

PUBLIC NOTICE
DECLARATION OF BOATING ACTIVITY EXEMPTION

Parks Victoria as the declared waterway manager for the Yarra River upstream of the port waters of the Port of Melbourne, makes the following declaration under section 203(3) of the *Marine Safety Act 2010* (Vic).

For the purposes of boating activity conducted by City of Melbourne, persons and vessels involved in the 2023 Moomba Festival are exempt from the following requirements.

State Rules made under the *Marine Act 1988*

1. Clause 2(a) – must not exceed 5 knots within 50 metres of a person in the water
2. Clause 2(c) – must not exceed 5 knots within 50 metres of another vessel
3. Clause 3(a) – must not exceed 5 knots within 50 metres of the water's edge
4. Clause 3(b) – must not exceed 5 knots within 50 metres of a fixed or floating structure
5. Clause 14(a) – vessels must travel in an anti-clockwise direction on inland waters;
6. Clause 19(b) – the master of a vessel must not tow more than 3 persons;
7. Clause 19(c) – the master of a vessel must not tow a person between one hour after sunset and one hour before sunrise

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

8. Clause 3.1 of Schedule 3 – 5 knot speed restriction on waters of the Yarra River;
9. Clause 3.3(a) of Schedule 3 – Prohibition of swimmers on the waters of the Yarra River upstream of port waters of the Port of Melbourne.
10. Clause 3.3 (b) of Schedule 3 – Prohibition of personal watercraft on the waters of the Yarra River upstream of port waters of the Port of Melbourne
11. Clause 3.3(c)(i) of Schedule 3 – Areas of the Yarra River upstream of port waters of the Port of Melbourne to Dight's Falls where berthing and mooring is prohibited.

Marine Safety Regulations 2012

12. Regulation 96(5) – Master requirement to carry listed safety equipment on vessel on inland waters (waterproof buoyant torch)
13. Regulation 96(6) – Master requirement to carry PFD on vessel on inland waters for each person onboard (or being towed)
14. Regulation 100(3) – person must wear a PFD (of type specified) at all times when vessel is underway on inland waters (i.e. vessel 4.8 metres or less in length)
15. Regulation 103 – a person being towed must wear PFD at all times
16. Regulation 104(1) – master must ensure all occupants of vessel are wearing a PFD (of type specified)
17. Regulation 104(2) – master of a vessel must not tow a person unless the person is wearing a PFD.

Marine Safety Regulations 2012 Modification

For the purpose of boating activity conducted by Victorian Water Ski Association "Schedule 1 - Types of Personal Floatation Devices", Part 4—PFD Type 3, of the *Marine Safety Regulations 2012* (MSR) is modified to include a personal floatation device (PFD) is a PFD Type 3 if it contains the Australian Standards number AS2260 (the old standard) or is a buoyancy wetsuit that meets the requirements of a Level 50S PFD.

Subject to the conditions detailed below:

- Masters of rescue vessels are exempt from items 1-5 and item 8 in the above list only when undertaking a rescue operation to retrieve persons in distress and provide for their initial medical or other needs and deliver them to a place of safety.

- Masters of rescue and tournament/ski vessels are exempt from item 11 in the above list for the duration of the event.
- Masters of course vessels are **only** exempt from item 11 in the above list and at all times must adhere to state and scheduled waterway rules.
- Masters of tournament/ski vessels are exempt from items 2-5, 8 and 12 in the above list only when involved in 2023 Moomba Masters events.
- Masters of tournament/ski vessels are exempt from item 7 in the above list on condition that all competitors involved in night competition or shows of 2023 Moomba Masters events wear an approved light.
- Masters of tournament/ski vessels are only exempt from items 6, 13, 16 & 17 when towing and retrieving water skiers who are participating in trick skiing events and exempt from items 14 & 15 in accordance with these conditions.
- Masters of personal watercraft are only exempt from item 10 during the Birdman Rally event time only.
- Skiers participating in the following trick skiing activities are exempt from items 14 & 15 for the duration of those events:
 - A 3-person high pyramid on the second or third tier;
 - The rope held by the toe manoeuvres
 - Swivel acts; and
 - Double couple acts.
- Competitors involved in 2023 Moomba Masters events are exempt from item 9 in the above list during competition only.
- Competitors involved in 2023 Birdman Rally are exempt from item 9 in the above list on condition that a PFD Type 2 and protective helmet are worn.
- Unless exempt, Ski Show participants being towed must wear at a minimum a PFD that contains the Australian Standards number AS2260 (the old standard) or is a buoyancy wetsuit that meets the requirements of a Level 50S PFD.
- All persons on vessels and skiers associated with these events must wear a PFD (unless exempt from items 13 & 14 in accordance with these conditions), and vessels must have all prescribed safety equipment, including rescue vessels.
- The exemptions only apply within the exclusion zones for the time, date and location as specified in **Table 1** and **2**, attached.
- The exemptions apply provided the stated safety controls and undertakings detailed in the application form and associated documentation are adhered to.

Table 1 Yarra River Closure Schedule for 2023 Moomba Festival

Date	Time	Event	Closure Area
Wednesday 1 March 2023	9:00am - 12:00pm 1:00pm - 4:00pm	Yarra River Course Set Up	A
Thursday 2 March 2023	9:00am - 12:00pm 1:00pm - 4:00pm	Yarra River Course Set Up	A
Tuesday 7 March 2023	9:00am - 12:00pm 1:00pm - 4:00pm	Yarra River Course Set Up	A
Wednesday 8 March 2023	9:00am - 12:00pm 1:00pm - 4:00pm	Yarra River Course Set Up	B
Thursday 9 March 2023	7:00am - 1:00pm 1:20pm - 4:00pm 4:20pm – 10:00pm	Moomba Masters Event	B
Friday 10 March 2023	7:00am - 1:00pm 1:20pm - 4:00pm 4:20pm – 10:00pm	Moomba Masters Event	B
Saturday 11 March 2023	7:00am - 1:00pm 1:20pm - 4:00pm 4:20pm – 10:00pm	Moomba Masters Event	B

Sunday 12 March 2023	8:00am - 4:00pm	Moomba Masters Event	B
	4:20pm - 10:00pm		
Monday 13 March 2023	10:00am - 1:00pm	Birdman Rally	C
	8:00am - 1:00pm	Moomba Masters Event	B
	1:20pm - 4:00pm		
	4:20pm - 10:00pm		

Table 2: Yarra River Closure Areas for Moomba Festival

Area A	The waters of the Yarra River between the upstream edge of the VRA Landing and Swan St Bridge.
Area B	The waters of the Yarra River between the upstream edge of the VRA Landing and Morell Bridge.
Area C	The waters of the Yarra River between an imaginary line running from the downstream edge of the VRA Landing to the upstream edge of Federation Wharf and the upstream edge of the Sea Wall.

By Order of Parks Victoria

Dated: 27/02/2023