

Ref: DOC/19/466735
851-2019-BAE

Ms Fiona Dalziel
Activation Agreements Officer
Parks Victoria
Level 10, 535 Bourke Street
MELBOURNE VIC 3000

Dear Ms Dalziel

PROPOSED DECLARATION TO EXEMPT BOATING ACTIVITY

I refer to the application received by Parks Victoria under section 203(1) of the *Marine Safety Act 2010* (Vic) (**Marine Safety Act**) for an exemption from the application of the Marine Safety Act and the waterway rules, to boating activity conducted by Wakeboard Victoria on 30 November 2019 and 1 December 2019.

I have considered the application and your proposed declaration.

DIRECTION UNDER SECTION 204(2) OF THE MARINE SAFETY ACT

You are directed to amend the proposed draft declaration in the manner set out in the **attached** document. The draft declaration requires amendment to the exemptions and conditions as well as the name of the waterway.

Please note that under section 204(4) of the Marine Safety Act, Parks Victoria is required to comply with this direction.

PUBLISHING OF DECLARATION

Section 203(6) of the Marine Safety Act requires that:

A declaration under subsection (3) must be published—

- (a) on the applicable regulatory entity's Internet site; and*
- (b) in some other way that gives notice of the declaration to persons affected by the declaration.*

I am hereby satisfied that Parks Victoria has complied with section 203(6) of the Act, provided that Parks Victoria:

- Publishes the declaration on their Internet site;
- Includes the event details in the Notice to River Users distributed to regular users and commercial operators on the river;
- Posts event notification signage at local boat ramps prior to the event; and
- Ensures Wakeboard Victoria publishes the declaration on its website and circulates the declaration to all participants.

If you have any questions in relation to this direction, please contact Joel Cooper on 9655 6223 or joel.cooper@transportsafety.vic.gov.au.

Yours sincerely

DAVID BOOTHROYD

Manager Waterway Safety and Compliance
Delegate of the Director, Transport Safety

20/11/2019

**PUBLIC NOTICE
DECLARATION OF BOATING ACTIVITY EXEMPTION**

Parks Victoria as the declared waterway manager for the Maribyrnong River upstream of Shepherd Bridge on Footscray Road, makes the following declaration under section 203(3) of the *Marine Safety Act 2010* (Vic).

For the purposes of boating activity conducted by Wakeboard Victoria, persons and vessels involved in the Wakeboard Australian Open Round 1 are exempt from the following requirements:

State Rules made under the *Marine Act 1988*

1. Clause 2(a) – must not exceed 5 knots within 50 metres of a person in the water;
2. Clause 2(c) – must not exceed 5 knots within 50 metres of another vessel;
3. Clause 3(a) – must not exceed 5 knots within 50 metres of the water's edge;
4. Clause 3(b) – must not exceed 5 knots within 50 metres of a fixed or floating structure;

Waterway Rules made under the *Marine Safety Act 2010* / *Marine Act 1988*

5. Clause 4.1 of Schedule 4 – 5 knot speed restriction on the Maribyrnong River;
6. Clause 4.2(a) of Schedule 4 – Waters of the Maribyrnong River that are prohibited to swimmers.

Subject to the conditions detailed below:

- Masters of rescue vessels and Marshall vessels are only exempt from 1-5 in the above list when undertaking a rescue operation to retrieve persons in distress, provide for their initial medical or other needs and deliver them to a place of safety on shore.
- Masters of tow vessels are only exempt from 1, 2, 4 and 5 in the above list for the duration of the event, and 3 in the above list provided they do not exceed 5 knots within 20 metres of the water's edge.
- Competitors are exempt from 6 in the above list during competition runs only.
- Competitors and all occupants of vessels used in conjunction with the event must wear a personal floatation device at all times during the event.
- The above exemptions apply from 6.00 am to 7.00 pm on Saturday 30 November and Sunday 1 December 2019, to persons and vessels participating in the Wakeboard Australian Open round 1 on the Maribyrnong River, provided the stated safety controls and undertakings detailed in the application form and associated documentation are adhered to.

Parks Victoria

Dated: