

Ref: 953-2020-BAE

Mr Kevin Barker  
Senior Storage Officer  
Goulburn Murray Water  
PO BOX 165  
**TATURA VIC 3616**

Dear Mr Barker

### **PROPOSED DECLARATION TO EXEMPT BOATING ACTIVITY**

I refer to the application received by Goulburn Murray Water under section 203(1) of the *Marine Safety Act 2010* (Vic) (**Marine Safety Act**) for an exemption and modification from the application of the Marine Safety Act, *Marine Safety Regulations 2012* (Vic) and the waterway rules, to boating activity conducted by the Victorian Speed Boat Club on Lake Eppalock.

I have considered the application, your proposed declaration and the proposed notice under section 208(2), Marine Safety Act.

### **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 include a modification to the Regulations for use of the APBA-specific lifejackets, and include additional conditions for the formula future class.

Please note that under section 204(4) of the Marine Safety Act Goulburn Murray Water is required to comply with this direction.

The proposed notice is satisfactory for publication in the Government Gazette.

### **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 Goulburn Murray Water has complied with section 203(6) of the Act, provided that Goulburn Murray Water:

- Publishes the declaration on their Internet site;
- Advertising the event locally

Please note it is essential that all boating activity is only conducted in accordance with the latest Department of Health and Human Services (DHHS) advice in relation to managing the risk of COVID-19 and the COVID Safe Plan submitted by the applicant.

If you have any questions in relation to this direction, please contact Ed Allan on 0428 289 424 or [ed.allan@transportsafety.vic.gov.au](mailto:ed.allan@transportsafety.vic.gov.au).

Your sincerely

A handwritten signature in blue ink, appearing to read 'D Boothroyd', with a stylized, cursive script.

**DAVID BOOTHROYD**  
Manager Waterway Safety and Compliance  
Delegate of the Director, Transport Safety

31 / 12 / 2020

**PUBLIC NOTICE**  
**DECLARATION OF BOATING ACTIVITY EXEMPTION**

I, Martina Cusack – General Manager Water Storage Services at Goulburn Murray Water, as the declared waterway manager for Lake Eppalock, makes the following declaration under section 203(3) of the *Marine Safety Act 2010* (Vic).

For the purpose of conducting the Victorian Speed Boat Club, Gold Cup on Lake Eppalock on Saturday 9 January 2021 & Sunday 10 January 2021 between 7.00am to 7.00pm, persons and vessels involved in the event are exempt from the following requirements:

**State Rules made under the *Marine Act 1988***

1. Clause 2(a) – 5 knots within 50 metres of a person in the water;
2. Clause 2(c) – 5 knots within 50 metres of another vessel;
3. Clause 3(a) – 5 knots within 50 meters of the water's edge;
4. Clause 3(b) – 5 knots within 50 metres of a fixed or floating structure (including a wharf, jetty, slipway or boat launching ramp).

***Marine Safety Regulations 2012***

5. Regulation 44(2)(b) – holders of Restricted Marine Licences to operate a vessel at a speed not exceeding 10 knots.

For the purpose of boating activity conducted by the Victorian Speed Boat Club “Schedule 1- Types of Personal Floatation Devices”, of the Marine Safety Regulations 2012 (MSR) is modified to include a personal floatation device is a PFD Type 1, 2 or 3 if it complies with the current Australian Power Boat Association (APBA) Rule Book.

Subject to the conditions detailed below:

- The masters of rescue vessels are only exempt from 1, 2, 3 and 4 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 onshore.
- Masters of competing vessels are only exempt from 2, 3, 4 and 5 in the above list for the duration of the event.
- Occupants of competing vessels must wear PFDs that comply with Rule 801 of the current APBA Rule Book.
- All persons on course and rescue vessels involved with the event must always wear a PFD during the event and vessels must have all prescribed safety equipment.
- Masters of Formula Future class vessels holding a Restricted Marine Licence are only exempt from Regulation 44(2)(b) provided they have completed the training required by APBA Victoria as detailed in the Formula Future Safety Management Plan and hold the appropriate APBA Formula Future licence, and must not exceed the following speeds:
  - J1 class – 19 knots
  - J2 class – 33 knots
  - J3 class – 40 knots
  - 25hp class – 47 knots
  - F4 class – 60 knots
- All interstate vessel masters in Formula Future classes must hold the appropriate APBA Formula Future Licence and have documented proof they have competed in at least 3 events (9 races) in their home state before competing at an event in Victoria. Should they not provide this proof they must complete the training required by APBA Victoria as detailed in the Formula Future Safety Management Plan.

- In the event of any injuries which result in hospitalisation, a fatality or an incident involving a person or vessel not involved in the event, these must be immediately reported to MSV and Victorian Police. In the case of all other incidents MSV requires incident reports within seven days and a finalised report within 30 days.
- The exemptions and modification apply between 7.00am to 7.00pm on Saturday 9 January 2021 and Sunday 10 January 2021 on the waters of Lake Eppalock within the event exclusion zone, provided the stated safety controls and undertakings detailed in the Event Application, APBA Racing Procedures, APBA Rule Book and associated documentation are adhered to.

**Goulburn Murray Water**

Dated: