

TASMANIA

**MARINE SAFETY (MISUSE OF ALCOHOL)
REGULATIONS 2026**

STATUTORY RULES 2026, No. 70

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MARINE SAFETY (MISUSE OF ALCOHOL) REGULATIONS 2026

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 Safety (Misuse of Alcohol) Act 2006*.

Dated 31 August 2026.

CAROLINE WELLS
Governor

By Her Excellency's Command,

FELIX ELLIS
Minister for Police, Fire and Emergency Management

1. Short title

These regulations may be cited as the *Marine Safety (Misuse of Alcohol) Regulations 2026*.

2. Commencement

These regulations take effect on
14 September 2026.

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3. Interpretation

(1) In these regulations –

Act means the *Marine Safety (Misuse of Alcohol) Act 2006*.

(2) In these regulations a reference to a form by number is a reference to the form so numbered in Schedule 1.

4. Form of statements

(1) For the purposes of section 29 of the Act, Form 2 is the prescribed form for a written statement in a case where the concentration of alcohol in the breath of the person submitting to the breath analysis, as determined by the breath analysis, is greater than the permitted concentration.

(2) For the purposes of section 29 of the Act, Form 3 is the prescribed form for a written statement in a case where –

(a) it appears to the approved operator carrying out the breath analysis that the person submitting to the breath analysis is, or may be, a person who has been operating a commercial vessel; and

(b) the result of the breath analysis indicates that alcohol is present in that person's breath.

(3) For the purposes of section 29 of the Act, Form 4 is the prescribed form for a written statement in a case where –

- (a) the concentration of alcohol in the breath of the person submitting to the breath analysis, as determined by the breath analysis, is not greater than the permitted concentration; and
- (b) that person has not, in answer to an inquiry made by an approved operator, indicated that the person has been operating a commercial vessel.

5. Fee for restricted mariners certificate application

For the purposes section 46(3)(k) of the Act, the prescribed fee is 20 fee units.

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SCHEDULE 1 – FORMS

Regulation 3(2)

Form 1

[Not used: To ensure that there is consistency in the numbering of the forms used for the Marine Safety (Misuse of Alcohol) Act 2006 and the Road Safety (Alcohol and Drugs) Act 1970, there is no Form 1 in these regulations.]

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Form 2

Marine Safety (Misuse of Alcohol) Act 2006

Statement in a case where the concentration of alcohol in the breath of the person submitting to a breath analysis, as determined by that breath analysis, is greater than the permitted concentration.

NOTICE OF RESULT OF BREATH ANALYSIS

The breath analysis to which you (name)
submitted on (date) and which was completed
at (time) on that day has shown that your breath alcohol
level **EXCEEDS THE LIMIT** permitted by law for **operators of non-
commercial vessels**. Your breath alcohol level was
grams of alcohol in 210 litres of breath.

YOU MAY –

- (1) Accept this reading

OR

- (2) If you have been offered a blood-sampling, submit to the blood-sampling.

If you do submit to a blood-sampling, evidence of the result of that blood-sampling may be given for or against you in any legal proceedings that follow.

If you would like arrangements to be made for a blood-sampling, you should make your request now.

This statement was read over to you at (time) on
..... (date).

.....
(Signature of approved operator)

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Form 3

Marine Safety (Misuse of Alcohol) Act 2006

Statement in a case where it appears to the approved operator carrying out a breath analysis that the person submitting to the breath analysis, as determined by that breath analysis, is, or may be, a person who has been operating a commercial vessel, and the result of that breath analysis indicates that alcohol is present in that person's breath.

NOTICE OF RESULT OF BREATH ANALYSIS

The breath analysis to which you (name)
submitted on (date) and which was completed
at (time) on that day has shown that your breath alcohol
level was grams of alcohol in 210 litres of breath.

This indicates that you have committed the offence of **operating a commercial vessel** while alcohol was present in your breath.

YOU MAY –

(1) Accept this reading

OR

(2) If you have been offered a blood-sampling, submit to the blood-sampling.

If you do submit to a blood-sampling, evidence of the result of that blood-sampling may be given for or against you in any legal proceedings that follow.

If you would like arrangements to be made for a blood-sampling, you should make your request now.

This statement was read over to you at (time) on
..... (date).

.....
(Signature of approved operator)

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Form 4

FORM 4

Marine Safety (Misuse of Alcohol) Act 2006

*Statement in a case where the concentration of alcohol in the breath of the person submitting to a breath analysis, as determined by that breath analysis, is not greater than the permitted concentration, and the person has not, on inquiry made of the person by an approved operator, indicated that **the person was a commercial vessel operator**.*

NOTICE OF RESULT OF BREATH ANALYSIS

The breath analysis to which you (name)
submitted on (date) and which was completed
at (time) on that day has shown that your breath alcohol
level was grams of alcohol in 210 litres of breath,
which does NOT exceed the permitted concentration.

This statement was read over to you at (time) on
..... (date).

.....
(Signature of approved operator)

Marine Safety (Misuse of Alcohol) Regulations 2026
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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 9 September 2026.

These regulations are administered in the Department of Police, Fire and Emergency Management.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) for the purposes of the *Marine Safety (Misuse of Alcohol) Act 2006*, prescribe –
 - (i) forms relating to breath analysis; and
 - (ii) the fee for a person subject to a disqualification order who applies for an order authorising the issue of a restricted mariners certificate; and
- (b) are made consequentially on the repeal of the *Marine Safety (Misuse of Alcohol) Regulations 2016* under section 11 of the *Subordinate Legislation Act 1992*.