



## Information Sheet

# Community Group Vessels

This document contains information regarding the laws which apply to vessels owned by community groups in WA. Changes occurred in July 2013 when the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law), which regulates commercial vessels, was introduced.

Owners and operators of community group vessels are responsible for safely operating their vessels, as well as for the safety of crew and passengers.

## Rules regarding waterways safety

Under the *Western Australian Marine Act 1982* (WAMA), waterways safety rules such as Prevention of Collisions at Sea Regulations, speed limits and water closures still apply to all vessels.

## Rules regarding vessel design & construction, equipment and qualifications

The way in which vessels owned by community groups are used will determine whether the National Law or the WAMA applies to their design and construction, equipment and operator qualification requirements. Note that 'vessel' includes both motorised and non-motorised vessels, and includes some types of paddle craft.

### (a) National Law

A community group is defined in the National Law as an incorporated or unincorporated association or legislative body, which does not operate for profit or gain to its members and is prohibited from making distributions to its members. If a community group meets this definition, its vessels will not be considered as commercial vessels under the National Law unless they are:

- used by a volunteer search or rescue organisation to conduct searches or rescues (if used by a surf lifesaving organisation in sheltered waters or within 2nm of the low water mark they are excluded from the National Law and (b) below applies);
- hired or chartered by a non-member;
- used for training a non-member for a fee; or
- used for training a person who is not a school student for a fee, to enable them to obtain a licence needed to meet a legislative requirement.

For more information regarding the National Law's application to community group vessels which are used for these purposes, and for the qualifications needed by trainers, please contact the Australian Maritime Safety Authority (see [www.amsa.gov.au/domestic](http://www.amsa.gov.au/domestic)).

### (b) WAMA

If community group-owned vessels are not used for the purposes listed in (a) above, they are regulated under the WAMA as 'recreational' vessels and must comply with the relevant safety equipment requirements under the *Navigable Waters Regulations 1958*. Please also note:

- vessels need to be registered if a motor is, or can be, fitted. If there is a motor and it has more power than 4.5kW/ 6HP, operators must have a Recreational Skippers Ticket (RST), or be directly supervised by a person who has one and is at least 18. More information can be found at [www.transport.wa.gov.au/imate/marine-information](http://www.transport.wa.gov.au/imate/marine-information), or contact the Department of Transport on 1300 863 308.
- paddle craft such as canoes, kayaks, surf skis or inflatables do not need to be registered unless a motor can be fitted. When the craft is not being driven by motor, operators do not need a RST. For more information please refer to the "Paddle Safe Safety Guidelines" at [www.transport.wa.gov.au/imate/paddle-safe](http://www.transport.wa.gov.au/imate/paddle-safe).