



Australian Government
Australian Maritime Safety Authority

AMSA EX35

Marine Safety (Flyboards) Exemption 2014

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this instrument under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

17 November 2014

Michael Kinley
Chief Executive Officer

1 Name of Exemption

This instrument is *Marine Safety (Flyboards) Exemption 2014*.

2 Duration

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 30 June 2018.

3 Definitions

In this instrument:

flyboard means an aerial freestyle device that:

- (a) is a positively buoyant board, with foot holds or strappings, designed to support a person; and
- (b) is used in a flyboard operation.

flyboard operation means an operation in which:

- (a) a flyboard is powered by a PWC through a hose connected from the PWC's outlet venturi; and
- (b) the PWC is controlled by an instructor and creates thrust to propel the flyboard through and out of the water; and
- (c) the person on the flyboard can control flight direction, including the direction of the PWC.

instructor means a person who controls a PWC.

Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

national law means the *Marine Safety (Domestic Commercial Vessel) National Law*.

personal watercraft (or **PWC**) means a vessel that:

- (a) is <4 m long; and
- (b) has an internal combustion engine powering a water-jet pump as its primary source of propulsion; and
- (c) is designed to be operated by at least 1 person sitting, standing or kneeling on the hull of the vessel; and
- (d) is in service category Class 2C, 2D or 2E; and
- (e) is used in a flyboard operation.

4 Exemption from certificate of survey requirements

For subsection 143(1) of the national law, a PWC to which a flyboard is attached is exempt from the requirement in sections 43 and 44 of the national law to have a certificate of survey, subject to the following conditions:

- (a) the PWC is manufactured and maintained in accordance with ISO 13590:2003 *Personal Watercraft — Construction and system installation requirements*, as in force from time to time;
- (b) the flyboard must be inspected and maintained regularly in accordance with the manufacturer's recommendations;
- (c) the flyboard hose must be fastened to the bow of the PWC without any strain on the hose coupling;
- (d) the flyboard must not be modified to enable a person to take full flight control from an instructor;
- (e) the PWC must carry a means to contact the shore, an air horn to attract attention and a first aid kit.

5 Exemption from complying with NSCV Part E requirements

For subsection 143(1) of the national law, a PWC is exempt from the conditions mentioned in paragraph 11(1)(a) of *Marine Order 504 Certificates of operation — national law* 2013, subject to the following conditions:

- (a) the safety management system for the PWC and its operation must:
 - (i) meet the operation requirements mentioned in the following provisions of Schedule 2 of Part E of the National Standard for Commercial Vessels:
 - (A) clauses 1 to 5;
 - (B) subclauses 6(14) and 7(1) and (2);
 - (C) subclauses 8(1), other than paragraph (c), and (2);
 - (D) subclauses 10(2), (3) and (4); and
 - (ii) include the means of communicating with shore based assistance and other vessels in the operating area; and
 - (iii) include a pollution mitigation strategy, including for fuel spilled during refuelling; and

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- (iii) include requirements for appropriate communications during any flyboard operation, including hand signals to be used; and
 - (iv) include an assessment procedure to ensure a person who operates the PWC or the flyboard is not impaired by drugs and alcohol; and
 - (v) include requirements for safety equipment, including head and ear coverings and personal flotation devices;
- (b) the flyboard must be operated within 2 nm of the shore or the parent vessel of the PWC;
 - (c) the flyboard must not be operated if:
 - (i) the swell is more than 1 metre; or
 - (ii) wind speed exceeds 60 km per hour; or
 - (iii) the water depth is less than 4 metres; or
 - (iv) the seafloor is not clear of obstructions; or
 - (v) the PWC intake is at risk of aeration; or
 - (vi) any other vessel might jeopardise the safety of the operation;
 - (d) the flyboard operation must be consistent with recommendations of the manufacturer of the personal water craft and the flyboard;
 - (e) the instructor and any other staff involved in the operation must receive training on safe operations and familiarisation with matters mentioned in the safety management system;
 - (f) the instructor must maintain visual contact with the person on the flyboard at all times;
 - (g) a third person supporting the flyboard operation must maintain visual contact with the PWC at all times;
 - (h) the instructor must hold a qualification of at least:
 - (i) Coxswain Grade 2 NC; or
 - (ii) a recreational PWC licence, however described, issued by a State or Territory.

1 Exemption from displaying unique identifier

For subsection 143(1) of the national law, a PWC used in a flyboard operation is exempt from the requirement in sections 34 and 35 of the national law to display a unique identifier.

Note The effect of section 6 is that a PWC will require the issue of a unique identifier, but is exempt from the requirement to display it.

NOTE

Subsection 6(2) of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* has the effect of preserving the operation of State or Territory laws on a number of marine safety matters that affect domestic commercial vessels, including waterways management.