

TASMANIA

**MARINE AND SAFETY (GENERAL)
AMENDMENT REGULATIONS 2020**

STATUTORY RULES 2020, No. 67

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**MARINE AND SAFETY (GENERAL)
AMENDMENT REGULATIONS 2020**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Marine and Safety Authority Act 1997*.

Dated 4 November 2020.

C. WARNER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Marine and Safety (General) Amendment Regulations 2020*.

2. Commencement

These regulations take effect on 1 January 2021.

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3. Principal Regulations

In these regulations, the *Marine and Safety (General) Regulations 2013** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by inserting the following definition after the definition of *AS*:

AS 4758 includes –

- (a) *AS 4758.1–2008*, as in force immediately before 13 August 2015; and
- (b) *AS 4758.1:2015*, as from time to time amended and substituted;
- (b) by omitting “jacket” second occurring from the definition of *life jacket* and substituting “jacket, that meets or exceeds *AS 4758*,”;
- (c) by inserting the following definition after the definition of *PWC*:

sea kayak means a kayak that –

*S.R. 2013, No. 100

- (a) is specifically designed for paddling on open waters; and
- (b) does not have an enclosed hull;

5. Regulation 4 amended (Prescribed craft)

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by inserting the following paragraphs after paragraph (e):
 - (ea) a rowing shell that is fitted with outriggers for oars and sliding seats;
 - (eb) a sea kayak;
- (b) by omitting from paragraph (f) “or”.

6. Regulation 5 substituted

Regulation 5 of the Principal Regulations is rescinded and the following regulation is substituted:

5. Life jackets

- (1) A person who is on a lightweight craft must wear an approved life jacket unless –
 - (a) the sole purpose of operating the lightweight craft is to ride the

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crest of a wave in a surf zone towards the shoreline; or

- (b) the lightweight craft is a rowing shell that is accompanied by a powered craft which –
 - (i) is, at all times, within 200 metres of the rowing shell; and
 - (ii) is carrying sufficient Level 50 life jackets, or higher, for each person on the rowing shell; or
- (c) the person is wearing an inflatable or buoyant jacket that –
 - (i) is designed to keep a person afloat in water; and
 - (ii) meets or exceeds the minimum standards relating to safety specified in AS 4758 for the level of approved life jacket required to be worn by the person under this regulation.

Penalty: Fine not exceeding 10 penalty units.

- (2) A person who is on a PWC must not use a life jacket that is inflatable.

Penalty: Fine not exceeding 10 penalty units.

- (3) The master of a motor boat must ensure that a person who is being towed by the motor boat wears an approved life jacket.

Penalty: Fine not exceeding 10 penalty units.

- (4) The person being towed by a motor boat must not use a life jacket that is inflatable.

Penalty: Fine not exceeding 10 penalty units.

- (5) For the purposes of subregulations (1) and (3), an approved life jacket is –

- (a) for a lightweight craft, other than a sea kayak, in sheltered waters or for a motor boat in any waters, a life jacket that meets, or exceeds, the requirements of AS 4758 Level 50 life jackets or Level 50 special-purpose life jackets; or
- (b) for a lightweight craft, other than a sea kayak, in waters other than sheltered waters, a life jacket that meets, or exceeds, the requirements of AS 4758 Level 100 life jackets; or

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(c) for a sea kayak in any waters, a life jacket that meets, or exceeds, the requirements of AS 4758 Level 50 life jackets.

(6) The owner of a life jacket must ensure that the life jacket is serviced and maintained in accordance with the instructions of the manufacturer of the life jacket.

Penalty: Fine not exceeding 10 penalty units.

(7) If requested to do so by an authorised person, the owner of a life jacket must provide the authorised person with evidence that the life jacket has been serviced and maintained as required under subregulation (6).

Penalty: Fine not exceeding 10 penalty units.

7. Regulation 6 amended (Mandatory safety equipment for lightweight craft)

Regulation 6 of the Principal Regulations is amended as follows:

(a) by omitting subregulation (1) and substituting the following subregulation:

(1) Subject to subregulation (2), the operator and other persons on a lightweight craft must ensure that

the craft carries while it is operating –

- (a) if the lightweight craft is a rowing shell, the mandatory safety equipment specified in Schedule 2A; and
- (b) in any other lightweight craft, the mandatory safety equipment specified in Schedule 2.

Penalty: Fine not exceeding 10 penalty units.

- (b) by inserting in subregulation (2) “or smooth waters” after “sheltered waters”;
- (c) by inserting the following subregulation after subregulation (2):
 - (3) The operator of a lightweight craft must ensure that lights specified as mandatory safety equipment for the lightweight craft are operational, and in use, when the vessel is operating –
 - (a) between sunset and sunrise; and
 - (b) at other times where visibility is reasonably limited.

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Penalty: Fine not exceeding 10
penalty units.

8. Regulation 9 amended (Life jackets for certain vessels)

Regulation 9 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “a vessel” and substituting “a commercial vessel”;
- (b) by omitting subparagraphs (ii) and (iii) from subregulation (2)(b) and substituting the following subparagraph:
 - (ii) a life jacket that meets, or exceeds, the requirements of AS 4758; or
- (c) by omitting subparagraphs (ii), (iii) and (iv) from subregulation (2)(c) and substituting the following subparagraph:
 - (ii) a life jacket that meets, or exceeds, the requirements of AS 4758.
- (d) by omitting subregulation (5).

9. Regulation 11B amended (Information in respect of commercial vessel)

Regulation 11B of the Principal Regulations is amended by omitting subregulations (1) and (2) and substituting the following subregulations:

- (1) The owner of one of the following commercial vessels must supply the information specified in subregulation (3) within 14 days after commencing commercial operations in Tasmania:
 - (a) a commercial vessel where the home port of the vessel is in Tasmania;
 - (b) a commercial vessel that is owned by –
 - (i) an individual whose principal place of residence is in Tasmania; or
 - (ii) a person whose place of business, or principal place of business, is in Tasmania and the commercial vessel is operated as part of the business; or
 - (c) a commercial vessel that is chartered by a person –

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(i) whose place of business, or principal place of business, is in Tasmania; and

(ii) who intends to operate the commercial vessel as part of the business; or

(d) a commercial vessel that is owned, or operated, by a person whose principal place of business for managing the operations of the commercial vessel is in Tasmania.

Penalty: Fine not exceeding 5 penalty units.

(2) The owner of a commercial vessel not referred to in subregulation (1) must supply the information specified in subregulation (3) within 7 days after the 90th calendar day, in the immediately preceding 12-month period, on which the vessel was present in coastal waters.

Penalty: Fine not exceeding 5 penalty units.

10. Regulation 11C amended (Annual infrastructure administration fee)

Regulation 11C of the Principal Regulations is amended as follows:

(a) by omitting subregulation (1) and substituting the following subregulation:

(1) This regulation applies to a commercial vessel that is present in commercial waters if one or more of the following apply to the vessel:

(a) the home port of the vessel is in Tasmania;

(b) the vessel is owned by –

(i) an individual whose principal place of residence is in Tasmania; or

(ii) a person whose place of business, or principal place of business, is in Tasmania and the commercial vessel is operated as part of the business; or

(c) the vessel is chartered by a person –

(i) whose place of business, or principal place of business, is in Tasmania; and

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- (ii) who intends to operate the commercial vessel as part of the business; or
 - (d) the vessel is owned, or operated, by a person whose principal place of business for managing the operations of the commercial vessel is in Tasmania; or
 - (e) the vessel has been present in coastal waters in the preceding 12-month period, unless the owner of the vessel proves, to the satisfaction of MAST, that the vessel was only present in coastal waters in that 12-month period for a cumulative period of less than 90 calendar days.
- (b) by omitting from subregulation (2) “to which this regulation applies” and substituting “to whom a notice under subregulation (3) has been issued”.

11. Schedule 2 amended (Safety Equipment)

Schedule 2 to the Principal Regulations is amended by omitting

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Tethering device when more than 200m offshore	Mandatory	Mandatory	Mandatory
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and substituting:

Tethering device when more than 200m offshore	Mandatory (if craft is not a dinghy used for rowing)	Mandatory (if craft is not a dinghy used for rowing)	Mandatory (if craft is not a dinghy used for rowing)
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12. Schedule 2A inserted

After Schedule 2 to the Principal Regulations,
the following Schedule is inserted:

**SCHEDULE 2A – SAFETY EQUIPMENT FOR
ROWING SHELLS**

Regulation 6

1. White strobe light on the bow with 360-degree visibility, for at least one nautical mile, when operated between sunset and sunrise.
2. White light on the stern with 270-degree visibility aft of the stern, for at least one nautical mile, when operated between sunset and sunrise.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 11 November 2020.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Marine and Safety (General) Regulations 2013* by updating –

- (a) the requirements relating to the wearing and maintaining of life jackets in certain circumstances; and
- (b) the requirements to carry certain safety equipment on certain lightweight crafts.