



# Victoria Government Gazette

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## Marine Act 1988

### NOTICE OF EXEMPTIONS FROM CARRIAGE OF SAFETY EQUIPMENT AND WEARING OF PERSONAL FLOTATION DEVICE REQUIREMENTS FOR RECREATIONAL VESSELS

Notice is hereby given under Regulation 231 of the Marine Regulations 1999 made under the provisions of the **Marine Act 1988** of exemptions as described in this notice from the carriage of safety equipment requirements specified in Regulation 230 and/or the Personal Flotation Device (PFD) wearing requirements specified in Regulation 232 of the Marine Regulations 1999.

#### 1. Revocations

This notice revokes and replaces the Notice under regulation 603(4) of the Marine (Vessels) Regulations 1988 as published in the Government Gazette on 19 September 1990.

#### 2. Definitions

In this notice –

“**PFD Type 1**” means an approved Personal Flotation Device type 1 defined in Schedule 2 under Regulation 103 of the Marine Regulations 1999.

“**PFD Type 2**” means an approved Personal Flotation Device type 2 defined in Schedule 2 under Regulation 103 of the Marine Regulations 1999.

“**PFD Type 3**” means an approved Personal Flotation Device type 3 defined in Schedule 2 under Regulation 103 of the Marine Regulations 1999.

“**Personal Watercraft**” includes a power ski, aqua-scooter, jet bike, jet ski, wave runner, wave jammer, ski-free, motorised surfboard and any similar vessel that has an engine used for propulsion.

“**Formal Training or Competition**” means training or competition conducted under the direction of an incorporated club, organisation or association that is affiliated with the respective peak body where supervision of participants and appropriate rescue services are provided, or under a Safety Management Plan approved by Marine Safety Victoria.

“**Lifesaving Appliance**” means a lifebuoy or liferaft or buoyant appliance in accordance with Section 10 of the Uniform Shipping Laws Code or a rescue tube in accordance with the standards specified by Surf Life Saving Australia.

#### 3. Exemptions for rowing boats, canoes (excluding Dragon Boats) and kayaks

##### a. Carriage of Safety Equipment

i. Persons operating a rowing boat or canoe or kayak engaged in **Formal Training or Competition** on inland waters, not being formal training or competition of which any part is conducted on water forming rapids, are exempt from the carriage of safety equipment requirements specified in Regulation 230.

ii. Persons operating a rowing boat or canoe or kayak engaged in **Formal Training or Competition** on the Yarra River between the Bolte Bridge and the mouth of the Yarra River are exempt from the carriage of safety equipment requirements specified in Regulation 230 providing –

1. Communications have been established with Harbour Control prior to entering the area defined above and;

2. Each occupant wears a PFD Type 1, 2 or 3 at all times or;

3. Are accompanied by an inshore rescue boat or powered rescue craft in accordance with the specifications of Surf Life Saving Australia or;

4. Are accompanied by an appropriate powered rescue craft carrying the following equipment:

a. lifesaving appliances sufficient to support all persons that may be required to be rescued or;

b. PFD Type 1, 2 or 3 sufficient to support all persons that may be required to be rescued.

**SPECIAL**

- b. Wearing of PFDs
    - i. All operators and occupants of a rowing boat or canoe or kayak engaged in **Formal Training or Competition** on inland waters, not being formal training or competition of which any part is conducted on water forming rapids, are exempt from PFD wearing requirements specified in Regulation 232.
    - ii. All operators and occupants of a rowing boat or canoe or kayak engaged in **Formal Training or Competition** on the Yarra River between the Bolte Bridge and the mouth of the Yarra River are exempt from PFD wearing requirements specified in Regulation 232 providing –
      - 1. Communications have been established with Harbour Control prior to entering the area defined above and;
      - 2. Each occupant wears a PFD Type 1, 2 or 3 at all times or;
      - 3. Are accompanied by an inshore rescue boat or powered rescue craft in accordance with the specifications of Surf Life Saving Australia or;
      - 4. Are accompanied by an appropriate powered rescue craft carrying the following equipment:
        - a. lifesaving appliances sufficient to support all persons that may be required to be rescued or;
        - b. PFD Type 1, 2 or 3 sufficient to support all persons that may be required to be rescued.
- 4. Exemptions for yachts, off the beach sailing yachts, and their mechanically powered support vessels**
- a. Carriage of Safety Equipment
    - i. A yacht or off the beach sailing yacht engaged in **Formal Training or Competition** during daylight hours is exempt from the carriage of safety equipment requirements specified in Regulation 230 providing that the safety equipment specified by the Yachting Australia Inc. Racing Rules of Sailing is carried.
    - ii. All mechanically powered vessels (other than Personal Watercraft), operated by a club or training centre affiliated with Yachting Victoria Inc. and engaged in formal sail training activities for off the beach sailing yachts are exempt from the PFD carriage requirements specified in Regulation 230 providing that all occupants wear a PFD Type 1 or 2 at all times.
  - b. Wearing of PFDs
    - i. All operators and occupants of mechanically powered vessels (other than Personal Watercraft), operated by a club or training centre affiliated with Yachting Victoria Inc. and engaged in formal sail training activities for off the beach sailing yachts are exempt from the PFD wearing requirements specified in Regulation 232 providing that all occupants wear a PFD Type 1 or 2 at all times.
- 5. Exemptions for Life Saving Victoria Vessels**
- a. Carriage of Safety Equipment
    - i. All mechanically powered vessels (other than Personal Watercraft), operated by Life Saving Victoria, up to and including 4.8 metres in length whilst operating within visual range of a staffed lifesaving facility or flagged area are exempt from the carriage of safety equipment requirements specified in Regulation 230.
    - ii. All mechanically powered vessels up to and including 4.8 metres in length (other than Personal Watercraft), operated by Life Saving Victoria outside visual range of a staffed lifesaving facility or flagged area are exempt from the carriage of safety equipment requirements specified in Regulation 230 providing a Life Saving Victoria approved communications radio is carried on board and occupants wear a PFD Type 1, 2 or 3 at all times.
    - iii. All vessels propelled by paddle or oar operated by Life Saving Victoria whilst engaged in **Formal Training or Competition** or operated within visual range of a staffed lifesaving facility or flagged area are exempt from the carriage of safety equipment requirements specified in Regulation 230.

- b. Wearing of PFDs
  - i. All operators and occupants of mechanically powered vessels (other than Personal Watercraft), operated by Life Saving Victoria, up to and including 4.8 metres in length whilst operating within visual range of a staffed lifesaving facility or flagged area are exempt from PFD wearing requirements specified in Regulation 232.
  - ii. All operators and occupants of mechanically powered vessels up to and including 4.8 metres in length (other than Personal Watercraft), operated by Life Saving Victoria outside visual range of a staffed lifesaving facility or flagged area are exempt from PFD wearing requirements specified in Regulation 232 providing a Life Saving Victoria approved communications radio is carried on board and occupants wear a PFD Type 1, 2 or 3 at all times.
  - iii. All operators and occupants of vessels propelled by paddle or oar operated by Life Saving Victoria whilst engaged in **Formal Training or Competition** operating within visual range of a staffed lifesaving facility or flagged area are exempt from PFD wearing requirements specified in Regulation 232.

#### **6. Exemptions for Australian Power Boat Association Vessels**

- a. Carriage of Safety Equipment
  - i. All vessels engaged in competing in a power boat race on inland or enclosed waters when under the supervision of the Australian Power Boat Association and the race is conducted in accordance with the Racing and Safety Rules of that Association is exempt from the carriage of safety equipment requirements specified in Regulation 230 providing the operator of the vessel and any occupant being carried wears a PFD Type 1.
  - ii. All vessels fitted with a reinforced cockpit approved by the Australian Power Boat Association and engaged in competing in a power boat race on inland or enclosed waters when under the supervision of the Association and the race is conducted in accordance with the Racing and Safety Rules of that Association is exempt from the carriage of equipment requirements specified in Regulation 230 providing the operator of the vessel and any occupant being carried wears a PFD Type 1.

#### **7. Exemptions for Interstate Vessels**

- a. Carriage of Safety Equipment
  - i. A person operating a vessel on State waters that is normally domiciled outside Victoria is exempt from the carriage of safety equipment requirements specified in Regulation 230 of the Marine Regulations 1999 for a period of up to 3 months providing the vessel conforms with the carriage of safety equipment requirements of their home State or Territory.

This notice was made by the Director of Marine Safety on 2 December 2005 under Regulation 231 of the Marine Regulations 1999.

BRIAN RICHES  
Director of Marine Safety

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