

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 January 2021, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2021.

K Woodward
Deputy Chief Parliamentary Counsel
Dated 21 January 2021

TASMANIA

MARINE AND SAFETY (GENERAL) REGULATIONS 2013

STATUTORY RULES 2013, No. 100

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**MARINE AND SAFETY (GENERAL)
REGULATIONS 2013**

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 2 December 2013.

PETER G. UNDERWOOD
Governor

By His Excellency's Command,

D. J. O'BYRNE
Minister for Infrastructure

1. Short title

These regulations may be cited as the *Marine and Safety (General) Regulations 2013*.

2. Commencement

These regulations take effect on 1 January 2014.

3. Interpretation

In these regulations, unless the contrary intention appears –

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

AMSA means the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* of the Commonwealth;

approved means approved by MAST;

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

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;

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

authorised person means a person who –

- (a) is appointed under section 44 of the Act for the purposes of these regulations; or

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

auxiliary vessel has the same meaning as in the National Law;

class, for a vessel, means its class under the National Law;

emergency, for a vessel, means the occurrence of any, or any combination of, the following:

- (a) a death or injury (caused by the vessel);
- (b) a death or injury on (but not caused by) the vessel;
- (c) the loss of a person from the vessel;
- (d) an on-board medical emergency;
- (e) a collision with an object or another vessel;
- (f) a grounding, sinking, flooding or capsizing of the vessel;
- (g) the discovery that another vessel requires assistance;
- (h) an on-board fire;
- (i) a loss of stability;

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- (j) a propulsion failure;
- (k) a structural failure in the hull or superstructure;
- (l) the giving (other than for testing or training purposes) of the emergency muster station signal;
- (m) the giving (other than for testing or training purposes) of the “abandon ship” signal;
- (n) the materialisation of a risk that is peculiar to that particular vessel, on account of its design, cargo or operations;

EPIRB means Emergency Position Indicating Radio Beacon that conforms to AS/NZS 4280.1;

flare means a flare that conforms to AS 2092;

life jacket means an inflatable or buoyant jacket, that meets or exceeds AS 4758, for keeping a person afloat in water;

lightweight craft means an off-the-beach sailing craft, a canoe, a kayak, a stand-up paddle board or any other craft capable of being navigated that is not also a commercial vessel;

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

motor boat has the same meaning as in the *Marine and Safety (Motor Boats and Licences) By-laws 2013*;

NSCV means the National Standard for Commercial Vessels published by AMSA, as amended from time to time;

off-the-beach sailing craft means a wind-powered craft that is designed to be launched directly from a beach;

operate, for a vessel, includes navigate the vessel;

owner has the same meaning as in the National Law;

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*;

PLB means Personal Locator Beacon that conforms to AS/NZS 4280.2;

prescribed fee, for any matter, means the fee prescribed in Schedule 1 in relation to the matter;

PWC means a motor boat that –

- (a) is designed to use an inboard motor, powering a jet drive, as the principal means of propulsion; and

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- (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;

sea kayak means a kayak that –

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

sheltered waters means sheltered waters as specified in Schedules 1 and 2 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

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

surf zone means the area between the outermost breakers and the shore;

tender vessel has the same meaning as in the National Standard for Commercial Vessels published by AMSA, as amended from time to time;

VHF, in relation to the radio spectrum, means very high frequency and is the band extending from 30 MHz to 300 MHz.

4. Prescribed craft

For the purpose of the definition of *vessel* in section 3 of the Act, each of the following craft is a prescribed craft:

- (a) a canoe;
- (b) a kayak;
- (c) an off-the-beach sailing craft;
- (d) a PWC;
- (e) a stand-up paddle board;
- (ea) a rowing shell that is fitted with outriggers for oars and sliding seats;
- (eb) a sea kayak;
- (f) any other craft capable of being navigated.

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 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 –

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- (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

(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.

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6. Mandatory safety equipment for lightweight craft

- (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.

- (2) If a lightweight craft is travelling with a powered support vessel or 3 lightweight craft are travelling together in waters other than sheltered waters or smooth waters, the carriage of flares, EPIRB/PLB and VHF radio (*the equipment*) may be reduced to carriage of the equipment by one of every 3 lightweight crafts if the lightweight crafts remain within 50 metres of the craft or vessel carrying the equipment.
- (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.

Penalty: Fine not exceeding 10 penalty units.

7. Directions to operate vessels at safe speeds

- (1) MAST or an authorised person may, by notice in writing –
 - (a) direct the master of a particular vessel not to cause or allow it to operate at a speed greater than that specified in the notice; or
 - (b) direct the master of each vessel of a particular class not to cause or allow such a vessel to operate at a speed greater than that specified in the notice.
- (2) A direction contained in a notice under subregulation (1) may be of limited or general application.
- (3) The master of a vessel must comply with a direction contained in a notice under subregulation (1).

Penalty: Fine not exceeding 50 penalty units.

8. Vessels not to be operated in designated waters

- (1) In this regulation –

designated means designated –

- (a) on navigation charts issued by the Australian Hydrographic Service

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or an international hydrographic service; or

(b) in notices to mariners issued by MAST.

(2) Except as may be necessitated by an emergency, the master of a vessel must ensure that it does not operate in waters that are designated as –

(a) being unsafe or unsuitable for that vessel, or vessels of its class, to navigate; or

(b) waters in which that vessel, or vessels of its class, are not permitted to navigate.

Penalty: Fine not exceeding 50 penalty units.

9. Life jackets for certain vessels

(1) A person must wear an approved life jacket if the person is on a commercial vessel that –

(a) is proceeding under power; and

(b) is less than 6 metres in length or is a motor-propelled auxiliary vessel or tender vessel.

Penalty: Fine not exceeding 5 penalty units.

(2) For the purposes of subregulation (1), an approved life jacket is –

(a) for a vessel that is operating in waters other than sheltered waters, a life jacket that meets the requirements of Annex G

of Part C, Subsection 7A of the NSCV;
or

(b) for a vessel that is operating in sheltered waters, being partially smooth waters –

(i) a life jacket that meets the requirements of Annex G of Part C, Subsection 7A of the NSCV;
or

(ii) a life jacket that meets, or exceeds, the requirements of AS 4758; or

(iii)

(c) for a vessel that is operating in sheltered waters, being smooth waters –

(i) a life jacket that meets the requirements of Annex G of Part C, Subsection 7A of the NSCV;
or

(ii) a life jacket that meets, or exceeds, the requirements of AS 4758.

(iii - iv)

(3) The master of a vessel of a kind referred to in subregulation (1) must ensure that each person on the vessel who is under the age of 16 years complies with that subregulation.

Penalty: Fine not exceeding 10 penalty units.

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- (4) Subregulation (1) does not apply to a person on a vessel of a kind referred to in that subregulation if the person is wearing a wetsuit and –
 - (a) is preparing to dive from the vessel for a commercial purpose; or
 - (b) has completed a dive from the vessel for a commercial purpose and is changing, or preparing to change, out of the wetsuit.
- (5)

10. Towage permits

- (1) Except as provided by subregulation (10), the owner of a vessel must not cause or allow it to tow, or be towed by, any other vessel unless a responsible person holds a permit for the tow (*towage permit*).
- (2) Towage permits are issued by MAST.
- (3) An application for a towage permit is to –
 - (a) be in an approved form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) be supported by such evidence or information as MAST requires, either at the time of lodgement or subsequently; and
 - (d) comply with such additional requirements (if any) as relate, under

these regulations, to the specific application.

- (4) MAST may approve, or refuse to approve, an application.
- (5) For the purposes of subregulation (4), MAST may carry out such inquiries and vessel inspections in relation to the vessels and towing arrangements as it considers necessary or expedient.
- (6) A towage permit –
 - (a) is to be in an approved form; and
 - (b) may be issued on such conditions as MAST considers necessary or expedient; and
 - (c) may be issued for a single tow or, if the towing arrangements are similar in each instance, for multiple tows; and
 - (d) may be surrendered but is not capable of being varied, renewed or transferred.
- (7) If MAST refuses an application it is to notify the applicant of –
 - (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the right of review.
- (8) The right of review may be exercised by the applicant or by any other responsible person.

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- (9) The holder of a towage permit must not contravene, or cause or allow any other person to contravene, the conditions, if any, of the permit.

Penalty: Fine not exceeding 20 penalty units.

- (10) This regulation does not apply to, or prevent –
- (a) the towage of vessels within the limits of prescribed ports; or
 - (b) the regular towage of cargo barges on a commercial basis; or
 - (c) the towage or assistance of oil exploration structures, semisubmersible oil platforms or similar vessels that are self-propelled; or
 - (d) the towage of stranded vessels or vessels in distress, where immediate towage is vital to the saving of life or property.

- (11) In this section –

cargo barge includes a fish pen;

responsible person, for a tow, means –

- (a) the owner of the towing vessel;
and
- (b) the master of the towing vessel;
and
- (c) the owner of the towed vessel;
and

- (d) the master of the towed vessel.

11. Dangerous cargo requirements

A vessel designed to carry dangerous cargoes, including oil, is on payment of the prescribed fee to be assessed against –

- (a) the International Maritime Dangerous Goods Code published by the International Maritime Organisation; or
- (b) the *Marine-related Incidents (MARPOL Implementation) Act 2020*; or
- (c) the NSCV or equivalent design standard.

11A. Retrieval of information

On payment of the applicable prescribed fee, a person may apply to –

- (a) retrieve information from MAST records; and
- (b) copy information from MAST records.

11B. Information in respect of commercial vessel

- (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:

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- (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 –
 - (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.

- (3) The following information is the information to be supplied under subregulation (1) or (2):
- (a) the full name and address of the person who is the owner of the commercial vessel;
 - (b) the unique identifier of the commercial vessel;
 - (c) the expiry date, if any, of the authorisation under the National Law that enables the vessel to operate as a commercial vessel;
 - (d) any other information that MAST considers appropriate.

- (4) An owner who has supplied information under this regulation must notify MAST in writing of any change of the address of the owner within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

- (5) If an owner who has supplied information under this regulation in respect of a commercial vessel transfers the ownership of that commercial vessel, the owner must, within 7 days after the date of that transfer, notify MAST in writing of –

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- (a) the name and address of the person to whom the ownership of the commercial vessel has been transferred; and
- (b) the date of the transfer.

Penalty: Fine not exceeding 5 penalty units.

11C. Annual infrastructure administration fee

- (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

- (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.
- (2) The owner of a commercial vessel to whom a notice under subregulation (3) has been issued must not operate the vessel, or allow the vessel to be operated, in State waters in a financial year, unless –
- (a) a label has been issued under subregulation (5), and is in force, in respect of the vessel for that financial year; and
 - (b) that label is displayed in accordance with the requirements specified in relation to that financial year in a notice issued under subregulation (5) in relation to the vessel.

Penalty: Fine not exceeding 10 penalty units.

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- (3) MAST may issue, to the owner of a commercial vessel to which this regulation applies, a notice in writing requiring the owner to pay to MAST, by the date specified in the notice, the amount of the annual infrastructure administration fee determined in relation to the vessel in accordance with Schedule 1A.
- (4) The owner of a commercial vessel to whom a notice under subregulation (3) has been issued must pay to MAST, by the date specified in the notice, the amount of the annual infrastructure administration fee payable for that vessel for a financial year, as specified in the notice.
- (5) If MAST receives from the owner of a commercial vessel the amount specified in a notice issued to the owner in respect of that commercial vessel under subregulation (3), MAST is to issue the owner with –
 - (a) a label, in an approved form, in respect of the vessel for that financial year; and
 - (b) a notice specifying where the label is to be displayed on the vessel.
- (6) Despite subregulation (5), MAST may refuse to issue a label for a commercial vessel until all fees due and owing to MAST in respect of the vessel, under the Act or any other Act, are paid.
- (7) If the owner of a commercial vessel receives a notice under subregulation (3) and does not pay the annual infrastructure administration fee specified in the notice within 21 days after the date specified in the notice, MAST may, by

notice in writing to the owner, charge the owner an additional late fee of 20% of the amount of the annual infrastructure administration fee.

- (8) The owner of a commercial vessel to whom a notice under subregulation (7) has been issued must pay to MAST, by the date specified in the notice, the late fee payable as specified in the notice.
- (9) For the purposes of determining the relevant annual infrastructure administration fee in Schedule 1A in respect of a vessel, a measurement of the length of the vessel is to be rounded up to the nearest whole centimetre.

12. Prescribed offences and penalties

- (1) For the purposes of section 45(1) of the Act, an offence against a provision specified in column 1 of Schedule 3 is a prescribed offence.
- (2) The penalty specified in column 2 of Schedule 3 opposite the provision specified in column 1 is the penalty payable under an infringement notice served in respect of that offence.

13. Legislation rescinded

The legislation specified in Schedule 4 is rescinded.

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SCHEDULE 1 – PRESCRIBED FEES

	Matter	Regulation	Regulation 3 Fee units
1.	Application for towage permit	Regulation 10	84 units for each hour plus 1.07 units per kilometre travelled
2.	Dangerous Cargoes Assessment	Regulation 11	51 units
3.	Application to retrieve information from MAST records	Regulation 11A(a)	24 units
4.	Copying of information from MAST records	Regulation 11A(b)	84 units for each hour or part of an hour

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sch. 1A

**SCHEDULE 1A – ANNUAL INFRASTRUCTURE
ADMINISTRATION FEE**

Regulation 11C

	Vessel length (metres)	Fee units
1.	0-3.99	66
2.	4-4.99	77
3.	5-5.99	91
4.	6-7.99	97
5.	8-8.99	110
6.	9-9.99	122
7.	10-11.99	140
8.	12-14.99	143
9.	15-17.99	182
10.	18-20.99	232
11.	21-23.99	302
12.	24-26.99	363
13.	27-29.99	403
14.	30-34.99	484
15.	35 or longer	-

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SCHEDULE 2 – SAFETY EQUIPMENT

Equipment	Lightweight craft in smooth waters	Lightweight craft in sheltered waters	Regulation 6 Lightweight craft in waters other than sheltered waters
White strobe light OR white light 360 degrees visibility	Mandatory	Mandatory	Mandatory
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)
EPIRB or PLB		Recommended	Mandatory
VHF radio		Recommended	Mandatory
Bailer or bilge pump in craft unless hull permanently enclosed	Mandatory	Mandatory	Mandatory
Compass			Mandatory
Flares – 2 red hand-held flares and 2 orange hand-held smoke flares		Recommended	Mandatory

**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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SCHEDULE 3 – OFFENCES

	Column 1	Column 2	Regulation 12
1.	Regulation 5(1)	1	
2.	Regulation 5(2)	1	
3.	Regulation 5(3)	1	
4.	Regulation 5(4)	1	
5.	Regulation 6(1)	1	
6.	Regulation 7(3)	5	
7.	Regulation 8(2)	5	
8.	Regulation 9(1)	1	
9.	Regulation 9(3)	1	
10.	Regulation 9(5)	1	
11.	Regulation 10(9)	2	

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SCHEDULE 4 – LEGISLATION RESCINDED

Regulation 13

Marine and Safety (General) Regulations 2010 (No. 48 of
2010)

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

Notified in the *Gazette* on 11 December 2013.

These regulations are administered in the Department of Infrastructure, Energy and Resources.

NOTES

The foregoing text of the *Marine and Safety (General) Regulations 2013* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2021 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Marine and Safety (General) Regulations 2013</i>	S.R. 2013, No. 100	1.1.2014
<i>Marine and Safety (General) Amendment Regulations 2017</i>	S.R. 2017, No. 105	1.7.2018 as amended by S.R. 2018, No. 35
<i>Marine and Safety (General) Amendment Regulations 2020</i>	S.R. 2020, No. 67	1.1.2021
<i>Marine-related Incidents (MARPOL Implementation) Act 2020</i>	No. 22 of 2020	1.1.2021

¹Expire 11 December 2023 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2017, No. 105 and S.R. 2020, No. 67
Regulation 4	Amended by S.R. 2020, No. 67
Regulation 5	Substituted by S.R. 2020, No. 67
Regulation 6	Amended by S.R. 2020, No. 67
Regulation 9	Amended by S.R. 2020, No. 67
Regulation 11	Amended by No. 22 of 2020, Sched. 2

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Provision affected	How affected
Regulation 11A	Inserted by S.R. 2017, No. 105
Regulation 11B	Inserted by S.R. 2017, No. 105
	Amended by S.R. 2020, No. 67
Regulation 11C	Inserted by S.R. 2017, No. 105
	Amended by S.R. 2020, No. 67
Schedule 1	Substituted by S.R. 2017, No. 105
Schedule 1A	Inserted by S.R. 2017, No. 105
Schedule 2	Amended by S.R. 2020, No. 67
Schedule 2A	Inserted by S.R. 2020, No. 67
