
    - Allotment 707 FP 50323; and
    - that Portion of Allotment 33 Deposited Plan No 75708 which comprises the Marina Adelaide basin and the entrance to that basin and is bounded by a straight line across the opening to the entrance that is an extension of the high water mark on the western bank of the river.

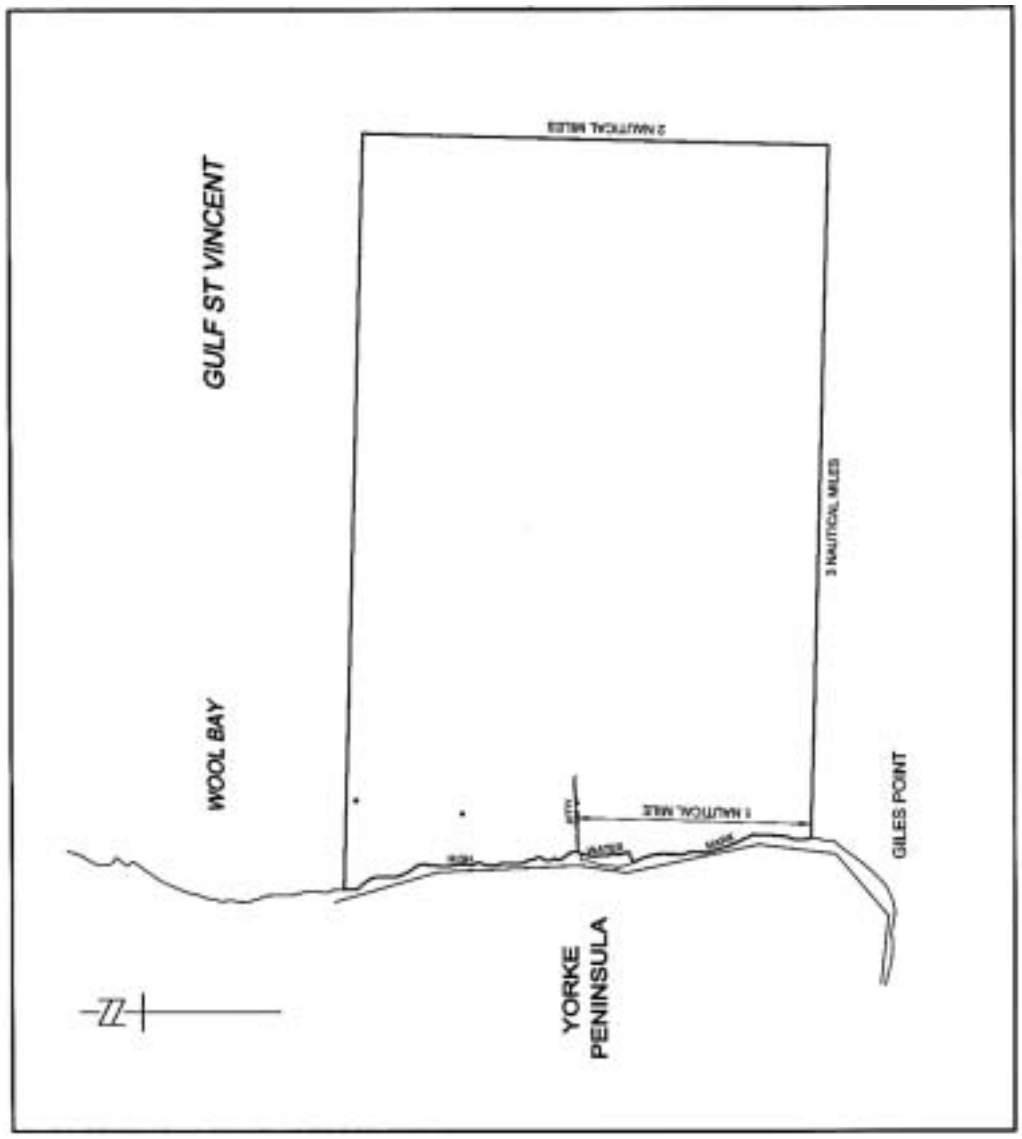
For the purposes of this item, the ***prescribed day*** is a day to be fixed by the Minister by notice in the Gazette.



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:

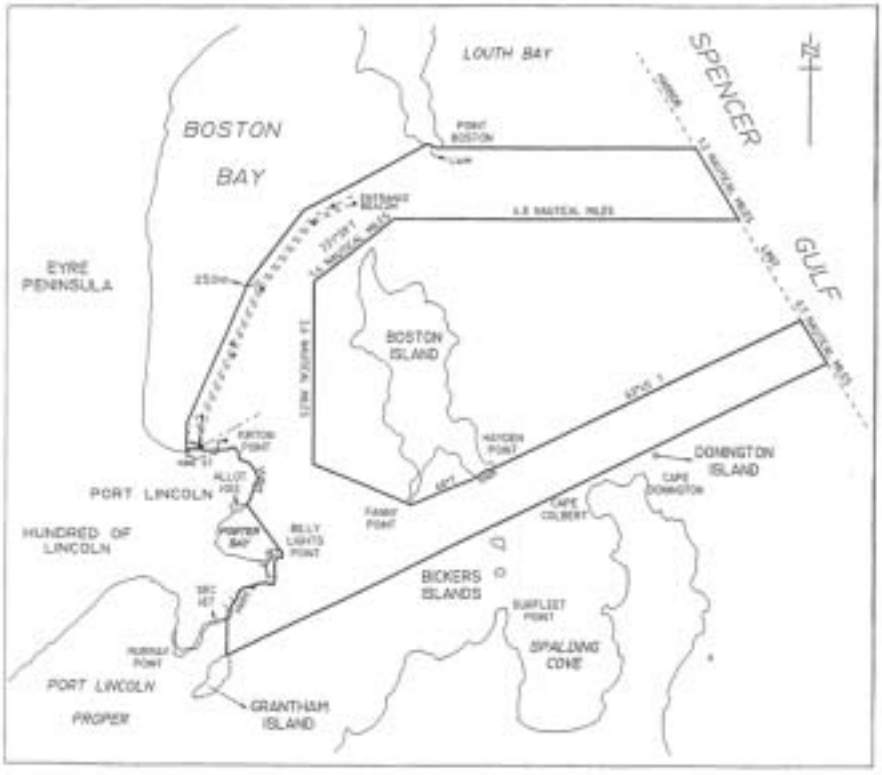
commencing at a point on high water mark 1 nautical mile due south of the intersection of the centre line of the Port Giles Jetty with high water mark; then by a line bearing due east from high water mark for 3 nautical miles; then by a line bearing due north for 2 nautical miles; then by a line bearing 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:

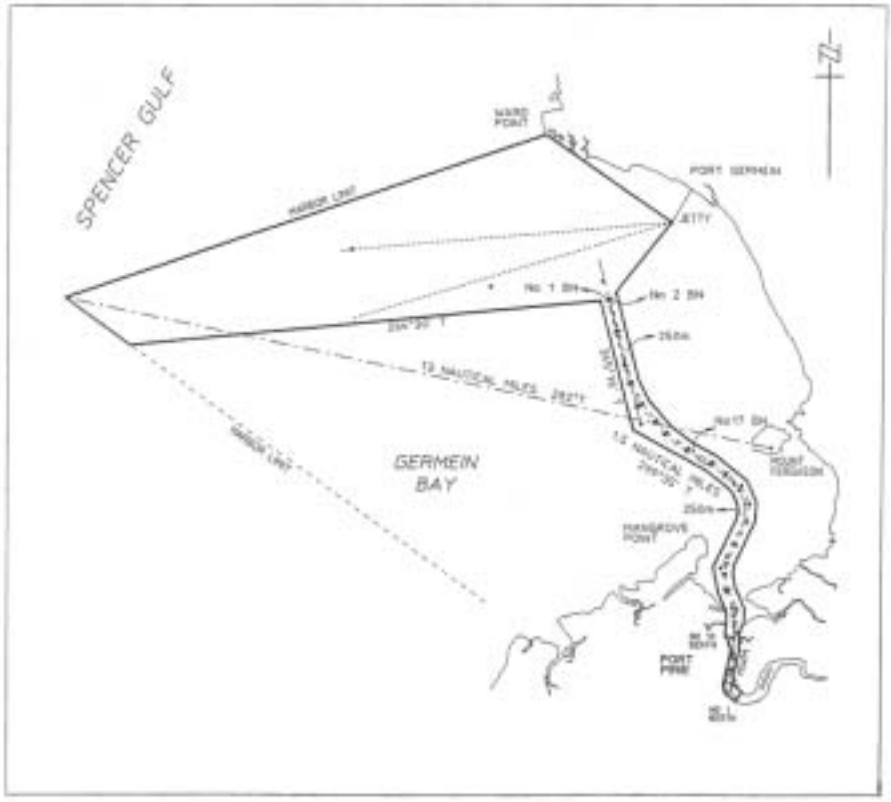
commencing at the intersection with high water mark of a line running due north from the north-east corner of King and Porter Streets; then due north along the said line to its intersection with a line 250 m from and parallel to the port side of the maintained channel; then generally north-easterly by a line 250 m 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:

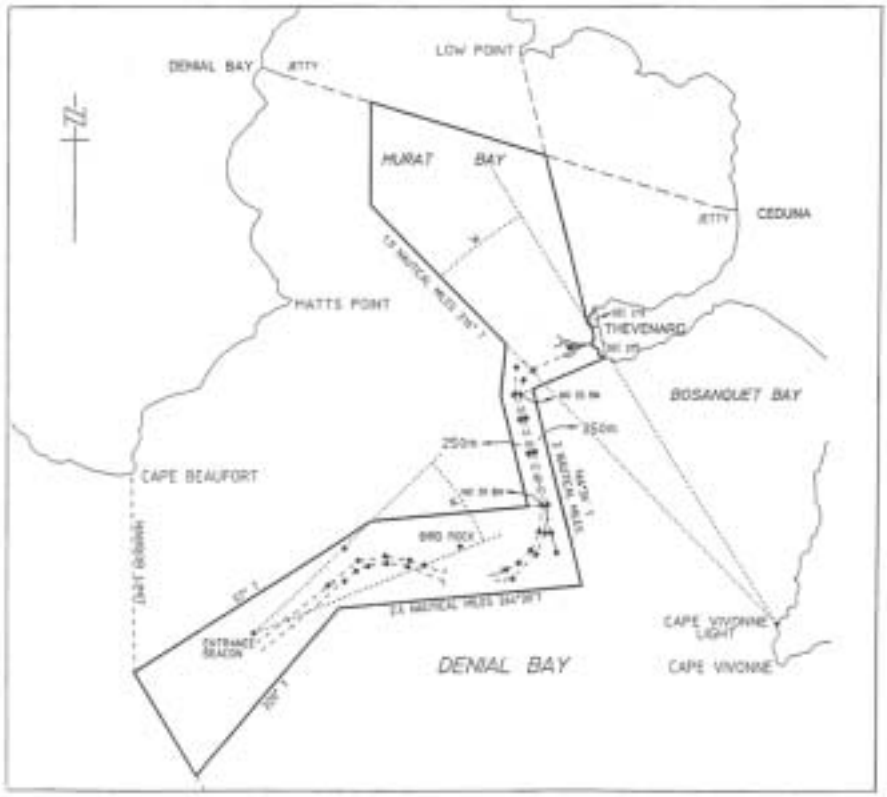
commencing at a point on a line bearing 282°T and distance 13 nautical miles from Mount Ferguson (Latitude 33°06.34′S, Longitude 138°01.78′E); then generally north-easterly along the north-western harbor boundary to high water mark; then generally south-easterly along a line to the Port Germein jetty light; then generally south-westerly along a line joining No 2 port beacon to the intersection point of a line 250 m from and parallel to the port side of the maintained channel; then generally southerly and south-easterly by a line 250 m 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 m from and parallel to the starboard side of the maintained channel; then generally north and north-westerly by a line 250 m 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:

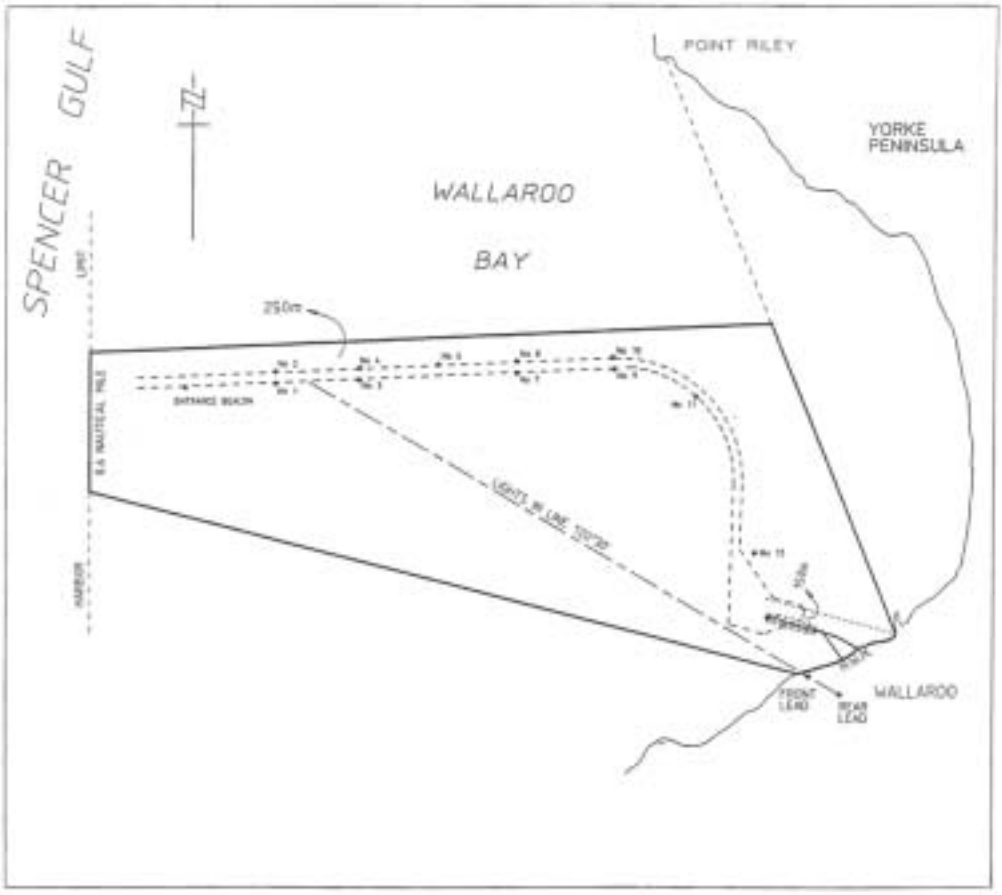
commencing at a point at the intersection of high water mark and the production south-westerly of the northern western boundary of Section 212 Hundred of Bonython; then generally southerly along high water mark to the south-western corner of Section 275 Hundred of Bonython; then generally west-south-westerly along a line joining No 25 starboard beacon to the intersection point of a line 250 m 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 m from and parallel to the port side of the maintained channel; then by a series of lines 250 m 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 m 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 m 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 5—Restricted areas

Part 1—Identification of restricted areas

1—Identification of restricted areas

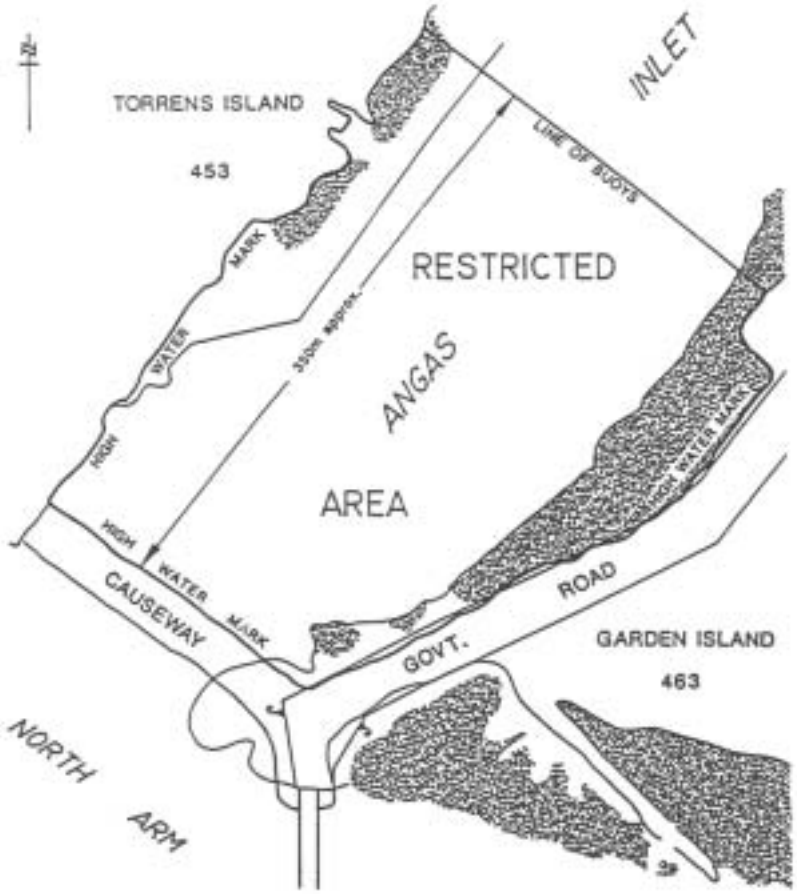
Note—

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 Torrens Island, then north-east along median high water mark to the point of commencement.

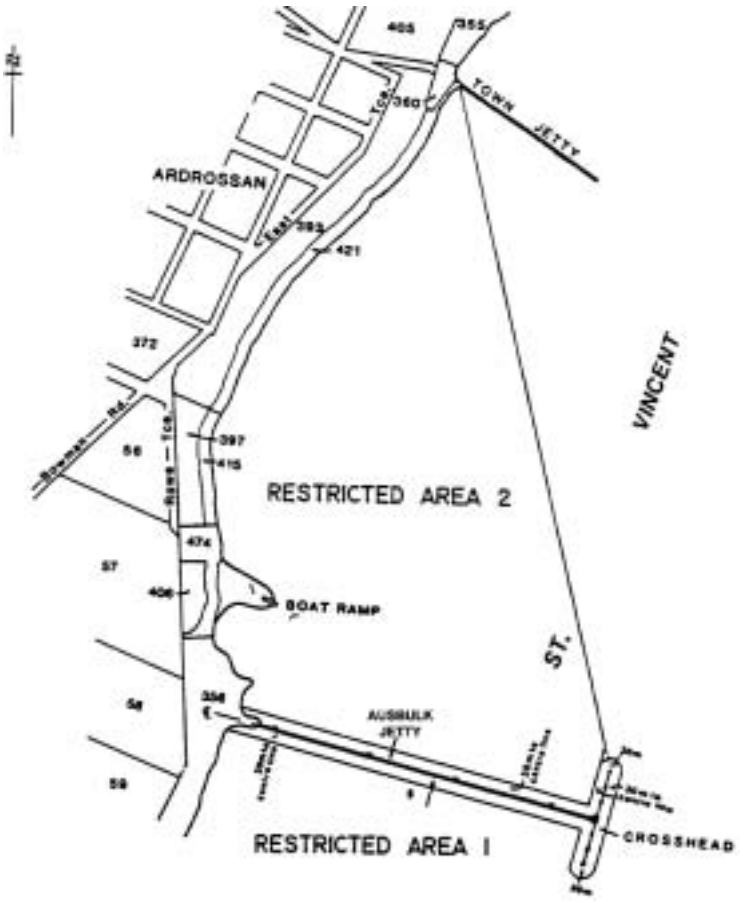


Ardrossan

Area 1: the area of the sea at Ardrossan extending for 30 m north and south of the Ausbulk jetty centre line and its production westerly, 30 m east and west of the Ausbulk jetty crosshead centre line, and 30 m 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 m west of and parallel to the Ausbulk jetty crosshead centre line and its production northerly;
- on the south by a straight line 30 m north and parallel to the Ausbulk jetty centre line and its production westerly;
- on the west and north-west by high water mark.



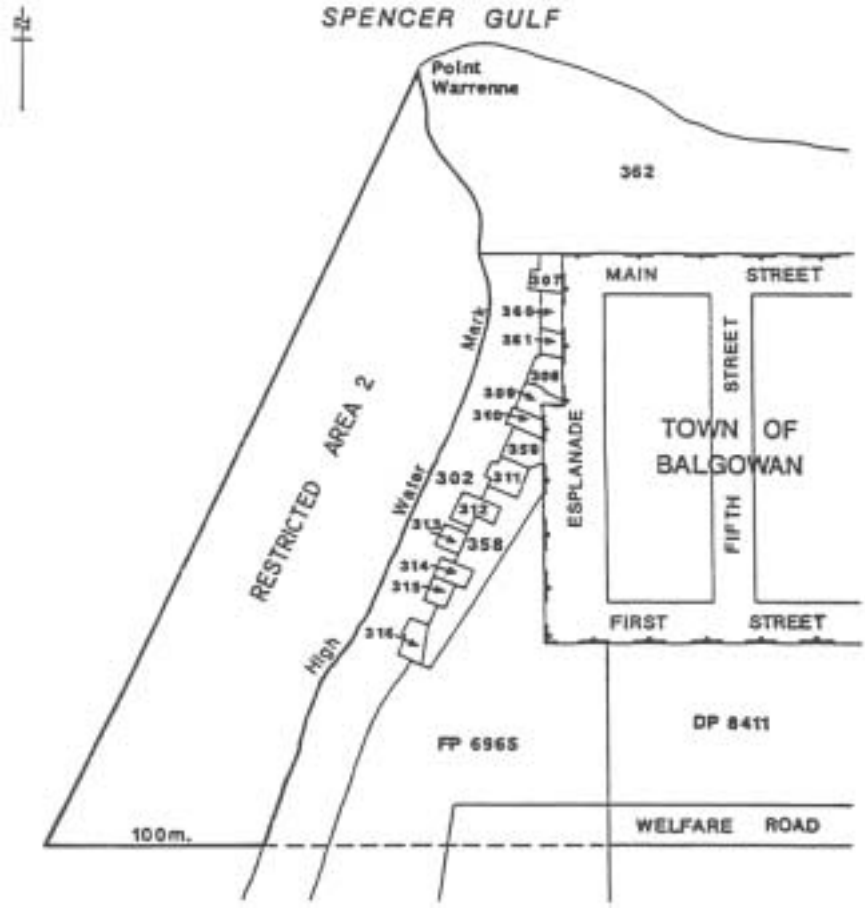
Balgowan

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.

Area 2: the portion of the sea at Balgowan bounded as follows:

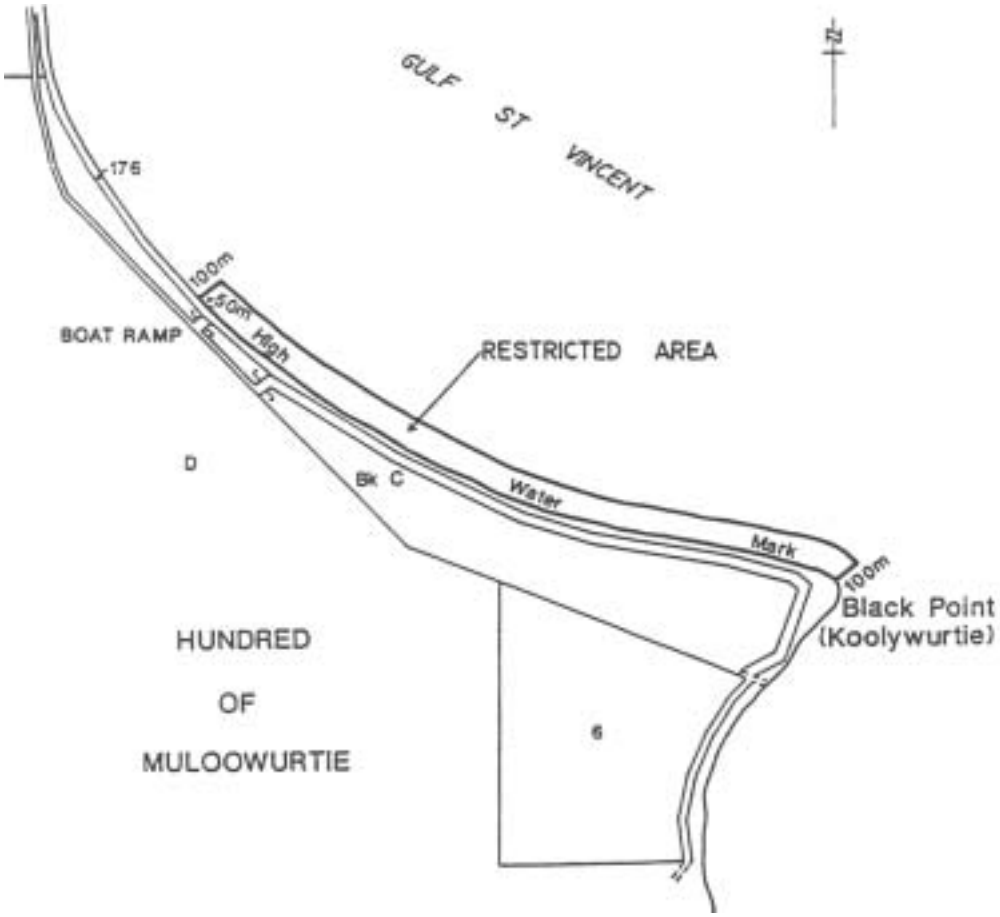
- on the west by a straight line joining Point Warrenne with a point being 100 m west of the high water mark on the prolongation seaward of the southern boundary of Welfare Road, Township of Balgowan, Hundred of Kilkerran;
- on the south by a straight line commencing at high water mark and extending seaward for 100 m 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 m north-west of the boat ramp and extending seaward (north-easterly) for 100 m from the high water mark;
- on the south-east by a straight line parallel to the north-east boundary and extending 100 m seaward from the high water mark at Black Point;
- on the north-east by a straight line 100 m 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.



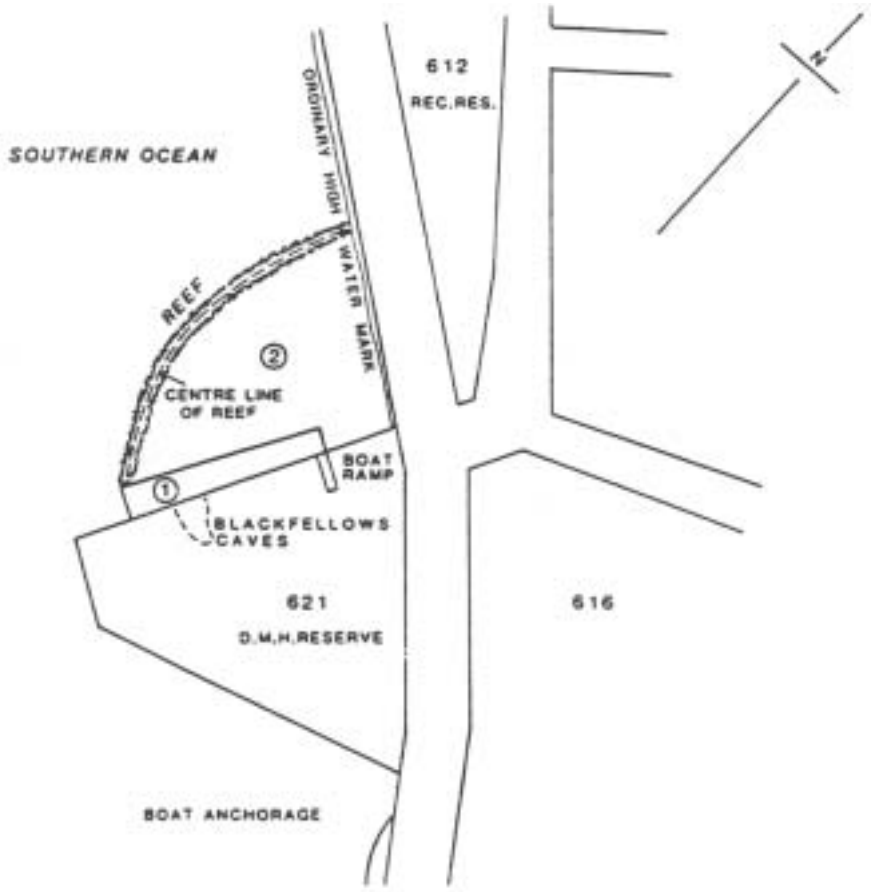
Blackfellows' Caves

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 m 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.

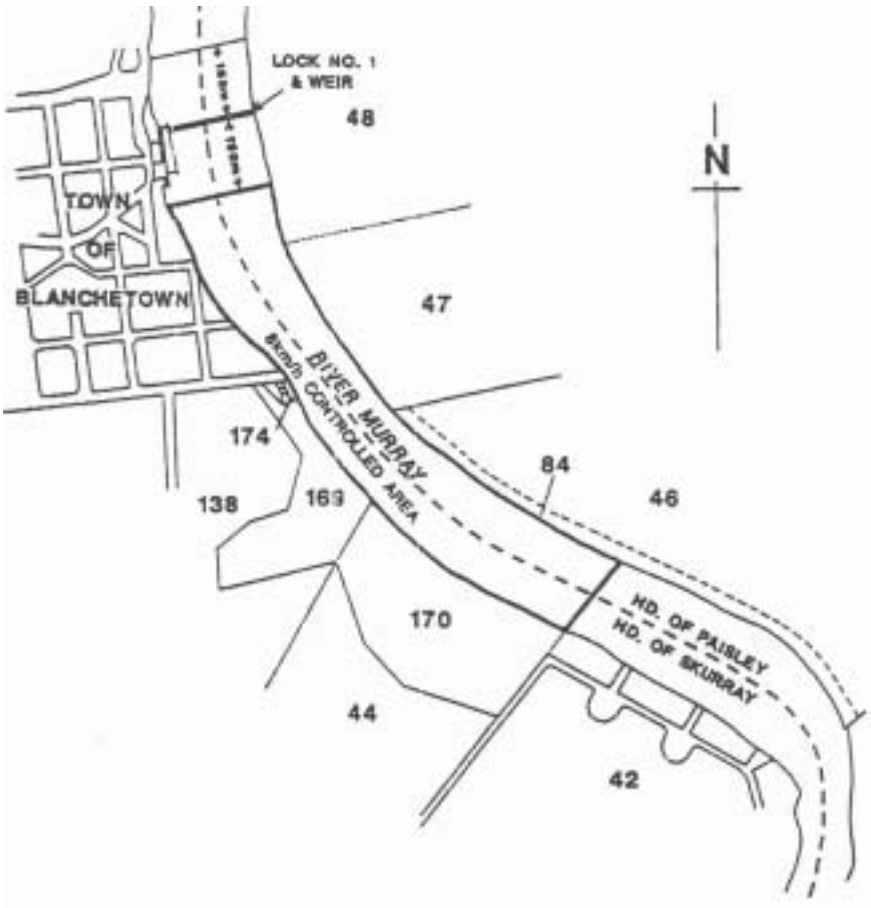
Area 2: the portion of the sea at Blackfellows' Caves bounded as follows:

- 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

Area 1: The portion of the River Murray at Blanchetown delineated in bold on the plan below:



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 m 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 m 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 m 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 m 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 m 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 m seaward of and parallel to low water mark.

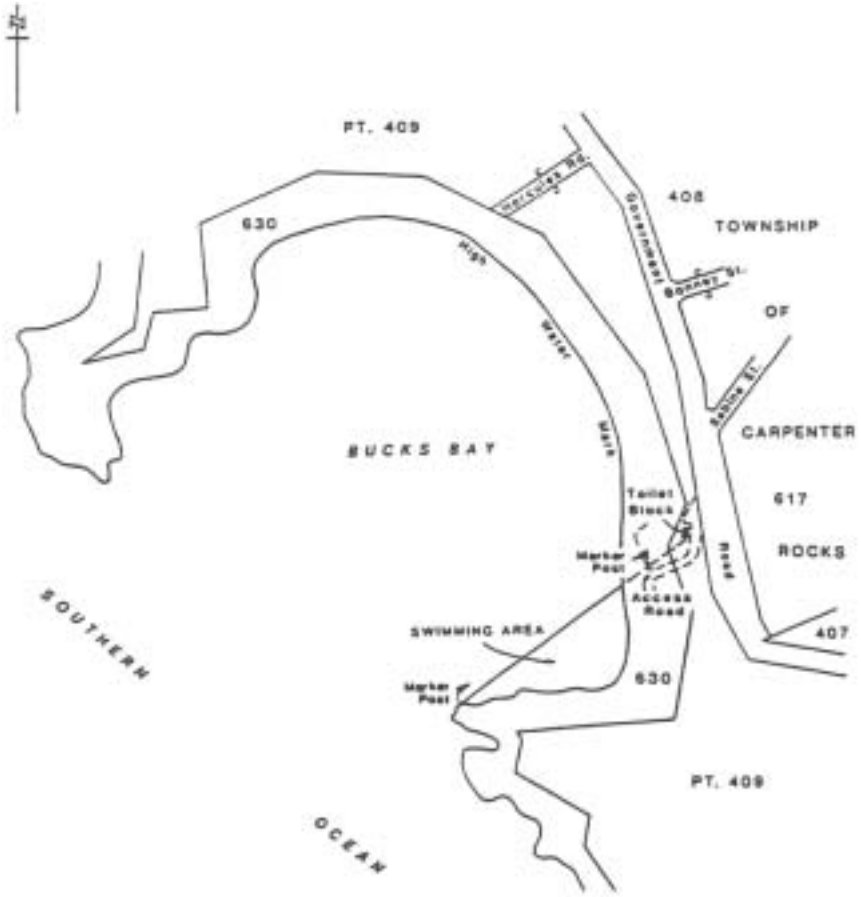
Area 5: the portion of the waters of Gulf St. Vincent bounded as follows:

- 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 m 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 2 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.



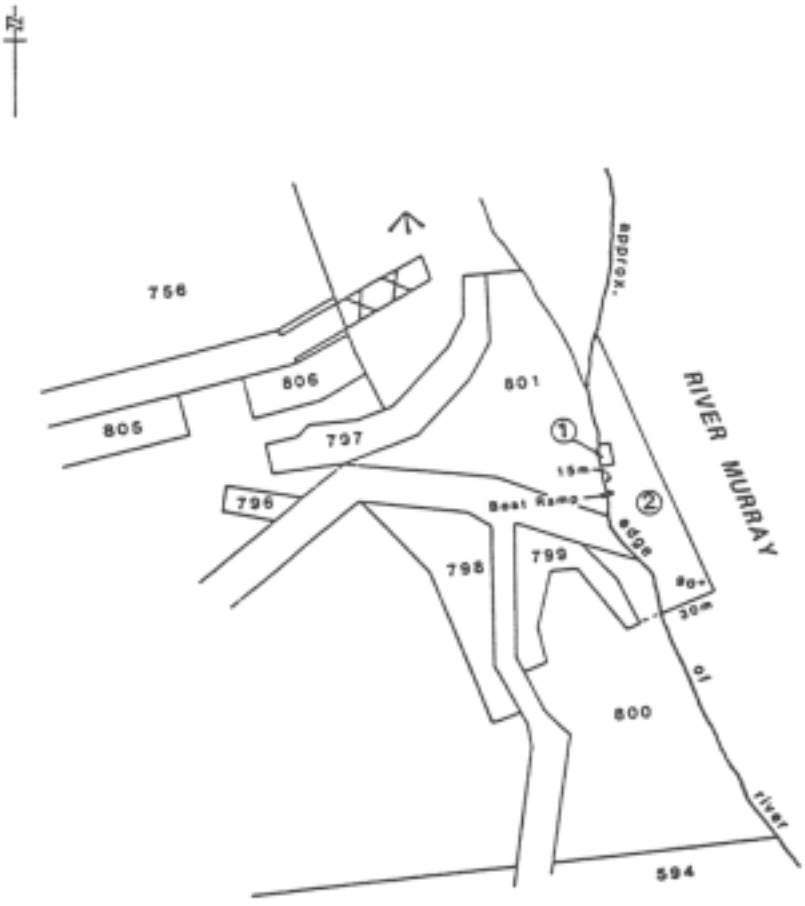
Caloote Landing

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 m north of the boat ramp.

Area 2: the portion of the River Murray near Caloote Landing bounded as follows:

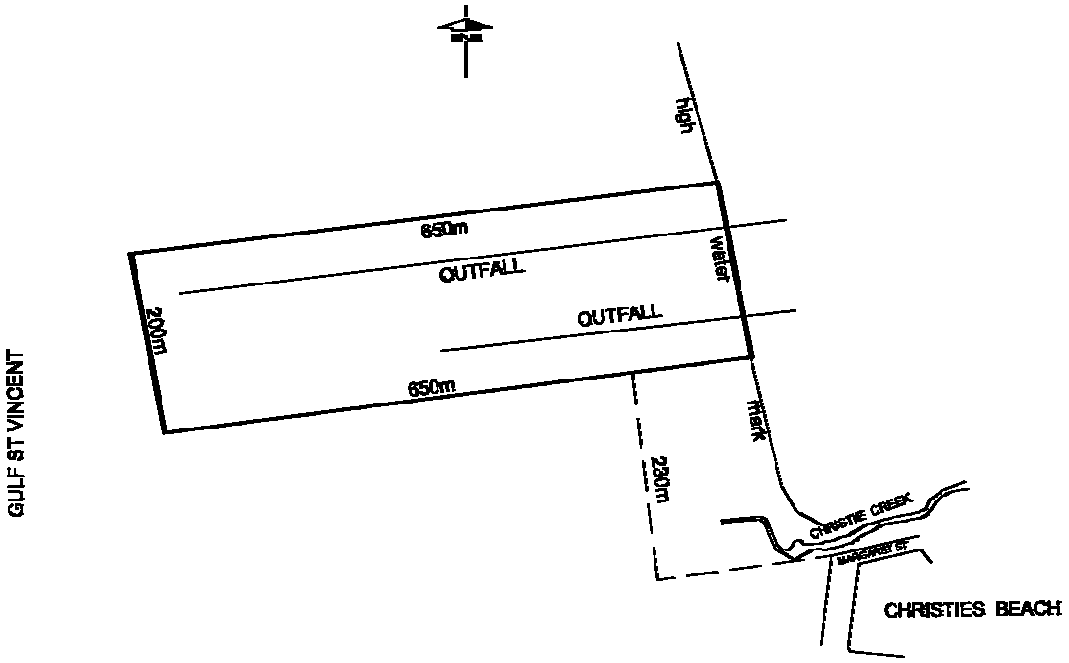
- on the south by a straight line being the prolongation easterly of the most southerly boundary of Section 799, Hundred of Finniss for a distance of 30 m easterly from the river edge;
- on the east by a straight line at right angles to the aforesaid south boundary commencing at its east extremity and extending to intersect the river edge;
- on the west by the river edge.



Christies Beach

The portion of the waters of Gulf St. Vincent bounded as follows:

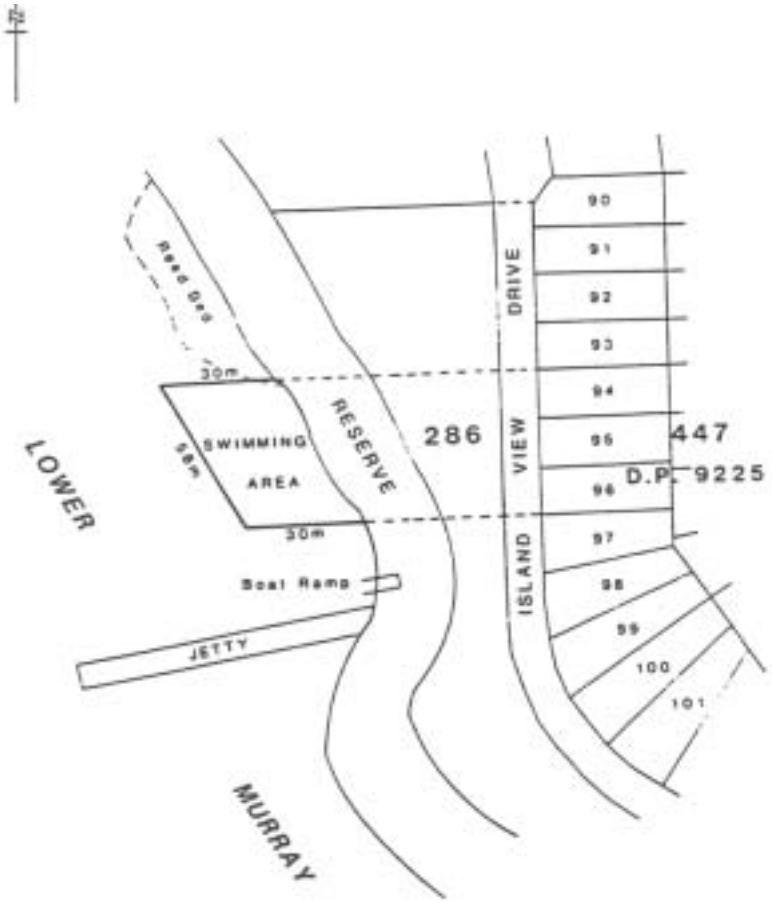
- on the north by a line parallel to and 430 m north of the prolongation in a straight line of the northern boundary of Margaret Street, Christies Beach;
- on the south by a line parallel to and 230 m north of the prolongation in a straight line of the northern boundary of Margaret Street, Christies Beach;
- on the west by a line parallel to and 650 m west of the high water mark;
- on the east by the high water mark.



Clayton Bay

The portion of the lower River Murray at Clayton bounded as follows:

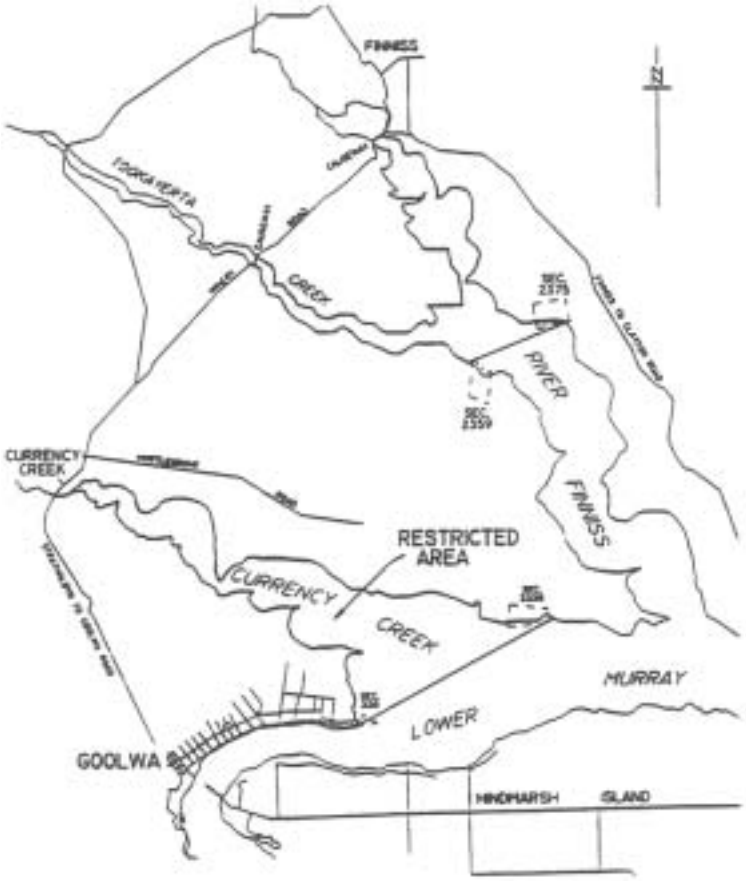
- on the north by a straight line, marked by flame orange spherical buoys, being the prolongation westerly of the north boundary of Lot 94 in Deposited Plan No 9225 Section 447, Hundred of Alexandrina for a distance of 30 m westerly from the edge of the water;
- on the south by a straight line, marked by flame orange spherical buoys, being the prolongation westerly of the north boundary of Lot 97 in Deposited Plan No 9225 Section 447, Hundred of Alexandrina for a distance of 30 m 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

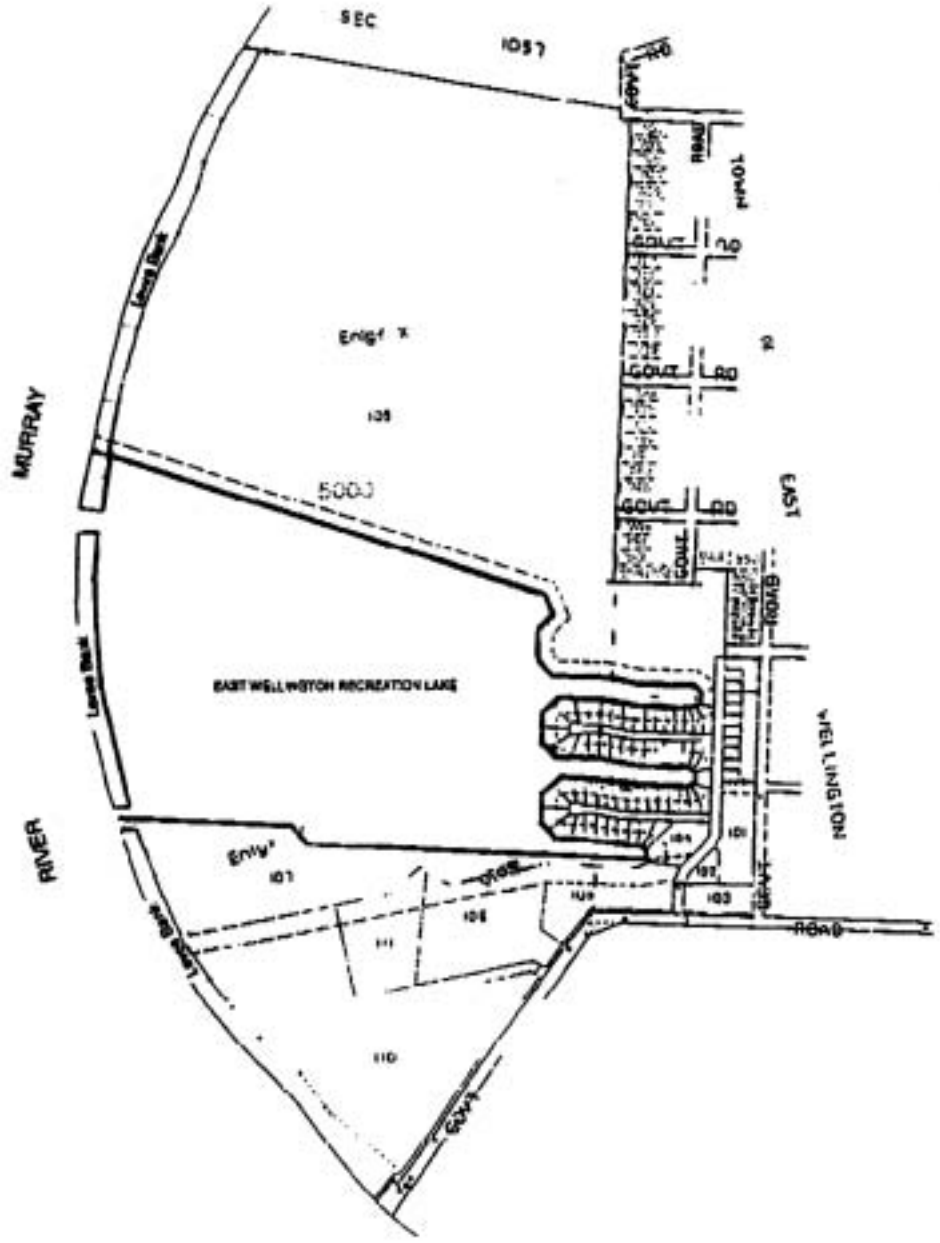
All the waters of Currency Creek bounded as follows:

- 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.



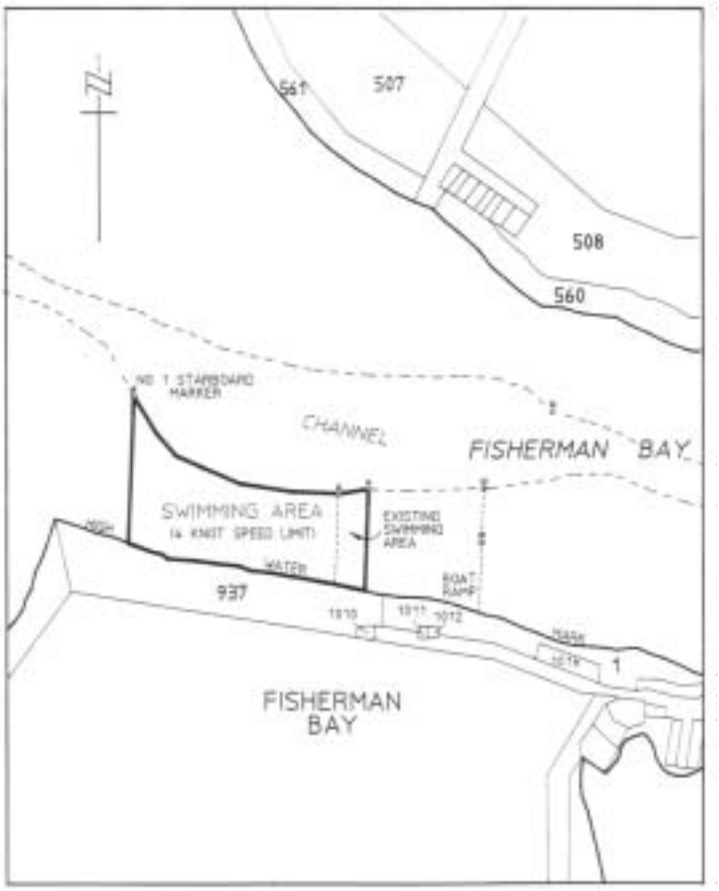
East Wellington

The portion of the East Wellington Recreation Lake delineated in bold on the plan below:



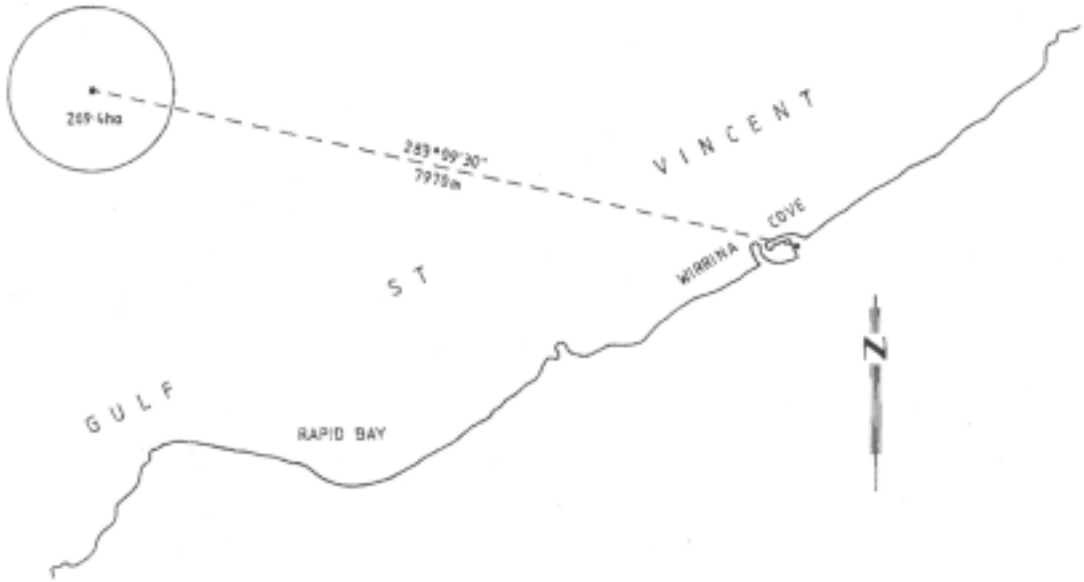
Fisherman Bay

The portion of the waters of Fisherman Bay delineated in bold on the plan below:



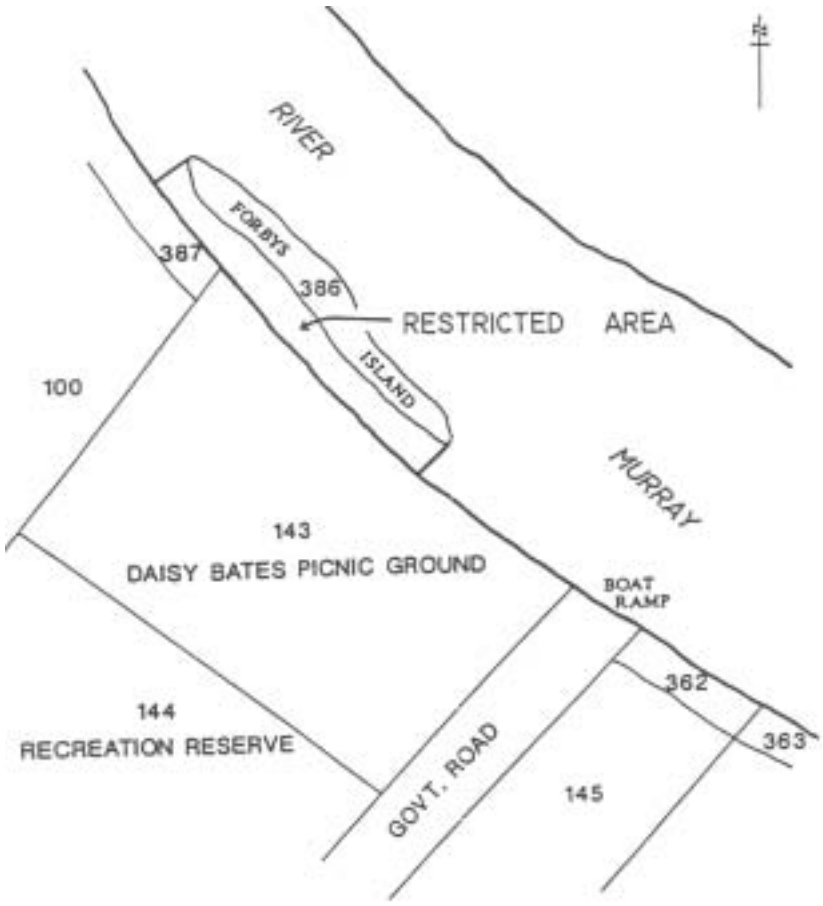
Fleurieu Reef

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.



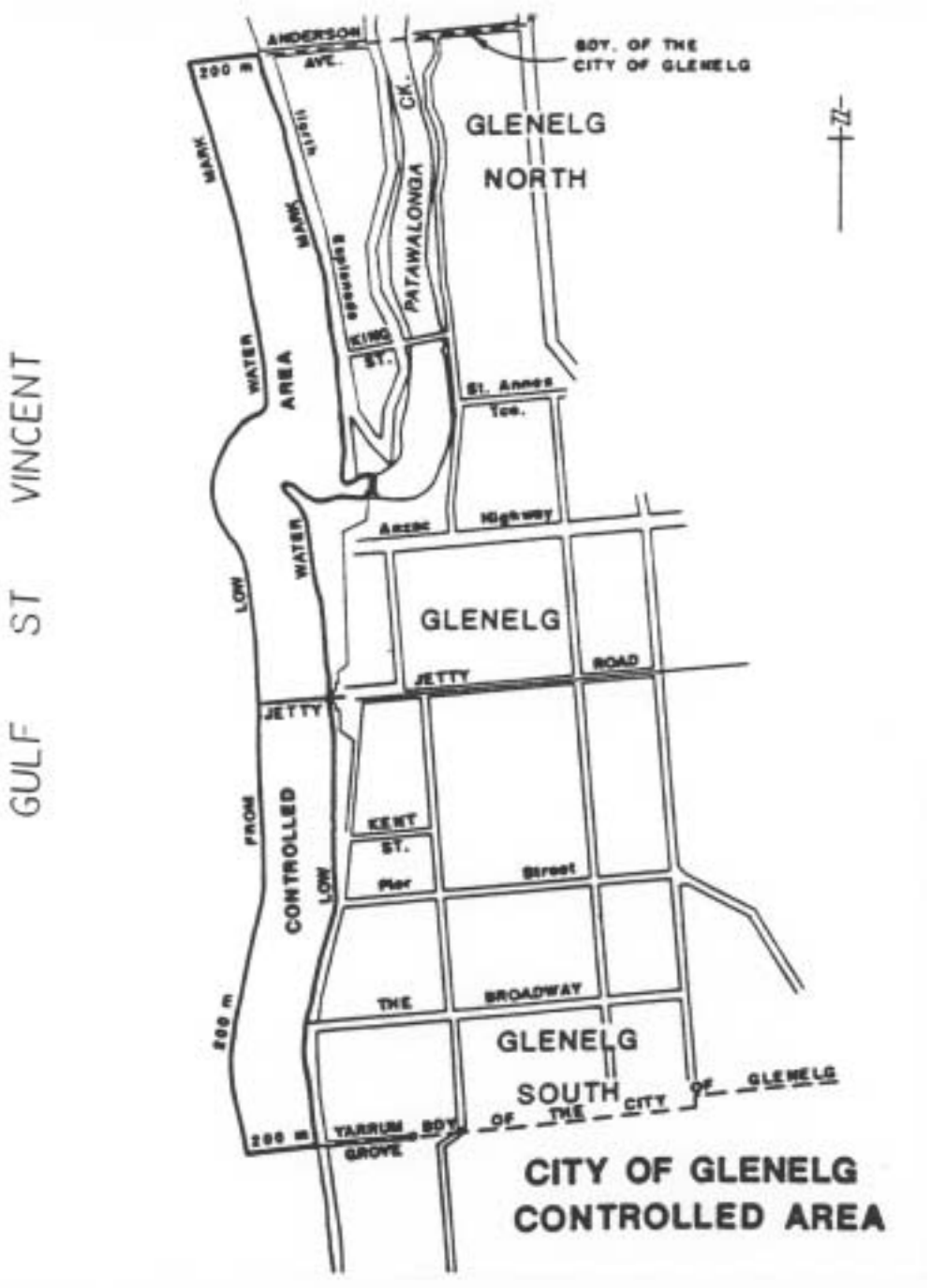
Forbys Island

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 m 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 m from and parallel to the edge of the water;
- on the west by a straight line 100 m 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 m 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 m 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 m 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 m 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 m 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:

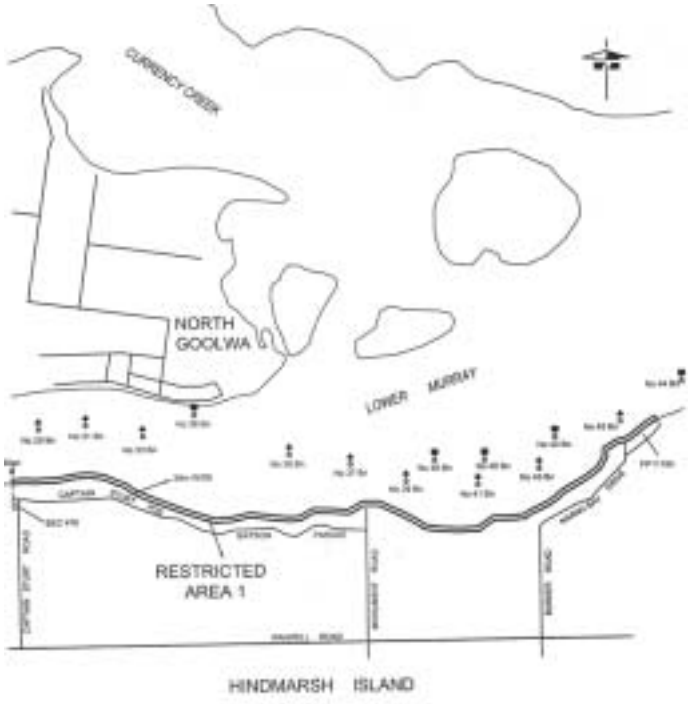
- on the north by the edge of the water on the southern side of Hindmarsh Island;
- on the west by a line bearing 030° (true) from No 4 beacon;
- on the east by a line bearing 315° (true) from the A.G.A. light on Mundoo Island;
- on the south by a line 30 m from and parallel to the edge of the water.

Area 7: the portion of the River Murray at Goolwa bounded as follows:

- on the east by a straight line extending 300 m northwards from a point 20 m from the southern waters edge, parallel to and 600 m upstream from the Goolwa Barrage;
- on the west by a straight line extending 300 m northwards from a point 20 m from the southern waters edge, parallel to and 750 m 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 m 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 m downstream from the southern end of the Goolwa wharf to a point on the western side of Hindmarsh Island, 70 m 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 m 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 GOOLWA
LOWER MURRAY
RESTRICTED AREA 1
HINDMARSH ISLAND

NEW ORLEANS STREET
LIVERPOOL ROAD
RESTRICTED AREA 2
LOWER MURRAY
GOOLWA
RESTRICTED AREA 8
HINDMARSH ISLAND
RESTRICTED AREA 3

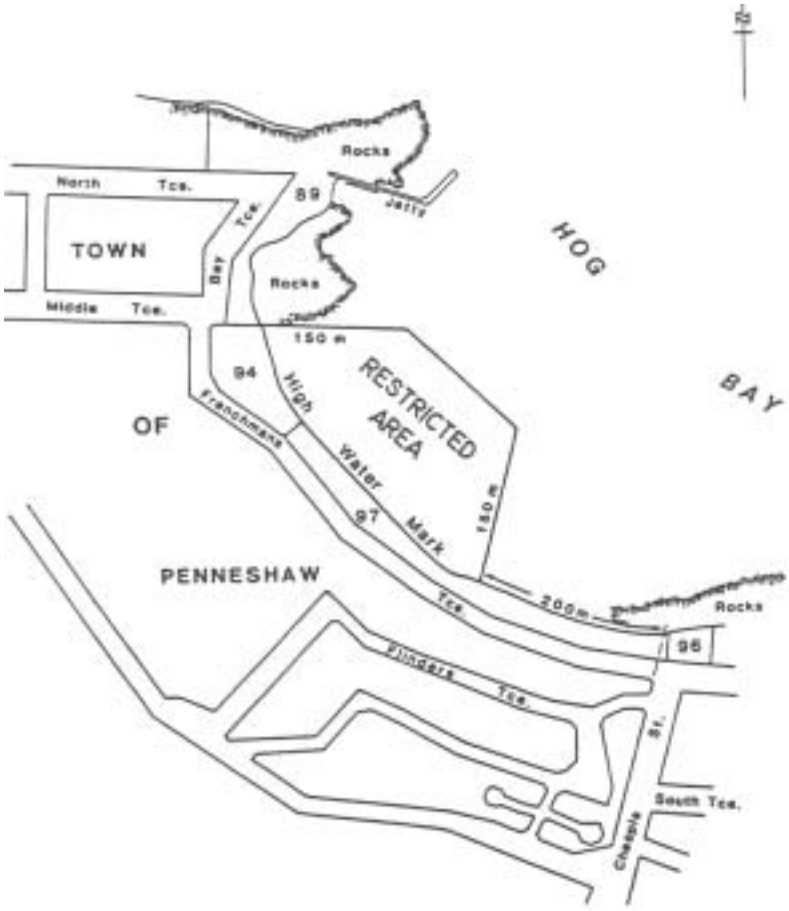
HINDMARSH ISLAND
CHANNEL
MUNDOO
RESTRICTED AREA 6
RESTRICTED AREA 5
GOOLWA CHANNEL
MUNDOO ISLAND
SIR RICHARD PENINSULA
RESTRICTED AREA 4
COORONG CHANNEL
MURRAY MOUTH
ENCOUNTER BAY
YOUNGHUSBAND PENINSULA

No 26 Bn
HINDMARSH ISLAND
No 24 Bn
LOWER
No 15 Bn
MURRAY
No 22 Bn
No 13 Bn
RESTRICTED AREA 7
Sign
300m
300m
20m
150m
150m
JETSKI HIRE AREA
No 20 Bn
50m
150m
GOOLWA BARRAGE
No 16 Bn
SIR RICHARD PENINSULA

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 m 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 m westerly along high water mark from the prolongation of the west boundary at Cheopis Street, and extending 150 m 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.



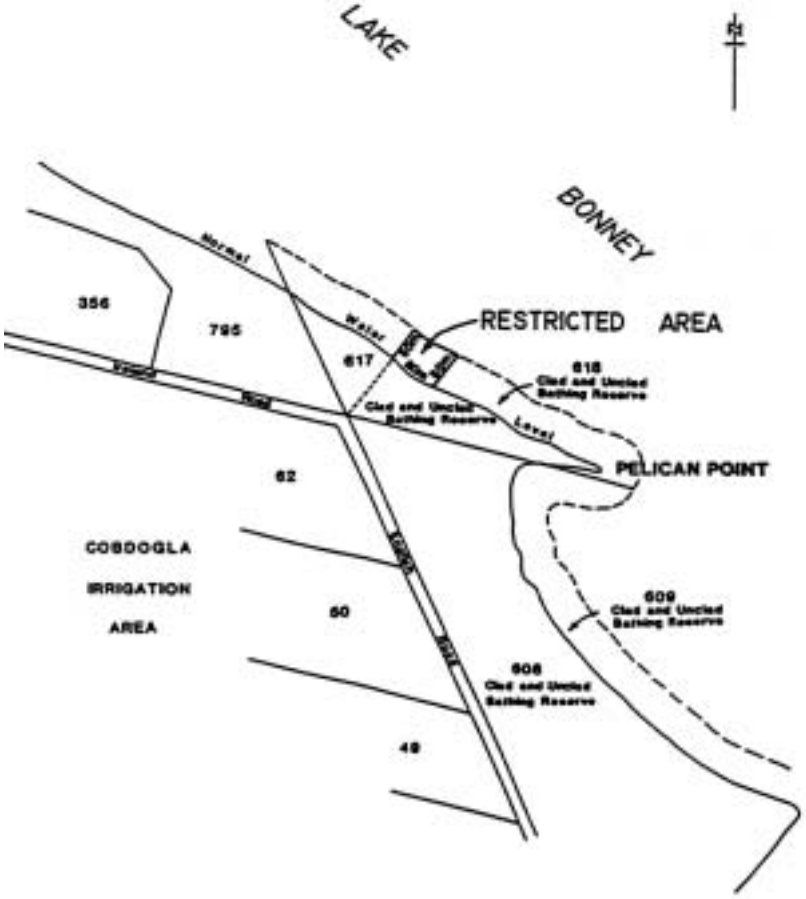
Kellidie Bay

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).

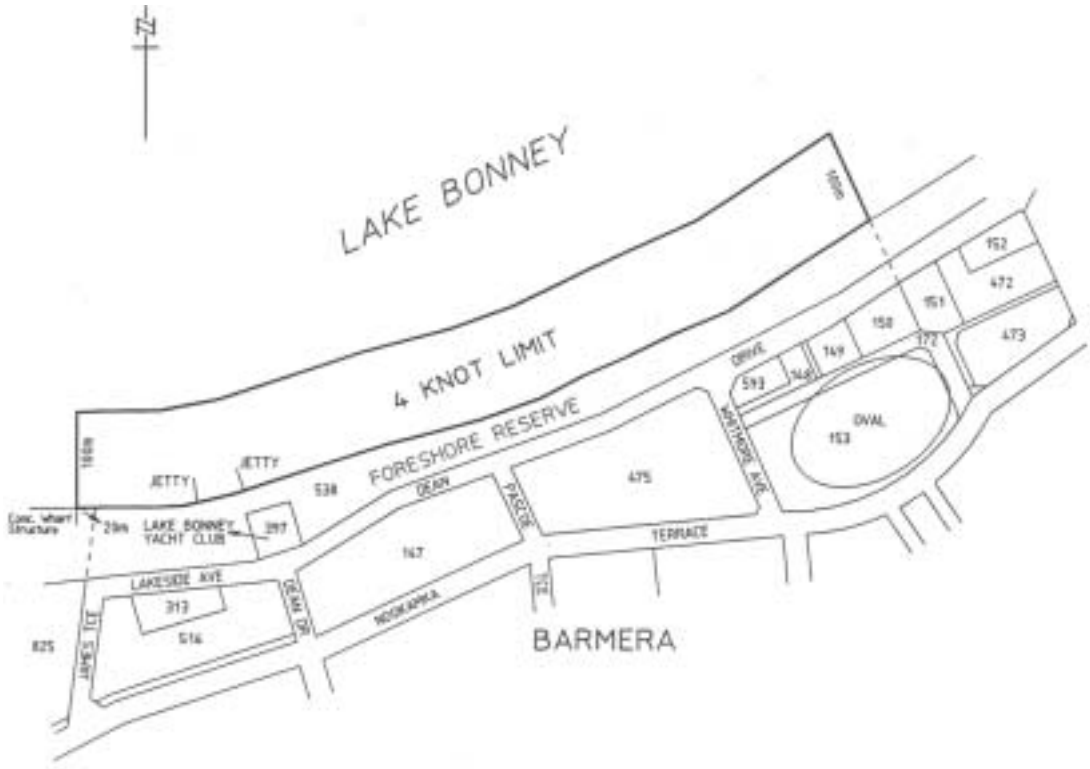
Lake Bonney (Barmera)

Area 1: the portion of Lake Bonney marked out by flame orange spherical buoys and yellow marker posts.



Area 2: the portion of Lake Bonney bounded as follows:

- on the north by a line 100 m 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 m 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 2 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:

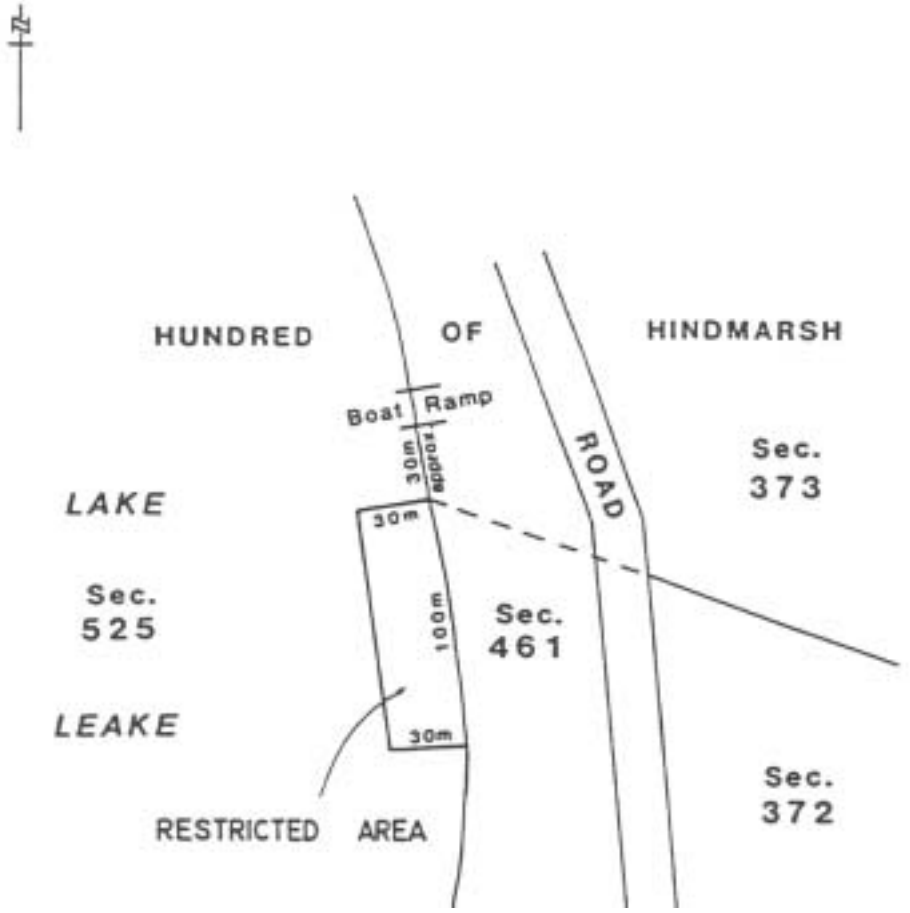
- on the east by a straight line joining the north-east corner of Section 540, Hundred of Waterhouse, to the south-east corner of allotment 1 in Lands Titles Office Deposited Plan No 5689; the line being marked by a yellow marker post at each of its 2 intersections with the edge of the water, and by 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 m;
- 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 m;
- 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 m;
- on the west by a straight line joining the west extremities of the north and south boundaries.



Mannum

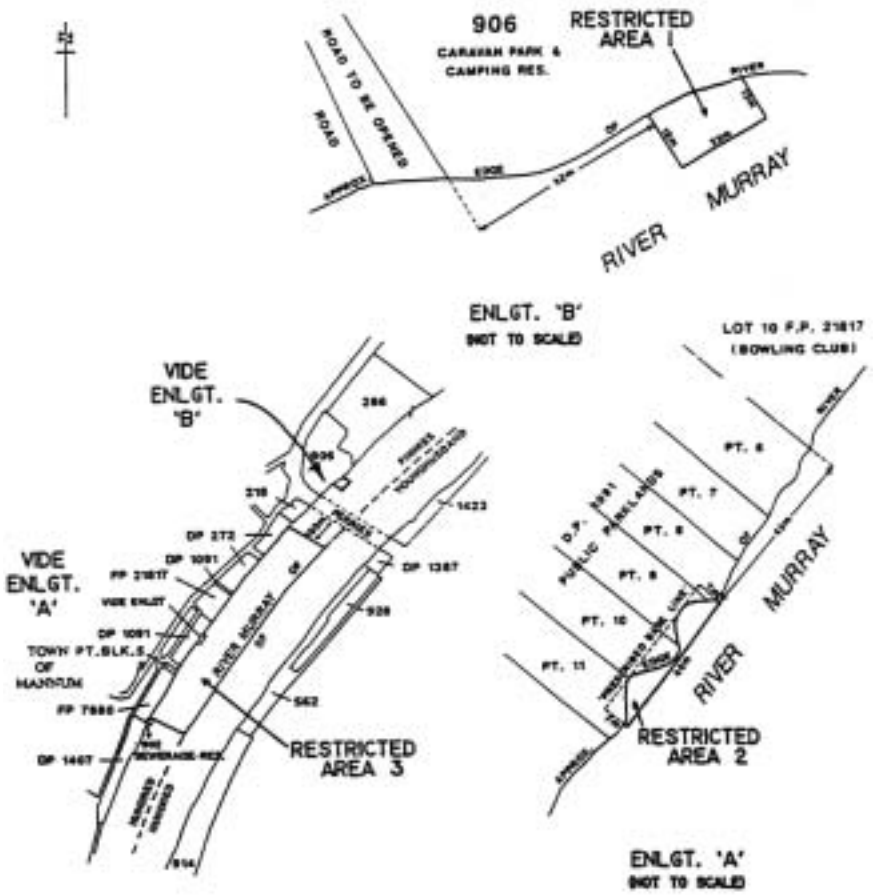
Area 1: the portion of the River Murray at Mannum bounded as follows:

- on the south-west, by a straight line from the edge of the water for a distance of 16 m in a south-easterly direction parallel to and at a perpendicular distance of 52 m 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 m in a south-easterly direction parallel to and at a perpendicular distance of 77 m 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 m south-west of the prolongation of the south-western boundary of Allotment 10 in Filed Plan 21817, Hundred of Finniss for a distance of 7 m 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 m south-west of the prolongation of the south-western boundary of Allotment 10 in Filed Plan 21817, Hundred of Finniss for a distance of 7 m 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.



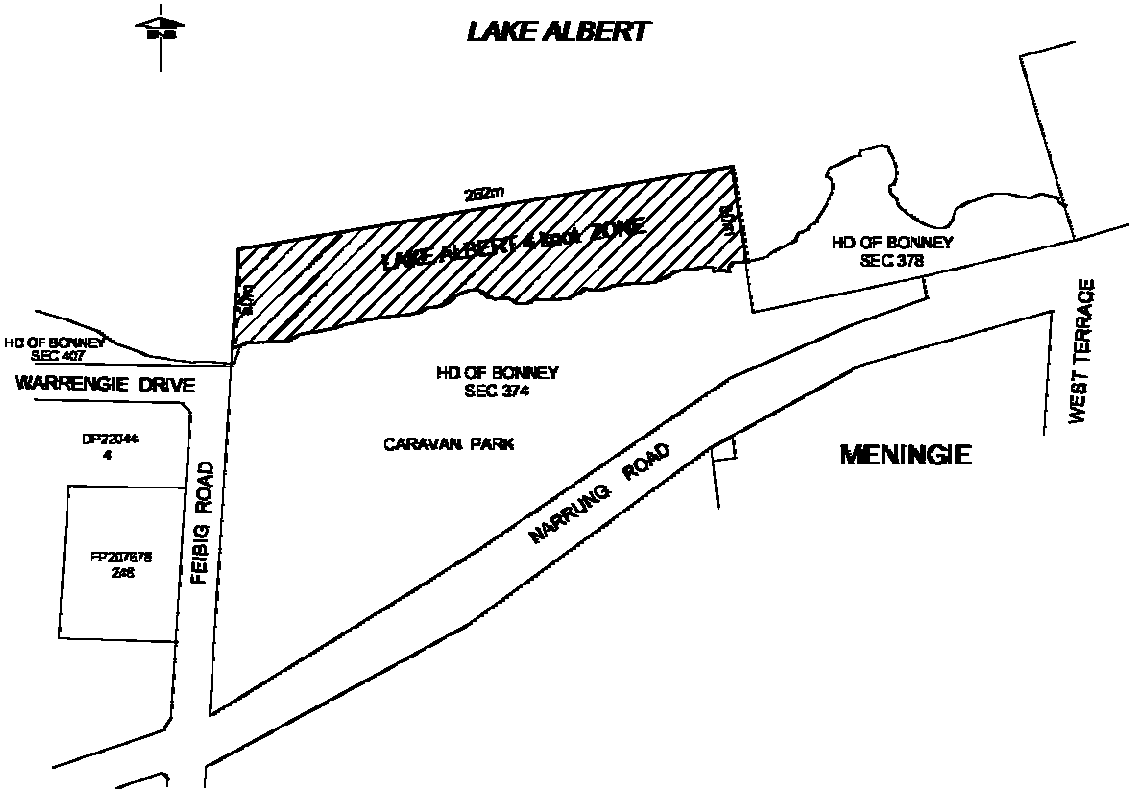
Meningie

Area 1: 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 m;
- 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 m;
- 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 m;
- 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.

Area 2: the portion of Lake Albert at Meningie bounded as follows:

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

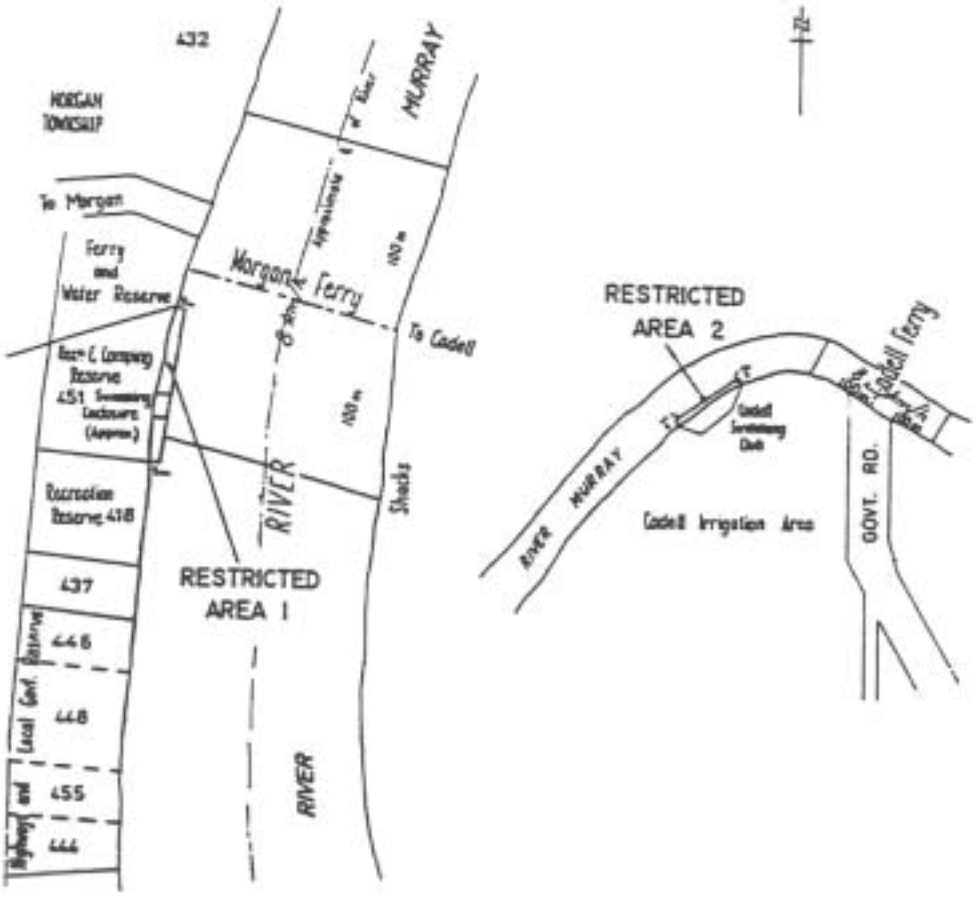
Area 1: the portion of the River Murray at Morgan bounded as follows:

- 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 m 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 m 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 2 yellow marker posts.

Area 2: the portion of the River Murray at Cadell bounded as follows:

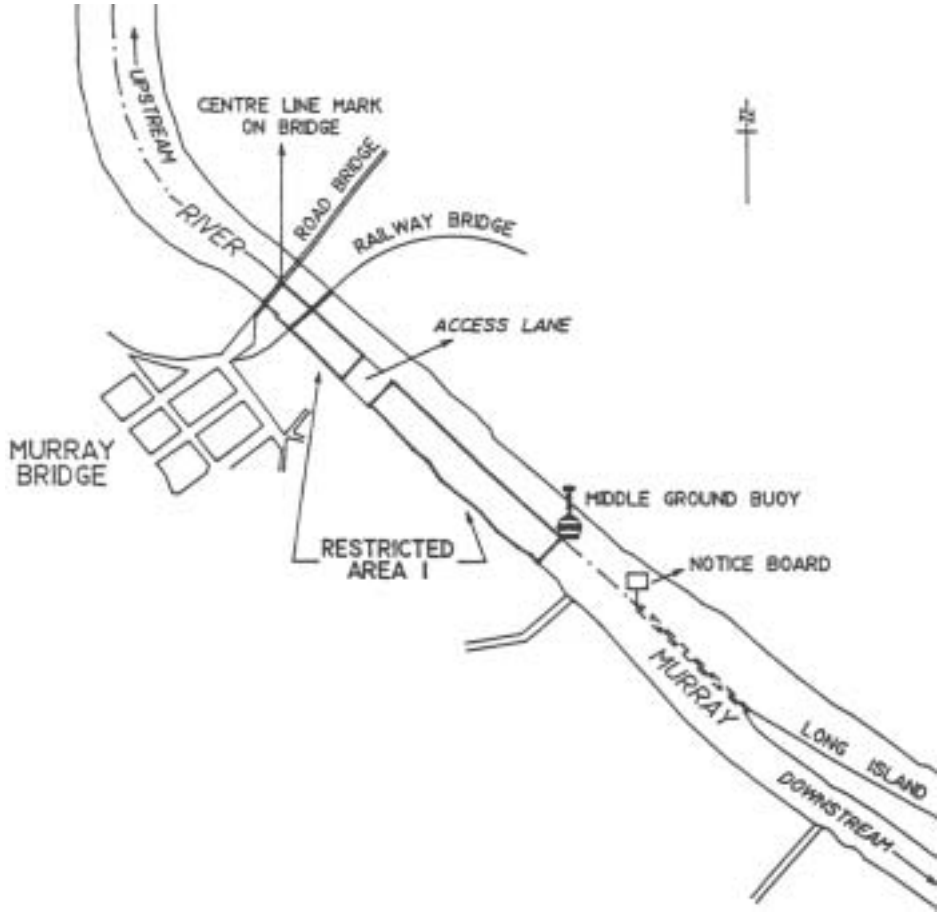
- on the south-east by the edge of the water between the 2 yellow marker posts situated on the south-east bank of the River Murray, the upstream post being approximately 160 m west of the north-west corner of the Government Road immediately south of the Cadell ferry crossing, and the downstream post being approximately 90 m 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 2 posts previously defined, for 5 m 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 2 posts previously defined, for 5 m 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.



Murray Bridge

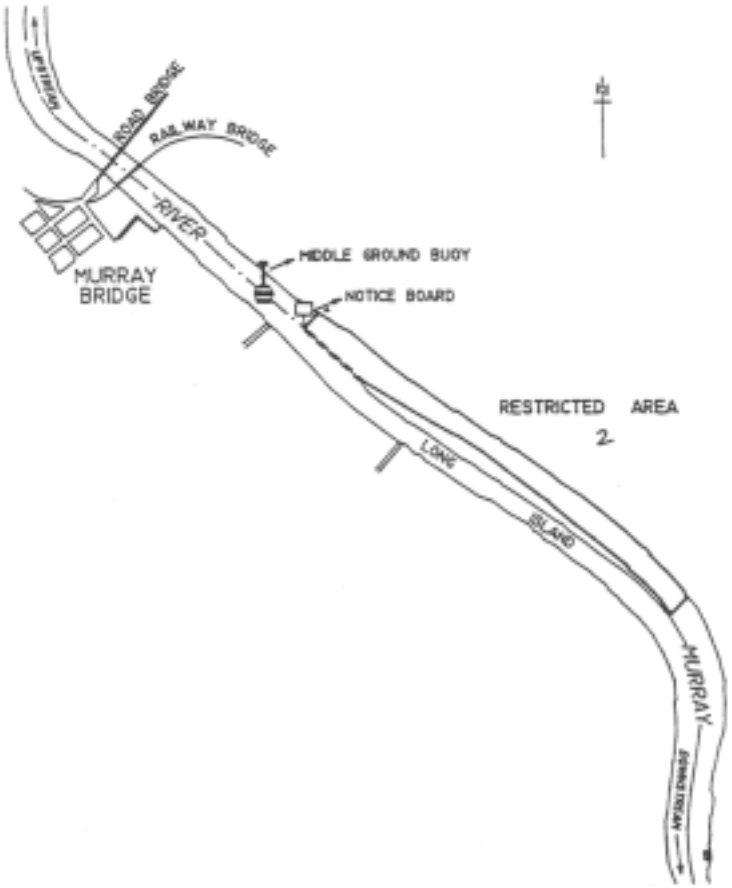
Area 1: the portion of the River Murray at Murray Bridge bounded as follows:

- 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 m from a line being the north-west boundary of allotment 30 in Lands Titles Registration Office Plan No 1443.



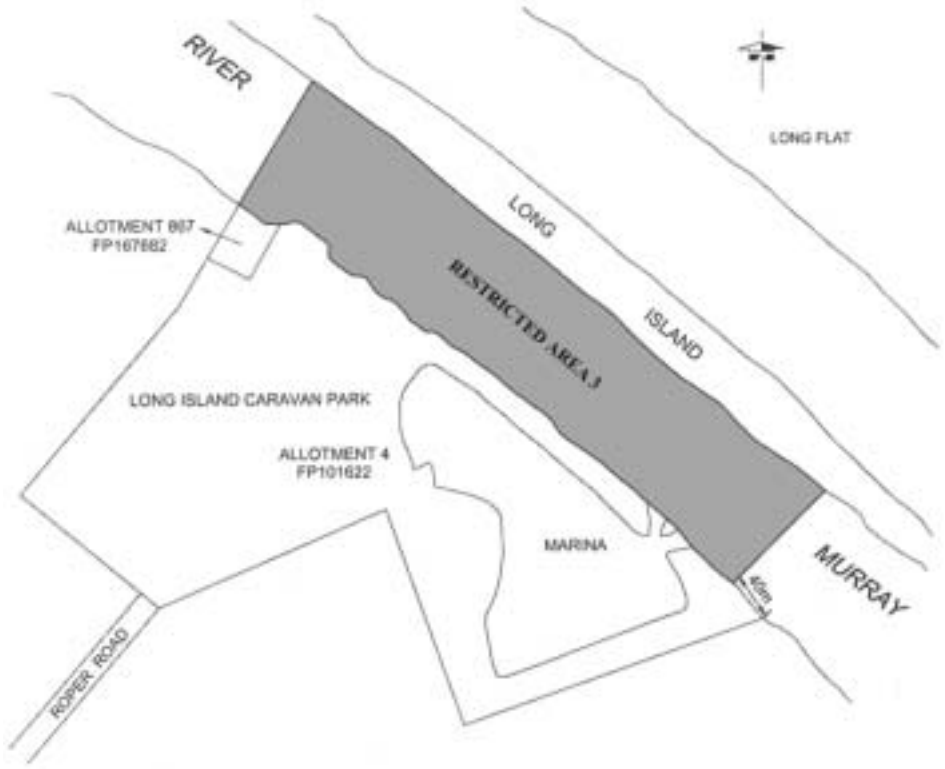
Area 2: the portion of the River Murray at Murray Bridge on the north-east side of Long Island bounded as follows:

- 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.



Area 3: the portion of the River Murray at Murray Bridge on the south-west side of Long Island bounded as follows:

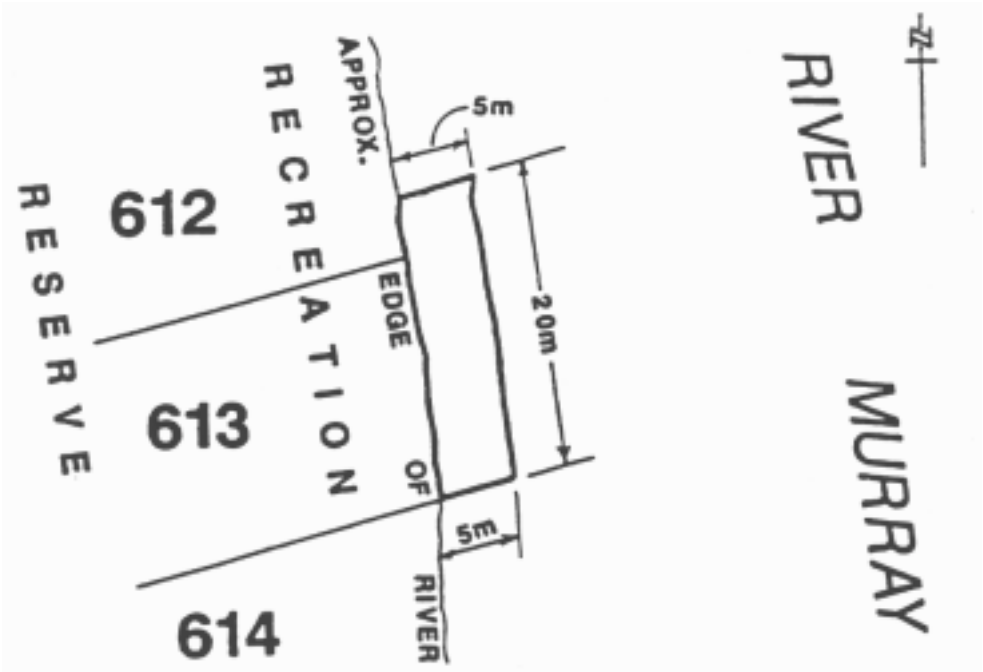
- on the south-east by a straight line from a point 40 m (along the bank of the river) generally north-west of the southern alignment of Allotment 4 in Filed Plan 101622, Hundred of Mobilong, and extending north-east to the south-west bank of Long Island;
- on the south-west by the south-west bank of the river;
- on the north-west by a straight line from the north-west alignment of Allotment 867 in Filed Plan 167682, Hundred of Mobilong, and extending north-east to the south-west bank of Long Island;
- on the north-east by the south-west bank of Long Island.



Murray Bridge (bathing)

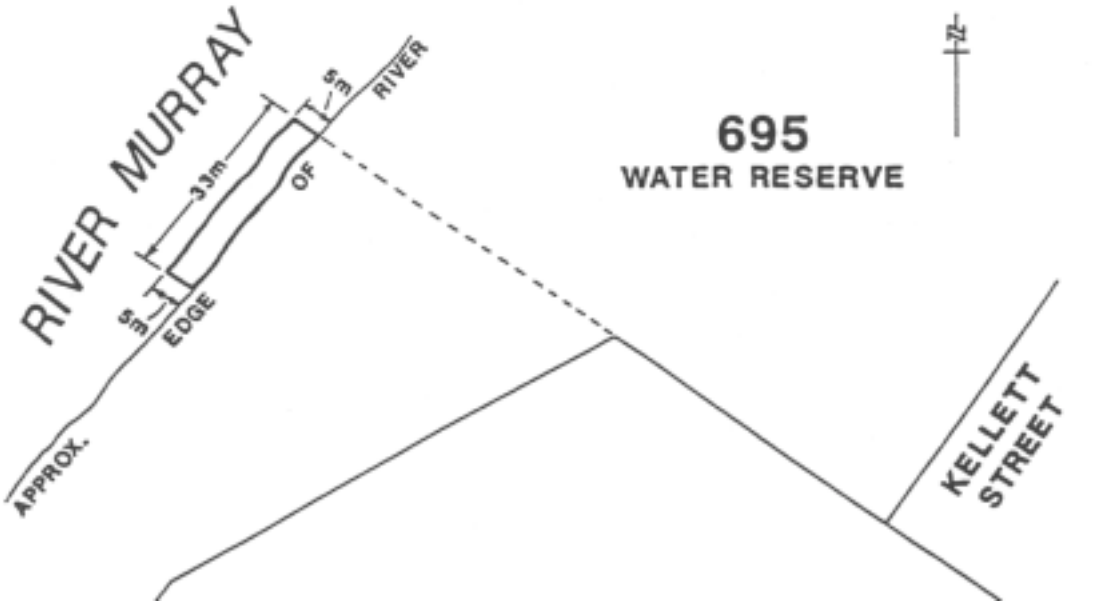
Area 1: the portion of the River Murray at Murray Bridge (Wellington Reserve) bounded as follows:

- 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 m from the waters edge;
- on the north by a line running easterly from the waters edge for a distance of 5 m and at a distance of 20 m 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.



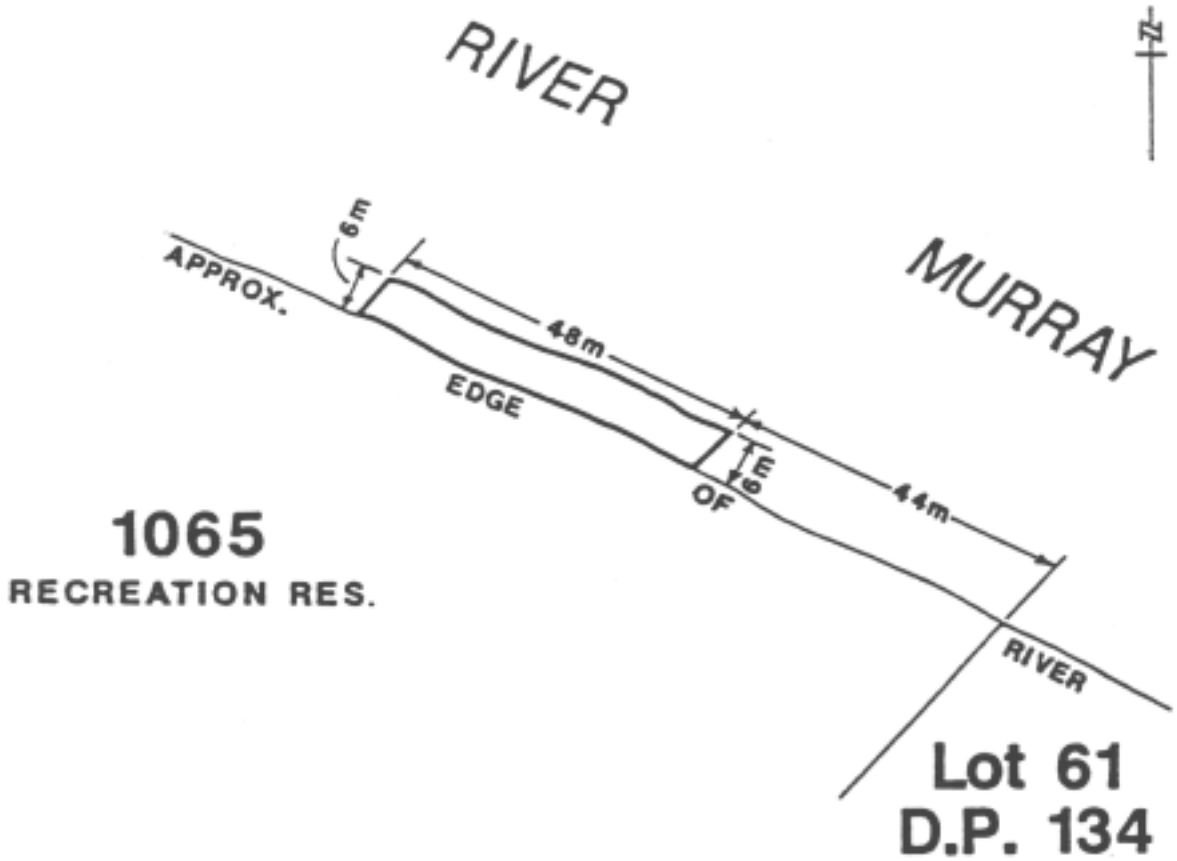
Area 2: the portion of the River Murray at Murray Bridge (Bells Landing—Monteith) bounded as follows:

- 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 m from the waters edge;
- on the south-west by a straight line running north-westerly from the waters edge for a distance of 5 m parallel to and at a distance of 30 m 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.



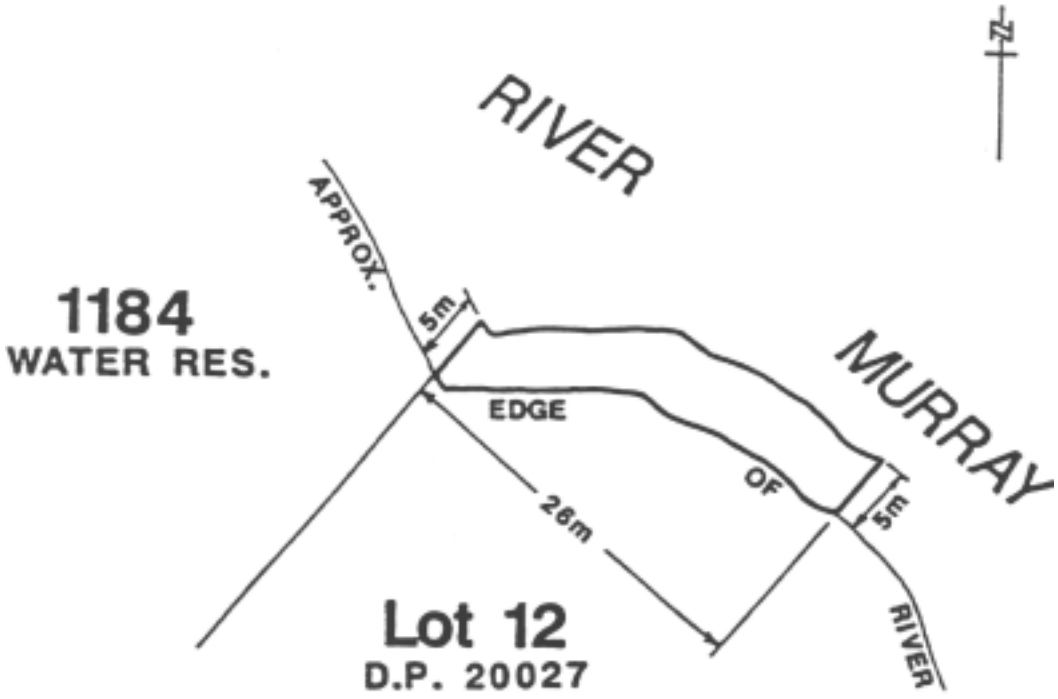
Area 3: the portion of the River Murray at Murray Bridge (Swanport Reserve) bounded as follows:

- on the south-east by a straight line running north-easterly from the waters edge for a distance of 6 m at a distance of 44 m 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 m parallel to and at a distance of 92 m 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.



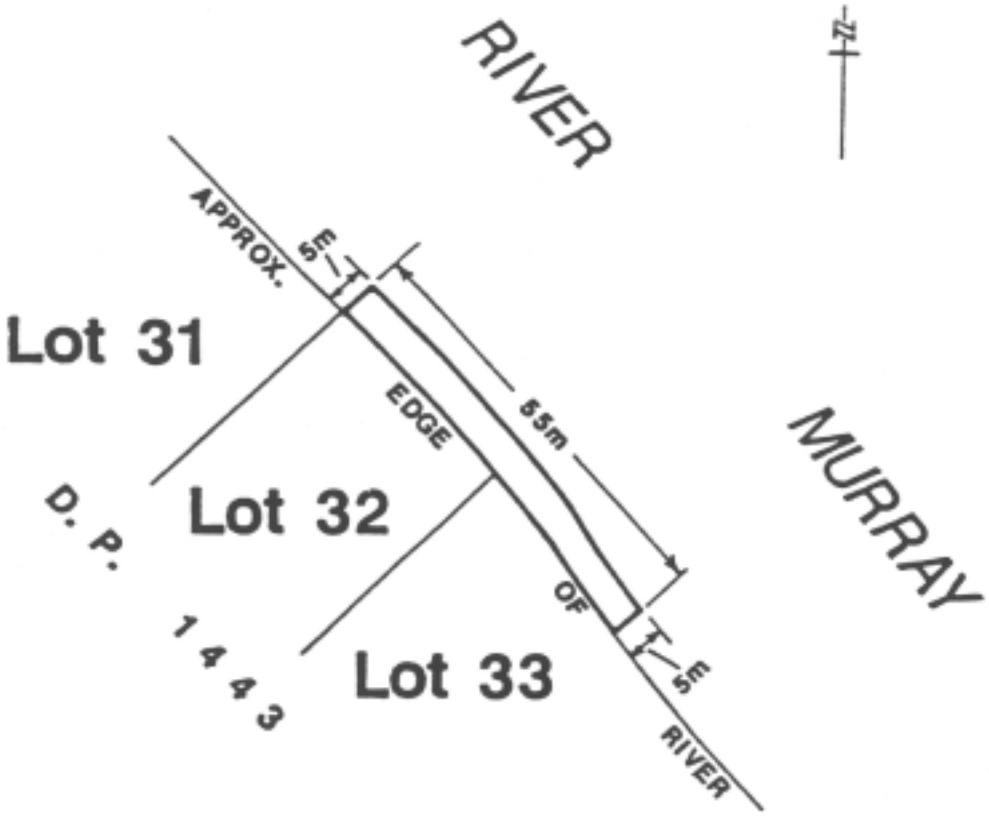
Area 4: the portion of the River Murray at Murray Bridge (Long Island Reserve) bounded as follows:

- on the north-west by a line being the prolongation of the north-western boundary of Lot 12, Deposited Plan No 20027, north-easterly for a distance of 5 m from the waters edge;
- on the south-east by a straight line running north-easterly from the waters edge for a distance of 5 m at a distance of 26 m in a south-easterly direction from the north-western corner of Lot 12, Deposited Plan No 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.



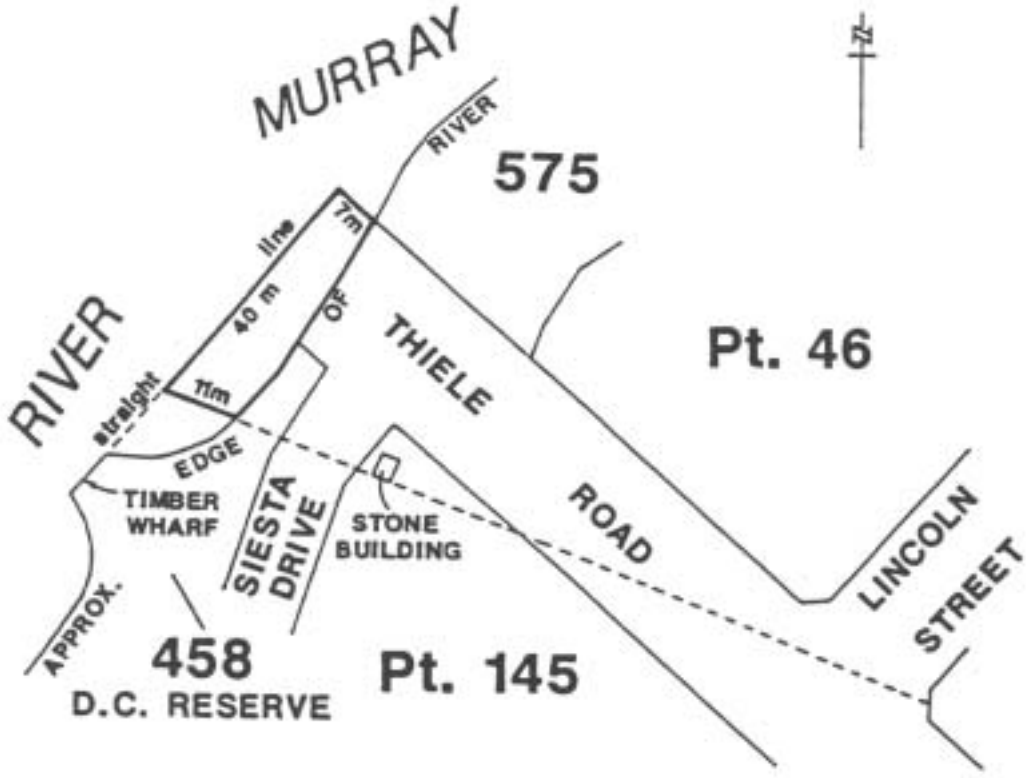
Area 5: the portion of the River Murray at Murray Bridge (Sturt Reserve) bounded as follows:

- on the north-west by a line being the prolongation of the north-western boundary of Lot 32, Deposited Plan No 1443, north-easterly for a distance of 5 m from the waters edge;
- on the south-east by a straight line running north-easterly from the waters edge for a distance of 5 m at a distance of 55 m in a south-easterly direction along the waters edge from the northern corner of Lot 32, Deposited Plan No 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.



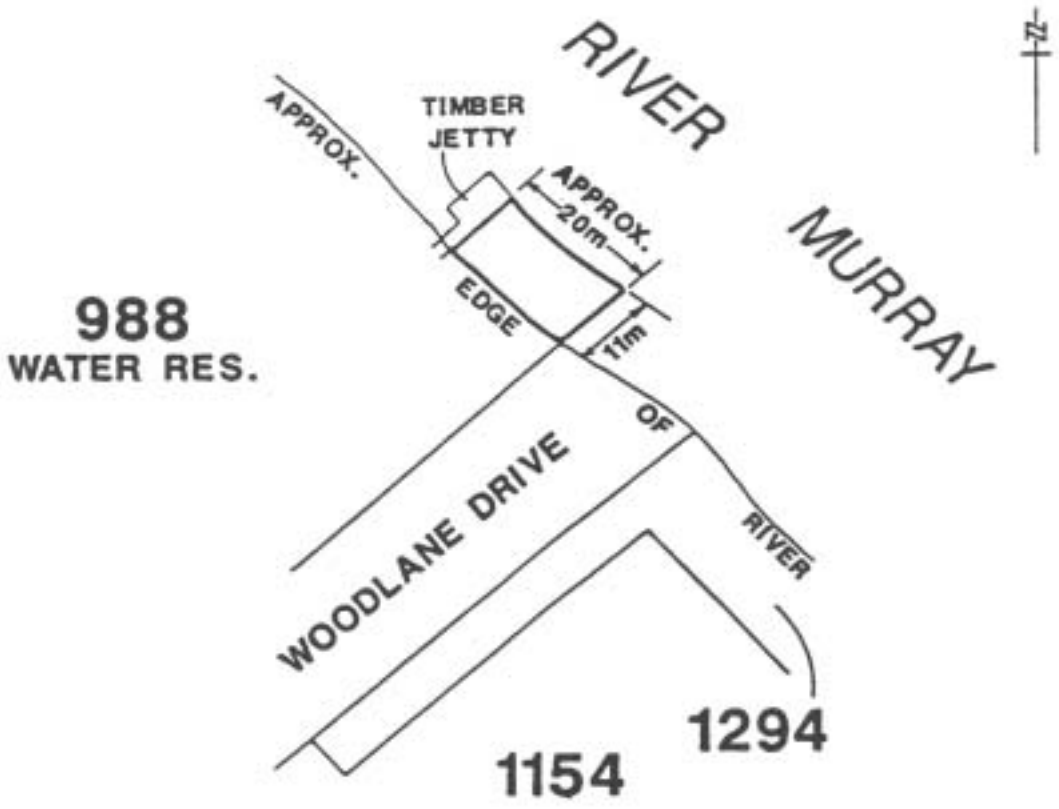
Area 6: the portion of the River Murray at Murray Bridge (Thiele Reserve) bounded as follows:

- 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 m from the waters edge;
- on the south-west by a straight line running north-westerly from the waters edge for a distance of 11 m 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.



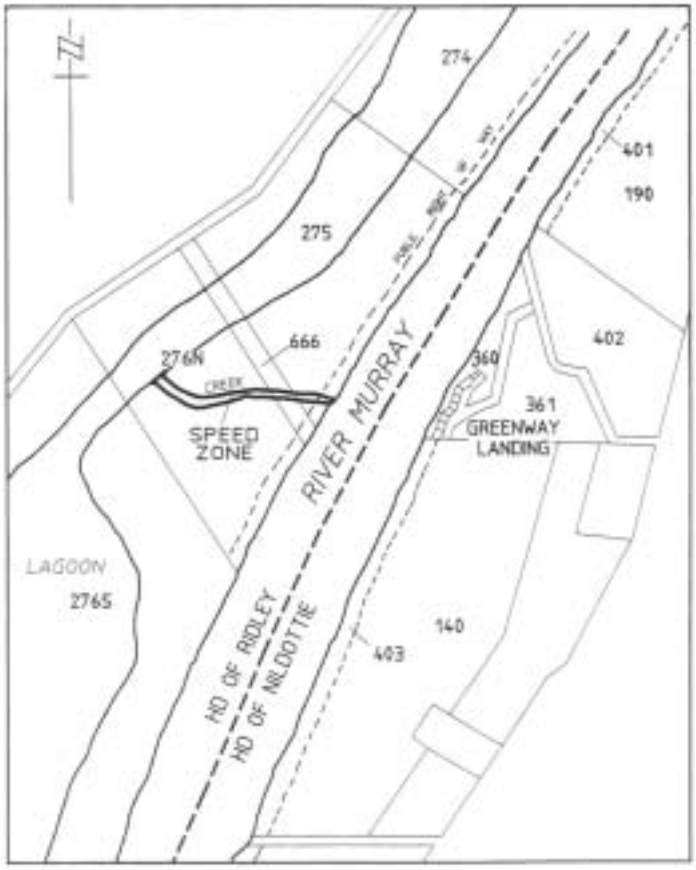
Area 7: the portion of the River Murray at Murray Bridge (Woodlane Reserve) bounded as follows:

- 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 m from the waters edge;
- on the north-west by the south-eastern face of the Timber Jetty approximately 20 m 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.



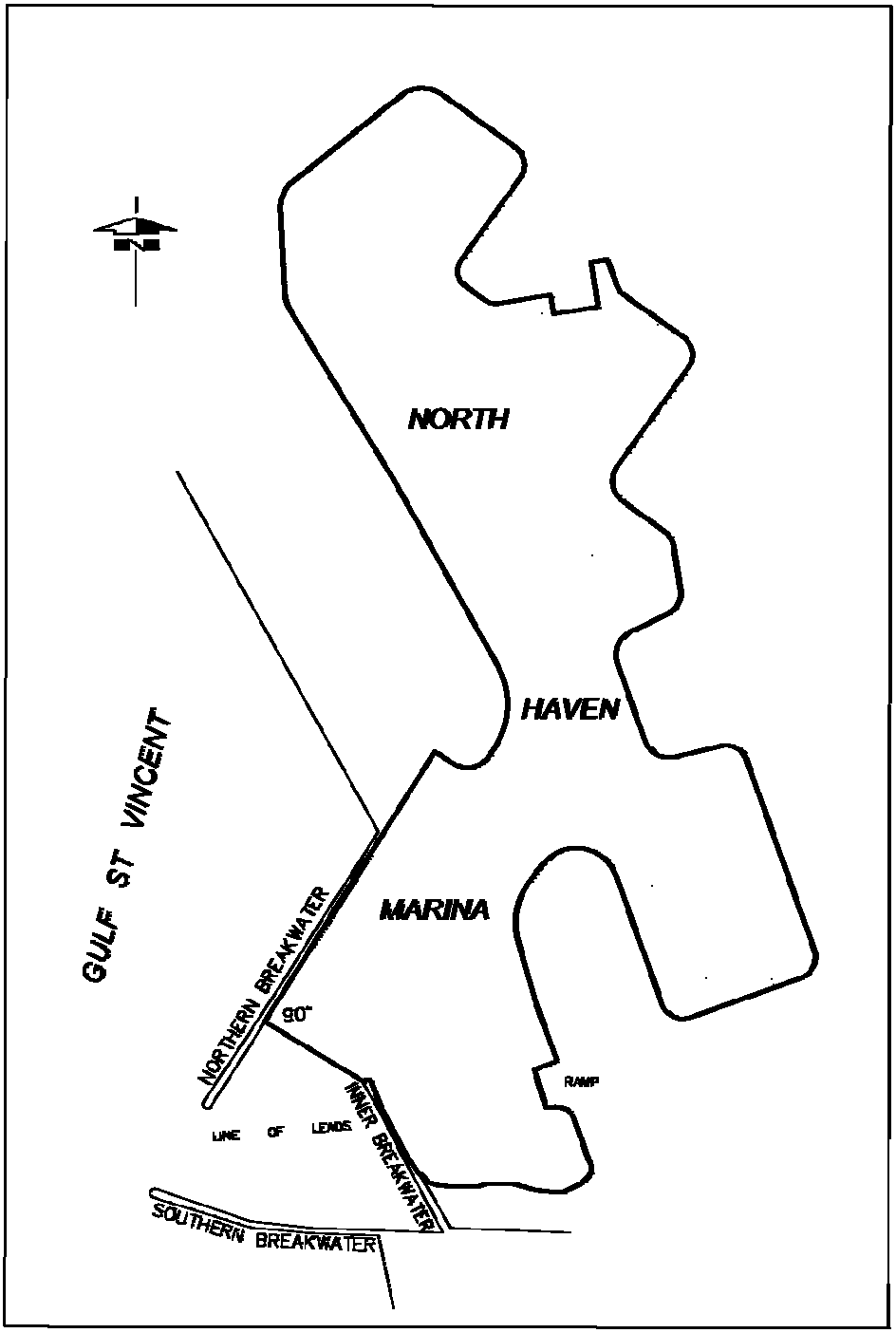
Nildottie

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:



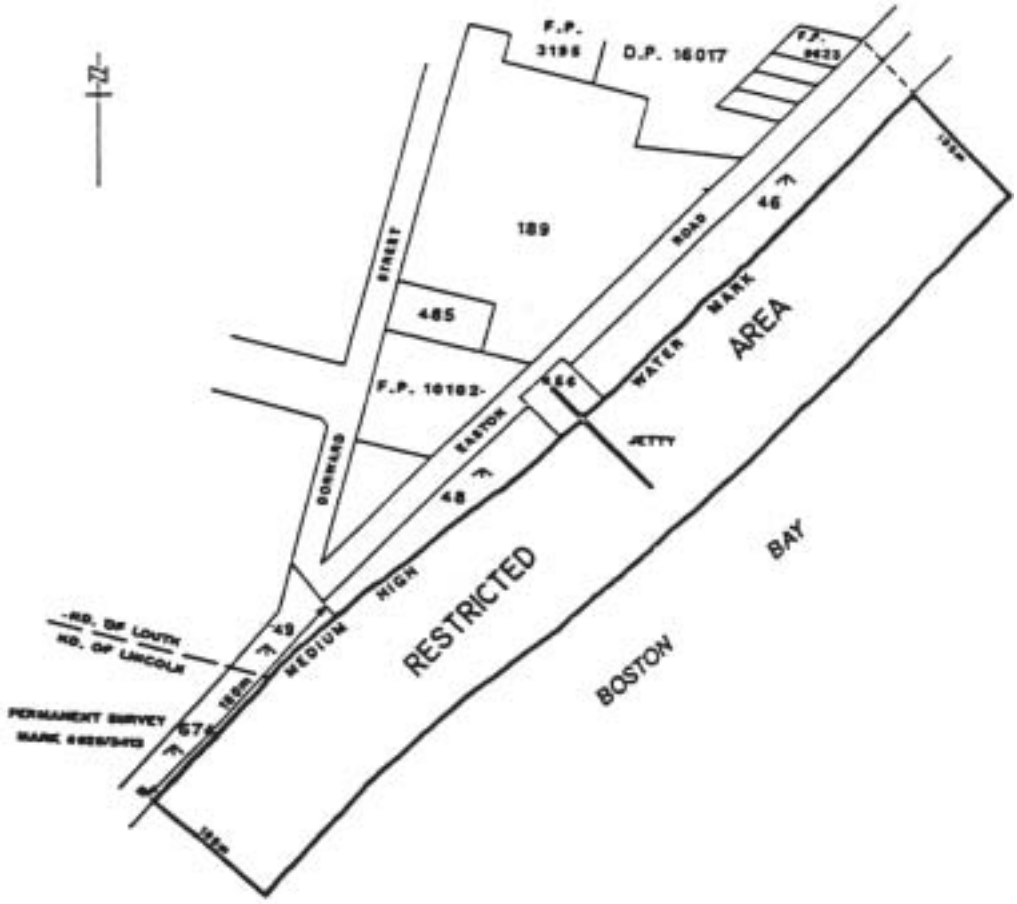
North Haven Marina

The portion of the waters of the North Haven marina bounded by and to the east of a line commencing at the seaward end of the inner breakwater and extending in a north-westerly direction to intersect perpendicularly with the northern breakwater.



North Shields

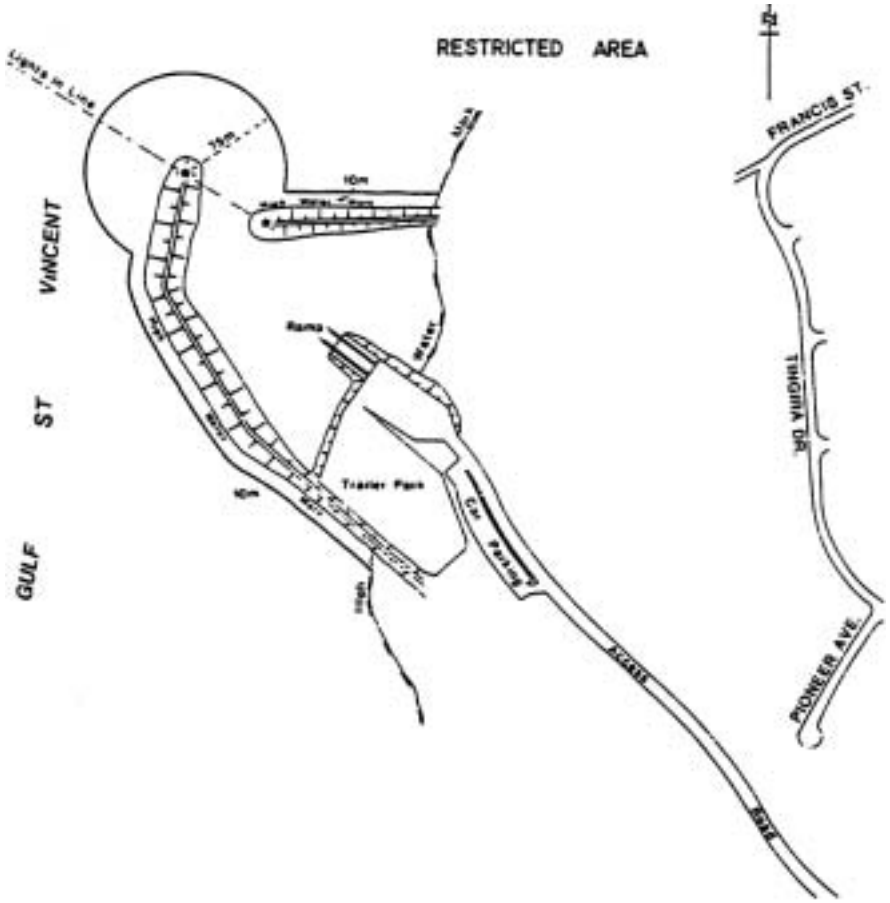
The portion of the waters of the sea at North Shields delineated in bold on the plan below:



O'Sullivan Beach

The area of the sea at O'Sullivan Beach bounded as follows:

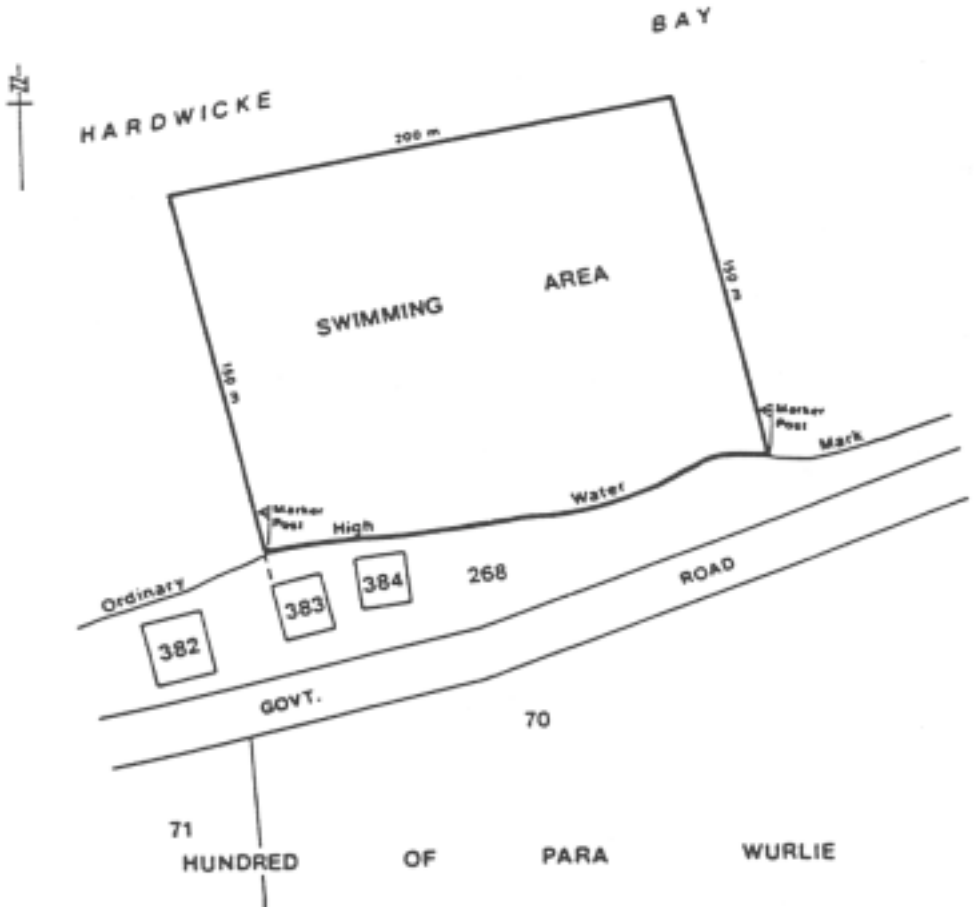
commencing at a point being the intersection with high water mark of a line 10 m north of and parallel to high water mark on the north side of the inner breakwater, then west along the said line to its intersection with the circumference of a circle of 75 m radius centred on the light at the seaward end of the outer breakwater, then anti-clockwise around the said circumference to its intersection with a line 10 m 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.



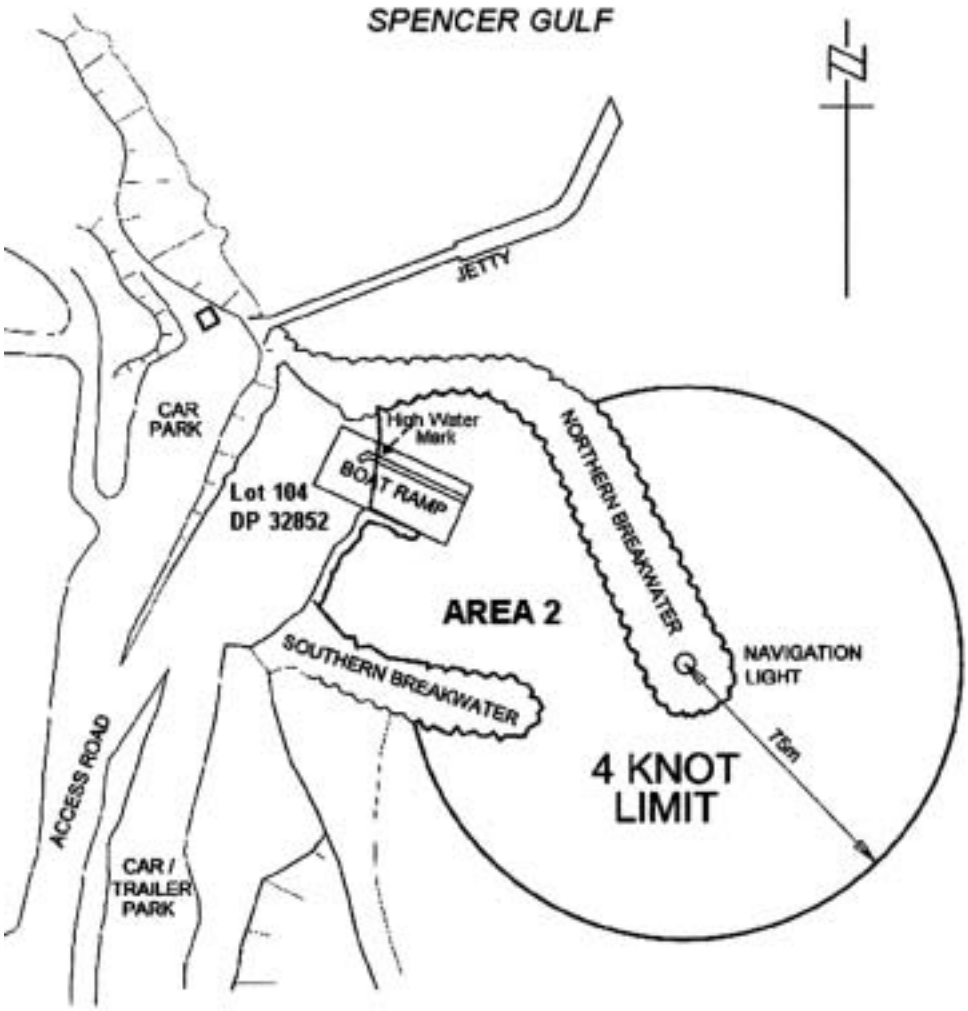
Point Turton

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 m seaward;
- on the east by a straight line parallel to and 200 m 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 m 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.



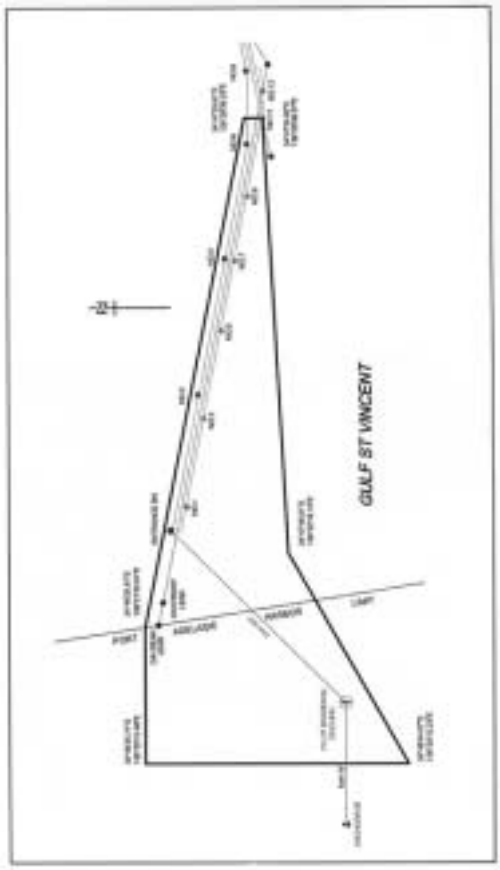
Area 2: the portion of the waters of Hardwicke Bay in Spencer Gulf near Point Turton described as "Area 2" on the plan below:



Port Adelaide

The portion of the waters of Port Adelaide and adjacent waters 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′25.61" south, longitude 138°26′38.28" east;
- on the east by a straight line commencing at a point at latitude 34°47′25.61" south, longitude 138°26′38.28" east and extending to a point at latitude 34°47′34.62" south, longitude 138°26′38.27" east;
- on the south by a straight line commencing at a point at latitude 34°47′34.62" south, longitude 138°26′38.27" east and extending to a point at latitude 34°47′46.01" south, longitude 138°22′18.12" east;
- on the south-west by a straight line commencing at a point at latitude 34°47′46.01" south, longitude 138°22′18.12" east and extending to a point at latitude 34°48′44.07" south, longitude 138°20′12.23" east;
- on the west by a straight line commencing at a point at latitude 34°48′44.07" south, longitude 138°20′12.23" east and extending to a point at latitude 34°46′35.71" south, longitude 138°20′12.48" east;
- on the north by a straight line commencing at a point at latitude 34°46′35.71" south, longitude 138°20′12.48" east and extending to a point at latitude 34°46′35.81" south, longitude 138°21′33.51" east.

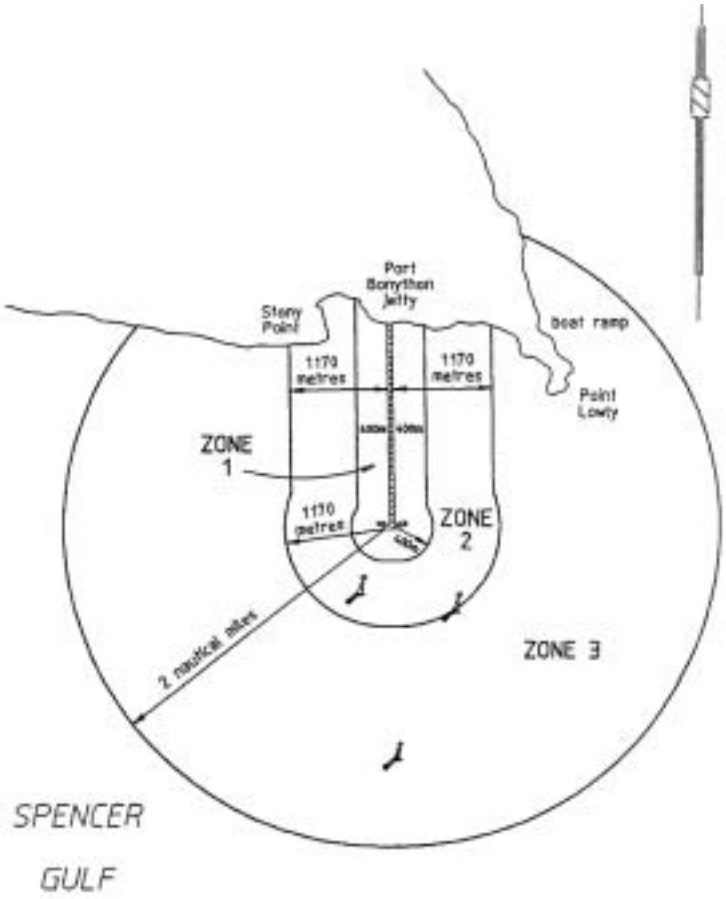


Port Bonython

Zone 1: waters within 400 m of Port Bonython jetty.

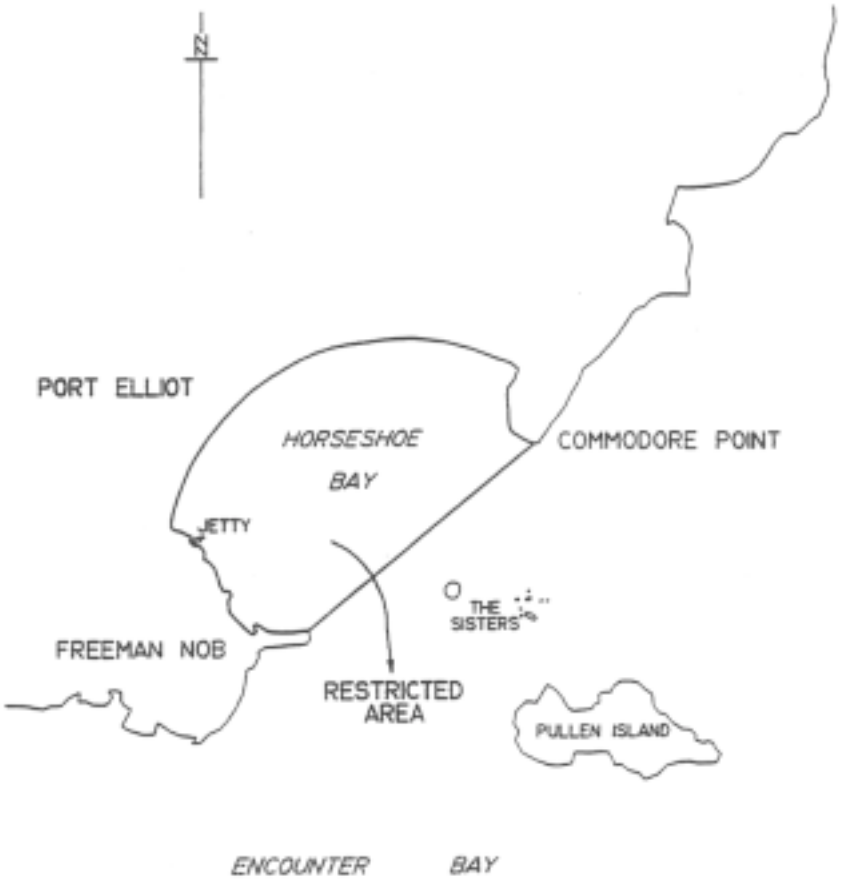
Zone 2: waters within 1 170 m of Port Bonython jetty.

Zone 3: waters within 2 nautical miles of the berth operations signal at the seaward end of Port Bonython jetty.



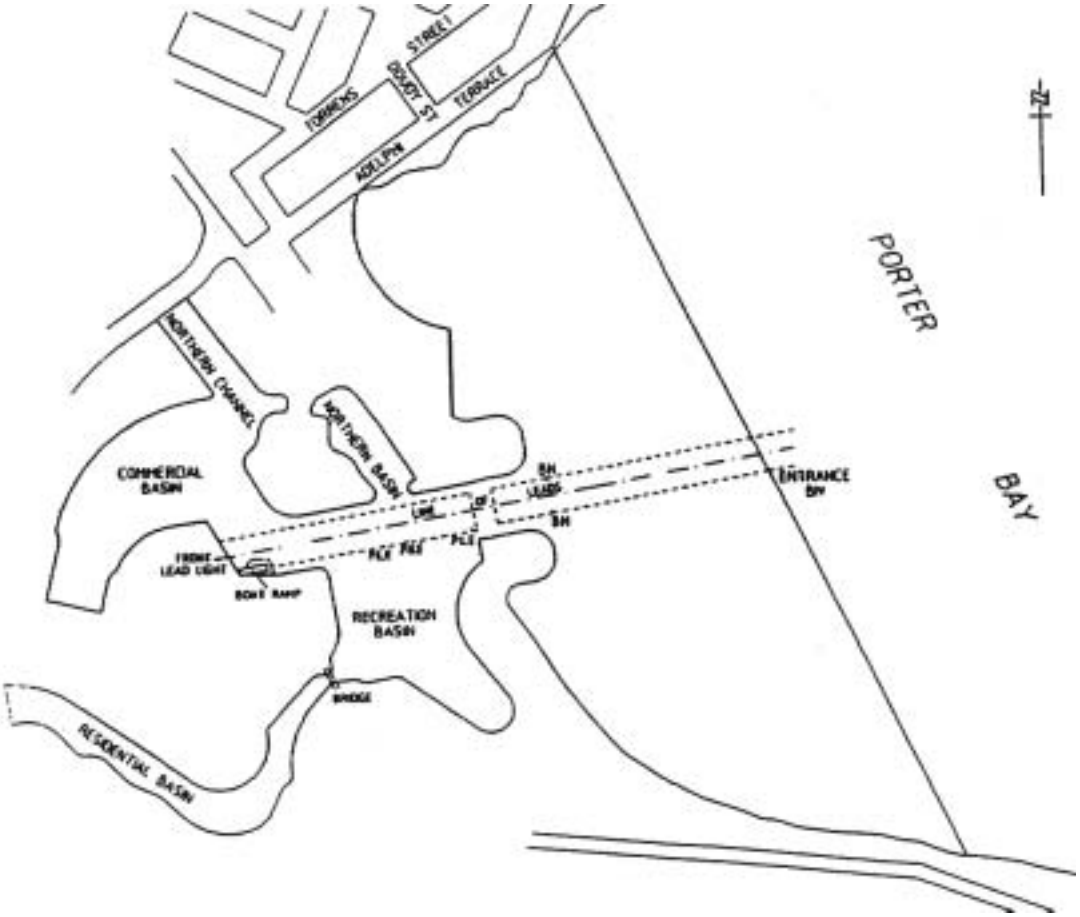
Port Elliot

All the waters of Horseshoe Bay north-west of a line joining the eastern extremity of the breakwater at Freeman Nob with Commodore Point.



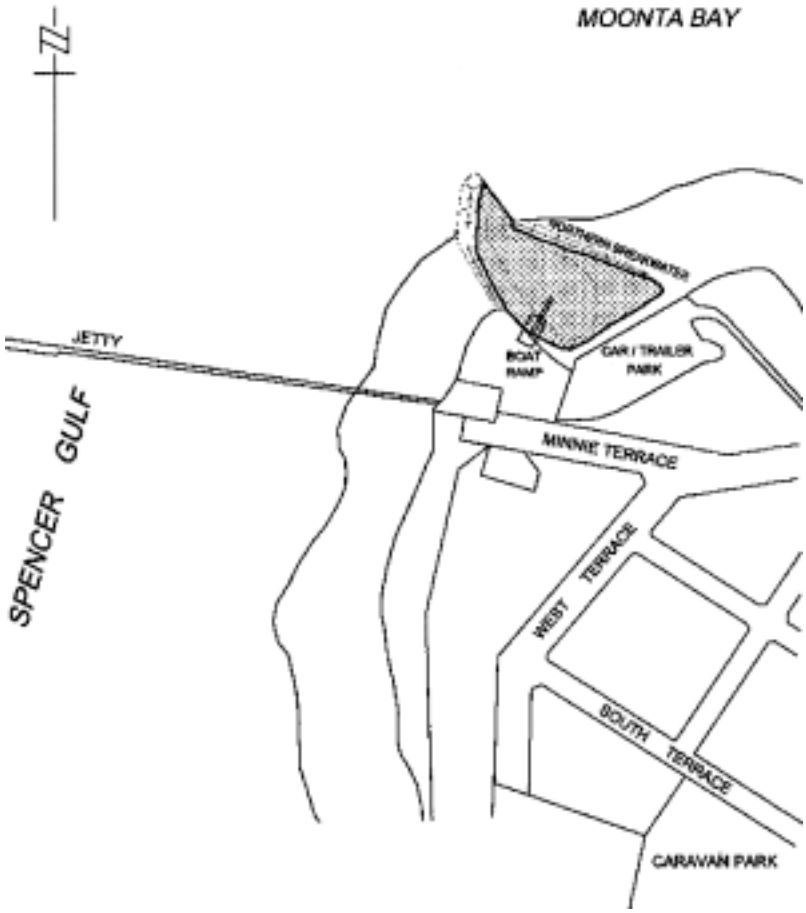
Porter Bay

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:

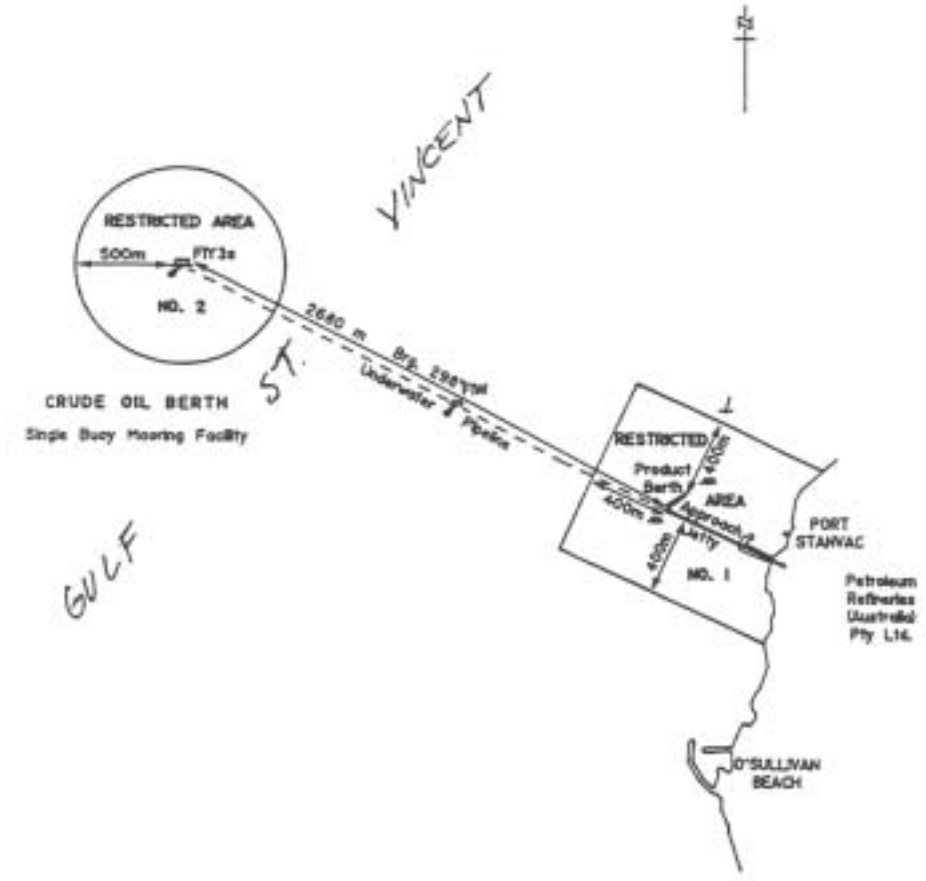
- on the north-west by a straight line being the prolongation seawards of the north-west boundary of Gill Street and Coneybeer Terrace for a distance of 350 m from the high water mark;
- on the south-west and south-east by the high water mark;
- on the north-east by a straight line joining the seaward 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 m 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 m 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 m 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 m radius of the Single Buoy Mooring Facility in approximate position Latitude 35°05.9′S, Longitude 138°26.3′E.



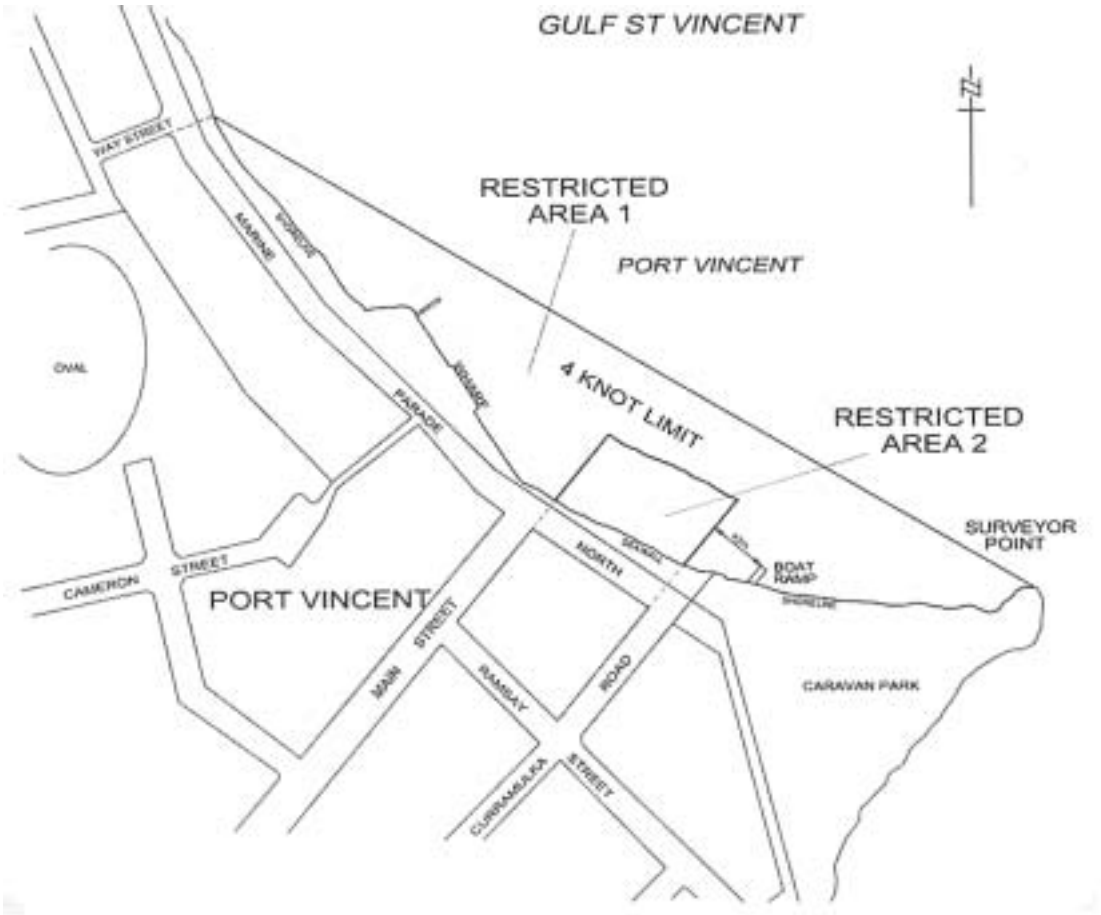
Port Vincent

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 m 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

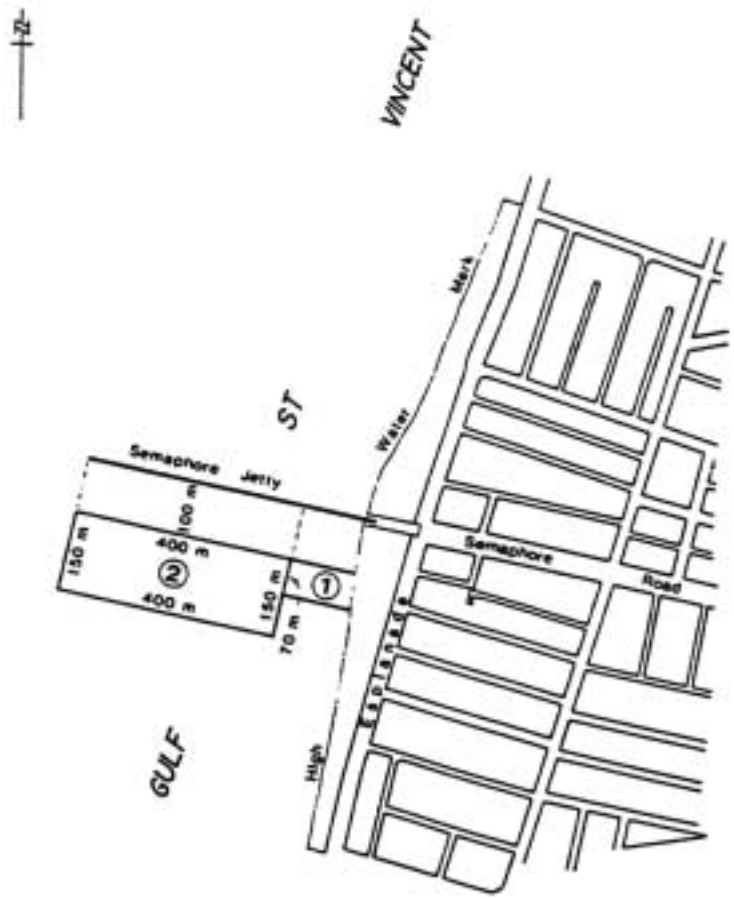
The portion of the sea at Robe bounded as follows:

- 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 m seaward of, and parallel to, high water mark.

Semaphore

The portion of the sea at Semaphore bounded as follows:

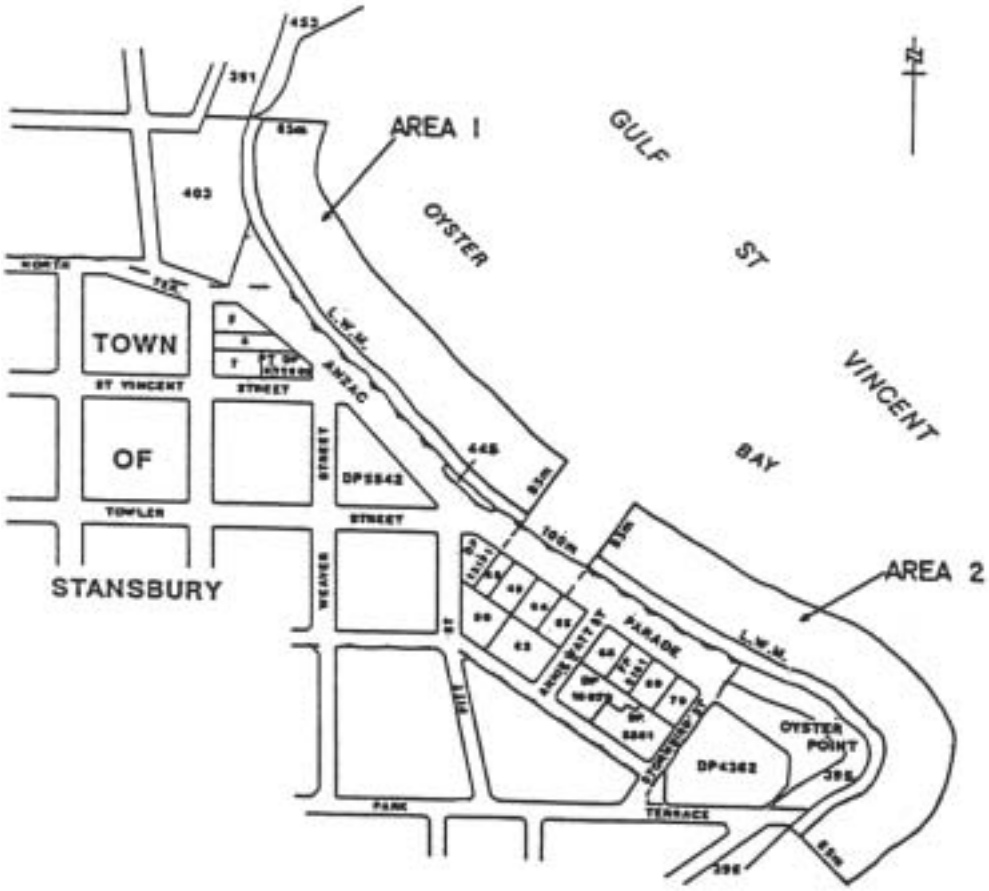
- on the north by a straight line 100 m south of and parallel to the south side of the Semaphore Jetty;
- on the south by a straight line 170 m south of and parallel to the south side of the Semaphore Jetty;
- on the west by a straight line 400 m east of the seaward end of the Semaphore Jetty and at 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;

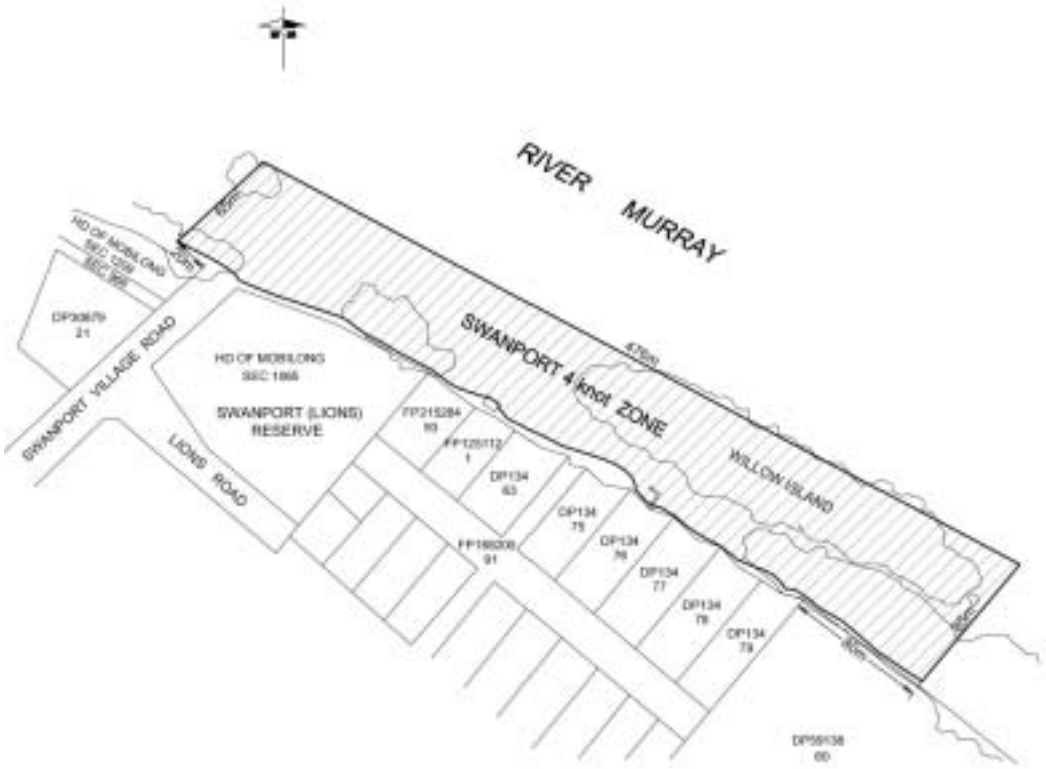
Area 2: the portion of the waters of the sea at Stansbury delineated on the plan below as Area 2.



Swanport

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

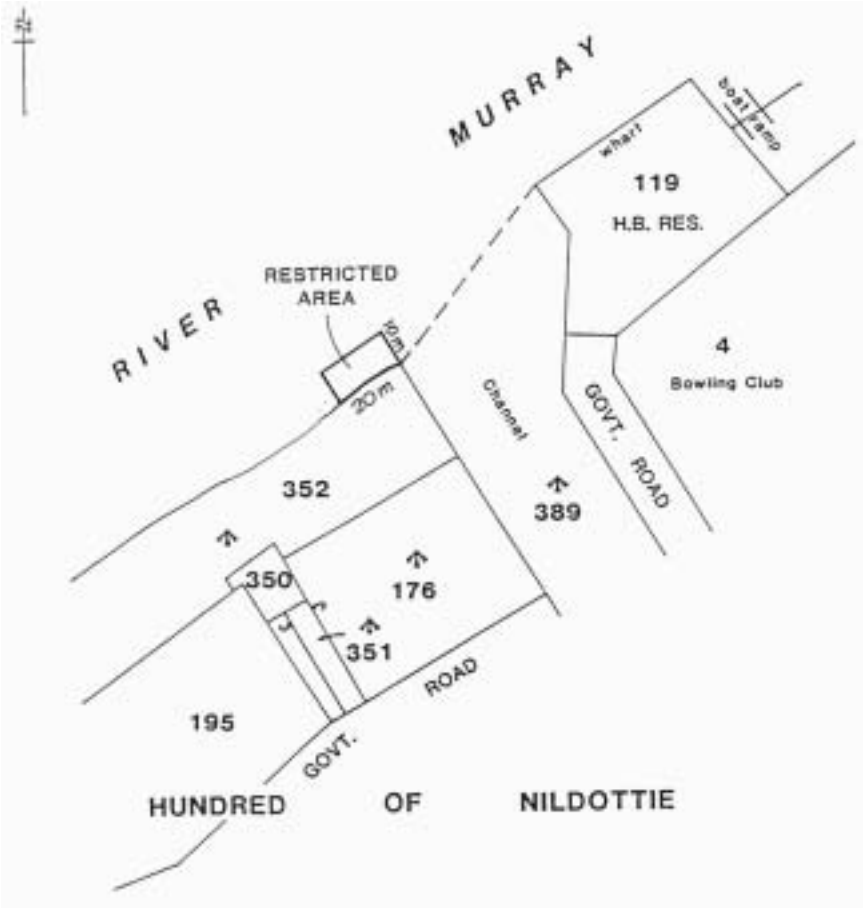
- on the north-west, by a straight line extending 65 m in a north-easterly direction from a point at the water's edge 20 m upstream of the point at which the north-western boundary of Swanport Village Road (or the prolongation of that boundary) meets the water's edge and parallel to that boundary;
- on the south-east, by a straight line extending 85 m in a north-easterly direction from a point at the water's edge 80 m downstream of the point at which the south-eastern boundary of Lot 79 of Deposited Plan No 134 (or the prolongation of that boundary) meets the water's edge and parallel to that boundary;
- on the north-east, by a straight line joining the northern extremity of the north-western boundary with the northern extremity of the south-eastern boundary;
- on the south-west, by the water's edge.



Swan Reach

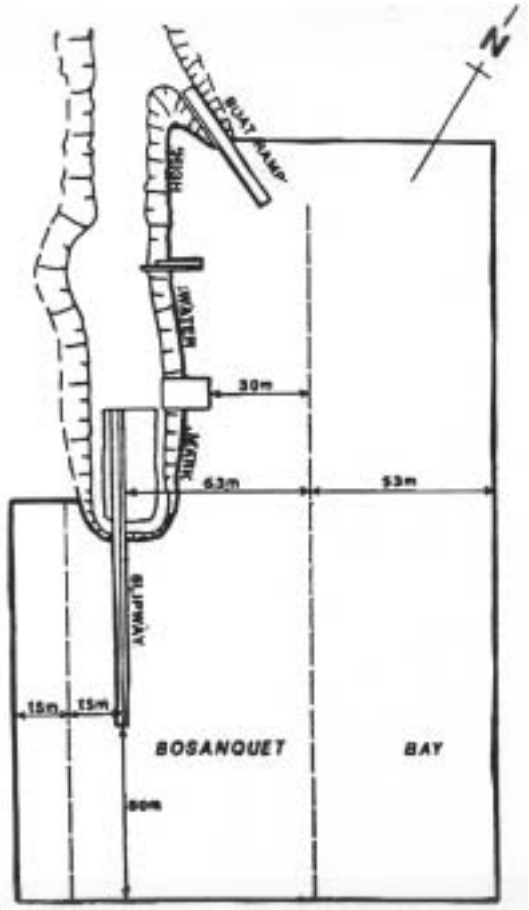
The portion of the River Murray at Swan Reach bounded as follows:

- 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 m north-westerly from the river edge;
- on the south-west by a straight line, 20 m from and parallel to the north-eastern boundary, extending 10 m 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.



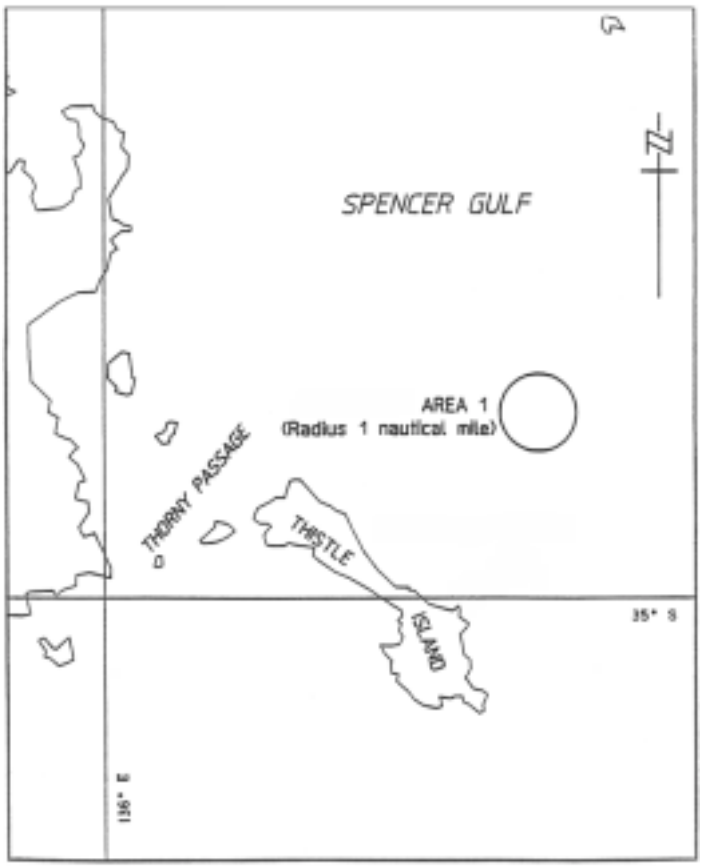
Thevenard

The portion of the sea at Bosanquet Bay delineated in bold on the plan below:



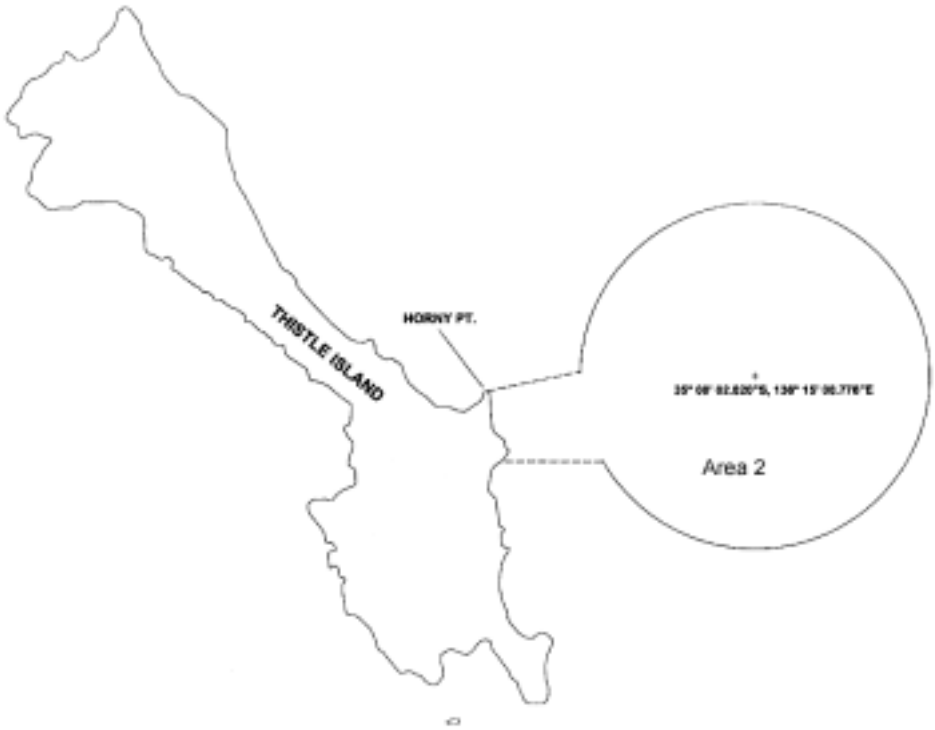
Thistle Island

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 m 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 m seaward from high water mark;
- on the east by a straight line commencing at a point 50 m west of the east extremity of Section 354, Hundred of Hutchison, and extending due north for 450 m from the south-west boundary;
- on the north by a straight line commencing at a point 2 km generally north-westerly along the south-west boundary from the east boundary, and extending due east for 450 m 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:

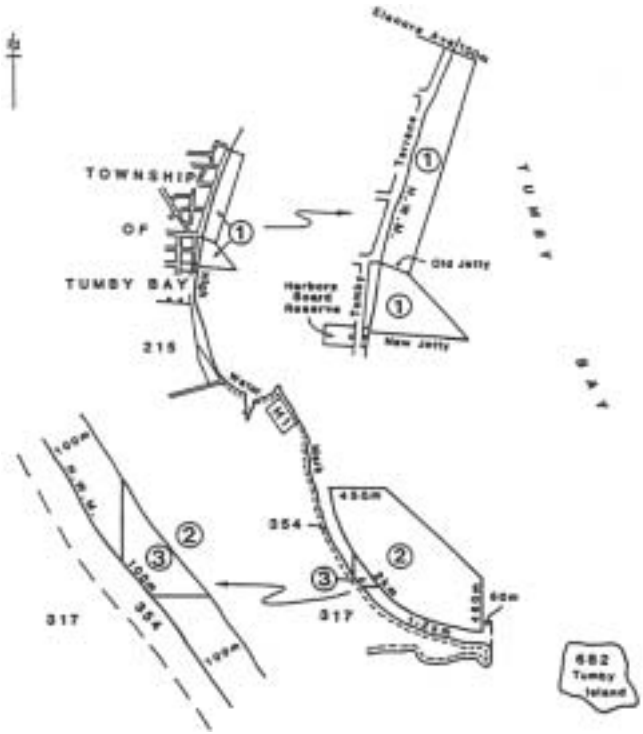
- on the south by a straight line extending due east from a point 1.2 km along high water mark and generally north-west from the east extremity of Section 354, Hundred of Hutchison;
- on the west by a straight line extending due north from a point 100 m along high water mark and generally north-west 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:

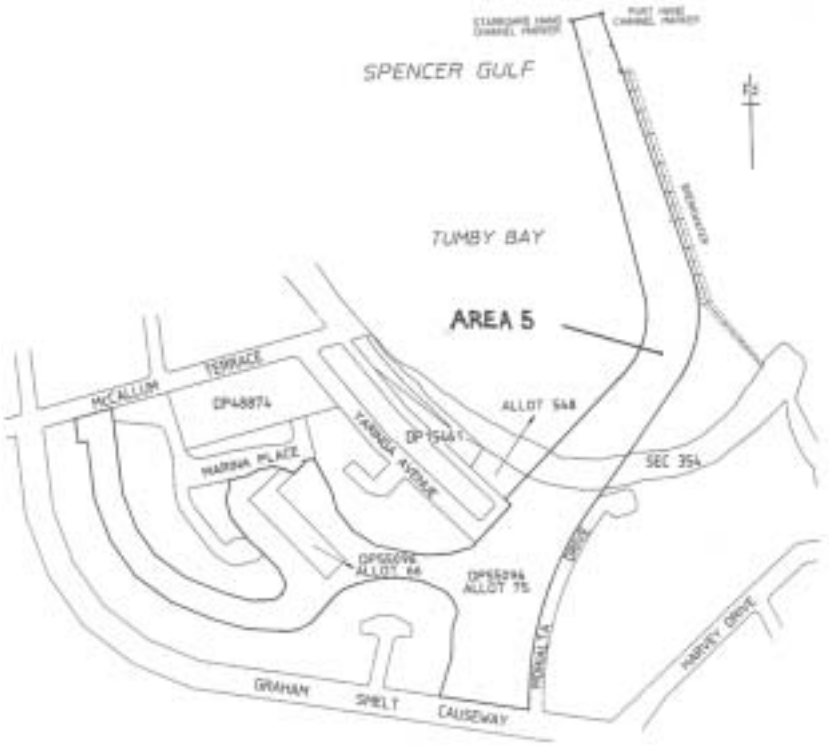
- on the west and south by the high water mark;
- on the north by a straight line being the prolongation seawards of the northern boundary of Goode Avenue for a distance of 350 m from the high water mark;
- on the east by a straight line being the prolongation seawards of the eastern boundary of Harvey 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 Deposited Plan No 55096, then generally southerly, westerly and easterly around the boundary of that Allotment (including Allotment 66 in Deposited Plan No 55096) to its intersection with the north-eastern corner of Allotment 548 in Deposited Plan No 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
TERRACE
HIGH
GOVERNMENT ROAD
WATER
MARK
SEC. 354
TUMBY


SPENCER GULF
TUMBY BAY
AREA 5
TERRACE
DP45874
ALLOT 548
DP15441
SEC 354
DRIVE
GRAHAM
SPELT
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.

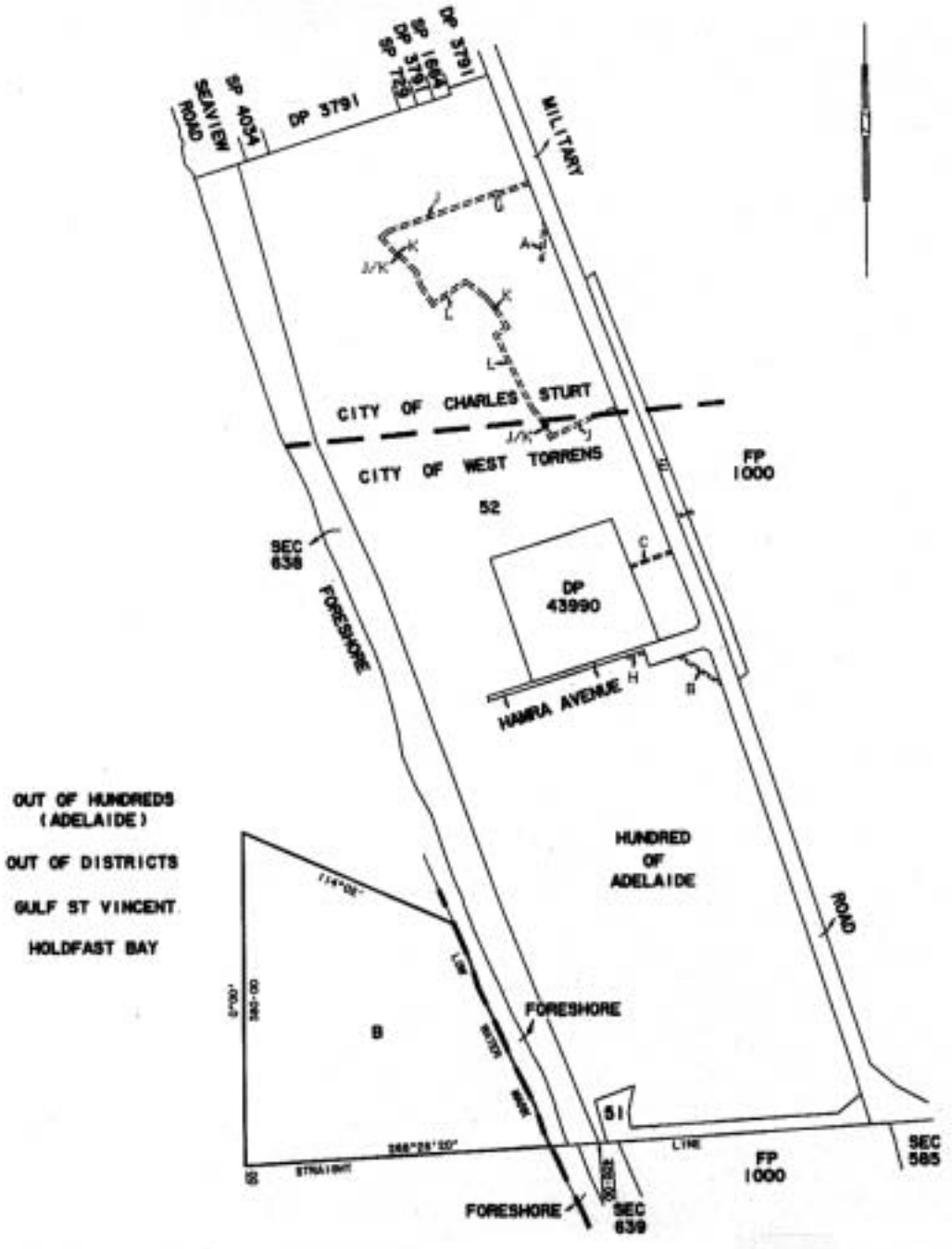
Wallaroo Bay

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 m;
- 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 m;
- 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:

(a) commencing at the most westerly point on the north-eastern tip of the southern breakwater (being portion of Lot 3 in Deposited Plan No 26088); then west-north-westerly along a line of bearing 290°14′10″ for a distance of 74.17 m 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:

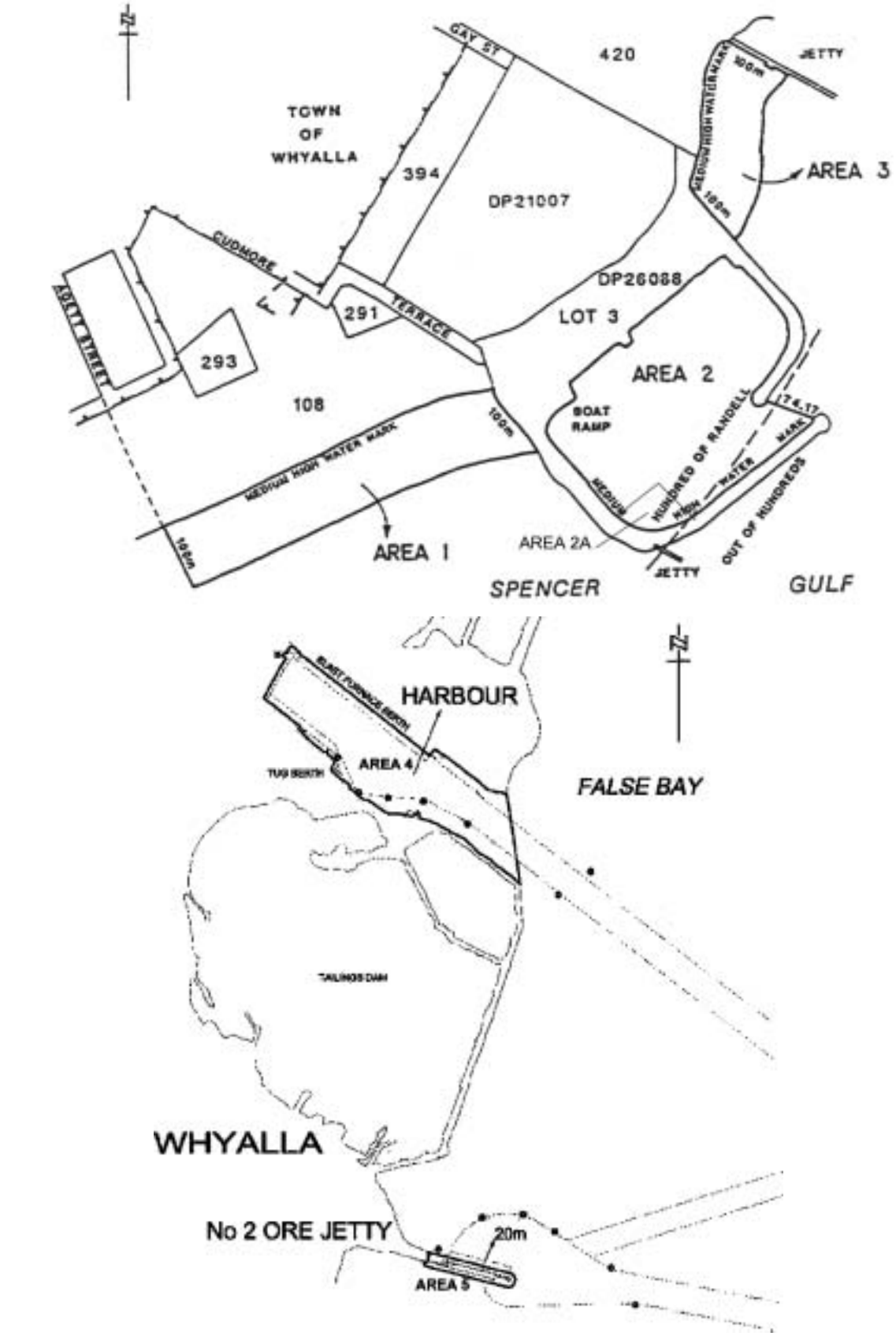
(a) commencing at a point on the northern face of the southern breakwater (being portion of Lot 3 in Deposited Plan No 26088), being a point that is 246 m (measured along the northern face of the southern breakwater) from the most westerly point on the north-eastern tip of the southern breakwater; then generally north-westerly for a distance of 77 m; then south-westerly for a distance of 87 m 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:

(a) 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 m; then generally south-westerly along a line parallel to and 100 m seawards of high water mark to its intersection with the northern breakwater (part of Lot 3, Deposited Plan No 26088); then generally north-westerly and northerly along high water mark to the point of commencement.

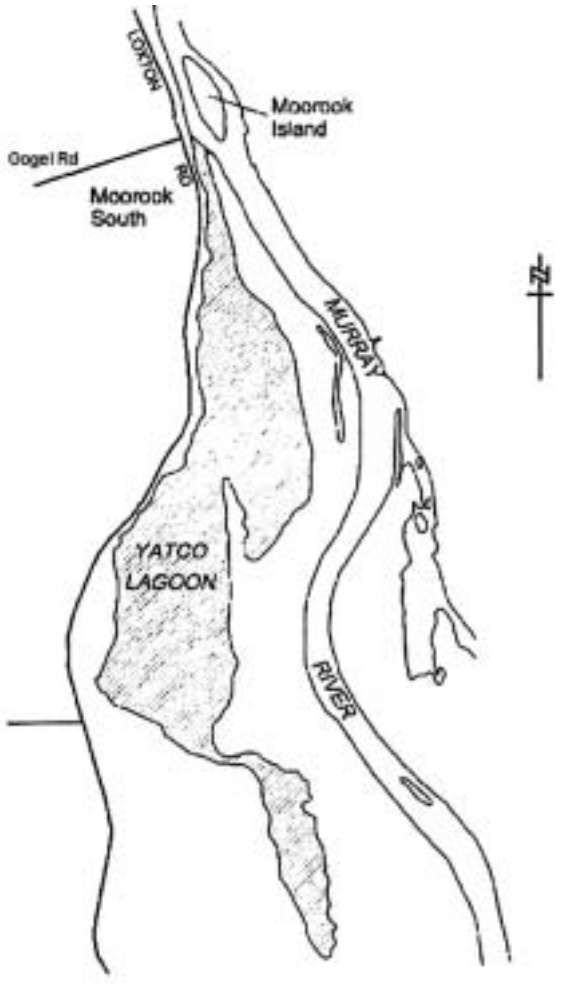
Area 4: the portion of False Bay at Whyalla described as "Area 4" on the plan below.

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
291
TERRACE
LOT 3
293
AREA 2
108
BOAT RAMP
AREA 1
AREA 2A
JETTY
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.



Part 2—Identification of controls

2—Identification of controls

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;

8. a person must not swim or bathe in the specified waters except for purposes connected with scuba diving or snorkelling;

9. a person must not operate a vessel fitted with an engine in the specified waters;

10. 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;

11. a person must not operate a vessel in the specified waters except for the purposes of water skiing, aquaplaning or like activity;

12. a person must not leave any fishing apparatus unattended in the specified waters;

13. a person must not moor a vessel, fish or trawl in the specified waters;

14. a person must not moor a vessel in the specified waters except at a permanent mooring facility established in the waters;

15. a person must not remove or interfere with a wreck or any part of a wreck in the specified waters;

16. a person must not—

    (i) operate a vessel other than a personal watercraft; or

    (ii) swim, bathe or dive (including scuba dive) except for purposes connected with operating a personal watercraft,

    in the specified waters;

17. 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.

Part 3—Controls applying in particular areas

3—Controls applying in particular areas

The controls applying in particular restricted areas are as follows:

Restricted area(s)	**Controls applying in the area(s)**	**Additional controls applying in the area(s)** **Note—** **It is also an offence to contravene these controls—see regulation 11.**
Angas Inlet	Controls 1 and 4 **Note—** see clause 4 below.	
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 4	Controls 1 and 4	
Brighton Area 5	Control 9	
Bucks Bay	Controls 1 and 4	
Caloote Landing Area 1	Controls 1 and 4	
Caloote Landing Area 2	Controls 3 and 5	
Christies Beach	Control 13	
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, 8, 14 and 15	
Forbys Island	Controls 1 and 4	
Glenelg	Controls 3 and 5	
Glenelg River	Controls 3 and 5	
Goolwa Areas 1, 3 and 5	Controls 3 and 5	

Restricted area(s)	Controls applying in the area(s)	Additional controls applying in the area(s) **Note—** **It is also an offence to contravene these controls—see regulation 11.**
Goolwa Areas 2, 4 and 6	Controls 2 and 5	
Goolwa Area 7	Control 16	
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 9	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 11	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 8 vessels within the area. If there are 8 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.
Lake Leake	Controls 1 and 4	
Mannum Areas 1 and 2	Controls 1 and 4	
Mannum Area 3	Controls 3 and 5	

Restricted area(s)	**Controls applying in the area(s)**	**Additional controls applying in the area(s)** **Note—** **It is also an offence to contravene these controls—see regulation 11.**
Meningie Area 1	Controls 1 and 4	
Meningie Area 2	Controls 2 and 5	
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 9 **Note—** see clause 5 below.	In this area the river is divided into 2 channels and the usual rules of navigation apply in respect of each of those channels.
Murray Bridge Area 3	Controls 2 and 5	
Murray Bridge (bathing) Areas 1 to 7	Controls 1 and 4	
Nildottie	Controls 2 and 5	
North Haven Marina	Control 2	
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 12	
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 1 flash per second.	

Restricted area(s)	Controls applying in the area(s)	Additional controls applying in the area(s) **Note—** **It is also an offence to contravene these controls—see regulation 11.**
Port Bonython Zone 3	Controls 1 and 4, but only while the berth operations signal at the seaward end of the jetty is signalling 2 red lights (in a vertical line 3 m apart) flashing each at an approximate rate of 1 flash per second (so that together they flash at an approximate rate of 2 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 10	
Robe	Controls 3 and 5	
Semaphore	Control 6	
Stansbury Areas 1 and 2	Controls 3 and 5	
Swanport	Controls 2 and 5	
Swan Reach	Controls 1 and 4	
Thevenard	Control 6	
Thistle Island Areas 1 and 2	Control 13 **Note—** see clause 7 below.	
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 17	

Restricted area(s)	Controls applying in the area(s)	Additional controls applying in the area(s) Note— It is also an offence to contravene these controls—see regulation 11.
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 9	
Whyalla Area 2	Controls 3 and 5	
Whyalla Area 2A	Control 1	
Whyalla Areas 4 and 5	Controls 1 and 4	
Yatco Lagoon	Control 2	

4—Non-application of controls to certain vessels in Angas Inlet

The controls set out in the table in clause 3 in relation to Angas Inlet do not apply in relation to vessels in the specified waters for a purpose connected with the operation or maintenance of Torrens Island Power Station.

5—Non-application of controls to certain vessels in Murray Bridge Area 2

The controls set out in the table in clause 3 in relation to Murray Bridge Area 2 do 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.

6—Non-application of controls to certain vessels at Port Bonython, Port Stanvac and Whyalla

The controls set out in the table in clause 3 in relation to the following restricted areas:

(a) Port Bonython Zone 1, 2 and 3;

(b) Port Stanvac Areas 1 and 2;

(c) Whyalla Areas 4 and 5,

do not apply in relation to vessels of the following classes:

(d) vessels entering or remaining in the relevant area for the purposes of loading or unloading at the port facilities;

(e) vessels entering or remaining in the relevant area for purposes connected with the operation of the port facilities or the harbor.

7—Non-application of controls to certain vessels in Thistle Island Areas 1 and 2

The controls set out in the table in clause 3 in relation to Thistle Island Areas 1 and 2 do not apply in respect of the taking of abalone in Thistle Island Area 2 in accordance with a licence under the *Fisheries Management Act 2007*.

Schedule 6—Minimum requirements as to the number and respective qualifications of crew of fishing vessels

1—Interpretation

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 respectively;

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 m 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 1 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 respectively;

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 requirements as to the number and respective qualifications of crew of fishing vessels

(1) A fishing vessel specified in column 1 of the following table with the operational area referred to in column 2 of the table must carry at least the number of crew members, with at least the respective qualifications, specified in the remaining columns of the table in relation to such a vessel:

Vessel size (length)	Operational area	Total complement	Master	Chief mate	Other
80 m and over	Unlimited	*	*	*	*
	Australian Coastal & Middle-water	*	*	*	*
	Offshore	*	*	*	*
35 m and over, but less than 80 m	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 m and over, but less than 35 m	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 m and over, but less than 24 m	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 m	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.

(2) A fishing vessel specified in column 1 of the following table with the operational area referred to in column 2 of the table must carry at least the number of engineers, with at least the respective qualifications, specified in the remaining columns of the table in relation to such a vessel.

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—trading vessels operating solely on River Murray or inland waters

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—

(a) must have attained the age of 18 years; and

(b) must 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) must have not less than 6 months of experience approved by the CEO on vessels not less than 4 m in length; and

(d) must 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

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.

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.

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.

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.

5—Engineering Knowledge

(1) Working knowledge of propelling machinery.

(2) Working knowledge of the care and maintenance of engines and batteries.

(3) Basic knowledge of fuel filter systems.

(4) Basic knowledge of pumping and venting systems.

(5) 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.

6—Navigation and Local Knowledge

(1) Knowledge of section 17 of the Code.

(2) Knowledge of lights or local signals.

(3) Knowledge of lock or local signals.

(4) Knowledge of statutory requirements regarding registration of vessels and licensing of operators and carriage of equipment and a clear understanding of limitations of certificates.

(5) Knowledge of regulations for recreational boating including obligatory assistance and reporting of accidents etc.

(6) Knowledge of requirements for survey and maintenance of vessels and equipment.

(7) 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—

(a) must have attained the age of 18 years; and

(b) must 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) if the applicant does not hold a certificate of competency—must 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 m in length on the River Murray or inland waters; or

(ii) if the applicant holds other qualifications acceptable to the CEO—must 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 m in length; and

(d) must 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

1—Design and Construction

(1) Knowledge of the principal parts of a vessel and their various functions.

(2) Practical appreciation of how the watertight integrity of a vessel is maintained.

(3) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities.

(4) Practical knowledge of bilge pumping arrangements.

(5) Practical knowledge of the steering arrangements of a vessel.

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.

3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) maintenance of vessels.

NAUTICAL KNOWLEDGE

1—Marine Legislation

(1) Knowledge of the certificates required to be carried by vessels.

(2) A working knowledge of the law relating to the following:

(a) lifesaving appliances;

(b) distress signals;

(c) rendering assistance;

(d) overloading;

(e) fire appliances;

(f) musters and drills.

2—Meteorology

(1) 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.

(2) An understanding of the effect of fetch on wave height.

3—Protection of the Environment

(1) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials.

(2) Knowledge of the management of sewage holding tanks.

4—Navigational Safety

(1) A sound knowledge of the content and application of—

(a) section 17 of the Code;

(b) channel and lock marking systems.

(2) 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.

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.

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.

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.

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—

(a) must have attained the age of 18 years; and

(b) must 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) if the applicant does not hold a certificate of competency—must 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 houseboats of less than 80 m in length on the River Murray or inland waters; or

(ii) if the applicant holds other qualifications acceptable to the CEO—must have a period appropriate to those qualifications of experience approved by the CEO on the River Murray or inland waters; and

(d) must 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

1—Design and Construction

(1) Knowledge of the principal parts of a vessel and their various functions;

(2) Practical appreciation of how the watertight integrity of a vessel is maintained;

(3) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;

(4) Practical knowledge of bilge pumping arrangements;

(5) Practical knowledge of the steering arrangements of a vessel.

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.

3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) maintenance of vessels.

NAUTICAL KNOWLEDGE

1—Marine Legislation

(1) Knowledge of the certificates required to be carried by vessels;

(2) A working knowledge of the law relating to the following:

(a) lifesaving appliances;

(b) distress signals;

(c) rendering assistance;

(d) overloading;

(e) fire appliances;

(f) musters and drills.

2—Meteorology

(1) 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;

(2) An understanding of the effect of fetch on wave height.

3—Protection of the Environment

(1) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;

(2) Knowledge of the management of sewage holding tanks.

4—Navigational Safety

(1) A sound knowledge of the content and application of—

(a) section 17 of the Code;

(b) channel and lock marking systems;

(2) 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.

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.

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.

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.

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—

(a) must have attained the age of 20 years; and

(b) must 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) if the applicant does not hold a certificate of competency—must 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 m in length; or

(ii) if the applicant holds a certificate of competency as Master Class 5 River Murray and Inland Waters—must 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 m in length; or

(iii) if the applicant holds other qualifications acceptable to the CEO—must 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 m in length; and

(d) must 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

1—Design and Construction

(1) Knowledge of the principal parts of a vessel and their various functions;

(2) Practical appreciation of how the watertight integrity of a vessel is maintained;

(3) Practical knowledge of fuel, fresh water and ballast water arrangements, including pumping, cross flooding, sounding and venting facilities;

(4) Practical knowledge of bilge pumping arrangements;

(5) Practical knowledge of the steering arrangements of a vessel.

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.

3—Maintenance and Repairs

Knowledge of—

(a) methods of docking or slipping vessels;

(b) the maintenance of vessels.

NAUTICAL KNOWLEDGE

1—Marine Legislation

(1) Knowledge of the certificates required to be carried by vessels;

(2) A working knowledge of the law relating to the following:

(a) lifesaving appliances;

(b) distress signals;

(c) rendering assistance;

(d) overloading;

(e) fire appliances;

(f) musters and drills.

2—Meteorology

(1) 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;

(2) An understanding of the effect of fetch on wave height.

3—Protection of the Environment

(1) A working knowledge of the law relating to the protection of the environment, including the pollution of the waters by oil and other materials;

(2) Knowledge of the management of sewage holding tanks.

4—Navigational Safety

(1) A sound knowledge of the content and application of—

(a) section 17 of the Code;

(b) channel and lock marking systems;

(2) 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.

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.

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.

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.

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

1—Length, size and speed

(1) Subject to subclause (2), a hire and drive houseboat—

(a) must not exceed 20 m in length; and

(b) must not exceed 8.5 m 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 m 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 m 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) If 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 m or less in length—not less than 400 mm;

(b) for a boat that is 20 m or more in length—not less than 600 mm;

(c) for a boat that is more than 6 m but less than 20 m in length—not less than a distance determined by interpolation.

(2) If 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 1 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 1 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; and

(g) 2 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.

Note—

See AS 2387.

13—Fuel tanks and fuel systems for engines and generators

The following requirements apply to fuel tanks and fuel systems used in connection with an engine or a generator:

(a) a fuel tank must be—

(i) 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

(ii) designed and constructed for a working pressure of not less than 20 kPa; and

(iii) tested—

(A) in the presence of a surveyor; and

(B) with the tank full of water to the maximum head or 2.5 m above the top of the tank, whichever is the greater,

to ensure subparagraph (ii) is complied with;

(b) if a fuel tank is installed independently of the hull, the tank and fuel system must, in addition, comply with the following requirements:

(i) 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;

(ii) the tank supports and fastenings must be insulated from the tank by non-abrasive and non-absorbent material;

(iii) 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;

(iv) if the fuel has a flash point of less than 60°C—

(A) all elements of the fuel system must be electrically bonded; and

(B) 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

(C) 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;

(v) 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;

(vi) 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;

(vii) 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;

(viii) fuel pipes that are flexible must—

(A) be as short as possible; and

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

(C) be capable of withstanding 2.5 minutes of exposure to free burning kerosene while containing fuel;

(ix) fuel pipes that are not flexible must be constructed of seamless metal;

(x) if the tank contains fuel for use in a generator—

(A) the tank must be installed in such a manner that it is not possible to overfill the supply tank of the generator; and

(B) 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;

(b) the cabinet must be located so that there is no ignition source within 3 m;

(c) the cabinet must be vented and gauze flash arresters fitted to the vents;

(d) if the cabinet is on an open deck—it must be shaded by a structure to protect it from excessive temperature;

(e) the quantity of additional fuel must not exceed 120 litres;

(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 2 corrosion resistant pipe clips at each end.

16—Electrical installations

The following requirements apply in addition to other laws applying to electrical work and fittings:

(a) switchboards, distribution boards and fuse boxes must not be located within 1.5 m (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;

(b) 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;

(c) all circuit breakers, switches, fuses, and alarms, designed, constructed or adapted for use in an emergency must be labelled as such;

(d) navigation lights must be on a separate electrical circuit with each light individually fused or fitted with an overload circuit breaker;

(e) 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;

(f) if a battery is located on an open deck, it must be fully protected from the weather;

(g) starter leads for an inboard engine must be—

(i) as short as is compatible with the safe storage of the batteries; and

(ii) taken directly to the starter through the starting relay contacts with the relay mounted directly on or adjacent to the starter motor;

(h) 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;

(i) 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

The following requirements apply in addition to other laws applying in relation to liquefied petroleum gas:

(a) an appliance with a continuous burning pilot light or other continuous flame device—

(i) must not be installed below the main deck; and

(ii) 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;

(b) a gas heater without a flue is not permitted in an area where a person may sleep on a houseboat unless permitted by the Office of the Technical Regulator;

(c) an enclosed area containing a gas appliance must be ventilated as follows:

(i) if the area provides accommodation other than for sleeping or cooking—

(A) there must be 2 vents (in addition to any opening windows or other required vents) fitted on opposite sides of the area; and

(B) the lower edge of 1 vent must not be more than 150 mm above the floor; and

(C) the upper edge of the other vent must not be more than 300 mm below the ceiling; and

(D) if the lower vent is in the floor, it must be located where it is unlikely to be covered; and

(E) the vents must be of the following sizes:

- 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;
- if the area does not contain a refrigerator—
  - if the area is less than 4 m in length—240 square centimetres;
  - if the area is 4 or more metres, but less than 5 m, in length—300 square centimetres;
  - if the area is 5 m or more in length—360 square centimetres;

(ii) in any other case—

(A) the door to the area must be suitably louvred; or

(B) there must be 2 vents in the area as follows:

- 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;
- the vents must be at least 50 mm high and 100 mm wide;
- the lower edge of 1 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;
- the lower edge of the other vent must not be more than 100 mm above the floor of the area;

(d) the area within 1 m of a liquefied petroleum gas cylinder must be clear of flammable material (including paper and oily rags);

(e) a liquefied petroleum gas cylinder—

(i) must be secured vertically in position with valves uppermost by fastenings designed and constructed to withstand a load, in any direction, equal to 4 times the weight of the cylinder when full; and

(ii) 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 m, 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 m greater than the height of the cylinder, but excluding that part of the cone shaped area that is above a horizontal plane that is 500 mm above the topmost part of the cylinder (ie the tip of the cone); and

(iii) must be positioned so that the valves are more than 1 m 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

(iv) must be stored in an area—

(A) that is constructed of fire resistant material or is lined with fire resistant material; and

(B) that is vapour proof to accommodation areas; and

(C) in which no electrical equipment or appliances are installed;

(f) if copper pipes are used for liquefied petroleum gas—

(i) the pipes must be secured with clips fitted at least each 1 m if the pipe is vertical and at least each 400 mm if the pipe is not vertical; and

(ii) the material of which the clips are constructed must be compatible with copper pipe so that corrosion is not caused; and

(iii) 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 m.

(2) Passageways that are less than 4.5 m in length must be at least 600 mm wide.

(3) Passageways that are 4.5 m or more in length must be at least 800 mm wide.

(4) There must be at least 2 avenues of escape (1 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 m 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 2 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;

(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;

(c) if the sewerage tank is suspended between the pontoons—the tank must be protected against damage by floating debris;

(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 m of 12 mm buoyant line attached;

(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 lifebuoy 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 kg dry chemical powder fire extinguisher and one 9 litre foam fire extinguisher;

(b) 2 buckets each of not less than 9 litre capacity and fitted with a lanyard of not less than 2 m.

22—Communications equipment

A hire and drive houseboat must be fitted with either or both of the following:

(a) radio equipment that is capable of communication with the owner;

(b) a mobile phone provided by the owner.

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;

(b) an electric signalling torch;

(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) bandages;

(v) cotton wool;

(vi) crepe pressure bandage;

(vii) dressings;

(viii) finger stall;

(ix) first aid pamphlet;

(x) gauze;

(xi) safety pins;

(xii) scissors;

(xiii) splinter forceps;

(xiv) splinter probe.

Schedule 9—Structural and equipment requirements for vessels

Part 1—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 Part 2, Part 3 or Part 4 apply.

Note—

The vessels to which this Part applies are recreational vessels and vessels not required to be registered, surveyed or inspected.

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

(1) A vessel with an engine must be equipped with an exhaust that complies with the requirements (if any) set out in this Schedule.

(2) An exhaust fitted in relation to an engine of a vessel must not be, or be capable of producing, an open exhaust from the engine.

4—Compliance plate—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 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;

(b) the cabinet must be located so that there is no ignition source within 3 m;

(c) the cabinet must be vented and gauze flash arresters fitted to the vents;

(d) if the cabinet is on an open deck—it must be shaded by a structure to protect it from excessive temperature;

(e) the quantity of additional fuel must not exceed 120 litres;

(f) the fuel must be stored in containers of a type approved by the CEO.

6—Life saving appliances, fire appliances and miscellaneous equipment

Note—

Clause 6(1)(b)(vi), (vii) and (3)(b)(viii), (ix) had not come into operation at the date of the publication of this version.

(1) Subject to these regulations, a vessel that is less than 8 m in length must be equipped with the following:

(a) while the vessel is operated in protected waters—

(i) 1 PFD Type 1, PFD Type 2 or PFD Type 3 for each person carried on the vessel;

(ii) 1 anchor;

(iii) either—

(A) 1 bailer; or

(B) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(iv) if the vessel has an engine or includes facilities for cooking meals—1 fire extinguisher (stowed so as to be readily accessible in case of fire);

(v) if the vessel is being operated between the hours of sunset and sunrise—1 torch or lantern;

(vi) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(b) while the vessel is operated in semi-protected waters—

(i) —

(A) before 1 June 2010—1 PFD Type 1, PFD Type 2 or PFD Type 3;

(B) on or after 1 June 2010—1 PFD Type 1,

for each person carried on the vessel;

(ii) either—

(A) 1 bailer; or

(B) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(iii) 1 torch or lantern;

(iv) 1 anchor;

(v) if the vessel has an engine or includes facilities for cooking meals—1 fire extinguisher (stowed so as to be readily accessible in case of fire);

(vi) 2 hand held red flares;

(vii) 2 hand held orange smoke signals;

(viii) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(c) while the vessel is operated in unprotected waters—

(i) 1 PFD Type 1 for each person carried on the vessel;

(ii) 1 two-way marine radio capable of communicating with onshore stations;

(iii) either—

(A) 1 bailer; or

(B) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(iv) 1 torch or lantern;

(v) 1 anchor;

(vi) if the vessel has an engine or includes facilities for cooking meals—1 fire extinguisher (stowed so as to be readily accessible in case of fire);

(vii) 2 hand held red flares;

(viii) 2 hand held orange smoke signals;

(ix) 1 compass (affixed to the vessel adjacent to the steering position in a manner and position that allows the operator of the vessel to determine, with reasonable accuracy, bearings and the vessel's heading from the compass while operating the vessel);

Note—

This requirement is not satisfied by GPS or satellite navigation systems (or similar electronic devices) nor a hand-held compass—see clause 8 of this Schedule.

(x) 4 litres of fresh water;

(xi) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(xii) while the vessel is operated more than 5 nautical miles seaward of low water mark of the coast in the waters of Spencer Gulf or Gulf St. Vincent (as defined in subclause (7)), or more than 3 nautical miles seaward of low water mark of the coast in the waters of any other area except Lakes Alexandrina and Albert (in addition to any other equipment required under this paragraph)—1 V distress sheet;

(xiii) while the vessel is operated more than 10 nautical miles seaward of low water mark of the coast (in addition to any other equipment referred to in this paragraph)—

(A) 2 distress rockets with parachutes; and

(B) 1 map or chart of the operational area.

(2) Without limiting subclause (1), a vessel that is less than 6 m in length must also be equipped with—

(a) while the vessel is operated in protected waters—1 pair of paddles or oars; or

(b) while the vessel is operated in semi-protected or unprotected waters—1 pair of paddles or oars or other means of auxiliary propulsion.

(3) Subject to these regulations, a vessel that is 8 m or more in length must be equipped with the following:

(a) while the vessel is operated in protected waters—

(i) 1 PFD Type 1, PFD Type 2 or PFD Type 3 for each person carried on the vessel;

(ii) 1 bailer;

(iii) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(iv) 1 anchor;

(v) if the vessel has an engine or includes facilities for cooking meals—2 fire extinguishers (stowed so as to be readily accessible in case of fire);

(vi) 1 life-buoy with line;

(vii) if the vessel is being operated between the hours of sunset and sunrise—1 torch or lantern;

(viii) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(b) while the vessel is operated in semi-protected waters—

(i) —

(A) before 1 June 2010—1 PFD Type 1, PFD Type 2 or PFD Type 3;

(B) on or after 1 June 2010—1 PFD Type 1,

for each person carried on the vessel;

(ii) 2 bailers;

(iii) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(iv) 1 torch or lantern;

(v) 2 anchors (but if the vessel is less than 12 m in length, 1 anchor may be carried as a spare);

(vi) if the vessel has an engine or includes facilities for cooking meals—2 fire extinguishers (stowed so as to be readily accessible in case of fire);

(vii) 1 life-buoy with line;

(viii) 2 hand held red flares;

(ix) 2 hand held orange smoke signals;

(x) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(c) while the vessel is operated in unprotected waters—

(i) 1 PFD Type 1 for each person carried on the vessel;

(ii) 1 two-way marine radio capable of communication with onshore stations;

(iii) 2 bailers;

(iv) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces) (unless the vessel is constructed of permanently enclosed pontoon hulls);

(v) 1 torch or lantern;

(vi) 2 anchors;

(vii) if the vessel has an engine or includes facilities for cooking meals—2 fire extinguishers (stowed so as to be readily accessible in case of fire);

(viii) 2 hand held red flares;

(ix) 2 hand held orange smoke signals;

(x) 1 compass (affixed to the vessel adjacent to the steering position in a manner and position that allows the operator of the vessel to determine, with reasonable accuracy, bearings and the vessel's heading from the compass while operating the vessel);

Note—

This requirement is not satisfied by GPS or satellite navigation systems (or similar electronic devices) nor a hand-held compass—see clause 8 of this Schedule.

(xi) 4 litres of fresh water;

(xii) 1 life buoy with line;

(xiii) 1 fire bucket (stowed so as to be readily accessible in case of fire);

(xiv) while the vessel is operated more than 5 nautical miles seaward of low water mark of the coast in the waters of Spencer Gulf or Gulf St. Vincent (as defined in subclause (7)), or more than 3 nautical miles seaward of low water mark of the coast in the waters of any other area except Lakes Alexandrina and Albert (in addition to any other equipment required under this paragraph)—1 V distress sheet;

(xv) while the vessel is operated more than 10 nautical miles seaward of low water mark of the coast (in addition to any other equipment referred to in this paragraph)—

(A) 2 distress rockets with parachutes; and

(B) 1 map or chart of the operational area.

(4) Subject to these regulations, a vessel that is more than 15 m in length must also be equipped with the following:

(a) an additional life buoy with line;

(b) a life-raft.

(5) Subject to subclause (6), a bailer and a fire bucket are not to be used for a purpose other than bailing water and fire fighting respectively.

(6) A fire bucket carried in accordance with this clause and complying with clause 8—

(a) may be used as a signalling device in an emergency (whether by making smoke in the fire bucket or otherwise); and

(b) will be taken to satisfy a requirement under this clause that a vessel be equipped with a bailer; and

(c) may be used as a bailer,

(but if the vessel is required to be equipped with multiple bailers, the fire bucket will only be taken to satisfy the requirement in relation to 1 of those bailers).

(7) 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 vessel that is a surfboard, surf ski, racing shell or water ski is exempt from the requirement to be equipped as set out in clause 6.

(2) A canoe, kayak, rowboat or other similar small human powered recreational vessel may, instead of being equipped as required by clause 6, be equipped with the following:

(a) 1 PFD Type 1, PFD Type 2 or PFD Type 3 for each person 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 between the hours of sunset and sunrise—1 torch or lantern.

(3) 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 clause 6, be equipped with the following:

(a) 1 PFD Type 1, PFD Type 2 or PFD Type 3 for each person 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 between the hours of sunset and sunrise—1 torch or lantern.

(4) A personal watercraft may, instead of being equipped as required by clause 6, be equipped with 1 PFD Type 2 or PFD Type 3 for each person 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 clause 6, be equipped with the following:

(a) 1 pair of paddles or oars or other means of auxiliary propulsion;

(b) either—

(i) 1 bailer; or

(ii) such number of manual or electric bilge pumps as to be capable of draining each compartment of the vessel (other than airtight void spaces);

(c) if the vessel is 1 500 m or more from the shoreline—

(i) before 1 June 2010—1 PFD Type 1, PFD Type 2 or PFD Type 3;

(ii) on or after 1 June 2010—1 PFD Type 1,

for each person carried on the vessel.

(6) A surf rescue boat propelled by paddles or oars may, instead of being equipped as required by clause 6, be equipped with a suitable bailer.

(7) An inflatable surf rescue boat involved in rescue work within 1 500 m of the shoreline or patrol work within 1 000 m of the shoreline may, instead of being equipped as required by clause 6, be equipped with a pair of paddles or oars or other means of auxiliary propulsion.

(8) A vessel (not being a vessel referred to in a preceding subregulation) that can only carry the operator and no other person may instead of being equipped as required by clause 6 be equipped with a PFD Type 1, PFD Type 2 or PFD Type 3.

8—Minimum standard of equipment

(1) Subject to this clause, the following standards are the minimum standards that must be satisfied in relation to equipment with which a vessel is required to be equipped under these regulations:

(a) in the case of a torch or lantern—the torch or lantern is waterproof and buoyant;

(b) in the case of a distress signal comprised of a pyrotechnic—the signal complies with AS 2092 and is stamped indelibly by the manufacturer with its date of expiry;

(c) in the case of a fire extinguisher—the fire extinguisher—

(i) complies with the applicable part of AS 1841 in respect of the type of fuel or fuels carried by the vessel; and

(ii) is maintained in accordance with AS 1851; and

(iii) is not less than the minimum approved size;

(d) in the case of an anchor—the anchor—

(i) is of a kind and size appropriate to the vessel (having regard to both the size and the area of operation of the vessel); and

(ii) is attached to a length of chain or rope or both appropriate (in respect of both length and breaking strain) to the waters in which the vessel is being operated;

(e) in the case of a compass—the compass—

(i) is a compass from which it is possible to determine, with reasonable accuracy, bearings and the vessel's heading; and

(ii) is a liquid damped magnetic compass or a gyroscopically controlled compass; and

(iii) is marked with the cardinal points;

(f) in the case of a bilge pump—the bilge pump—

(i) is of a kind, and has a pumping capacity, appropriate to the vessel; and

(ii) is fitted with a strainer on the suction pipe with mesh of a suitable size to prevent choking of the pump;

(g) in the case of a bailer—the bailer—

(i) is suitable for bailing water from the vessel; and

(ii) is attached to a lanyard suitable to prevent loss of the bailer from the boat;

(h) in the case of a fire bucket—the fire bucket—

(i) is of a kind and size suitable for the collection of water; and

(ii) does not distort, collapse or break when filled with water; and

(iii) is attached to a lanyard of a length and breaking strain sufficient to allow the fire bucket to be cast over the side of the boat and retrieved filled with water;

(i) in the case of a marine radio—the marine radio must be of a kind approved by the Australian Communications Authority;

(j) in the case of a pair of paddles or oars or other means of auxiliary propulsion—the paddles, oars or other means of auxiliary propulsion are of a kind and size capable of propelling and manoeuvring the vessel.

(2) For the purposes of these regulations, equipment of a kind referred to in subclause (1) will be taken to satisfy the minimum standards set out in that subclause if the equipment satisfies any relevant requirement under SOLAS in relation to minimum standards for equipment of that kind.

(3) Any equipment with which a vessel is required to be equipped under these regulations that is marked by the manufacturer—

(a) with a date of expiry; or

(b) with a date on or before which the equipment must be serviced, inspected or otherwise maintained in order to be safe or fit for use,

will be taken not to be in good working order if that date has passed, or if the equipment has not been serviced, inspected or otherwise maintained on or before that date (as the case requires).

Note—

See section 65(1)(b) of the Act.

(4) For the purposes of this regulation, the ***minimum approved size*** of a fire extinguisher is—

(a) in the case of a vessel carrying not more than 115 litres of flammable liquid—0.9 kg;

(b) in the case of a vessel carrying more than 115 litres but not more than 350 litres of flammable liquid—2.0 kg;

(c) in the case of a vessel carrying more than 350 litres but not more than 695 litres of flammable liquid—4.5 kg;

(d) in the case of a vessel carrying more than 695 litres of flammable liquid—9.0 kg.

(5) In this clause—

SOLAS means the *International Convention for the Safety of Life at Sea, 1974*, as in force from time to time.

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.

10—Buoyancy requirements for certain vessels

(1) A vessel—

(a) that is constructed after the commencement of this clause; and

(b) that is less than 6 m in length; and

(c) that is required, in accordance with Part 9 Division 4 of the Act, to have an Australian Builders Plate affixed,

must satisfy the buoyancy performance requirement set out in the relevant standard for vessels of a class to which the vessel belongs.

(2) For the purposes of this clause, a vessel will be taken to be constructed after the commencement of this clause if—

(a) the keel of the vessel (if any) was laid on a day after the day on which the clause commences; or

(b) less than 1% of the estimated total mass of the completed vessel had been constructed immediately before the commencement of this clause.

(3) For the purposes of this clause, the question of whether a vessel satisfies a buoyancy performance requirement of a particular standard is to be determined in accordance with that standard.

(4) In this clause—

ABYC means the American Boat and Yacht Council incorporated in New York State in the United States of America;

relevant standard, in relation to a vessel, means a standard from among the following which applies to vessels of a class to which the vessel belongs (and if more than 1 standard is applicable, the relevant standard will be taken to be the standard that requires the highest buoyancy performance):

(a) AS 1799;

(b) *ISO 6185*;

(c) *ISO 8665* and *ISO 11592*;

(d) *ISO 13590*;

(e) *ABYC Standards and Technical Information Reports for Small Craft*;

(f) any other standard approved by the CEO for the purposes of this clause.

Part 2—Structural and equipment requirements for restricted vessels

11—Life saving appliances

A restricted vessel must be equipped with the following:

(a) if the vessel is over 7.5 m in length and is not required by these regulations to carry more than 2 crew—2 lifebuoys, 1 with light and 1 with line;

(b) if the vessel is over 7.5 m in length and is required by these regulations to carry more than 2 crew—

(i) internal buoyancy as required by section 10 Appendix N of the Code and 1 lifebuoy with light; or

(ii) 1 coastal life-raft capable of carrying the maximum number of persons that the vessel is certified to carry and 1 lifebuoy with light;

(c) if the vessel is 7.5 m or less in length—

(i) 1 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) 2 red hand flares;

(ii) 2 hand held orange smoke signals;

(f) waterproof torches or lamps as approved by the CEO.

12—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.

13—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.

14—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;

(f) if the vessel is operated at night or is over 7.5 m in length—navigation lights to comply with section 17 of the Code;

(g) medicines and medical stores in accordance with section 13, Scale G of the Code;

(h) while the vessel is operated more than 3 nautical miles seaward of low water mark—a magnetic compass.

Part 3—Structural and equipment requirements for observation vessels

15—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

16—Application of Part

This Part applies in relation to a commercial vessel (other than an observation vessel) in respect of which a certificate of survey is required.

17—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.

18—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.

19—Crew accommodation

A commercial vessel that is 25 m or more in length must comply with section 6 of the Code.

20—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.

21—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—delete "Less than 10 metres 1 lifebuoy with light" wherever occurring;

(b) Classes 1D and 2D, under the heading "Lifebuoys"—delete "Additional to any lifebuoys";

(c) Classes 1C, 2C and 3C, under the heading "Distress Signals"—

(i) delete "15 metres and over but";

(ii) delete "less than 15 metres 3 parachute distress rockets";

(d) Class 3C, under the heading "Lifeboats, Life-rafts and Internal Buoyancy"—delete "(2) Dinghy for 100% complement, or" and substitute:

(2) Vessels less than 15 m 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"—delete:

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"—after "the above appliances" insert:

Note—

25% of the Buoyant appliances must consist of Coastal life-jackets.

22—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—delete "15 metres" wherever occurring and substitute, in each case:

12.5 m

(b) Part 2, Class 2C, under the heading "Portable Fire Extinguishers"—delete:

Less than 25 m	Two, suitable for extinguishing oil fires, for use in each space containing propelling machinery

and substitute:

10 m and over but less than 25 m	2, suitable for extinguishing oil fires, for use in each space containing propelling machinery
less than 10 m	1, 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"—delete:

less than 10 m	One, suitable for extinguishing oil fires, for use in each space containing propelling machinery

and substitute—

less than 10 m	1, 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"—after "manually operated emergency fire" insert:

pump

(e) Appendix K, Clause 1—before "metal painted" insert:

a capacity of not less than 9 litres

23—Communications equipment

(1) Commercial vessels of Classes 1A, 2A and 3A must comply with the requirements of *Marine Orders Part 27 (Radio Equipment)* under the Commonwealth Act.

(2) A commercial vessel of any other class must be equipped with radiotelephony equipment and—

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

(b) —

(i) if the vessel is operated only within range of a coast station that maintains a continuous radio watch for transmissions from vessels on VHF FM radiotelephony equipment, the equipment may instead comply with AS/NZS 4415 *Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands—Technical characteristics and methods of measurement—Shipborne equipment and limited coast stations*; or

(ii) in any case the equipment may instead comply with the standard that applied to the equipment under these regulations at the time that the equipment was installed; and

(c) 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 4125 kHz using J3E emissions (single sideband, amplitude modulated, suppressed carrier radiotelephony having a carrier restricted to a power level of 40 decibels or more below the peak envelope power);

(B) on 6215 kHz using J3E emissions;

(C) on 8291 kHz using J3E emissions;

(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);

(B) the supplementary safety frequency—Channel 67 (156.375 MHz);

(iii) in any case—on any other frequency that is appropriate to the service in which the vessel is engaged; and

(d) the main source of electrical energy for the vessel must be capable of effectively operating the equipment; and

(e) 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 6 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 (o)); 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

(f) 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 (o)) 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;

(B) a device capable of testing the charge condition of the battery; and

(g) a device must be provided for the purpose of protecting the equipment against voltage fluctuations in the electrical energy supply; and

(h) 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

(i) 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

(j) 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

(k) 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

(l) the equipment must be installed—

(i) subject to paragraph (m), 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

(m) 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

(n) the following spare components for the equipment must be carried on the vessel:

(i) 4 of each type of fuse used in the equipment;

(ii) 1 globe for the required emergency light (see paragraph (o));

(iii) if a lamp is the only indicator of power output on the equipment—1 spare lamp; and

(o) 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;

(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;

(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

(p) a copy of the latest edition of the *Marine Radio Operators Handbook* published by the Australian Maritime College must be kept readily available for use by a person operating the equipment; and

(q) a log-book for entries relating to distress signals must be kept readily available for use by a person operating the equipment.

24—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—delete:

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 m and over	Daylight signalling lamp
	1 set of International Code Flags
	1 copy of 'International Code of Signals'
Less than 35 m	Signalling light
	International Code Flags NC;

(b) Classes 1D and 2D—after "All lengths ..... Hand lead line" insert:

or Mechanical depth sounding device

(c) Classes 2B and 2C—delete "Less than 10 metres ..... Sea anchor"

(d) Class 3D—delete:

10 metres and over	Clock
10 metres and over	Barometer
All lengths	Magnetic Compass;

(e) Class 3B—after "Less than 35 m ..... Flags NC" insert:

vessels less than 15 m may carry 1 V distress sheet in lieu of these flags

(f) Class 3C—after "All lengths ..... Flags NC" insert:

vessels less than 15 m may carry 1 V distress sheet in lieu of these flags

Schedule 10—Speed restrictions in certain waters

Note—

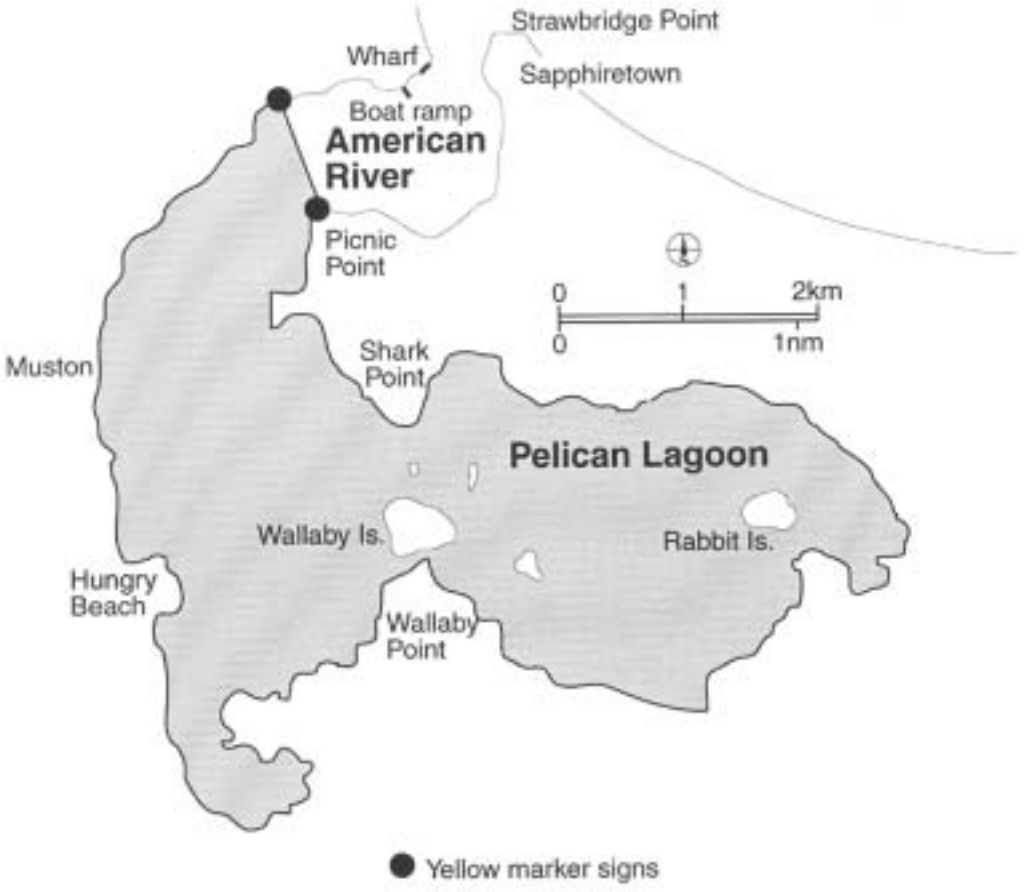
Unless the contrary intention appears, the maps in this Schedule are provided for convenience of reference only.

1—7 knot limit—all vessels

The speed limit in the following waters is 7 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**

The following areas:

(i) the 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) the portion of the Port Adelaide River which lies between No 12 Channel Beacon and No 22 Channel Beacon; and

(iv) the portion of the Port Adelaide River in the port of Port Adelaide which lies south of No 35 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 m 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;

(e) **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 m 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 m 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 m, 61 m 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 m 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;

(f) **Port Pirie**

The 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;

(g) **Thevenard**

The area bounded as follows:

commencing at a point being the intersection of High Water Mark and a line 200 m 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 m 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;

(h) **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 m 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 m 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 m 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;

(i) **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 3 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 m 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 m 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 4 knots:

(a) **Cowell**

The 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;

(b) **Kingston**

The portion of the waters of Maria Creek seaward of a line 50 m 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 m radius of the midpoint of that line;

(c) **Lincoln Cove Marina**

The 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;

(d) **Moonta Bay/Port Hughes**

The 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 m seaward of the shoreline;

(e) **North Arm**

The 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;

(f) **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 m 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 m upstream or downstream of that area; or

(iii) lying 100 m upstream or downstream of the Birkenhead Bridge, a Port River Expressway Bridge or the Jervois Bridge;

(g) **Renmark**

The area comprising—

(i) the waters of Ral Ral Creek bounded in the north by a line extending south-east from the south-easternmost corner of the dry dock and in the south by the prolongation in a generally south-easterly direction of the south-western boundary of Lot 602 of Deposited Plan No 24267; and

(ii) the waters to the east of Ral Ral Creek bounded as follows:

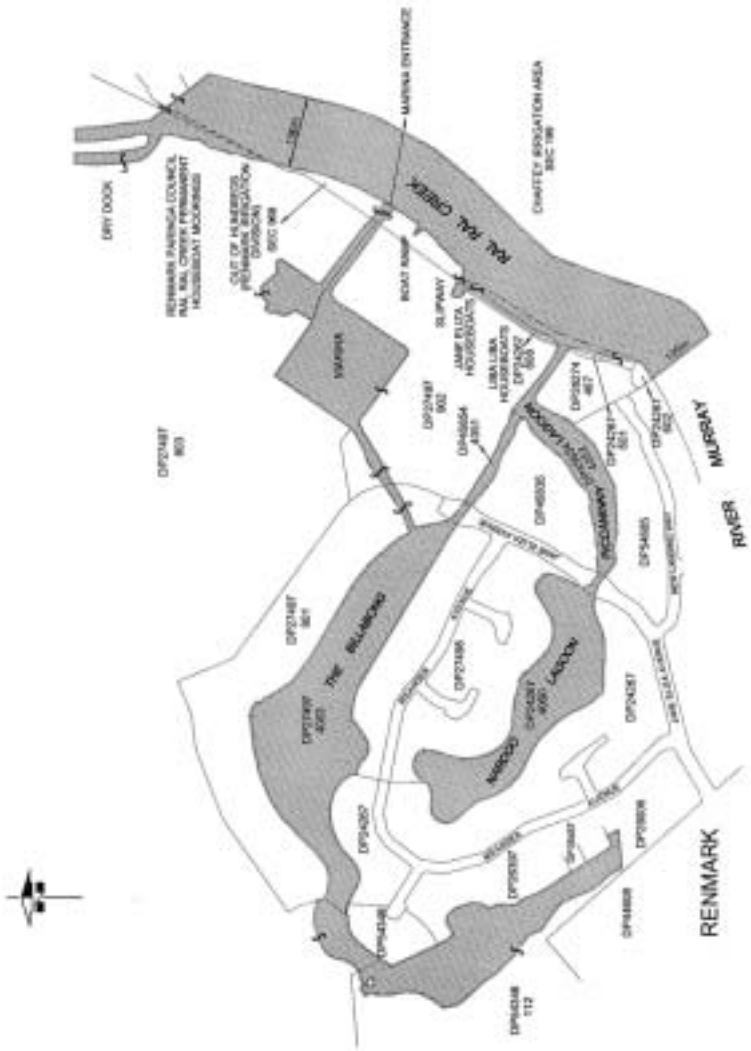
(A) in the north by a line extending south-east from the south-easternmost corner of the dry dock referred to in subparagraph (i);

(B) in the south by the prolongation in a generally south-easterly direction of the south-western boundary of Lot 602 of Deposited Plan No 24267;

(C) in the west by Ral Ral Creek;

(D) in the east by a line running parallel to, at a distance of 100 m from, the western bank of Ral Ral Creek; and

(iii) the creeks, tributaries, lakes, lagoons or other bodies of water (collectively known as the Jane Eliza Waterways) connected, whether directly or indirectly, to the waters described in subparagraph (i);



(h) **Victor Harbor**

The 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 m south-east of the point of commencement, then generally north-westerly along high water mark to the point of commencement;

(i) **Wallaroo Bay**

Area 1: the portion of the waters of Wallaroo Bay extending to 200 m seaward from the shoreline, bounded at 1 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 m seaward from the shoreline, bounded at 1 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 m seaward from the shoreline, bounded at 1 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;

(j) **West Beach**

The 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;

(k) **Port Broughton**

The area bounded as follows:

commencing at the stick beacon without a top-mark situated approximately 655 m north-north-west of the centre of sea-end of the Port Broughton jetty and between stick beacons No's 34 and 35 which are both surmounted by black triangles (the 3 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;

(l) **Edithburgh Harbor**

The waters within the Edithburgh boating facility bounded by the northern and southern breakwaters and the waters within a 100 m radius of the centrepoint of the eastern end of the southern breakwater.

3—4 knot limit—personal watercraft

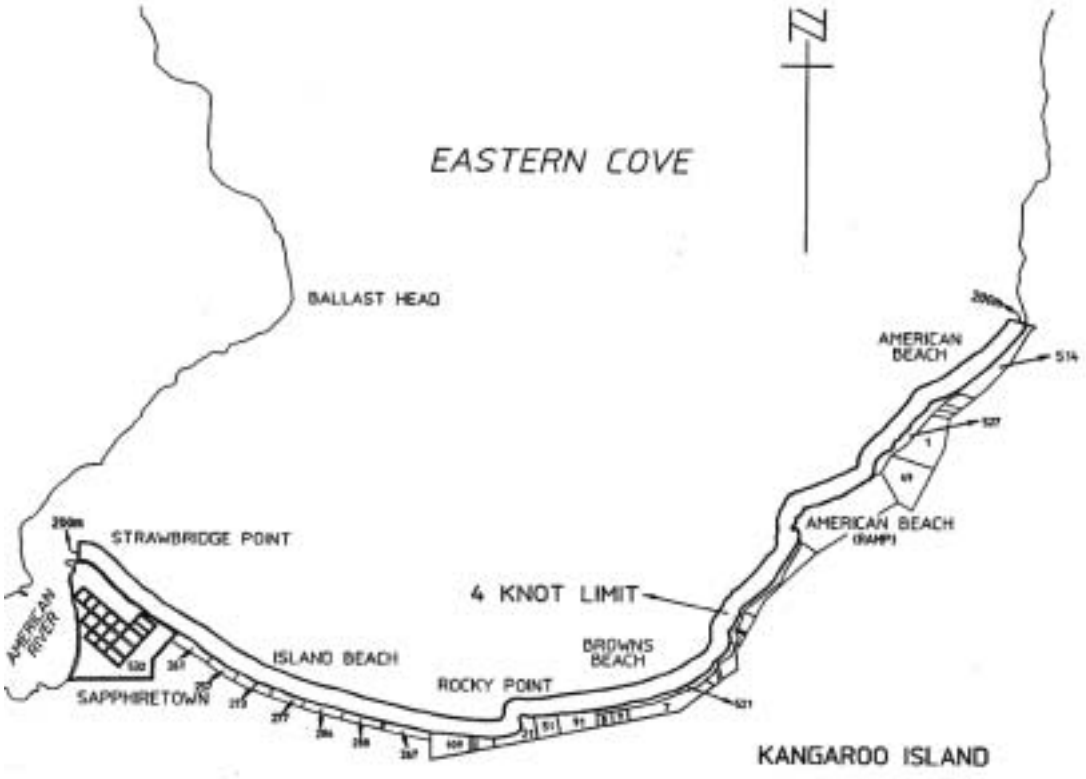
The speed limit applicable to personal watercraft in the following waters is 4 knots:

(a) **Beachport**

The 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 m seaward of high water mark;

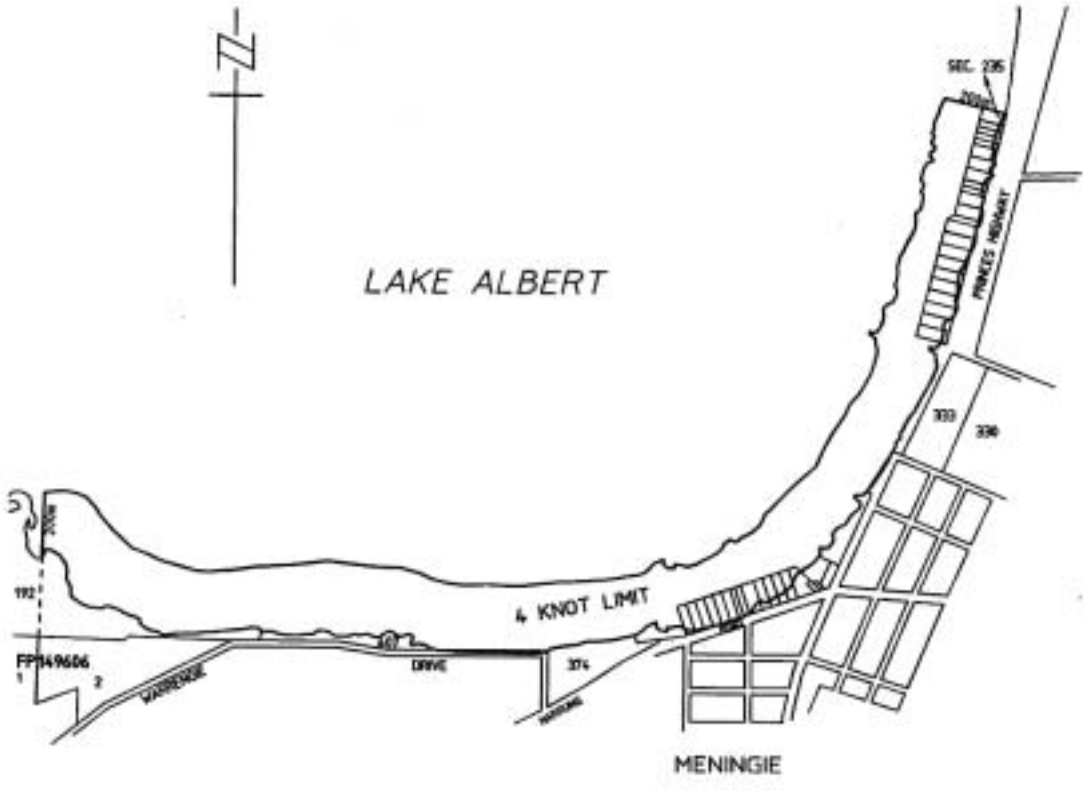
(b) **Kangaroo Island**

The 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 m seaward of high water mark;



(c) **Meningie**

The 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 m of the shoreline;



(d) **Metropolitan Foreshore**

The 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 m 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 in the Gazette;

(f) **Southend**

The 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 m seaward of high water mark;

(g) **Victor Harbor**

The following areas:

(i) the portion of the waters of the sea within 200 m of the centreline of the Granite Island causeway;

(ii) the portion of the waters of the sea within 200 m of the high water mark of Granite Island, Seal Island, Wright Island or West Island;

(iii) the portion of the waters of the sea within 200 m 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

1—Maximum number of persons that may be carried on a recreational vessel that does not have a compliance plate

The maximum number of persons that may be carried on a recreational vessel that does not have a compliance plate fitted by the manufacturer stating the maximum number of persons that may be safely carried as determined in accordance with AS 1799.1 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	11
2.5					6	7	7	8	9	11	12
3							8	9	10	12	13
3.5									11	13	14
4									12	14	15
4.5											16

Example—

A vessel with a length of 5.5 m and a breadth of 2 m 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 m and a breadth of 2.5 m has a capacity of 8 adults.

Schedule 12—Boat havens

Note—

Unless the contrary intention appears, 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

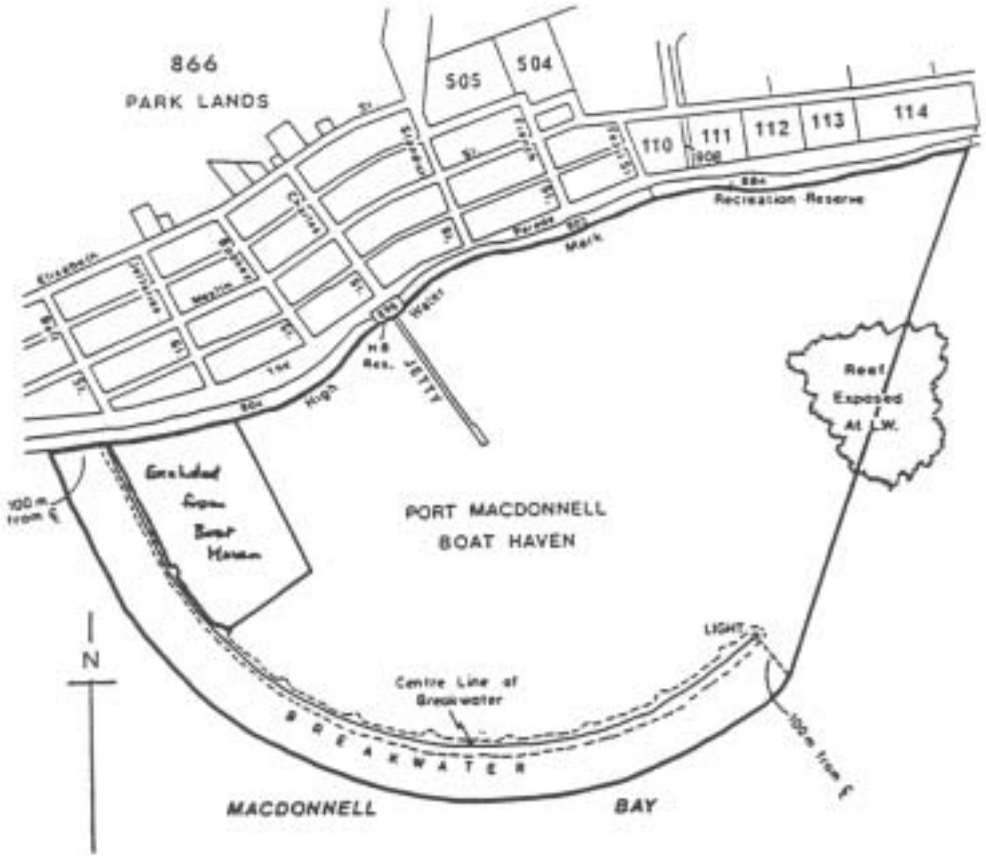
The waters of Port MacDonnell harbor excluding the waters within the area bounded as follows:

(a) 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;

(b) on the south-west by the centre line of the breakwater;

(c) on the north by high water mark;

(d) on the north-east by the production seaward of the north-eastern boundary of Jefferies Street.



Schedule 13—Notice requirements

A notice required under regulation 189(12) must contain—

(a) a statement that a copy of the evidence obtained through the operation of a camera installed by the CEO on, or in the immediate vicinity of, the Port River Expressway Bridges on which the allegation is based may be viewed on application to the CEO;

(b) a statement that the CEO will, in relation to the question of withdrawal of the expiation notice, reminder notice or complaint, give due consideration to any exculpatory evidence that is verified by statutory declaration and furnished to the CEO within the period specified in the notice.

Schedule 14—Fees and levies

1—Interpretation

For the purposes of this Schedule—

(a) when calculating a fee or levy expressed as an amount per metre, part of a metre is to be regarded as a metre; and

(b) when calculating a fee expressed as an amount per hour, part of an hour is to be regarded as an hour; and

(c) an observation vessel is to be regarded as a Class 3 vessel.

2—Fees and levies payable to CEO

A fee or levy fixed by this Schedule is payable to the CEO.

2A—Calculation of facilities levy

(1) The amount of a facilities levy set out in clause 3 is the amount payable if registration, inspection or survey of the vessel is for a 12 month period.

(2) If a vessel is registered, inspected or surveyed for a period other than 12 months, a pro rata adjustment is to be made to the amount of the facilities levy set out in clause 3 by applying the proportion that the number of months in the period of registration, inspection or survey bears to 12 months.

(3) If—

(a) a facilities levy for a vessel has been paid in respect of a period (the ***initial period***); and

(b) a further facilities levy becomes payable for the vessel because a certificate of registration, inspection or survey is proposed to be issued for a period (the ***subsequent period***) that commences before the expiry of the initial period,

the amount of the facilities levy payable on the registration, inspection or survey of the vessel for the subsequent period is to be reduced by the amount of the facilities levy already paid in respect of the whole months for which the initial period and subsequent period overlap.

(4) If the amount of the facilities levy already paid in respect of the whole months for which the initial period and subsequent period overlap is greater than the amount payable for the subsequent period, no facilities levy is payable.

Example—

A vessel is registered as a fishing vessel on 1 January 2010 for a period of 2 years and a facilities levy of $100 is paid. A decision is made to use the vessel as a trading vessel and so it is surveyed for a period of 1 year commencing on 1 July 2010. No facilities levy is payable on survey if the amount that would be payable apart from this subregulation is less than $50 (being the amount of the facilities levy already paid in respect of the period 1 July 2010 to 30 June 2011). If the vessel is further surveyed for a period of 1 year commencing on 1 July 2011, the levy then payable will be that payable for the year less $25 (being the amount of the facilities levy already paid in respect of the period 1 July 2011 to 31 December 2011).

3—Fees and levies

Fees relating to Part 7 (Harbors and ports)		
1	Application for pilotage exemption certificate	$501.00
2	Application for renewal of pilotage exemption certificate	$250.00
3	Issue of replacement pilotage exemption certificate	$48.25
Fees relating to Part 8 (Crewing)		
4	Application for exemption from crewing requirements	$114.00
Fees relating to Part 9 (Certificates of competency etc)		
5	Application for certificate of competency—	
	(a) for trading vessels operating solely on the River Murray or inland waters—	
	(i) Master Class 4 River Murray and Inland Waters	$739.00
	(ii) Master Class 5 River Murray and Inland Waters (including Houseboat)	$612.00
	(iii) Coxswain River Murray and Inland Waters	$464.00
	(b) for other trading vessels and fishing vessels—	
	(i) Master Class 3 or Skipper Grade 1	$1 181.00
	(ii) Master Class 4, Mate Class 4 or Skipper Grade 2	$975.00
	(iii) Master Class 5 or Skipper Grade 3	$800.00
	(iv) Coxswain	$464.00
	(v) Marine Engineer Class 3	$974.00
	(vi) Marine Engine Driver Grade 1	$739.00
	(vii) Marine Engine Driver Grade 2	$552.00
	(viii) Marine Engine Driver Grade 3	$338.00
6	Second or subsequent attempt at examination for certificate of competency—	
	(a) for trading vessels operating solely on the River Murray or inland waters—	
	(i) Master Class 4 River Murray and Inland Waters	
	• written examination	$42.00
	• oral examination	$274.00
	(ii) Master Class 5 River Murray and Inland Waters (including Houseboat)	
	• written examination	$42.00
	• oral examination	$150.00
	(iii) Coxswain River Murray and Inland Waters	
	• written examination	$42.00

	• oral examination	$126.00
	(b) for other trading vessels and fishing vessels—	
	(i) Master Class 3 or Skipper Grade 1	
	• written examination	$82.50
	• oral examination	$296.00
	(ii) Master Class 4, Mate Class 4 or Skipper Grade 2	
	• written examination	$64.00
	• oral examination	$274.00
	(iii) Master Class 5 or Skipper Grade 3	
	• written examination	$42.00
	• oral examination	$210.00
	(iv) Coxswain	
	• written examination	$42.00
	• oral examination	$126.00
	(v) Marine Engineer Class 3	
	• written examination	$109.00
	• oral examination	$274.00
	(vi) Marine Engine Driver Grade 1	
	• written examination	$96.50
	• oral examination	$167.00
	(vii) Marine Engine Driver Grade 2	
	• written examination	$64.00
	• oral examination	$109.00
	(viii) Marine Engine Driver Grade 3	
	• written examination	$42.00
7	Written examination (whether first or subsequent attempt)—	
	(a) for Boat Operator's Licence	$33.50
	(b) for Special Permit	$15.50
8	Practical test for Special Permit	nil
9	Issue of Boat Operator's Licence—	
	(a) if applicant has held Special Permit	$14.50
	(b) in any other case	$32.50
10	Issue of Special Permit	$14.00
11	Application for exemption from requirement to hold certificate of competency	$114.00
12	Application for endorsement of certificate of competency	$114.00

13	Application for recognition of qualification under law of some other place as equivalent to certificate of competency—	
	(a) if applicant not required to sit examination	$114.00
	(b) if applicant required to sit examination	$402.00
14	Application for re-validation of certificate of competency	$28.50
15	Issue of replacement certificate of competency—	
	(a) Boat Operator's Licence or Special Permit	$14.50
	(b) other	$114.00

Fees relating to Part 10 (Hire and drive vessels)

16	Fees in relation to inspection of hire and drive houseboat—	
	(a) for initial certificate of inspection, according to length of vessel as follows:	
	(i) not more than 5 m	$332.00
	(ii) more than 5 m but not more than 6 m	$389.00
	(iii) more than 6 m but not more than 7 m	$447.00
	(iv) more than 7 m but not more than 8 m	$507.00
	(v) more than 8 m but not more than 9 m	$569.00
	(vi) more than 9 m but not more than 10 m	$632.00
	(vii) more than 10 m but not more than 11 m	$697.00
	(viii) more than 11 m but not more than 12 m	$763.00
	(ix) more than 12 m but not more than 13 m	$829.00
	(x) more than 13 m but not more than 14 m	$897.00
	(xi) more than 14 m but not more than 15 m	$967.00
	(xii) more than 15 m but not more than 16 m	$1 037.00
	(xiii) more than 16 m but not more than 17 m	$1 108.00
	(xiv) more than 17 m but not more than 18 m	$1 180.00
	(xv) more than 18 m but not more than 19 m	$1 252.00
	(xvi) more than 19 m but not more than 20 m	$1 325.00
	(xvii) more than 20 m but not more than 21 m	$1 400.00
	(xviii) more than 21 m but not more than 22 m	$1 475.00
	(xix) more than 22 m but not more than 23 m	$1 551.00
	(xx) more than 23 m	$1 628.00
	(b) for subsequent certificate of inspection, according to length of vessel as follows:	
	(i) not more than 5 m	$218.00
	(ii) more than 5 m but not more than 6 m	$257.00
	(iii) more than 6 m but not more than 7 m	$299.00
	(iv) more than 7 m but not more than 8 m	$341.00

	(v)	more than 8 m but not more than 9 m	$383.00
	(vi)	more than 9 m but not more than 10 m	$426.00
	(vii)	more than 10 m but not more than 11 m	$469.00
	(viii)	more than 11 m but not more than 12 m	$513.00
	(ix)	more than 12 m but not more than 13 m	$556.00
	(x)	more than 13 m but not more than 14 m	$601.00
	(xi)	more than 14 m but not more than 15 m	$646.00
	(xii)	more than 15 m but not more than 16 m	$691.00
	(xiii)	more than 16 m but not more than 17 m	$736.00
	(xiv)	more than 17 m but not more than 18 m	$782.00
	(xv)	more than 18 m but not more than 19 m	$827.00
	(xvi)	more than 19 m but not more than 20 m	$873.00
	(xvii)	more than 20 m but not more than 21 m	$919.00
	(xviii)	more than 21 m but not more than 22 m	$966.00
	(xix)	more than 22 m but not more than 23 m	$1 013.00
	(xx)	more than 23 m	$1 060.00
	(c)	for inspection pursuant to condition of licence under Part 8 of Act (for example, due to damage or alteration of houseboat)	$142.00 per hour
	(d)	for non-attendance by owner of houseboat or agent at inspection—	
		(i) for initial or subsequent certificate of inspection	50% of relevant inspection fee under paragraph (a) or (b)
		(ii) pursuant to condition of licence under Part 8 of Act	$267.00
	(e)	for examination of plans for construction or alteration of houseboat	$142.00 per hour
17	Issue of replacement or additional certificate of inspection		$58.00
18	Application for extension of period for which initial or subsequent certificate of inspection remains in force		1/24 of relevant inspection fee under item 16(a) or (b) for each month or part of a month of extension
Fees relating to Part 11 (Registration (including vessels to which regulation 147 applies))			
19	Application for registration of vessel—		
	(a)	recreational vessel comprised of personal watercraft—	
		• initial registration	$272.00
		• subsequent registration in same name	$250.00
		• subsequent registration in different name	$264.50

	(b)	other recreational vessel according to length as follows:	
		(i) not more than 3.5 m—	
		• initial registration	$36.50
		• subsequent registration in same name	$14.50
		• subsequent registration in different name	$29.00
		(ii) more than 3.5 m but not more than 6 m	
		• initial registration	$67.00
		• subsequent registration in same name	$45.50
		• subsequent registration in different name	$60.00
		(iii) more than 6 m but not more than 10 m	
		• initial registration	$147.00
		• subsequent registration in same name	$125.00
		• subsequent registration in different name	$139.50
		(iv) more than 10 m but not more than 15 m	
		• initial registration	$209.00
		• subsequent registration in same name	$188.00
		• subsequent registration in different name	$202.50
		(v) more than 15 m but not more than 20 m	
		• initial registration	$272.00
		• subsequent registration in same name	$250.00
		• subsequent registration in different name	$264.50
		(vi) more than 20 m	
		• initial registration	$314.00
		• subsequent registration in same name	$292.00
		• subsequent registration in different name	$306.50
	(c)	vessels required to be registered under regulation 147—	
		• initial registration	$323.00
		• subsequent registration	$212.00
20	Application for exemption from requirement for vessel to be registered		nil
21	Trade plates—		
	(a)	application for initial issue	$66.50
	(b)	application for subsequent issue	$45.50

	(c) issue of replacement certificate or label	$14.50
	(d) surrender of trade plates	$14.50
22	Application for assignment of new identification mark	$14.50
23	Application for transfer of registration of vessel	$14.50
24	Issue of replacement certificate of registration	$14.50
25	Issue of replacement registration label	$14.50
26	Application for cancellation of registration	$14.50
27	Application for appointment as boat code agent	$125.00
28	Application for further term of appointment as boat code agent	$98.50
29	Application for approval as boat code examiner	$62.50
30	Application for further term of approval as boat code examiner	$31.50
31	Set of 20 HIN plates	$97.00
32	Pad of 50 interim boat code certificates	$26.00
33	Duplicate copy of boat code certificate	$14.50
Fees relating to Part 11 (Certificates of survey)		
34	Fees payable by applicant for certificate of survey or consent to structural alteration to hull or material alteration to equipment—	
	(a) for survey for initial certificate, according to length of vessel as follows:	
	(i) not more than 5 m	$665.00
	(ii) more than 5 m but not more than 6 m	$777.00
	(iii) more than 6 m but not more than 7 m	$894.00
	(iv) more than 7 m but not more than 8 m	$1 015.00
	(v) more than 8 m but not more than 9 m	$1 138.00
	(vi) more than 9 m but not more than 10 m	$1 265.00
	(vii) more than 10 m but not more than 11 m	$1 394.00
	(viii) more than 11 m but not more than 12 m	$1 525.00
	(ix) more than 12 m but not more than 13 m	$1 659.00
	(x) more than 13 m but not more than 14 m	$1 795.00
	(xi) more than 14 m but not more than 15 m	$1 934.00
	(xii) more than 15 m but not more than 16 m	$2 074.00
	(xiii) more than 16 m but not more than 17 m	$2 215.00
	(xiv) more than 17 m but not more than 18 m	$2 359.00
	(xv) more than 18 m but not more than 19 m	$2 505.00
	(xvi) more than 19 m but not more than 20 m	$2 652.00
	(xvii) more than 20 m but not more than 21 m	$2 801.00
	(xviii) more than 21 m but not more than 22 m	$2 951.00

(xix)	more than 22 m but not more than 23 m	$3 102.00
(xx)	more than 23 m but not more than 24 m	$3 255.00
(xxi)	more than 24 m but not more than 25 m	$3 409.00
(xxii)	more than 25 m but not more than 26 m	$3 565.00
(xxiii)	more than 26 m but not more than 27 m	$3 722.00
(xxiv)	more than 27 m but not more than 28 m	$3 879.00
(xxv)	more than 28 m but not more than 29 m	$4 039.00
(xxvi)	more than 29 m but not more than 30 m	$4 199.00
(xxvii)	more than 30 m but not more than 31 m	$4 361.00
(xxviii)	more than 31 m but not more than 32 m	$4 523.00
(xxix)	more than 32 m but not more than 33 m	$4 687.00
(xxx)	more than 33 m but not more than 34 m	$4 852.00
(xxxi)	more than 34 m but not more than 35 m	$5 017.00
(xxxii)	more than 35 m but not more than 36 m	$5 184.00
(xxxiii)	more than 36 m but not more than 37 m	$5 352.00
(xxxiv)	more than 37 m but not more than 38 m	$5 521.00
(xxxv)	more than 38 m but not more than 39 m	$5 690.00
(xxxvi)	more than 39 m but not more than 40 m	$5 861.00
(xxxvii)	more than 40 m but not more than 41 m	$6 032.00
(xxxviii)	more than 41 m but not more than 42 m	$6 205.00
(xxxix)	more than 42 m but not more than 43 m	$6 378.00
(xl)	more than 43 m but not more than 44 m	$6 552.00
(xli)	more than 44 m but not more than 45 m	$6 727.00
(xlii)	more than 45 m but not more than 46 m	$6 902.00
(xliii)	more than 46 m but not more than 47 m	$7 079.00
(xliv)	more than 47 m but not more than 48 m	$7 256.00
(xlv)	more than 48 m but not more than 49 m	$7 435.00
(xlvi)	more than 49 m	$7 613.00

(b) for survey for subsequent certificate—first visit for Class 1 or 2 vessel that has not been surveyed by classification society—according to length of vessel as follows:

(i)	not more than 5 m	$324.00
(ii)	more than 5 m but not more than 6 m	$385.00
(iii)	more than 6 m but not more than 7 m	$446.00
(iv)	more than 7 m but not more than 8 m	$509.00
(v)	more than 8 m but not more than 9 m	$572.00
(vi)	more than 9 m but not more than 10 m	$636.00
(vii)	more than 10 m but not more than 11 m	$700.00

(viii)	more than 11 m but not more than 12 m	$766.00
(ix)	more than 12 m but not more than 13 m	$832.00
(x)	more than 13 m but not more than 14 m	$897.00
(xi)	more than 14 m but not more than 15 m	$964.00
(xii)	more than 15 m but not more than 16 m	$1 031.00
(xiii)	more than 16 m but not more than 17 m	$1 098.00
(xiv)	more than 17 m but not more than 18 m	$1 166.00
(xv)	more than 18 m but not more than 19 m	$1 235.00
(xvi)	more than 19 m but not more than 20 m	$1 304.00
(xvii)	more than 20 m but not more than 21 m	$1 372.00
(xviii)	more than 21 m but not more than 22 m	$1 442.00
(xix)	more than 22 m but not more than 23 m	$1 511.00
(xx)	more than 23 m but not more than 24 m	$1 582.00
(xxi)	more than 24 m but not more than 25 m	$1 652.00
(xxii)	more than 25 m but not more than 26 m	$1 722.00
(xxiii)	more than 26 m but not more than 27 m	$1 793.00
(xxiv)	more than 27 m but not more than 28 m	$1 864.00
(xxv)	more than 28 m but not more than 29 m	$1 935.00
(xxvi)	more than 29 m but not more than 30 m	$2 007.00
(xxvii)	more than 30 m but not more than 31 m	$2 079.00
(xxviii)	more than 31 m but not more than 32 m	$2 151.00
(xxix)	more than 32 m but not more than 33 m	$2 223.00
(xxx)	more than 33 m but not more than 34 m	$2 296.00
(xxxi)	more than 34 m but not more than 35 m	$2 367.00
(xxxii)	more than 35 m but not more than 36 m	$2 440.00
(xxxiii)	more than 36 m but not more than 37 m	$2 514.00
(xxxiv)	more than 37 m but not more than 38 m	$2 587.00
(xxxv)	more than 38 m but not more than 39 m	$2 660.00
(xxxvi)	more than 39 m but not more than 40 m	$2 734.00
(xxxvii)	more than 40 m but not more than 41 m	$2 808.00
(xxxviii)	more than 41 m but not more than 42 m	$2 882.00
(xxxix)	more than 42 m but not more than 43 m	$2 956.00
(xl)	more than 43 m but not more than 44 m	$3 031.00
(xli)	more than 44 m but not more than 45 m	$3 105.00
(xlii)	more than 45 m but not more than 46 m	$3 180.00
(xliii)	more than 46 m but not more than 47 m	$3 255.00
(xliv)	more than 47 m but not more than 48 m	$3 330.00
(xlv)	more than 48 m but not more than 49 m	$3 405.00

(xlvi)	more than 49 m	$3 480.00
(c)	for survey for subsequent certificate—first visit for Class 3 vessel that has not been surveyed by classification society—according to length of vessel as follows:	
(i)	not more than 5 m	$356.00
(ii)	more than 5 m but not more than 6 m	$423.00
(iii)	more than 6 m but not more than 7 m	$491.00
(iv)	more than 7 m but not more than 8 m	$560.00
(v)	more than 8 m but not more than 9 m	$629.00
(vi)	more than 9 m but not more than 10 m	$699.00
(vii)	more than 10 m but not more than 11 m	$770.00
(viii)	more than 11 m but not more than 12 m	$842.00
(ix)	more than 12 m but not more than 13 m	$914.00
(x)	more than 13 m but not more than 14 m	$987.00
(xi)	more than 14 m but not more than 15 m	$1 061.00
(xii)	more than 15 m but not more than 16 m	$1 134.00
(xiii)	more than 16 m but not more than 17 m	$1 209.00
(xiv)	more than 17 m but not more than 18 m	$1 283.00
(xv)	more than 18 m but not more than 19 m	$1 358.00
(xvi)	more than 19 m but not more than 20 m	$1 434.00
(xvii)	more than 20 m but not more than 21 m	$1 510.00
(xviii)	more than 21 m but not more than 22 m	$1 586.00
(xix)	more than 22 m but not more than 23 m	$1 662.00
(xx)	more than 23 m but not more than 24 m	$1 739.00
(xxi)	more than 24 m but not more than 25 m	$1 816.00
(xxii)	more than 25 m but not more than 26 m	$1 894.00
(xxiii)	more than 26 m but not more than 27 m	$1 973.00
(xxiv)	more than 27 m but not more than 28 m	$2 051.00
(xxv)	more than 28 m but not more than 29 m	$2 129.00
(xxvi)	more than 29 m but not more than 30 m	$2 207.00
(xxvii)	more than 30 m but not more than 31 m	$2 286.00
(xxviii)	more than 31 m but not more than 32 m	$2 365.00
(xxix)	more than 32 m but not more than 33 m	$2 445.00
(xxx)	more than 33 m but not more than 34 m	$2 525.00
(xxxi)	more than 34 m but not more than 35 m	$2 605.00
(xxxii)	more than 35 m but not more than 36 m	$2 685.00
(xxxiii)	more than 36 m but not more than 37 m	$2 765.00
(xxxiv)	more than 37 m but not more than 38 m	$2 846.00

(xxxv)	more than 38 m but not more than 39 m	$2 927.00
(xxxvi)	more than 39 m but not more than 40 m	$3 008.00
(xxxvii)	more than 40 m but not more than 41 m	$3 088.00
(xxxviii)	more than 41 m but not more than 42 m	$3 171.00
(xxxix)	more than 42 m but not more than 43 m	$3 252.00
(xl)	more than 43 m but not more than 44 m	$3 333.00
(xli)	more than 44 m but not more than 45 m	$3 416.00
(xlii)	more than 45 m but not more than 46 m	$3 498.00
(xliii)	more than 46 m but not more than 47 m	$3 580.00
(xliv)	more than 47 m but not more than 48 m	$3 663.00
(xlv)	more than 48 m but not more than 49 m	$3 746.00
(xlvi)	more than 49 m	$3 828.00

(d)	for survey for subsequent certificate—second or subsequent visit for vessel that has not been surveyed by classification society	$142.00 per hour
(e)	for survey for subsequent certificate if vessel has been surveyed by classification society	$142.00 per hour
(f)	for survey of alterations or repairs to vessel	$142.00 per hour
(g)	for non-attendance by owner of vessel or agent at survey—	
(i)	for initial certificate of survey	50% of relevant survey fee under paragraph (a)
(ii)	for subsequent certificate of survey—	
•	in the case of a first visit	50% of relevant survey fee under paragraph (b) or (c)
•	in the case of a second or subsequent visit	$267.00
(iii)	of alterations or repairs to vessel	$267.00
(h)	for examination and approval of plans for construction or alteration of vessel	$142.00 per hour
(i)	for attendance of surveyor at inclining experiment	$216.00
(j)	for examination and approval of vessel's stability information—	
(i)	if information is based on metacentric height (GM) criteria	$219.00
(ii)	in any other case	$142.00 per hour minimum fee: $649.00
(k)	for alteration to certificate of survey if consent given	$58.00

35	Application for exemption from requirement for vessel to be surveyed	$267.00

36	Application for recognition of certificate or document issued under some other law as equivalent to certificate of survey	$267.00
37	Issue of replacement certificate of survey	$58.00
Fees relating to Part 11 (Loadline certificates)		
38	Fees payable by applicant for loadline certificate—	
	(a) application fee	$267.00
	(b) assessment fee	$142.00 per hour after first hour
39	Application for exemption from requirement for loadline certificate	$267.00
40	Application for recognition of certificate or document issued under some other law as equivalent to loadline certificate	$267.00
41	Issue of replacement loadline certificate	$58.00
Fees relating to Part 14 (Boat havens)		
42	Application for permit to moor vessel in boat haven—	
	(a) *North Arm Boat Haven*	
	(i) annual permit—	
	• fishing vessel 9 m and over in length	$65.00 per metre
	• fishing vessel less than 9 m in length	$87.00 per metre
	• tender vessel	$65.00 per metre
	• the above is subject to the following maximum fees:	
	• Fishing vessel and 2 tender vessels	$421.00
	• Fishing vessel and 3 tender vessels	$478.00
	• Other vessels 12 m or more in length	$164.00 per metre
	• Other vessels less than 12 m in length	$1 954.00
	(ii) temporary permit (1 week or part of a week)	$57.50
	(b) *Port MacDonnell Boat Haven*	
	(i) annual permit	$87.00 per metre
	(ii) temporary permit (24 hours)	$5.50
Facilities levies under section 90A of Act (Part 15)		
43	Facilities levy for recreational vessel comprised of personal watercraft	$25.00
44	Facilities levy for recreational vessel comprised of houseboat, paddle steamer, or other vessel designed for inland waters, that is operated only on River Murray and moored (when not in use or under inspection, service or repair) at permanent mooring facility on River Murray	$32.50

45	Facilities levy for commercial vessel operated only on the River Murray, River Murray Lakes or Coorong		nil
46	Facilities levy for any other vessel, according to length of vessel as follows:		
	(a)	not more than 3.1 m	nil
	(b)	more than 3.1 m but not more than 3.5 m	$25.00
	(c)	more than 3.5 m but not more than 5 m	$41.50
	(d)	more than 5 m but not more than 6 m	$50.00
	(e)	more than 6 m but not more than 7 m	$58.50
	(f)	more than 7 m but not more than 8 m	$66.50
	(g)	more than 8 m but not more than 9 m	$75.00
	(h)	more than 9 m but not more than 10 m	$83.50
	(i)	more than 10 m but not more than 11 m	$91.50
	(j)	more than 11 m but not more than 12 m	$100.00
	(k)	more than 12 m but not more than 13 m	$108.00
	(l)	more than 13 m but not more than 14 m	$117.00
	(m)	more than 14 m but not more than 15 m	$125.00
	(n)	more than 15 m but not more than 16 m	$133.00
	(o)	more than 16 m but not more than 17 m	$142.00
	(p)	more than 17 m but not more than 18 m	$150.00
	(q)	more than 18 m but not more than 19 m	$158.00
	(r)	more than 19 m but not more than 20 m	$167.00
	(s)	more than 20 m in length	$208.00

Legislative history

Notes

- This version is comprised of the following:

Part 1	10.12.2009
Part 2	10.12.2009
Part 3	10.12.2009
Part 4	10.12.2009
Part 5	10.12.2009
Part 6	10.12.2009
Part 7	10.12.2009
Part 8	10.12.2009
Part 9	10.12.2009
Part 10	10.12.2009
Part 11	10.12.2009
Part 12	10.12.2009
Part 13	10.12.2009
Part 14	10.12.2009
Part 15	12.4.2010
Part 16	10.12.2009
Schedule 1	10.12.2009
Schedule 2	10.12.2009
Schedule 3	10.12.2009
Schedule 4	10.12.2009
Schedule 5	10.12.2009
Schedule 6	10.12.2009
Schedule 7	10.12.2009
Schedule 8	10.12.2009
Schedule 9	10.12.2009
Schedule 10	10.12.2009
Schedule 11	10.12.2009
Schedule 12	10.12.2009
Schedule 13	10.12.2009
Schedule 14	12.4.2010

- In this version provisions that are uncommenced appear in italics.
- 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 or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	226	*Gazette 27.8.2009 p3888*	1.9.2009 except Sch 9 cl 6(1)(b)(vi), (vii) and cl 6(3)(b)(viii), (ix)—1.6.2010: r 2
2009	266	*Gazette 5.11.2009 p5132*	1.12.2009: r 2
2009	**275**	***Gazette 3.12.2009 p5984***	**12.4.2010: r 2**
2009	291	*Gazette 10.12.2009 p6223*	10.12.2009: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
Pt 5		
r 12		
r 12(1)	substituted by 291/2009 r 4(1)	10.12.2009
r 12(4)	inserted by 291/2009 r 4(2)	10.12.2009
Pt 12		
r 189		
r 189(6)	varied by 291/2009 r 5(1), (2)	10.12.2009
r 189(7a)	inserted by 291/2009 r 5(3)	10.12.2009
Pt 15	**substituted by 275/2009 r 4**	**12.4.2010**
Sch 5		
Pt 1		
cl 1		
Christies Beach	inserted by 266/2009 r 4(1)	1.12.2009
Murray Bridge—Area 3	inserted by 291/2009 r 6(1)	10.12.2009
Pt 3		
cl 3	varied by 266/2009 r 4(2)	1.12.2009
	varied by 291/2009 r 6(2)	10.12.2009
Sch 14		
cl 1	**varied by 275/2009 r 5(1)**	**12.4.2010**
cl 2A	**inserted by 275/2009 r 5(2)**	**12.4.2010**
cl 3	**varied by 275/2009 r 5(3)**	**12.4.2010**

Transitional etc provisions associated with regulations or variations

Harbors and Navigation Variation Regulations 2009 (No 275 of 2009), Sch 1

1—Members of Boating Facility Advisory Committee continue as members of advisory committee

(1) On the commencement of these regulations, the committee under regulation 216 of the *Harbors and Navigation Regulations 2009* (as inserted by these regulations) is to consist of the persons who were, immediately before that commencement, members of the Boating Facility Advisory Committee (continued under regulation 217 as then in force).

(2) Each member of the committee is to be taken to have been appointed by the Minister for the balance of his or her term of appointment as a member of the Boating Facility Advisory Committee and, if the member was appointed as a member of the Boating Facility Advisory Committee on the nomination of a particular body, the person's appointment as a member of the committee will be taken to have been on the nomination of that body.

2—Deputy of member of Boating Facility Advisory Committee continues as deputy of member of advisory committee

(1) On the commencement of these regulations, a person who was, immediately before that commencement, a deputy of a member of the Boating Facility Advisory Committee (continued under regulation 217 as then in force) will be taken to have been appointed by the Minister as a deputy of the relevant member of the committee for the balance of the term of his or her appointment as a deputy of a member of the Boating Facility Advisory Committee.

(2) Each deputy of a member of the committee is to be taken to have been appointed by the Minister for the balance of his or her term of appointment as a deputy of a member of the Boating Facility Advisory Committee and, if the deputy was appointed as a deputy of a member of the Boating Facility Advisory Committee on the nomination of a particular body, the person's appointment as a deputy of a member of the committee will be taken to have been on the nomination of that body.

Historical versions

1.12.2009 (electronic only)

10.12.2009