



## NOTICE OF EXEMPTION

### *Harbors and Navigation Act 1993*

Exemption issued to: Dragon Boat SA  
President: Peter Button  
Address: PO Box 7024  
WEST LAKES SA 5021

I, Gordon Panton, Manager, Marine Safety and Compliance, Department for Infrastructure and Transport, in accordance with the delegation granted to me by the Chief Executive Officer, Department for Infrastructure and Transport and pursuant to section 83 of the *Harbors and Navigation Act 1993*, do hereby exempt financial members of Dragon Boat SA and its affiliated Sports Teams participating in events from the safety equipment carriage requirements of Schedule 9, Part 1, Clause 6(2) of the *Harbors and Navigation Regulations 2009* which are as follows:

Vessels 8 metres or more in length are required to carry the following equipment when operating in protected waters:

- (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) one life-buoy with line.

and also from regulation 169 (o) (ii) occupants of Dragon Boats to wear a lifejacket level 50 or 50S whilst in protected waters, subject to the conditions and exclusions set out below.

### **Conditions**

1. This exemption is only valid for Dragon Boat SA race days between Sunday 12 September 2021 until Sunday 10 April 2022 held on West Lakes, defined as the lakes system contained in Allotment 80 in DP 13555 and Allotment 210 in DP 14674.
2. This exemption only applies between sunrise and sunset.
3. In order for a paddler to operate under this exemption, they must:
  - a. be at least 16 years of age;
  - b. be able to swim at least 100 metres while fully clothed;
  - c. be covered by an appropriate public liability insurance policy;
  - d. be a financial member of Dragon Boat SA or a Sports Team that is member of the Association; and
  - e. have participated in a capsized drill during the previous twelve months.

If a person does not meet all the criteria of 3 above then that person(s) is to wear an approved lifejacket level 50 or 50S at all times while on the vessel.

4. Dragon boats must stay within 50 metres of the shore unless taking necessary action to avoid the potential collision with another vessel (and in keeping with the rules of navigation).
5. A mobile phone must be carried in a water tight container in the Dragon Boat.
6. Effective rescue capability must available during any activities covered by this exemption, to ensure the safety of crews should the circumstance arise where self-rescue is not possible.
7. Dragon Boat SA provides a written acknowledgement that it releases, indemnifies and discharges the Minister for Transport and the Crown in the right of the State of South Australia and their employees and agents (those indemnified) from and against any loss (including legal costs and expenses) or liability incurred or suffered by any of those indemnified as a result of any suit, demand, action, claim or proceeding brought by any person against those indemnified arising from the issue of this exemption or the above event.
8. Dragon Boat SA complies with all other requirements under the *Harbors and Navigation Act 1993* and the *Harbors and Navigation Regulations 2009*.
9. Dragon Boat SA displays this exemption on its website and advises members of affiliated Dragon Boat clubs of the contents of this exemption.

A breach of any of the conditions will result in the exemption being revoked and safety equipment carriage requirements applied.

### Exclusions

1. This exemption does not apply between the hours of sunset and sunrise.
2. During periods where turbidity or other factors reduces the visibility of people/objects below the water, all paddlers and other occupants must wear an approved lifejacket.
3. Persons unable to swim at least 100 metres fully clothed (including those permanently or temporarily impaired by a medical condition) must wear an approved lifejacket.
4. This exemption applies only to paddlers and does not include coaches, drummers or sweeps or any persons not paddling the craft.
5. School teams, social teams and corporate teams must wear approved lifejackets.
6. Persons under the age of 16 must wear an approved lifejacket.


This Notice of Exemption is valid from Sunday 12 September 2021 to Sunday 10 April 2022.

This exemption may be ~~revoked~~ or amended at any time prior to the expiry date.

Issued by: .....  ..... Date: 22/09/2021 .....

Gordon Panton,  
 Manager Maritime Safety and Compliance  
 CEO Delegate of the *Harbors and Navigation Act 1993*

Signing this document and returning it to Boating Safety prior to commencement of operations confirms your acknowledgement and understanding of the conditions and activates the exemption.

Signed:  .....  
Dragon Boat SA

Peter Button.....  
(print name)

26/09/2021.....  
(date)