



Legal Waves

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

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What Rules Apply To Other Water Craft?

These days, an increasing amount of people are purchasing other types of water craft such as jet skis, paddle boards and canoes. However, just like a boat, you need to make sure you are complying with all the legal requirements for owning this type of vessel.

Personal Watercraft

Personal watercraft (PWCs) including jet-skis, aqua scooters and jet bikes are required to be operated within the same rules as 'powerboats'. Therefore, operators of PWCs are required to have a marine licence with a PWC endorsement.

If you are a holder of a restricted marine licence with a PWC endorsement, you may operate a PWC during daylight hours between sunrise and sunset as long as you stick to speeds less than 10 knots and don't tow a person, another vessel or object.

Owners of PWCs are also required to register their vessel and ensure that registration numbers are at a minimum height of 100mm, attached on both sides of the PWC. The numbers must also be coloured in contrast to the background and clearly visible. In addition, a current registration label must also be attached to the vessel.

When it comes to safety equipment, personal watercraft do get some concessions on safety equipment. They do not have to carry a fire extinguisher or anchor and line nor carry distress flares (within 400 metres offshore). However every person on board a PWC must wear a life jacket/personal flotation device (PFD).

All boats under 3.75 metres (12 feet) in length (including personal watercraft), must stay within five nautical miles from the mainland, unless they are within the limits of a port or within one mile of

any island.

Every skipper of a registrable recreational vessel powered by a motor greater than 4.5kw (6 hp) (this includes PWCs) is required to hold a Recreational Skipper's Ticket (RST). A person aged between 14 and 16 cannot be in charge of an RST vessel unless they hold an RST. A person aged between 14 and 16 may only operate a vessel during daylight hours and at a maximum speed of 8 knots.

Most importantly freestyle driving is driving a PWC in such a manner that the driver of another vessel would be unable to predict your course and speed in order to avoid a collision with you. Freestyling is prohibited within 30 metres of another PWC, within 50 metres of another vessel or person in the water and in the Swan and Canning Rivers except in the gazetted freestyle areas.

Canoes and Kayaks in NSW

Canoes and kayaks are also classified as vessels and must comply with NSW marine legislation. Conflict between canoes/kayaks and power vessels may occur when the available water is restricted, particularly in busy waterways such as Sydney Harbour. However there are limited rules regarding the operation of a canoe or kayak in NSW.

Paddle craft are small and sit low in the water, making it difficult for skippers of other vessels to see them in some situations. Whilst not legislation it is important to be clearly visible while on the water.

Suggested precautions to take:

1. Attach a high visibility flag to your canoe/kayak
2. Wear highly visible clothing
3. Paddle in tight formation
4. Stay close to shore line
5. Keep to the starboard side of the channel

The one law that must be adhered to for canoes and kayaks is lifejackets.

Lifejackets are required to be worn when paddling at all times on all waters, other than when less than 100 metres from the nearest shore on enclosed and alpine waters. The operator of the canoe or kayak is responsible to ensure that everyone on board complies with lifejacket requirements.

Just remember that laws apply to all watercraft, not just boats, and it is important that if you are the skipper then you are responsible.

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