

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF MARINE (SMALL CRAFT) REGULATIONS

Regulations 2002, No. 23

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Regulations 2002, No. 23*

Regulations under the *Marine Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Marine Act*.

Dated 1 August 2002.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

K. VATSKALIS
Minister for Transport and Infrastructure

* Notified in the *Northern Territory Government Gazette* on 7 August 2002.

AMENDMENTS OF MARINE (SMALL CRAFT) REGULATIONS

1. New regulation

The Marine (Small Craft) Regulations are amended by inserting after regulation 1 the following:

"1A. Definition

"In these Regulations, unless the contrary intention appears –

'diver' means a person underwater using diving aids or equipment but does not include a person using a snorkel;

'small craft' has the same meaning as in section 210(2) of the Act."

2. New regulations

The Marine (Small Craft) Regulations are amended by adding at the end the following:

"3. Reckless navigation

"A person must not navigate or use a small craft carelessly, negligently, recklessly or at a speed or in a manner that is dangerous to or likely to cause injury to a person or damage to property (including the small craft).

Penalty: 30 penalty units.

"4. Divers

"(1) A diver operating from a vessel must ensure, at all times while the diver is in the water, that there is displayed on the vessel, so as to be visible to a person approaching the vessel from any direction, a rigid replica of the International Code Flag 'A' denoting that a diver is operating in the area.

"(2) A diver operating from a vessel must ensure at all times while the diver is in the water that there is a person on the vessel.

"(3) A person referred to in subregulation (2) must maintain a proper watch at all times while a diver is in the water.

"(4) A diver who is not operating from a vessel must, at all times while the diver is in the water, tow a float displaying a rigid replica of the International Code Flag 'A' denoting that a diver is operating in the area.

"(5) A diver must not display a rigid replica of the International Code Flag 'A' denoting that a diver is operating in an area unless the dimensions of the flag are –

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- (a) in respect of a flag displayed under subregulation (1) – not less than 100 centimetres x 100 centimetres; or
- (b) in respect of a flag displayed under subregulation (4) – not less than 25 centimetres x 25 centimetres.

Penalty: 20 penalty units.

"5. Restricted areas

"A person must not navigate a small craft –

- (a) at a speed exceeding 5 nautical miles per hour within 30 metres of a person bathing;
- (b) at a speed exceeding 5 nautical miles per hour within 150 metres of the water's edge at the time at a beach between the following specified points:
 - (i) Nightcliff Beach – between the northwesterly prolongation of the northeastern boundary of Lot 1842 Town of Nightcliff and the northwesterly prolongation of the northeastern boundary of Banksia Street;
 - (ii) Fannie Bay – between a line southwest from Dudley Point and a line bearing 288 degrees true from a point at the intersection of the westerly prolongation of the southern boundary of Gregory Street and high water mark;
 - (iii) Mindil Beach – between a line due west from the northwestern corner of Lot 5670 Town of Darwin and a line due north from the most northern corner of Lot 6394 at Myilly Point;
- (c) at a speed exceeding 5 nautical miles per hour through or in a mooring area or within 30 metres of a moored vessel;
- (d) at a speed exceeding 5 nautical miles per hour within 100 metres of a jetty, wharf or commercial shipping and cargo area; or
- (e) at speed that the wash from the vessel endangers the safety of a person, boat or structure.

Penalty: 10 penalty units.

"6. Anchoring

"(1) The master or other person in charge of a small craft must not anchor or permit the small craft to be anchored –

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- (a) in a shipping channel except in an emergency;
- (b) in a declared pilotage area outside the Port of Darwin except in an emergency;
- (c) near or at the approach to a wharf or jetty in a position that obstructs another vessel approaching or leaving the wharf or jetty;
or
- (d) within 100 metres of a water ski jump.

"(2) The master or other person in charge of a small craft must not anchor or permit the small craft to be anchored in a position that obstructs the passage of another vessel.

Penalty: 20 penalty units."
