

**NORTHERN TERRITORY OF AUSTRALIA**

**MARINE (PLEASURE CRAFT) REGULATIONS**

As in force at 1 February 2009

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**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 1 February 2009. Any amendments that commence after that date are not included.

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## MARINE (PLEASURE CRAFT) REGULATIONS

### Regulations under the *Marine Act*

#### Part I Preliminary

##### 1 Citation

These Regulations may be cited as the *Marine (Pleasure Craft) Regulations*.

##### 2 Commencement

These Regulations shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

##### 3 Definitions

In these Regulations, unless the contrary intention appears:

***anchor cable*** means a short link chain cable or rope to which not less than 3 m of chain cable is shackled between that rope and an anchor attached to it.

***approved***, means approved by the Director.

***boating inspector*** means a person appointed under regulation 6(1) by the Minister.

***length***, in relation to a pleasure craft, means the greater distance between the foremost and aftermost parts of the vessel measured in a straight line parallel to its keel.

***operator***, in relation to a pleasure craft, means the person who is, for the time being, in charge or control of the pleasure craft and, where that person cannot be readily ascertained by a boating inspector, the person who, in the opinion of the boating inspector, appears to be in control of the pleasure craft.

***personal floatation device*** means a buoyancy aid that is worn on the body.

**personal water craft** means a water jet engine powered craft designed to be ridden on rather than in.

**sea** includes every arm, estuary or river which is part of the sea and is within the ebb and flow of the tide at ordinary spring tides.

**serviceable**, in relation to a pleasure craft or tender, means the hull and all fittings of the pleasure craft or tender and safety equipment carried on it are:

- (a) sound in condition; and
- (b) ready and suitable for immediate use.

**tender** means an auxiliary vessel that is used solely for or as a means of transportation between a pleasure craft and the shore.

**V distress sheet** means a sheet of canvas or other equally robust material of a fluorescent orange/red colour bearing the letter "V" in black, being a sheet not less than 1.8 m x 1.2 m in size capable of being securely fastened down so as to be visible from the air, with the letter "V" being not less than 800 mm in height with the strokes forming the "V" being not less than 130 mm in breadth.

**water skier** means a person who is engaging in water skiing or a similar activity.

## **Part II                      Pleasure craft**

### **4                      Minimum safety standards for pleasure craft or tender**

- (1) Subject to subregulation (2) and an exemption under regulation 9, a person shall not operate a pleasure craft or tender at sea, unless it is:
  - (a) serviceable;
  - (b) seaworthy for the purposes for which it is operated;
  - (c) not overloaded; and
  - (d) provided with a means or carries equipment which will enable a person who has fallen into the sea from the pleasure craft or tender to reboard it; and
  - (e) carries safety equipment in accordance with the Schedule.

Penalty:        50 penalty units.

- (2) Subregulation (1) does not apply to a person on or in:
- (a) a surf ski, racing shell, canoe, kayak or windsurfer;
  - (b) a sailing boat under 5 metres or with permanently closed hulls, or a personal water craft, where persons on or in the boat or craft are wearing approved personal floatation devices; and
  - (c) a pleasure craft which has been entered into a race in the event known as the Beer Can Regatta, or other approved aquatic event whilst that craft is being prepared for, taking part in or is being removed from the sea, as part of the Beer Can Regatta or other approved aquatic event.
- (3) Subject to subregulation (4) and an exemption under regulation 9, a person shall not operate a pleasure craft more than 2 nautical miles from the coastline unless it carries an approved Emergency Position Indicating Radio Beacon having an operational frequency of 406MHz.

Penalty: 50 penalty units.

- (4) Subregulation (3) does not apply to a person operating a pleasure craft in a sheltered waters area.
- (5) For the purposes of subregulation (3):

**approved** includes approved by the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* of the Commonwealth.

**coastline** means the coastline at low water mark of the lowest astronomical tide.

**sheltered waters area** means partially smooth waters and smooth waters within the meaning of the *Marine (Sheltered Waters) Regulations*.

## 5 **Offence to operate a pleasure craft or tender at sea recklessly etc.**

A person shall not operate a pleasure craft or tender at sea recklessly, carelessly or negligently or in a manner which is dangerous to the public or is likely to cause injury to persons or property.

Penalty: 50 penalty units.

**Part III Water skiers and personal water craft****5A Water skiers**

A water skier must wear an approved personal floatation device.

Penalty: 5 penalty units.

**5B Ski observer**

- (1) The operator of a pleasure craft must not use it to tow a water skier unless there is in the craft with the operator a person who is responsible for watching the skier at all times and relaying the signals of the water skier to the operator.
- (2) The owner of a pleasure craft must not permit the craft to be used to tow a water skier unless there is in the craft with the operator a person who is responsible for watching the skier at all times and relaying the signals of the water skier to the operator.
- (3) A water skier must not permit himself or herself to be towed by a pleasure craft unless there is in the craft with the operator a person who is responsible for watching the skier at all times and relaying the signals of the water skier to the operator.

Penalty: 10 penalty units.

**5C Automatic engine cut out**

- (1) The owner of a personal water craft must not use the craft or permit the craft to be used unless it is fitted with an automatic engine cut out that is connected to a hand lanyard.

Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units.

- (2) A person must not operate a personal water craft unless:
  - (a) it is fitted with an automatic engine cut out that is connected to a hand lanyard; and
  - (b) the hand lanyard is securely attached to the operator.

Penalty: 20 penalty units.

- (3) In this regulation:

***automatic engine cut out*** means a device designed to stop the motor of a personal water craft in the event that the person who is operating it falls off.

## **Part IV                    Boating inspectors and other matters**

### **6                    Appointment of boating inspectors**

- (1) The Minister may, by notice in the *Gazette*, appoint a person to be a boating inspector for the purposes of these Regulations.
- (2) The Director shall issue an identity card to each person appointed, under subregulation (1), as a boating inspector.
- (3) An identity card, issued under subregulation (2) to a boating inspector, shall contain:
  - (a) a photograph of the boating inspector and his signature, both verified by the signature of the Director; and
  - (b) the conditions, if any, of his appointment.
- (4) A boating inspector shall carry his identity card at all times while he is exercising a power or performing a function conferred or imposed upon him under these Regulations and shall, upon the request of an operator of a pleasure craft or tender to produce his identity card, produce it to the operator.
- (5) A member of the Police Force may exercise a power or perform a function, under these Regulations, of a boating inspector.

### **7                    Powers of boating inspectors**

- (1) A boating inspector may, at any time, inspect a pleasure craft or tender for the purpose of ascertaining whether it is being operated or is about to be operated in accordance with regulation 4.
- (2) Where, as a result of an inspection made under subregulation (1), a boating inspector is of the opinion that there has been, or is about to be, a contravention of regulation 4 in relation to a pleasure craft or tender, he may direct the operator to:
  - (a) desist from any attempt to take the pleasure craft or tender to sea; or
  - (b) if the pleasure craft or tender is at sea, take such action as the boating inspector directs.
- (3) Where a boating inspector has reason to believe that a pleasure craft or tender is being operated in contravention of these Regulations or the operator is not capable of operating the vessel without danger to himself or other persons, he may take such action in relation to the pleasure craft or tender which, in his opinion, is necessary to ensure the safety of persons on board or in the vicinity

of the pleasure craft or tender, as he thinks fit.

- (4) A person shall not refuse or fail to comply with a lawful direction made or given, under regulation 7, to him by a boating inspector.

Penalty: 50 penalty units.

## **8 Hindering boating inspector**

A person shall not hinder or obstruct, or aid or abet a person to hinder or obstruct, a boating inspector in the exercise of his powers under regulation 7.

Penalty: 50 penalty units.

## **9 Exemptions from regulation 4**

Subject to section 194(1)(b)(i) and (ii) of the Act, the Minister may, by notice in the *Gazette*, exempt a person from compliance with regulation 4 in relation to:

- (a) a specified class or type of pleasure craft or tender; or
- (b) a specified area.

## **10 Boating inspectors not liable in certain circumstances**

A boating inspector shall not be liable for damage or injury arising out of the exercise or purported exercise by him, in good faith, of a power under this Part.

**Schedule Minimum safety standards for safety equipment for pleasure craft or tender**

regulation 4(1)(e)

1. Pleasure craft under 5 m in length:
  - (a) one approved lifejacket or buoyancy vest for each person on board;
  - (b) 2 paddles or oars fitted with rowlocks;
  - (c) one bailer with lanyard;
  - (d) one anchor fitted with an anchor cable of not less than 50 m;
  - (e) one litre for each person on board of fresh drinking water in a leakproof container;
  - (f) one waterproof torch or lantern;
  - (g) 2 red flares;
  - (h) 2 orange smoke signals.
  
2. Pleasure craft of 5 m to 10 m in length:
  - (a) one approved lifejacket or buoyancy vest for each person on board;
  - (b) one bailer with lanyard or bilge pump;
  - (c) one anchor fitted with an anchor cable of not less than 50 m;
  - (d) one portable fire extinguisher;
  - (e) one litre for each person on board of fresh drinking water in a leak-proof container;
  - (f) one waterproof torch or lantern;
  - (g) 2 red flares;
  - (h) 2 orange smoke signals;
  - (j) one "V" distress sheet;
  - (k) one liquid damped compass;
  - (m) one chart of the area of operation.



3. Pleasure craft of more than 10 m in length:
- (a) one approved lifejacket or buoyancy vest for each person on board;
  - (b) one bilge pump with a minimum capacity of 100 L per minute;
  - (c) 2 anchors, each fitted to an anchor cable of not less than 50 m;
  - (d) 2 portable fire extinguishers;
  - (e) 2 buckets, each of not less than 9 L capacity and fitted with a lanyard;
  - (f) one litre for each person on board of fresh drinking water in a leak-proof container;
  - (g) one waterproof torch or lantern;
  - (h) 2 red flares;
  - (j) 2 orange smoke signals;
  - (k) one "V" distress sheet;
  - (m) one liquid damped compass;
  - (n) one chart of the area of operation;
  - (p) one lifebuoy fitted with buoyant line.
4. Tender:
- (a) 2 paddles or oars fitted with rowlocks;
  - (b) one bailer with lanyard.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2****LIST OF LEGISLATION*****Marine (Pleasure Craft) Regulations (SL No. 10, 1985)***

Notified	15 May 1985
Commenced	29 May 1985 (r 1 and <i>Gaz</i> G21, 29 May 1985, p 4)

***Amendments of Marine (Pleasure Craft) Regulations (SL No. 12, 1993)***

Notified	9 June 1993
Commenced	1 September 1993 (r 1)

***Amendments of Marine (Pleasure Craft) Regulations (SL No. 12, 2001)***

Notified	2 April 2001
Commenced	2 April 2001

***Amendments of Marine (Pleasure Craft) Regulations (SL No. 24, 2002)***

Notified	7 August 2002
Commenced	7 August 2002

***Marine Amendment Regulations 2007 (SL No. 38, 2007)***

Notified	19 December 2007
Commenced	1 February 2009 (r 2)

**3****LIST OF AMENDMENTS**

r 3	amd No. 24, 2002, r 1
r 4	amd No. 12, 1993, r 2; No. 12, 2001, r 1; No. 24, 2002, r 2; No. 38, 2007, r 6
r 5	amd No. 12, 2001, r 2
pt III hdg	ins No. 24, 2002, r 3
rr 5A – 5C	ins No. 24, 2002, r 3
pt IV hdg	ins No. 24, 2002, r 3
r 7	amd No. 12, 1993, r 3; No. 12, 2001, r 3
rr 8 – 9	amd No. 12, 2001, r 4
sch	amd No. 12, 1993, r 5