

Ref: 1163-2022-BAE

PO Box 2392,
Melbourne Vic 3001
T 1800 638 802

Mr Paul Bazalicki
Geospatial Services Officer
Barwon Coast
7 Ewing Blyth Drive
BARWON HEADS VIC 3227

Dear Mr Bazalicki

PROPOSED DECLARATION TO EXEMPT BOATING ACTIVITY

I refer to the application received by Barwon Coast Committee of Management (BC) under section 203(1) of the *Marine Safety Act 2010* (Vic) (**Marine Safety Act**) for an exemption from the application of the Marine Safety Act and the waterway rules, to boating activity conducted by Barwon Heads Sailing Association.

I have considered the application and note that you have not provided a draft declaration. We have taken the liberty of preparing one for you on this occasion. Please keep this declaration as a basis for any future applications for exemptions received by BC for submitting to Safety Transport Victoria – Maritime.

DIRECTION UNDER SECTION 204(2) OF THE MARINE SAFETY ACT

You are directed to make the declaration in the manner set out in the attached document.

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

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 BC has complied with section 203(6) of the Act, provided that BC:

- Publishes the declaration on their Internet site;
- Publishes a Notice to Mariners prior to the events; and
- Ensures BHSA publishes the Declaration on their website/social media platforms and circulates the Declaration to all participants.

Please advise the applicant that the planned activity must comply with the latest Victorian Chief Health Officer (CHO) Direction and any Coronavirus restrictions applicable on the day. The latest advice is available on the Department of Health website ([dhhs.vic.gov.au](https://www.dhhs.vic.gov.au)).

If you have any questions in relation to this direction, please contact Amanda Judd on 0436 915 136 or amanda.judd@safetransport.vic.gov.au.

Your sincerely

GEOFFREY SWANTON

Senior Project Officer, Navigational Safety & VOZR
Delegate of the Director, Transport Safety

4/08/2022

**PUBLIC NOTICE
DECLARATION OF BOATING ACTIVITY EXEMPTION**

Barwon Coast Committee of Management as the declared waterway manager for Local Port of Barwon Heads, makes the following declaration under section 203(3) of the *Marine Safety Act 2010* (Vic).

For the purposes of boating activity conducted by Barwon Heads Sailing Association, persons and vessels involved in the Barwon Heads Sailing Association 2022-2023 Race Schedule are exempt from the following requirements:

State Rules made under the *Marine Act 1988*

1. Clause 2(c) – must not exceed 5 knots within 50 metres of another vessel
2. Clause 3(a) – must not exceed 5 knots within 50 metres of the water's edge
3. Clause 3(b) – must not exceed 5 knots within 50 metres of a fixed or floating structure

Waterway Rules made under the *Marine Safety Act 2010* / *Marine Act 1988*

4. Clause 10.1 of Schedule 10 – 5 knot speed restriction area on the waters of the Local Port of Barwon Heads

Subject to the conditions detailed below:

- Masters of the rescue vessels are only exempt from items 1 to 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 on shore.
- Masters of participating vessels are exempt from items 2 to 4 in the above list when engaging in competition and item 1 only when operating within 50 metres of another competing vessel. Participating vessels are those noted on a current membership list maintained by Barwon Heads Sailing Association.
- The exemptions apply for the Barwon Heads Sailing Association Race Schedule as outlined in the table below, between 25 September 2022 and 21 May 2023.
- The exemptions apply provided the stated safety controls and undertakings detailed in the application form and associated documentation, including the Racing Rules of Sailing, are adhered to

Barwon Heads Sailing Association Race Schedule 2022-23

ICEBERG	SUMMER		RIVERSHOLME / EASTER
2022	2022 / 2023		2023
Sun 25/09/22	Mon 26/12/22	Fri 13/01/23	Sun 05/02/23
Sun 09/10/22	Tue 27/12/22	Sat 14/01/23	Sun 19/02/23
Sun 23/10/22	Wed 28/12/22	Sun 15/01/23	Sun 05/03/23
Sun 30/10/22	Thu 29/12/22	Mon 16/01/23	Sun 12/03/23
Sun 13/11/22	Fri 30/12/22	Thu 19/01/23	Sun 19/03/23
Sun 20/11/22	Mon 02/01/23	Fri 20/01/23	Sun 26/03/23
Sun 27/11/22	Tue 03/01/23	Sat 21/01/23	Fri 07/04/23
Sun 04/12/22	Wed 04/01/23	Sun 22/01/23	Sat 08/04/23
Sun 11/12/22	Thu 05/01/23	Mon 23/01/23	Sun 09/04/23
	Fri 06/01/23	Tue 24/01/23	Mon 10/04/23
	Sat 07/01/23	Wed 25/01/23	Sun 23/04/23
	Sun 08/01/23	Thu 26/01/23	Sun 07/05/23
	Mon 09/01/23	Fri 27/01/23	Sun 21/05/23
	Tue 10/01/23	Sat 28/01/23	
	Wed 11/01/23	Sun 29/01/23	
	Thu 12/01/23		

Barwon Coast Committee of Management

Dated: 4/08/2022