



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 132 of 1974

An Act to promote safety in boating; to amend the Local Government Act, 1934-1974; and for other purposes.

{Reserved 14th November, 1974 }
{Royal Assent proclaimed 16th January, 1975 }

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Boating Act, 1974".

**Commence-
ment.**

2. (1) Subject to subsection (3) of this section, this Act shall come into operation on a day to be fixed by proclamation.

(2) Notwithstanding the provisions of subsection (1) of this section the Governor may, in the proclamation made for the purposes of that subsection, suspend the operation of any specified provisions of this Act until a subsequent date fixed in the proclamation or until a date to be fixed by subsequent proclamation.

(3) This Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in this State.

Arrangement

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—REGISTRATION OF MOTOR BOATS

PART III—LICENSING OF OPERATORS OF MOTOR BOATS

PART IV—GENERAL PROVISIONS.

**Amendment of
a. 667 of Local
Government
Act.**

4. (1) Section 667 of the Local Government Act, 1934-1974, is amended by striking out paragraph (29a) thereof.

(2) The Local Government Act, 1934-1974, as amended by this section, may be cited as the "Local Government Act, 1934-1974".

5. In this Act, unless the contrary intention appears—

“boat” means any vessel that is used or is capable of being used as a means of transportation on water but does not include a boat used for the transportation for monetary or other consideration of passengers, livestock, or goods, or for other commercial purposes, plying in or between Australian ports, or between Australian ports and the ports of any country, state or territory outside Australia:

“motor boat” means any boat that is, or is to be, propelled by an internal combustion engine, an electrical engine, or other similar device, (whether or not that engine or device is the principal means of propulsion); and a motor boat is “under power” when it is being propelled, wholly or to some extent by that engine or device:

“operator” in relation to a boat means a person who exercises control over the course or direction of a boat, or over the means of propulsion of a boat, while the boat is under way; and the verb “to operate” in relation to a boat has a corresponding meaning:

“owner” in respect of a boat, includes a part owner of the boat, and a person who has for the time being the possession and use of the boat, but does not include a person who has a conditional or unconditional right to take possession of the boat under a hire-purchase agreement, bill of sale, or other similar instrument, but has not yet exercised that right:

“potential speed” in relation to a motor boat means the maximum speed of which the boat is capable—

(a) when moving through the water under its own power without assistance or hindrance from tide, current or wind;

and

(b) when carrying only a licensed operator and without any other load:

“speed” means speed with reference to a stationary horizontal plane (as distinct from speed through water which may itself be in motion):

“the Director” means the Director of Marine and Harbors:

“the Minister” means the Minister of Marine:

“vessel” includes any ship, boat or vessel of any description, used in navigation and includes—

(a) a hovercraft or other air cushion vehicle;

or

(b) any other vehicle supported or propelled by pneumatic force:

“waters under the control of the Minister” means any inland or coastal waters within the limits of the jurisdiction of the Minister pursuant to the Harbors Act, 1936, as amended, and any other waters for the time being declared by proclamation under this Act to be waters under the control of the Minister for the purposes of this Act.

6. This Act binds the Crown.

PART I

Delegation.

7. (1) The Minister may, by instrument in writing, delegate any of his powers or functions under this Act to the Director.

(2) Any such delegation shall be revocable at will and shall not prevent the Minister from acting personally in any matter.

Waters under the control of the Minister.

8. (1) The Governor may, by proclamation, declare any waters described in the proclamation to be waters under the control of the Minister for the purposes of this Act.

(2) A proclamation may be made in respect of any waters notwithstanding that the whole or any part of the waters subject to the proclamation lie more than three nautical miles beyond the boundaries of the State.

(3) The Governor may, by subsequent proclamation, revoke, amend or vary any proclamation under this section.

Power to regulate boating and other activity within waters under the control of the Minister.

9. (1) The Governor may, by regulation—

(a) set apart any part or parts of the waters under the control of the Minister for use by boats, or boats of a specified class, or for any other specified activity;

or

(b) restrict or prohibit the use of any part or parts of the waters under the control of the Minister by any vessels, or by vessels of a specified class.

(2) The Director may erect and maintain such notices as he thinks fit informing the public of any purpose for which waters have been set apart under this section or any restriction or prohibition upon the use of waters, imposed under this section.

(3) Where any waters under the control of the Minister are used for any purpose other than that for which they have been set apart under this section, or contrary to a restriction or prohibition, under this section, the person who so uses those waters, or causes them to be so used, shall be guilty of an offence.

(4) The Director may grant to any person or body of persons a licence entitling that person or body of persons to the right to use, in accordance with the terms and conditions of the licence, any waters under the control of the Minister and specified in the licence for the purpose of any aquatic sport or activity at such times as are specified in the licence.

(5) Where any such licence is issued the Director may require the licensee to erect and maintain, in accordance with his direction, notices informing the public of the area of waters to which the licence relates and of the times at which the licensee is entitled to the use of those waters in accordance with the licence.

(6) If the licensee fails to comply with a requirement under subsection (5) of this section the licence shall be invalid.

(7) If any person, without the consent of the licensee, or the authority of the Director, intrudes into waters to which a licence relates at any time at which the licensee is entitled to the use of those waters in accordance with the licence, he shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

(8) The Director may revoke a licence under this section upon breach by the licensee of any term or condition of the licence.

PART I

Regattas, etc.

10. (1) The Director may, by instrument in writing, upon receipt of an application by any person or body of persons, grant an exemption to the participants, and any person or class of persons performing incidental or ancillary functions, in any regatta, race, contest or other activity, likely to involve the operation of boats in contravention of this Act, from all or any of the provisions of this Act.

(2) The Director shall have an absolute discretion to grant or refuse an exemption under this section as he thinks fit in the public interest.

(3) The exemption may be granted for such period or periods as the Director thinks fit, and specifies in the instrument.

(4) An exemption may be granted subject to such conditions and limitations as the Director thinks fit and specifies in the instrument.

(5) Where any condition or limitation upon which an exemption under this section was granted, is contravened, the person by whom that contravention was committed shall be guilty of an offence.

(6) The Director may, at any time, cancel an exemption under this section.

PART IIPART II

REGISTRATION OF MOTOR BOATS

11. (1) This Part shall not apply to—

(a) any motor boat that is for the time being required to be registered, and to bear an identification mark, under the provisions of any other Act or law;

or

(b) to any motor boat, or class of motor boats, that is, by proclamation, exempted from the provisions of this Part.

(2) The Governor may, by proclamation, exempt any motor boat or class of motor boats from the provisions of this Part, and may by subsequent proclamation revoke, amend or vary any such proclamation.

(3) An exemption may be granted under subsection (2) of this section upon conditions stipulated in the proclamation.

Application of Part.

12. (1) An application for registration of a motor boat—

(a) must be in writing and signed by the owner;

(b) must be in such form and contain such particulars as are required by the Director;

(c) must be accompanied by the prescribed fee;

and

(d) must be lodged with the Director or a person authorized by him to receive the application.

Application for registration.

(2) Upon receipt of due application for registration of a motor boat, and upon being satisfied that the motor boat is properly registrable under this Part, the Director shall register the motor boat.

PART II

(3) Registration of a motor boat shall, in the first instance, be for a period determined by the Director, not exceeding eighteen months, and shall date from the day on which due application for registration is received by the Director or a person authorized by him to receive such applications.

(4) Subject to subsection (5) of this section, the Director shall, upon receipt of due application in writing by the owner of a registered motor boat, accompanied by the prescribed fee, and upon being satisfied that the motor boat remains properly registrable under this Part, renew the registration of the motor boat for a period of twelve months.

(5) Where an application is made for the renewal of the registration of a motor boat of which—

(a) the length does not exceed 3·048 metres;

and

(b) the engine is capable of developing no more than 5 horsepower,

no fee shall be payable in respect of the renewal of registration.

(6) Application for renewal of the registration of a motor boat must be made before the expiration of the period for which registration was granted, or last renewed.

(7) Where renewal of registration is granted under this Part the registration shall be valid and effective for a period of one year after the expiration of the last preceding period of registration.

(8) An application for the registration or the renewal of registration of a motor boat shall not be made by a person under the age of sixteen years.

Register of
motor boats.

13. (1) The Director shall cause to be kept a register of motor boats in which shall be contained such particulars of motor boats registered under this Part as the Director may determine.

(2) The registration mark or number assigned to a motor boat registered under this Part shall be included or described in the register.

Registration of
motor boats.

14. (1) Upon registration of a motor boat under this Part, the Director shall assign or cause to be assigned to that motor boat an identifying mark or number, and shall issue or cause to be issued to the owner a certificate of registration, and a registration label, bearing the identifying mark or number.

(2) The Director shall determine the size and form of the registration labels to be issued under this section.

(3) A registration label shall be affixed to the motor boat in respect of which it was issued in accordance with the requirements of the regulations.

(4) The identifying mark or number assigned to a motor boat shall also be displayed upon the motor boat in the prescribed manner and position.

(5) A mark or number shall not be displayed upon a motor boat—

(a) if the mark or number is an identifying mark or number assigned to any other motor boat under this Part;

or

(b) if the mark or number is not an identifying mark or number assigned to the motor boat under this Part but could reasonably be confused with, or taken for, such a mark or number.

15. (1) Where any motor boat is operated under power upon any waters under the control of the Minister—

- (a) without being registered as required under this Part;
 - (b) without a registration label affixed as required under this Part;
 - (c) without an identifying mark or number displayed as required under this Part;
 - (d) while any such mark or number is deliberately obscured or not wholly legible in daylight;
- or
- (e) while a mark or number is displayed upon the boat in contravention of this Part,

the person by whom the motor boat is so operated shall be guilty of an offence.

(2) It shall be a defence to a prosecution under paragraph (b) or (c) of subsection (1) of this section that due application for registration of the motor boat had been made at the time of the alleged commission of the offence but that—

- (a) a registration label or an identifying mark or number had not been issued or assigned in respect of the motor boat;
- or
- (b) it was not reasonably practicable for the registration label or identifying mark or number to be affixed or displayed as required by this Part before the time of the alleged commission of the offence.

(3) It shall be a defence to a prosecution under paragraph (d) of subsection (1) of this section that the defendant had taken all reasonably practicable measures to prevent the identifying mark or number from being obscured and to ensure that it remained wholly legible.

16. (1) The registration of a motor boat shall not be transferable.

Transfer of
motor boat.

(2) Where the owner of a motor boat registered under this Part sells or otherwise disposes of the motor boat he shall forthwith notify the Director in writing of that fact and of the name and address of the purchaser or person acquiring the motor boat.

(3) Where the registered motor boat is sold or otherwise disposed of the registration shall become void.

(4) Where the registration of a motor boat becomes void under this section, the Director may refund a reasonable proportion of the registration fee.

(5) Where the registration of a motor boat has not been renewed, or becomes void under this section, the Director may, by notice in writing served personally or by post upon the person in whose name the motor boat was registered, require him to deliver up the certificate of registration, and the registration label issued in respect of the motor boat.

(6) If a person fails to comply with a requirement under subsection (5) of this section, he shall be guilty of an offence.

PART III

PART III

LICENSING OF OPERATORS OF MOTOR BOATS

Application
for licence.

17. (1) An application for a licence to operate a motor boat—
- (a) must be in writing and signed by the applicant;
 - (b) must be in such form and contain such particulars as are required by the Director;
- and
- (c) must be accompanied by the prescribed fee.
- (2) An application for a licence under this Part shall not be made by a person under the age of sixteen years.

Examinations

18. (1) An applicant for a licence under this Part must, unless exempted from examination under subsection (2) of this section, pass to the satisfaction of the Director such oral, written, or practical examinations as may be required of him by the Director.
- (2) The Director may, by instrument in writing, exempt any person or class of persons from examination under this section.
- (3) The Director may cause examinations of applicants for licences under this Part to be held at such times and places as he thinks fit.
- (4) The examinations shall be conducted by persons duly authorized by the Minister.

Grant of
licence.

19. (1) Where an applicant for a licence has passed the requisite examination, or has been exempted from examination, the Director shall issue or cause to be issued in the name of that person a licence to operate a motor boat.
- (2) A licence granted pursuant to subsection (1) of this section shall date from the day on which the applicant became entitled to the issue of the licence and shall, subject to cancellation or suspension under this Act, continue in operation without renewal.
- (3) A licence shall not be transferable.
- (4) The holder of a licence may, at any time, surrender the licence.
- (5) Where the holder of a licence under this Part becomes subject to any physical or mental disability that may impair his capacity to operate or control a motor boat he shall notify the Director of that fact.
- (6) If a person fails to comply with subsection (5) of this section he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.
- (7) The Director may, at any time, by notice in writing served personally or by post upon the holder of a licence under this Part require him to submit to an examination of his capacity and competence to operate and control a motor boat.
- (8) If the holder of a licence fails to comply with a requirement under subsection (7) of this section, or, upon examination, fails to satisfy the Director of his capacity and competence to operate and control a motor boat the Director may cancel the licence.

- 20.** (1) The Director shall cause to be kept a register of licensed operators. Register of licensed operators.
- (2) The name and address of every person licensed under this Part shall be entered in the register.
- (3) The register shall be in such form and contain such further particulars as the Director thinks fit.
- 21.** Where the holder of a licence under this Part is convicted of an offence under this Act, or any other offence that in the opinion of the court shows him to be unfit to drive a motor boat, the court may by order— Cancellation or suspension of licence.
- (a) cancel or suspend the licence;
- and
- (b) disqualify the convicted person from holding or obtaining a licence for a period specified in the order, or until further order.
- 22.** (1) The Director may issue to a person between the age of twelve years and sixteen years a special permit under the terms of which he may, subject to such conditions as the Director thinks fit to include in the permit, operate— Special permits.
- (a) a motor boat the potential speed of which does not exceed 18 kilometres per hour;
- or
- (b) a motor boat the potential speed of which exceeds 18 kilometres per hour while accompanied by a person who is licensed under this Part.
- (2) The Director may at any time revoke a special permit issued under this section.
- 23.** (1) Subject to subsection (3) of this section, a person who operates a motor boat under power upon any waters under the control of the Minister without being authorized to do so by a licence or permit under this Part shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months. Unlawful operation of motor boats.
- (2) Subject to subsection (3) of this section, a person who permits any other person to operate a motor boat under power upon any waters under the control of the Minister without being authorized to do so by a licence or permit under this Part shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.
- (3) No offence is committed under this section by a person who operates, or permits another to operate, a motor boat without a licence or permit under this Part provided that—
- (a) the boat is not operated at a speed in excess of 18 kilometres per hour;
- (b) the operator is of or above the age of twelve years;
- and
- (c) a licensed person is in charge of the boat.

PART IV

PART IV

GENERAL PROVISIONS

Casualties.

24. (1) Where a boat is involved in collision, or other casualty, in waters under the control of the Minister, the operator of the boat and the operator of any other boat in the vicinity of the collision or casualty shall, so far as they are able without serious danger to their own boats, crews and passengers (if any) render to any persons affected by the collision or other casualty such assistance as may be practicable to avert or minimize any danger arising therefrom.

(2) The operator shall supply to the operator of any other vessel involved in the collision or casualty, any injured person, and the owner of any property damaged thereby, a written note of his name and address and upon request the name of the owner of the boat.

(3) The operator of a boat involved in a collision or other casualty in waters under the control of the Minister shall as soon as practicable give the information required by this section to a member of the Police Force near the place of the collision or casualty.

(4) The information required by this section in relation to a collision or casualty is as follows:—

(a) the time and place of the collision or casualty;

(b) the circumstances of the collision or casualty;

(c) the name and address of any person killed or injured in the collision or casualty;

and

(d) the names and addresses of any witnesses of the collision or casualty.

(5) Notwithstanding the provisions of subsection (4) of this section, the operator of a boat involved in a collision or casualty shall not be obliged to supply any information that might incriminate him or any other person of an offence.

(6) A person who fails to comply with any provision of this section shall be guilty of an offence.

(7) It shall be a defence to a charge that a person has failed to comply with subsection (3) of this section if he proves that the only damage or injury resulting from the collision or casualty was damage or injury to property and that a fair estimate of the cost of making good the damage or injury was not more than one hundred dollars.

Unseaworthy
boats.

25. (1) A member of the Police Force, or a person duly authorized for the purpose by the Minister, may order that a boat which is being operated in waters under the control of the Minister which he considers unseaworthy or overloaded be not operated in those waters.

(2) An order may be given under this section orally, or by notice in writing served personally or by post upon the owner or operator of the boat, or affixed to the boat.

(3) The owner of a boat in respect of whom an order has been made under subsection (1) of this section may by notice in writing addressed to the Minister appeal against the order.

(4) The Minister shall give proper consideration to any such appeal, and may vary or revoke the order.

(5) The operation of an order under this section shall not be suspended by an appeal.

(6) Where a boat is operated in contravention of an order under this section, the person by whom the boat is so operated shall be guilty of an offence.

(7) A member of the Police Force, or a person authorized for the purposes of this section by the Minister, may board any boat for the purpose of determining whether the boat is seaworthy.

(8) A person who hinders a member of the Police Force, or an authorized person in the exercise of his powers under subsection (7) of this section shall be guilty of an offence.

26. (1) A person who, upon waters under the control of the Minister—

Boat to be operated with due care, etc.

(a) operates a boat recklessly or without due care or consideration for the safety of other persons;

or

(b) rides upon, or otherwise uses, any water skis, surf board, or other device in a reckless manner or without due care, or while being towed by a boat, behaves in a reckless manner or without due care,

shall be guilty of an offence.

(2) A person who operates a boat in waters under the control of the Minister at a speed or in a manner dangerous to any person, or likely to cause injury to property shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

(3) A person who, upon waters under the control of the Minister—

(a) operates, or attempts to operate, a boat while under the influence of intoxicating liquor or a drug to such an extent that the use of any mental or physical faculty is lost or appreciably impaired;

or

(b) rides upon, or otherwise uses, any water skis, surf board, or other device, or is towed by a boat, while under the influence of intoxicating liquor or a drug to such an extent that the use of any mental or physical faculty is lost or appreciably impaired,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

PART IV**Equipment.**

27. (1) A boat shall not be operated in waters under the control of the Minister unless it carries the prescribed equipment.

(2) A person who operates a boat in contravention of this section shall be guilty of an offence.

Wrecks and abandoned boats.

28. (1) Where a person discovers a boat that has been wrecked or abandoned, and takes possession thereof, he shall, as soon as practicable, report the fact of the discovery and the position of the boat to the Director or a member of the Police Force.

(2) A person who fails to comply with subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

(3) Where the owner of a wrecked or abandoned boat has not been found after proper inquiry, the Director may, by instrument under his hand, declare that the boat is forfeited to the Crown and upon the making of such a declaration the boat shall be so forfeited.

(4) The Director may sell, dispose of, or otherwise deal with, a wrecked or abandoned boat forfeited to the Crown under the provisions of this section.

(5) The Director may, without further appropriation, pay to any person who has salvaged a wrecked or abandoned boat any moneys, realized upon the sale of the boat, that in the opinion of the Director represent the reasonable cost of salvage operations.

Disclosure of name and address of operator.

29. (1) A person who is the owner, or has the actual control for the time being of the boat, shall, at the request of a member of the Police Force, or an officer authorized in writing by the Minister, disclose the name and address of any person whom he believes to have been the operator of the boat at any time specified in the request.

(2) A person who fails to comply with subsection (1) of this section shall be guilty of an offence.

Management of boat.

30. (1) A person who, in waters under the control of the Minister—

(a) operates a boat;

(b) rides upon water skis, a surf board, or other similar device, or causes any water skis, surf board or other similar device to be towed or propelled;

or

(c) is towed by a boat, or causes any person to be towed by a boat,

at a speed exceeding 8 kilometres per hour within 30 metres—

(d) of any person swimming or bathing;

(e) of any vessel or buoy on which is displayed an authorized flag indicating "diver below";

or

(f) of any vessel,

shall be guilty of an offence.

(2) The provisions of subsection (1) of this section shall not apply—

(a) in an area set apart pursuant to the provisions of this Act for water ski-ing or other similar activity;

- (b) where compliance with those provisions is not practicable or would endanger any person or property;
- (c) where compliance with those provisions would be contrary to any other Act, regulation, or rule;
- or
- (d) in circumstances in which the regulations provide that the provisions of that subsection shall not apply.

31. (1) Where a member of the Police Force or a person authorized in writing by the Minister suspects upon reasonable grounds a person has committed an offence against this Act—

Powers of police officer or authorized officer.

- (a) he may, where that person is operating a boat, direct him to stop the boat;
- and
- (b) he may require that person or any other person in the boat to state his name and address.

(2) Where a person fails to obey a direction or requirement under subsection (1) of this section, or when required to state his name and address states a false name or address, he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

32. (1) A person authorized in writing by the Director may arrest any person whom he reasonably suspects to have committed an offence against section 26 of this Act, and convey him to a police station for the purpose of charging him with the commission of that offence.

Power of arrest.

(2) Before, or as soon as practicable after, arresting a person under this section, the person authorized to make the arrest must display to the person whom he proposes to arrest, or has arrested, the written authority in pursuance of which he purports to make the arrest.

(3) A person who resists arrest under this section or escapes or attempts to escape from custody after being arrested but before a charge is laid against him shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

33. A person who in any application for registration or a licence under this Act furnishes any information that is false or misleading in a material particular shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

False information.

34. (1) Proceedings for an offence under this Act shall be disposed of summarily.

Proceedings.

- (2) Proceedings for an offence under this Act shall not be taken except by—
 - (a) a member of the Police Force;
 - or
 - (b) a person authorized in writing by the Minister.

(3) An apparently genuine document purporting to be under the hand of the Minister authorizing the person named therein to take proceedings under this Act shall, in the absence of proof to the contrary, be accepted as proof of such authorization.

PART IV

Offences, etc.

35. Where a person is guilty of an offence under the provisions of this Act and no specific penalty is provided for that offence, that person shall be liable to a penalty not exceeding two hundred dollars.

Evidence.

36. In any proceedings for an offence under this Act—

- (a) an allegation in the complaint that any specified waters are waters under the control of the Minister shall be deemed to be proved in the absence of proof to the contrary;
- (b) an apparently genuine document purporting to be under the hand of the Director certifying that a motor boat referred to in the certificate was or was not registered under this Act on a date referred to therein shall be accepted as proof of the matter so certified in the absence of proof to the contrary;
- (c) an apparently genuine document purporting to be under the hand of the Director certifying that a motor boat referred to therein was on a specified date registered in the name of any person shall be accepted, in the absence of proof to the contrary, as proof of the fact that that person was the owner of that motor boat on the specified date;
- (d) an apparently genuine document purporting to be under the hand of the Director certifying that a person named therein was, or was not, licensed under this Act on a specified date shall be accepted, in the absence of proof to the contrary, as proof of the matter so certified.
- (e) an allegation in the complaint that the engine of a motor boat referred to in the complaint is or is not capable of developing more than a certain horsepower, specified in the complaint, shall be deemed to be proved in the absence of proof to the contrary.

Fees.

37. (1) All fees recovered under the provisions of this Act shall be paid into a separate fund which shall be applied in defraying the cost of the administration of this Act.

(2) Before registration fees in respect of motor boats are prescribed by regulation the Minister shall submit to the Governor an estimate of the expenditure to be incurred in the administration of this Act, and of the number of registration fees he expects to be paid or recovered pursuant to the provisions of this Act.

(3) In making regulations prescribing registration fees in respect of motor boats the Governor shall have regard to the estimates submitted pursuant to subsection (2) of this section, and the fees prescribed shall not exceed such amounts as will, in the opinion of the Governor, result in sufficient revenue to meet that expenditure.

(4) No differential registration fees shall be prescribed under this Act in respect of motor boats.

Regulations.

38. (1) The Governor may make such regulations as are contemplated by this Act, or as he deems necessary or expedient for the purposes of this Act, and without limiting the generality of the foregoing, those regulations may—

- (a) prescribe rules to be observed by persons operating or in charge of boats, or any class of boats, or by passengers in any boats or class of boats;

- (b) require the owner or operator of any boat to prevent or restrict the discharge or escape of oil, tar, spirit or any deleterious or offensive matter from the boat;
 - (c) prohibit the throwing of litter or waste matter from any boat;
 - (d) require that all boats carry receptacles for litter;
 - (e) prohibit or restrict the emission of smoke or vapour from any boat;
 - (f) prescribe speed limits to be observed by the operators of motor boats or of boats of any other specified class;
 - (g) require equipment prescribed in the regulations to be installed in, or carried upon boats, or any class of boats, for the safe navigation of the boats, the safety of the occupants of the boats, the prevention of fire or the suppression of noise or any other nuisance;
 - (h) regulate, restrict or prohibit water ski-ing, surf board riding, or other aquatic activity, and make any provision that may conduce to the safety of participants in any of those activities;
 - (i) prescribe, and provide for the recovery of, fees for the purposes of this Act;
 - (j) prescribe the manner in which registration labels and identification marks or numbers are to be exhibited upon motor boats;
 - (k) empower the Minister to grant exemptions, subject to such conditions as he may think fit, from any provisions of this Act in relation to any boats, or class of boats, or the operators of any boats, or class of boats;
 - (l) prescribe penalties (recoverable summarily) not exceeding two hundred dollars for breach of, or non-compliance with, any regulation.
- (2) Any such regulation may be expressed to be limited in application to any specified portion of the waters under the control of the Minister, and where such a limitation is expressed the application of the regulation shall be limited accordingly.
- (3) Any by-laws made pursuant to paragraph (29a) of section 667 of the Local Government Act, 1934-1974, and in force immediately before the commencement of this Act, shall remain in force in all respects as if they were regulations made pursuant to the provisions of this section, and may be altered or revoked by regulation under this section.

Reserved for the signification of Her Majesty the Queen's pleasure thereon.

M. L. OLIPHANT, Governor