

# Application for Boating Activity Exemptions and Exclusion Zones

Marine Safety Act 2010 (Vic) Section 203

## Things to know before applying

- This form is to be completed by persons who propose to conduct a waterway event/ boating activity on Transport Safety Victoria (TSV) managed waters or unmanaged waters and who wish to apply for either an exemption or an exclusion zone and exemption or modification from the application of provisions of the:
  - *Marine Safety Act 2010 (Vic)*;
  - *Marine Safety Regulations 2012 (Vic)*;
  - State waterway rules; or
  - Regulations made under the *Port Management Act 1995 (Vic)*.
- TSV can only issue boating activity exemptions and exclusion zones in relation to the operation of vessels on waters under its control or unmanaged waters.
- In order for TSV to meet the requirements under the *Marine Safety Act 2010 (Vic)*, including assessment, government gazette and newspaper notices, you must lodge a complete application and associated documents at least 3 weeks before an event. As best practice, it is recommended you apply 6 weeks before an event.
- If you are conducting a series of events at different waterways, you may need to complete a separate application form for each waterway to address the safety issues for each individual location. As part of your application you will need to provide an assessment of safety risks associated with the boating activity exemption or modification and the proposed risk controls to be implemented to eliminate or reduce those safety risks. Your application cannot be considered without a risk assessment.
- Also, as part of your application you will need to provide supporting documents. Your application cannot be considered until you have provided:
  - **a waterway map showing**, the area of the event, all proposed exclusion zones, safety distances between area of use, shore, infrastructure, direction of traffic, type and location of all infrastructure including markers/ buoys, boat ramps, moored infrastructure and moored vessels and emergency access from the water. The map cannot be hand drawn. Maps must show relevant infrastructure and reference Lat/Long coordinates to WGS84.
  - **Fireworks fall-out zones and Work Cover approvals**. If fireworks are proposed at the event, you must also provide on the waterway map (or a separate map), details of the fireworks fall out zones showing minimum separation distances for detonation of fireworks in accordance with reg 155 of the *Dangerous Goods (Explosive) Regulations 2011 (Vic)* and a copy of the Work Cover approvals.
  - **Safety Management Plan (SMP)**. If the event is operating under the rules/safety management plan of a national or state recognised body, a copy of the rules or SMP if you have not already provided it to TSV within the last 12 months.
  - If you have a program/running sheet of the event including set up and breakdown, and an emergency plan you should also attach these (optional).
- You must have a minimum of \$20M public liability insurance coverage for the event.
- You must have a cancellation policy outlining when the event will be cancelled if the safety risks are deemed to high for the event to go ahead or continue.
- There is no fee to lodge this application.
- If you need additional space to answer the questions in this form, you can attach a separate page referencing your answer to the question number.

# Application for Event Boating Activity Exemptions and Exclusion Zones

Marine Safety Act 2010 (Vic) Section 212

## Applicant details

1. Business name of person or organisation proposing the event

2. Type of applicant. Are you:

<input type="checkbox"/> a company	ACN:
<input type="checkbox"/> a sole trader	ABN:
<input type="checkbox"/> an incorporated association	Registration number:
<input type="checkbox"/> another not-for-profit organisation	

Other (please specify)

3. Business address  
 Street number and name  
  
 Suburb State Postcode  

<input type="text"/>	<input type="text"/>	<input type="text"/>
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4. Postal address  
 Same as address above  
 OR  
 Street number and name/PO box  
  
 Suburb State Postcode  

<input type="text"/>	<input type="text"/>	<input type="text"/>
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5. Name of contact person/event manager/coordinator Position title  

<input type="text"/>	<input type="text"/>
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 Business telephone number Mobile number Fax number  

<input type="text"/>	<input type="text"/>	<input type="text"/>
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 Email

6. Name of contact person at event (if different from above) Mobile number  

<input type="text"/>	<input type="text"/>
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## Event Details

7. Name of event

8. Name of waterway where event being held

9. Specific location of event on this waterway

10. Date/s of event/s at this waterway

Note: If you are conducting events at different waterways, you may need to complete a separate application form for each waterway and address the safety issues for each individual location. If this is the case you will be notified by TSV.

Start date	End date	Start time (include set up and specify am or pm)	End time (include breakdown and specify am or pm)

11. Type of activity at this event (choose all that apply):

Waterskiing/wakeboarding

Power boating

Rowing

Dragon boat/outrigger

Canoeing/kayaking

Fishing

Sailing

Swimming

Fireworks

Other (please specify)

12. Description of proposed boating activity at this event (insert a description and/or attach an event day agenda/program)

*For example number of participants expected, type of competition/racing, length/duration, maximum number on the water/course at any one time, level of participants expertise (eg, novice), different classes of vessels, etc*

## Reason/s for application

### Vessel operating and zoning rules

13. Are you applying for exemptions or modifications to the State waterway rules or specific Scheduled waterway rules as detailed in the Vessel Operating & Zoning Rules for the waterway?

No → Go to question 14.

Yes → In the table below specify the exemptions, modifications or substitutions you are seeking, the reason why you are requesting the exemption and what control measure(s) you will put in place to mitigate the hazards or risks to safety that may be presented by the granting of the exemption (choose all that apply). To do this you will need to undertake a risk assessment (see question 25).

Exemption/modification/substitution sought	Reason(s) for exemption	*Control measure(s) to mitigate hazards/safety risk
<input type="checkbox"/> <b>State Waterway Rules</b> <b>Vessels travelling at speeds greater than 5 knots:</b> <input type="checkbox"/> within 50m of a person in water <input type="checkbox"/> within 50m of another vessel		
<u>Inland waters</u> <input type="checkbox"/> within 50m of the water's edge <input type="checkbox"/> within 50m of a fixed or floating structure		
<u>Coastal waters/ enclosed waters</u> <input type="checkbox"/> within 200m of water's edge <input type="checkbox"/> within 50m of wharf, jetty, slipway, diving platform or boat ramp		
<input type="checkbox"/> <b>Scheduled Waterway Rules</b> <b>Schedule No. _____</b> Specify clauses/rules/zones for exemption:		
<input type="checkbox"/> <b>Other (please specify)</b>		

\* The control measures for each exemption sought must be detailed and be specific and relevant to each exemption.

## Safety equipment

14. Are you applying for exemptions or modifications for carrying recreational vessel safety equipment?

No → Go to question 15.

Yes → In the table below specify the exemptions, modifications or substitutions you are seeking, the reason why you are requesting the exemption and what control measure(s) you will put in place to mitigate the hazards or risks to safety that may be presented by the granting of the exemption (choose all that apply).

Exemption/modification/substitution sought	Reason(s) for exemption	*Control measure(s) to mitigate hazards/ safety risk
<input type="checkbox"/> Person flotation devices (requirement to carry)		
<input type="checkbox"/> Waterproof torch/lantern		
<input type="checkbox"/> Anchor		
<input type="checkbox"/> Bailer		
<input type="checkbox"/> Bucket with lanyard		
<input type="checkbox"/> Fire extinguisher		
<input type="checkbox"/> Flares		
Vessels operating more than 2 nautical miles off shore <input type="checkbox"/> EPRIB <input type="checkbox"/> Radio <input type="checkbox"/> Rocket flare <input type="checkbox"/> Compass		
Vessels 4.8 metres in length or less <input type="checkbox"/> Paddles or oars		
Vessels 8-12 metres in length <input type="checkbox"/> Lifebuoys		
Vessels over 12 metres in length <input type="checkbox"/> Dinghy/life raft		
<input type="checkbox"/> Navigation lights		
<input type="checkbox"/> Other (please specify)		

15. Are you seeking any other exemptions, modifications or substitutions besides the vessel operating and zoning rules and safety equipment, such as *Marine Safety Act 2010 (Vic)*, *Marine Safety Regulations 2012 (Vic)* or regulations made under the *Port Management Act 1995 (Vic)*?

No → Go to question 16.

Yes → In the table below specify the exemptions, modifications or substitutions you are seeking the reason why you are requesting the exemption and what control measure(s) you will put in place to mitigate the hazards or risks to safety that may be presented by the granting of the exemption (choose all that apply).

Exemption/modification/substitution sought	Reason(s) for exemption	*Control measure(s) to mitigate hazard/safety risk
<input type="checkbox"/> <b>Marine Safety Act 2010</b> Specify clauses for exemption:		
<input type="checkbox"/> Vessel registration <input type="checkbox"/> Marine licence <input type="checkbox"/> Marine licence conditions		
<input type="checkbox"/> <b>Marine Safety Regulations 2012</b> Specify clauses for exemption:		
<input type="checkbox"/> Person flotation devices - requirement to wear <input type="checkbox"/> Person flotation devices do not meet specified standard		
<input type="checkbox"/> Regulations made under the <b>Port Management Act 1995</b> Specify clauses for exemption:		
<input type="checkbox"/> <b>Other (please specify)</b>		

**Exclusion Zones**

16. Are you seeking an exclusion zone for any part of the waterway where your event will be held? Please note, an exclusion zone can only be established in conjunction with an exemption.

No → Go to question 17.

Yes → You will need to show the area of all exclusion zones on a map to be provided with this application.

Please provide a description of the exclusion zone and how it will be managed. Who will monitor and/or enforce the exclusion zone? What measures are in place if unauthorised persons enter the exclusion zone?

## Previous history

### Previous history

17. Has this activity/event been held previously?

No → Go to question 19.

Yes → Is it an annual event       No       Yes

18. Have there been any marine safety incidents in previous events? (Such as collision, capsized, injury, involved emergency response)

No → Go to question 19.

Yes → Provide a summary of the safety incidents (date, what happened and who involved) and explain what measures you have implemented to prevent the same type of incident happening again.

## Risk assessment and risk management

### National or State recognised body - Safety Management Plan

19. Is this event operating under the rules/safety management plan (SMP) of a national or state recognised body? (e.g. Yachting Australia, Rowing Victoria, Australian Power Boat Association)

No → Go to question 20.

Yes → Name of body

Are there any amendments to these rules/SMP for this event?

No → Go to question 20.

Yes → Provide details of the amendments for this event

### Water infrastructure

20. During this event will there be any infrastructure installed on water for this event? (e.g. buoys, pontoons, moored vessels, markers, etc)

No → Go to question 21.

Yes → List the number and type of infrastructure that will be on the water (e.g. 5 buoys, 1 ski jump)

What measures will you implement to minimise the safety risks associated with the use of or collision/impact with the infrastructure?

**Rescue, emergency and first aid services**

21. What rescue, emergency and first aid services will be provided for this event? Provide details of the number, type (e.g. 2 rescue boats, 2 qualified first aid officers, 1 paramedic) and how they will be identified.

What criteria was used to determine the type and number of rescue, emergency and first aid services provided? For example the number rescue vessels required to reach a number of people in the water at any one time, severity of injuries.

**Communications**

22. What communication systems will you have to communicate with participants, event marshals, safety boats, the public, emergency services and other vessel operators?

What measures will you implement if the communication systems (including emergency alarm) fail?

**Cancellation policy**

23. What would trigger the suspension or cancellation of the activity/event and who is the person(s) responsible to make that decision? Indicate the trigger points such as wind strength, wave height, visibility or other measureable factors.

**Fireworks**

24. Will this event have fireworks?

No → Go to question 25.

Yes → You will need to show the fireworks minimum separation distances on a map to be provided with this application and provide a copy of the Work Cover approvals.



## 25. Risk assessment

The key steps of a risk assessment process and the matrix below provide a basic framework for identifying and measuring risk.

- Identify and consider each of the hazards/risks associated with the activity/event. What can happen, how it can happen given a number of different circumstances, or in conjunction with another hazard?
- Identify the Likelihood of each hazard/risk occurring. Is it Almost Certain, Likely, Moderate, Unlikely or Rare? Identify what the Consequence would be. Would it be Insignificant, Minor, Moderate, Major or Catastrophic?
- Match the Likelihood score and the Consequence score to determine the Risk Rating. Is it High, Significant, Moderate or Low? Any identified Risk Rating in the Moderate, Significant or High categories require some form of control measure to reduce the risk.
- Identify and record the control measures that are already in place to reduce the level of risk associated with the hazard and determine if any additional controls are required to reduce the risk to an acceptable level. Include both preventative controls (to prevent a hazard from occurring) and mitigating controls (to reduce the degree of harm in the event of a hazard or incident occurring). Ensure that the number and effectiveness of controls reflect the level of risk.
- Re-assess the risk rating for each identified hazard/risk taking into account the specified control measures.

The controls measure identified in relation to any exemptions should also be included at questions **13, 14, 15**.

Risk assessment matrix		Consequence (C)				
		Insignificant First aid	Minor Medical treatment	Moderate Hospitalisation	Major Single death/ multiple injuries	Catastrophic Multiple deaths
Likelihood (L)		1	2	3	4	5
<b>Almost Certain</b> Event expected to occur	5	Moderate 5	Significant 10	High 15	High 20	High 25
<b>Likely</b> Event may occur	4	Low 4	Moderate 8	Significant 12	High 16	High 20
<b>Moderate</b> - Event may occur once in 3 events	3	Low 3	Moderate 6	Moderate 9	Significant 12	High 15
<b>Unlikely</b> - Event may occur once in 10 events	2	Low 2	Low 4	Moderate 6	Moderate 8	Significant 10
<b>Rare</b> - Event occurs only in exceptional circumstance	1	Low 1	Low 2	Low 3	Low 4	Moderate 5

Examples of some of the risks may include:

- **Collision:** Collision between: vessel/vessel, vessel/structure, vessel/bank, vessel/person, fixed or floating object, overhead obstruction/wires, submerged object.
- **Person overboard.**
- **Capsize/swamping.**
- **Vessel Failure:** Catastrophic failure, (loss of steering or power) that may result in harm to occupants of vessel, other vessels or onlookers – consider speed of vessels.
- **Fire:** Vessels and water infrastructure.
- **Propeller Injury:** Injury to a participant from a vessel's propeller.
- **Debris in water** causing hazard to other participants, users or vessels.
- **Low light restricted visibility:** Event to be conducted in low light/visibility, twilight or dark. Consider requirement for navigation lights, impact on rescue.
- **Black water restricted visibility:** Consider potential that the water turbidity, colour or available daylight might prevent seeing someone in the water or under the surface.
- **Delay to event causing impact on exclusion zone/event area:** Consider potential that the event may be delayed or run overtime, be late to start, or be required to pause for unanticipated activities. Consider the likely impact on safety of the event.
- **Unregistered vessels or unlicensed operators:** The potential that unregistered vessels or unlicensed operators of powered vessels will be present.
- **Un-official Vessels/swimmers:** Large crowds expected on the banks/waters edge Vessels or swimmers/spectators not involved in the event to enter the area where the event is to be held.



**Public liability insurance**

26. What is the amount of public liability insurance coverage you hold for this event? (minimum \$20M)

\$
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**Declaration and signature**

27. I declare that:

- I am authorised to make this request on behalf of the event proponent.
- to the best of my knowledge the contents of this form and any attachments are true and correct.
- I will advise Victoria Police and Transport Safety Victoria in writing of any reportable marine incidents that occur during the event.
- all vessels involved in the event will be either registered commercially or recreationally and vessel operators (including officials and participants) are appropriately licensed or qualified.
- an emergency plan is in place to adequately supply emergency services during the event and all emergency personnel are briefed, familiar with the area of operation and appropriately licensed or qualified.
- a cancellation policy will be implemented when the safety risk is deemed too high to go ahead with the event.
- adequate public liability insurance is held for this type of event.
- if fireworks are conducted at the event, the appropriate approvals from Work Cover and CASA (Civil Aviation Safety Authority) and the appropriate pyro-technician licences are held and the fireworks will be conducted in accordance with reg 155 of the *Dangerous Goods (Explosive) Regulations 2011 (Vic)*.
- I understand it is an offence under section 305 of the *Marine Safety Act 2010* to provide any false or misleading information and that penalties apply.

I understand that failure by the event proponent and participants to comply with the undertakings made in this application may result in legal proceedings and the cancellation of the event.

I acknowledge that if lodging this request electronically, Transport Safety Victoria will accept this communication as containing my signature for the purposes of the *Electronic Transactions (Victoria) Act 2000 (Vic)*.

Signature of applicant (if lodging electronically, type name and signature here)

Date

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Printed name

Position

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## Attachments

As part of the application you must attach the following supporting documentation:

### Mandatory documents

**Waterway map** Hand drawn and incomplete maps will not be considered. The map must show relevant infrastructure and reference Lat/Long coordinates to WGS84 (dd/mm/sss). The map must also show:

- the area of the event.
- all exclusion zones required.
- all safety distances between area of use, shore, infrastructure.
- direction of traffic.
- type and location of all infrastructure including Markers/ buoys, boat ramps, moored infrastructure and moored vessels.
- emergency access from the water.

**If fireworks are proposed at the event, you must also provide:**

- On the waterway map (or a separate map), details of the fireworks fall out zones (FX only) showing minimum separation distances for loading/transportation and detonation of fireworks in accordance with the *Dangerous Goods (Explosive) Regulations 2011* (reg 155).
- A copy of the Work Cover approvals.

**If the event is operating under the rules/safety management plan (SMP) of a national or state recognised body you must also provide:**

- A copy of the rules/safety management plan if you have not already provided to TSV within the last 12 months.

### **Cancellation policy**

- If you have not provided your cancellation policy at question 23, attach it as a separate document.

### Optional documents to support your application

- Full program/running sheet of the event including set up and breakdown.
- A copy of your emergency plan.

## How to lodge

Send your completed form and any attachments by email or post:

[waterways@transportsafety.vic.gov.au](mailto:waterways@transportsafety.vic.gov.au)

PO box 2392 Melbourne VIC 3001

## What happens next?

- TSV will send you an acknowledgement in writing that your application has been received.
- You may be required to provide further information to support your application. When the Safety Director has received a complete application and all the necessary information, TSV will assess the information and decide whether to grant the exemptions and exclusion zones.
- You will be notified of the decision in writing.
- If granted, the exemption declaration will be published in a newspaper circulating generally throughout Victoria and on the TSV website. Exclusion zone notices will also be published in the Government Gazette.

**Privacy Notice** Transport Safety Victoria (TSV) collects and holds the personal information provided in this notice to assist the Director, Transport Safety (Safety Director) to administer the *Marine Safety Act 2010* (Vic) and *Marine Safety Regulations 2012* (Vic). TSV is committed to protecting personal information in accordance with its obligations under the *Marine Safety Act 2010* (Vic) and the *Privacy and Data Protection Act 2014* (Vic). The personal information provided in this notice may be disclosed to other government agencies in accordance with section 306 of the *Marine Safety Act 2010* (Vic) and section 177 of the *Transport Integration Act 2010* (Vic). It is an offence under the *Marine Safety Act 2010* (Vic) to give information that is false or misleading in relation to a request to make a waterway rule. The individuals whose personal information is collected on this notice have a right to seek access to this personal information and to seek correction of any error in the personal information held. All individuals whose personal information is included with this notice should be informed of this fact. For more information on privacy please refer to TSV's privacy statement at [transportsafety.vic.gov.au/privacy](https://www.transportsafety.vic.gov.au/privacy).