



# TASMANIAN GOVERNMENT GAZETTE

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## Justices of the Peace

### JUSTICES ACT 1959

The Department of Justice  
Hobart, 14 November 2013

In accordance with the provisions of the *Justices Act 1959*, His Excellency the Governor-in-Council has been pleased to appoint the undermentioned persons as a Justice of the Peace for the State of Tasmania:—

Mr Kenneth Noel Studley, 14 Main Road, Huonville  
Mr Nicholas d'Antoine, 311 Brumby Street, Longford  
Mrs Annette Therese May, 23 Kerria Road, Risdon Vale  
Ms Lorraine Ann Read, 28 Victoria Esplanade, Bellerive  
Ms Deborah Marie Chapman-Clark, 30 Lemana Street,  
    Miandetta  
Mrs Patricia Graham, 257 Back River Road, New Norfolk  
Dr Louise Pauline McMahon, 10 Auburn Road, Kingston  
    Beach  
Pastor Norman Andrew Reed, 550 East Derwent Highway,  
    Risdon Vale

By His Excellency's Command,

BRIAN WIGHTMAN, Attorney-General.

### Tasmanian Government Gazette

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### Tasmanian Government Gazette & Tasmanian State Service Notices

#### Publication and Copy Closure Dates

##### CHRISTMAS PERIOD 2013

COPY deadline for the *Tasmanian Government Gazette* and *State Service Notices* to be published on Wednesday 18 December 2013:—

All copy for the *Tasmanian Government Gazette* and *State Service Notices* must be received by 4 p.m. on Friday 13 December 2013.

COPY deadline for the *Tasmanian Government Gazette* to be published on Wednesday 25 December 2013:—

All copy for the *Tasmanian Government Gazette* must be received by 12 noon on Friday 20 December 2013.

**Note: There will be no State Service Notices section on 25 December 2013.**

##### NEW YEAR 2014

COPY for the *Tasmanian Government Gazette* and *State Service Notices* to be published on Wednesday 1 January 2014:—

All copy for the *Tasmanian Government Gazette* and *State Service Notices* must be received by 12 Noon on Tuesday 24 December 2013.

## Notices to Creditors

HERTA IDA MARIE DRENDEL late of Umina Park Nursing Home Mooreville Road Burnie in Tasmania home duties/ waitress and widowed deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Herta Ida Marie Drendel who died on the eleventh day of October 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

JENNY BEATRICE SHEEHAN late of 103 Parker Street Devonport in Tasmania home duties and married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Jenny Beatrice Sheehan who died on the twenty-fifth day of September 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

PEGGY PEACE HARRISON late of Aldersgate Nursing Home 12-22 Hobart Road Kings Meadows in Tasmania house wife and widowed deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Peggy Peace Harrison who died on the twenty-fourth day of August 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

MICHAEL JOHN COOK late of 4 Hayley Court Deviot in Tasmania retired merchant banker and divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Michael John Cook who died on the fifteenth day of September 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

DAVID ALAN SHONE late of 21/1 Arthur Street North Hobart in Tasmania disability pensioner and single deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased David Alan Shone who died on the fourteenth day of September 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House

Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

FREDERICK ERNEST RICHARD GOODWIN late of 21 Wyndham Road Claremont in Tasmania wood machinist/lift mechanic and married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Frederick Ernest Richard Goodwin who died on the sixteenth day of August 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

JON ELLINGS, Trust Administrator.

JOYCE WHEELTON late of Strathglen Nursing Home 2B Chardonnay Drive Berriedale in Tasmania retired quality control inspector/home duties and widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Joyce Wheelton who died on the thirtieth day of September 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

LAURA ALLEN, Trust Administrator.

DAVID JAMES LONERGAN late of 120 Swanston Street New Town in Tasmania single deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased David James Lonergan who died on the eleventh day of November 2013 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2013 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

MATTHEW FERGUSON, Trust Administrator.

ROBERT JAMES TENNICK late of 8 Dewar Place Claremont in Tasmania diesel fitter/diesel mechanic married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Robert James Tennick who died on the sixteenth day of February 2012 are required by the Executor Tasmanian Perpetual Trustees Limited of Cimitiere House Level 2 113 Cimitiere Street Launceston in Tasmania to send particulars to the said Company by the eleventh day of January 2014 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this eleventh day of December 2013.

LAURA ALLEN, Trust Administrator.

IN THE Estate of LEILA HEDDLE late of Freemasons Homes of Southern Tasmania 7 Ballawinnie Road Lindisfarne in Tasmania widow home duties deceased who died on the eighteenth day of August 2013: Notice is hereby given to all Creditors next of kin and any other persons having a claim against the Estate of the late Leila Heddle are required by the Executors Ashley Kenneth Heddle and Ronald Leslie Heddle C/- Shields Heritage PO Box 474 Kingston in Tasmania to send particulars of such claim to the Registrar of the Supreme Court Salamanca Place Hobart on or before the thirteenth day of January 2014 after which date the Executors may distribute the assets having regard only to the claims of which they then shall have notice.

Dated the sixth day of December 2013.

SIELDS HERITAGE, Solicitors for the Estate.

CHARLES ALFRED BUCHER late of Unit 25 57 Cadbury Road Claremont in Tasmania widowed/chef de cuisine: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Charles Alfred Bucher who died on the twelfth day of March 2013 are required by the Executors Peter Charles Bucher Susan Annemarie Chen Markus John Bucher and Herbert Alfred Bucher c/- Simmons Wolfhagen of 168 Collins Street Hobart in Tasmania to send particulars to Simmons Wolfhagen by the tenth day of January 2014 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this eleventh day of December 2013.

SIMMONS WOLFHAGEN, Solicitors for the Executors.

NOTICE is hereby given that the Public Trustee has filed in the office of the Registrar of the Supreme Court at Hobart an election to administer the estate(s) of

BERNICE HILDA HYNES late of Barrington Lodge New Town in Tasmania home duties/widow deceased.

Dated this 11th day of December 2013.

PETER MALONEY, Chief Executive Officer, Public Trustee.

## Administration and Probate

### ADMINISTRATION AND PROBATE ACT 1935

#### *Notice of Intention to Apply for Letters of Administration*

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of JILLIAN LOUISE EVANS of 36 Orana Place Riverside in Tasmania cleaner/married woman deceased intestate may be granted to Michael Lee Richardson of 26 Church Street Campbell Town in Tasmania tractor driver/bachelor the lawful son of the said deceased.

Dated the fourth day of December 2013.

RITCHIE & PARKER ALFRED GREEN & CO,  
Solicitors for the Applicants.

### ADMINISTRATION AND PROBATE ACT 1935

#### *Notice of Intention to Apply for Letters of Administration*

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of the late PAULA MAREE MOUNTAIN late of 6 Don Vista Drive Don in Tasmania dietician/married woman deceased intestate may be granted to Scott Ronald Mountain of 6 Don Vista Drive Don in Tasmania the husband of the said Paula Maree Mountain.

Dated the fourth day of December 2013.

G. A. RICHARDSON, Solicitor for the Applicant.

## Wellington Park

### WELLINGTON PARK ACT 1993

#### REPORT ON THE

#### DRAFT WELLINGTON PARK MANAGEMENT PLAN 2012

THE Tasmanian Planning Commission hereby gives notice that a report on the review of representations received in relation to the Draft Wellington Park Management Plan 2012, and the Chairperson of the Wellington Park Management Trust's report regarding the draft plan has been provided to the Chairperson in accordance with section 24D of the *Wellington Park Act 1993*.

Copies of the report are available for inspection at the Commission's office at:

3rd floor, 144 Macquarie Street, Hobart.

The report is also available on the Commission's website: [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Enquiries can be directed to the Commission by phoning (03) 6233 2795 or email [enquiry@planning.tas.gov.au](mailto:enquiry@planning.tas.gov.au).

Dated this 11 day of December 2013.

GREG ALOMES, Executive Commissioner.

## Water Management

### WATER MANAGEMENT ACT 1999

#### REPORT ON THE DRAFT RINGAROOMA RIVER CATCHMENT WATER MANAGEMENT PLAN

THE Tasmanian Planning Commission hereby gives notice that a report on the review of representations received in relation to the Draft Ringarooma River Catchment Water Management Plan 2012, and the Secretary of the Department of Primary Industries, Parks, Water and Environment's report regarding the draft plan has been provided to the Minister for Primary Industries and Water in accordance with section 27A of the *Water Management Act 1999*.

Copies of the report are available for inspection at the Commission's office at:

3rd floor, 144 Macquarie Street, Hobart.

The report is also available on the Commission's website: [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Enquiries can be directed to the Commission by phoning (03) 6233 2795 or email [enquiry@planning.tas.gov.au](mailto:enquiry@planning.tas.gov.au).

Dated this 11 day of December 2013

GREG ALOMES, Executive Commissioner.

## Royal Assent

Government House  
Hobart, Tasmania  
4 December 2013

His Excellency the Governor has this day in the name of Her Majesty The Queen assented to the following Bills:—

A Bill for an Act to amend the *Land Use Planning and Approvals Act 1993* and the *Building Act 2000*.

*Land Use Planning and Approvals Amendment Act 2013*  
(Act No. 59 of 2013)

A Bill for an Act to amend the *Crime (Confiscation of Profits) Act 1993*.

*Crime (Confiscation of Profits) Amendment (Unexplained Wealth) Act 2013*  
(Act No. 60 of 2013)

A Bill for an Act to amend the *Financial Transaction Reports Act 1993*.

*Financial Transaction Reports Amendment Act 2013*  
(Act No. 61 of 2013)

A Bill for an Act to amend the *Legal Profession Act 2007* and the *Right to Information Act 2009*.

*Legal Profession Amendment Act 2013*  
(Act No. 68 of 2013)

By His Excellency's Command

DAVID OWEN, Official Secretary.

## Training and Workforce Development (Transitional Provisions)

### ABOLITION OF THE SKILLS TASMANIA BOARD AND SKILLS TASMANIA AUDIT COMMITTEE

I, NICK McKIM MP, Minister for Education and Skills, being satisfied that the Skills Tasmania Board and Skills Tasmania Audit Committee have fulfilled their obligations under section 20 of the *Training and Workforce Development (Transitional Provisions) Act 2013*, hereby determine pursuant to section 20(4) that the day the Skills Tasmania Board and Skills Tasmania Audit Committee are to be abolished is 11 December 2013. This notice also revokes the appointments of each Board director and each committee member on the said date.

NICK MCKIM, MP, Minister for Education and Skills.

## Industrial Relations

### INDUSTRIAL RELATIONS ACT 1984

#### *Notice of Variation of an Award*

<i>Name of Award</i>	<i>Award No.</i>	<i>Date Made</i>
Health and Human Services (Tasmanian State Service)	3/2013	04/12/2013
Tasmanian State Service	6/2013	04/12/2013

Dated this eleventh day of December 2013.

ALLAN MAHONEY, Registrar.

<b>Plant Quarantine</b>
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## *Plant Quarantine Act 1997*

### **Section 12 - Publication of pests and diseases**

I, ANDREW CHRISTIAN BISHOP, being and as the holder of the office of Manager, Plant Biosecurity and Diagnostics Branch, Biosecurity and Product Integrity Division, Department of Primary Industries, Parks, Water and Environment (position number 702019), as delegate of the Secretary of the Department of Primary Industries, Parks, Water and Environment under section 7 of the *Plant Quarantine Act 1997* ("the Act") in accordance with section 12 of the Act hereby publish a list of all pests declared under section 10 to be List A pests or List B pests; and a list of all diseases declared under section 11 to be List A diseases or List B diseases:-

#### **Pests that have been declared under Section 10 to be List A pests:**

##### **INSECTA** (insects)

##### **COLEOPTERA** (beetles & weevils)

<i>Bruchus pisorum</i> (Linnaeus)	pea weevil
<i>Heteronychus arator</i> (Fabricius)	African black beetle, black lawn beetle
<i>Hylotrupes bajulus</i> (Linnaeus)	European house borer
<i>Scolytus multistriatus</i> Marsham	elm bark beetle
<i>Trogoderma variabile</i> Ballion	warehouse beetle

##### **DIPTERA** (flies)

<i>Bactrocera tryoni</i> (Froggatt)	Queensland fruit fly, Qfly, QFF
<i>Ceratitis capitata</i> (Wiedemann)	Mediterranean fruit fly

##### **HEMIPTERA** (bugs, aphids, mealybugs, whiteflies & scale insects)

<i>Bemisia tabaci</i> (Gennadius)	silverleaf whitefly, poinsettia whitefly, cotton whitefly
<i>Daktulosphaira vitifoliae</i> (Fitch)	grape phylloxera

##### **HYMENOPTERA** (ants, bees & wasps)

<i>Solenopsis invicta</i> Buren	red imported fire ant
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##### **MOLLUSCS** (snails & slugs)

<i>Austropeplea viridis</i> (Quoy and Gaimard)	green pond snail
<i>Cantareus aperta</i> (Born) (syn. <i>Helix aperta</i> (Born))	green snail
<i>Pseudosuccinea columella</i> (Say)	American ribbed fluke snail

##### **NEMATODES**

<i>Anguina agrostis</i> (Steinbuch) Filipjev (syn. <i>Anguina lolii</i> Price)	ryegrass nematode
<i>Globodera rostochiensis</i> (Wollenweber) Behrens	yellow potato cyst nematode, PCN

**PLANTS**

<i>Acacia nilotica</i> (L.) Delile ssp. <i>indica</i> (Benth.) Brenan	prickly acacia
<i>Acroptilon repens</i> (L.) DC.	creeping knapweed, blueweed, hardheads
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	alligator weed
<i>Amaranthus albus</i> L.	tumble weed, white pigweed, white amaranth
<i>Annona glabra</i> L.	pond apple
<i>Bassia scoparia</i> (L.) A.J. Scott	kochia, Mexican firebrush, mock cypress
<i>Berkheya rigida</i> (Thunb.) Ewart et al.	African thistle
<i>Bifora testiculata</i> (L.) Spreng.	bifora
<i>Cabomba caroliniana</i> A. Gray	cabomba, fish-grass, Carolina fanwort
<i>Carex buchananii</i> Bergg.	leather leaf sedge
<i>Carex testacea</i> Sol. ex Boott	orange New Zealand sedge
<i>Caulerpa taxifolia</i> (Vahl) C.Ag.	marine green alga
<i>Cenchrus incertus</i> M.A. Curtis	spiny burr-grass
<i>Cenchrus longispinus</i> (Hack.) Fernald	spiny burr-grass
<i>Centaurea calcitrapa</i> L.	star thistle, purple star thistle
<i>Centaurea eriophora</i> L.	Mallee cockspur
<i>Ceratophyllum demersum</i> L.	hornwort, coontail
<i>Chondrilla juncea</i> L.	rush skeleton weed, naked weed
<i>Crupina vulgaris</i> Cass.	common crupina, bearded creeper
<i>Cryptostegia grandiflora</i> R. Br.	rubber vine
<i>Cuscuta</i> spp. (excluding <i>C. tasmanica</i> Englm.)	dodder
<i>Cynara cardunculus</i> L.	artichoke thistle
<i>Cyperus esculentus</i> L.	yellow nut sedge, yellow nut grass
<i>Cyperus rotundus</i> L.	purple nut grass, nut sedge
<i>Datura</i> spp.	datura
<i>Dittrichia viscosa</i> (L.) Greuter	false yellow head
<i>Egeria densa</i> Planch.	egeria, Brazilian waterweed, leafy elodea
<i>Eichhornia crassipes</i> (Mart.) Solms	water hyacinth
<i>Eleocharis parodii</i> Barros	parodi spike rush
<i>Emex australis</i> Steinh.	spiny emex
<i>Festuca gautieri</i> Hackel	bear-skin fescue
<i>Galium spurium</i> L.	false cleavers
<i>Galium tricornutum</i> Dandy	three-horn bedstraw, corn cleavers
<i>Gymnocoronis spilanthoides</i> (D. Don ex Hook. & Arn.) DC.	Senegal tea plant, temple plant
<i>Heliotropium europaeum</i> L.	common heliotrope, caterpillar weed
<i>Heracleum mantegazzianum</i> Sommier & Levier	giant hogweed, cart-wheel flower
<i>Hydrilla verticillata</i> (L.f.) Royle	hydrilla, Indian star grass, water thyme
<i>Hymenachne amplexicaulis</i> (Rudge) Nees	hymenachne
<i>Lagarosiphon major</i> (Ridl.) Moss	Lagarosiphon, African oxygen weed
<i>Lantana camara</i> L.	lantana
<i>Mesquite</i> spp.	mesquite
<i>Miconia</i> spp.	miconia

**PLANTS**

<i>Mimosa pigra</i> L.	mimosa
<i>Nassella charruana</i> (Arechav.) Barkworth	lobed needle grass
<i>Nassella hyalina</i> (Nees) Barkworth	Cane needle grass
<i>Nassella tenuissima</i> (Trin.) Barkworth	Mexican feather grass
<i>Oenanthe pimpinelloides</i> L.	meadow parsley, water dropwort
<i>Orobanch</i> spp. (except <i>O. minor</i> Sm. and <i>O. cernua</i> var. <i>australiana</i> (F.Muell. ex Tate) J.M.Black ex Beck)	broomrape
<i>Parkinsonia aculeata</i> L.	parkinsonia
<i>Parthenium hysterophorus</i> L.	parthenium weed
<i>Sagittaria montevidensis</i> Cham. & Schltdl.	arrowhead
<i>Sagittaria platyphylla</i> (Engelm.) J.G. Sm.	sagittaria
<i>Salvinia molesta</i> D.S. Mitch.	giant salvinia, aquarium water moss
<i>Senecio glastifolius</i> L. f.	holly leaved senecio, water dissel
<i>Solanum elaeagnifolium</i> Cav.	silverleaf nightshade
<i>Solanum sodomaeum</i> L.	apple of Sodom
<i>Tamarix aphylla</i> (L.) H. Karst.	athel pine, athel tamarisk, desert tamarix
<i>Trapa</i> spp.	floating water chestnut
<i>Tribulis terrestris</i> L.	caltrop, puncture vine
<i>Xanthium</i> spp.	burrs
<i>Zizania</i> spp.	wild rice

**Pests that have been declared under Section 10 to be List B pests:****PLANTS**

<i>Allium vineale</i> L.	crow garlic, false garlic, wild garlic, field garlic
<i>Amelichloa caudata</i> (Trin.) Arriaga & Barkworth (syn. <i>Achnatherum</i> <i>caudatum</i> (Trin.) S.W.L. Jacobs & J. Everett)	espartillo
<i>Amsinckia</i> spp.	yellow burr weed, amsinckia
<i>Anthemis cotula</i> L.	stinking mayweed, stinking chamomile
<i>Asparagus asparagoides</i> (L.) Druce	bridal creeper
<i>Asparagus scandens</i> Thunb.	asparagus fern, climbing asparagus
<i>Asphodelus fistulosus</i> L.	onion weed
<i>Berberis darwinii</i> Hook.	Darwin's barberry, berberis
<i>Calluna vulgaris</i> (L.) Hull	heather, ling, scots heather
<i>Carduus nutans</i> L.	nodding thistle, musk thistle
<i>Carduus pycnocephalus</i> L.	slender thistle, Italian thistle
<i>Carduus tenuiflorus</i> W.M. Curtis	slender thistle
<i>Carex albula</i> Allan	New Zealand hair sedge
<i>Carex flagellifera</i> Col.	New Zealand sedge
<i>Carthamus lanatus</i> L.	saffron thistle
<i>Chrysanthemoides monilifera</i> (L.) Norl.	boneseed, bitou bush
<i>Cirsium arvense</i> (L.) Scop.	Californian thistle
<i>Coprosma robusta</i> M. Raoul	coprosma, karamu

**PLANTS**

<i>Cortaderia</i> spp.	pampas grasses
<i>Cytisus multiflorus</i> (Aiton) Sweet	white Spanish broom
<i>Cytisus scoparius</i> (L.) Link	English broom, common broom
<i>Echium plantagineum</i> L.	Paterson's curse, purple bugloss, purple echium
<i>Echium vulgare</i> L.	viper's bugloss, blue echium
<i>Elodea canadensis</i> Michx.	Canadian pondweed, water-thyme
<i>Equisetum</i> spp.	horsetail
<i>Eragrostis curvula</i> (Schrad.) Nees	African lovegrass, weeping lovegrass
<i>Erica lusitanica</i> Rudolphi	Spanish heath
<i>Fallopia japonica</i> (Houtt.) Ronse Decr.	Japanese knotweed, Mexican bamboo
<i>Foeniculum vulgare</i> Mill.	Fennel (excluding sweet fennel bulbs and seed for human consumption)
<i>Genista monspessulana</i> (L.) L. A. S. Johnson	Montpellier broom, cape broom, soft broom
<i>Hieracium</i> spp.	hawkweeds
<i>Homeria</i> spp.	cape tulip
<i>Hypericum perforatum</i> L.	St. John's wort, goatweed
<i>Hypericum tetrapterum</i> Fr.	square stemmed St. John's wort, St. Peter's wort
<i>Lepidium draba</i> L. (syn. <i>Cardaria draba</i> (L.) Desv.)	white weed
<i>Leycesteria formosa</i> Wall.	Himalayan honeysuckle
<i>Lycium ferocissimum</i> Miers	African boxthorn
<i>Marrubium vulgare</i> L.	Horehound, white horehound
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	parrot's feather, water feather
<i>Nassella leucotricha</i> (Trin. & Rupr.) R. W. Pohl	Texas needle grass
<i>Nassella neesiana</i> (Trin. & Rupr.) Barkworth	Chilean needle grass
<i>Nassella trichotoma</i> (Nees) Hack. ex Arechav.	serrated tussock
<i>Onopordum</i> spp.	Onopordum thistles
<i>Pennisetum macrourum</i> Trin.	African feather grass
<i>Pennisetum villosum</i> R.Br. ex Fresen.	Feathertop, white foxtail, long style feather grass
<i>Rorippa sylvestris</i> (L.) Besser	creeping yellow cress, yellow field cress
<i>Rubus fruticosus</i> L.	blackberry
<i>Salix</i> spp., except <i>S. babylonica</i> L., <i>S. x. calodendron</i> Wimm., <i>S. x. reichardtii</i> Kern.	Willow
<i>Salpichroa organifolia</i> (Lam.) Baill.	pampas lily-of-the-valley
<i>Senecio jacobaea</i> L.	ragwort
<i>Solanum marginatum</i> L.f.	white-edged nightshade
<i>Solanum triflorum</i> Nutt.	cut leaf nightshade
<i>Ulex europaeus</i> L.	gorse
<i>Urospermum dalechampii</i> (L.) F.W.Schmidt	Mediterranean daisy

**BACTERIA**

<i>Curtobacterium flaccumfaciens</i> pv. <i>flaccumfaciens</i> (Hedges) Collins & Jones	bacterial blight of legumes
<i>Erwinia amylovora</i> (Burrill) Winslow et al.	fire blight of apples and pears
<i>Pseudomonas syringae</i> pv. <i>striafaciens</i> (Elliott) Young et al. (syn. <i>Pseudomonas striafaciens</i> (Elliott) Starr & Burkholder)	bacterial stripe of barley, barley black node
<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. (syn. <i>Pseudomonas</i> <i>solanacearum</i> (Smith))	bacterial wilt of potato
<i>Xanthomonas campestris</i> pv. <i>cucurbitae</i> (Bryan) Vauterin et al. (syn. <i>Xanthomonas cucurbitae</i> (Bryan) Dowson)	of cucurbita spp., including pumpkin spot and cucurbits leaf spot

**FUNGI**

<i>Alternaria mali</i> Roberts	apple spot
<i>Ascochyta rabiei</i> (Pass.) Labr.	chickpea blight
<i>Botrytis squamosa</i> J.C. Walker	botrytis leaf blight of onions
<i>Ceratocystis fimbriata</i> Ellis & Halst.	of ornamentals
<i>Colletotrichum lupini</i> (Bondar) Nirenberg et al.	lupin anthracnose
<i>Naohidemyces vaccinii</i> (Wint.) Sato, Katsuya & Hiratsuka (syn. <i>Pucciniastrum vaccinii</i> (G. Winter) Jørst.)	blueberry rust
<i>Ophiostoma</i> spp.	Dutch elm disease
<i>Phacidiopycnis tuberivora</i> (Güssow & Foster) Sutton	potato rot
<i>Uredo rangellii</i> J.A. Simpson, K. Thomas & C.A. Grgurinovic	myrtle rust
<i>Urocystis cepulae</i> Frost	onion smut

**PHYTOPLASMAS**

Grapevine yellows MLO

**VIRUSES**

Capsicum chlorosis virus	CCV
Iris yellow spot virus	IYSV
Pea seed-borne mosaic virus	PSbMV
Tobacco streak virus	TSV
Tomato leaf curl virus	see Tomato yellow leaf curl virus
Tomato yellow leaf curl virus	TYLCV

Section 12 – Publication of pests and diseases, *Plant Quarantine Act 1997*: Declared 6<sup>th</sup> December 2013

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**Diseases that have been declared under Section 11 to be List B diseases:**

**FUNGI**

*Puccinia allii* F. Rudolphi                      onion rust

**VIRUSES**

*Barley stripe mosaic virus*                      BSMV

*Tobacco rattle virus*                              TRV

**Note:** Generally, a List A pest or disease is a pest or disease that does not occur at all in Tasmania, whilst List B pests or diseases are ones that do occur in Tasmania.

DATED this 6<sup>th</sup> day of December 2013



**ANDREW BISHOP**

MANAGER (PLANT BIOSECURITY & DIAGNOSTICS BRANCH)

BIOSECURITY AND PRODUCT INTEGRITY DIVISION

DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT

## Rules Publication

### RULES PUBLICATION ACT 1953

#### NOTICE OF THE MAKING OF STATUTORY RULES

IN ACCORDANCE with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:—

Title of Act (if any) under which statutory rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Anti-Discrimination Amendment Act 2013</i>	S. R. 2013, No. 95	Proclamation under section 2
(2) <i>Appeal Costs Fund Act 1968</i>	S. R. 2013, No. 96	<i>Appeal Costs Fund Regulations 2013</i>
(3) <i>Financial Management and Audit Act 1990</i>	S. R. 2013, No. 97	<i>Financial Management and Audit Regulations 2013</i>
(4) <i>Forest Management Act 2013</i>	S. R. 2013, No. 98	Proclamation under section 2
(5) <i>Liquor Licensing Act 1990</i>	S. R. 2013, No. 99	<i>Liquor Licensing Regulations 2013</i>
(6) <i>Marine and Safety Authority Act 1997</i>	S. R. 2013, No. 100	<i>Marine and Safety (General) Regulations 2013</i>
(7) <i>Tasmanian Qualifications Authority Act 2003</i>	S. R. 2013, No. 101	<i>Tasmanian Qualifications Authority (Fees) Regulations 2013</i>

#### GENERAL PURPORT OR EFFECT OF THE ABOVEMENTION

##### (1) Proclamation under section 2 of the *Anti-Discrimination Amendment Act 2013*

This proclamation fixes 1 January 2014 as the day on which the provisions of the *Anti-Discrimination Amendment Act 2013* commence.

##### (2) *Appeal Costs Fund Regulations 2013*

These regulations –

- (a) make provision in relation to –
  - (i) certain fees payable in the Supreme Court and the Magistrates Court (Civil Division); and
  - (ii) the maximum amount payable from the Appeal Costs Fund; and
  - (iii) the taxation of costs; and
  - (iv) the inspection of certain records kept by the proper officer of a court; and
  - (v) applications for payment out of the Appeal Costs Fund; and
- (b) are made consequentially on the repeal of the *Appeal Costs Fund Regulations 2003* under section 11 of the *Subordinate Legislation Act 1992*.

(3) *Financial Management and Audit Regulations 2013*

These regulations –

- (a) provide for the payment and calculation of State Service salaries and allowances; and
- (b) prescribe the procedure for conducting inquiries under section 59 of the *Financial Management and Audit Act 1990*; and
- (c) prescribe the liability of a person for the purpose of section 60 of that Act; and
- (d) prescribe the maximum amount that may be written off by a Minister or Head of Agency; and
- (e) are made consequentially on the repeal of the *Financial Management and Audit Regulations 2003* under section 11 of the *Subordinate Legislation Act 1992*.

(4) Proclamation under section 2 of the *Forest Management Act 2013*

This proclamation fixes 11 December 2013 as the day on which the *Forest Management Act 2013* commences.

(5) *Liquor Licensing Regulations 2013*

These regulations prescribe the persons to whom liquor may be sold under the authority of a club licence under the *Liquor Licensing Act 1990*.

(6) *Marine and Safety (General) Regulations 2013*

These regulations –

- (a) prescribe certain craft as vessels for the purposes of the *Marine and Safety Authority Act 1997*; and
- (b) provide for the wearing of approved personal flotation devices by persons on certain craft and by persons being towed by motor boats; and
- (c) prescribe mandatory safety equipment to be carried on lightweight craft; and
- (d) contain provisions relating to operating vessels at safe speeds and operating vessels in designated waters; and
- (e) provide for the wearing of life jackets on certain vessels and the maintenance of those life jackets; and
- (f) provide for the issue of towage permits by the Marine and Safety Authority; and
- (g) prescribe offences in respect of which infringement notices may be issued; and
- (h) replace the *Marine and Safety (General) Regulations 2010*.

(7) *Tasmanian Qualifications Authority (Fees) Regulations 2013*

These regulations –

- (a) prescribe the fees payable under the *Tasmanian Qualifications Authority Act 2003*; and
- (b) are made consequentially on the repeal of the *Tasmanian Qualifications Authority (Fees) Regulations 2003* under section 11 of the *Subordinate Legislation Act 1992*.

Copies of the abovementioned statutory rules may be purchased at Mercury Walch Pty Ltd,  
5-7 Bowen Road, Moonah. Phone (03) 6232 2101 or Toll Free 1800 030 940.

P. R. CONWAY, Chief Parliamentary Counsel.

## PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

'Anyone who has problems with, or feels they are adversely affected by, any of the above Regulations can write to the Secretary of the Subordinate Legislation Committee, Legislative Council, Parliament House, Hobart, 7000.'

RUTH FORREST, MLC, Chairperson.

<b>Marine and Safety</b>
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**TASMANIA****MARINE AND SAFETY (MOORINGS) BY-LAWS  
2013****CONTENTS****PART 1 – PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation

**PART 2 – PERMITS**

4. Requirement for permit
5. Issue of permit
6. Appointed place
7. Responsibility of permit holder
8. Recording of details
9. Renewal of permit
10. Transfer of permit
11. Revocation of permit
12. Change of address of permit holder

**PART 3 – MOORINGS**

13. Identification
14. Approved type of mooring buoy
15. Length of cable
16. Maintenance and inspection
17. Notice to remove mooring
18. Removal of mooring where no permit held

**PART 4 – MISCELLANEOUS**

19. Approved lights and daymarks for fish farm boundaries
20. Vessels at mooring not required to exhibit lights, &c.
21. Interference with moorings
22. Unauthorised use of moorings
23. Rescission

## MARINE AND SAFETY (MOORINGS) BY-LAWS 2013

Under the powers conferred on it by the *Marine and Safety Authority Act 1997*, the Marine and Safety Authority makes the following by-laws.

### PART 1 – PRELIMINARY

#### 1. Short title

These by-laws may be cited as the *Marine and Safety (Moorings) By-laws 2013*.

#### 2. Commencement

These by-laws take effect on 1 January 2014.

#### 3. Interpretation

In these by-laws, unless the contrary intention appears –

*Act* means the *Marine and Safety Authority Act 1997*;

*appointed place* means the place appointed by MAST under clause 6;

*approved form* means a form approved by MAST;

*authorised mooring* means a mooring to which a permit applies;

*HWOST* means high water on spring tide;

*Marine and Safety (Moorings) By-laws 2013*

c. 3

**Part 1 – Preliminary**

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***identification number*** means the identification number assigned to the mooring by MAST under clause 5;

***MAST*** means the Marine and Safety Authority established under section 4 of the Act;

***mooring*** means any floating fixture, marker, pile, buoy, cable or chain attached to a weight;

***owner*** means –

- (a) the owner of a mooring; or
- (b) a hirer, bailee or person having the possession and control of a mooring;

***permit*** means a permit issued under clause 5;

***permit holder*** means a person holding a permit;

***prescribed fee*** means a fee prescribed by the *Marine and Safety (Fees) By-laws 2000*.

*Marine and Safety (Moorings) By-laws 2013*

## Part 2 – Permits

c. 4

**PART 2 – PERMITS****4. Requirement for permit**

- (1) A person must not install a mooring without holding a permit in respect of that mooring.

Penalty: Fine not exceeding 10 penalty units.

- (2) A person may apply to MAST for a permit to install a mooring.

- (3) An application –

- (a) is to be in writing and signed by the applicant; and
- (b) is to state a residential address at which the applicant can be contacted; and
- (c) is to be in an approved form; and
- (d) is to be accompanied by the prescribed fee.

- (4) MAST may –

- (a) grant an application for a permit to install a mooring; or
- (b) refuse to grant the application.

**5. Issue of permit**

- (1) If MAST grants an application for a permit, it is to –

*Marine and Safety (Mooring) By-laws 2013***c. 6**Part 2 – Permits

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- (a) issue the permit on payment of the prescribed fee; and
  - (b) assign an identification number to the mooring to which the permit relates.
- (2) A permit –
- (a) is to be in an approved form; and
  - (b) is to bear the identification number assigned to the mooring.
- (3) A permit remains in force until the expiry date specified in the permit or until the date of revocation of the permit, whichever occurs first.

**6. Appointed place**

- (1) MAST is to appoint a place at which the permit holder is permitted to install a mooring.
- (2) MAST may vary the appointed place to improve the safety of vessels or for the safe navigation of vessels.
- (3) The permit holder must not relocate a mooring from the appointed place except with the written consent of MAST.

Penalty: Fine not exceeding 5 penalty units.

**7. Responsibility of permit holder**

- (1) A permit holder is to ensure that any vessel on the mooring to which the permit relates is kept in a condition that enables it to be safely navigated.

*Marine and Safety (Mooring) By-laws 2013*

## Part 2 – Permits

c. 8

- 
- (2) If MAST is of the opinion that a vessel on a mooring is not kept in a condition that enables it to be safely navigated, it may issue a direction, in writing, to the permit holder to remove the vessel from the mooring within the period specified in the direction.
  - (3) The permit holder must comply with a direction issued under subclause (2).

Penalty: Fine not exceeding 20 penalty units.

**8. Recording of details**

MAST is to record –

- (a) the name of the owner; and
- (b) the appointed place; and
- (c) the identification number; and
- (d) details of the mooring; and
- (e) the start and expiry date of the permit; and
- (f) any other information MAST considers appropriate.

**9. Renewal of permit**

- (1) A permit holder may apply for the renewal of a permit.
- (2) An application for renewal of a permit is to be –

*Marine and Safety (Moorings) By-laws 2013***c. 10**Part 2 – Permits

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- (a) in an approved form; and
  - (b) accompanied by the prescribed fee; and
  - (c) lodged with MAST before the expiry date of the permit.
- (3) MAST may –
- (a) grant an application for the renewal of a permit; or
  - (b) refuse to grant the application.

**10. Transfer of permit**

- (1) A permit holder must not transfer the permit except with the written consent of MAST.

Penalty: Fine not exceeding 5 penalty units.

- (2) If a permit holder transfers the permit to another person (*the new permit holder*), the permit holder must, within 14 days after the transfer, provide MAST with written notice of –

- (a) the full name and residential address of the new permit holder; and
- (b) the date of the transfer.

Penalty: Fine not exceeding 5 penalty units.

- (3) The new permit holder, within 7 days after the transfer, must provide MAST with written notice of the permit transfer.

Penalty: Fine not exceeding 5 penalty units.

*Marine and Safety (Mooring) By-laws 2013*

## Part 2 – Permits

c. 11

- 
- (4) The written notice under subclause (3) is to be –
    - (a) in an approved form; and
    - (b) accompanied by the prescribed fee.
  - (5) Any permit issued after 1 January 2014 is not transferable.

**11. Revocation of permit**

- (1) A permit is revoked if –
  - (a) it is not renewed within a period of 28 days after its expiry date; or
  - (b) the permit holder has been convicted of an offence against these by-laws or contravenes or fails to comply with any direction of MAST.
- (2) If a permit is revoked, the permit holder must –
  - (a) within 14 days from the revocation date of the permit, remove the mooring or cause it to be removed; and
  - (b) notify MAST, in writing, of the removal.

Penalty: Fine not exceeding 5 penalty units.

- (3) If the permit holder fails to comply with subclause (2), MAST may –
  - (a) remove the mooring; and

*Marine and Safety (Mooring) By-laws 2013***c. 12**Part 2 – Permits

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- (b) offer the mooring for sale by advertisement in the local newspaper; and
- (c) recover costs associated with the removal of the mooring.

**12. Change of address of permit holder**

A permit holder must notify MAST in writing of any change of address within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

*Marine and Safety (Mooring) By-laws 2013*

## Part 3 – Moorings

c. 13

**PART 3 – MOORINGS****13. Identification**

A permit holder must clearly and permanently mark the identification number above the water line on any mooring buoy of the mooring to which the permit relates.

Penalty: Fine not exceeding 5 penalty units.

**14. Approved type of mooring buoy**

A permit holder must ensure that a mooring buoy of the mooring to which the permit relates is –

- (a) of a type, pattern and size approved by MAST; and
- (b) of a conspicuous colour and not less than 20 centimetres and not exceeding 60 centimetres in vertical diameter except with the written consent of MAST.

Penalty: Fine not exceeding 5 penalty units.

**15. Length of cable**

- (1) A permit holder must ensure that the length of the mooring cable of the mooring to which the permit relates does not exceed three times the depth of water at HWOST at the appointed place for the mooring without the permission of MAST.

*Marine and Safety (Mooring) By-laws 2013*

c. 16

Part 3 – Moorings

Penalty: Fine not exceeding 5 penalty units.

- (2) MAST may permit a mooring cable of greater length than that specified in subclause (1) if it is satisfied that the use of additional cable is justified for the safe mooring.

**16. Maintenance and inspection**

- (1) A permit holder must ensure that the mooring to which the permit relates –
  - (a) is maintained in good order and condition; and
  - (b) is lifted and inspected as to its condition at least once in every 2 years; and
  - (c) is correctly located and maintained at the appointed place.

Penalty: Fine not exceeding 5 penalty units.

- (2) MAST may inspect any mooring.
- (3) If any mooring, in the opinion of MAST, is not in good order, MAST may –
  - (a) suspend the permit issued in relation to the mooring, by notice in writing served on the permit holder, for the period specified in that notice; and
  - (b) direct the permit holder to make repairs as specified in the notice.

*Marine and Safety (Moorings) By-laws 2013*

## Part 3 – Moorings

c. 17

**17. Notice to remove mooring**

- (1) MAST, by notice in writing served on the permit holder or notice attached to the mooring, may direct the permit holder to remove all equipment comprising the mooring within the period specified in that notice.
- (2) A person must comply with any direction given in a notice under subclause (1).

Penalty: Fine not exceeding 10 penalty units.

**18. Removal of mooring where no permit held**

MAST may –

- (a) remove any mooring in respect of which there is no permit and recover the costs associated with the removal from the owner; and
- (b) offer any mooring in respect of which there is no permit for sale by advertisement in the local newspaper and retain the proceeds of the sale.

*Marine and Safety (Mooring) By-laws 2013*

c. 19

Part 4 – Miscellaneous

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**PART 4 – MISCELLANEOUS****19. Approved lights and daymarks for fish farm boundaries**

If a lease or permit is issued under the *Marine Farming Planning Act 1995* to a person, the person must exhibit approved daymarks and navigation lights to the satisfaction of MAST in respect of moorings used to mark the boundaries of the leases or permit areas.

Penalty: Fine not exceeding 20 penalty units.

**20. Vessels at mooring not required to exhibit lights, &c.**

- (1) Vessels secured to a mooring to which a permit relates within waters specified by MAST are not required to exhibit the lights and shapes prescribed by the *Marine and Safety (Collision) Regulations 2007* or to make the prescribed sound signals.
- (2) Subclause (1) applies only to a vessel secured to its mooring to which a permit relates and displaying on the mooring buoy the identification number assigned to the mooring.

**21. Interference with moorings**

- (1) A person without the authority of the permit holder must not –

*Marine and Safety (Mooring) By-laws 2013*

## Part 4 – Miscellaneous

c. 22

- 
- (a) interfere with the mooring to which the permit relates; or
  - (b) anchor or moor a vessel, or place anything, so as to prevent any vessel from using or riding conveniently on the mooring at the appointed place; or
  - (c) interfere with, or obstruct, a vessel when approaching or leaving the mooring at the appointed place.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person without the authority of the permit holder must not interfere with any vessel, floating fixture, marker, buoy or object at the appointed place.

Penalty: Fine not exceeding 20 penalty units.

**22. Unauthorised use of moorings**

A person must not use a mooring without the authority of the holder of the permit relating to that mooring.

Penalty: Fine not exceeding 5 penalty units.

**23. Rescission**

- (1) The *Marine and Safety (Mooring) By-laws 2008* are rescinded.
- (2) A permit issued under the *Marine and Safety (Mooring) By-laws 2008* and in force at the

*Marine and Safety (Mooring) By-laws 2013***c. 23**

Part 4 – Miscellaneous

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commencement of these by-laws remains in force until the expiry date determined by MAST or until the date of revocation of the permit under these by-laws, whichever occurs first.

The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on \_\_\_\_\_, in the presence of –

Chairman

Chief Executive

TASMANIA

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**MARINE AND SAFETY (PRESCRIBED  
OFFENCES) BY-LAWS 2013**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Prescribed offences
  4. Rescission
- Schedule 1 – Prescribed Offences

## MARINE AND SAFETY (PRESCRIBED OFFENCES) BY-LAWS 2013

Under the powers conferred on it by the *Marine and Safety Authority Act 1997*, the Marine and Safety Authority makes the following by-laws.

### 1. Short title

These by-laws may be cited as the *Marine and Safety (Prescribed Offences) By-laws 2013*.

### 2. Commencement

These by-laws take effect on 1 January 2014.

### 3. Prescribed offences

- (1) For section 45(1) of the *Marine and Safety Authority Act 1997*, an offence against a provision of the respective by-laws specified in column 1 of Schedule 1 is a prescribed offence.
- (2) The penalty specified in column 2 of that Schedule opposite that provision is the penalty payable under an infringement notice served in respect of that offence.

### 4. Rescission

The *Marine and Safety (Prescribed Offences) By-laws 2010* are rescinded.

*Marine and Safety (Prescribed Offences) By-laws 2013***sch. 1****SCHEDULE 1 – PRESCRIBED OFFENCES****PART 1 – MARINE AND SAFETY (JETTIES) BY-LAWS 2007**

	<b>Column 1</b> <b>Offence</b>	<b>Column 2</b> <b>Penalty units</b>
1.	Clause 4(1)(a)	2
2.	Clause 4(1)(b)	2
3.	Clause 4(2)	2
4.	Clause 4(3)	1
5.	Clause 5(1)	2
6.	Clause 5(2)	1
7.	Clause 5(3)	2
8.	Clause 5(4)	1
9.	Clause 6	2
10.	Clause 7(a)	2
11.	Clause 7(b)	2
12.	Clause 9(3)	2
13.	Clause 10(1)(a)	2
14.	Clause 10(1)(b)	2
15.	Clause 10(1)(c)	2

*Marine and Safety (Prescribed Offences) By-laws 2013***sch. 1**

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	<b>Column 1</b>	<b>Column 2</b>
	<b>Offence</b>	<b>Penalty units</b>
16.	Clause 10(1)(d)	2
17.	Clause 10(1)(e)	2
18.	Clause 10(1)(f)	2
19.	Clause 10(2)	5
20.	Clause 10(3)	2
21.	Clause 10(4)	2
22.	Clause 11(1)	1
23.	Clause 12(1)	5
24.	Clause 12(2)	5
25.	Clause 14(a)	2
26.	Clause 14(b)	2
27.	Clause 15(1)	2
28.	Clause 15(2)(a)	2
29.	Clause 15(2)(b)	2
30.	Clause 18	2

*Marine and Safety (Prescribed Offences) By-laws 2013***sch. 1**

<b>PART 2 – MARINE AND SAFETY (MOORINGS) BY-LAWS 2013</b>		
	<b>Column 1</b>	<b>Column 2</b>
	<b>Offence</b>	<b>Penalty units</b>
1.	Clause 4(1)	1
2.	Clause 6(3)	1
3.	Clause 7(3)	4
4.	Clause 10(1)	1
5.	Clause 10(2)	1
6.	Clause 10(3)	1
7.	Clause 11(2)(a)	1
8.	Clause 11(2)(b)	1
9.	Clause 12	1
10.	Clause 13	1
11.	Clause 14(a)	1
12.	Clause 14(b)	1
13.	Clause 15(1)	1
14.	Clause 16(1)(a)	1
15.	Clause 16(1)(b)	1
16.	Clause 16(1)(c)	1
17.	Clause 17(2)	2

*Marine and Safety (Prescribed Offences) By-laws 2013*

sch. 1

	<b>Column 1 Offence</b>	<b>Column 2 Penalty units</b>
18.	Clause 19	2
19.	Clause 21(1)(a)	2
20.	Clause 21(1)(b)	2
21.	Clause 21(1)(c)	2
22.	Clause 21(2)	2
23.	Clause 22	1

**PART 3 – MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2013**

	<b>Column 1 Offence</b>	<b>Column 2 Penalty units</b>
1.	Clause 4	1
2.	Clause 9(4)	1
3.	Clause 10(1)	1
4.	Clause 10(2)	1
5.	Clause 10(3)	1
6.	Clause 10(5)	1
7.	Clause 10(6)	1
8.	Clause 11	1

*Marine and Safety (Prescribed Offences) By-laws 2013***sch. 1**

	<b>Column 1 Offence</b>	<b>Column 2 Penalty units</b>
9.	Clause 12	1
10.	Clause 13(1)	1
11.	Clause 13(2)	1
12.	Clause 14	1
13.	Clause 16(1)	2
14.	Clause 23(2)	1
15.	Clause 24	1
16.	Clause 25(4)	1
17.	Clause 26	1
18.	Clause 27	2
19.	Clause 31(1)(a)	2
20.	Clause 31(1)(b)	2
21.	Clause 31(2)	1
22.	Clause 32(2)	1
23.	Clause 32(3)	1
24.	Clause 32(4)	1
25.	Clause 33(1)(a)	1
26.	Clause 33(1)(b)	1

*Marine and Safety (Prescribed Offences) By-laws 2013***sch. 1**

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	<b>Column 1</b> <b>Offence</b>	<b>Column 2</b> <b>Penalty units</b>
27.	Clause 33(2)(a)	1
28.	Clause 33(2)(b)	1
29.	Clause 33(5)	1
30.	Clause 33(6)(a)	1
31.	Clause 33(6)(b)	1
32.	Clause 35	1
33.	Clause 36(1)	1
34.	Clause 36(3)	1
35.	Clause 37(2)	1
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39.	Clause 40	1
40.	Clause 43(1)(a)	1
41.	Clause 43(1)(b)	1
42.	Clause 44(4)	1
43.	Clause 45	1
44.	Clause 46	1

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	<b>Column 1</b> <b>Offence</b>	<b>Column 2</b> <b>Penalty units</b>
45.	Clause 49	1
46.	Clause 53(2)	2
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The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on \_\_\_\_\_, in the presence of –

Chairman

Chief Executive

TASMANIA

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**MARINE AND SAFETY (LIMITS OF  
OPERATIONAL AREAS OF VESSELS) BY-LAWS  
2013**

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**MARINE AND SAFETY (LIMITS OF  
OPERATIONAL AREAS OF VESSELS) BY-LAWS  
2013**

Under the powers conferred on it by the *Marine and Safety Authority Act 1997*, the Marine and Safety Authority makes the following by-laws.

**1. Short title**

These by-laws may be cited as the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*.

**2. Commencement**

These by-laws take effect on 23 December 2013.

**3. Limits of operational areas of vessels operating in smooth waters**

The limits of the operational areas of vessels operating in smooth waters are as specified in Schedule 1.

**4. Limits of operational areas of vessels operating in partially smooth waters**

The limits of the operational areas of vessels operating in partially smooth waters are as specified in Schedule 2.

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**5. Limits of operational areas of vessels used for commercial purposes operating in sheltered waters**

The limits of the operational areas of vessels used for commercial purposes operating in sheltered waters are as specified in Schedule 1 and Schedule 2.

**6. Limits of operational areas of vessels not used for commercial purposes operating in sheltered waters**

The limits of the operational areas of vessels not used for commercial purposes operating in sheltered waters are –

- (a) as specified in Schedule 1; and
- (b) as specified in clauses 4, 9, 10, 16 and 22 of Schedule 2; and
- (c) waters within 2 nautical miles to seaward of the mainland coast of Tasmania between Cape Grim across the north coast and down the east coast to South East Cape.

**7. Coastal waters**

The limits of the operational areas of vessels operating in coastal waters are as specified in Schedule 3.

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**SCHEDULE 1 – SMOOTH WATERS**

Clauses 3, 5 and 6

**1. Inland waters**

The waters of any inland lake, river or stream.

**2. Ansons Bay**

Within all waters within Ansons Bay not seaward of an imaginary line drawn from Policemans Point to the southernmost point of Abbotsbury Beach.

**3. Arthur River**

Within all waters within the Arthur River (but not to seaward of the mouth of the river at grid reference 303452/5452424).

**4. Blackman Bay**

Within all waters of Blackman Bay (but not to seaward of an imaginary line drawn from Diamond Beacon across the Marion Narrows).

**5. Bridport**

Within all waters that are bounded by an imaginary line drawn from Granite Point to the eastern side of the mouth of the Brid River.

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**6. Burnie (Emu Bay)**

Within all waters of Emu Bay that are contained within an imaginary line drawn from the eastern extremity of Ocean Wharf thence along the pipeline bridge to the western extremity of the Island Breakwater, thence from the fixed green light situated on the eastern end of that breakwater to the shore at the eastern side of the Emu River.

**7. Burnie (Blythe River)**

Within all waters of the Blythe River (but not to seaward of the mouth of that river).

**8. Burnie (Cam River)**

Within all waters of the Cam River (but not to seaward of the mouth of that river).

**9. Coles Bay**

Within all waters of Great Oyster Bay (but not to seaward of an imaginary line drawn from Waterloo Point to Fleurieu Point).

**10. Devonport**

Within all waters of the Mersey River (but not to seaward of an imaginary line drawn from the seaward end of the eastern breakwater to the signal mast on the western shore).

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**11. Flinders Island (Lady Barron)**

Within all waters of the Port of Lady Barron (but not to seaward of an imaginary line drawn 075° (T) from Badger Corner to the eastern shore of Adelaide Bay).

**12. Forth River**

Within all waters of the Forth River (but not to seaward of the bridge carrying the A2 road across the Forth River).

**13. Georges Bay**

Within all waters of Georges Bay (but not to seaward of an imaginary line drawn from Clerk Point to Pelican Point).

**14. Grants Lagoon**

Within all waters of Grants Lagoon (but not to seaward of an imaginary line drawn, north to south from grid reference 609200/5432485).

**15. Hobart**

Within all waters of the Port of Hobart (but not to seaward of an imaginary line drawn from Cape Direction to Kellys Point and of another imaginary line drawn from Scott Point to Hopwood Point and within all waters of Norfolk

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Bay (but not to seaward of an imaginary line drawn from Dorman Point to Whitehouse Point).

**16. Launceston**

Within all waters of the Port of Launceston (but not to seaward of an imaginary line drawn across the River Tamar through Barrel Rock and the centre of Shear Reef).

**17. Little Swanport**

Within all waters of Little Swanport (but not to seaward of an imaginary line drawn  $0^{\circ}$  (T) from Limekiln Point).

**18. Musselroe Lagoon**

Within all waters of Musselroe Lagoon (but not to seaward of an imaginary line drawn from east to west from grid reference 599264/5479224).

**19. Pieman River**

Within all waters of the Pieman River (but not to seaward of an imaginary line running from south to east across that river from Ferry Point at grid reference 327698/5385918).

**20. Piper River**

Within all waters of the Piper River (but not to seaward of an imaginary line drawn between the

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2 white posts on opposite shores of the estuary of that river near the upstream limits of that estuary).

**21. Pittwater**

Within all waters of Pittwater (but not to seaward of an imaginary line drawn from Tiger Head to Sandy Point across the river).

**22. Port Arthur**

Within all waters of Port Arthur (but not to seaward of an imaginary line drawn from Welsh Point to Budget Head).

**23. Port Davey**

Within all waters of Bathurst Harbour (but not to seaward of an imaginary line drawn from Forrester Point to Deep Point).

**24. Port Sorell**

Within all waters of Port Sorell (but not to seaward of an imaginary line drawn 270° (T) from Griffiths Point).

**25. Scamander River**

Within all waters of the Scamander River (but not to seaward of the bridge carrying the A3 road across the Scamander River).

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**26. Smithton**

Within all waters of Duck Bay (but not to seaward of an imaginary line drawn from Davis Point to the northernmost point of Perkins Island and of another imaginary line drawn 135° (T) from the easternmost point of Perkins Island to the mainland shore).

**27. Southport Lagoon**

Within all waters of the Southport Lagoon (but not to seaward of an imaginary line drawn from north to east from grid reference 498125/5185028).

**28. Stanley**

Within all waters of the Port of Stanley that are bounded by an imaginary line drawn 218° (T) from the seaward end of the cargo wharf to the eastern bank of East Inlet.

**29. Strahan**

Within all waters of the Port of Strahan that are to the north of an imaginary line drawn from Magazine Island to King Point.

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**30. Triabunna**

Within all waters of Spring Bay and Prosser Bay (but not to seaward of an imaginary line drawn from Point Home Lookout to Johnsons Point).

**31. Wynyard**

Within all waters of the Inglis River (but not to seaward of the point where Camp Creek enters the Inglis River).

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**SCHEDULE 2 – PARTIALLY SMOOTH WATERS**

Clauses 4, 5 and 6

**1. Bicheno**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the northernmost point of Governor Island.

**2. Bridport**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the northernmost point of Granite Point.

**3. Burnie**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the eastern end of the Island Breakwater situated in Emu Bay.

**4. Coles Bay**

Within all waters of Great Oyster Bay that are bounded by an imaginary line drawn 110° (T) from Buxton Point to Schouten Island and another imaginary line drawn from Cape Degerando to Cape Baudin.

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**5. Devonport**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the Mersey Bluff light (including all navigable waters of the Mersey River).

**6. Flinders Island (Killiecrankie)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the jetty situated in Killiecrankie Bay.

**7. Flinders Island (Lady Barron)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the Marine Board wharf situated in Adelaide Bay.

**8. Flinders Island (Whitemark)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the wharf situated at Parrys Bay.

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**9. Georges Bay**

Within all waters of Georges Bay and Moulting Bay (but not beyond an imaginary line drawn directly from Blanche Point to Dora Point).

**10. Hobart**

Within all waters that are bounded by an imaginary line drawn directly from Low Point at the southern end of Wedge Bay to Cape Queen Elizabeth, another imaginary line drawn directly from Point La Billardiere to Southport Bluff and another imaginary line drawn directly across The Narrows at the entrance to Blackman Bay from the Diamond Beacon on the eastern shore in a westerly direction.

**11. King Island (Currie)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the lighthouse situated at the entrance to Currie Harbour.

**12. King Island (Grassy)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the reclamation at Grassy Harbour.

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**13. King Island (Naracoopa)**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the jetty situated at Naracoopa controlled by the Marine Board of King Island.

**14. Launceston**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the Low Head light (including all navigable waters of the River Tamar).

**15. Port Arthur**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at West Arthur Head.

**16. Port Davey**

Within all waters of Port Davey (but not beyond an imaginary line drawn directly from Garden Point to O'Brien Point).

**17. Port Latta**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical

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miles and centred at the outer extremity of the ore-loading jetty.

**18. Port Sorell**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the northernmost position of Point Sorell (including all navigable waters of Port Sorell).

**19. Smithton**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the easternmost point of Perkins Island (including all navigable waters of the Duck River).

**20. Stanley**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the easternmost point of Highfield Point.

**21. Strahan**

Within all waters of Macquarie Harbour and all bays and estuaries opening into that harbour (but not beyond an imaginary line drawn 000° (T) for a distance of 0.75 nautical miles from Watts Hill and thence 090° (T) to the shoreline).

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**22. Triabunna**

Within all waters of the Mercury Passage that include Spring Bay and Prosser Bay and are bounded by an imaginary line drawn from Lords Bluff to Cape Boullanger in the north and another imaginary line drawn from Cape Bernier to Green Bluff in the south.

**23. Ulverstone**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the outer extremity of the training wall situated on the eastern side of the Leven River (including all navigable waters of that river).

**24. Wynyard**

Within all waters that are bounded by an imaginary circle having a radius of 5 nautical miles and centred at the northernmost point of the eastern entrance of the Inglis River.

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**SCHEDULE 3 – COASTAL WATERS**

Clause 7

**1. Inshore**

Within all coastal waters but not more than 15 nautical miles to seaward from the coast.

**2. Restricted offshore**

Within all coastal waters that extend beyond inshore waters but not more than 30 nautical miles to seaward from the coast.

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The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on \_\_\_\_\_, in the presence of –

Chairperson

Chief Executive Officer

## TASMANIA

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# MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2013

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## MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2013

Under the powers conferred on it by the *Marine and Safety Authority Act 1997*, the Marine and Safety Authority makes the following by-laws.

### PART 1 – PRELIMINARY

#### 1. Short title

These by-laws may be cited as the *Marine and Safety (Motor Boats and Licences) By-laws 2013*.

#### 2. Commencement

These by-laws take effect on 1 January 2014.

#### 3. Interpretation

In these by-laws, unless the contrary intention appears –

*ABP Standard* means the standard entitled “National Standard for the Australian Builders Plate for Recreational Boats” published by the National Marine Safety Committee and adopted by the Australian Transport Council;

*approved* means approved by MAST;

*AS* means a standard published, and as from time to time amended or substituted, by Standards Australia;

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***AS/NZS*** means a standard published, and from time to time amended or substituted, by Standards Australia and Standards New Zealand jointly;

***Australian Builders Plate*** means a builders' plate that complies with all the requirements of the ABP Standard;

***authorised person*** means a person who –

- (a) is appointed under section 44 of the Act for the purposes of these by-laws; or
- (b) is a member of a class of persons appointed under section 44 of the Act for the purposes of these by-laws;

***capacity label***, for a motor boat, means a label that displays the maximum persons capacity for the motor boat, as specified in clause 36(2);

***certificate of registration*** means a certificate of registration issued under clause 9;

***coastal waters*** means coastal waters as specified in Schedule 3 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

***competent authority of any State*** means an agency, department or authority of a State or Territory of the Commonwealth

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that is responsible for maritime operations and safety;

***designated ski area*** means an area of water declared to be a designated ski area under clause 44;

***dive flag*** means an International Code Flag A at least 750mm long and 600mm wide;

***driver***, in relation to a vessel, means the person physically directing the course of the vessel, whether or not the person is also regulating the speed of, or otherwise managing, the vessel;

***hire-and-drive vessel*** means a vessel that is let or hired for a commercial purpose;

***identifying number*** means a number assigned by MAST under clause 8;

***in charge***, in relation to a motor boat, means to have command of the motor boat, whether or not physically steering, or directing the course of, the motor boat;

***inshore waters*** means inshore waters as specified in clause 1 of Schedule 3 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

***KW or H.P.*** means the manufacturer's designated kilowatt or horsepower rating applicable to the propulsion machinery installed in a motor boat;

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***length*** means the length overall of the motor boat measured from the forepart of the stem to the aft side of the tuck, stern or rudder, excluding any engine pods or bowsprits;

***licence*** means a licence issued under clause 21;

***licence holder*** means a person who holds a licence or provisional licence;

***marine facility*** means any facility, structure or equipment used in relation to the navigation and operation of vessels;

***motor boat*** means a boat that –

- (a) is designed to be propelled by its own mechanical power, whether or not mechanical power is the principal means of propulsion; and
- (b) is not also a commercial vessel;

***motor-propelled tender*** means any motor boat not exceeding 4.5 metres in length that is –

- (a) operated within 0.5 nautical miles of a parent vessel; and
- (b) used primarily for embarking and disembarking crew and passengers;

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***off-the-beach sailing craft*** means any wind-powered craft that is launched directly from a beach;

***owner***, in relation to a motor boat, includes any person who is the sole owner, joint owner or part-owner or who has possession and use of the motor boat under a hire purchase agreement or a bill of sale, but does not include any person in whom the property in the motor boat or any absolute or conditional right or licence to take possession of the motor boat is vested under a hire purchase agreement or a bill of sale;

***parent vessel*** means a base vessel –

- (a) from which a motor-propelled tender operates; and
- (b) that provides safe haven and refuge for the tender;

***partially smooth waters*** means partially smooth waters as specified in Schedule 2 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

***PFD 1*** means –

- (a) a personal flotation device that meets the requirements of AS 1512 – 1996; or

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- (b) a personal flotation device that meets the requirements of AS 4758.1 – 2008 (for Level 150 or Level 100 personal flotation devices);

***PFD 2*** means –

- (a) a personal flotation device that meets the requirements of AS 1499 – 1996; or
- (b) a personal flotation device that meets the requirements of AS 4758.1 – 2008 (for Level 50 personal flotation devices);

***PFD 3*** means –

- (a) a personal flotation device that meets the requirements of AS 2260 – 1996; or
- (b) a personal flotation device that meets the requirements of AS 4758.1 – 2008 (for Level 50 special-purpose personal flotation devices);

***prescribed fee*** means a fee prescribed by the *Marine and Safety (Fees) By-laws 2000*;

***provisional licence*** means a licence issued under clause 21;

***PWC*** means a motor boat that –

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- 
- (a) is designed to use an inboard motor, powering a jet drive, as the principal means of propulsion; and
  - (b) is designed to be operated by a person standing, crouching or kneeling on it, or sitting astride it, rather than within the confines of it;

***PWC endorsement*** means an endorsement granted under clause 30;

***registered*** means registered under these by-laws;

***registration label*** means a label of registration issued under clause 9;

***second-hand motor boat*** means a vessel that has been used otherwise than –

- (a) in the course of being built or tested; or
- (b) by an owner builder; or
- (c) by the builder only; or
- (d) for the purpose of transporting it for the purpose of sale; or
- (e) for the purpose of demonstrating it to a purchaser;

***sheltered waters*** means the waters specified in Schedules 1 and 2 to the *Marine and*

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*Safety (Limits of Operational Areas of Vessels) By-laws 2013*, or any other waters within 2 nautical miles to seaward of the mainland coast of Tasmania between Cape Grim across the north coast and down the east coast to South East Cape.

***ski access lane*** means an area of water declared under clause 41;

***smooth waters*** means –

- (a) smooth waters as specified in Schedule 1 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*; or
- (b) the waters of any inland lake, river or stream.

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## Part 2 – Registration

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**PART 2 – REGISTRATION****4. Requirement to be registered**

The owner of a motor boat must not allow it on a marine facility or to be navigated on any waters unless it is –

- (a) registered under clause 8; or
- (b) exempted under clause 6.

Penalty: Fine not exceeding 10 penalty units.

**5. Exemptions from requirement to be registered**

The following motor boats are exempted from the requirement to be registered:

- (a) a motor boat that is propelled or intended to be propelled by machinery not exceeding a rating of 2.9kW (4 H.P.);
- (b) a motor-propelled tender;
- (c) a motor boat registered by a competent authority of any State that complies with that authority's requirements.

**6. Application for or renewal of registration**

- (1) A person may apply to MAST for the registration or renewal of registration of a motor boat.

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- (2) An application for registration or renewal of registration of a motor boat –
  - (a) is to be in writing and signed by or on behalf of the owner; and
  - (b) is to be in an approved form; and
  - (c) is to state a residential address at which the applicant can be contacted; and
  - (d) is to be accompanied by the prescribed fee.
- (3) MAST may refuse to register for the first time a motor boat, other than a second-hand motor boat, if –
  - (a) an Australian Builders Plate is not fixed to the motor boat in accordance with the ABP Standard; or
  - (b) the information on the Australian Builders Plate has been altered, defaced, concealed, removed or obliterated; or
  - (c) MAST has reason to believe that the information on the Australian Builders Plate fixed to the vessel is incorrect.

**7. Registration**

- (1) If MAST registers a motor boat, it is to record –
  - (a) the name of the registered owner; and

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- 
- (b) identification details of the motor boat;  
and
  - (c) the start and expiry date of registration;  
and
  - (d) any other information MAST considers  
appropriate.
- (2) A motor boat is registered until the expiry date  
recorded by MAST.
  - (3) MAST may change the expiry date if it considers  
it appropriate.
  - (4) If MAST changes the expiry date, it is to notify  
the registered owner accordingly.

**8. Identifying number**

- (1) MAST is to assign an identifying number in  
respect of a registered motor boat.
- (2) MAST may approve the use of a personalised  
identifying number.
- (3) The owner of a motor boat that is registered with  
a yacht club or boating club that allocates  
identifying numbers or unique names may use  
the number or name so allocated with the  
approval of MAST.

**9. Certificate and registration label**

- (1) If a motor boat is registered, MAST is to issue  
the owner –

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- (a) a certificate of registration on payment of the prescribed fee; and
  - (b) a registration label.
- (2) A certificate of registration and registration label are to be in an approved form.
  - (3) A certificate of registration is to include the identifying number.
  - (4) A person must fix the registration label to the motor boat in a prominent place.

Penalty: Fine not exceeding 5 penalty units.

**10. Display of identifying number**

- (1) The owner of a motor boat that is not a PWC must ensure that –
  - (a) the identifying number is clearly displayed in figures and letters of not less than 150mm in height, on both sides of the motor boat; or
  - (b) if it is impracticable to do so, the identifying number is displayed as MAST directs.

Penalty: Fine not exceeding 5 penalty units.

- (2) The owner of a PWC must ensure that –
  - (a) the identifying number is clearly displayed in figures and letters of not less

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than 100mm in height, on both sides of the PWC; or

- (b) if it is impracticable to do so, the identifying number is displayed as MAST directs.

Penalty: Fine not exceeding 5 penalty units.

- (3) The owner of a motor boat must ensure that the identifying number is not obscured.

Penalty: Fine not exceeding 5 penalty units.

- (4) MAST may allow an identifying number to be of a smaller height than specified under this clause so long as that number is displayed in a conspicuous place.

- (5) The owner of a registered motor boat which has a personalised identifying number approved under clause 8(2) must notify MAST in writing of any change in that number within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

- (6) The owner of a registered motor boat who uses an identifying number allocated under clause 8(3) must notify MAST in writing of any change in the name or number within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

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**11. Illegal use of identifying number**

A person must not apply an identifying number assigned to a registered motor boat to any other motor boat.

Penalty: Fine not exceeding 10 penalty units.

**12. Change of address of owner**

The owner of a registered motor boat must notify MAST in writing of any change of address within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

**13. Transfer of ownership of registered motor boat**

(1) If the owner of a registered motor boat transfers the ownership of the motor boat, the owner, within 7 days after the transfer, must notify MAST of –

(a) the name and residential address of the person to whom ownership of the motor boat has been transferred; and

(b) the date of the transfer.

Penalty: Fine not exceeding 5 penalty units.

(2) The person to whom ownership of a motor boat has been transferred, within 7 days after the transfer, must lodge with MAST a signed written notice –

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- 
- (a) specifying the name and residential address of the immediate previous owner; and
  - (b) containing the signature of the immediate previous owner.

Penalty: fine not exceeding 5 penalty units.

- (3) The written notice under subclause (2) is to be –
  - (a) in an approved form; and
  - (b) accompanied by the prescribed fee.

**14. Production of certificate**

A holder of a certificate of registration of a motor boat, if required, must produce the certificate within any period MAST determines.

Penalty: Fine not exceeding 5 penalty units.

**15. Cancellation or suspension of registration**

MAST may cancel or suspend the registration of a motor boat if –

- (a) any information furnished by the holder of the certificate of the boat or by the applicant for registration is found to be untrue; or
- (b) any provision of these by-laws or any requirement of MAST in respect of the boat or its registration has not been complied with; or

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- (c) MAST has reason to believe that the noise emitted by the boat is, or would be, excessive; or
- (d) MAST considers that the boat is unsafe to persons or property; or
- (e) the holder of the certificate of registration of the boat ceases to be the owner of the boat; or
- (f) the registration of the boat is not renewed before the expiry date as recorded under clause 7.

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**PART 3 – LICENCES AND ENDORSEMENTS****16. Requirement to hold a licence**

- (1) A person must not be in charge of any registered motor boat, or motor boat that is required to be registered, on any waters or any marine facility unless the person holds –
- (a) a licence or a provisional licence; or
  - (b) an approved certificate of competency; or
  - (c) an approved licence issued or recognised by a competent authority of any State that is substantially similar to a licence issued under these by-laws.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person who is in charge of a hire-and-drive vessel is exempted from the requirements in subclause (1) if –
- (a) the boat is not capable of exceeding a speed of 8 knots; and
  - (b) the hirer is satisfied that the person is able to comply with regulations relating to the vessel, and its safety and operation.

**17. Residents of other States**

MAST may permit a person whose normal residential address is outside the State, and who

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holds an unexpired licence to drive or be in charge of a motor boat, a certificate, or an equivalent authority, issued by a competent authority of any State, to drive or be in charge of a motor boat.

**18. Application for licence or provisional licence**

- (1) An application for a licence or provisional licence is to –
  - (a) be made to MAST; and
  - (b) be in an approved form; and
  - (c) be accompanied by the prescribed fee, if any; and
  - (d) be supported by such evidence or information as MAST requires, either at the time of lodgement or subsequently.
- (2) Without limiting subclause (1)(d), MAST may require an applicant for a licence or provisional licence to do either or both of the following:
  - (a) satisfy MAST that the applicant has successfully completed an approved course of practical tuition in motor boat handling;
  - (b) satisfy MAST, by way of an examination, that the applicant has –
    - (i) sufficient knowledge of the key legislative requirements relating

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to the safe operation of motor boats; and

- (ii) sufficient practical knowledge relating to the safe operation of motor boats.

- (3) If subclause (2)(b) applies, MAST may require the applicant to pay a prescribed fee for the examination.

**19. Age limit for licensee or provisional licensee**

- (1) A person is not eligible to be issued with a licence if he or she has not attained 17 years of age.
- (2) A person is not eligible to be issued with a provisional licence if he or she –
  - (a) has not attained 12 years of age; or
  - (b) has attained 17 years of age.

**20. Determination of application for licence or provisional licence**

- (1) After considering an application for a licence or provisional licence, MAST may –
  - (a) approve the application; or
  - (b) refuse the application.
- (2) Without limiting its discretion, MAST may refuse to approve the application if it is not satisfied that the applicant –

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- (a) meets the relevant eligibility requirement under clause 19; or
  - (b) has sufficient physical capacity and visual acuity to be in charge of a motor boat; or
  - (c) has sufficient skill and competence to be in charge of a motor boat; or
  - (d) has sufficient knowledge of the key legislative requirements, relating to the safe operation of motor boats, as well as relevant practical knowledge; or
  - (e) has sufficient operational experience of being in charge of a motor boat.
- (3) If subclause (1)(a) applies, MAST is to issue the licence or provisional licence on payment of the prescribed fee, if any.
  - (4) The licence or provisional licence is to be in an approved form.
  - (5) A provisional licence may be issued unconditionally or subject to such conditions as MAST considers necessary or expedient in the circumstances.

**21. Issue of licence**

- (1) MAST may –
  - (a) grant an application for a licence to drive or be in charge of a motor boat; or

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- 
- (b) refuse to grant the application.
  - (2) If MAST grants an application for a licence, it is to issue a licence in an approved form on payment of the prescribed fee.
  - (3) MAST is to record –
    - (a) the name of the person to whom the licence is issued; and
    - (b) the start and expiry date of the licence; and
    - (c) any other details MAST considers appropriate.

**22. Period of licence**

A licence is valid until the expiry date recorded under clause 21(3).

**23. Restrictions on provisional licence, &c.**

- (1) Unless sooner cancelled, a provisional licence expires on the day on which the licence holder attains the age of 17 years.
- (2) A person who holds a provisional licence must not be in charge of a motor boat, other than a motor boat referred to in clause 5, unless a responsible adult is on board the motor boat.

Penalty: Fine not exceeding 10 penalty units.

- (3) In this clause –

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***responsible adult*** means –

- (a) a person who has attained the age of 17 years and is the holder of a licence; or
- (b) a person who, though not the holder of a licence, has attained 18 years of age and does not suffer from any physical or mental disability of a kind that would reasonably be considered to render the person incapable of taking charge of a motor boat in an emergency.

**24. Change of address of licence holder**

A licenced holder must notify MAST of any change of residential address within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

**25. Cancellation and suspension of licence**

- (1) MAST may cancel a licence or provisional licence if –
  - (a) information given by the licence holder in the application for the licence is found to be false or misleading; or
  - (b) the licence holder has been convicted of an offence against these by-laws; or

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- (c) the licence holder is or has become, in MAST's opinion, incapable of safely driving or having charge of a motor boat.
- (2) MAST may suspend a licence or provisional licence if –
- (a) the licence holder fails to notify MAST of any change of residential address under clause 24; or
- (b) the licence holder fails to pay the prescribed renewal fee on or before the date of expiry.
- (3) MAST, by notice served on the licence holder, is to notify –
- (a) the cancellation or suspension of a licence or provisional licence; and
- (b) the grounds of that cancellation or suspension.
- (4) If a licence or provisional licence is cancelled or suspended, the licence holder must return the licence or provisional licence to MAST.

Penalty: Fine not exceeding 5 penalty units.

**26. Production of licence**

A licence holder must produce the licence or provisional licence within 14 days after being required to do so.

Penalty: Fine not exceeding 5 penalty units.

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**27. Requirement for endorsement for PWC**

A licence holder must not drive or be in charge of a PWC without a PWC endorsement on the licence or provisional licence.

Penalty: Fine not exceeding 20 penalty units.

**28. Application for endorsement for PWC**

An application for an endorsement to drive or be in charge of a PWC is to be made to MAST in the approved form and is to be accompanied by the prescribed fee.

**29. Eligibility for endorsement for PWC**

Before MAST grants an application for a PWC endorsement, the applicant must complete an approved course.

**30. Granting and issuing of endorsement for PWC**

- (1) MAST may –
  - (a) grant an application for an endorsement to drive or be in charge of a PWC; or
  - (b) refuse to grant the application.
- (2) If MAST grants an application for an endorsement, it is to issue the endorsement in an approved form on payment of the prescribed fee.
- (3) MAST is to record –

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- 
- (a) the name of the person to whom the endorsement is granted; and
  - (b) the start and expiry date of the endorsement; and
  - (c) any other details MAST considers appropriate.
- (4) MAST may impose conditions in relation to the PWC endorsement.

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**PART 4 – MISCELLANEOUS****31. Equipment**

- (1) The owner or driver of a motor boat must ensure that the mandatory safety equipment specified in Schedule 1 appropriate to the area of operation and length of the boat is –
- (a) carried on the boat; and
  - (b) properly stored, kept ready for immediate use, and maintained in good order at all times.

Penalty: Fine not exceeding 20 penalty units.

- (2) The owner of a personal flotation device which is inflatable must ensure it is maintained in accordance with the recommendations of the manufacturer.

Penalty: Fine not exceeding 10 penalty units.

**32. Personal flotation devices**

- (1) In this clause –

*proceeding motor boat* means a motor boat that is proceeding under power.

- (2) A person who is on a proceeding motor boat that is less than 6 metres in length must wear an approved personal flotation device.

Penalty: Fine not exceeding 5 penalty units.

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- 
- (3) The master of a motor boat of a kind referred to in subclause (2) must ensure that each person on the motor boat who has not attained the age of 16 years complies with that subclause.

Penalty: Fine not exceeding 5 penalty units.

- (4) The master of a proceeding motor boat that is 6 metres or more in length must ensure that each person on the motor boat who is under the age of 12 years wears an approved personal flotation device.

Penalty: Fine not exceeding 5 penalty units.

- (5) Despite subclauses (2), (3) and (4), if a person is in a deckhouse, cabin or secure enclosed place on a motor boat, that person is not required to comply with subclause (2) and –

(a) if that person has not attained the age of 16 years, the master of that motor boat is not required to comply with subclause (3); or

(b) if that person has not attained the age of 12 years, the master of that motor boat is not required to comply with subclause (4).

- (6) For the purposes of subclauses (2), (3) and (4), an approved personal flotation device is –

(a) for a motor boat (other than a PWC) –

(i) in smooth waters, a PFD 1 or PFD 2; or

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- (ii) in waters other than smooth waters, a PFD 1; or
- (b) for a motor boat (being a PWC) –
  - (i) in smooth waters or sheltered waters, a PFD 1, PFD 2 or PFD 3; or
  - (ii) in waters other than smooth waters or sheltered waters, a PFD 1.

**33. Navigation of motor boats and speed limits**

- (1) A person, in any area specified in Schedule 2, must not –
  - (a) drive or be in charge of a motor boat; or
  - (b) ride upon or cause any aquaplane, water ski or similar device to be towed, pulled or propelled.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person, in any area specified in subclause (3), must not –
  - (a) drive or be in charge of a motor boat, except when the boat is being propelled wholly by sail, at a speed exceeding 5 knots; or
  - (b) ride upon or cause any aquaplane, water ski or similar device to be towed, pulled

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or propelled at a speed exceeding 5 knots.

Penalty: Fine not exceeding 5 penalty units.

- (3) For the purpose of subclause (2), the areas are as follows:
- (a) waters specified in Schedule 3;
  - (b) within 60 metres of –
    - (i) any shore line, river bank, diving platform or marine facility; or
    - (ii) any boat under way, at anchor, moored or engaged in fishing or in rowing; or
    - (iii) any buoy laid by or with the approval of MAST; or
    - (iv) any person on water skis, an aquaplane or similar object being towed by another boat;
  - (c) when passing within 120 metres of –
    - (i) any person bathing; or
    - (ii) any vessel or buoy displaying the signal letter “A” of the International Code of Signals which signifies “I have a diver down; keep well clear at slow speed”.

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- (4) It is a defence in proceedings for an offence under subclause (2) in relation to areas referred to in subclause (3) for a person to prove that –
- (a) there was no reasonable likelihood of injury, nuisance or annoyance to persons or damage to property; or
  - (b) the consequences of a cessation of the towing of such water skier, skiers or aquaplaner would cause an accident; or
  - (c) the situation was one of vessels passing on parallel courses where no nuisance, annoyance or danger is caused to the occupants of either vessel; or
  - (d) the situation was one of vessels engaged in racing or a similar activity under the provisions of the *Marine and Safety (Pilotage and Navigation) Regulations 2007*.
- (5) A person must not operate a PWC between sunset and sunrise.

Penalty: Fine not exceeding 10 penalty units.

- (6) A person must not operate a motor boat in an erratic and non-directional way which would make it difficult for others to predict the motor boat's course to avoid a collision if –
- (a) the motor boat is within 200m of a swimmer; or

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- 
- (b) the motor boat is within 200m of a shoreline and there is any building used for human habitation within 100m of that shoreline.

Penalty: Fine not exceeding 10 penalty units.

**34. Speed trials**

- (1) MAST, on the application of any aquatic body, may grant permission in writing for the body to conduct speed trials or other organised water sport during any hours and on any days it may specify.
- (2) The participants in any trials or sport permitted under subclause (1) are exempt from compliance with clause 33 during the hours and day so specified.
- (3) MAST, upon the application of any person, may exempt from the operation of clause 33 any boat or boats of specified kind or class used for specified purposes or in specified circumstances or in specified areas.
- (4) An exemption under this by-law is for any time and is subject to any restrictions, limitations and conditions MAST may direct.

**35. Motor boat not to be driven negligently**

A person driving or in charge of a motor boat on any waters must not drive negligently or carelessly or at a speed or in a manner that is

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dangerous or likely to cause injury to any person.

Penalty: Fine not exceeding 10 penalty units.

**36. Capacity label**

- (1) If a registered motor boat, other than a PWC, is not fitted with an Australian Builders Plate, the owner of the registered motor boat must ensure that an approved capacity label for the registered motor boat is permanently attached to the registered motor boat within one metre of each steering position.

Penalty: Fine not exceeding 5 penalty units.

- (2) The maximum persons capacity for a motor boat is –
- (a) the maximum capacity calculated according to AS 1799.1 – 1992; or
  - (b) the maximum capacity as rated by the manufacturer; or
  - (c) a capacity calculated in a manner approved by MAST.
- (3) An owner or driver of a motor boat must not remove, deface or conceal a capacity label that is attached to the motor boat.

Penalty: Fine not exceeding 5 penalty units.

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**37. Safe operation sticker**

- (1) MAST is to issue a sticker to the owner of a PWC that sets out guidelines on the safe operation of a PWC.
- (2) The owner or driver of a PWC must ensure that a safe operation sticker issued by MAST is affixed in a prominent place, adjacent to the craft's controls.

Penalty: Fine not exceeding 5 penalty units.

**38. Dive flags**

- (1) A vessel with persons engaged in diving must display a dive flag visible from 360 degrees from the dive flag.

Penalty: Fine not exceeding 10 penalty units.

- (2) A vessel must not display a dive flag if the vessel is moving at a speed exceeding 5 knots or in the hours of darkness.

Penalty: Fine not exceeding 5 penalty units.

- (3) Any person engaged in diving from a boat displaying a dive flag is exempted from the requirement to wear a personal flotation device as required in clause 32(2), (3) or (4).

**39. Maximum number of skiers**

Except with the written permission of MAST, a person must not drive a motor boat that is towing

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more than 3 persons on water skis, aquaplanes or similar objects.

Penalty: Fine not exceeding 10 penalty units.

**40. Conditions for towing of skiers**

A person must not drive, or be in charge of, a motor boat for the purpose of towing any person on any water ski, aquaplane or similar object –

- (a) between the hours of sunset and sunrise, except with the written permission of MAST; and
- (b) unless the person is accompanied on the motor boat by at least one other person who has attained the age of 10 years who is responsible for communicating, to the person driving or in charge of the motor boat, any mishap occurring to the person being towed on the water ski, aquaplane or other object.

Penalty: Fine not exceeding 10 penalty units.

**41. Ski access lanes**

MAST, by notice advertised in a daily newspaper, may declare that an area of water is a ski access lane for use by registered motor boats whilst launching or landing a water skier or an aquaplaner.

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**42. Area of ski access lanes**

A ski access lane comprises all that area of water at right angles to the shore, extending 60 metres seawards from the shore between two marker beacons of the form shown in Schedule 4.

**43. Restrictions within a ski access lane**

- (1) While any ski access lane is being used –
  - (a) a person, other than a person using or about to use the ski access lane for the purposes for which it has been declared, must not enter that ski access lane; and
  - (b) a person must not bathe, paddle or fish in the water of that ski access lane.

Penalty: Fine not exceeding 10 penalty units.

- (2) Subclause (1) does not apply to any person engaged in water skiing or aquaplaning who has capsized and is waiting to resume water skiing or aquaplaning or to be picked up, or who is returning directly to the shore.

**44. Designated ski areas**

- (1) MAST may declare an area of water to be a designated ski area for vessels towing persons on waterskis, aquaplanes or other similar devices.
- (2) A designated ski area is to be marked by MAST with marker beacons of the form shown in Schedule 4.

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- (3) A designated ski area comprises areas of water as specified in Schedule 5.
- (4) A person must not drive or be in charge of a motor boat at a speed exceeding 5 knots within a designated ski area unless towing persons as referred to in subclause (1).

Penalty: Fine not exceeding 10 penalty units.

- (5) It is a defence in proceedings for an offence under subclause (4) for a person to prove that there was no reasonable likelihood of injury, nuisance or annoyance to persons or damage to property.

**45. Damage to ski lane markers**

A person must not cause damage or interfere with shore marker beacons or anything used in marking a ski access lane or designated ski area.

Penalty: Fine not exceeding 10 penalty units.

**46. Unauthorised use of motor boat**

A person must not drive a registered motor boat, or a motor boat that is required to be registered, without the authority or consent of the registered owner of that boat.

Penalty: Fine not exceeding 10 penalty units.

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**47. Replacement certificates, labels and licences**

- (1) If a certificate of registration, registration label, licence or provisional licence is lost, stolen, destroyed, defaced, mutilated or rendered illegible, the person to whom it has been issued –
  - (a) is to inform MAST; and
  - (b) may apply for a replacement.
- (2) MAST may issue a replacement certificate, label, licence or provisional licence on payment of the prescribed fee.

**48. Reissue of certificates and licences with altered details**

- (1) The person to whom a certificate of registration, licence or provisional licence has been issued may apply to MAST to have the certificate, licence or provisional licence reissued with altered details.
- (2) MAST may reissue a certificate, licence or provisional licence on payment of the prescribed fee.

**49. False information**

A person in an application must not make a statement or give information knowing that the statement or information is false or misleading.

Penalty: Fine not exceeding 10 penalty units.

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**50. Exemptions**

- (1) MAST may exempt any motor boat or class of motor boats from the operation of any of the provisions of these by-laws.
- (2) MAST may exempt any person from any provisions of these by-laws.

**51. Appeals**

- (1) A person who is aggrieved by the cancellation or suspension by MAST of a licence may appeal to a magistrate.
- (2) An appeal –
  - (a) is to be made within 14 days of the service of a notice of cancellation or suspension by MAST; and
  - (b) is to state the grounds of the appeal.
- (3) The decision of a magistrate on the hearing of an appeal under this by-law is final.

**52. Service of notices**

A notice is taken to be duly served on a person if it is served personally or posted to the last address of that person as shown in the records of MAST.

**53. Powers of authorised persons**

- (1) An authorised person may –

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- 
- (a) direct an owner, driver or person in charge of a motor boat –
    - (i) to remove the boat from the vicinity; or
    - (ii) to proceed to a place indicated by the authorised person; and
  - (b) give directions to the owner or operator of a motor boat relating to –
    - (i) the manner of approaching or departing from a location; or
    - (ii) the manner of taking up or setting down passengers or loading or unloading goods; or
    - (iii) the mooring or anchoring of boats; and
  - (c) remove to a place of safe custody a motor boat if –
    - (i) the motor boat is abandoned without being securely moored or at anchor; or
    - (ii) the owner or driver or person in charge is unfit to operate the motor boat because of being under the influence of alcohol or drugs; or
    - (iii) in the opinion of the authorised officer, the motor boat impedes safe navigation; and

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- (d) give directions, including to stop, to the owner or driver or operator of a motor boat; and
  - (e) board any motor boat to inspect it or any object on the boat; and
  - (f) request the owner of a motor boat to give his or her name, age and address; and
  - (g) request the person driving or person in charge of a motor boat who is not the owner of the vessel to give the name and address of the place of residence of the owner.
- (2) If any person who is not the owner of the motor boat is alleged to have committed an offence in relation to the motor boat under these by-laws, the owner of the motor boat, on demand of an authorised person, must give any information required relating to the identity and whereabouts of that person.
- Penalty: Fine not exceeding 10 penalty units.
- (3) If the owner does not know the information required under subclause (2), the owner must take steps to obtain the information and report to the authorised person within 7 days the result of the steps taken.
- Penalty: Fine not exceeding 10 penalty units.
- (4) The owner, driver or person in charge of a motor boat must comply with the directions of an authorised officer.

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Penalty: Fine not exceeding 10 penalty units.

**54. Rescission**

The *Marine and Safety (Motor Boat and Licences) By-laws 2008* are rescinded.

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**SCHEDULE 1 – SAFETY EQUIPMENT TO BE  
CARRIED ON MOTOR BOATS**

Clause 31

**PART 1 – SAFETY EQUIPMENT FOR MOTOR BOATS**

<b>Equipment</b>	<b>Motor boats less than 6 metres in length in sheltered waters</b>	<b>Motor boats less than 6 metres in length in waters other than sheltered waters</b>	<b>Motor boats 6 metres or more in length in sheltered waters</b>	<b>Motor boats 6 metres or more in length in waters other than sheltered waters</b>
Anchor, rope and chain as specified in Part 3	Mandatory	Mandatory	Mandatory	Mandatory
Bailer/bilge pump	Mandatory	Mandatory	Mandatory	Mandatory
PFD per person	Mandatory	Mandatory	Mandatory	Mandatory
Fire extinguisher as specified in Part 3	Mandatory	Mandatory	Mandatory	Mandatory
Oars/auxiliary propulsion	Mandatory	Mandatory		
Flares as specified in Part 3	Mandatory	Mandatory	Mandatory	Mandatory
Heaving line		Mandatory	Mandatory	Mandatory

*Marine and Safety (Motor Boats and Licences) By-laws 2013***sch. 1**

<b>Equipment</b>	<b>Motor boats less than 6 metres in length in sheltered waters</b>	<b>Motor boats less than 6 metres in length in waters other than sheltered waters</b>	<b>Motor boats 6 metres or more in length in sheltered waters</b>	<b>Motor boats 6 metres or more in length in waters other than sheltered waters</b>
Lifebuoy		Mandatory	Mandatory	Mandatory
EPIRB as specified in Part 3		Mandatory		Mandatory
Radar reflector		Mandatory		Mandatory
First aid kit as specified in Part 3		Mandatory		Mandatory
Water		Mandatory		Mandatory
Marine radio		Mandatory		Mandatory
Navigation lights and torch for night operation	Mandatory	Mandatory	Mandatory	Mandatory

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**sch. 1**

**PART 2 – SAFETY EQUIPMENT FOR PWC AND MOTOR-PROPELLED TENDERS**

<b>Equipment</b>	<b>Motor-propelled tender</b>	<b>PWC within sheltered waters</b>	<b>PWC within all other waters</b>
PFD	Mandatory	Mandatory	Mandatory
Flares as specified in Part 3		Mandatory	Mandatory
Bailer or bilge pump	Mandatory		
Fire extinguisher as specified in Part 3	Recommended	Mandatory	Mandatory
EPIRB as specified in Part 3			Mandatory
Tow line	Recommended		Mandatory
Radio			Mandatory

**PART 3 – SPECIFICATION OF SAFETY EQUIPMENT**

**1. Anchors, chain and cable**

- (1) An anchor type as specified in AS 2198 is to be carried.
- (2) The size of the anchor and diameter and length of the chain and rope must be sufficient to hold the vessel in all sea and wind conditions and depth of water in the intended area of operation.

*Marine and Safety (Motor Boats and Licences) By-laws 2013***sch. 1****2. Fire extinguishers**

- (1) Fire extinguishers, as listed below, are to be carried, readily accessible in suitable and different parts of the boat.
- (2) Only extinguishers marked as complying with AS 1841.5 (1992) or AS 1846 for dry chemical type are acceptable.
- (3) The minimum number and capacity of fire extinguishers are to be provided in accordance with the following table:

<b>Vessel length</b>	<b>Minimum number and minimum capacity</b>	<b>Minimum equivalent rating</b>
Less than 8 metres (PWC only)	One (1) .75kg	5BE
Less than 8 metres (other than PWC)	One (1) .9kg	5BE
8 metres or more but less than 12 metres	Two (2) .9kg	5BE
12 metres or more	Three (3) .9kg or	5BE
	One (1) .9kg and	5BE/10BE
	One (1) 1.5kg	

**3. EPIRBS**

- (1) Rescinded.
- (2) EPIRBS, if required, are to conform to AS/NZS 4280.1.

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**sch. 1**

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- (3) EPIRBS conforming to AS/NZS 4280.1 are required to be registered with the Australian Maritime Safety Authority.

**4. First aid kits**

The first aid kit contents should reflect likely conditions, duration of the voyage and the number of passengers.

**5. Flares**

- (1) Flares (Pyrotechnics) are to conform to AS 2092 or equivalent.
- (2) Flares required are as follows:

	<b>Smooth waters</b>	<b>Partially smooth waters</b>	<b>Coastal waters</b>
All vessel lengths	Recommended only	2 red hand-held  2 orange hand-held smoke signals	2 red hand-held  2 orange hand-held smoke signals  2 red parachute flares
PWC	Recommended only	2 red hand-held	2 red hand-held

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	<b>Smooth waters</b>	<b>Partially smooth waters</b>	<b>Coastal waters</b>
		2 orange hand-held smoke signals	2 orange hand-held smoke signals 2 red parachute flares

*Marine and Safety (Motor Boats and Licences) By-laws 2013*sch. 2

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**SCHEDULE 2 – PROHIBITED AREAS FOR  
NAVIGATION**

Clause 33(1)

1. Lake Gordon: all waters within 50m of the Gordon Dam.
2. Lake Gordon: all waters within 50m of the Gordon Intake.
3. Lake Pedder: the waters bounded by the Serpentine Dam, a sign on the southern bank and a sign on the northern bank, both signs located approximately 20 metres upstream from the Serpentine Dam.
4. Lake Pedder: the waters bounded by the Scotts Peak Dam, a sign on the eastern bank approximately 75 metres upstream from the Scotts Peak Dam and a sign on the western bank approximately 22 metres upstream from the Scotts Peak Dam.
5. Lake Pedder: the waters bounded by Edgar Dam, a sign on the western bank approximately 400 metres upstream of Edgar Dam and a sign on the eastern bank approximately 50 metres upstream of Edgar Dam.
6. Lake Pedder: the waters of McPartlan Canal from a point approximately 400 metres upstream

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from the Gordon River Road bridge, downstream to Lake Gordon.

7. Cluny Lagoon: the waters bounded by Cluny Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 120 metres upstream from Cluny Dam.
8. Lake Catagunya: the waters bounded by the Catagunya Dam, a sign located on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from the Catagunya Dam.
9. River Derwent: the waters of the River Derwent for a distance of 700 metres downstream from the Catagunya Dam.
10. Lake Catagunya: the waters of Wayatinah Power Station tailrace for a distance of 60 metres downstream from the Wayatinah Power Station.
11. Lake Repulse: the waters bounded by the Repulse Dam, a sign on the eastern bank approximately 400 metres upstream of the Repulse Dam and a sign on the western bank approximately 100 metres upstream of the Repulse Dam.

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12. River Derwent: the waters of the River Derwent for a distance of 250 metres downstream from the Repulse Dam.
13. River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from Cluny Dam.
14. Meadowbank Lake: the waters bounded by the Meadowbank Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 1500 metres upstream from the Meadowbank Dam.
15. River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from the Meadowbank Dam.
16. Nive River: the waters of the Nive River from the Tungatinah Power Station downstream to Wayatinah Lagoon including Lake Liapootah and the Liapootah Power Station tailrace.
17. Wayatinah Lagoon: the waters bounded by the Wayatinah Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from the Wayatinah Dam.
18. Wayatinah Lagoon: the waters bonded by the Wayatinah Power Station tunnel inlet structure, a sign on the eastern bank and a sign on the

*Marine and Safety (Motor Boats and Licences) By-laws 2013***sch. 2**

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western bank, both signs located approximately 100 metres upstream from the tunnel inlet structure.

19. Lake King William: the waters bounded by the Clark Dam, a sign on the western bank approximately 300 metres upstream of the dam and a sign on the eastern bank approximately 100 metres upstream of the Clark Dam.
20. Lake King William/Nive River: the waters of all those canals, flumes, ponds, siphons, and tunnels flowing downstream from Lake King William to the Nive River, including that part of the River Derwent between the Clark Dam and the pump station located approximately 6000 metres downstream from the Clark Dam; the Wentworth Canal, Dunnys Dam, Wentworth Dam, and Hornes Dam; but excluding Mossy Marsh Pond and Pump Pond.
21. Tungatinah Lagoon: the waters bounded by the Tungatinah Tunnel inlet structure and a sign on the south-eastern bank located approximately 200 metres upstream from the inlet structure.
22. Bronte Lagoon/Bradys Lake: the waters of Woodward's Canal from the footbridge at Bronte Lagoon downstream to a point 50 metres downstream from the radial gates at the Lyell Highway.

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23. Bradys Lake: the waters bounded by the Dee Tunnel Outlet, a sign on the eastern bank and a sign on the western bank, both signs located approximately 50 metres downstream from the Dee Tunnel Outlet.
24. Lake Echo: the waters of the canal and flume from Echo Dam at Lake Echo downstream to and including the Echo Forebay.
25. Dee Lagoon: the waters of the Lake Echo Power Station tailrace for a distance of 400 metres downstream from the Lake Echo Power Station.
26. Dee Lagoon: the waters bounded by the Dee Tunnel Inlet, a sign on the eastern bank and a sign on the western bank, both signs located approximately 100 metres upstream from the Dee Tunnel Inlet.
27. Pine Tier Lagoon: the waters bounded by the Pine Tier Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from the Pine Tier Dam.
28. Bronte Canal: the waters of the Bronte Canal from the Pine Tier Dam downstream to a point 100 metres downstream from the Lyell Highway Bridge at Bronte Lagoon.

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29. Little Pine Lagoon: the waters bounded by Little Pine Dam, a sign on the north-western bank approximately 100 metres upstream of the Little Pine Dam and a sign on the south-eastern bank approximately 100 metres upstream of the Little Pine Dam.
  30. Little Pine Lagoon/Lake Echo: the waters of Deep Creek from a point 170 metres upstream from the Marlborough Highway bridge downstream to the River Ouse; the waters of the River Ouse from Deep Creek downstream approximately 200 metres to the River Ouse weir; the waters of the Monpeelyata Canal and flume from the Ouse River weir downstream to Lake Echo.
  31. Clarence Weir: the waters of Clarence Weir.
  32. St Clair Lagoon: the waters from the Lake St Clair Pumping Station downstream to St Clair Lagoon and 150 metres out into St Clair Lagoon.
  33. St Clair Lagoon: the waters of St Clair Lagoon for a distance of 300 metres upstream from the St Clair Dam.
  34. River Derwent: the waters of the River Derwent for a distance of 50 metres downstream from the St Clair Dam.

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35. Poatina: the waters of the Poatina Tailrace from the Poatina Power Station tunnel outlet downstream to Brumbys Creek.
36. Arthurs Lake: all waters within 30 metres of the Arthurs Lake Dam.
37. Arthurs Lake: the waters of the pump house channel between the pump house structure, a sign on the northern bank and a sign on the southern bank at the upstream mouth of that channel.
38. Shannon Lagoon: the waters bounded by Shannon Dam, a sign on the western bank and a sign on the eastern bank, both signs located approximately 50 metres upstream from the Shannon Dam.
39. Great Lake: the waters bounded by the Miena Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from the Miena Dam.
40. Great Lake: all waters within a distance of 50 metres of Tods Corner Power Station.
41. Great Lake: the waters immediately upstream of Poatina Intake, bounded by the breakwater walls on the northern and southern sides, for a distance of 500 metres from the intake.

*Marine and Safety (Motor Boats and Licences) By-laws 2013***sch. 2**

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42. Lake Augusta: the waters bounded by the Augusta Dam, a sign on the south-western bank and a sign on the north-eastern bank, both signs located approximately 50 metres upstream from the Augusta Dam.
43. Lake Augusta: the waters bounded by the outlet, a sign on the northern bank and a sign on the southern bank, both signs located approximately 50 metres downstream of the outlet.
44. Lake Trevallyn –
- (a) the waters bounded by the Trevallyn Dam, a sign on the northern bank and a sign on the southern bank, both signs located approximately 500 metres upstream from Trevallyn Dam; and
  - (b) the waters of Stephensdale Bay bounded to the south by the buoy line or two signs on the bank.
45. River Tamar: the waters of the River Tamar known as the Trevallyn Power Station tailrace from Elouera Street downstream to a sign on the northern bank and a sign on the southern bank, both signs located approximately 80 metres downstream from Elouera Street.
46. Lake Mackenzie: the waters bounded by the Mackenzie Spillway, a sign on the western bank and a sign on the dam, both signs located

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approximately 50 metres upstream from the spillway.

47. Lake Mackenzie: all waters within 50 metres of the Fisher Intake.
48. Lake Mackenzie: the waters of all canals, flumes, and weirs flowing from Jacks Lagoon, the Mackenzie Dam and Yeates Creek downstream to the Fisher tunnel intake structure.
49. Lake Rowallan: the waters bounded by Rowallan Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 100 metres upstream from the Rowallan Dam.
50. Mersey River: the waters of the Mersey River from Rowallan Dam downstream approximately 800 metres to the Mersey Forest Road bridge.
51. Lake Parangana: the waters bounded by Parangana Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 250 metres upstream from Parangana Dam.
52. Mersey River: the waters of the Mersey River from Parangana Dam downstream approximately 800 metres to the Mersey Forest Road bridge.

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53. River Forth: the waters of the River Forth from the Lemonthyme Power Station downstream for a distance of 650 metres.
  54. Lake Cethana: the waters bounded by Cethana Dam, a sign on the western bank approximately 250 metres upstream of the Cethana Dam and a sign on the eastern bank approximately 100 metres upstream of the Cethana Dam.
  55. Lake Cethana: the waters bounded by the Wilmot Power Station, a sign on the eastern bank and a sign on the western bank, both signs located approximately 500 metres downstream of the Wilmot Power Station.
  56. Lake Gairdner: the waters bounded by the Wilmot Dam spillway, a sign on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from that spillway.
  57. Lake Gairdner: all waters within 50 metres of Wilmot Intake.
  58. Lake Barrington: the waters from Cethana Dam downstream to a sign on the bank near Jacksons Creek approximately 2000 metres from Cethana Dam.
  59. Lake Barrington: the waters bounded by the Devils Gate Dam, a sign on the eastern bank and

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a sign on the western bank, both signs located approximately 1600 metres upstream from Devils Gate Dam.

60. Lake Paloona: the waters of Lake Paloona 200 metres from Devils Gate Dam as marked by signs on the western and eastern sides of the lake and 200 metres from Paloona Power Station as marked by signs on the western and eastern sides of the lake.
61. Lake Murchison: the waters of Lake Murchison.
62. Murchison River/Lake Rosebery: the waters of the Murchison River and Lake Rosebery from the Murchison Dam downstream for a distance of 1400 metres.
63. Lake Mackintosh: the waters bounded by the Mackintosh Dam, a sign on the northern shore and a sign on the southern shore, both signs located approximately 750 metres upstream from the Mackintosh Dam.
64. Mackintosh River/Lake Rosebery: the waters of the Mackintosh River and Lake Rosebery from the Mackintosh Dam downstream for a distance of 2700 metres.
65. Lake Rosebery: the waters bounded by the Bastyan Dam, a sign on the northern bank and a sign on the southern bank, both signs located

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approximately 400 metres upstream from the Bastyan Dam.

66. Pieman River/Lake Pieman: the waters of the Pieman River and Lake Pieman for a distance of 2200 metres downstream from the Bastyan Dam.
67. Pieman River: the waters of the Pieman river for a distance of 400 metres downstream from the Reece Dam.
68. Lake Pieman: the waters bounded by the Reece Dam, a sign on the eastern bank approximately 480 metres upstream from the Reece Dam and a sign on the western bank approximately 60 metres upstream from the Reece Dam.
69. Lake Mackintosh: the waters in the vicinity of the Sophia outlet, a sign on the eastern shore and a sign on the western shore, both signs located approximately 200 metres downstream of the outlet.
70. Lake Burbury: the waters bounded by Crotty Dam and a sign on each side of Crotty Dam located approximately 120 metres from Crotty Dam.
71. Lake Burbury: all waters within 100 metres of John Butters Intake.

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72. Lake Plimsoll: the waters bounded by Anthony Dam, a sign on the eastern shore and a sign on the western shore, both signs located approximately 200 metres upstream from Anthony Dam.
73. Lake Plimsoll: the waters bounded by Anthony Levee, a sign on the eastern shore and a sign on the western shore, both signs located approximately 200 metres upstream from Anthony Levee.
74. Huntsman Lake: all waters within 200 metres of the Meander Dam.
75. Carlton Beach: all waters within 200 metres of the waterline extending eastward from the western end of the beach to the mouth of the Carlton River.

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sch. 3

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**SCHEDULE 3 – AREAS WHERE SPEED OF 5 KNOTS  
NOT TO BE EXCEEDED**

Clause 33(3)

1. Waters of the Prosser River that are to seaward of the bridge on the Tasman Highway (and commonly known as the Prosser River Bridge or the Orford Bridge).
2. All waters of the Scamander River with the exception of that stretch of the river known as “Price’s Straight” and which is delimited at its upstream end by 2 beacons one adjacent to each bank of the river and of rectangular shape and white in colour and at its downstream end by 2 beacons one adjacent to each bank of the river and of rectangular shape and white in colour.
3. The area of water of Georges Bay which lies to the eastward of the launching ramp located at Stieglitz Beach, as delineated by transit beacons on the eastern and western extremities consisting of 2 beacons in line having orange-coloured triangular top marks, the seaward limit of which is an imaginary line drawn parallel to the shoreline between these transits and 120 metres to seaward from the low-water mark.
4. Waters of Coles Bay to the northward of an imaginary line drawn from the navigation light located on the outer end of the main Coles Bay jetty to the beacon located at the mouth of Ranger Creek.

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5. Waters inside of an imaginary line drawn between Blinking Billy Point and the base of the boat launching ramp on Sandy Bay Point.
  
6. River Derwent –
  - (a) New Norfolk: from the New Norfolk Bridge downstream approximately 900 metres to an imaginary line drawn from the western side of the boat launching ramp on the southern shore to a point on the northern shore marked by a rectangular warning sign;
  - (b) Bellerive Beach: an area within 200 metres of the waterline extending eastward from the western end of the beach with the eastern extremity delineated by a sign on the beach;
  - (c) Blackmans Bay: all waters within an imaginary line drawn in a north-westerly direction from Flowerpot Point to the stormwater outlet on Blackmans Bay Beach;
  - (d) Howrah Beach: all waters within an imaginary line drawn from Howrah Point to the boat launching area;
  - (e) Kingston Beach: waters within an imaginary line drawn from the Kingston Beach Sailing Club to a point on the beach at the end of Beach Road;

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- (f) Nutgrove Beach: an area within 200 metres of the waterline extending eastward from the western end of the beach to the Sandy Bay Sailing Club.
7. Waters of Tiger Head inside of an imaginary line drawn between the base of the boat launching ramp and the point in Dark Corner.
8. Waters of the Carlton River upstream of an imaginary line drawn between beacons situated 400 metres from the mouth of the river.
9. South Esk River –
- (a) waters bounded in the south by the weir situated on the northern side of the Perth Bridge and in the north by the Perth Water Supply Pumping Station;
- (b) waters bounded in the south by the convergence of the South Esk and Macquarie Rivers and in the north by the Mill Dam.
10. Lake Barrington: within 60 metres of the southern extremity of the launching ramp at Kentish Park.
11. Port area of Whitemark.
12. Port area of Lady Barron.

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13. South Esk River west of Kings Park.
14. Trevallyn Power Station Tailrace: to the west of an imaginary line drawn north-west from No. 3 light.
15. West Arm: between one imaginary line, drawn northwards from the Riviera Hotel, through West Arm beacon, to the southernmost part of Anchor Point, and another imaginary line drawn from the shore south of Stingray Bay, via the northeastern and southwestern buoys southwards to the shore.
16. Lagoon Bay: the marked ski access lane is for landing or picking up skiers only.
17. Pipers Head: in the mouth of the Pipers River between the entrance and an imaginary line drawn eastward from Weymouth Boat Ramp.
18. Bridport –
  - (a) Great Forester River: in the mouth of the Great Forester River from the northern end of the breakwater to the green and yellow pile with blue notice off Main Beach;
  - (b) Croquet Lawn Bay;
  - (c) all waters in Anderson Bay to 200 metres seaward of the shore bounded by an

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imaginary line drawn perpendicular to the shore at the northern end of Mermaids Beach and another such imaginary line drawn perpendicular to the shore at Pier Point.

19. The area within 200 metres of the waterline at the following:
- (a) Mersey Bluff Beach;
  - (b) Coles Beach;
  - (c) East Devonport Beach (east and west side of breakwater);
  - (d) all Hawley and Port Sorell beaches;
  - (e) Squeaking Point;
  - (f) Panatana Rivulet;
  - (g) Forth River;
  - (h) Turners Beach;
  - (i) Ulverstone Sea Beaches.
20. The area on the Mersey River north of the Bass Highway bridge and south of an imaginary line drawn due east from the Victoria Parade boat ramp.
21. Four Springs Lake.

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22. Arthurs Lake: waters of Cowpaddock Bay north of the transmission lines.
23. Penstock Lagoon.
24. Little Pine Lagoon.
25. Bradys Lake/Lake Binney: waters of Bradys/Binney Canal.
26. Lake Binney/Tungatinah Lagoon: waters of the Binney/Tungatinah Canal.
27. Waters of Mossy Marsh.
28. Waters of Pump Pond.
29. Waters of Shannon Lagoon.
30. Waters of Huntsman Lake.
31. All waters of Prince of Wales Bay from Dowsings Point south-east at 140 degrees True to the opposite shoreline.
32. Waters of Lake Palooka that are not prohibited for navigation in Schedule 2.

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**sch. 4**

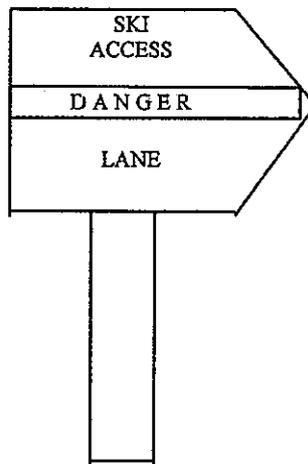
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**SCHEDULE 4 – MARKERS**

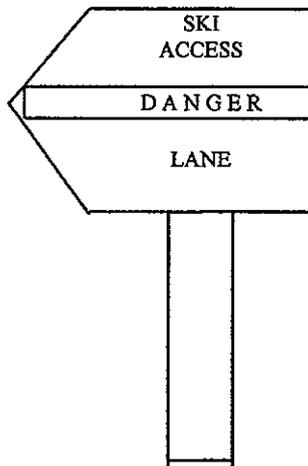
**PART 1 – SKI ACCESS LANE MARKERS**

Clause 42

**RIGHT-HAND MARKER**



**LEFT-HAND MARKER**



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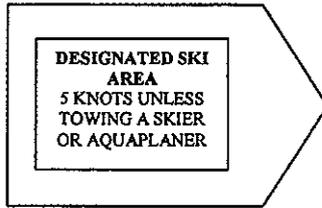
**sch. 4**

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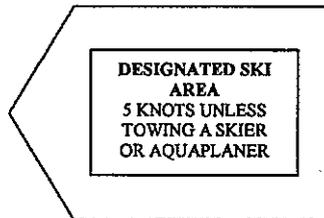
**PART 2 – DESIGNATED SKI AREA MARKERS**

Clause 44(2)

Right-hand Marker



Left-hand Marker



*Marine and Safety (Motor Boats and Licences) By-laws 2013***sch. 5****SCHEDULE 5 – DESIGNATED SKI AREAS**

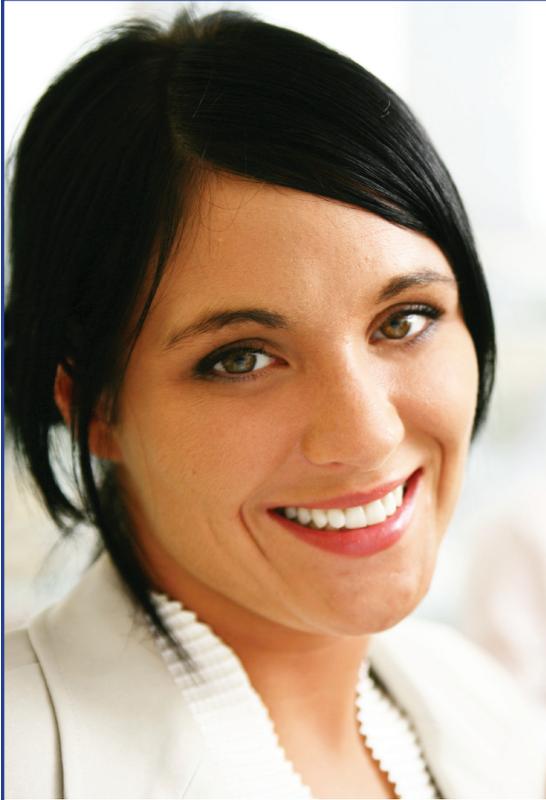
Clause 44(3)

1. Lake Trevallyn/South Esk River: all waters of the South Esk River and Lake Trevallyn bounded by a sign on the river bank adjacent to Roebourne Avenue, Hadspen and the buoy line delineating the prohibited area approximately 500 metres upstream from the Trevallyn Dam.
2. River Derwent: all waters bounded by Sorell Creek and an imaginary line drawn across the river from the western side of the New Norfolk boat launching ramp.

The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on \_\_\_\_\_, in the presence of –

Chairman

Chief Executive



P  
MS  
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