



Andy Fethers
Australian Sailing
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Dear Mr Fethers,

Australian Sailing / Yachting Western Australia Exemptions

Thank you for your application of 1 June requesting an extension of the following exemptions and approvals, for bona fide vessels and craft participating in Yachting WA events and associated organised training:

- WAMA – 2019 – 203304;
- WAMA – 2019 – 203312; and
- WAMA – 2019 – 203313.

I am pleased to advise that your request for these extensions has been granted, subject to the conditions on the attached exemption instruments.

Please note that the attached exemptions and approvals only apply to the provisions stated within, and you must still comply with all other applicable laws.

Should you wish to discuss these matters further, please contact Kathryn Davies, Team Leader Navigational Safety on 0436 664 789.

Yours sincerely

Raymond Buchholz
Assistant Executive Director, Maritime

28 July 2021

Western Australian Marine Act 1982

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

WAMA – 2021 - 204595

I, **Raymond Buchholz**, Assistant Executive Director, Maritime, Department of Transport, 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 or event official of a Yachting WA affiliated club (YWA Vessels) whilst operating within the following areas only:

- Belmont waterski area to Fremantle Traffic Bridge on the Swan River; and
- Salters Point upstream to Shelley Bridge on the Canning River.

Exemptions

YWA Vessels are exempt from compliance with:

- regulations 19A, 48(b) 48(c) – (e) of the Regulations; and
- notices made under section 67 of the Act valid for 10 months or longer.

Approval

YWA Vessels are granted approval to exceed the speed limit in regulation 48(a) of the Regulations.

Conditions

The exemptions and approval listed above apply only if the following conditions are met:

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 YWA calendar, or
 - b. the organised training for such an event.
2. Speed shall not be in excess of 12 knots of the specified speed limit.
3. Department of Transport is in receipt of a safety management plan/s which covers all events listed in the YWA calendar, which addresses issues including:
 - 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.
4. The YWA 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.
5. A copy of this instrument is produced to Department of Transport as soon as practicable upon request.

This instrument is to be known as WAMA – 2021 – 204595 and remains in force until 1 August 2023, unless revoked sooner. This instrument revokes the previous instrument WAMA – 2019 - 203313.



Approved by LLS

21/07/2021

Raymond Buchholz
Assistant Executive Director, Maritime

28 July 2021

Western Australian Marine Act 1982
Navigable Waters Regulations 1958

Exemption from compliance with certain provisions of the *Navigable Waters Regulations 1958* for certain craft participating in Yachting WA events and associated training

WAMA – 2021 – 204593

I, **Raymond Buchholz**, Assistant Executive Director, Maritime Department of Transport (DoT) and 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 52CA of the *Navigable Waters Regulations 1958* (the Regulations), **hereby make the exemptions and conditions set out in the paragraphs below:**

General

1. In this instrument, ***Off the Beach Boats*** means open boats including centreboard dinghies, sailboards, skiffs and multihulls launched and recovered from a shoreline.

Exemptions

2. Pursuant to section 115A(1) of the Act, Off the Beach Boats **are exempt** from compliance with regulations 51D, 52BAA and 52BAB of the Regulations.
3. Pursuant to regulation 52CA of the Regulations, Off the Beach Boats **are exempt** from compliance with regulations, 52A, 52B, and 52C of the Regulations.
4. Pursuant to regulation 52CA of the Regulations, kiteboard riders **are exempt** from compliance with regulations 52BAC(3), (4) and (5) of the Regulations.

Conditions

5. The exemptions at paragraphs 2 and 3 above apply if the vessel is:
 - a. under the control of a bona fide member or employee of Yachting Western Australia (Inc) ("YWA") or an affiliated club; and
 - b. participating in:
 - i. a YWA event; or
 - ii. organised training for such an event; or
 - iii. organised training for an international or national event;which is listed on YWA's Calendar of Events, including reasonable travel to and from such events or training.
6. The exemption at paragraph 4 above applies if the kiteboard rider is participating in:
 - i. a YWA 'Olympic style' windward and leeward race as defined by YWA; or
 - ii. organised training for such an event;which is listed on YWA's Calendar of Events, including reasonable travel to and from such events or training.
7. The exemptions at paragraphs 2, 3 and 4 will only apply if:
 - a. DoT is in receipt of a Safety Management Plan/s which covers all events listed on the YWA Calendar of Events and all vessels involved in these events;
 - b. People subject to any of the exemptions wear a Level 50 lifejacket (known as PFD Type 2) or Level 50S lifejacket (known as PFD Type 3) as a minimum whilst participating in and travelling to events and training;

- c. The events and training commence after sunrise and are completed before sunset;
- d. The organiser ensures enough suitable safety craft are available throughout the duration of the events and training;
- e. The organiser ensures that a suitable medical response, including evacuation and communications plans, is in place throughout the duration of the events and training;
- f. All aspects of the Yachting Australia Regulations, YWA risk management plans and safety management systems are adhered to; and
- g. A copy of this exemption is produced to DoT as soon as practicable upon request.

This instrument is to be known as WAMA – 2021 – 204593 and remains in force until 1 August 2023, unless revoked sooner. This instrument revokes the previous instrument WAMA – 2019 – 203304.



Approved by LLS

21/07/2021

Raymond Buchholz

Assistant Executive Director, Maritime

28 July 2021

Western Australian Marine Act 1982

Exemption from compliance with speed restrictions for power yachts participating in Yachting WA Power Yacht Time Trialling events

(WAMA – 2021 – 204594)

I, **Raymond Buchholz**, Assistant Executive Director, Maritime, Department of Transport (DoT) and delegate of the Chief Executive Officer, acting pursuant to the powers in section 115A of the *Western Australian Marine Act 1982* (the Act) **hereby exempt** bona fide power yachts participating in and supporting the Yachting WA Power Yacht Time Trialling events from compliance with the following speed notices made under section 67 of the Act published in the *Government Gazette* on –

- 18 March 2003 relating to the waters of Milyu, Pelican Point and Alfred Cove Marine Parks, Swan River; and
- 31 March 2017 relating to the waters of Matilda Bay.

This exemption is subject to the following conditions:

1. The bona fide power yachts are participating in a Yachting WA Power Yacht Time Trialling event which is listed on Yachting WA's Calendar of Events;
2. The events commence after sunrise and are completed before sunset;
3. The organiser ensures enough suitable rescue craft are available throughout the duration of the events;
4. The organiser ensures that a suitable medical response, including evacuation and communications plan, is in place throughout the duration of the event;
5. DoT has received a Risk Management Plan which covers all Yachting WA Power Yacht Time Trialling events listed on the Yachting WA Calendar of Events;
6. All aspects of the Cruising and Power Yacht Committee of Yachting WA's Risk Management Plan are adhered to;
7. The Power and Cruising Yacht Committee of Yachting WA has prior event approval from the Aquatic Council and the event dates are in the Aquatic Calendar;
8. The organiser carries a copy of this exemption during the event or produces it to DoT as soon as practicable upon request.

This instrument is to be known as WAMA – 2021 – 204594 and remains in force until 1 August 2023, unless revoked sooner. This instrument revokes the previous instrument WAMA – 2019 – 203312.



Approved by LLS

21/07/2021

Raymond Buchholz

Assistant Executive Director, Maritime

28 July 2021