



Government of **Western Australia**  
Department of **Transport**

**Maritime**

Our ref: A19457657

Lawson Dixon  
Australian Sailing  
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NEDLANDS WA 6009  
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Dear Mr Dixon

**Australian Sailing / Yachting Western Australia Exemptions**

Thank you for your applications requesting exemptions and approvals for bona fide vessels and craft participating in Yachting Western Australian events and associated organised training.

I am pleased to advise that your applications for these exemptions and approvals have been granted, subject to the conditions on the attached exemption instrument.

Please note that the attached exemptions only apply to the provisions stated within, and you must still comply with all other applicable laws.

Should you wish to discuss these matters further, please contact the Team Leader Navigational Safety, Kathryn Davies on 0436 664 789.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Beattie'.

**Peter Beattie**  
A/Director Waterways Safety Management

17 November 2023

**Western Australian Marine Act 1982**

**WAMA – 2023 - 206371**

**Approval and exemption from compliance with certain speed restrictions for certain vessels under the control of a bona fide member or event official of a Yachting Western Australia (Inc) affiliated club**

I, **Peter Beattie**, A/Director Waterways Safety Management, Department of Transport (DoT) and delegate of the Chief Executive Officer, acting pursuant to the power in section 115A of the *Western Australian Marine Act 1982* (the Act) and regulation 48(a) of the *Navigable Waters Regulations 1958* (the Regulations), hereby make the exemptions, approval and conditions set out below in relation to motorised vessels under the control of a bona fide member or event official of a club affiliated to Yachting Western Australia (Inc.) (YWA Vessels) whilst operating within the following areas only:

1. Belmont waterski area to Fremantle Traffic Bridge on the Swan River; and
2. Salters Point upstream to Shelley Bridge on the Canning River.

**Exemptions**

YWA Vessels are exempt from compliance with:

- regulations 48(c), 48(d)(i) and 48(d)(iv) of the the Regulations; and
- notices made under section 67 of the Act and published in the *Government Gazette*.

**Approval**

YWA Vessel are granted approval to exceed the speed limit in accordance with regulation 48(a)(i) of the Regulations.

**Conditions**

The exemptions and approval listed above are subject to the following conditions:

1. Exceedance of the speed limit is –
  - a. only to the extent as is reasonably necessary to effectively undertake either:
    - i. safety, coaching or umpiring activities during an aquatic event as listed in the Yachting Western Australia (Inc.) calendar; or
    - ii. training organised by Yachting Western Australia (Inc.) for such an event,
  - b. not in excess of 12 knots over the speed limit that would apply but for this instrument.
2. DoT is in receipt of a safety management plan/s which covers all events listed in the Yachting Western Australia (Inc.) calendar, which addresses issues including:
  - a. conducting events in areas of high traffic density; and
  - b. the provision of appropriate training for vessel operators and crew to ensure that they are suitably experienced in navigating whilst operating at high speed (including when undertaking emergency response), and that they take reasonable care in all circumstances.
3. The Vessels display the word 'Safety' in letters at least 200mm high and 20mm thick, either on both sides of the hull, or in red writing on a white flag.
4. A copy of this instrument is produced to DoT as soon as possible upon request.

This instrument revokes the previous instrument WAMA – 2021-204595 and is in force until 1 August 2025 unless revoked sooner.

**Peter Beattie**

A/Director Waterways Safety Management

17 November 2023

Approved by LLS 08/11/2023
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**Western Australian Marine Act 1982**  
**Navigable Waters Regulations 1958**

**WAMA – 2023 - 206370**

**Exemption from compliance with certain provisions of the Navigable Waters Regulations 1958 for certain craft participating in Yachting WA events and associated training**

I, **Peter Beattie**, A/Director Waterways Safety Management, Department of Transport (DoT) and delegate of the Chief Executive Officer, acting pursuant to the power in section 115A of the *Western Australian Marine Act 1982* ("Act"), and regulation 52CA of the *Navigable Waters Regulations 1958* ("Regulations"), hereby make the exemptions and conditions set out in the paragraphs below.

**General**

1. In this instrument, **Off the Beach Boats** means open boats including centreboard dinghies, sailboards, skiffs, and multihulls launched and recovered from a shoreline.

**Exemptions**

2. Pursuant to section 115A(1) of the Act, Off the Beach Boats **are exempt** from compliance with regulation 52BAB of the Regulations.
3. Pursuant to regulation 52CA of the Regulations, Off the Beach Boats **are exempt** from compliance with regulation 52B of the Regulations.
4. Pursuant to regulation 52CA of the Regulations, kiteboard riders **are exempt** from compliance with regulations 52BAC(3) and (4) of the Regulations.

**Conditions**

The exemptions are subject to the following conditions:

5. The exemptions at paragraphs 2 and 3 above apply only if the vessel is:
  - a) under the control of a bona fide member or employee of Yachting Western Australia (Inc.) ("YWA") or an affiliated club; and
  - b) participating in or engaged in reasonable travel to or from:
    - i. a YWA event; or
    - ii. training organised by YWA for such an event; or
    - iii. training organised by YWA for an international or national event;and which is listed on YWA's Calendar of Events.
6. The exemption at paragraph 4 above applies if the kiteboard rider is participating in or engaged in reasonable travel to or from:
  - i. a YWA 'Olympic style' windward and leeward race as defined by YWA; or
  - ii. training organised by YWA for such an event;and which is listed on YWA's Calendar of Events.
7. The exemptions for Emergency Position Indicating Radio Beacons (EPIRB) or Personal Locator Beacons (PLB) only apply if the Off the Beach Boat is within 4 nautical miles of the mainland coast.
8. The exemptions at paragraphs 2, 3 and 4 only apply if:
  - a) The DoT is in receipt of a Safety Management Plan(s) which covers all events listed on the YWA Calendar of Events and all Off the Beach Boats involved in those events;
  - b) The events and training commence after sunrise and are completed before sunset;

- c) The organiser ensures enough suitable safety craft are available throughout the duration of the events and training;
- d) The organiser ensures that a suitable medical response, including evacuation and communications plans, is in place throughout the duration of the events and training;
- e) All aspects of the Australian Sailing "Racing Rules of Sailing", YWA risk management plans and safety management systems are adhered to; and
- f) A copy of this instrument is produced to DoT as soon as possible upon request.

This instrument revokes instrument WAMA-2021-204593 and is in force until 1 August 2025 unless revoked sooner.



**Peter Beattie**

*A/Director Waterways Safety Management*

*17* November 2023

Approved by LLS 08/11/2023
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**Western Australian Marine Act 1982**  
**WAMA – 2023 - 206372**

**Approval and exemption from compliance with speed restrictions for power yachts  
participating in Yachting Western Australia Power Yacht Time Trialling events**

I, **Peter Beattie**, A/Director Waterways Safety Management, Department of Transport (DoT) and delegate of the Chief Executive Officer, acting pursuant to the power in section 115A of the *Western Australian Marine Act 1982* ("Act"), **hereby make the exemptions, approval and conditions** set out below in relation to motorised vessels bona fide participating in and supporting the Yachting Western Australia (Inc.) Power Yacht Time Trialling events ("Vessels")

**Exemptions**

Vessels are exempt from compliance with:

- Regulation 48(c) of the *Navigable Waters Regulations 1958* ("the Regulations");
- The speed restriction notice TR401 for Milyu, Pelican Point and Alfred Cove Marine Parks, Swan River made under section 67 of the Act and published in the *Government Gazette* on 18 March 2003; and

The speed restriction notice MA402 for Matilda Bay made under section 67 of the Act and published in the *Government Gazette* on 31 March 2017. **Approval**

Vessels are granted approval to exceed the speed limit in accordance with regulation 48(a)(i) of the Regulations

**Conditions**

The exemptions and approval listed above are subject to the following conditions:

1. The event is listed on the Yachting Western Australia (Inc.) Calendar of Events;
2. The event commences after sunrise and is completed before sunset;
3. The organiser ensures enough suitable rescue craft are available throughout the duration of the event;
4. The organiser ensures that a suitable medical response, including evacuation and communications plans, is in place throughout the duration of the event;
5. All aspects of the Yachting Western Australia (Inc.) document titled "Risk Management" are adhered to;
6. The organiser carries a copy of this instrument during the events or produces it to DoT as soon as possible upon request;
7. The organiser makes arrangements to account for participants upon completion of the events; and
8. The Power and Cruising Yacht Committee of Yachting WA has prior event approval from the Aquatic Council and the event dates are in the Aquatic Calendar published on the DoT website.

This instrument is valid until 1 August 2025 unless revoked sooner.



**Peter Beattie**

*A/Director Waterways safety Management*  
17 November 2023

Approved by LLS 8/11/2023
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***Navigable Waters Regulations 1958***  
**NWR – 2023 - 206373**

**Exemption from compliance with certain safety equipment requirements for sailboard riders participating in Yachting Western Australia events**

I, **Peter Beattie**, A/Director Waterways Safety Management, Department of Transport (DoT) and delegate of the Chief Executive Officer, acting pursuant to the power in regulation 52CA of the *Navigable Waters Regulations 1958* ("the Regulations"), **hereby make the exemptions and conditions as set out below in relation to** bona fide sailboard riders participating in Yachting Western Australia (Inc.) wave windsurfing events (Riders):

**Exemptions**

Riders from compliance with regulations 52BAC(2) and 52BAC(3)(b) and 52BAC(4) of the Regulations

**Conditions**

The exemptions outlined above are subject to the following conditions:

1. The events commence after sunrise and are completed before sunset;
2. The organiser ensures enough suitable rescue craft are available throughout the duration of the events;
3. The organiser ensures that a suitable medical response, including evacuation and communications plans, is in place throughout the duration of the events;
4. All aspects of the Yachting Western Australia (Inc.) document titled "Risk Management" are adhered to;
5. The events are listed on the Yachting Western Australia (Inc.) Calendar of Events and are within 4 nautical miles of the mainland coast;
6. The organiser carries a copy of this instrument during the events or produces it to DoT as soon as possible upon request; and
7. The organiser makes arrangements to account for participants upon completion of the events.

This instrument remains in force until 1 August 2025 unless revoked sooner.



**Peter Beattie**

*A/Director Waterways Safety Management*

17 November 2023

Approved by LLS 08/11/2023
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