



Queensland

# Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2009

## Subordinate Legislation 2009 No. 46

made under the

*Transport Operations (Marine Safety) Act 1994*

## Contents

---

		Page
1	Short title .....	2
2	Commencement .....	2
3	Regulation amended .....	2
4	Amendment of s 127A (Speed limit for personal watercraft operating in particular places) .....	2
5	Amendment of s 204A (Appointment of shipping inspectors) ...	2
6	Replacement of s 222A (Marine zones) .....	2
	222A Marine zones .....	3
7	Replacement of sch 14A (Marine zones) .....	3
	Schedule 14A Marine zones	
	1 Tallebudgera Creek .....	3
	2 Noosa River .....	4
8	Insertion of new sch 14C .....	6
	Schedule 14C Areas of Noosa River where water skiing is allowed between 8am and 5pm	
9	Amendment of sch 15 (Dictionary) .....	7

[s 1]

---

**1 Short title**

This regulation may be cited as the *Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2009*.

**2 Commencement**

This regulation commences on 1 July 2009.

**3 Regulation amended**

This regulation amends the *Transport Operations (Marine Safety) Regulation 2004*.

**4 Amendment of s 127A (Speed limit for personal watercraft operating in particular places)**

(1) Section 127A(4)—

*renumber* as section 127A(5).

(2) Section 127A—

*insert*—

‘(4) The collision regulations apply to the personal watercraft despite subsection (2)(b)(ii) or (iii).’.

**5 Amendment of s 204A (Appointment of shipping inspectors)**

Section 204(c), after ‘SunWater’—

*insert*—

‘Limited ACN 131 034 985’.

**6 Replacement of s 222A (Marine zones)**

Section 222A—

*omit, insert*—

---

## **‘222A Marine zones**

- ‘(1) An area is a marine zone if schedule 14A states it is a marine zone.
- ‘(2) A person who is the owner or master of a ship must not operate the ship in a marine zone in contravention of a requirement mentioned in schedule 14A for the marine zone.
- Maximum penalty—200 penalty units.
- ‘(3) However, a person who is the owner or master of a ship may operate the ship in a marine zone if the ship is owned and operated by either of the following entities and is being operated in the course of the entity’s rescue, lifesaving or emergency activities—
- (a) a volunteer marine rescue association or a surf lifesaving association accredited by the emergency services department;
  - (b) the emergency services department.’.

## **7 Replacement of sch 14A (Marine zones)**

Schedule 14A—

*omit, insert—*

## **‘Schedule 14A Marine zones**

section 222A

### **‘1 Tallebudgera Creek**

- ‘(1) The area of Tallebudgera Creek is a marine zone.
- ‘(2) The requirement for the marine zone is that a personal watercraft must not be operated in the marine zone.

[s 7]

---

## ‘2 Noosa River

- ‘(1) The area of the Noosa River and the area of adjoining waters including Lake Cootharaba, Lake Cooroibah, Doonella Lake and Lake Weyba are a marine zone.
- ‘(2) However, the area of each creek, other than Cooloothian Creek, Cooroibah Creek or Weyba Creek, adjoining the waters of the Noosa River is not part of the marine zone.
- ‘(3) The requirements for the marine zone are as follows—
- (a) a ship must not be operated in the marine zone to freestyle, surf or wave jump;
  - (b) a personal watercraft must not be operated in the marine zone;
  - (c) a ship must not be operated in the marine zone to water ski, other than between 8am and 5pm in an area of the Noosa River described in schedule 14C;
  - (d) a hovercraft or airboat must not be operated in the marine zone;
  - (e) an aircraft must not be operated in the marine zone to take off or land on water.
- ‘(4) However subsection (3)(a) or (b) does not apply if the ship is—
- (a) a personal watercraft registered as a commercial ship; and
  - (b) operating in the waters of the Noosa River where, under section 221(2), the general manager has, by gazette notice, stated that the anchoring, berthing, mooring or operating of a ship, other than a personal watercraft registered as a commercial ship, endangers marine safety (the *commercial PWC area*).

*Editor’s note—*

A copy of the current gazette notice describing those waters, and the associated map, are available on Maritime Safety Queensland’s website at <[www.msq.qld.gov.au](http://www.msq.qld.gov.au)>.

- ‘(5) Also, subsection (3)(b) does not apply if—

- 
- (a) the owner or master of the personal watercraft is operating it in any of the waters mentioned in subsection (7); and
  - (b) the owner or master uses the personal watercraft to move through the waters—
    - (i) to travel to or from the commercial PWC area in a straight line, or in the most appropriate or direct route, taking into account the circumstances of the waters; or
    - (ii) on a transit voyage, in a straight line, or in the most appropriate or direct route, taking into account the circumstances of the waters; and
  - (c) the owner or master—
    - (i) is operating the personal watercraft along or near the centre of the waters, or within a marked channel; or
    - (ii) uses the personal watercraft to travel from the shore to the centre or near the centre of the waters, or within a marked channel; or
    - (iii) uses the personal watercraft to travel from the centre or near the centre of the waters, or within a marked channel to the shore.

*Examples of activities for this subsection—*

- 1 A personal watercraft is launched at the Thomas Street, Noosaville, boat ramp and travels using a marked channel to Laguna Bay.
  - 2 A personal watercraft travels from Laguna Bay using a marked channel to a pontoon adjacent to Gympie Terrace, Noosaville.
- ‘(6) The collision regulations apply to the personal watercraft despite subsection (5)(b) or (c).
  - ‘(7) For subsection (5)(a), the waters are as follows—
    - (a) the waters of the Noosa River downstream of a direct line between latitude 26°23.836' south, longitude 153°03.273' east and latitude 26°23.585' south, longitude 153°03.273' east ending at a direct line between latitude 26°22.847' south, longitude

[s 8]

---

153°04.856' east and latitude 26°22.787' south, longitude 153°04.601' east;

(b) the waters of Weyba Creek downstream of a direct line between latitude 26°23.842' south, longitude 153°04.509' east and latitude 26°23.916' south, longitude 153°04.393' east;

(c) the waters of a canal or system of canals joining waters mentioned in paragraph (a) or (b).

‘(8) For subsection (7)(b), the shore of Weyba Creek between the following points is taken to be a direct line between the points—

(a) latitude 26°23.964' south, longitude 153°04.651' east;

(b) latitude 26°23.955' south, longitude 153°04.599' east.

‘(9) In this section—

*transit voyage* means—

(a) a voyage between a point seaward of the marine zone and a point in the waters mentioned in subsection (7); or

(b) a voyage between a point in the waters mentioned in subsection (7) and a point seaward of the marine zone.’.

## 8 Insertion of new sch 14C

After schedule 14B—

*insert—*

### ‘Schedule 14C Areas of Noosa River where water skiing is allowed between 8am and 5pm

schedule 14A, section 2(3)(c)

1 The area of the Noosa River at Tewantin within the following boundary—

- starting at latitude 26°23.265' south, longitude 153°02.664' east along the eastern shore of the Noosa River
  - to latitude 26°22.755' south, longitude 153°02.836' east
  - a direct line to latitude 26°22.710' south, longitude 153°02.763' east
  - along the eastern shore of Makepeace Island to latitude 26°22.952' south, longitude 153°02.785' east
  - a direct line to latitude 26°22.994' south, longitude 153°02.738' east
  - along the eastern shore of the Sheep Island to latitude 26°23.194' south, longitude 153°02.564' east
  - a direct line to the starting point
- 2 The area of the Noosa River at Tewantin within the following boundary—
- starting at latitude 26°22.266' south, longitude 153°02.350' east along the eastern shore of the Noosa River
  - to latitude 26°21.596' south, longitude 153°02.404' east
  - a direct line to latitude 26°21.605' south, longitude 153°02.324' east
  - along the western shore of the Noosa River to latitude 26°22.326' south, longitude 153°02.267' east
  - a direct line to the starting point'.

## 9 Amendment of sch 15 (Dictionary)

(1) Schedule 15—

*insert—*

**'airboat'** means a watercraft, other than an aircraft, designed to be propelled by an aircraft-type propeller.

**'ship'**, for section 222A and schedule 14A, includes an aircraft when it is on water, or is taking off or landing on water.'

[s 9]

---

- (2) Schedule 15, definitions *freestyle*, *surf* and *wave jump*,  
‘personal watercraft’—  
*omit, insert—*  
‘ship’.
- 

#### ENDNOTES

- 1 Made by the Governor in Council on 30 April 2009.
- 2 Notified in the gazette on 1 May 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2009