



# *Government Gazette*

of the State of

New South Wales

**Number 418—Roads and Transport**  
**Friday, 27 August 2021**

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## MARINE SAFETY REGULATION 2016

### EXEMPTION ORDER

#### HIRE AND DRIVE PERSONAL WATERCRAFT – LICENCE EXEMPTION FOR CERTAIN ACTIVITIES CONDUCTED ON THE HAWKESBURY RIVER, NSW

##### Clause 140(1)

I, Mark Hutchings, Executive Director, NSW Maritime, a delegate of Transport for NSW, pursuant to clause 140(1) of the Marine Safety Regulation 2016 (the Regulation), hereby EXEMPT the operators of hire and drive personal watercraft used in conjunction with regulated tour activities conducted within the area of operations prescribed by Schedule 1 of this Order from the requirements of clause 103(1) of the Regulation - being the requirement to hold a personal watercraft driving licence – SUBJECT TO the conditions set out in Schedule 2 of this Order.

#### Object

The object of this Exemption Order is to allow unlicensed persons to operate personal watercraft in the context of a supervised ‘tour’ operation in a safe and responsible way in waters specified in Schedule 1 of this Order, and while the operation is subject to a Certificate of Operation under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* of the Commonwealth for the hiring out of personal watercraft.

#### Definition

In this Notice, “regulated tour activities” means unlicensed personal watercraft hire and drive tour activities conducted by Richie’s Events Pty Ltd T/A Jet Ski Safaris NSW in accordance with the Certificate of Operation COO-39922-003 issued by the Australian Maritime Safety Authority.

### SCHEDULE 1

#### REGULATED TOUR ACTIVITIES – AREA OF OPERATIONS

This Exemption applies only to operators of personal watercraft participating in regulated tour activities conducted on the waters of the Hawkesbury River and connected tributaries bounded by a line drawn from the eastern extremity of Flat Rock Point in an easterly direction to the western extremity of Croppy Point and a line drawn from the east cardinal mark (CHR807) at the convergence of Mangrove Creek and the Hawkesbury River in a southern direction to Gentleman’s Halt Wharf on the opposite shore of the Hawkesbury River.

## SCHEDULE 2

### GENERAL CONDITIONS

1. This Order does not apply to:
  - a) Any person who is ineligible to hold a boat driving licence or is the subject of a boat driving licence suspension or disqualification under the *Marine Safety Act 1998*, or an equivalent disqualification in any other State or Territory; or
  - b) A person who is the subject of a written notice from Transport for NSW specifying that this Order does not apply to the person.
2. This Order applies only to the operator of a hire and drive personal watercraft who is:
  - a) operating a personal watercraft in accordance with the terms and conditions of a hire agreement with Richie's Events Pty Ltd T/A Jet Ski Safaris NSW; and
  - b) operating in accordance with specified waterway management matters as required by the tour operator; and
  - c) wearing an appropriate lifejacket within the meaning of Part 6 of the Regulation; and
  - d) not operating the vessel at a speed exceeding 30 knots; and
  - e) a minimum of 16 years of age.
3. This Order ceases to apply in the event that the regulated tour activities are no longer subject to a Certificate of Operation issued by the Australian Maritime Safety Authority.

#### **Note:**

Failure to comply with a condition of this Order by a personal watercraft operator means that the Exemption ceases to apply to that person and if the person does not hold a personal watercraft driving licence, the vessel owner and operator may be liable for an offence under State and National laws.

#### **Publication**

Pursuant to clause 140(3)(b) of the Regulation, this Order is published in the NSW Government Gazette.

This Notice takes effect on **27 August 2021** and will be in force for a period of 3 months from this date, unless revoked. This Order may be revoked at any time by Transport for NSW.

Date: 24 August 2021



MARK HUTCHINGS

Executive Director, NSW Maritime  
Delegate

MARINE SAFETY ACT 1998

MARINE NOTICE

Section 12

REGULATION OF VESSELS – EXCLUSION ZONE

**Location**

Coffs Harbour boat ramp basin and adjoining waters outside of the inlet to the boat ramp – various exclusion zones marked by lit yellow aqua buoys.

**Duration**

- 27 August 2021 to 31 March 2022

**Detail**

Vessel operators are advised that Exclusion Zones will be established on the navigable waters within the Coffs Harbour boat ramp basin and on the adjoining waters outside of the inlet to the boat ramp.

An **EXCLUSION ZONE** is specified during the project works and will be marked by the presence of lit yellow aqua buoys. The restriction will also be indicated on signage and on buoys at the location pursuant to section 11 of the *Marine Safety Act 1998*.

Unauthorised vessels and persons are strictly prohibited from entering the exclusion zone.

Penalties may apply (Section 12 (5) - *Marine Safety Act 1998*).

For full details visit the Transport for NSW website - [www.rms.nsw.gov.au/maritime](http://www.rms.nsw.gov.au/maritime)

Marine Notice NH2148

Date: 25 August 2021



Rod McDonagh  
Manager Operations North  
Delegate