

Ref: 1478-2024-BAE

Ms Catherine Johnston
Customer Support Officer
Parks Victoria
Level 1, 65 Church St
MORWELL VIC 3840

PO Box 2392,
Melbourne Vic 3001
T 1800 638 802

Dear Catherine

PROPOSED DECLARATION TO EXEMPT BOATING ACTIVITY

I refer to the application received by Parks Victoria (PV) under section 203(1) of the *Marine Safety Act 2010* (Vic) (**Marine Safety Act**) for an exemption from the application of the Marine Safety Act, *Marine Safety Regulations 2023* (Vic) (MSR) and the waterway rules, to boating activity conducted by Surfing Victoria (SV) on 20-21 April 2024.

I have considered the application and your proposed declaration.

DIRECTION UNDER SECTION 204(2) OF THE MARINE SAFETY ACT

You are directed to amend the proposed draft declaration in the manner set out in the **attached** document. The draft declaration requires amendment to event dates.

Please note that under section 204(4) of the Marine Safety Act, PV is required to comply with this direction.

PUBLISHING OF DECLARATION

Section 203(6) of the Marine Safety Act requires that:

A declaration under subsection (3) must be published—

- (a) on the applicable regulatory entity's Internet site; and*
- (b) in some other way that gives notice of the declaration to persons affected by the declaration.*

I am hereby satisfied that PV has complied with section 203(6) of the Act, provided that PV:

- Publishes the Declaration on their Internet site
- Publishes a Notice to Mariners
- Ensures SV publishes Declaration on website/social media platforms and distributes to participants
- Ensures SV places signage of Declaration at access points/boat ramps in event location.

If you have any questions in relation to this matter, please contact Marzena (Marz) Krawczak on 0439 725 675 or marz.krawczak@safetransport.vic.gov.au.

Yours sincerely



TIM PULLYBLANK

Manager Safety Assurance
Safe Transport Victoria
28/03/2024

PUBLIC NOTICE
DECLARATION OF BOATING ACTIVITY EXEMPTION

Parks Victoria as the declared waterway manager for Western Port Bay, makes the following declaration under section 203(3) of the *Marine Safety Act 2010* (Vic).

For the purposes of boating activity conducted by Surfing Victoria, persons and vessels involved in the Victorian Junior Surfing Titles Round 2 events are exempt from the following requirements:

State Rules made under the Marine Act 1988

1. Clause 2(a) – must not exceed 5 knots within 50 metres of a person in the water
2. Clause 2(c) – must not exceed 5 knots within 50 metres of another vessel
3. Clause 4(a) – must not exceed 5 knots within 200 metres of the water's edge
4. Clause 19(a) – an observer must be used when towing a person

Waterway Rules made under the Marine Safety Act 2010 / Marine Act 1988

5. Clause 5.3(a)(i) of Schedule 5 – Five (5) knot speed restriction area of Western Port Bay; Flinders to Somers
6. Clause 5.6 of Schedule 5 – The waters of Western Port that extend 200 metres from the water's edge seaward between Surfies Point and Honeysuckle Point, Shoreham are prohibited for the use of personal watercraft (PWCs)

Marine Safety Regulations 2023

7. Regulation 60 – vessel master must not engage in towing unless an observer is on board
8. Regulation 61(4) – vessel master must not operate unless vessel equipped with items specified (lifejackets for persons onboard & being towed) on enclosed waters
9. Regulation 66(2) – Persons on vessels must wear a lifejacket of type specified at all times when underway on enclosed waters
10. Regulation 69 – A person being towed must wear lifejacket
11. Regulation 70(1) – vessel master must not operate the vessel unless persons on board when underway or being towed wear a lifejacket
12. Regulation 70(3) – vessel master must not allow vessel to tow person unless wearing lifejacket

Subject to the conditions detailed below:

- Masters of event PWC are only exempt from items 1 to 7 during the event, and items 1 to 2 only apply when within 50 metres of a competing surfer or other event PWC. They must not exceed 5 knots within 50 metres of a person in the water or other vessels not associated with the event should they enter the event area.
- Masters of event PWC are only exempt from items 8 and 11 to 12 for the duration of the event when retrieving or rescuing a person without a lifejacket from the water.
- Competitors are only exempt from items 9 to 10 when competing in the event.
- All PWC operators must wear a lifejacket at all times during the event.
- The exemptions apply from 7:30am to 5:30pm on Saturday 20 April 2024 and Sunday 21 April 2024 within the event area at Shoreham Beach, extending approximately 400 metres offshore.
- The exemptions apply provided the stated safety controls and undertakings detailed in the application form and associated documentation are adhered to.

[Waterway Manager Sign Off]

Dated: [Click or tap to enter a date.](#)