
This is a Consolidated Version of the Marine and Safety (Motor Boats and Licences) By-Laws 2013, The Marine and Safety (Motor Boats and Licences) Amendment By-Laws 2016 and the Marine and Safety (Motor Boats and Licences) Amendment By-Laws 2020

TASMANIA

MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2013

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Under the powers conferred on it by the *Marine and Safety Authority Act 1997*, the Marine and Safety Authority makes the following by-laws.

PART 1 - PRELIMINARY

1. Short title

These by-laws may be cited as the *Marine and Safety (Motor Boats and Licences) By-laws 2013*.

2. Commencement

These by-laws take effect on 1 January 2014.

(1). Interpretation

In these by-laws, unless the contrary intention appears-

ABP Standard means the standard entitled "National Standard for the Australian Builders Plate for Recreational Boats" published by the National Marine Safety Committee and adopted by the Australian Transport Council;

approved means approved by MAST;

aquatic event has the same meaning as in the *Marine and Safety (Pilotage and Navigation) Regulations 2017*.

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

AS4758 means –

- (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;

Commented [Jw1]: Clause 3 is amended by renumbering as subclause (1).
Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw2]: Inserted. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw3]: Inserted. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

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

Australian Builders Plate means a builders' plate that complies with all the requirements of the ABP Standard;

authorised person means a person who –

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

capacity label, for a motor boat, means a label that displays the maximum persons capacity for the motor boat, as specified in clause 36(2);

certificate of registration means a certificate of registration issued under clause 9;

coastal waters means coastal waters as specified in Schedule 3 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

competent authority of any State means an agency, department or authority of a State or Territory of the Commonwealth

That is responsible for maritime operations and safety;

designated ski area means an area of water declared to be a designated ski area under clause 44;

dive flag means an International Code Flag A at least 750mm long and 600mm wide;

driver, in relation to a vessel, means the person physically directing the course of the vessel, whether or not the person is also regulating the speed of, or otherwise managing, the vessel;

hire-and-drive vessel means a vessel that is let or hired for a commercial purpose;

identifying number means a number assigned by MAST under clause 8;

in charge, in relation to a motor boat, means to have command of the motor boat, whether or not physically steering, or directing the course of, the motor boat;

inshore waters means inshore waters as specified in clause 1 of Schedule 3 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

KW or H.P. means the manufacturer's designated kilowatt or horsepower rating applicable to the propulsion machinery installed in a motor boat;

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length means the length overall of the motor boat measured from the forepart of the stem to the aft side of the tuck, stem or rudder, excluding any engine pods or bowsprits;

licence means a licence issued under clause 21;

licence holder means a person who holds a licence or provisional licence;

marine facility means any facility, structure or equipment used in relation to the navigation and operation of vessels;

motor boat means a boat that –

- (a) is designed to be propelled by its own mechanical power, whether or not mechanical power is the principal means of propulsion; and
- (b) is not also a commercial vessel;

motor-propelled tender means any motor boat not exceeding 4.5 metres in length that IS-

- (a) operated within 0.5 nautical miles of a parent vessel; and
- (b) used primarily for embarking and disembarking crew and passengers;

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

owner, in relation to a motor boat, includes any person who is the sole owner, joint owner or part-owner or who has possession and use of the motor boat under a hire purchase agreement or a bill of sale, but does not include any person in whom the property in the motor boat or any absolute or conditional right or licence to take possession of the motor boat is vested under a hire purchase agreement or a bill of sale;

parent vessel means a base vessel –

- (a) from which a motor propelled tender operates; and
- (b) that provides safe haven and refuge for the tender;

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*;

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prescribed fee means a fee prescribed by the
Marine and Safety (Fees) By-laws 2020;

provisional licence means a licence issued
under clause 21;

PWC means a motor boat that –

Commented [Jw4]: Omit definitions of PFD1, PFD2 and PFD3.
Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw5]: Omit 2010.
Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

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

PWC endorsement means an endorsement granted under clause 30;

registered means registered under these by-laws;

registration label means a label of registration issued under clause 9;

second-hand motor boat means a vessel that has been used otherwise than –

- (a) in the course of being built or tested; or
- (b) by an owner builder; or
- (c) by the builder only; or
- (d) for the purpose of transporting it for the purpose of sale; or
- (e) for the purpose of demonstrating it to a purchaser;

sheltered waters means the waters specified in Schedules 1 and 2 to the *Marine and*

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Safety (Limits of Operational Areas of Vessels) By-laws 2013, or any other waters within 2 nautical miles to seaward of the mainland coast of Tasmania between Cape Grim across the north coast and down the east coast to South East Cape.

ski access lane means an area of water declared under clause 41;

smooth waters means –

- (a) smooth waters as specified in Schedule 1 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*; or
- (b) the waters of any inland lake, river or stream.

(2) In these by-laws, words and expressions used both in these by-laws and in an AS or AS/NZS referred to in these by-laws have, unless the contrary intention appears, the same respective meanings as they have in that standard.

Commented [Jw6]: Inserted. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

PART 2- REGISTRATION

4. Requirement to be registered

The owner of a motor boat must not allow it on a marine facility or to be navigated on any waters unless it is –

- (a) registered under clause 7; or
- (b) exempted under in clause 5.

Penalty: Fine not exceeding 10 penalty units.

5. Exemptions from requirement to be registered

The following motor boats are exempted from the requirement to be registered:

- (a) a motor boat that is propelled or intended to be propelled by machinery not exceeding a rating of 2.9kW (4 H.P.);
- (b) a motor-propelled tender;
- (c) a motor boat registered by a competent authority of any State that complies with that authority's requirements, if the motor boat is present in State waters for a continuous period of less than 3 months;
- (d) a motor boat that is being used at a specified time, date and location for the purposes of –
 - (i) display of the motor boat;
 - or
 - (ii) on water testing of the motor boat

Commented [Jw7]: Delete Clause 8. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw8]: Delete clause 6. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw9]: Inserted. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

Commented [Jw10]: Inserted. Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020 – in force 1 January 2021

6. Application for or renewal of registration

- (1) A person who has attained the age of 16 years may apply to MAST for the registration or renewal of registration of a motor boat.
- (2) An application for registration or renewal of registration of a motor boat-
 - (a) is to be in writing and signed by or on behalf of the owner; and
 - (b) is to be in an approved form; and
 - (c) is to state a residential address at which the applicant can be contacted; and
 - (d) is to be accompanied by the prescribed fee.
- (3) MAST may refuse to register for the first time a motor boat, other than a second-hand motor boat, if-
 - (a) an Australian Builders Plate is not fixed to the motor boat in accordance with the ABP Standard; or
 - (b) the information on the Australian Builders Plate has been altered, defaced, concealed, removed or obliterated; or
 - (c) MAST has reason to believe that the information on the Australian Builders Plate fixed to the vessel is incorrect.

Commented [Jw11]: inserted.
*Marine and Safety (Motor Boats and Licences)
Amendment By-laws 2020. In force 1 January 2021.*

7. Registration

- (1) If MAST registers a motor boat, it is to record—
 - (a) the name of the registered owner; and

-
- (b) identification details of the motor boat;
and
 - (c) the start and expiry date of registration;
and
 - (d) any other information MAST considers
appropriate.
- (2) A motor boat is registered until the expiry date recorded
by MAST.
 - (3) MAST may change the expiry date if it considers it
appropriate.
 - (4) If MAST changes the expiry date, it is to notify the
registered owner accordingly.

8. Identifying number

- (1) MAST is to assign an identifying number in respect of
a registered motor boat.
- (2) MAST may approve the use of a personalised
identifying number.
- (3) The owner of a motor boat that is registered with a
yacht club or boating club that allocates identifying
numbers or unique names may use the number or name
so allocated with the approval of MAST.

9. Certificate of Registration

- (1) If MAST registers a motor boat, MAST is to issue the owner with a certificate of registration in respect of the motor boat.
- (2) A certificate of registration is to be in an approved form
- (3) A certificate of registration issued under subsection (1) in respect of a motor boat is to include the identifying number assigned to, or approved for, the motor boat under clause 8.

10. Display of identifying number

- (1) The owner of a motor boat that is not a PWC must ensure that –
 - (a) the identifying number is clearly displayed in figures and letters of not less than 150mm in height, on both sides of the motor boat; or
 - (b) if it is impracticable to do so, the identifying number is displayed as MAST directs.

Penalty: Fine not exceeding 5 penalty units. (2)

The owner of a PWC must ensure that-

- (a) the identifying number is clearly displayed in figures and letters of not less

Commented [Jw12]: Clause 9 – Rescinded and Substituted.
Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

than 100mm in height, on both sides of the PWC; or

- (b) if it is impracticable to do so, the identifying number is displayed as MAST directs.

Penalty: Fine not exceeding 5 penalty units.

- (3) The owner of a motor boat must ensure that the identifying number is not obscured.

Penalty: Fine not exceeding 5 penalty units.

- (4) MAST may allow an identifying number to be of a smaller height than specified under this clause so long as that number is displayed in a conspicuous place.

- (5) The owner of a registered motor boat which has a personalised identifying number approved under clause 82) must notify MAST in writing of any change in that number within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

- (6) The owner of a registered motor boat who uses an identifying number allocated under clause 8(3) must notify MAST in writing of any change in the name or number within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

11. Illegal use of identifying number

A person must not apply an identifying number assigned to a registered motor boat to any other motorboat.

Penalty: Fine not exceeding 10 penalty units.

12. Change of address of owner

The owner of a registered motor boat must notify MAST in writing of any change of address within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

13. Transfer of ownership of registered motor boat

- (1) If the owner of a registered motor boat transfers the ownership of the motor boat, the owner, within 7 days after the transfer, must notify MAST of-
 - (a) the name and residential address of the person to whom ownership of the motor boat has been transferred; and
 - (b) the date of the transfer.

Penalty: Fine not exceeding 5 penalty units.

- (2) The person to whom ownership of a motor boat has been transferred, within 7 days after the transfer, must lodge with MAST a signed written notice-

-
- (a) specifying the name and residential address of the immediate previous owner; and
 - (b) containing the signature of the immediate previous owner.

Penalty: fine not exceeding 5 penalty units.

- (3) The written notice under subclause (2) is to be-
 - (a) in an approved form; and
 - (b) accompanied by the prescribed fee.

14. Production of certificate

A holder of a certificate of registration of a motor boat, if required, must produce the certificate within any period MAST determines.

Penalty: Fine not exceeding 5 penalty units.

15. Cancellation or suspension of registration

MAST may cancel or suspend the registration of a motor boat if-

- (a) any information furnished by the holder of the certificate of the boat or by the applicant for registration is found to be untrue; or
- (b) any provision of these by-laws or any requirement of MAST in respect of the boat or its registration has not been complied with; or

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- (c) MAST has reason to believe that the noise emitted by the boat is, or would be, excessive; or
- (d) MAST considers that the boat is unsafe to persons or property; or
- (e) the holder of the certificate of registration of the boat ceases to be the owner of the boat; or
- (f) the registration of the boat is not renewed before the expiry date as recorded under clause 7.

PART 3- LICENCES AND ENDORSEMENTS

16. Requirement to hold a licence

- (1) A person must not be in charge of any registered motor boat, or motor boat that is required to be registered, on any waters or any marine facility unless the person holds –
- (a) a licence or a provisional licence; or
 - (b) an approved certificate of competency; or
 - (c) an approved licence issued or recognised by a competent authority of any State that is substantially similar to a licence issued under these by-laws.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person who is in charge of a hire-and-drive vessel is exempted from the requirements in subclause (1) if–
- (a) the boat is not capable of exceeding a speed of 8 knots; and
 - (b) the hirer is satisfied that the person is able to comply with regulations relating to the vessel, and its safety and operation.

17. Residents of other States

MAST may permit a person whose normal residential address is outside the State, and who

holds an unexpired licence to drive or be in charge of a motor boat, a certificate, or an equivalent authority, issued by a competent authority of any State, to drive or be in charge of a motor boat.

18. Application for licence or provisional licence

- (1) An application for a licence or provisional licence is to –
 - (a) be made to MAST; and
 - (b) be in an approved form; and
 - (c) be accompanied by the prescribed fee, if any; and
 - (d) be supported by such evidence or information as MAST requires, either at the time of lodgement or subsequently.
- (2) Without limiting subclause (1)(d), MAST may require an applicant for a licence or provisional licence to do either or both of the following:
 - (a) satisfy MAST that the applicant has successfully completed an approved course of practical tuition in motor boat handling;
 - (b) satisfy MAST, by way of an examination, that the applicant has –
 - (i) sufficient knowledge of the key legislative requirements relating

to the safe operation of motor boats; and

(ii) sufficient practical knowledge relating to the safe operation of motor boats.

- (3) If subclause (2)(b) applies, MAST may require the applicant to pay a prescribed fee for the examination.

19. Age limit for licensee or provisional licensee

- (1) A person is not eligible to be issued with a licence if he or she has not attained 17 years of age.
- (2) A person is not eligible to be issued with a provisional licence if he or she –
- (a) has not attained 12 years of age; or
 - (b) has attained 17 years of age.

20. Determination of application for licence or provisional licence

- (1) After considering an application for a licence or provisional licence, MAST may–
- (a) approve the application; or
 - (b) refuse the application.
- (2) Without limiting its discretion, MAST may refuse to approve the application if it is not satisfied that the applicant –

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- (a) meets the relevant eligibility requirement under clause 19; or
 - (b) has sufficient physical capacity and visual acuity to be in charge of a motor boat; or
 - (c) has sufficient skill and competence to be in charge of a motor boat; or
 - (d) has sufficient knowledge of the key legislative requirements, relating to the safe operation of motor boats, as well as relevant practical knowledge; or
 - (e) has sufficient operational experience of being in charge of a motor boat.
- (3) If subclause (1)(a) applies, MAST is to issue the licence or provisional licence on payment of the prescribed fee, if any.
 - (4) The licence or provisional licence is to be in an approved form.
 - (5) A provisional licence may be issued unconditionally or subject to such conditions as MAST considers necessary or expedient in the circumstances.

21. Issue of licence

- (1) MAST may-
 - (a) grant an application for a licence to drive or be in charge of a motor boat; or

-
- (b) refuse to grant the application.
 - (2) If MAST grants an application for a licence, it is to issue a licence in an approved form on payment of the prescribed fee.
 - (3) MAST is to record-
 - (a) the name of the person to whom the licence is issued; and
 - (b) the start and expiry date of the licence; and
 - (c) any other details MAST considers appropriate.

22. Period of licence

A licence is valid until the expiry date recorded under clause 21(3).

23. Restrictions on provisional licence, &c.

- (1) Unless sooner cancelled, a provisional licence expires on the day on which the licence holder attains the age of 17 years.
- (2) A person who holds a provisional licence must not be in charge of a motor boat, other than a motor boat referred to in clause 5, unless a responsible adult is on board the motor boat.

Penalty: Fine not exceeding 10 penalty units.

- (3) In this clause-

responsible adult means –

- (a) a person who has attained the age of 17 years and is the holder of a licence; or
- (b) a person who, though not the holder of a licence, has attained 18 years of age and does not suffer from any physical or mental disability of a kind that would reasonably be considered to render the person incapable of taking charge of a motor boat in an emergency.

24. Change of address of licence holder

A licenced holder must notify MAST of any change of residential address within 7 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

25. Cancellation and suspension of licence

- (1) MAST may cancel a licence or provisional licence if-
 - (a) information given by the licence holder in the application for the licence is found to be false or misleading; or
 - (b) the licence holder has been convicted of an offence against these by-laws; or

-
- (c) the licence holder is or has become, in MAST's opinion, incapable of safely driving or having charge of a motor boat.
- (2) MAST may suspend a licence or provisional licence **if-**
- (a) the licence holder fails to notify MAST of any change of residential address under clause 24; or
- (b) the licence holder fails to pay the prescribed renewal fee on or before the date of expiry.
- (3) MAST, by notice served on the licence holder, is to notify-
- (a) the cancellation or suspension of a licence or provisional licence; and
- (b) the grounds of that cancellation or suspension.
- (4) If a licence or provisional licence is cancelled or suspended, the licence holder must return the licence or provisional licence to MAST.

Penalty: Fine not exceeding 5 penalty units.

26. Production of licence

A licence holder must produce the licence or provisional licence within 14 days after being required to do so.

Penalty: Fine not exceeding 5 penalty units.

27. Requirement for endorsement for PWC

- (1) A licence holder must not drive, or be in charge of, a PWC without a PWC endorsement on the licence or provisional licence.

Penalty: Fine not exceeding 20 penalty units.

- (2) Subclause (1) does not apply if the licence holder holds a confirmed booking to complete an approved course within 60 days after so driving, or being in charge of, a PWC.

Commented [Jw13]: Clause 27 Rescinded and Substituted. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

28. Application for endorsement for PWC

An application for an endorsement to drive or be in charge of a PWC is to be made to MAST in the approved form and is to be accompanied by the prescribed fee.

29. Eligibility for endorsement for PWC

Before MAST grants an application for a PWC endorsement, the applicant must complete an approved course.

30. Granting and issuing of endorsement for PWC

- (1) MAST may-
- (a) grant an application for an endorsement to drive or be in charge of a PWC; or
 - (b) refuse to grant the application.
- (2) If MAST grants an application for an endorsement, it is to issue the endorsement in an approved form on payment of the prescribed fee.
- (3) MAST is to record-

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-
- (a) the name of the person to whom the endorsement is granted; and
 - (b) the start and expiry date of the endorsement; and
 - (c) any other details MAST considers appropriate.
- (4) MAST may impose conditions in relation to the PWC endorsement.

PART 4– MISCELLANEOUS

31. Equipment

- (1) The owner or driver of a motor boat must ensure that the mandatory safety equipment specified in Schedule 1 as being appropriate to the area of operation and length of the boat is
- (a) carried on the boat; and
 - (b) properly stored; and
 - (c) readily accessible; and
 - (d) kept ready for immediate use; and
 - (e) maintained in good order.

Penalty: Fine not exceeding 20 penalty units.

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

Penalty: Fine not exceeding 20 penalty units.

- (3) Upon request by an authorised person, the owner of a life jacket must provide the authorised person with evidence that the lifejacket has been serviced and maintained in accordance with subclause (2).

Penalty: Fine not exceeding 20 penalty units.

- (4) Subclause (1) does not apply to a motor boat engaged in an aquatic event.

32. Life Jackets

- (1) In this clause –

proceeding motor boat means a motor boat that is proceeding under power.

Commented [Jw14]: Clause 31 Rescinded and new Clause substituted. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

Commented [Jw15]: Clause 32 Personal Flotation devices omitted. Substituting Life Jackets. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

- (2) A person who is on a proceeding motor boat that is less than 6 metres in length must wear an approved life jacket.

Penalty: Fine not exceeding 5 penalty units.

Commented [Jw16]: Omit personal flotation device – substituting life jacket. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

- (3) The master of a motor boat of a kind referred to in subclause (2) must ensure that each person on the motor boat who has not attained the age of 16 years complies with that subclause.

Penalty: Fine not exceeding 5 penalty units.

- (4) The master of a proceeding motor boat that is 6 metres or more in length must ensure that each person on the motor boat who is under the age of 12 years wears an approved life jacket.

Penalty: Fine not exceeding 5 penalty units.

- (5) Despite subclauses (2), (3) and (4), if a person is in a deckhouse, cabin or secure enclosed place on a motor boat, that person is not required to comply with subclause (2) and-

(a) if that person has not attained the age of 16 years, the master of that motor boat is not required to comply with subclause (3); or

(b) if that person has not attained the age of 12 years, the master of that motor boat is not required to comply with subclause (4).

- (6) For the purposes of subclauses (2), (3) and (4), an approved life jacket is –

(a) for a motor boat (other than a PWC) –

(i) in smooth waters, a life jacket that meets, or exceeds, the requirements of AS 4758 for Level 50 life jackets; or

Commented [Jw17]: Delete personal flotation device. Substitute life jacket. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

Commented [Jw18]: Omit personal flotation device. Substitute life jacket. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

Commented [Jw19]: Omit PFD 1 or PFD2 and substitute new clause. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*

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- (ii) in waters other than smooth waters, a life jacket that meets, or exceeds, the requirements of AS 4758 for Level 100 life jackets; or
- (b) for a motor boat (being a PWC) –
 - (i) in smooth waters or sheltered waters, a life jacket that meets or exceeds, the requirements of AS 4758 for Level 50 or Level 50S life jackets, and that is not inflatable; or
 - (ii) in waters other than smooth waters or sheltered waters, a life jacket that meets, or exceeds, the requirements of AS 4758 for Level 100 life jackets, and that is not inflatable.

Commented [Jw20]: Omit PFD 1 and substitute new subclause.

Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

Commented [Jw21]: Delete PFD 1, PFD 2 or PFD 3 and substitute new subclause.

Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.

Commented [Jw22]: Omit from subclause PFD 1 and insert new subclause.

Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.

33. Navigation of motor boats and speed limits

- (1) A person, in any area specified in Schedule 2, must not-
 - (a) drive or be in charge of a motor boat; or
 - (b) ride upon or cause any aquaplane, water ski or similar device to be towed, pulled or propelled.Penalty: Fine not exceeding 5 penalty units.
- (2) A person, in any area specified in subclause (3), must not-
 - (a) drive or be in charge of a motor boat, except when the boat is being propelled wholly by sail, at a speed exceeding 5 knots; or
 - (b) ride upon or cause any aquaplane, water ski or similar device to be towed, pulled

or propelled at a speed exceeding 5 knots.

Penalty: Fine not exceeding 5 penalty units.

- (3) For the purpose of subclause (2), the areas are as follows:
- (a) waters specified in Schedule 3;
 - (b) within 60 metres of-
 - (i) any shore line, river bank, diving platform or marine facility; or
 - (ii) any boat under way, at anchor, moored. or engaged in fishing or rowing; or
 - (iii) any buoy laid by or with the approval of MAST; or
 - (iv) any person on water skis, an aquaplane or similar object being towed by another boat;
 - (c) when passing within 120 metres of-
 - (i) any person bathing; or
 - (ii) any vessel or buoy displaying the signal letter "A" of the International Code of Signals which signifies "I have a diver down; keep well clear at slow speed".

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- (4) It is a defence in proceedings for an offence under subclause (2) in relation to areas referred to in subclause (3) for a person to prove that –
- (a) there was no reasonable likelihood of injury, nuisance or annoyance to persons or damage to property; or
 - (b) the consequences of a cessation of the towing of such water skier, skiers or aquaplaner would cause an accident; or
 - (c) the situation was one of vessels passing on parallel courses where no nuisance, annoyance or danger is caused to the occupants of either vessel; or
 - (d) the situation was one of vessels engaged in racing or a similar activity under the provisions of the *Marine and Safety (Pilotage and Navigation) Regulations 2017*.

(4A) Subclause (2) does not apply to a person participating in an aquatic event.

- (5) A person must not operate a PWC between sunset and sunrise.

Penalty: Fine not exceeding 10 penalty units.

- (6) A person must not operate a motor boat in an erratic and non-directional way which would make it difficult for others to predict the motor boat's course to avoid a collision if–
- (a) the motor boat is within 200m of a swimmer; or

Commented [Jw23]: Omitted 2007 Substituted. In force 1 January 2021.

Commented [Jw24]: New subclause inserted. *Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.*

-
- (b) the motor boat is within 200m of a shoreline and there is any building used for human habitation within 100m of that shoreline.

Penalty: Fine not exceeding 10 penalty units.

34. Speed trials

- (1) MAST, on the application of any aquatic body, may grant permission in writing for the body to conduct speed trials or other organised water sport during any hours and on any days it may specify.
- (2) The participants in any trials or sport permitted under subclause (1) are exempt from compliance with clause 33 during the hours and day so specified.

35. Motor boat not to be driven negligently

A person driving or in charge of a motor boat on any waters must not drive negligently or carelessly or at a speed or in a manner that is

Commented [Jw25]: Subclauses (3) and (4) omitted. In force 1 January 2021.

dangerous or likely to cause injury to any person.

Penalty: Fine not exceeding 10 penalty units.

36. Capacity label

- (1) If a registered motor boat, other than a PWC, is not fitted with an Australian Builders Plate, the owner of the registered motor boat must ensure that an approved capacity label for the registered motor boat is permanently attached to the registered motor boat within one metre of each steering position.

Penalty: Fine not exceeding 5 penalty units.

- (2) The maximum persons capacity for a motor boat is –
 - (a) the maximum capacity calculated according to AS 1799.1 – 1992; or
 - (b) the maximum capacity as rated by the manufacturer; or
 - (c) a capacity calculated in a manner approved by MAST.
- (3) An owner or driver of a motor boat must not remove, deface or conceal a capacity label that is attached to the motor boat.

Penalty: Fine not exceeding 5 penalty units.

37. Safe operation sticker

- (1) MAST is to issue a sticker to the owner of a PWC that sets out guidelines on the safe operation of a PWC.
- (2) The owner or driver of a PWC must ensure that a safe operation sticker issued by MAST is affixed in a prominent place, adjacent to the craft's controls.

Penalty: Fine not exceeding 5 penalty units.

38. Dive flags

- (1) A vessel with persons engaged in diving must display a dive flag visible from 360 degrees from the dive flag.

Penalty: Fine not exceeding 10 penalty units.

- (2) A vessel must not display a dive flag if the vessel is moving at a speed exceeding 5 knots or in the hours of darkness.

Penalty: Fine not exceeding 5 penalty units.

- (3) Any person engaged in diving from a boat displaying a dive flag is exempted from the requirement to wear a life jacket as required in clause 32(2), (3) or (4).

- (4) In this clause -

dive flag means a flag that –

- (a) is at least 500mm high and at least 400mm wide; and
- (b) depicts Flag “A” of the *International Code of Signals* (a blue and white flag) signifying “I have a diver down; keep well clear at slow speed”.

Commented [Jw26]: Omitted personal flotation device. Substituted life jacket. *Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.*

Commented [Jw27]: Subclause (4) inserted. *Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.*

39. Maximum number of skiers

Except with the written permission of MAST, a person must not drive a motor boat that is towing more than 3 persons on water skis, aquaplanes or similar objects.

Penalty: Fine not exceeding 10 penalty units.

40. Conditions for towing of skiers

A person must not drive, or be in charge of, a motor boat for the purpose of towing any person on any water ski, aquaplane or similar object-

- (a) between the hours of sunset and sunrise, except with the written permission of MAST; and
- (b) unless the person is accompanied on the motor boat by at least one other person who has attained the age of 10 years who is responsible for communicating, to the person driving or in charge of the motor boat, any mishap occurring to the person being towed on the water ski, aquaplane or other object.

Penalty: Fine not exceeding 10 penalty units.

41. Ski access lanes

MAST, by notice advertised in a daily newspaper, may declare that an area of water is a ski access lane for use by registered motor boats whilst launching or landing a water skier or an aquaplaner.

42. Area of ski access lanes

A ski access lane comprises all that area of water at right angles to the shore, extending 60 metres seawards from the shore between two marker beacons of the form shown in Schedule 4.

43. Restrictions within a ski access lane

- (1) While any ski access lane is being used –
- (a) a person, other than a person using or about to use the ski access lane for the purposes for which it has been declared, must not enter that ski access lane; and
 - (b) a person must not bathe, paddle or fish in the water of that ski access lane.

Penalty: Fine not exceeding 10 penalty units.

- (2) Subclause (1) does not apply to any person engaged in water skiing or aquaplaning who has capsized and is waiting to resume water skiing or aquaplaning or to be picked up, or who is returning directly to the shore.

44. Designated ski areas

- (1) MAST may declare an area of water to be a designated ski area for vessels towing persons on waterskis, aquaplanes or other similar devices.
- (2) A designated ski area is to be marked by MAST with marker beacons of the form shown in Schedule 4.

- (3) A designated ski area comprises areas of water as specified in Schedule 5.
- (4) A person must not drive or be in charge of a motor boat at a speed exceeding 5 knots within a designated ski area unless towing persons as referred to in subclause (1).

Penalty: Fine not exceeding 10 penalty units.

- (5) It is a defence in proceedings for an offence under subclause (4) for a person to prove that there was no reasonable likelihood of injury, nuisance or annoyance to persons or damage to property.

45. Damage to ski lane markers

A person must not cause damage or interfere with shore marker beacons or anything used in marking a ski access lane or designated ski area.

Penalty: Fine not exceeding 10 penalty units.

46. Unauthorised use of motor boat

A person must not drive a registered motor boat, or a motor boat that is required to be registered, without the authority or consent of the registered owner of that boat.

Penalty: Fine not exceeding 10 penalty units.

47. Replacement certificates, labels and licences

- (1) If a certificate of registration, registration label, licence or provisional licence is lost, stolen, destroyed, defaced, mutilated or rendered illegible, the person to whom it has been issued –
 - (a) is to inform MAST; and
 - (b) may apply for a replacement.
- (2) MAST may issue a replacement certificate, label, licence or provisional licence on payment of the prescribed fee.

48. Reissue of certificates and licences with altered details

- (1) The person to whom a certificate of registration, licence or provisional licence has been issued may apply to MAST to have the certificate, licence or provisional licence reissued with altered details.
- (2) MAST may reissue a certificate, licence or provisional licence on payment of the prescribed fee.

49. False information

A person in an application must not make a statement or give information knowing that the statement or information is false or misleading.

Penalty: Fine not exceeding 10 penalty units.

Commented [Jw28]: Clause 50 – Rescinded. In force 1 January 2021.

51. Appeals

- (1) A person who is aggrieved by the cancellation or suspension by MAST of a licence may appeal to a magistrate.
- (2) An appeal-
 - (a) is to be made within 14 days of the service of a notice of cancellation or suspension by MAST; and
 - (b) is to state the grounds of the appeal.
- (3) The decision of a magistrate on the hearing of an appeal under this by-law is final.

52. Service of notices

A notice is taken to be duly served on a person if it is –

- (a) served personally;
or
- (b) left at, or sent by post to, the person's postal or residential address or place or address of business employment last known to the server of the document;
or
- (c) sent by electronic transmission to an email address nominated by the person (in correspondence or otherwise) as an email address or location for the giving or service of documents of that kind;
or
- (d) sent by any other electronic means nominated by the person (in correspondence or otherwise) as a means of giving or serving document of that kind.

Commented [Jw29]: Clause 52 rescinded and new Clause substituted.

*Marine and Safety (Motor Boats and Licences)
Amendment Bylaws 2020. In force 1 January 2021.*

53. Powers of authorised persons

- (1) An authorised person may –

-
- (a) direct an owner, driver or person in charge of a motor boat –
 - (i) to remove the boat from the vicinity;
or
 - (ii) to proceed to a place indicated by the authorised person; and
 - (b) give directions to the owner or operator of a motor boat relating to –
 - (i) the manner of approaching or departing from a location; or
 - (ii) the manner of taking up or setting down passengers or loading or unloading goods; or
 - (iii) the mooring or anchoring of boats; and
 - (c) remove to a place of safe custody a motor boat **if**–
 - (i) the motor boat is abandoned without being securely moored or at anchor; or
 - (ii) the owner or driver or person in charge is unfit to operate the motor boat because of being under the influence of alcohol or drugs; or
 - (iii) in the opinion of the authorised officer, the motor boat impedes safe navigation; and

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- (d) give directions, including to stop, to the owner or driver or operator of a motor boat; and
 - (e) board any motor boat to inspect it or any object on the boat; and
 - (f) request the owner of a motor boat to give his or her name, age and address; and
 - (g) request the person driving or person in charge of a motor boat who is not the owner of the vessel to give the name and address of the place of residence of the owner.
- (2) If any person who is not the owner of the motor boat is alleged to have committed an offence in relation to the motor boat under these by-laws, the owner of the motor boat, on demand of an authorised person, must give any information required relating to the identity and whereabouts of that person.
- Penalty: Fine not exceeding 10 penalty units.
- (3) If the owner does not know the information required under subclause (2), the owner must take steps to obtain the information and report to the authorised person within 7 days the result of the steps taken.
- Penalty: Fine not exceeding 10 penalty units.
- (4) The owner, driver or person in charge of a motor boat must comply with the directions of an authorised officer.

Penalty: Fine not exceeding 10 penalty units.

54. Rescission

The *Marine and Safety (Motor Boat and Licences) By-laws 2008* are rescinded.

**SCHEDULE 1 – SAFETY EQUIPMENT TO BE
CARRIED ON MOTOR BOATS**

Clause 31

PART 1 – SAFETY EQUIPMENT FOR MOTOR BOATS

Equipment	Motor boats less than 6 metres in length in sheltered waters	Motor boats less than 6 metres in length in waters other than sheltered waters	Motor boats 6 metres or more in length in sheltered waters	Motor boats 6 metres or more in length in waters other than sheltered waters
Anchor, rope and chain as specified in Part 3	Mandatory	Mandatory	Mandatory	Mandatory
Bailer/bilge pump	Mandatory	Mandatory	Mandatory	Mandatory
Life Jacket per person	Mandatory	Mandatory	Mandatory	Mandatory
Fire extinguisher as specified in Part 3	Mandatory	Mandatory		
Oars/auxiliary propulsion	Mandatory	Mandatory	Mandatory	Mandatory
Flares as specified in Part 3		Mandatory	Mandatory	Mandatory

Commented [Jw30]: Omit PFD and substituting Life Jacket.
Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.

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Equipment	Motor boats less than 6 metres in length in sheltered waters	Motor boats less than 6 metres in length in waters other than sheltered waters	Motor boats 6 metres or more in length in sheltered waters	Motor boats 6 metres or more in length in waters other than sheltered waters
Lifebuoy		Mandatory	Mandatory	Mandatory
EPIRB as specified in Part 3		Mandatory		Mandatory
Radar reflector		Mandatory		Mandatory
First aid kit as specified in Part 3		Mandatory		Mandatory
Water		Mandatory		Mandatory
Marine radio		Mandatory		Mandatory
Navigation lights and torch for night operation	Mandatory	Mandatory	Mandatory	Mandatory

PART 2-SAFETY EQUIPMENT FOR PWC AND MOTOR-PROPELLED TENDERS

Equipment	Motor-propelled tender	PWC within sheltered waters	PWC within all other waters
Life Jacket	Mandatory	Mandatory	Mandatory
Flares as specified in Part 3		Mandatory	Mandatory
Bailer or bilge pump	Mandatory		
Fire extinguisher as specified in Part 3	Recommended	Mandatory	Mandatory
EPIRB as specified in Part 3			Mandatory
Tow line	Recommended		Mandatory
Radio			Mandatory

Commented [Jw31]: Omit PFD and substitute Life Jacket. *Marine and Safety (Motor Boats and Licences) Amendment Bylaws 2020. In force 1 January 2021.*

PART 3-SPECIFICATION OF SAFETY EQUIPMENT

1. Anchors, chain and cable

- (1) An anchor type as specified in AS 2198 is to be carried.
- (2) The size of the anchor and diameter and length of the chain and rope must be sufficient to hold the vessel in all sea and wind conditions and depth of water in the intended area of operation.

2. Fire extinguishers

- (1) Fire extinguishers, as listed below, are to be carried, readily accessible in suitable and different parts of the boat.
- (2) Only extinguishers marked as complying with AS 1841.5 (1992) or AS 1846 for dry chemical type are acceptable.
- (3) The minimum number and capacity of fire extinguishers are to be provided in accordance with the following table:

Vessel length	Minimum number and minimum capacity	Minimum equivalent rating
Less than 8 metres (PWC only)	One (1) .75kg	5BE
Less than 8 metres (other than PWC)	One (1) .9kg	5BE
8 metres or more but less than 12 metres	Two (2) .9kg	5BE
12 metres or more	Three (3) .9kg or One (1) .9kg and One (1) 1.5kg	5BE 5BE/10BE

3. EPIRBS

- (1) Rescinded.
- (2) EPIRBS, if required, are to conform to AS/NZS 4280.1.

- (3) EPIRBS conforming to AS/NZS 4280.1 are required to be registered with the Australian Maritime Safety Authority.

4. First aid kits

The first aid kit contents should reflect likely conditions, duration of the voyage and the number of passengers.

5. Flares

- (1) A flare (pyrotechnic) is to –
- (a) meet, or exceed, the requirements of AS 2092; and
- (b) display an expiry date that has not passed.
- (2) Flares required are as follows:

	Smooth waters	Partially smooth waters	Coastal waters
All vessel lengths	Recommended only	2 red hand-held	2 red hand-held
		2 orange hand-held smoke signals	2 orange hand-held smoke signals
			2 red parachute flares
PWC	Recommended only	2 red hand-held	2 red hand-held

Commented [Jw32]: Omit Subclause (1) of Clause 5 and substitute new subclause.

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	Smooth waters	Partially smooth waters	Coastal waters
		2 orange hand-held smoke signals	2 orange hand-held smoke signals 2 red parachute flares

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**SCHEDULE 2- PROHIBITED AREAS
FOR NAVIGATION**

Clause 33(1)

1. Lake Gordon: the waters within 100 metres of the Gordon intake.
2. Lake Gordon: the waters within 300 metres upstream of the Gordon Dam.
3. Gordon River: the waters downstream from the Gordon Dam to the confluence of the Serpentine River.
4. Serpentine River: the waters of the Serpentine River for a distance of 1 000 metres downstream from the Serpentine Dam.
5. Lake Pedder: the waters bounded by the Serpentine Dam, a sign on the southern bank and a sign on the northern bank, both signs located approximately 200 metres upstream from the Serpentine Dam.
6. Lake Pedder: the waters bounded by the Scotts Peak Dam, a sign on the eastern

Commented [Jw33]: Schedule 2 rescinded and new schedule substituted. In force 1 January 2021.

bank approximately 75 metres upstream from the Scotts Peak Dam and a sign on the western bank approximately 22 metres upstream from the Scotts Peak Dam.

7. Lake Pedder: the waters bounded by the Edgar Dam, a sign on the western bank approximately 400 metres upstream from the Edgar Dam and a sign on the eastern bank approximately 50 metres upstream from the Edgar Dam.
8. Lake Pedder: the waters of the McPartlan Canal from a point approximately 400 metres upstream from the Gordon River Road bridge downstream to Lake Gordon.
9. Cluny Lagoon: the waters bounded by the Cluny Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 150 metres upstream from the Cluny Dam.
10. Lake Catagunya: the waters-
 - (a) bounded by the Catagunya Dam, a sign located on the eastern bank and a sign on the western bank, both signs located approximately 300 metres upstream from the Catagunya Dam; and
 - (b) of the Catagunya Flume.

11. River Derwent: the waters of the River Derwent for a distance of 700 metres downstream from the Catagunya Dam.
12. Lake Catagunya: the waters of the Wayatinah Power Station tailrace to a sign on the eastern bank and a sign on the western bank, both signs 150 metres downstream from the Wayatinah Power Station.
13. Lake Repulse: the waters bounded by the Repulse Dam, a sign on the northern bank approximately 400 metres upstream from the Repulse Dam and a sign on the southern bank approximately 100 metres upstream from the Repulse Dam.
14. River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from the Repulse Dam.
15. River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from the Cluny Dam.
16. Meadowbank Lake: the waters bounded by the Meadowbank Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 1500 metres upstream from the Meadowbank Dam.
17. River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from the Meadowbank Dam.

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- 18.** Nive River: the waters of the Nive River from the Tungatinah Power Station downstream to Wayatinah Lagoon including Lake Liapootah and the Liapootah Power Station tailrace.
 - 19.** Wayatinah Lagoon: the waters bounded by the Wayatinah Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 300 metres upstream from the Wayatinah Dam.
 - 20.** Wayatinah Lagoon: the waters bounded by the Wayatinah Power Station tunnel intake structure, a sign on the eastern bank and a sign on the western bank, both signs located approximately 100 metres upstream from the tunnel intake structure.
 - 21.** River Derwent: the waters of the River Derwent for a distance of 300 metres downstream from the Wayatinah Dam spillway.
 - 22.** Lake King William: the waters bounded by the Clark Dam, a sign on the western bank approximately 300 metres upstream from the Clark Dam and a sign on the eastern bank approximately 100 metres upstream from the Clark Dam.
 - 23.** Lake King William/Nive River: the waters of all those canals, flumes, ponds,

siphons and tunnels flowing downstream from Lake King William to the Nive River, including –

- (a) that part of the River Derwent between the Clark Dam and the pump station located approximately 6000 metres downstream from the Clark Dam; and
- (b) the Wentworth Canal and the Wentworth Dam Pond; and
- (c) the Dunnys Canal and the Dunnys Dam Pond; and
- (d) the Homes Dam Pond; and
- (e) within 50 metres of the Pump Pond intake; and
- (f) within 30 metres upstream from the Pump Pond spillway-

but excluding the remainder of the Pump Pond and the Mossy Marsh Pond.

- 24. Tungatinah Lagoon: the waters within 50 metres of the Tungatinah Tunnel intake structure.
- 25. Bronte Lagoon: the waters –
 - (a) for a distance of 35 metres upstream of the Bronte Lagoon spillway; and

-
- (b) for a distance of 300 metres downstream of the Bronte Lagoon spillway; and
 - (c) for a distance of 35 metres from the Clarence Pipeline outlet.
 - 26. Bronte Lagoon/Bradys Lake: the waters of the Woodward's Canal from the footbridge at Bronte Lagoon downstream to Bradys Lake.
 - 27. Bradys Lake: the waters bounded by the Dee Tunnel Outlet, a sign on the eastern bank and a sign on the western bank, both signs located approximately 50 metres downstream from the Dee Tunnel Outlet.
 - 28. Bradys Lake: the waters within 60 metres of the Bradys Lake spillway.
 - 29. Laughing Jack Lagoon: the waters for a distance of—
 - (a) 70 metres upstream from the Laughing Jack Dam; and
 - (b) 200 metres downstream from the Laughing Jack spillway along Powers Creek.
 - 30. Penstock Lagoon: the waters —
 - (a) for a distance of 40 metres upstream and 150 metres

downstream from the Penstock
Lagoon South Dam spillway; and

(b) of the Waddamana No.2 canal.

31. Lake Echo: the waters bounded by the Lake Echo Dam, a sign on the western bank approximately 40 metres upstream, and a sign on the eastern bank approximately 120 metres upstream from the Lake Echo Dam.
32. Lake Echo: the waters of the canal and flume from the Lake Echo Dam at Lake Echo downstream to and including the Echo Forebay.
33. Dee Lagoon: the waters of the Lake Echo Power Station tailrace for a distance of 400 metres downstream from the Lake Echo Power Station.
34. Dee Lagoon: the waters bounded by the Dee Tunnel Inlet Weir, a sign on the northern bank and a sign on the southern bank, both signs located approximately 150 metres upstream from the Dee Tunnel Inlet Weir.
35. Dee Lagoon: the waters of the Dee Lagoon spillway channel from the shoreline of the lagoon to the end of the spillway channel.
36. Pine Tier Lagoon: the waters within 400 metres of the Pine Tier Dam.

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- 37.** Bronte Canal: the waters of the Bronte flume and the Bronte Canal from the Pine Tier Dam downstream to the signs approximately 100 metres downstream from the Lyell Highway bridge at Bronte Lagoon, and including the Serpentine Diversion Pond.
- 38.** Little Pine Lagoon: the waters 100 metres upstream and 300 metres downstream from the Little Pine Dam.
- 39.** Little Pine Lagoon/Lake Echo: the waters of-
- (a) the Deep Creek Cut Canal from a point 200 metres upstream from the Marlborough Road bridge to the confluence with Deep Creek; and
 - (b) Deep Creek from the confluence with the Deep Creek Cut Canal to the confluence with the River Ouse; and
 - (c) the River Ouse from the confluence of Deep Creek to the Monpeelyata Intake Weir; and
 - (d) the Monpeelyata Canal and the Monpeelyata flume from the Monpeelyata Intake Weir downstream to Lake Echo.

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40. Clarence Weir Pond: the waters of the Clarence Weir Pond.
 41. St Clair Lagoon: the waters within 300 metres of the St Clair Dam.
 42. Lake St Clair: the waters within 50 metres to the Lake St Clair Low Head Weir.
 43. Poatina: the waters of the Poatina Tailrace from the Poatina Power Station tunnel outlet downstream to Brumbys Creek.
 44. Brumbys Creek: the waters within 100 metres of each of Brumbys Creek Weir 1, Brumbys Creek Weir 2 and Brumbys Creek Weir 3.
 45. Arthurs Lake: the waters within –
 - (a) 30 metres of the Arthurs Lake Dam; and
 - (b) 50 metres of the Arthurs Lake spillway.
 46. Arthurs Lake: the waters of the pump house channel between the pump house structure, a sign on the northern bank and a sign on the southern bank at the upstream mouth of that channel.
 47. Woods Lake: the waters-

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- (a) bounded by the Woods Lake Dam, a sign on the northern bank of Woods Lake approximately 80 metres upstream of the Woods Lake Dam and a sign on the bend of the Woods Lake Dam approximately 100 metres south of the Woods Lake Dam spillway; and
 - (b) for a distance of 300 metres downstream from the Woods Lake Dam spillway.
- 48.** Shannon Lagoon: the waters –
- (a) bounded by the Shannon Dam, a sign on the western bank and a sign on the eastern bank, both signs located approximately 300 metres upstream from the Shannon Dam; and
 - (b) for a distance of 300 metres downstream from the Shannon Dam spillway.
- 49.** Shannon Lagoon: the waters from that part of the Highland Lakes Road that crosses Shannon Lagoon to the Miena Dam.
- 50.** Great Lake: the waters immediately upstream from the Poatina intake, bounded by the breakwater walls on the

-
- northern and southern sides, for a distance of 500 metres from the intake.
51. Great Lake: the waters of the Arthurs Lake Diversion.
 52. Great Lake: the waters within a distance of 50 metres of the Tods Corner Power Station.
 53. Great Lake: the waters bounded by the Miena Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 200 metres upstream from the Miena Dam.
 54. Great Lake: the waters of the Liawenee Canal and the Liawenee Weir Pond.
 55. Lake Augusta: the waters for a distance of-
 - (a) 50 metres upstream from the Lake Augusta Dam outlet; and
 - (b) 300 metres downstream from the Lake Augusta Dam outlet.
 56. Lake Augusta: the waters 230 metres upstream and 350 metres downstream from the Lake Augusta spillway.
 57. Lake Trevallyn-
 - (a) the waters bounded by the Trevallyn Dam, a sign on the northern bank and a sign on the

southern bank, both signs located approximately 500 metres upstream from the Trevallyn Dam; and

- (b) the waters downstream from the Trevallyn Dam for a distance of 350 metres; and
 - (c) the waters of Stephensdale Bay, bounded to the south by the buoy line and marked by two signs on the bank at either end of the buoy line.
- 58.** River Tamar: the waters of the River Tamar known as the Trevallyn Power Station from Elouera Street downstream to a sign on the northern bank and a sign on the southern bank, both signs located approximately 80 metres downstream from Elouera Street.
- 59.** Lake Mackenzie: the waters within 50 metres of the Mackenzie Dam intake.
- 60.** Lake Mackenzie: the waters 200 metres upstream and 300 metres downstream from the Mackenzie Dam spillway.
- 61.** Lake Mackenzie: the waters of all canals, flumes and weirs flowing from Jacks Lagoon, the Mackenzie Dam and Yeates Creek downstream to the Fisher tunnel intake structure.
- 62.** Fisher River: the waters of the Fisher Power Station tailrace from the Fisher Power Station to the confluence with the Fisher River.
- 63.** Lake Rowallan: the waters 300 metres upstream from the Rowallan Dam.
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64. Mersey River: the waters of the Mersey River from the Rowallan Dam downstream approximately 800 metres to the Mersey Forest Road bridge.
65. Lake Parangana: the waters bounded by the Parangana Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 400 metres upstream from the Parangana Dam.
66. Mersey River: the waters of the Mersey River from the Parangana Dam downstream approximately 800 metres to the Mersey Forest Road bridge.
67. River Forth-
 - (a) the waters downstream from the Lemonthyme Power Station for a distance of 650 metres; and
 - (b) the waters downstream from the Paloona Power Station to the junction with the Wilmot River.

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68. Lake Cethana: the waters bounded by the Cethana Dam, a sign on the western bank approximately 250 metres upstream, and a sign on the eastern bank approximately 100 metres upstream, from the Cethana Dam.
 69. Lake Cethana: the waters bounded by the Wilmot Power Station, a sign on the eastern bank and a sign on the western bank, both signs located approximately 500 metres downstream from the Wilmot Power Station.
 70. Lake Gairdner: the waters bounded by the Wilmot Dam, the Wilmot Dam spillway, a sign on the eastern bank approximately 300 metres upstream from the Wilmot Dam and a sign on the western bank approximately 450 metres upstream from the Wilmot Dam spillway.
 71. Wilmot River: the waters of the Wilmot River for a distance of 300 metres downstream from the Wilmot Dam spillway.
 72. Lake Barrington: the waters from the Cethana Dam downstream to a sign on the bank near Jacksons Creek approximately 2000 metres from the Cethana Dam.
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73. Lake Barrington: the waters bounded by the Devils Gate Dam, a sign on the eastern bank and a sign on the western bank, both signs located approximately 300 metres upstream from the Devils Gate Dam.
 74. Lake Paloona: the waters of Lake Paloona 2 000 metres from the Devils Gate Dam as marked by signs on the western and eastern sides of the lake and 475 metres from the Paloona Power Station as marked by signs on the western and eastern sides of the lake.
 75. Lake Murchison: the waters of Lake Murchison.
 76. Murchison River/Lake Rosebery: the waters of the Murchison River and Lake Rosebery from the Murchison Dam downstream for a distance of 1 400 metres.
 77. Lake Mackintosh: the waters bounded by the Sophia outlet, a sign on the eastern bank and a sign on the western bank, both signs located approximately 300 metres downstream from the outlet.
 78. Lake Mackintosh: the waters for a distance of 60 metres upstream from the Tullibardine Dam.
 79. Lake Mackintosh: the waters bounded by the Mackintosh Dam, a sign on the

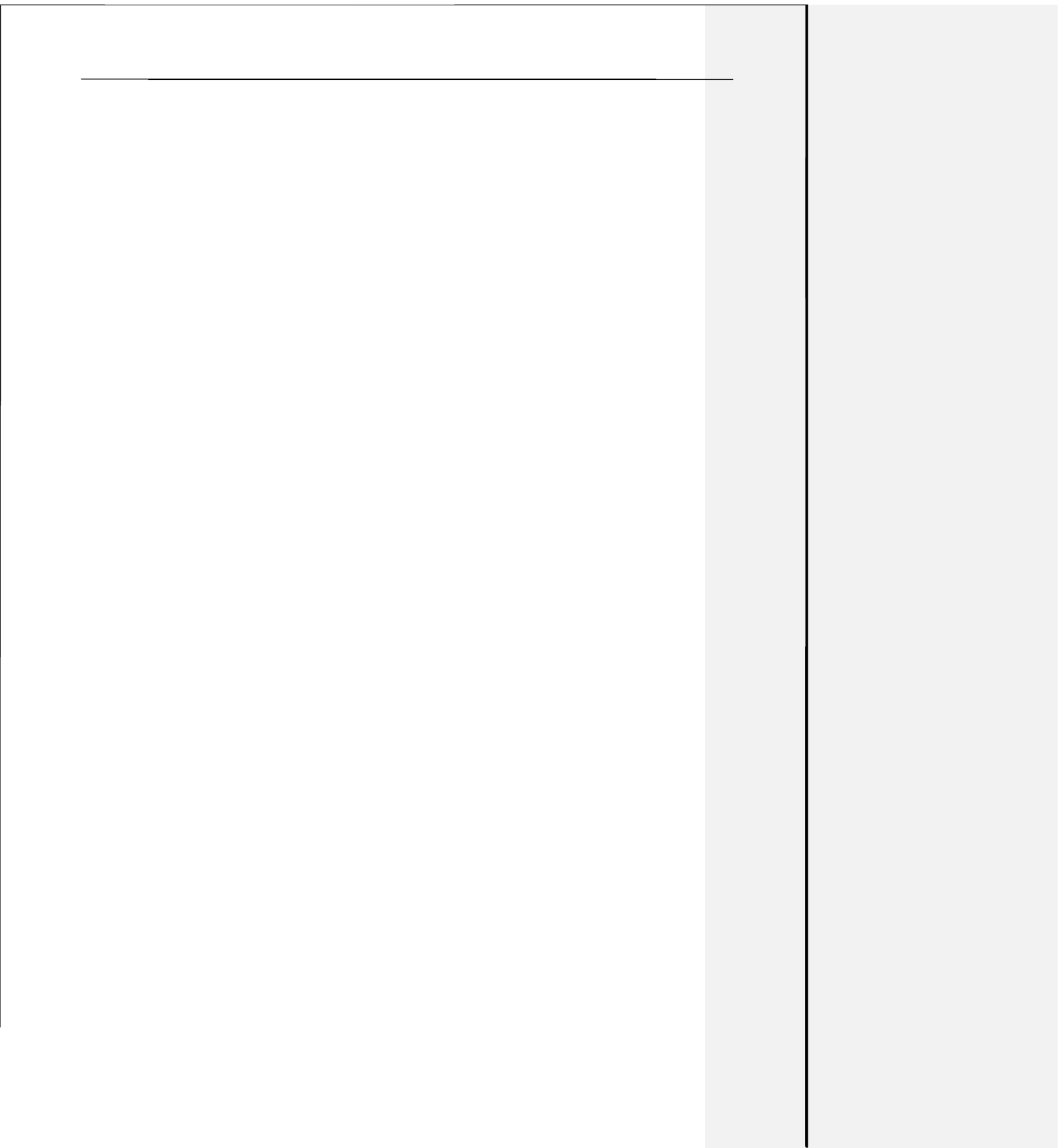
northern bank and a sign on the southern bank, both signs located approximately 750 metres upstream from the Mackintosh Dam.

- 80.** Mackintosh River/Lake Rosebery: the waters of the Mackintosh River and Lake Rosebery from the Mackintosh Dam downstream for a distance of 2700 metres.
- 81.** Lake Rosebery: the waters bounded by the Bastyan Dam, a sign on the northern bank and a sign on the southern bank, both signs located approximately 750 metres upstream from the Bastyan Dam.
- 82.** Pieman River/Lake Pieman: the waters of the Pieman River and Lake Pieman for a distance of 2200 metres downstream from the Bastyan Dam.
- 83.** Pieman River: the waters of the Pieman River from the Reece Dam spillway for a distance of 400 metres downstream from the Reece Dam.
- 84.** Lake Pieman: the waters bounded by the Reece Dam, a sign on the eastern bank approximately 500 metres upstream from the Reece Dam and a sign on the western bank approximately 250 metres upstream from the Reece Dam.
- 85.** King River: the waters of the King River from 50 metres upstream from the John

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- Butters Power Station to 200 metres downstream from the John Butters Power Station.
- 86.** King River: the waters for a distance of 400 metres downstream from the Crotty Dam.
 - 87.** Lake Burbury: the waters 150 metres upstream from the Darwin Dam.
 - 88.** Lake Burbury: the waters bounded by the Crotty Dam and a sign on each side of the Crotty Dam located approximately 350 metres from the Crotty Dam.
 - 89.** Lake Burbury: the waters within 100 metres of the John Butters intake.
 - 90.** Lake Newton: the waters of Lake Newton and for a distance of 200 metres downstream from the Newton Dam spillway.
 - 91.** Lake Margaret: the waters within 300 metres of the Lake Margaret Dam spillway.
 - 92.** Yolande River: the waters from a distance of 50 metres upstream from the Upper Lake Margaret Power Station for a distance of 200 metres downstream from the Lower Lake Margaret Power Station.
 - 93.** Lake Plimsoll: the waters bounded by the Anthony Dam, the Anthony Levee, a

sign on the western bank located approximately 180 metres upstream from the Anthony Levee and a sign on the eastern bank located approximately 300 metres upstream from the Anthony Dam.

94. Lake Plimsoll: the waters bounded by the Anthony Intake structure, a sign on the eastern bank and a sign on the western bank, both signs located approximately 300 metres upstream from the Anthony Intake structure.
95. Lake Plimsoll: the waters of the Anthony River for a distance of 300 metres downstream from the Anthony Dam.
96. Hall Rivulet: the waters of the Hall Rivulet Canal and the Hall Rivulet Dam.
97. White Spur Lake: the waters of White Spur Lake, the White Spur Canal, and for a distance of 150 metres downstream from the White Spur Dam spillway.
98. Lake Henty: the waters for a distance of 300 metres downstream from the Henty Dam spillway, the Henty Canal, the Unnamed Creek Diversion Canal and Lake Henty.
99. Huntsman Lake: the waters within 200 metres of the Meander Dam.
100. Carlton Beach: the waters within 200 metres of the waterline extending eastward from the western end of the beach to the mouth of the Carlton River.



SCHEDULE 3- AREAS WHERE SPEED OF 5 KNOTS
NOT TO BE EXCEEDED

Clause 33(3)

1. Waters of the Prosser River between the bridge on the Tasman Highway (commonly known as the Prosser River Bridge or the Orford Bridge) and the seaward end of the training walls.
2. Waters of the Scamander River with the exception of that stretch of the river known as "Prices Straight" which is delineated by signage on either side of the riverbank at the northern end of Prices Straight and signage at the Upper Scamander launching ramp.
3. Waters of Georges Bay westwards of Lawrys Point for a distance of 333 metres north east to the Compass Dolphin Piles.
4. Waters of Coles Bay to the northward of an imaginary line drawn from the navigation light located on the outer end of the main Coles Bay jetty to the beacon located at the mouth of Ranger Creek.

Commented [Jw34]: Omitting items 1, 2, and 3 and substituting new items.
*Marine and Safety (Motor Boats and Licences)
Amendment By-laws 2020. In force 1 January 2021.*

Marine and Safety (Motor Boats and Licences) By-laws 2013

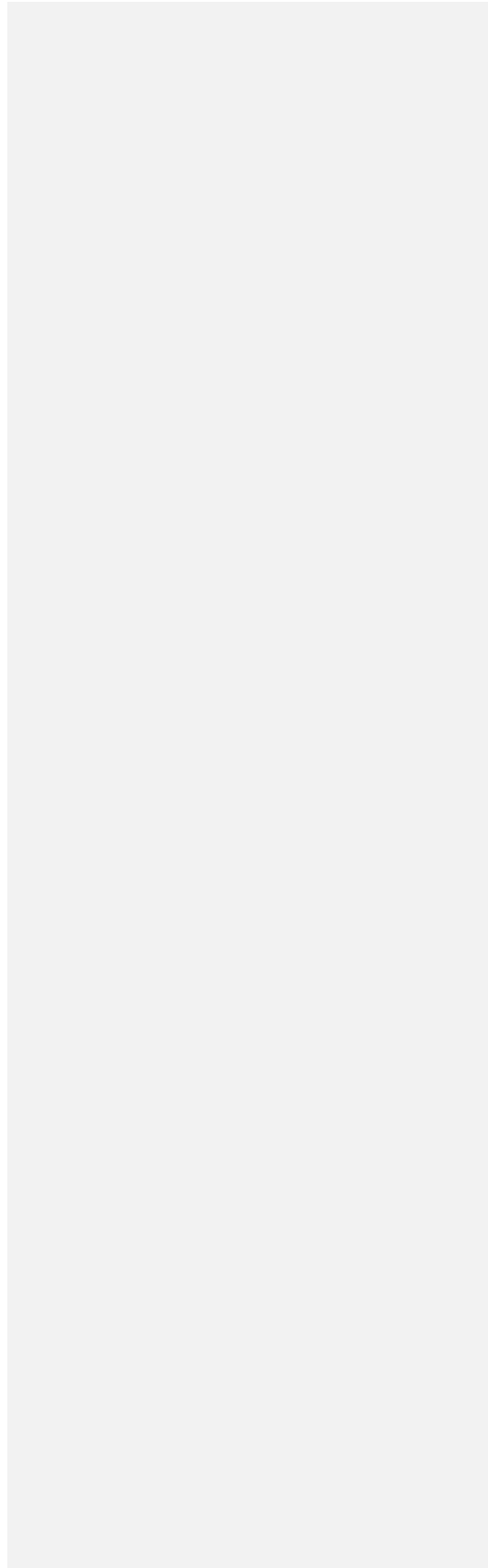
sch. 3

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5. Waters inside of an imaginary line drawn between Blinking Billy Point and Sandy Bay Point known as Little Sandy Bay.
6. River Derwent —
- (aa) Meadowbank Lake: all waters upstream of the Dunrobin Bridge to the waters of the Derwent River.
- (a) New Norfolk: from the New Norfolk Bridge downstream approximately 900 metres to an imaginary line drawn from the western side of the boat launching ramp on the southern shore to a point on the northern shore marked by a rectangular warning sign;
- (b) Bellerive Beach: an area within 200 metres of the waterline extending eastward from the western end of the beach with the eastern extremity delineated by a sign on the beach;
- (c) Blackmans Bay: all waters within an imaginary line drawn in a north-westerly direction from Flowerpot Point to the stormwater outlet on Blackmans Bay Beach;
- (d) Howrah Beach: all waters within an imaginary line drawn from Howrah Point to the boat launching area;
- (e) Kingston Beach: waters within an imaginary line drawn from the Kingston Beach Sailing Club to a point on the beach at the end of Beach Road;

Commented [Jw35]: Omit "the base of the boat launching ramp on".

Commented [Jw36]: Inserted.
Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

Commented [Jw37]: (aa) inserted. *Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.*



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- (f) Nutgrove Beach: an area within 200 metres of the waterline extending eastward from the western end of the beach to the Sandy Bay Sailing Club.
7. Waters of Tiger Head inside of an imaginary line drawn between the base of the boat launching ramp and the point in Dark Comer.
8. Waters of the Carlton River upstream of an imaginary line drawn between beacons situated 400 metres from the mouth of the river.
9. South Esk River-
- (a) waters bounded in the south by the weir situated on the northern side of the Perth Bridge and in the north by the Perth Water Supply Pumping Station;
- (b) waters bounded in the south by the convergence of the South Esk and Macquarie Rivers and in the north by the Mill Dam.
10. Waters of Lake Barrington within 60 Metres of the launching ramps and pontoon structures at Kentish Park and Wilmot.
11. Port area of Whitemark.
12. Port area of Lady Barron.
- 12A. Brumbys Creek: all waters upstream of Brumbys Creek Weir 1.

Commented [Jw38]: Omit item 10 and substitute new item.

Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

Commented [Jw39]: Inserted 12A.

Marine and Safety (Motor Boats and Licences) Amendment By-laws 2020. In force 1 January 2021.

Marine and Safety (Motor Boats and Licences) By-laws 2013

sch. 3

13. South Esk River west of Kings Park.
14. Trevallyn Power Station Tailrace: to the west of an imaginary line drawn north-west from No. 3 light.
15. West Arm: between one imaginary line, drawn northwards from the Riviera Hotel, through West Arm beacon, to the southernmost part of Anchor Point, and another imaginary line drawn from the shore south of Stingray Bay, via the northeastern and southwestern buoys southwards to the shore.
16. Lagoon Bay: the marked ski access lane is for landing or picking up skiers only.
17. Pipers Head: in the mouth of the Pipers River between the entrance and an imaginary line drawn eastward from Weymouth Boat Ramp.
18. Bridport –
 - (a) Great Forester River: in the mouth of the Great Forester River from the northern end of the breakwater to the green and yellow pile with blue notice off Main Beach;
 - (b) Croquet Lawn Bay;
 - (c) all waters in Anderson Bay to 200 metres seaward of the shore bounded by an

imaginary line drawn perpendicular to the shore at the northern end of Mermaids Beach and another such imaginary line drawn perpendicular to the shore at Pier Point.

19. The area within 200 metres of the waterline at the following:
 - (a) Mersey Bluff Beach;
 - (b) Coles Beach;
 - (c) East Devonport Beach (east and west side of breakwater);
 - (d) all Hawley and Port Sorell beaches;
 - (e) Squeaking Point;
 - (f) Panatana Rivulet;
 - (g) Forth River;
 - (h) Turners Beach;
 - (i) Ulverstone Sea Beaches.
20. The area on the Mersey River north of the Bass Highway bridge and south of an imaginary line drawn due east from the Victoria Parade boat ramp.
21. Four Springs Lake.

Marine and Safety (Motor Boats and Licences) By-laws 2013

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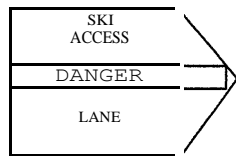
22. Arthurs Lake: waters of Cowpaddock Bay north of the transmission lines.
23. Penstock Lagoon.
24. Little Pine Lagoon.
25. Bradys Lake/Lake Binney: waters of Bradys/Binney Canal.
26. Lake Binney/Tungatinah Lagoon: waters of the Binney/Tungatinah Canal.
27. Waters of Mossy Marsh.
28. Waters of Pump Pond.
29. Waters of Shannon Lagoon.
30. Waters of Huntsman Lake.
31. All waters of Prince of Wales Bay from Dowsings Point south-east at 140 degrees True to the opposite shoreline.
32. Waters of Lake Paloona that are not prohibited for navigation in Schedule 2.

SCHEDULE 4- MARKERS

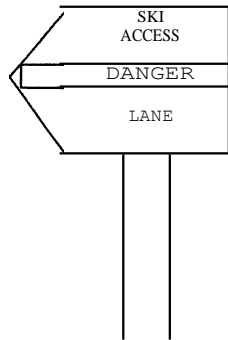
PART 1 - SKI ACCESS LANE MARKERS

Clause 42

RIGHT-HAND MARKER



LEFT-HAND MARKER

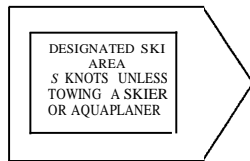


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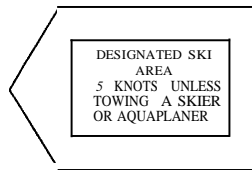
PART 2- DESIGNATED SKI AREA MARKERS

Clause 44(2)

Right-hand Marker



Left-hand Marker



SCHEDULE 5- DESIGNATED SKI AREAS

Clause 44(3)

1. Lake Trevallyn/South Esk River: all waters of the South Esk River and Lake Trevallyn bounded by a sign on the river bank adjacent to Roeboume Avenue, Hadspen and the buoy line delineating the prohibited area approximately 500 metres upstream from the Trevallyn Dam.
2. River Derwent: all waters bounded by Sorell Creek and an imaginary line drawn across the river from the western side of the New Norfolk boat launching ramp.

Marine and Safety (Motor Boats and Licences) By-laws 2013

The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on _____, in the presence of-

Chairman

Chief Executive