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MARINE SAFETY REGULATION 2016

EXEMPTION ORDER

HIRE AND DRIVE PERSONAL WATERCRAFT – LICENCE EXEMPTION FOR CERTAIN ACTIVITIES CONDUCTED ON THE HAWKESBURY RIVER, NSW

Clause 140(1)

I, Mark Hutchings, Executive Director, NSW Maritime, a delegate of Transport for NSW, pursuant to clause 140(1) of the Marine Safety Regulation 2016 (the Regulation), hereby EXEMPT the operators of hire and drive personal watercraft used in conjunction with regulated tour activities and conducted within the area of operations set out in Schedule 1 of this Order, from the requirements of clause 103(1) of the Regulation - being the requirement to hold a personal watercraft driving licence – SUBJECT TO the conditions set out in Schedule 2 of this Order.

Object

The object of this Exemption Order is to allow unlicensed persons to operate personal watercraft in the context of a supervised ‘tour’ operation in a safe and responsible way, and where the operation is subject to a Certificate of Operation under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* of the Commonwealth for the hiring out of personal watercraft.

Definition

In this Notice, “regulated tour activities” means unlicensed personal watercraft hire and drive tour activities under the supervision of tour guides conducted by Richie’s Events Pty Ltd T/A Jet Ski Safaris NSW in accordance with the Certificate of Operation COO-39922-003 issued by the Australian Maritime Safety Authority.

SCHEDULE 1

REGULATED TOUR ACTIVITIES – AREA OF OPERATIONS

This Exemption applies only to operators of personal watercraft participating in regulated tour activities conducted on the waters of the Hawkesbury River and connected tributaries bounded by a line drawn from the eastern extremity of Flat Rock Point in an easterly direction to the western extremity of Croppy Point and a line drawn from the east cardinal mark (CHR807) at the convergence of Mangrove Creek and the Hawkesbury River in a southern direction to Gentleman’s Halt Wharf on the opposite shore of the Hawkesbury River.

SCHEDULE 2
GENERAL CONDITIONS

1. This Order does not apply to:
 - a) Any person who is ineligible to hold a boat driving licence or is the subject of a boat driving licence suspension or disqualification under the *Marine Safety Act 1998*, or an equivalent disqualification in any other State or Territory; or
 - b) A person who is the subject of a written notice from Transport for NSW specifying that this Order does not apply to the person.
2. This Order applies only to the operator of a hire and drive personal watercraft who is:
 - a) operating a personal watercraft in accordance with the terms and conditions of a hire agreement with Richie's Events Pty Ltd T/A Jet Ski Safaris NSW; and
 - b) operating in accordance with specified waterway management rules as required by the tour operator; and
 - c) wearing an appropriate lifejacket within the meaning of Part 6 of the Regulation; and
 - d) not operating the vessel at a speed exceeding 30 knots; and
 - e) a minimum of 16 years of age.
3. This Order ceases to apply in the event that the regulated tour activities are no longer subject to a Certificate of Operation issued by the Australian Maritime Safety Authority.

Note:

Failure to comply with a condition of this Order by a personal watercraft operator means that the Exemption ceases to apply and if the operator does not hold a personal watercraft driving licence, both the vessel owner and the operator may be liable for an offence under State and National laws.

Publication

Pursuant to clause 140(3)(b) of the Regulation, this Order is published in the NSW Government Gazette.

This Notice takes effect on **27 November 2021** and will be in force for a period of 12 months from this date, unless revoked. This Order may be revoked at any time by Transport for NSW.

Date: 16 November 2021



MARK HUTCHINGS

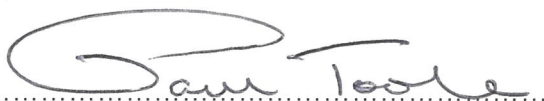
Executive Director, NSW Maritime
Delegate

ROAD TRANSPORT ACT 2013
EXEMPTION ORDER
SECTION 19

Ministerial (Income Criteria for Primary Producers) Exemption Order 2021

I, Paul Toole, Deputy Premier, in my capacity as Minister for Regional Transport and Roads, pursuant to section 19(1) of the *Road Transport Act 2013*, make this Order.

PAUL TOOLE
Deputy Premier
Minister for Regional Transport and Roads
Dated, this 17th day of November 2021



1. Citation

This Order is the *Ministerial (Income Criteria for Primary Producers) Exemption Order 2021*.

2. Commencement

This Order has effect on and from 1 December 2021.

3. Effect

This Order remains in force up to and including 1 November 2022 unless revoked earlier.

4. Interpretation

Words and expressions used in this Order have the same meaning as in the *Road Transport Act 2013* or the *Road Transport (Vehicle Registration) Regulation 2017*.

5. Legislation

“Act” means the *Road Transport Act 2013*.

“Regulation” means the *Road Transport (Vehicle Registration) Regulation 2017*.

6. Vehicles to which this Order applies

This Order applies to a primary producer as defined in the Act.

7. Declaration

A primary producer is declared to be exempt from the requirement under clause 127B of the Regulation that the primary producer must earn at least 50 per cent of the primary producer’s total income from primary production activities.

8. Scope of Order

This Order operates for a limited period of 11 months from 1 December 2021 to 1 November 2022 (‘the operating period’). A primary producer to which this Order applies during the operating period will be exempt from the 50 per cent income requirement.

19. Publication

This Order is published in the NSW Government Gazette.

Explanatory notes:

The NSW Government is providing an exemption from the 50 per cent income from primary production requirement for a period of 11 months from 1 December 2021 to 1 November 2022. A primary producer to which this Order applies during the operating period will be exempt from the 50 per cent income requirement when applying for the primary producer concession.

This Order does not exempt vehicle owners from compliance with any other aspect of the registration regime, including applicable registration costs, third party insurance legislation or fees relating to number-plates or vehicle inspections.