



In reply please quote 2019/16479/01

[Redacted]

[Redacted]

[Redacted]

**LEGAL & STATUTORY
SERVICES**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8204 8740

ABN 92 366 288 135

**NOTICE OF DETERMINATION - REQUEST FOR ACCESS TO DOCUMENTS
UNDER THE FREEDOM OF INFORMATION ACT 1991**

I refer to your application made under the *Freedom of Information Act 1991* (the Act) which was received by the Department of Planning, Transport and Infrastructure on 20 November 2019.

You have requested access to:

"I'd like access to Adelaide speedboat clubs conditions for their aquatic activity license including maps of where their marine mammal observers are to be situated on race and official practice days please."

I have determined that access to all in scope information is granted and copies are enclosed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

Attached is an explanation of the provisions of the Act which details your rights to review this determination, and the process to be followed.

Should you have any enquiries concerning your application please contact

[Redacted]

Yours sincerely

[Redacted Signature]

Sam Rounques
Accredited Freedom of Information Officer

20 December 2019

RELEASED UNDER FOI ACT 1991

YOUR RIGHTS TO REVIEW

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or the South Australian Civil and Administrative Tribunal.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

EXTERNAL REVIEW BY THE OMBUDSMAN

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: sacat@sacat.sa.gov.au

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER

2019/16479/01

Document Number	Description of Document	Date of Document	Author	Determination Release / Refuse Access	Schedule Clause Applied
1	AAL Conditions - Adelaide Speedboat Club - Power Boat Racing - 2019_2020 Season - Garden Island - 04_20	08-May-2018	Adelaide Speedboat Club Inc	Release	N/A

RELEASED UNDER FOI ACT 1991



In reply please quote 2019/07337/01
Enquiries to Boating Safety Unit
Telephone 1300 183 046

Regulation
Maritime Safety

13 Kateena Street
Regency Park SA 5010

GPO Box 1533
Adelaide SA 5001

Telephone 1300 183 046
Facsimile: 08 81244695

ABN 92 366 288 135

[REDACTED]
Adelaide Speedboat Club Inc
PO Box 64
PORT ADELAIDE SA 5015

[REDACTED]

AQUATIC ACTIVITY LICENCE 04/20 – POWER BOAT RACING

I refer to your application for an Aquatic Activity Licence to conduct powerboat racing events in the Port River for the 2019/2020 racing season.

Please ensure the acknowledgment section of the licence conditions is signed and returned to this office no later than close of business on 3 September 2019 to indicate your acknowledgement and understanding of the licence conditions attached. Failure to do so will render the licence invalid.

In the event that the department becomes aware of any breach to the licence conditions, the aquatic activity licence and the exemption will be revoked immediately.

A Marine Safety Officer (MSO) may attend during any of the events - subject to availability. Any enquiries in regard to this licence should be directed to [REDACTED]

[REDACTED]

[REDACTED]

15 August 2019



AQUATIC ACTIVITY LICENCE CONDITIONS 4/20

Pursuant to 26 (1) of the *Harbors and Navigations Act 1993*, a licence is granted to the Adelaide Speedboat Club Inc to conduct powerboat racing on an area of the Port River from the Grand Trunkway Bridge and East to the isolated danger mark (approximately 200 metres East of the timber hulk, the 'Dorothy H Sterling') and to encompass an area North of the speed boat club and South of the mangroves for the 2019/2020 season as follows:

Sunday 8 September 2019	11 am until 5 pm
Saturday 12 October 2019	11 am until 5 pm
Friday 22 November 2019	2 pm until 8 pm
Saturday 23 November 2019	11 am until 8 pm
Sunday 24 November 2019	11 am until 8 pm
Sunday 19 April 2020	11 am until 5 pm
Saturday 17 May 2020	11 am until 5 pm

Permission is granted for the laying of course-marking buoys.

The following conditions apply to the licence: -

- Adelaide Speedboat Club Inc must hold adequate Public Liability Insurance to cater for any claim for personal injury or damage to property resulting from activities during the period of the licence.
- Adelaide Speedboat Club Inc agrees to release, indemnify and discharge the Minister for Transport and Infrastructure 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 reasonably incurred or suffered by any of those indemnified as a result of any suit, demand, action, claim or proceeding brought by any person against any of those indemnified arising from the issue of this exemption or the above event.
- The attached notice must be published, at your club's expense, in *The Advertiser* during the week immediately preceding the first event.
- Your club must provide duty boats at either end of the licensed area for the whole period of the licence to warn vessels of the restriction, and to assist them to pass the area in between events.
- Duty boats must have effective means of communication with the event controller and must not be tasked with other duties in addition to those of a duty boat.

- An access corridor on the Northern side of the waterway with a maximum speed of 4 knots is to be monitored by duty boats. This corridor will be closed during events for safety reasons and non participating vessels can be allowed through between events.
- All operators of motorboats, excluding those competing in the 6, 12 and 15 horsepower classes of racing, must be holders of a current licence to operate a motorboat.
- Permission is granted for holders of a *Special Permit to Operate a Vessel* to operate vessels with engines not exceeding 15 horsepower, within the licensed area during the time of the licence, notwithstanding that such vessels are capable of speed in excess of 10 knots (18 km/h).
- Permission is granted for competitors between the ages of 8 and 10 years to operate boats with engines not exceeding 6 horsepower and competitors between the age of 10 and 12 years to operate boats with engines not exceeding 12 horsepower within the licensed area during the time of the licence in accordance with the exemption under section 47 of the *Harbors and Navigation Act 1993*.
- This licence does not include the use of personal watercraft.
- All boats must carry safety equipment as prescribed by the regulations except when competing in events, an approved fire extinguisher only need be carried in each boat and all occupants must wear approved lifejackets.
- Where official boats including duty boats are up to (and including) 4.8 metres in length, all persons aboard must wear an approved lifejacket level 50S or above at all times when underway or at anchor.
- The Adelaide Speedboat Club Inc must notify all participants of the conditions of this licence.
- All course and marker buoys must be removed from the water at the conclusion of the events.
- Practice within the licensed area will only be permitted during the hours of the licence.
- Any incident during this event where damage to the value of \$300 or more or injury requiring medical attention must be reported in accordance with Regulation 207 of the Harbors and Navigation Regulations 2009.

The following conditions apply under the *Adelaide Dolphin Sanctuary Act 2005* as requested by the Minister for Environment and Conservation. The conditions that apply to the licence are listed below and apply to all racing, warm up and training activities during the licence periods:

- The Adelaide Speedboat Club Inc. must contact the Adelaide Dolphin Sanctuary on 0428 106 412 or email adelaidedolphinsanctuary@sa.gov.au in the week prior to each event to confirm the licence conditions and ensure no change has occurred.
- The Adelaide Speedboat Club must Ensure race participants are aware that the activity is occurring in the Adelaide Dolphin Sanctuary, and of the resident dolphin population and the associated National Parks and Wildlife (Protected Animals—Marine Mammals) Regulations in place to protect the population (ADS information sheets and users guides are readily available by request through the ADS office).

- The Adelaide Speedboat Club must keep a record of any interactions with dolphins during race events.
- The Adelaide Speedboat Club Inc must have designated Marine Mammal Observers (MMO) at each end of the race course when race events, warm up and practice events are underway to ensure racing is halted if a dolphin should swim within 150 metres of the race course.
- The MMO where possible, should have attended an induction or training about marine mammals with the Adelaide Dolphin Sanctuary. The duties of the MMO are as follows:
 - dedicated exclusively to observation and have no other duties;
 - be looking at the incoming waterway in order to spot the dolphins approaching the race course before the dolphins enter the race course;
 - one MMO should face east and one west;
 - the MMO facing West should be located on the Torrens Island Bridge, and whenever possible a third observer may be located aboard the duty boat or other vessel at the Western end;
 - if the MMO on the bridge is following the path of a dolphin and the dolphin passes underneath the bridge, the MMO should keep the dolphin in sight and if necessary cross to the Eastern side of the bridge in order to do so.
 - the MMO must be able to communicate directly with the controller of the event to stop racing immediately if dolphins enter the area;
 - wear high visibility vests for ease of identification;
 - carry binoculars and know how to use them.
- Adequate waste disposal facilities must be made available to spectators to ensure litter does not enter the waterway.
- These conditions are subject to amendment or addition at anytime. Approval of this event does not ensure approval for subsequent events.
- The club must ensure that all boats comply effectively with all requirements of the *Harbors and Navigation Act 1993* except those provisions for which specific exemptions have been granted above.

All directions from a Marine Safety Officer (MSO) in regards to the operation of the licence must be strictly observed.

A MSO may attend subject to availability. Any enquiries in regard to this licence should be directed to [REDACTED]

Issued



Date:

15/08/2019

Signing this document and returning it to the Boating Safety Unit prior to your event confirms your acknowledgement and understanding of the conditions and activates the licence 4/20.

Signed:

Adelaide Speedboat Club Inc

(print name)

(date)

RELEASED UNDER FOI ACT 1997



ADELAIDE SPEEDBOAT CLUB INC.

AUTHORISATION OF DUTY BOAT PERSONNEL

The bearer of this letter is authorised to prevent all vessels from entering the licensed area of the Port River from the Grand Trunkway Bridge and East to the isolated danger mark (approximately 200 metres East of the timber hulk, the 'Dorothy H Sterling') and to encompass an area North of the Adelaide Speed Boat Club and South of the mangroves, on the dates and times indicated below:

Sunday 8 September 2019	11 am until 5 pm
Saturday 12 October 2019	11 am until 5 pm
Friday 22 November 2019	2 pm until 8 pm
Saturday 23 November 2019	11 am until 8 pm
Sunday 24 November 2019	11 am until 8 pm
Sunday 19 April 2020	11 am until 5 pm
17 May 2020	11 am until 5 pm



15 August 2019

RELEASED UNDER FOIA ACT 1997

WATER TRAFFIC RESTRICTIONS

NORTH ARM, PORT ADELAIDE

Notice is given that pursuant to Section 26 of the *Harbors and Navigation Act 1993*, the Department of Planning, Transport, and Infrastructure (DPTI) has granted an Aquatic Activity Licence to the Adelaide Speedboat Club Inc to use for speedboat racing on an area of water at North Arm, Port Adelaide as follows:

from the Grand Trunkway Bridge and East to the isolated danger mark (approximately 200 metres East of the timber hulk, the 'Dorothy H Sterling') and to encompass an area North of the Adelaide Speed Boat Club Inc and South of the mangroves.

For safety reasons, vessels and persons other than those participating in the events are prohibited from entering the above area of water, however a corridor will be provided on the northern side to allow passage through the area between events on the following dates and times:

Sunday 8 September 2019	11 am until 5 pm
Saturday 12 October 2019	11 am until 5 pm
Friday 22 November 2019	2 pm until 8 pm
Saturday 23 November 2019	11 am until 8 pm
Sunday 24 November 2019	11 am until 8 pm
Sunday 19 April 2020	11 am until 5 pm
Saturday 17 May 2020	11 am until 5 pm

ADELAIDE SPEEDBOAT CLUB INC

NOTICE OF EXEMPTION
Harbors & Navigation Act 1993

TO THE ORGANISER OF: Powerboat Racing
Organisation's Name: Adelaide Speedboat Club Inc.
Contact: [REDACTED]
Address: PO Box 64, Port Adelaide SA 5015

I, [REDACTED] Manager, Maritime Safety, Department of Planning, Transport & Infrastructure (DPTI), in accordance with the delegation granted to me by the Chief Executive (CE) DPTI and pursuant to Section 83 of the *Harbors and Navigation Act 1993* ("the Act"), do hereby exempt from the provisions of Section 47(3) of the Act (requirement to hold a boat operator's licence or special permit), Regulation 83(3)(a) (speed restriction for special permit holders), Schedule 9 part 1, 6(1)(b) of the Regulations (carriage of safety equipment) and schedule 10.1(b)(ia) (7 knot speed limit North Arm east of Dorothy Sterling wreck.)

Competitors in the Adelaide Speedboat Club Inc. event to be held on an area of the Port Adelaide River between the Grand Trunkway Bridge and East to the isolated danger mark (approximately 200 metres East of the timber hulk, the 'Dorothy H Sterling') and to encompass an area North of the Adelaide Speed Boat Club and South of the mangroves on the following dates and times:

Sunday 8 September 2019	11 am until 5 pm
Saturday 12 October 2019	11 am until 5 pm
Friday 22 November 2019	2 pm until 8 pm
Saturday 23 November 2019	11 am until 8 pm
Sunday 24 November 2019	11 am until 8 pm
Sunday 19 April 2020	11 am until 5 pm
Saturday 17 May 2020	11 am until 5 pm

This exemption is subject to the following conditions:

- The Adelaide Speedboat Club Inc agrees to release, indemnify and discharge the Minister for Transport and Infrastructure 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 reasonably incurred or suffered by any of those indemnified as a result of any suit, demand, action, claim or proceeding brought by any person against any of those indemnified arising from the issue of this exemption or the above event.
- The Adelaide Speedboat Club Inc will take out and continue to maintain for the duration of the above event, an appropriate public liability insurance policy.
- Operators exempted from the provisions of section 47(3) of the *Harbors and Navigation Act 1993* can only operate within the licensed area during the hours of the licence. This provision applies only to operators under the age of 12 years.
- Operators between the ages of 8 and 10 years can only operate vessels fitted with an engine no larger than 6 hp.
- Operators between the ages of 10 and 12 years can only operate vessels fitted with an engine no larger than 12 hp.

- Operators between the ages of 12 and 15 years must be the holder of a *Special Permit to Operate a Motor Vessel*, and can only operate vessels fitted with an engine no larger than 15 hp notwithstanding that such vessels are capable of speed in excess of 10 knots (18 km/h).
- Competing vessels may, in lieu of the prescribed safety equipment, carry an approved fire extinguisher and the vessel occupants must wear an approved personal flotation device.
- Participating vessels may exceed 7 knots speed in the area of water from the Dorothy H Sterling wreck Eastward to the Isolated Danger mark.
- The organiser of the above events notifies all competitors of this exemption.

This exemption will be valid for the duration of each of the above events listed and shall expire at the time indicated for the licence period on each of the dates listed above.



Harbors and Navigations Act 1993

15 August 2019

RELEASED UNDER FOI ACT 1997