

Western Australian Marine Act 1982

Exemption for tow-in surfing activities from regulations 48A(2) and 49 of the Navigable Waters Regulations 1958

(WAMA – 2021 – 204550)

I, **Raymond Buchholz**, Assistant Executive Director, Maritime, Department of Transport, a delegate of the Chief Executive Officer, acting pursuant to section 115A of the *Western Australian Marine Act 1982*, **hereby exempt** a person from the application of the following regulations while he or she is operating a personal watercraft (PWC) to carry out tow-in surfing activities:

- (a) Regulation 48A(2) of the *Navigable Water Regulations 1958* (by which the towing of water skiers may only occur in gazetted water-skiing areas); and
- (b) Regulation 49 of the *Navigable Water Regulations 1958* (by which the driver of a speed boat towing a water skier must be accompanied by another person to keep watch over the skier).

This exemption is subject to the following conditions:

The person

1. The person is 17 years of age or over;
2. The person holds a Recreational Skippers Ticket;
3. The person wears a kill switch lanyard on the wrist or attached to his or her personal floatation device; and
4. The person gives way to all other aquatic activities (for example; swimmers, paddle surfers, other vessels, persons on the shore).

The PWC

5. The PWC is equipped with –
 - a. All safety equipment required under the *Navigable Waters Regulations 1958*;
 - b. A rescue sled –
 - (i) of a minimum size of 90cm width, 1.2m length and 7cm thickness equipped with a minimum of five (5) grip handles;
 - (ii) the load on which does not exceed the load capacity recommended by the manufacturer;
 - c. A kill switch lanyard, which is wrapped around the handlebars;
 - d. A marine band radio which has an effective range of coverage for the operation;
 - e. An effective quick release floating tow rope;
 - f. An effective bow tow line;
 - g. A mask, dive fins, and a safety knife, each effective and each in a readily accessible location; and
 - h. A suitable first aid kit.

The person towed

6. Only one person is towed at a time; and
7. The person being towed holds a Recreational Skippers Ticket

The craft towed:

8. Only one craft is towed at a time; and

9. The towed craft is not motorised.

The activities

10. The tow-in surfing is not in protected waters, any gazetted water ski, PWC restricted or prohibited areas;
11. The tow-in surfing activities do not impede the safe passage or navigation of any other craft;
12. The tow-in surfing activities are a minimum of 50 metres from any other tow-in surfing activity and 200 metres from all other aquatic activities (for example, swimmers, paddle surfers, other vessels, persons on the shore); and
13. The tow-in surfing activities take place between sunrise and sunset.

This exemption does not exempt any person or vessel from the application of any other legislation including speed restrictions and the *Prevention of Collisions at Sea Regulations 1983*.

This instrument revokes the instrument known as WAMA – 2019 – 203337 and remains in force until 1 August 2023 inclusive unless revoked sooner.



Raymond Buchholz

Assistant Executive Director, Maritime

16 July 2021

Approved by LLS

Date: 02/07/2021