REGULATORY ENVIRONMENT

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Maritime Safety Victoria (MSV) is committed to safe vessel operations and safe waterways for all Victorians. Boating is great fun but has inherent dangers, and we want all boaters to be prepared to come home safely.

Maritime Safety Victoria has developed this Safety Handbook to provide advice and help you understand and apply the various acts and regulations which bind Masters - those who have command or charge of boating vessels – who operate on Victorian waterways.

Please note: Reading this Safety Handbook does not replace the need to understand and consult the relevant marine safety laws for the state (see Acts and Regulations).

This Safety Handbook should be used to prepare for achieving the Victorian Marine Licence and Personal Watercraft Endorsement tests.

It is also a useful reference document to have at home or on board.

Happy and safe boating.
ABOUT MARITIME SAFETY VICTORIA

Maritime Safety Victoria is a branch of Transport Safety Victoria, the state’s independent transport safety regulator.

The Director, Transport Safety (referred to in this Safety Handbook as the Safety Director) advises and makes recommendations to the Minister for Ports on boating safety matters.

MSV aims to improve safety outcomes by regulating recreational vessel operations and ensuring a safe environment for their navigation on Victorian waters.

MSV regulates through:

• issuing vessel registrations and marine licences
• information and education activities
• enforcement activities.

Information and education activities include such things as providing information, guidance and education, conducting safety inspections and reviewing safety assessment or management documentation.

Enforcement activities include such things as prohibiting unsafe activities and vessels, issuing infringement and improvement notices, conducting inquiries, taking disciplinary action and prosecuting for serious breaches of marine safety law.

These activities are supported by the positive working relationships MSV enjoys with maritime industry stakeholders, including port and waterway managers.

Any reference to MSV in this publication is also a reference to TSV.

ACTS AND REGULATIONS

All recreational boaters and their vessels are required to comply with the relevant marine safety laws in the State. This includes (but is not limited to):

• Marine Safety Act 2010 (Vic)* (MSA)
• Marine Safety Regulations 2012 (Vic)* (MSR)
• Vessel Operating and Zoning Rules (VOZR) for Victorian Waters*
• International Regulations for Preventing Collisions at Sea 1972 (COLREGS)
• relevant rules made by port managers or waterway managers
• relevant Harbour Master Directions.

Copies of Victorian legislation and Parliamentary documents are available at legislation.vic.gov.au

*The Marine Safety Act, Marine Safety Regulations and Vessel Operating and Zoning Rules, and more general information on marine safety requirements, are available online at transportsafety.vic.gov.au/msv
SAFETY DUTIES

THE MASTER OF A VESSEL

The MSA defines the master of a vessel as someone who has command or charge of the vessel.

A master is therefore distinguished from:

- an owner, being someone who owns the vessel
- an operator, being someone who controls the movement of the vessel.

For example, you as the owner of a vessel may allow your friend to be in charge of the vessel while it is out on the water.

Your friend is now the master. If this friend decides not to operate the vessel himself but instructs another person to operate it, they become the operator.

The master must hold a Marine Licence (see Chapter 4) and comply with various requirements on masters under marine safety law. The requirements include those in relation to operating the vessel, reporting incidents or following notices from, or directions of, Victoria Police, TSV transport safety officers and other external officers appointed by the Safety Director. It is therefore important for everyone to know who is the master of any vessel before going on the water. If this is not clearly articulated, then the owner may be assumed to be responsible for certain offences relating to the operation of the vessel (see Owner Onus section).

DUTIES TO TAKE REASONABLE CARE

All persons participating in the operation of a recreational hire-and-drive vessel (as a master, operator, crew, or passenger), or those being towed, are responsible for their individual and collective safety, and the safety of those in the vicinity of the vessel. The MSA imposes a specific legal duty on all those participating in the operation of recreational or hire and drive vessels, together with their passengers, to take ‘reasonable care’ to protect themselves and others from harm, including to not intentionally or recklessly expose others to unnecessary risks.

REASONABLE CARE IN PRACTICE

In general, having good safety practices (including complying with this Safety Handbook, waterway rules and all other relevant safety standards) goes a long way to demonstrating you have taken ‘reasonable care’.

In addition, masters are expected to ensure that:

- the safety equipment on board is in good working order
- the condition of the vessel is well-maintained and safe (hull, deck, engine conditions, fuel systems, electrical systems etc.)
- you have prepared adequately for your trip (waterway zoning and maps, weather/wind/wave conditions, safe loading etc.)
- you navigate the vessel safely (steering and sailing rules, anchoring, launching, retrieving, crossing ocean bars etc.)
- all persons on board understand and comply with required emergency procedures
- they proceed to and assist people in distress in a safe manner.
**OWNER ONUS**

The MSA introduced an owner onus system for certain offences. The system is based on the principle that, if the identity of the master or person in charge is not established at the time the offence is detected, the owner is generally liable for the offence unless they can show that they were not responsible for the vessel at the time of the offence and provide information sufficient to identify and locate who was.

**WATERWAY MANAGERS**

Waterway managers are agencies which have been appointed by the Minister for Ports, to manage safety on particular waterways. The Department of Environment, Land, Water and Planning (DELWP), Parks Victoria, Gippsland Ports and Goulburn Murray Water (GMW) are the largest waterway managers.

Maritime Safety Victoria assists ports and waterway managers to ensure safety on Victorian waters.

The role of waterway managers is to:

• manage vessel activities on waters under their control
• allocate and manage moorings and berths
• provide and maintain navigation aids, appropriate signage of water levels, hazards, and rules applying to the waters
• control navigation and vessel movement
• designate areas in which anchorage of vessels is, or is not, permitted
• alter or dredge channels for navigation
• remove or mark obstructions.


**WATERWAY RULES – VESSEL OPERATING AND ZONING RULES (VOZR)**

All masters must familiarise themselves with Waterway Rules as described in the Guide to Vessel Operating and Zoning Rules (VOZR). The VOZR details the state and local waterway rules in place for all Victorian waterways.

**Waterway rules identify:**

• speed limits and safety distances
• vessel prohibited zones
• exclusive use and special purpose areas
• prohibition of specific activities.

**Waterway rules are designed to provide a safe operating environment by:**

• catering for a wide range of boating and water activities
• separating different activities, where needed, on the basis of safety
• reflecting local conditions.

From time to time, these rules are amended because of changing local conditions and boating activity or works.

Boaters should consult the VOZR to become aware of waterway rules.
WATERWAYS

Waterway types

Waterways are described as one of three types:
• Coastal
• Enclosed
• Inland

Conditions vary significantly between waterway types, and where they meet.

It’s an important duty of Masters to be aware of waterway types in which you’re operating, in order to know which is the appropriate safety equipment to carry on your vessel (see the Safety Equipment and Lifejacket wear sections).

Victorian Waterways

This section outlines the waterway types for each Victorian waterway in maps which include condition warnings for dangerous areas.

Where waterways cross the border between Victoria and New South Wales, for the purposes of transport safety legislation, Victorian rules apply in the sections described below:
• Ovens River south of the Murray Valley Highway Bridge
• Lake Hume downstream of the Bethanga Bridge
• Those waters contained within the Victorian border of the lower Glenelg River.

NSW Waterways

Waters of the Murray River, Lake Mulwala and Lake Hume not listed above are within New South Wales jurisdiction. Operators are advised that NSW legislation applies on these waters. Contact NSW Roads & Maritime Services on (02) 9563 8557 or visit maritime.nsw.gov.au

Refer to page 57 for more information on boating in NSW.
The specific waterway rules for each Victorian waterway are set out in the Vessel Operating and Zoning Rules (VOZR). An up-to-date copy of the rules can be accessed on the TSV website transportsafety.vic.gov.au/msv/waterways

**Designated Hazardous Area - Port Phillip Heads**

Port Phillip Heads means all the waters between an imaginary line drawn between Shortland Bluff and Point Nepean, and the seaward limits of an imaginary line consisting the arc of a circle with a radius of three nautical miles centred on Point Lonsdale. This definition of Port Phillip Heads now includes the area at the entrance to Port Phillip Bay where conditions are known to present additional risks to vessels operating there.

Port Phillip Heads and any area of State waters declared by the Safety Director is classified as a Designated Hazardous Area.

transportsafety.vic.gov.au/msv/dha/portphillipheads
• Strong tides, currents and dangerous waves may exist where enclosed waters meet coastal waters
• Enclosed waters sealed off from coastal waters may break out causing extremely dangerous conditions
Inland waters, apart from those depicted in grey above, are defined as rivers, creeks, canals, lakes and reservoirs which are either naturally formed or man-made. They may be publicly or privately owned, but do not include navigable rivers, creeks and streams within declared port waters.
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NOTICE TO MARINERS

Maritime Safety Victoria and other relevant agencies provide critical timely advice and updates on safety issues, as a ‘Notice to Mariners’.

For up-to-date notices, visit transportsafety.vic.gov.au/msv/notices

HARBOUR MASTER’S DIRECTIONS

Harbour Masters are responsible for the safe operation and passage of all vessels, including recreational, within the ports required to have a Harbour Master in place.

These ports, as declared by Maritime Safety Victoria, are:
• Hastings
• Geelong
• Melbourne
• Gippsland
• Portland

All Masters must comply with the directions given by the Harbour Master.

For further information: transportsafety.vic.gov.au/msv/hmd

AUSTRALIAN BUILDERS PLATE (ABP)

An Australian Builders Plate (ABP) gives key safety information at a glance whether you are buying a boat or going out boating. The ABP aims to make boating safer by providing information about the carrying capacity of vessels including the maximum number of people and load they can safely carry, the maximum outboard engine power and the buoyancy performance for smaller vessels.

The MSA requires that all vessels of a prescribed class, that are supplied after 1 July 2012, must comply with the National Standard for the ABP for recreational boats. The ABP Standard, as modified by the MSR in Victoria, requires that an ABP must be fixed to most recreational vessels (excluding, for example, second-hand, paddle-powered or sailing boats).

ABPs for vessels less than six metres need to display a buoyancy statement and specify either basic or level flotation. ABPs for vessels more than 6 m do not require a buoyancy statement.

For more information on ABPs, visit transportsafety.vic.gov.au/msv/abp

![Australian Builders Plate (ABP)]
VESSEL SAFETY

The MSR require that the owner or master of a vessel must not allow the vessel to be operated if it is not fit for purpose or in a way that is in breach of any condition of the relevant vessel registration or marine licence.

A vessel is unsafe if the operation of it may endanger any person because of the:

- condition or equipment of the vessel
- manner in which cargo and equipment is stowed or secured
- nature of the cargo
- overloading of the vessel with persons or cargo
- number or qualifications of the vessel’s crew
- the absence of marine safety equipment that is required to be carried or installed on the vessel.

Knowing the capabilities and limitations of your vessel, keeping it clean, tidy, well maintained and well supplied will go a long way to keeping you and those around you safe on the water.

If your vessel is not fit for purpose or is unsafe, MSV may order the vessel to be provisionally or permanently detained. Police officers, TSV transport safety officers and other external officers appointed by the Safety Director may also direct that the vessel not be operated on Victorian waters or only under certain conditions.

You should consider the waterway and conditions before you head out and ensure that your vessel is appropriate for that environment.

Seek advice from the manufacturers on maximum loads and types of activities your vessel is designed to encounter.
FIT FOR PURPOSE

The MSR defines a vessel fit for purpose if:

a. the hull of the vessel is able to maintain watertight integrity
b. there is no fuel leaking from the vessel’s fuel system or engine
c. the vessel’s steering system controls the movement of the vessel
d. the ventilation system used for ventilating a space or spaces in the vessel is functioning
e. the material insulating machinery in the vessel from fire or flammable materials is fitted and undamaged
f. the materials or items comprising part of the vessel’s reserve buoyancy are fitted and undamaged
g. the engine kill switches are fitted to the vessel and are operable.

KEEP YOUR VESSEL FIT FOR PURPOSE

PROPERLY MAINTAIN YOUR VESSEL

- Inspect propeller nut and pin
- Check for water and fuel leaks
- Ensure bung is suitable and in good condition
- Ensure bilges are clean and dry
- Check reserve buoyancy for condition
- Test steering for stiffness
- Check wiring
- Check and clean fuel filter
- Clean cooling system passages
- Replace outboard pull cord if fraying.

FULLY CHARGE YOUR BATTERIES

- Top up battery cells with distilled water and check each cell with a hydrometer
- The battery should be charged but never overcharged
- The terminals, cables and casings should be kept clean
- Test all electrical equipment operating from the battery such as radios, gauges, power tilt, navigation lights.

ENSURE YOU HAVE SUFFICIENT FUEL

- Allow 1/3 out, 1/3 return and 1/3 reserve
- Always replace old fuel after periods of inactivity
- Inspect fuel lines, manual priming bulb and connections for cracks, leaks, etc.
- Inspect the fuel tank for cracks or corrosion
- Always check for fuel smells and ventilate your vessel well before starting the engine.