



## Legal Waves

*Looking at how the law interfaces with today's boatowners and fishermen.*

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*Who amongst us hasn't felt frustrated, not to say angry, when the peace and tranquility of a day anchored up in our favourite spot is invaded by uniformed officers of some instrumentality looming up alongside, wanting to step into our world? It always raises the question:*

### Who has the authority to board your boat?

The policing of waterways is divided into a number of different jurisdictions and recreational boats often fall under what is known as 'State jurisdiction'.

This applies up to 3 nautical miles from the coast. Therefore, the ability to lawfully board a boat is determined by the jurisdiction of where the boat actually is. However, don't forget that the laws applied on the waterways are similar to laws on the road. That means that they can be enforced by either the State Police or the Maritime Authority of each state.

If you are planning to take your boat out for the day, you need to be aware of the following compliance organisations:

- Police
- Maritime Authority
- Fisheries officers
- Council Rangers
- NPWS
- RTA

The first three also have the right to stop and inspect your boat for the following reasons:

**1) Random breath testing.** This can be conducted by the Police on the operator of a vessel while it is underway, including drifting. The operator of a vessel includes anyone steering or exercising control over its course or direction and includes the observer in a vessel which is towing people as well as anyone being towed. However, this ruling does not apply when a vessel is moored, berthed or at anchor.

**2) Life Jackets and Safety.** Both the Police and Maritime officers have the right to stop and request that the skipper produce life jackets and safety equipment. Note that they can also issue fines if they find you non-compliant.

**3) Speeding, negligent or dangerous navigation.** Roads, Maritime and NSE police can issue a penalty notice. Serious or repeat offences under the marine legislation may result in court proceedings after the issue of a court attendance notice.

**4) Pollution.** Maritime Officers can issue on-the-spot fines for polluting the water. Passenger carrying commercial vessels and houseboats are generally required to install holding tanks to prevent the discharge of raw sewage. In addition, recreational boaters with an onboard toilet should also install a holding tank.

Other offences can include not having a boat driving licence, causing a nuisance or dangerous navigation, overloading or if it is believed the holder is not a 'fit and proper' person to hold a boat licence.

**ABM**

