

Western Australian Marine Act 1982

WAMA – 2021 - 204780

Approval and exemption from certain provisions of the *Navigable Waters Regulations 1958* and the *Western Australian Marine Act 1982* for certain vessels in the Swan Canning Riverpark

I, **Raymond Buchholz**, Assistant Executive Director, Maritime, Department of Transport (DoT), delegate of the Chief Executive Officer, acting pursuant to the powers in section 115A of the *Western Australian Marine Act 1982* (the Act) and regulation 48(a) of the *Navigable Waters Regulations 1958* (the Regulations), hereby make the exemptions and approval set out below, in relation to motorised vessels under the control of a bona fide member, coach or event official of Rowing WA, Rowing Australia, the Western Australian Institute of Sport or associated rowing club or school rowing program (Rowing Safety Vessels) whilst operating within the following areas only:

- a. Coffee Point on the Canning River to Riverton Bridge; and
- b. Fremantle Traffic Bridge to Reid Highway Bridge on the Swan River.

Exemptions

Pursuant to section 115A of the Act, Rowing Safety Vessels are **exempt** from compliance with:

- a. Regulations 19A, 48(b), 48(c), 48(d) and 48(e) of the Regulations; and
- b. Notices made under section 67 of the Act that are in force on the date of this exemption but does not include new notices that come into effect during the period of this exemption.

Approval

Pursuant to regulation 48(a) of the Regulations, Rowing Safety Vessels are **granted approval** to operate in exceedance of 8 knots in water less than 3 metres in depth and within 50 metres of a river bank or water's edge.

Conditions

1. Exceedance of the speed limit is only to the extent as is reasonably necessary to effectively undertake either:
 - a) safety, coaching or umpiring activities during an aquatic event as listed in the Rowing WA calendar; or
 - b) organised training.
2. The speed at which Rowing Safety Vessels are operated shall not exceed 12 knots above the specified speed limit.
3. DoT is in receipt of risk management plan(s), which covers all events listed in a calendar of events involving rowing that is maintained by Rowing WA, and addresses the following:
 - a) conducting events in areas of high traffic density; and
 - b) the provision of appropriate training for vessel operators and crew to ensure that they are suitably experienced in navigating whilst operating at high speed (including when undertaking emergency response), and they take reasonable care in all circumstances.All aspects of the risk management plan(s) referred to at condition 3 are adhered to at all times.
4. The operator of a Rowing Safety Vessel must annually complete an online acknowledgement that they have read and understood the requirements outlined within the relevant *Rowing Training Water Safety Guideline*; Rowing WA will provide this online tool. A copy of this acknowledgement must be produced to DoT upon request (To be implemented by 1 February 2022).
5. A copy of the risk management plan(s) referred to at section 3 are produced to DoT upon request.

6. The Rowing Safety Vessels display the word 'Safety' in letters at least 200mm high and 20mm thick, either on both sides of the hull, or on a white flag in red writing positioned on the vessel so that it is visible to other vessels.
7. The Rowing Safety Vessels have suitable and operational navigational lights fitted and these are used always between sunset and sunrise and/or at times of reduced visibility.
8. The Rowing Safety Vessels have a suitable and operational orange 360° flashing light fitted and this is used always when the vessel is being used in accordance with this exemption between sunset and sunrise and/or at times of reduced visibility (To be implemented by 1 February 2022).
9. The operator of a Rowing Safety Vessel must hold, as a minimum, a Recreational Skippers Ticket
10. The operator of a Rowing Safety Vessel must:
 - (a) assess if it is appropriate to exceed the speed limit; and
 - (b) comply with the *Prevention of Collisions at Sea Regulations 1983*) including but not limited to:
 - i. Rule 5 (Look-out);
 - ii. Rule 6 (Safe Speed);
 - iii. Rule 7 (Risk of Collision);
 - iv. Rule 22 (Visibility of Lights); and
 - v. Rule 23 (Power Driven Vessel Underway)
11. A copy of this instrument is produced to DoT within 24 hours upon request.

This instrument is to be known as WAMA – 2021 – 204780 and is valid from the date it is signed until 1 August 2023 inclusive unless revoked sooner. This instrument revokes the previous instrument WAMA – 2019 – 203307.



Raymond Buchholz

Assistant Executive Director, Maritime

26 October 2021