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## Marine and Safety Authority

TASMANIA

### MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2023

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## MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2023

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 2023*.

#### 2. Commencement

These by-laws take effect on 1 July 2023.

#### 3. Interpretation

- (1) 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 Australian Recreational Boating Safety Committee and endorsed by the Transport and Infrastructure Council;

***ABP*** means a builders plate that complies with all the requirements of the *ABP Standard*;

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

*approved* means approved by MAST;

*approved training provider* means a training provider approved under clause 35;

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

*AS 4758* means –

(a) AS 4758.1-2008 as in force immediately before 13 August 2015; and

(b) AS 4758.1:2015;

*authorised person* means a person, or 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 38;

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

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

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***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 48;

***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;

***engine power rating*** means the manufacturer's designated rating applicable to the propulsion machinery installed in a motor boat, expressed in kilowatts or horsepower;

***EVDS*** means an electronic visual distress signal that is operational and is of a type approved by MAST;

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

***identifying number*** means the identifying number assigned to a vessel by MAST under clause 14;

***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;

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

***length*** means the length of the motor boat measured in accordance with the definition of ‘length of hull’ in ISO 8666:2020;

***licence*** means a licence, that is not a provisional licence, issued under clause 24(1)(b);

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

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

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

***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 a commercial vessel;

***motor-propelled tender*** means any motor boat not exceeding 4.5 metres in length that is –



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

***parent vessel*** means a vessel –

- (a) for the benefit of which a motor-propelled tender is operated; and
- (b) that provides refuge to the tender when the tender is not being operated;

***partially smooth waters*** means the waters specified in Schedule 2 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*;

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

***provisional licence*** means a provisional licence issued under clause 24(1)(b);

***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
- (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;

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***PWC endorsement*** means an endorsement issued under clause 34;

***registered*** means registered under these by-laws;

***registered operator*** means the person whose name is recorded by MAST in relation to the registration of a motor boat 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 prospective purchaser;

***sheltered waters*** means –

- (a) the waters specified in Schedules 1 and 2 to the *Marine and Safety (Limits of Operational Areas of Vessels) By-laws 2013*; and
- (b) waters within 2 nautical miles seaward of the mainland coast of Tasmania between Cape Grim across the north coast and down the east coast to South East Cape;

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***ski access lane*** means an area of water declared under clause 46;

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

***unsafe vessel*** – see clause 4.

- (2) In these by-laws, unless the contrary intention appears, a reference to a standard by reference to a numeral prefixed with –
- (a) “AS” is a reference to a standard so numbered as published by Standards Australia; and
  - (b) “AS/NZS” is a reference to a standard so numbered as published by Standards Australia and Standards New Zealand jointly; and
  - (c) “ISO” is a reference to a standard so numbered as published by the International Organization for Standardization –

and includes that standard as amended or substituted from time to time.

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

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## c. 4

Part 1 – Preliminary

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**4. Meaning of *unsafe vessel***

(1) In this clause –

***component***, in relation to a vessel, includes the motor and the steering mechanism of the vessel;

***engine mass***, in relation to a vessel, means the combined weight of the primary engine, or primary engines, fitted to the vessel;

***reserve buoyancy***, in relation to a vessel, means a volume of enclosed space, or a part of the vessel above the waterline, that can be made watertight.

(2) For the purposes of these by-laws, an unsafe vessel is a vessel which, in the opinion of a reasonable person, may endanger a person due to one or more of the following circumstances:

- (a) the structural condition of the vessel, or a component of the vessel, that renders the vessel unfit to undertake a voyage for which the vessel is otherwise designed and would be, if not in that condition, capable of undertaking;
- (b) the manner in which cargo, or equipment, is stowed or secured on the vessel;
- (c) the nature of cargo on the vessel;
- (d) the number, or qualifications, of crew members on the vessel;

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- (e) the maximum load of the vessel, as recommended by the manufacturer or recorded on the ABP, is being exceeded;
  - (f) the engine power rating of the vessel, as recommended by the manufacturer or recorded on the ABP, is being exceeded;
  - (g) the engine mass of the vessel, as recommended by the manufacturer or recorded on the ABP, is being exceeded;
  - (h) the absence of safety equipment that is required under these by-laws, or any other instrument, to be carried on the vessel;
  - (i) the absence of, or condition of, materials or items comprising the reserve buoyancy, or part of the reserve buoyancy, of the vessel.

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c. 5

Part 2 – Registration of Motor Boat

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**PART 2 – REGISTRATION OF MOTOR BOAT****5. Requirement to be registered**

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

- (a) exempted from the requirement to be registered under clause 6; or
- (b) registered in accordance with clause 9.

Penalty: Fine not exceeding 10 penalty units.

**6. 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 that has an engine power rating of less than 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 –

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## Part 2 – Registration of Motor Boat

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- (i) display of the motor boat; or
  - (ii) on-water testing of the motor boat.

**7. Application for registration**

- (1) The following persons may apply to MAST for the registration of a motor boat:
  - (a) a natural person who has attained the age of 16 years;
  - (b) a body corporate;
  - (c) a Government department or State authority established under the *State Service Act 2000*.
- (2) An application for registration of a motor boat is not to be made in relation to a motor boat unless –
  - (a) the motor boat is located, and usually operated and moored, in State waters; or
  - (b) the motor boat is –
    - (i) located outside State waters at the time of the application; and
    - (ii) registered in another State, a Territory or an overseas jurisdiction at the time of the application; and
    - (iii) intended, if registration is issued in accordance with clause 9, to be

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Part 2 – Registration of Motor Boat

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usually operated, and moored, in State waters; or

- (c) in the case of a motor boat that is usually operated, and moored, in State waters but is being operated outside State waters at the time of the application, the application specifies the period of the intended absence from State waters.

(3) An application for registration of a motor boat is to –

- (a) be in the approved form; and
- (b) be in writing and signed by the registered operator; and
- (c) contain the following matters:
  - (i) the full name or title of the registered operator of the motor boat;
  - (ii) if the registered operator is a natural person, the date of birth and residential address of the person;
  - (iii) if the registered operator is a body corporate, or a Government department or State authority established under the *State Service Act 2000*, the name and contact details of the primary contact for that body in relation to the registration of the motor boat;



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## Part 2 – Registration of Motor Boat

c. 8

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- (iv) a postal address for the registered operator;
  - (v) a declaration confirming that the registered operator is satisfied that the motor boat is not an unsafe vessel within the meaning of clause 4(2)(a), (f), (g) and (i) of these by-laws; and
- (d) be accompanied by the prescribed fee.

**8. Lapse of registration**

Unless MAST exercises its discretion under clause 12(2), if the registration of a motor boat has been allowed to expire and has not been renewed, a person making application for registration of the motor boat must do so in accordance with clause 7.

**9. Registration**

- (1) On receiving an application in accordance with clause 7, MAST may –
  - (a) register the motor boat that is the subject of the application; or
  - (b) refuse to register the motor boat.
- (2) An application made under clause 7 may be refused by MAST if –
  - (a) an Australian Builders Plate is not fixed to the motor boat in accordance with the ABP Standard; or

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- (b) the information on an Australian Builders Plate fixed to the motor boat has been altered, defaced, concealed, removed or obliterated; or
  - (c) MAST is satisfied that the information on the Australian Builders Plate fixed to the vessel is incorrect; or
  - (d) MAST is satisfied that the motor boat is an unsafe vessel; or
  - (e) MAST is satisfied that the motor boat is not intended to be usually operated and moored in State waters.
- (3) If MAST registers a motor boat under subclause (1)(a), it is to –
- (a) determine the commencement and expiry dates of the registration; and
  - (b) make a record of the following matters:
    - (i) the name of the registered operator of the motor boat;
    - (ii) the identifying number assigned or approved under clause 14 for use in respect of the motor boat;
    - (iii) the commencement and expiry dates of the registration as determined under subclause (3)(a);
    - (iv) any other information that MAST considers appropriate.

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## Part 2 – Registration of Motor Boat

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- (c) issue to the registered operator of the motor boat, upon receipt of the prescribed fee, a certificate of registration in respect of the motor boat, in the approved form.
- (4) A certificate of registration issued under subclause (3)(c) in respect of a motor boat is to include the identifying number assigned to, or approved for use in respect of, the motor boat under clause 14.
- (5) A registered operator of a motor boat must produce a certificate of registration issued under subclause (3)(c) in respect of the motor boat, if required by MAST, within any period that MAST reasonably determines.

Penalty: Fine not exceeding 5 penalty units.

- (6) The record made under subclause (3)(b) is not to be made available for inspection by the public.

**10. Expiry of registration**

- (1) A motor boat is registered until the expiry date determined by MAST under clause 9(3)(a).
- (2) Despite subclause (1), MAST may determine a new expiry date in respect of the registration if it considers it appropriate to do so.
- (3) If MAST determines a new expiry date under subclause (2), MAST is to –
- (a) notify the registered operator of the new expiry date; and

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- (b) make a record of the new expiry date.

**11. Notice of renewal of registration**

- (1) MAST may issue a notice of renewal in relation to a motor boat to the registered operator of the motorboat.
- (2) A notice of renewal must –
  - (a) be addressed to the registered operator; and
  - (b) remind the registered operator of the expiry date of the registration; and
  - (c) advise the registered operator that, if the registration is not renewed on or before the expiry date of the registration, the registration will cease to be valid.
- (3) MAST's failure to send a notice of renewal, or the non-receipt of the notice, does not postpone the expiry of the registration or affect the obligation of the registered operator to ensure that the registration is renewed if the registered operator wishes to continue to operate the motor boat.

**12. Application for renewal of registration**

- (1) An application for the renewal of the registration of a motor boat –
  - (a) must be made to MAST in an approved form; and

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## Part 2 – Registration of Motor Boat

c. 13

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- (b) must be accompanied by the prescribed fee; and
    - (c) is to be lodged before the expiry date of the registration of the motor boat.
  - (2) Despite subclause (1)(c) and clause 8, MAST, at its discretion, may accept an application for the renewal of registration of a motor boat lodged up to 12 months after the expiration of the registration.
  - (3) On receiving an application in accordance with subclause (1), MAST may, by notice to the registered operator to whom the application relates –
    - (a) renew the registration of the motor boat that is the subject of the application; or
    - (b) refuse to renew the registration of the motor boat.
  - (4) If MAST renews the registration of the motor boat under subclause (3)(a), MAST is to comply with clause 9(3) and (4) in relation to the renewed registration.

**13. Cancellation or suspension of registration**

- (1) MAST is to cancel or suspend registration of a motor boat if MAST is satisfied that –
  - (a) the motor boat is an unsafe vessel; or
  - (b) the registered operator of the motor boat has ceased to be the registered operator of the motor boat and no transfer of

*Marine and Safety (Motor Boats and Licences) By-laws 2023***c. 13**Part 2 – Registration of Motor Boat

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- registration of the motor boat has taken place in accordance with clause 18; or
- (c) the registration of the motor boat was not renewed before the expiry date as determined under clause 9(3)(a) or clause 10; or
- (d) the motor boat –
- (i) is registered under the laws of another State or a Territory; or
  - (ii) is unseaworthy within the meaning of section 38B of the Act; or
  - (iii) is no longer operating in Tasmania.
- (2) MAST may cancel or suspend registration of a motor boat if MAST is satisfied that –
- (a) any of the information furnished in support of the application for registration of the motor boat by the registered operator of the motor boat or by the applicant for registration is untrue; or
  - (b) any provision of these by-laws or any requirement of MAST in respect of the motor boat or its registration has not been complied with; or
  - (c) the noise emitted by the motor boat is, or would be, excessive while the motor boat is being operated.

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## Part 2 – Registration of Motor Boat

## c. 14

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- (3) Subject to subclause (4), if registration of a motor boat is cancelled by MAST under subclause (1), MAST may refund to the registered operator of the motor boat a proportion of the fee paid for the registration or last renewal of the registration equivalent to the proportion of the period remaining before expiry of the registration when the cancellation took effect.
  - (4) MAST may deduct, from the amount of a refund under subclause (3), the prescribed fee in relation to refund administration (if any), before making the refund, and no refund is to be made if the amount of the refund does not exceed the amount of the fee.

**14. Identifying number**

- (1) MAST is to assign, or approve, an identifying number in respect of a registered motor boat.
- (2) A registered operator of a motor boat may apply to MAST for approval of the use, as an identifying number, of a personalised number.
- (3) An application made under subclause (2) is to be –
  - (a) in the approved form; and
  - (b) accompanied by the prescribed fee, if any.
- (4) On receiving an application in accordance with subclause (3), MAST may –

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- (a) approve the use of the number to which the application relates; or
  - (b) refuse the application.
- (5) MAST may refuse an application made under subclause (2) if the number to which the application relates is –
  - (a) indistinguishable from, or may be mistaken for, a number already assigned to, or approved for use in respect of, another motor boat by MAST; or
  - (b) a number that MAST determines to withhold from use; or
  - (c) offensive; or
  - (d) otherwise inappropriate for display; or
  - (e) is prohibited under any Act.
- (6) If a registered operator of a motor boat no longer intends to use a personalised number approved under subclause (4)(a) in relation to the motor boat –
  - (a) the registered operator must advise MAST that the personalised number will no longer be used in relation to the motor boat; and
  - (b) MAST is to assign an identifying number in respect of the motor boat.
- (7) If a registered operator transfers the registration of a motor boat to another registered operator, a personalised number approved under



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## Part 2 – Registration of Motor Boat

## c. 15

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subclause (4)(a) in relation to the motor boat may continue to be used as the identifying number in relation to the motor boat.

- (8) If, before the commencement of these by-laws, MAST had approved the use of a name as an identifying number in respect of a motor boat, a person who is a registered operator of the motor boat may continue to use that name as an identifying number in relation to that motor boat while that person remains a registered operator of the motor boat.

**15. Display of identifying number**

- (1) The registered operator of a motor boat that is not a PWC must ensure that –
- (a) the identifying number assigned or approved for use in respect of the motor boat 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 registered operator of a PWC must ensure that –
- (a) the identifying number assigned or approved for use in respect of the PWC is clearly displayed in figures and letters

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of not less than 75mm in height, on both sides of the PWC; or

- (b) if it is impracticable to display the number in accordance with paragraph (a), the identifying number is displayed as MAST directs.

Penalty: Fine not exceeding 5 penalty units.

- (3) The registered operator of a motor boat must ensure that the identifying number displayed on the motor boat is not obscured.

Penalty: Fine not exceeding 5 penalty units.

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

**16. Illegal use of identifying number**

A person must not display an identifying number assigned or approved for use in respect of a registered motor boat on any other motor boat.

Penalty: Fine not exceeding 10 penalty units.

**17. Change of address of registered operator**

The registered operator of a motor boat must notify MAST in writing of any change of address within 14 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

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## Part 2 – Registration of Motor Boat

c. 18

**18. Transfer of registration of motor boat**

- (1) A registered operator of a motor boat may only transfer the registration of the motor boat to another person if the registered operator is satisfied that the motor boat is not an unsafe vessel.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person may only accept the transfer of registration of a motor boat to that person if the person is satisfied that the motor boat is not an unsafe vessel.

Penalty: Fine not exceeding 20 penalty units.

- (3) If a registered operator transfers the registration of a motor boat, the registered operator must notify MAST within 14 days after the transfer.

Penalty: Fine not exceeding 5 penalty units.

- (4) A notification given under subclause (3) is to –

(a) be in an approved form; and

(b) contain the following matters:

- (i) the name and residential address of the person to whom registration of the motor boat has been transferred;
- (ii) the date of the transfer;
- (iii) a statement confirming that the registered operator is satisfied that the motor boat is not an

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## Part 2 – Registration of Motor Boat

unsafe vessel within the meaning of clause 4(2)(a), (f), (g) and (i) of these by-laws.

- (5) If a registered operator –
- (a) fails to notify MAST of the transfer of registration of a motor boat in accordance with subclause (3); or
  - (b) knowingly includes false or misleading information in a notification given under subclause (3) –

that registered operator remains responsible for the motor boat for the purposes of these by-laws, despite any record in relation to the registration of the motorboat made under clause 9(3)(b).

- (6) The person to whom the registration of a motor boat is transferred must notify MAST within 14 days after the transfer.

Penalty: Fine not exceeding 5 penalty units.

- (7) A notification under subclause (6) is to –
- (a) be in an approved form; and
  - (b) contain the following matters:
    - (i) the name and residential address of the immediate previous registered operator;
    - (ii) the signature of the immediate previous registered operator;

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## Part 2 – Registration of Motor Boat

c. 18

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- (iii) the full name or title of the registered operator of the motor boat after the date of transfer (the *new registered operator*);
  - (iv) if the new registered operator is a natural person, the date of birth and residential address of the person;
  - (v) if the new registered operator is a body corporate or a Government department or State authority established under the *State Service Act 2000*, the name and contact details of the primary contact for that body in relation to the registration of the motor boat;
  - (vi) a postal address for the new registered operator;
  - (vii) a declaration confirming that the person to whom the registration of the motor boat is transferred is satisfied that the motor boat is not an unsafe vessel within the meaning of clause 4(2)(a), (f), (g) and (i) of these by-laws; and
- (c) be accompanied by the prescribed fee.

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c. 19

Part 3 – Licences and Endorsements

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**PART 3 – LICENCES AND ENDORSEMENTS****19. 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 –
- (a) holds a licence or a provisional licence; or
  - (b) is an out-of-State licence holder approved under clause 20.

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 vessel 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 to its safety and operation.

**20. Approved out-of-State licence holder**

MAST may approve a person (an *out-of-State licence holder*) who –

- (a) normally resides outside the State; and
- (b) holds a licence, certificate or equivalent authority issued or recognised by a

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competent authority of any State or Territory that is substantially similar to a licence issued under these by-laws; and

- (c) is not present in the State at any one time for a period exceeding 3 months –

to be in charge of a motor boat during that 3-month period.

**21. Application for licence or provisional licence**

- (1) Subject to clause 22, a person may make application for a licence or provisional licence to drive or be in charge of a motor boat.
- (2) An application for a licence or provisional licence is to be –
- (a) made to MAST; and
  - (b) in an approved form; and
  - (c) accompanied by the prescribed fee, if any; and
  - (d) supported by such evidence or information as MAST requires, either at the time of lodgement or subsequently.
- (3) Without limiting subclause (2)(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 a course, approved for the purposes of this clause and provided by an approved training

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

**22. Age limit for licence holder**

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



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**23. Determination of application for licence or provisional licence**

- (1) After considering an application for a licence or provisional licence made under clause 21, MAST may –
  - (a) approve the application; or
  - (b) refuse the application.
- (2) Without limiting its discretion, MAST may refuse the application if it is not satisfied that the applicant –
  - (a) meets the relevant eligibility requirement under clause 22; 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 –
    - (i) sufficient knowledge of the key legislative requirements; and
    - (ii) relevant practical knowledge –  
relating to the safe operation of a motor boat; or
  - (e) has sufficient operational experience of being in charge of a motor boat.

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**24. Issue of licence or provisional licence**

- (1) If MAST approves an application under clause 23(1)(a), MAST is to –
  - (a) determine the start and expiry dates of the licence; and
  - (b) issue the licence or provisional licence in the approved form; and
  - (c) record –
    - (i) the name of the person to whom the licence or provisional licence is issued; and
    - (ii) the start and expiry date of the licence; and
    - (iii) any other details that MAST considers appropriate.
- (2) A licence or provisional licence may be issued unconditionally or subject to such conditions as MAST considers necessary or expedient in the circumstances.
- (3) A licence is valid until the expiry date determined under subclause (1)(a).

**25. Provisional licence**

- (1) Unless sooner cancelled, a provisional licence expires on the day on which the licence holder attains the age of 17 years.

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- (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 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.

**26. Change of details of licence holder**

A licence holder must notify MAST of any change of name, or of residential address, within 14 days after the date of that change.

Penalty: Fine not exceeding 5 penalty units.

**27. Notice of renewal for licence**

- (1) MAST may issue a notice of renewal, in relation to a licence or provisional licence, to the licence holder.

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- (2) A notice of renewal must –
  - (a) be addressed to the licence holder; and
  - (b) remind the licence holder of the expiry date of the licence; and
  - (c) advise the licence holder that, if the licence is not renewed on or before the expiry date of the licence, the licence will cease to be valid.
- (3) MAST’s failure to send a notice of renewal, or the non-receipt of the notice, does not postpone the expiry of the licence or affect the obligation of the licence holder to ensure that the licence is renewed if the licence holder wishes to continue to hold the licence.

**28. Application for renewal for licence**

- (1) An application for the renewal of a licence or provisional licence –
  - (a) must be made to MAST in an approved form; and
  - (b) must be accompanied by the prescribed fee; and
  - (c) is to be lodged before the expiry date of the licence.
- (2) Despite subclause (1), MAST, at its discretion, may accept an application for the renewal of a licence or provisional licence lodged up to 12 months after the expiration of the licence.

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- (3) On receiving an application in accordance with subclause (1), MAST may, by notice to the licence holder to whom the application relates –
- (a) renew the licence that is the subject of the application; or
  - (b) refuse to renew the licence.
- (4) If MAST renews the licence under subclause (3)(a), MAST is to comply with clause 24(1) in relation to the renewed licence.

**29. Cancellation and suspension of licence**

- (1) MAST must cancel a licence or provisional licence if –
- (a) required to do so by an order or direction of a court; or
  - (b) the licence holder is or has become, in MAST's opinion, permanently incapable of driving safely, or having charge of, a motor boat.
- (2) MAST is to 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.
- (3) MAST is to suspend a licence or provisional licence if –

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- (a) the licence holder is or has become, in MAST's opinion, temporarily incapable of driving safely, or having charge of, a motor boat; or
  - (b) the licence holder fails to notify MAST of any change of details in accordance with clause 26; or
  - (c) the licence holder fails to pay the prescribed renewal fee on or before the date of expiry.
- (4) MAST, by notice served on the licence holder, is to notify the licence holder of –
- (a) the cancellation or suspension of a licence or provisional licence; and
  - (b) the grounds of that cancellation or suspension.
- (5) If a licence or provisional licence is cancelled, MAST may refund to the former holder of the licence a proportion of the fee paid for the issue or last renewal of the licence equivalent to the proportion of the licence period remaining when the cancellation took effect.
- (6) MAST may deduct, from the amount of a refund given under subclause (5), the prescribed fee in relation to refund administration (if any), before making the refund, and no refund is to be made if the amount of the refund does not exceed the amount of the fee.

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- (7) 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.

**30. Production of licence**

On request from MAST, 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.

**31. 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 a course, approved for the purposes of this clause and provided by an approved training provider, of practical tuition in PWC handling within 60 days after so driving, or being in charge of, a PWC.

**32. Application for PWC endorsement**

- (1) A licence holder may make application for a PWC endorsement on the licence holder's licence or provisional licence.
- (2) An application for a PWC endorsement is to –

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- (a) be made to MAST; and
- (b) be in an approved form; and
- (c) be accompanied by –
  - (i) evidence to the satisfaction of MAST that the applicant has successfully completed a course, approved for the purposes of this clause and provided by an approved training provider, of practical tuition in PWC handling; and
  - (ii) the prescribed fee, if any; and
- (d) be supported by such other evidence or information as MAST requires, either at the time of lodgement or subsequently.

**33. Determination of application for PWC endorsement**

- (1) After considering an application for a PWC endorsement made under clause 32, MAST may –
  - (a) approve the application; or
  - (b) refuse the application.
- (2) Without limiting its discretion, MAST may refuse the application if it is not satisfied that the applicant –
  - (a) has sufficient physical capacity and visual acuity to be in charge of a PWC; or



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- (b) has sufficient skill and competence to be in charge of a PWC; or
  - (c) has –
    - (i) sufficient knowledge of the key legislative requirements; and
    - (ii) relevant practical knowledge – relating to the safe operation of a PWC; or
  - (d) has sufficient operational experience of being in charge of a motor boat.

**34. Issue of PWC endorsement**

- (1) If MAST approves the application under clause 33(1)(a), MAST is to –
  - (a) determine the start and expiry dates of the PWC endorsement; and
  - (b) issue to the registered operator of the PWC to which the application relates –
    - (i) a PWC endorsement in the approved form; and
    - (ii) a sticker that sets out guidelines on the safe operation of a PWC; and
  - (c) record –
    - (i) the name of the person to whom the PWC endorsement is issued; and

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- (ii) the start and expiry date of the licence; and
  - (iii) any other details that MAST considers appropriate.
- (2) A PWC endorsement may be issued unconditionally or subject to such conditions as MAST considers necessary or expedient in the circumstances.
- (3) A PWC endorsement is valid until the expiry date determined under subclause (1)(a).
- (4) The registered operator of a PWC must ensure that the sticker issued by MAST under subclause (1)(b)(ii) is affixed in a prominent place, adjacent to the PWC's controls.

Penalty: Fine not exceeding 5 penalty units.

**35. Approved training provider**

- (1) A person may apply to MAST to be an approved training provider for the purposes of these by-laws.
- (2) An application made under subclause (1) is to be –
  - (a) in the approved form; and
  - (b) supported by such evidence or information as MAST requires in respect of the suitability of the person to provide training for the purposes of these by-laws; and

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- (c) accompanied by the prescribed fee, if any.
- (3) If MAST approves the application made under subclause (1), MAST is to –
- (a) notify, in writing, the applicant of the approval; and
  - (b) make a record of the approval.
- (4) MAST may, by notice in writing to an approved training provider –
- (a) withdraw MAST’s approval of that approved training provider; or
  - (b) impose a condition on MAST’s approval of the provider; or
  - (c) vary or revoke a condition imposed by MAST.

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**PART 4 – MISCELLANEOUS*****Division 1 – Requirements for motor boat*****36. Equipment**

- (1) The registered operator of a motor boat must ensure that the mandatory safety equipment, specified in Schedule 1 as being required in respect of the area of operation and length of the motor boat, is –
  - (a) carried on the boat; and
  - (b) properly stored; and
  - (c) kept readily accessible for immediate use; and
  - (d) 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 life jacket 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.

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**37. Life jackets**

(1) In this clause –

*approved life jacket* means –

(a) in the case of a motor boat that is not a PWC –

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

(ii) in waters other than smooth waters, a life jacket that meets, or exceeds, the requirements of AS 4758 for Level 100 life jackets; and

(b) in the case of a motor boat that is 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

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exceeds, the requirements of AS 4758 for Level 100 life jackets, and that is not inflatable;

*proceeding*, in relation to a motor boat, means proceeding under power.

- (2) A person must wear an approved life jacket if the person is on a motor boat that is –
- (a) proceeding; and
  - (b) less than 6 metres in length.

Penalty: Fine not exceeding 5 penalty units.

- (3) The person in charge 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 person in charge of a motor boat that is 6 metres or more in length that is proceeding 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 person in charge of that

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motor boat is not required to comply with subclause (3); or

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

**38. Capacity label**

- (1) In this clause –

*capacity label*, in respect of a motor boat, means a label that displays the maximum persons capacity for the motor boat;

*maximum persons capacity*, in respect of persons on a motor boat, means the greatest of –

- (a) the maximum capacity for the motor boat calculated according to AS 1799.1:2021; or
- (b) the maximum capacity for the motor boat as rated by the manufacturer of the motor boat; or
- (c) the maximum capacity calculated for the motor boat in an approved manner.
- (2) If a registered motor boat, other than a PWC, is not fitted with an Australian Builders Plate, the registered operator of the motor boat must ensure that a capacity label in respect of the motor boat is permanently attached to the motor

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boat in the approved form within one metre of each steering position.

Penalty: Fine not exceeding 5 penalty units.

- (3) A registered operator 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.

**39. Dive flags**

- (1) 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”.
- (2) A motor boat 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.

- (3) A motor boat must not display a dive flag –
- (a) if the motor boat is moving at a speed exceeding 5 knots; or
  - (b) in the hours of darkness.



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Penalty: Fine not exceeding 5 penalty units.

- (4) A person engaged in diving from a motor boat displaying a dive flag is exempted from a requirement to wear a life jacket under clause 37.

***Division 2 – Powers, enforcement and offences*****40. Powers of authorised persons**

- (1) An authorised person may –
- (a) direct a registered operator, driver or person in charge of a motor boat –
    - (i) to remove the motor boat from the vicinity; or
    - (ii) to proceed to a place indicated by the authorised person; and
  - (b) give directions to the registered operator, driver or person in charge 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 a motor boat to a place of safe custody if –

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- (i) the motor boat is abandoned without being securely moored or at anchor; or
  - (ii) while operating the motor boat, the registered operator, driver or person in charge of the motor boat is unfit, in the opinion of the authorised person, to operate the motor boat because of being under the influence of alcohol or a drug; or
  - (iii) in the opinion of the authorised person, the motor boat impedes safe navigation; and
- (d) give directions, including to stop, to the registered operator, driver or person in charge of a motor boat; and
  - (e) board any motor boat to inspect it or any object on the boat; and
  - (f) request the registered operator 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 registered operator of the vessel to give the name and address of the place of residence of the registered operator.
- (2) If any person who is not the registered operator of the motor boat is alleged to have committed an offence in relation to the motor boat under these by-laws, the registered operator of the

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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 registered operator does not know the information required under subclause (2), the registered operator 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 registered operator, driver or person in charge of a motor boat must comply with the directions of an authorised person.

Penalty: Fine not exceeding 10 penalty units.

**41. Unsafe vessel not to be operated**

A person must not operate a motor boat that is an unsafe vessel unless under the direction of an authorised person to do so.

Penalty: Fine not exceeding 20 penalty units.

**42. 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 dangerous or likely to cause injury to any person.

Penalty: Fine not exceeding 10 penalty units.

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**43. 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 operator of that boat.

Penalty: Fine not exceeding 10 penalty units.

**44. Navigation of motor boats and speed limits**

(1) In this clause –

*speed limited waters* means the following waters:

- (a) the waters specified in Schedule 3;
- (b) waters within 60 metres of –
  - (i) any shoreline, 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;

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- (c) waters 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”.
- (2) A person, in any area specified in Schedule 2, must not –
- (a) drive, or be in charge of, a motor boat unless approved by MAST or an authorised person; or
  - (b) ride upon or cause any water ski, aquaplane or similar object to be towed, pulled or propelled.

Penalty: Fine not exceeding 5 penalty units.

- (3) A person, in speed limited waters, must not –
- (a) drive, or be in charge of, a motor boat, except when it is being propelled wholly by sail, at a speed exceeding 5 knots; or
  - (b) ride upon any water ski, aquaplane or similar object or cause any water ski, aquaplane or similar object to be towed, pulled or propelled, at a speed exceeding 5 knots.

Penalty: Fine not exceeding 5 penalty units.

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- (4) It is a defence in proceedings for an offence under 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*.
- (5) Subclause (3) does not apply to a person participating in an aquatic event.
- (6) A person must not operate a PWC between sunset and sunrise.

Penalty: Fine not exceeding 10 penalty units.

- (7) 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 200 metres of a person bathing; or

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

Penalty: Fine not exceeding 10 penalty units.

**45. Speed trials and water sports**

- (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 day that it may specify.
- (2) The participants in any trials or sport permitted under subclause (1) are exempt from compliance with clause 44 during the hours and day so specified.

***Division 3 – Ski areas*****46. Ski access lanes**

- (1) 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.
- (2) A ski access lane comprises all that area of water at right angles to the shore, extending 60 metres from the shore between two markers of the form shown in Part 1 of Schedule 4.

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**47. 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.

**48. Designated ski areas**

- (1) In this clause –

*designated ski area* means –

- (a) an area of water specified in Schedule 5; or
  - (b) an area of water declared under subclause (2).
- (2) MAST may declare an area of water to be a designated ski area for vessels towing persons on waterskis, aquaplanes or similar objects.



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(3) A designated ski area is to be marked by MAST with markers of the form shown in Part 2 of Schedule 4.

(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 on waterskis, aquaplanes or similar objects.

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.

**49. Damage to ski lane markers**

A person must not cause damage to, 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.

**50. 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.

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**51. 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 either –
  - (i) has attained the age of 14 years; or
  - (ii) if the person has not attained the age of 14 years, holds a provisional licence –

and 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.

***Division 4 – Miscellaneous*****52. Replacement certificates and licences**

- (1) If a certificate of registration, licence or provisional licence is lost, stolen, destroyed, defaced, mutilated or rendered illegible, the person to whom it has been issued –

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- (a) is to inform MAST; and
  - (b) may apply for a replacement.
- (2) MAST may issue a replacement certificate, licence or provisional licence.
  - (3) MAST may require the applicant to pay a prescribed fee for the replacement of the certificate, licence or provisional licence.

**53. 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) An application made under subclause (1) is to be accompanied by documentary evidence of the relevant altered details.
- (3) If satisfied by the evidence provided under subclause (2), MAST may issue a replacement certificate, licence or provisional licence.
- (4) MAST may require the applicant to pay a prescribed fee for the reissue of the certificate, licence or provisional licence.

**54. False information**

A person must not, in an application or notification made in accordance with these by-laws, make a statement or give information

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knowing that the statement or information is false or misleading.

Penalty: Fine not exceeding 10 penalty units.

**55. Appeals**

- (1) If a person is aggrieved by the cancellation or suspension by MAST of a licence, the person may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision.
- (2) An appeal under subclause (1) –
  - (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 the court on the hearing of an appeal under this by-law is final.

**56. Evidence**

- (1) Subject to subclause (2), in any proceedings for an offence against a provision of these by-laws –
  - (a) any record kept in pursuance of these by-laws is admissible as prima facie evidence of the facts stated in the record; and
  - (b) a copy of an entry in such a record, being a copy certified by the person by whom the record is required to be kept to be a

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true copy of the entry, is admissible as prima facie evidence of the facts stated in the entry; and

- (c) a document purporting to be a record kept in pursuance of these by-laws, or purporting to be a certified copy as referred to in paragraph (b), is to, unless the contrary is proved, be taken to be such a record or certified copy, as the case may be.
- (2) A record kept by MAST under clause 9(3)(b) in respect of a motor boat is not evidence of the registration of the motor boat.
- (3) In any proceeding for an offence against a provision of these by-laws, a document purporting to be a certificate signed by an authorised person and relating to any one or more of the following matters is prima facie evidence of the facts stated in it:
- (a) that a person was, or was not, the holder of a motor boat licence or PWC endorsement on a specified date;
  - (b) that vessel was, or was not, registered under these by-laws on a specified date;
  - (c) that a person or vessel was exempt from a requirement of these by-laws on a specified date or during a specified period;
  - (d) the conditions on which a person or vessel was exempt from a requirement of

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these by-laws on a specified date or during a specified period.

- (4) A document that is, under a law of another State, a Territory or an overseas jurisdiction, admissible in legal proceedings in the jurisdiction in which the law is in force is admissible in any proceeding for an offence under these by-laws in the same way as in that other jurisdiction, and has the same evidentiary value as it would have in that other jurisdiction.

**57. Service of notices**

A notice given under these by-laws 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 a document of that kind.

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**58. Transitional provisions**

- (1) In this clause –

*commencement day* means the day on which these by-laws take effect;

*transition period* means the period that begins on the commencement day and ends on the last day of the 2 month period after the commencement day.

- (2) Registration of a motor boat that is in force under the *Marine and Safety (Motor Boats and Licences) By-laws 2013*, immediately before the commencement day, continues in force, according to the terms of the registration, as registration under these by-laws and is subject to these by-laws.
- (3) A licence, provisional licence or PWC endorsement that is in force under the *Marine and Safety (Motor Boats and Licences) By-laws 2013*, immediately before the commencement day, continues in force, according to the terms of the licence or endorsement, as a licence or endorsement under these by-laws and is subject to these by-laws.
- (4) If an application under the following clauses has been made and not determined before the commencement day, the application is to be determined during the transition period as if the *Marine and Safety (Motor Boats and Licences) By-laws 2013* were still in effect:
- (a) clause 7;

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- (b) clause 12;
  - (c) clause 14(2).
- (5) During the transition period, the notification requirements relating to the transfer of the registration of a motor boat are to be undertaken as if the *Marine and Safety (Motor Boats and Licences) By-laws 2013* were still in effect.
- (6) A person who is the owner of a motor boat immediately before the commencement day is deemed to be the registered operator of the motor boat on and after the commencement day, unless the person notifies MAST otherwise.

**59. Rescission**

The *Marine and Safety (Motor Boats and Licences) By-laws 2013* are rescinded.



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**SCHEDULE 1 – MANDATORY SAFETY EQUIPMENT**

Clause 36

**PART 1 – EQUIPMENT REQUIRED ON A MOTOR  
BOAT THAT IS NOT A PWC OR MOTOR-  
PROPELLED TENDER**

<b>Item</b>	<b>Equipment type</b>	<b>Motor boats less than 6 metres in length in sheltered waters</b>	<b>Motor boats less than 6 metres in length in waters other than sheltered waters</b>	<b>Motor boats 6 metres or more in length in sheltered waters</b>	<b>Motor boats 6 metres or more in length in waters other than sheltered waters</b>
1.	Anchor, chain and rope as specified in Part 3 of this Schedule	Required	Required	Required	Required
2.	Bailer/bilge pump	Required	Required	Required	Required
3.	Life jacket per person	Required	Required	Required	Required
4.	Fire extinguisher as specified in Part 3 of this Schedule	Required	Required	Required	Required

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<b>Item</b>	<b>Equipment type</b>	<b>Motor boats less than 6 metres in length in sheltered waters</b>	<b>Motor boats less than 6 metres in length in waters other than sheltered waters</b>	<b>Motor boats 6 metres or more in length in sheltered waters</b>	<b>Motor boats 6 metres or more in length in waters other than sheltered waters</b>
5.	Oars/auxiliary propulsion	Required	Required	-	-
6.	Flares/EVDS as specified in Part 3 of this Schedule	Required	Required	Required	Required
7.	Heaving line	-	Required	Required	Required
8.	Lifebuoy	-	Required	Required	Required
9.	EPIRB as specified in Part 3 of this Schedule	-	Required	-	Required
10.	Radar reflector	-	Required	-	Required
11.	First aid kit as specified in Part 3 of this Schedule	-	Required	-	Required

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<b>Item</b>	<b>Equipment type</b>	<b>Motor boats less than 6 metres in length in sheltered waters</b>	<b>Motor boats less than 6 metres in length in waters other than sheltered waters</b>	<b>Motor boats 6 metres or more in length in sheltered waters</b>	<b>Motor boats 6 metres or more in length in waters other than sheltered waters</b>
12.	Water	-	Required	-	Required
13.	Marine radio	-	Required	-	Required
14.	Navigation lights and torch for night operation	Required	Required	Required	Required

**PART 2 – EQUIPMENT TO BE CARRIED ON A PWC OR MOTOR-PROPELLED TENDER**

<b>Item</b>	<b>Equipment type</b>	<b>Motor-propelled tender</b>	<b>PWC in sheltered waters</b>	<b>PWC in waters other than sheltered waters</b>
1.	Life jacket per person	Required	Required	Required

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<b>Item</b>	<b>Equipment type</b>	<b>Motor-propelled tender</b>	<b>PWC in sheltered waters</b>	<b>PWC in waters other than sheltered waters</b>
2.	Flares/EVDS as specified in Part 3 of this Schedule	-	Required	Required
3.	Bailer or bilge pump	Required	-	-
4.	Fire extinguisher as specified in Part 3 of this Schedule	-	Required	Required
5.	EPIRB/PLB as specified in Part 3 of this Schedule	-	-	Required
6.	Tow line	-	-	Required
7.	Marine radio	-	-	Required

**PART 3 – SPECIFICATIONS OF EQUIPMENT****1. Anchor, chain and rope**

- (1) An anchor type as specified in AS 2198 – 1983 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.

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- (1) Fire extinguishers, as specified in relation to motor boat length below, are to be carried and readily accessible in suitable and different parts of the motor boat.
- (2) Fire extinguishers must be marked as complying with AS 1841.5:2007 (powder type extinguishers).
- (3) The minimum number and capacity of fire extinguishers are to be provided in accordance with the following table:

<b>Item</b>	<b>Motor boat length</b>	<b>Fire extinguisher</b>	<b>Minimum equivalent rating</b>
1.	Less than 8 metres (other than PWC)	one x 0.75kg	5BE
2.	Less than 8 metres (PWC)	one x 0.9kg	5BE
3.	8 metres or more but less than 12 metres	2 x 0.9kg	5BE
4.	12 metres or more	3 x 0.9kg or one x 0.9kg and one x 1.5kg	5BE 5BE/10BE

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**3. EPIRB or PLB**

- (1) An emergency position indicating radio beacon (EPIRB) –
  - (a) is to conform to AS/NZS 4280.1:2017; and
  - (b) is to be registered with the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* of the Commonwealth; and
  - (c) if being carried on a motor boat that is carrying an EVDS in lieu of flares, is to incorporate a GPS; and
  - (d) if being carried after 1 January 2033, is to incorporate a GPS.
- (2) A personal locator beacon (PLB) –
  - (a) is to conform to AS/NZS 4280.2:2017; and
  - (b) is to be registered with the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* of the Commonwealth; and
  - (c) if being carried on a motor boat that is carrying an EVDS in lieu of flares, is to incorporate a GPS.

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The contents of the first aid kit are to reflect the expected conditions, duration of the voyage and number of passengers.

**5. Flares or EVDS**

(1) A flare (pyrotechnic) is to –

- (a) meet, or exceed, the requirements of AS 2092-2004; and
- (b) display an expiry date that has not passed.

(2) Flares or EVDS are required as follows:

<b>Item</b>	<b>Vessel type</b>	<b>Partially smooth waters</b>	<b>Coastal waters</b>
1.	All motor boat lengths	2 red hand-held flares and 2 orange hand-held smoke signals  OR  An EVDS carried in conjunction with –	2 red hand-held flares, 2 orange hand-held smoke signals and 2 red parachute flares  OR  An EVDS carried in conjunction with –

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<b>Item</b>	<b>Vessel type</b>	<b>Partially smooth waters</b>	<b>Coastal waters</b>
2.	PWC	<p>(a) an EPIRB that incorporates a GPS; and</p> <p>(b) a VHF radio.</p> <p>2 red hand-held flares and 2 orange hand-held smoke signals</p> <p>OR</p> <p>An EVDS carried in conjunction with –</p> <p>(a) an EPIRB or PLB that incorporates a GPS; and</p> <p>(b) a VHF radio.</p>	<p>(a) an EPIRB that incorporates a GPS; and</p> <p>(b) a VHF radio; and</p> <p>(c) 2 red parachute flares.</p> <p>2 red hand-held flares, 2 orange hand-held smoke signals and 2 red parachute flares</p> <p>OR</p> <p>An EVDS carried in conjunction with –</p> <p>(a) an EPIRB or PLB that incorporates a GPS; and</p> <p>(b) a VHF radio; and</p>



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<b>Item</b>	<b>Vessel type</b>	<b>Partially smooth waters</b>	<b>Coastal waters</b>
			(c) 2 red parachute flares.

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**SCHEDULE 2 – PROHIBITED AREAS FOR  
NAVIGATION**

Clause 44(2)

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 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

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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

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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 1 500 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
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

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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: the waters bounded by the Tarraleah Intake, a sign on the western bank approximately 250 metres upstream from the Tarraleah Intake and a sign on the eastern bank approximately 250 metres upstream from the Tarraleah Intake
  24. Lake King William/Nive River: the waters of all those canals, flumes, ponds, siphons and tunnels

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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 6 000 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 Hornes Dam Pond; and
- (e) within 50 metres of the Pump Pond intake; and
- (f) within 30 metres upstream from the Pump Pond spillway; and
- (g) within 30 metres upstream from the Mossy Marsh Pond spillway –

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

**25.** Tungatinah Lagoon: the waters within 50 metres of the Tungatinah Tunnel intake structure

**26.** 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

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- (c) for a distance of 35 metres from the Clarence Pipeline outlet
27. Bronte Lagoon/Bradys Lake: the waters of the Woodward's Canal from the footbridge at Bronte Lagoon downstream to Bradys Lake
28. 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
29. Bradys Lake: the waters within 60 metres of the Bradys Lake spillway
30. 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
31. 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

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32. Lake Echo: the waters bounded by the Lake Echo Dam, a sign on the western bank approximately 40 metres upstream from the Lake Echo Dam, and a sign on the eastern bank approximately 120 metres upstream from the Lake Echo Dam
33. Lake Echo: the waters of the canal and flume from the Lake Echo Dam at Lake Echo downstream to and including the Echo Forebay
34. Dee Lagoon: the waters of the Lake Echo Power Station tailrace for a distance of 400 metres downstream from the Lake Echo Power Station
35. 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
36. Dee Lagoon: the waters of the Dee Lagoon spillway channel from the shoreline of the lagoon to the end of the spillway channel
37. Pine Tier Lagoon: the waters within 400 metres of the Pine Tier Dam
38. 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



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bridge at Bronte Lagoon, and including the Serpentine Diversion Pond

- 39.** Little Pine Lagoon: the waters 100 metres upstream and 300 metres downstream from the Little Pine Dam
- 40.** Little Pine Lagoon and 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
- 41.** Clarence Weir Pond: the waters of the Clarence Weir Pond
- 42.** St Clair Lagoon: the waters within 300 metres of the St Clair Dam

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- 43.** Lake St Clair: the waters within 50 metres of the Lake St Clair Low Head Weir
- 44.** Poatina: the waters of the Poatina Tailrace from the Poatina Power Station tunnel outlet downstream to Brumbys Creek
- 45.** Brumbys Creek: the waters within 100 metres of each of Brumbys Creek Weir 1, Brumbys Creek Weir 2 and Brumbys Creek Weir 3
- 46.** Arthurs Lake: the waters within –
- (a) 30 metres of the Arthurs Lake Dam; and
  - (b) 50 metres of the Arthurs Lake spillway
- 47.** 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
- 48.** Woods Lake: the waters –
- (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

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- 49.** 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
- 50.** Shannon Lagoon: the waters from that part of the Highland Lakes Road that crosses Shannon Lagoon to the Miena Dam
- 51.** 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
- 52.** Great Lake: the waters of the Arthurs Lake Diversion
- 53.** Great Lake: the waters within a distance of 50 metres of the Tods Corner Power Station
- 54.** 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

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- 55.** Great Lake: the waters of the Liawenee Canal and the Liawenee Weir Pond
- 56.** 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
- 57.** Lake Augusta: the waters 230 metres upstream and 350 metres downstream from the Lake Augusta spillway
- 58.** Lake Trevallyn: the waters –
- (a) 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) downstream from the Trevallyn Dam for a distance of 350 metres; and
  - (c) 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
- 59.** River Tamar: the waters of the River Tamar known as the Trevallyn Power Station tailrace from Elouera Street downstream to a sign on the northern bank and a sign on the southern bank,

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both signs located approximately 80 metres downstream from Elouera Street

60. Lake Mackenzie: the waters within 50 metres of the Mackenzie Dam intake
61. Lake Mackenzie: the waters 200 metres upstream and 300 metres downstream from the Mackenzie Dam spillway
62. 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
63. Fisher River: the waters of the Fisher Power Station tailrace from the Fisher Power Station to the confluence with the Fisher River
64. Lake Rowallan: the waters 300 metres upstream from the Rowallan Dam
65. Mersey River: the waters of the Mersey River from the Rowallan Dam downstream approximately 800 metres to the Mersey Forest Road bridge
66. 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

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- 67.** Mersey River: the waters of the Mersey River from the Parangana Dam downstream approximately 800 metres to the Mersey Forest Road bridge
- 68.** River Forth: the waters –
- (a) downstream from the Lemonthyme Power Station for a distance of 650 metres; and
  - (b) downstream from the Paloona Power Station to the junction with the Wilmot River
- 69.** 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
- 70.** 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
- 71.** 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 spillway and a sign on the western bank approximately 450 metres upstream from the Wilmot Dam spillway

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72. Wilmot River: the waters of the Wilmot River for a distance of 300 metres downstream from the Wilmot Dam spillway
73. Lake Barrington: the waters from the Cethana Dam downstream to a sign on the bank near Jacksons Creek approximately 2 000 metres from the Cethana Dam
74. 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
75. Lake Palooa: the waters of Lake Palooa 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 Palooa Power Station as marked by signs on the western and eastern sides of the lake
76. Lake Murchison: the waters of Lake Murchison
77. 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
78. 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

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approximately 300 metres downstream from the outlet

- 79.** Lake Mackintosh: the waters for a distance of 60 metres upstream from the Tullibardine Dam
- 80.** 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
- 81.** Mackintosh River/Lake Rosebery: the waters of the Mackintosh River and Lake Rosebery from the Mackintosh Dam downstream for a distance of 2 700 metres
- 82.** 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
- 83.** Pieman River/Lake Pieman: the waters of the Pieman River and Lake Pieman for a distance of 2 200 metres downstream from the Bastyan Dam
- 84.** Pieman River: the waters of the Pieman River from the Reece Dam spillway for a distance of 400 metres downstream from the Reece Dam
- 85.** Lake Pieman: the waters bounded by the Reece Dam, a sign on the eastern bank approximately



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- 500 metres upstream from the Reece Dam and a sign on the western bank approximately 250 metres upstream from the Reece Dam
- 86.** King River: the waters of the King River from 50 metres upstream from the John Butters Power Station to 200 metres downstream from the John Butters Power Station
- 87.** King River: the waters for a distance of 400 metres downstream from the Crotty Dam
- 88.** Lake Burbury: the waters 150 metres upstream from the Darwin Dam
- 89.** 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
- 90.** Lake Burbury: the waters within 100 metres of the John Butters intake
- 91.** Lake Newton: the waters of Lake Newton and for a distance of 200 metres downstream from the Newton Dam spillway
- 92.** Lake Margaret: the waters within 300 metres of the Lake Margaret Dam spillway
- 93.** Yolande River: the waters from a distance of 50 metres upstream from the Upper Lake Margaret

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Power Station for a distance of 200 metres downstream from the Lower Lake Margaret Power Station

94. 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
95. 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
96. Lake Plimsoll: the waters of the Anthony River for a distance of 300 metres downstream from the Anthony Dam
97. Hall Rivulet: the waters of the Hall Rivulet Canal and the Hall Rivulet Dam
98. 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
99. 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

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- 100.** Huntsman Lake: the waters within 200 metres of the Meander Dam
- 101.** 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

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

Clause 44

1. The waters of the Prosser River including waters contained between the artificial retaining walls
2. The 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. The waters of Georges Bay westwards of Lawrys Point for a distance of 333 metres north east to the Compass Dolphin Piles
4. The waters of Coles Bay 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
5. The waters inside of an imaginary line drawn between Blinking Billy Point and Sandy Bay Point known as Little Sandy Bay
6. River Derwent –
  - (a) Meadowbank Lake: all waters upstream of the Dunrobin Bridge to the waters of the Derwent River; and

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- (b) 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; and
  - (c) 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; and
  - (d) 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; and
  - (e) Howrah Beach: all waters within an imaginary line drawn from Howrah Point to the boat launching area; and
  - (f) Kingston Beach: all waters within an imaginary line drawn from the Kingston Beach Sailing Club to a point on the beach at the end of Beach Road; and
  - (g) 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. The waters of Tiger Head inside of an imaginary line drawn between the base of the boat launching ramp and the point in Dark Comer

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8. The 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: the waters –
  - (a) 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; and
  - (b) bounded in the south by the convergence of the South Esk and Macquarie Rivers and in the north by the Mill Dam
10. South Esk River west of Kings Park
11. The waters of Lake Barrington within 60 Metres of the launching ramps and pontoon structures at Kentish Park and Wilmot
12. The port area of Whitemark
13. The port area of Lady Barron
14. Brumbys Creek: all waters upstream of Brumbys Creek Weir 1
15. Trevallyn Power Station Tailrace: to the west of an imaginary line drawn north-west from No. 3 light

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16. 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 north-eastern and south-western buoys southwards to the shore
  17. Lagoon Bay: the waters of Lagoon Bay excepting the marked ski access lane
  18. Pipers Head: in the mouth of the Pipers River between the entrance and an imaginary line drawn eastward from Weymouth Boat Ramp
  19. 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
  20. The area within 200 metres of the waterline in the following locations:

*Marine and Safety (Motor Boats and Licences) By-laws 2023***sch. 3**

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- (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
- 21.** 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
- 22.** Four Springs Lake
- 23.** Arthurs Lake: the waters of Cowpaddock Bay north of the transmission lines
- 24.** Penstock Lagoon
- 25.** Little Pine Lagoon
- 26.** Bradys Lake/Lake Binney: the waters of the Bradys/Binney Canal



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27. Lake Binney/Tungatinah Lagoon: waters of the Binney/Tungatinah Canal
  28. The waters of Mossy Marsh
  29. The waters of Pump Pond
  30. The waters of Shannon Lagoon
  31. The waters of Huntsman Lake
  32. All waters of Prince of Wales Bay from Dowsings Point south-east at 140 degrees true to the opposite shoreline
  33. The waters of Lake Palooka that are not prohibited for navigation in Schedule 2

*Marine and Safety (Motor Boats and Licences) By-laws 2023*

sch. 4

**SCHEDULE 4 – MARKERS****PART 1 – SKI ACCESS LANE MARKERS**

Clause 46(2)

**1. Right-hand marker****2. Left-hand marker**

*Marine and Safety (Motor Boats and Licences) By-laws 2023*

**sch. 4**

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**PART 2 – DESIGNATED SKI AREA MARKERS**

Clause 48(3)

**1. Right-hand marker**



**2. Left-hand marker**



*Marine and Safety (Motor Boats and Licences) By-laws 2023***sch. 5**

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**SCHEDULE 5 – DESIGNATED SKI AREAS**

Clause 48(1)

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 Roeboune 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.
3. Scamander River: all waters from the boat ramp on Upper Scamander Road upstream of the area of water known as Price's Straight.

*Marine and Safety (Motor Boats and Licences) By-laws 2023*

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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 –

Chairperson

Chief Executive

## TASMANIA

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# **MARINE AND SAFETY (FEES) AMENDMENT BY-LAWS 2023**

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## **CONTENTS**

1. Short title
2. Commencement
3. Principal By-laws
4. Clause 3 amended
5. Clause 4 amended
6. Schedule 2 substituted

Schedule 2 – Marine and Safety (Motor Boats and Licences) By-laws 2023



## MARINE AND SAFETY (FEES) AMENDMENT BY-LAWS 2023

The Marine and Safety Authority makes the following by-laws under the *Marine and Safety Authority Act 1997*.

### 1. Short title

These by-laws may be cited as the *Marine and Safety (Fees) Amendment By-laws 2023*.

### 2. Commencement

These by-laws take effect on 1 July 2023.

### 3. Principal By-laws

In these by-laws, the *Marine and Safety (Fees) By-laws 2020* are referred to as the Principal By-laws.

### 4. Clause 3 amended

Clause 3(2)(b) of the Principal By-laws is amended by omitting *Marine and Safety (Motor Boats and Licences) By-laws 2013* and substituting *Marine and Safety (Motor Boats and Licences) By-laws 2023*.

### 5. Clause 4 amended

Clause 4(1)(b) of the Principal By-laws is amended by omitting *Marine and Safety (Motor Boats and Licences) By-laws 2013* and substituting *Marine and Safety (Motor Boats and Licences) By-laws 2023*.



*Marine and Safety (Fees) Amendment By-laws 2023*

**c. 6**

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**6. Schedule 2 substituted**

Schedule 2 to the Principal By-laws is rescinded and the following Schedule is substituted:

*Marine and Safety (Fees) Amendment By-laws 2023***sch. 2****SCHEDULE 2 – MARINE AND SAFETY (MOTOR  
BOATS AND LICENCES) BY-LAWS 2023**

Clause 4(1)(b)

**PART 1 – FEES EXCLUSIVE OF GST**

	<b>Item</b>	<b>Fee units</b>
1.	Application for registration of motor boat	10
2.	Issue of certificate for registration of motor boat	50
3.	Administration of refund of registration fee	10
4.	Application for use of personalised identifying number	10
5.	Transfer of registration of motor boat	17
6.	Application for licence or provisional licence	6
7.	Application for renewal of licence or provisional licence	30
8.	Administration of refund of licence fee	10
9.	Application for PWC endorsement	30
10.	Replacement of certificate of registration, licence or provisional licence	5
11.	Reissue of certificate of registration, licence or provisional licence with altered details	5

*Marine and Safety (Fees) Amendment By-laws 2023***sch. 2****PART 2 – FEES INCLUSIVE OF GST**

	<b>Item</b>	<b>Fee units</b>
1.	Examination for licence to operate motor boat	11
2.	Application to be approved training provider	195

*Marine and Safety (Fees) Amendment By-laws 2023*

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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 –

Chairperson

Chief Executive

## TASMANIA

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# **MARINE AND SAFETY (PRESCRIBED OFFENCES) BY-LAWS 2023**

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## **CONTENTS**

1. Short title
  2. Commencement
  3. Prescribed offences
  4. Rescission
- Schedule 1 – Prescribed Offences



## MARINE AND SAFETY (PRESCRIBED OFFENCES) BY-LAWS 2023

The Marine and Safety Authority makes the following by-laws under section 42 of the *Marine and Safety Authority Act 1997*.

### 1. Short title

These by-laws may be cited as the *Marine and Safety (Prescribed Offences) By-laws 2023*.

### 2. Commencement

These by-laws take effect on 1 July 2023.

### 3. Prescribed offences

- (1) For section 45(1) of the *Marine and Safety Authority Act 1997*, an offence against a provision of the respective by-laws specified in column 1 of Schedule 1 to these by-laws is a prescribed offence.
- (2) The penalty specified in column 2 of that Schedule opposite that provision is the penalty payable under an infringement notice served in respect of that offence.

### 4. Rescission

The *Marine and Safety (Prescribed Offences) By-laws 2013* are rescinded.

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1****SCHEDULE 1 – PRESCRIBED OFFENCES**

Clause 3

**PART 1 – MARINE AND SAFETY (JETTIES) BY-LAWS  
2017**

	<b>Column 1 Offence</b>	<b>Column 2 Penalty Units</b>
1.	Clause 4(a)	2
2.	Clause 4(b)	2
3.	Clause 5	2
4.	Clause 6(1)(a)	2
5.	Clause 6(1)(b)	2
6.	Clause 6(1)(c)	2
7.	Clause 6(1)(d)	2
8.	Clause 6(2)	2
9.	Clause 7	2
10.	Clause 8(1)	2
11.	Clause 8(2)	2
12.	Clause 9(1)	2
13.	Clause 9(2)	2
14.	Clause 9(3)	2



*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1**


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15.	Clause 10(3)	2
16.	Clause 11(1)(a)	3
17.	Clause 11(1)(b)	3
18.	Clause 11(1)(c)	3
19.	Clause 11(1)(d)	3
20.	Clause 11(1)(e)	3
21.	Clause 11(1)(f)	3
22.	Clause 11(2)	3
23.	Clause 11(3)	3
24.	Clause 11(4)	3
25.	Clause 12(1)	2
26.	Clause 13(1)	3
27.	Clause 13(2)	3
28.	Clause 13(4)	2
29.	Clause 15(1)	2
30.	Clause 15(2)	2
31.	Clause 15(3)	2
32.	Clause 15(4)	2
33.	Clause 16	2
34.	Clause 19	2

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1**

35.	Clause 20	2
36.	Clause 21(a)	2
37.	Clause 21(b)	2

**PART 2 – MARINE AND SAFETY (MOORINGS) BY-LAWS 2020**

	<b>Column 1 Offence</b>	<b>Column 2 Penalty units</b>
1.	Clause 4(1)	2
2.	Clause 6(4)	2
3.	Clause 9(4)	2
4.	Clause 10(4)	1
5.	Clause 11(2)	2
6.	Clause 12(2)	2
7.	Clause 12(3)	2
8.	Clause 13(2)	2
9.	Clause 14(1)	1
10.	Clause 14(2)	1
11.	Clause 15(5)	3
12.	Clause 15(7)	2
13.	Clause 16(1)	1

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1**

	<b>Column 1</b>	<b>Column 2</b>
	<b>Offence</b>	<b>Penalty units</b>
14.	Clause 17	1
15.	Clause 18	1
16.	Clause 19	1
17.	Clause 20	2
18.	Clause 21(1)	2
19.	Clause 21(2)	2
20.	Clause 21(3)	3
21.	Clause 21(5)	2
22.	Clause 23(1)	2
23.	Clause 23(2)	2
24.	Clause 23(3)	2
25.	Clause 23(4)	2
26.	Clause 23(6)	2
27.	Clause 25(1)	2
28.	Clause 26	2

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1****PART 3 – MARINE AND SAFETY (MOTOR BOATS AND LICENCES) BY-LAWS 2023**

	<b>Column 1</b>	<b>Column 2</b>
	<b>Offence</b>	<b>Penalty units</b>
1.	Clause 5	2
2.	Clause 9(5)	1
3.	Clause 15(1)	1
4.	Clause 15(2)	1
5.	Clause 15(3)	1
6.	Clause 16	1
7.	Clause 17	1
8.	Clause 18(1)	4
9.	Clause 18(2)	4
10.	Clause 18(3)	1
11.	Clause 18(6)	1
12.	Clause 19(1)	2
13.	Clause 25(2)	1
14.	Clause 26	1
15.	Clause 29(7)	1
16.	Clause 30	1
17.	Clause 31(1)	2

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1**

	<b>Column 1</b> <b>Offence</b>	<b>Column 2</b> <b>Penalty units</b>
18.	Clause 34(4)	1
19.	Clause 36(1)	2
20.	Clause 36(2)	1
21.	Clause 36(3)	1
22.	Clause 37(2)	1
23.	Clause 37(3)	1
24.	Clause 37(4)	1
25.	Clause 38(2)	1
26.	Clause 38(3)	1
27.	Clause 39(2)	1
28.	Clause 39(3)	1
29.	Clause 40(2)	2
30.	Clause 40(3)	2
31.	Clause 40(4)	2
32.	Clause 41	4
33.	Clause 42	1
34.	Clause 43	1
35.	Clause 44(2)	1

*Marine and Safety (Prescribed Offences) By-laws 2023***sch. 1**

	<b>Column 1</b> <b>Offence</b>	<b>Column 2</b> <b>Penalty units</b>
36.	Clause 44(3)	1
37.	Clause 44(6)	1
38.	Clause 44(7)	1
39.	Clause 47(1)	1
40.	Clause 48(4)	1
41.	Clause 49	1
42.	Clause 50	1
43.	Clause 51	1
44.	Clause 54	2

*Marine and Safety (Prescribed Offences) By-laws 2023*

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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 –

.....  
**Chairperson**

.....  
**Chief Executive**

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