



# Victoria Government Gazette

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## Marine Safety Act 2010

### MARINE SAFETY REGULATIONS 2012

#### Exemption Notice

I, David Hourigan, Director, Transport Safety, in exercise of the powers vested in me under section 260 of the **Marine Safety Act 2010** (the Act) and regulation 9 of the Marine Safety Regulations 2012 (the Regulations) hereby give notice of the following exemption.

#### 1 Application

This exemption applies to owners and masters of kayaks and canoes that are powered by an electric motor with a power output of no more than 40 pounds thrust, 1 horsepower or 750 watts, that are recreational vessels operating on State waters.

This notice only exempts the above owners and masters from the provisions of the Act and the Regulations listed at clause 3 'Exemption' including the items listed in the tables under clause 3(4).

This exemption is subject to the conditions set out at clause 2 of this notice.

#### 2 Conditions of exemption

This exemption is subject to the following conditions.

The master of a vessel to which this exemption applies must:

- (a) at all times, travel at a speed of no more than 5 knots;
- (b) at all times, equip the vessel with one or more paddle/s, or a pedal mechanism;
- (c) when operating on inland waters, equip the vessel with –
  - (i) a mobile phone in a waterproof pouch; or
  - (ii) a personal locator beacon (PLB);
- (d) when operating on enclosed waters or coastal waters that are less than 2 nautical miles from the coast, equip the vessel with at least one of the following means of raising the alarm –
  - (i) a mobile phone in a waterproof pouch; or
  - (ii) an emergency positioning indicating radio beacon (EPIRB) or a PLB; or
  - (iii) a marine radio; or
  - (iv) two hand-held orange smoke signals; or
  - (v) two hand-held red distress flares.
- (e) when operating on coastal waters that are more than 2 nautical miles from the coast, equip the vessel with all of the following additional equipment –
  - (i) two hand-held orange smoke signals; and
  - (ii) two hand-held red distress flares.

#### 3 Exemption

- (1) In accordance with section 260(1)(c) of the Act, owners and masters of a vessel to which this exemption applies are exempt from the requirements of section 37 of the Act – offence if recreational vessel not registered (subject to the conditions set out at clause 2).
- (2) In accordance with section 260(1)(c) of the Act, masters of a vessel to which this exemption applies are exempt from the requirements of section 46 of the Act – offence to be a master of registered recreational vessel without a marine licence or in breach of conditions of marine licence (subject to the conditions set out at clause 2).

**SPECIAL**

- (3) In accordance with section 260(1)(c) of the Act, owners of a vessel to which this exemption applies are exempt from the requirements of section 52 of the Act – offence to allow a non-licensed person to be the master of a registered recreational vessel (subject to the conditions set out at clause 2).
- (4) In accordance with regulation 9 of the Regulations, and subject to the conditions set out at clause 2 of this notice, masters of a vessel to which this exemption applies are exempt from the following requirements of regulation 96 – safety equipment required for recreational vessels, as set out in Schedule 3 of the Regulations:

**SAFETY EQUIPMENT EXEMPTED FROM:**

TABLE A  
Regulations 96(1), 96(7)  
ON COASTAL WATERS

<i>Column 1</i> Item number	<i>Column 2</i> Class of vessel	<i>Column 3</i> Item of equipment	<i>Column 4</i> Requirements for coastal waters
<b>Mechanically powered recreational vessels</b>			
1	Power boat up to and including 4.8 metres in length	Anchor, and chain or line or both	1
5		Bucket with lanyard	1
7		Hand-held orange smoke signal	2
8		Hand-held red distress flares	2
9		Pair of oars with rowlocks or pair of paddles	1
11	Power boat more than 4.8 metres in length	Anchor, and chain or line or both	1
15		Bucket with lanyard	1
17		Hand-held orange smoke signal	2
18		Hand-held red distress flares	2
20		Lifebuoy	1 – if vessel is 8 metres or more in length but not more than 12 metres in length 2 – if vessel is more than 12 metres in length
21		Dinghy or liferaft	1 – if vessel is more than 12 metres in length

TABLE C  
Regulations 96(3), 96(7)  
ON ENCLOSED WATERS

<i>Column 1 Item number</i>	<i>Column 2 Class of vessel</i>	<i>Column 3 Item of equipment</i>	<i>Column 4 Requirements for enclosed waters</i>
<b>Mechanically powered recreational vessels</b>			
1	Power boat up to and including 4.8 metres in length	Anchor, and chain or line or both	1
4		Bucket with lanyard	1
5		Hand-held orange smoke signal	2
6		Hand-held red distress flares	2
7		Pair of oars with rowlocks or pair of paddles	1
9	Power boat more than 4.8 metres in length	Anchor, and chain or line or both	1
12		Bucket with lanyard	1
13		Hand-held orange smoke signal	2
14		Hand-held red distress flares	2
16		Lifebuoy	1 – if vessel is 8 metres or more in length but not more than 12 metres in length 2 – if vessel is more than 12 metres in length

TABLE E  
Regulations 96(5), 96(7)  
ON INLAND WATERS

<i>Column 1 Item number</i>	<i>Column 2 Class of vessel</i>	<i>Column 3 Item of equipment</i>	<i>Column 4 Requirements for inland waters</i>
<b>Mechanically powered recreational vessels</b>			
3		Bucket with lanyard	1
4		Pair of oars with rowlocks or pair of paddles	1
8		Bucket with lanyard	1
10		Lifebuoy	1 – if vessel is 8 metres or more in length but not more than 12 metres in length 2 – if vessel is more than 12 metres in length

- (5) In accordance with regulation 9 of the Regulations, and subject to the conditions set out at clause 2 of this notice, masters of a vessel to which this exemption applies are exempt from regulation 97 of the Regulations – fire fighting equipment required for recreational vessels.

**4 Scope of exemption**

For the avoidance of doubt, this exemption applies only with respect to:

- (a) kayaks and canoes that are powered by an electric motor with power output as indicated at clause 1 of this notice, that are recreational vessels operating on Victorian State waters, and
- (b) the provisions of the Act and the Regulations listed above.

Owners and masters of vessels that are the subject of this exemption must at all times comply with all other requirements set out in the Act and the Regulations, including:

- (a) the requirement to adhere to all relevant State waterway rules made under section 184 of the Act; and
- (b) the requirement that masters of mechanically powered vessels equip the vessel with all items of safety equipment that are not listed at clause 3 of this notice above, as required by regulation 96 of the Regulations.

**5 Duration**

This exemption:

- (a) commences on 1 January 2018; and
- (b) continues until 31 December 2018 unless otherwise suspended, cancelled or altered by the Director, Transport Safety.

Dated 21 December 2017

DAVID HOURIGAN  
Director, Transport Safety

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