



*Enquiries to: Melanie Armistead  
File Ref: 2008/10550/01  
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Mr John Holland  
President  
DragonBoat SA  
PO Box 71  
FINDON SA 5025

Dear Mr Holland

I refer to your previous correspondence with the Minister in which you were advised that the Department for Transport, Energy and Infrastructure would undertake a review into the requirement for dragon boat crews to wear personal flotation devices (PFDs) while operating on West Lakes. This review was undertaken by the Transport Safety Regulation directorate and I am writing to advise you of the outcomes of the review.

Legal advice was sought as to whether a dragon boat was considered to be a "similar small human powered vessel" as defined under Regulation 132(a) of the *Harbors and Navigation Regulations 1994* (the Regulations). It has been determined that this provision of the Regulations does not apply to dragon boats and consequently, occupants are not required to wear life-jackets or personal flotation devices.

This advice means that dragon boats, instead of complying with Regulation 132(a) are required to comply with the same safety equipment carriage requirements as all other motorised and non-motorised vessels. These are set out under Schedule 9, Part 1, Clause 6 of the Regulations. Vessels of 8 metres or more in length, but less than 15 metres in length are required to carry the following equipment when operating in protected waters, including West Lakes:

- (i) one life-jacket or personal flotation device for each person who may be carried on the vessel;
- (ii) one bailing bucket with line attached;
- (iii) one manually operated bilge pump;
- (iv) one suitable anchor with cable;
- (v) if the vessel has an engine or includes facilities for cooking meals – two fire extinguishers; and
- (vi) one life-buoy with line.

Taking into account the nature of a dragon boat activity and the area(s) in which these boats are to be used, I have issued two notices of exemption. The first covers dragon boating on all protected waters in South Australia, and exempts the carriage of the above listed equipment on the condition that all occupants wear an approved, properly adjusted personal flotation device. This exemption also applies to teams operating on West Lakes which are not covered by the second exemption (such as junior and social teams).

The second exemption relates to the operation of dragon boats on West Lakes by members of "sports teams" as defined in your *New Team Manual*. The person on board the vessel who is in charge of the boat (either the coach or the sweep) is required to wear an approved PFD to make it easier for them to help others in the event of a rollover.

For the purpose of these exemptions, the coach (if on board the vessel) is designated as the person in charge of the safety of the crew, so is responsible for ensuring that conditions outlined in the exemption notices are adhered to. In the absence of a coach, the sweep will be the person in charge.

Both exemptions are valid for twelve months and are subject to a number of conditions which are listed on the notices, including that the Association provide written acknowledgement to the Department regarding indemnity against loss and liability. The notices must also be published on your website and communicated to your members.

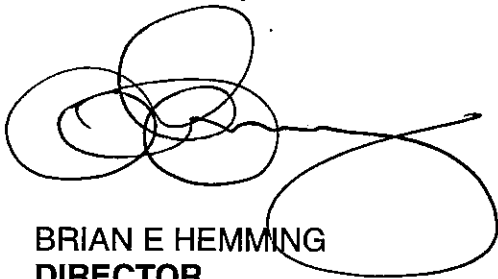
Failure to abide by the conditions of these exemptions is an offence and may not only result in withdrawal of the exemption (meaning all vessels would need to carry the required equipment) but also a monetary penalty of up to \$10,000.

Should you wish to extend these exemptions, you will need to apply to the Department at least one month prior to the expiry date. You may also apply for amendments to the conditions at that time.

Please note that if you require a variation from these exemptions for an event, this can be done by way of an Aquatic Activities Licence. Information regarding Aquatic Activities Licences can be found under 'Licences and Certification' at [www.transport.sa.gov.au](http://www.transport.sa.gov.au).

If you have any queries regarding these exemptions, please contact the Recreational Boating Unit on 8402 1705 or via email at [dtei.recboating@saugov.sa.gov.au](mailto:dtei.recboating@saugov.sa.gov.au).

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**BRIAN E HEMMING  
DIRECTOR  
TRANSPORT SAFETY REGULATION**

30 January 2009

CC: Minister for Transport, Energy and Infrastructure.  
Follow-up from original correspondence Reg No 08MTR/1428, File No MTR/08/0033.