

Tow-in surfing

Code of conduct

2017

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Risk level

- GACC major GACC minor High risk (but not GACC) Medium risk

Prepared by	
Title	
District & Region	
Branch & Division	
Project/program	
Project number	
Project location	
Status	
DMS ref. no.	

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Introduction

The safe operation of watercraft in Queensland's waters is a priority for state and local government authorities, commercial operators, and sport and recreational organisations.

This code of conduct has been developed in consultation with Maritime Safety Queensland, Gold Coast City Council and Surfing Queensland to promote the safety of tow-in surfing operations.

Guidance is provided to tow-in surfing enthusiasts on a number of important safety aspects, including:

- general rules relating to proceeding at a safe speed, keeping a proper lookout and avoiding collision
- specific rules of operation for personal watercraft (PWC) in relation to speed and distance off requirements
- rules governing the operation of vessels in and near Gold Coast City Council bathing reserves
- requirements to be met to qualify for the tow-in surfing observer exemption
- specific requirements for tow-in surfing operations within Currumbin Alley and Tallebudgera Creek mouth.

It is provided for the benefit of tow-in surfers, other surf users and the wider community. The code of conduct is published and freely available to the public via Maritime Safety Queensland, Surfing Queensland and Gold Coast City Council websites.

Application

This code of conduct applies to all persons engaged in tow-in surfing across Queensland, but has particular application to the Gold Coast, as that is the region with the greatest concentration of activity.

Definitions

Aquatic equipment (Gold Coast City Council Local Law no. 10 (bathing reserves) 2004) means:

- (a) a float; or
- (b) a boogie board; or
- (c) a surfboard; or
- (d) a surf ski; or
- (e) a kayak; or
- (f) a canoe; or
- (g) another device for use on or in water to carry a person or thing across or through water or for recreational use in water and designed to be-
 - (i) paddled by a person; or
 - (ii) ridden by a person on a wave or in a white water area; or
- (h) another device specified by subordinate local law

Collision regulation refers to the Australian Maritime Safety Authority Marine Orders Part 30, incorporating the International Regulations for the Prevention of Collisions at Sea 1972.

Master is the person in charge or control of a vessel.

Proper lookout is defined by rule 5 of the collision regulations and means a look out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and risk of collision.

PWC means a personal watercraft (for example, jet skis) as defined in schedule 1 of the Transport Operations (Marine Safety) Act 1994.

Recreational power craft includes power-driven vessels for recreational purposes.

Passive craft are non-powered vessels (for example, rowing boats, kayaks).

Ship is defined by section 10 of the *Transport Operations (Marine Safety) Act 1994* and includes any kind of vessel used on water.

Waterway indicates any navigable waters including but not limited to rivers, estuaries, creeks, lakes and dams.

Wind powered craft (Gold Coast City Council Local Law no. 10 (bathing reserves) 2004) means –

- (a) a sail board; or
- (b) a kite surf craft; or
- (c) a windsurfer; or
- (d) another device for use on or in water to carry a person or thing across or through water or for recreational use in water and designed to be –
- (e) powered by wind; and
- (f) ridden by the person balancing on or from the device; or
- (g) another device specified by subordinate local law.

1. What is tow-in surfing?

For the purpose of this code of conduct, tow-in surfing includes all of the following activities:

- towing a person (such as a surfer) using aquatic equipment behind a personal watercraft or recreational power craft (for example, rigid inflatable) until release at a position and speed that allows the person to catch a wave
- the use of a recreational power craft to closely follow a person using aquatic equipment on a wave and retrieving the person after the ride, especially when surfing waves
- using a recreational power craft as a launch platform by a person jumping from the craft onto a wave using aquatic equipment.

There are a number of variations associated with tow-in surfing. Put simply, if a recreational power craft is being used in connection with aquatic equipment in or near a surf zone, then this activity is considered as tow-in surfing.

2. Tow-in surfing without an observer

Maritime Safety Queensland has gazetted an exemption pursuant to section 18A *Transport Operations (Marine Safety) Act 1994* that exempts operators of personal watercraft from the requirement at section 199 of the *Transport Operations (Marine Safety) Regulation 2016* to carry an observer. This exemption for operators of personal watercraft only applies if the tow-in surfing operations comply with the requirements of this code of conduct.

The personal watercraft operator must:

- tow only one person at a time
- carry dive fins and a safety knife in a readily accessible location
- give right of way to all other boating or ocean recreation activities.

The personal watercraft operator must not operate the watercraft at a speed of more than six knots within 200 metres of:

- all persons in the water other than the skier (the person who is being towed)
- all paddle surfers in the water
- all other ships or watercraft in the water.

The personal watercraft operator must ensure their craft is equipped with a rescue sled with a minimum of five hand-grip handles — two on the port side, two on the starboard side and one at the bow of the sled attached to the watercraft with a three point hitching.

The following safety items are recommended:

- gloves
- tool kit
- bow towing loop
- helmet.

3. Tow-in surfing in a closed bathing reserve

The Gold Coast City Council's chief lifeguard (or acting) is responsible for the closure of the bathing reserve to users on observation of unsafe conditions.

Notification of closure empowers local law 10 (bathing reserves) 2004 section 17 (5) and 17 (7)(d)(ii) exemptions and allows tow-in surfing in the bathing reserve area however, operators must stay more than 200 metres from any aquatic equipment, wind powered craft or swimmers.

Vessel operators must remember the distance off requirements, that is, 30 metres for vessels and 60 metres for personal watercraft as per sections 81 and 82 *Transport Operations (Marine Safety) Regulations 2016*.

Unless the bathing reserve is closed, tow-in surfing remains prohibited 400 metres seaward of the shoreline in bathing reserves or within 200m of all aquatic equipment, wind powered craft and swimmers.

4. Tow-in surfing, freestyling and wave jumping prohibited at Currumbin bar and Tallebudgera Creek

Maritime Safety Queensland has received numerous complaints concerning tow-in surfing interaction with paddle surfers, and near misses with swimmers as a result of recreational watercraft wave jumping and freestyling in and around the bar cutting at Currumbin and Tallebudgera Creeks. In the interest of marine safety, Maritime Safety Queensland has established exclusion zones by gazettal notices (refer Annexes B and C) that prohibit the abovementioned activities in the entrances to Currumbin and Tallebudgera Creeks

The gazette notice for Currumbin Creek states:

A person must not use a vessel to freestyle, wave jump or tow surf within the waters of 28°7.080'S, 153°29.109'E south east to 28°7.379'S, 153°29.775'E south west to 28°7.668'S, 153°29.264'E north west to 28° 7.564'S, 153°27.723'E north east to 28°7.080'S, 153°29.109'E (unless there are no other persons in the area at any time).

The gazette notice for Tallebudgera Creek states:

A person must not use a vessel to freestyle, wave jump or tow surf within the waters of 28°5.062'S, 153°27.967'E south east to 28°5.638'S, 153°28.267'E south west to 28°5.958'S, 153°27.723'E north west to 28° 5.413'S, 153°27.507'E north east to 28°5.062'S, 153°27.967'E (unless there are no other persons in the area at any time).

5. Tow-in surfing and propeller guards

Some tow-in surfers use other types of recreational powered craft, such as inflatable boats, to conduct tow-in surfing activities. Given tow-in surfing activities involve the operation of vessels in close proximity to surfers, there is a risk of propeller strike injury occurring. Consequently, it is considered best practice for any vessel used in tow-in surfing activities to be fitted with a propeller guard.

Failure to fit a propeller guard may constitute a breach of the operator's general safety obligation, especially if a propeller strike injury occurs as a result.

6. Tow-in surfing and personal flotation devices

Personal flotation devices (PFDs) are required safety equipment that must be carried on all registrable vessels. They are required to be worn by all persons on a personal watercraft. They are also required to be worn by all persons being towed by a line connected to a vessel (including a personal watercraft). This includes waterskiing and tow-in surfing. Failure to wear a PFD while tow-in surfing can result in on-the-spot fines issued to both the person operating the vessel/personal watercraft and the tow-in surfer.

7. Marine incident reporting

The act defines a marine incident as an event causing or involving:

- the loss of a person from a ship
- the death of, or grievous bodily harm to, a person caused by a ship's operations
- the loss or presumed loss or abandonment of a ship
- a collision with a ship
- the stranding of a ship
- material damage to a ship
- material damage caused by a ship's operations
- danger to a person caused by a ship's operations
- danger of serious damage to a ship
- danger of serious damage to a structure caused by a ship's operations.

As lead agency Maritime Safety Queensland has the responsibility to coordinate the investigation of marine incidents and ensure that information gathered is collated and analysed to further improve marine safety outcomes.

Marine incidents must be reported to a shipping inspector within 48 hours of the incident, unless there is a reasonable excuse. The report must be made in the approved form. For further information about reporting marine incidents contact your local Maritime Safety Queensland regional office.

Go to www.msg.qld.gov.au for contact details for Maritime Safety Queensland regional offices and the approved form.

8. Legislation

8.1 General safety obligation

The general safety obligation is the guiding principle of Queensland's marine safety legislation. Section 43 of the *Transport Operations (Marine Safety) Act 1994* (the act) assigns responsibility for the safe operation of vessels including the management of associated risks to vessel owners and operators.

Sections 41 and 44 of the act impose obligations on vessel owners and operators to ensure their vessels are maintained in a seaworthy condition this includes being equipped in accordance with the regulation.

Vessel owners and operators must ensure their vessels are built, maintained, equipped, sufficiently crewed for the intended area of operation, and that these operations are conducted safely.

The act imposes severe penalties for breaches of the general safety obligations.

8.2 Collision regulations

Section 211 of the act and section 79 of the regulation call in effect provisions of the collision regulations.

The collision regulations apply to all vessels operating in Queensland, including recreational power craft engaged in tow-in surfing.

Masters of vessels have an obligation to:

- maintain a proper look out by sight, hearing and all other means available
- proceed at a safe speed (which is determined by reference to prevailing conditions and environmental factors)
- take all necessary action to avoid a collision
- overtake safely.

8.3 Safe distance requirements

Safe distance requirements are imposed by both state and local laws to promote the safe operation of vessels when operating in close proximity to other vessels, infrastructure or persons in the water.

Masters have a legislated responsibility to ensure their vessels are not operated at a speed greater than six knots within 30 metres of a person in the water, a ship at anchor, moored or made fast to the shore or aground and a jetty, wharf, boat ramp or pontoon.

Masters of personal watercraft have a legislated responsibility to ensure their vessels are not operated at a speed greater than six knots within 60 metres of a person in the water, a ship at anchor, moored or made fast to the shore or aground and a jetty, wharf, boat ramp, boundary of a bathing reserve or the shore. Also, A master must not operate a personal watercraft at a speed of more than 10kn if the personal watercraft is within 30m of another moving ship.

Gold Coast City Council Local Law No. 10 (bathing reserves) 2004, at section 17(5) and (7), provides:

A person must not use a vessel for tow-in surfing or power assisted surfing in a bathing reserve if the vessel is operated within -

- (a) 400 metres seawards of low water mark at ordinary spring tides; or
- (b) 200m of all aquatic equipment, wind powered craft and swimmers.

However this section does not prevent the use of a vessel being used for tow-in surfing or power assisted surfing when the beach is closed due to extreme weather conditions and it is not operated within 200 metres of any aquatic equipment, wind powered craft or swimmers.

For the purpose of this code of conduct, a vessel includes a recreational power craft, whether engaged in tow-in surfing or otherwise.

For a chart of the Gold Coast City Council bathing reserves, see Annex A.

9. Endorsement of the code of conduct

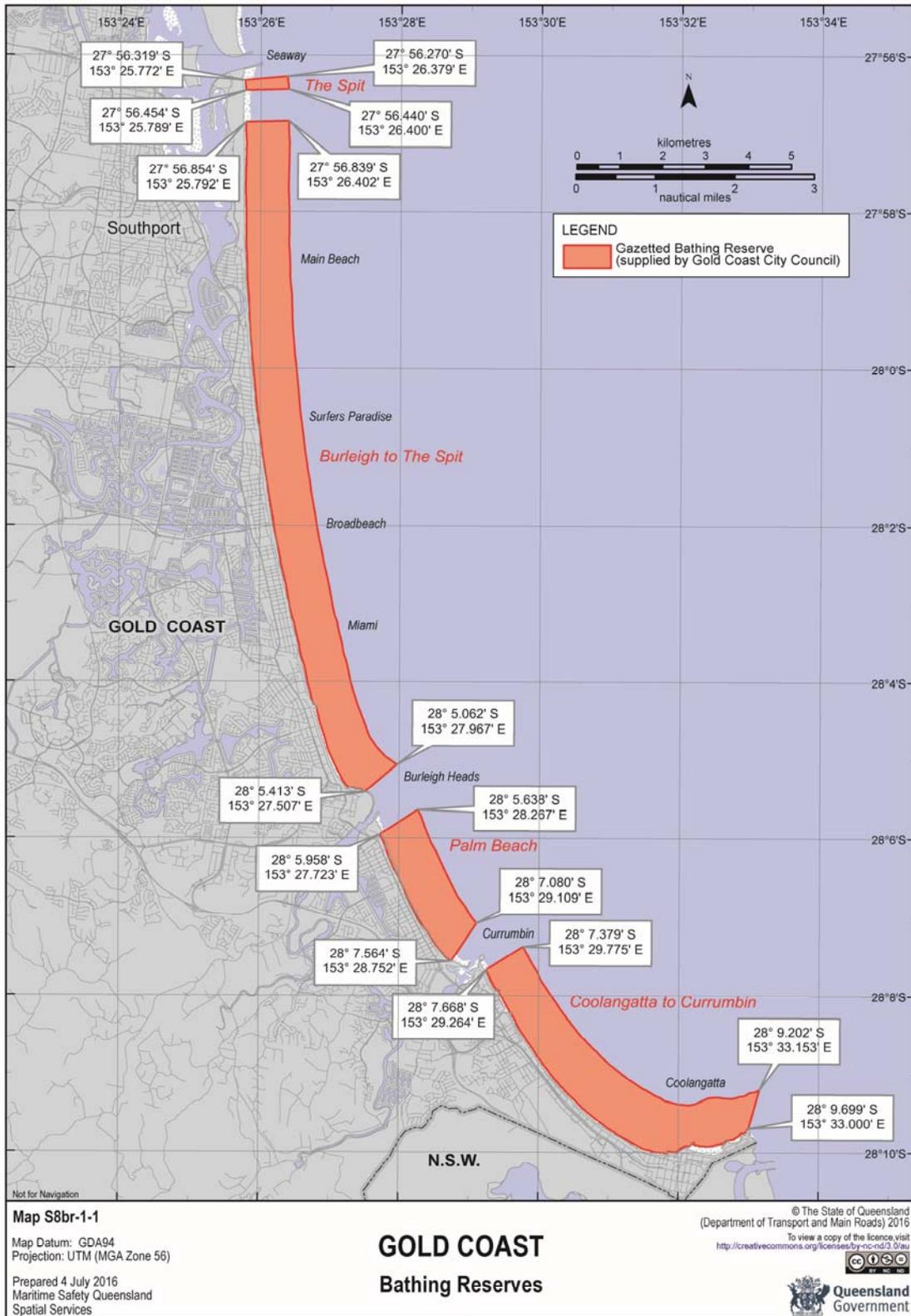
The code of conduct for tow-in surfing safety is a document endorsed by:

Surfing Queensland

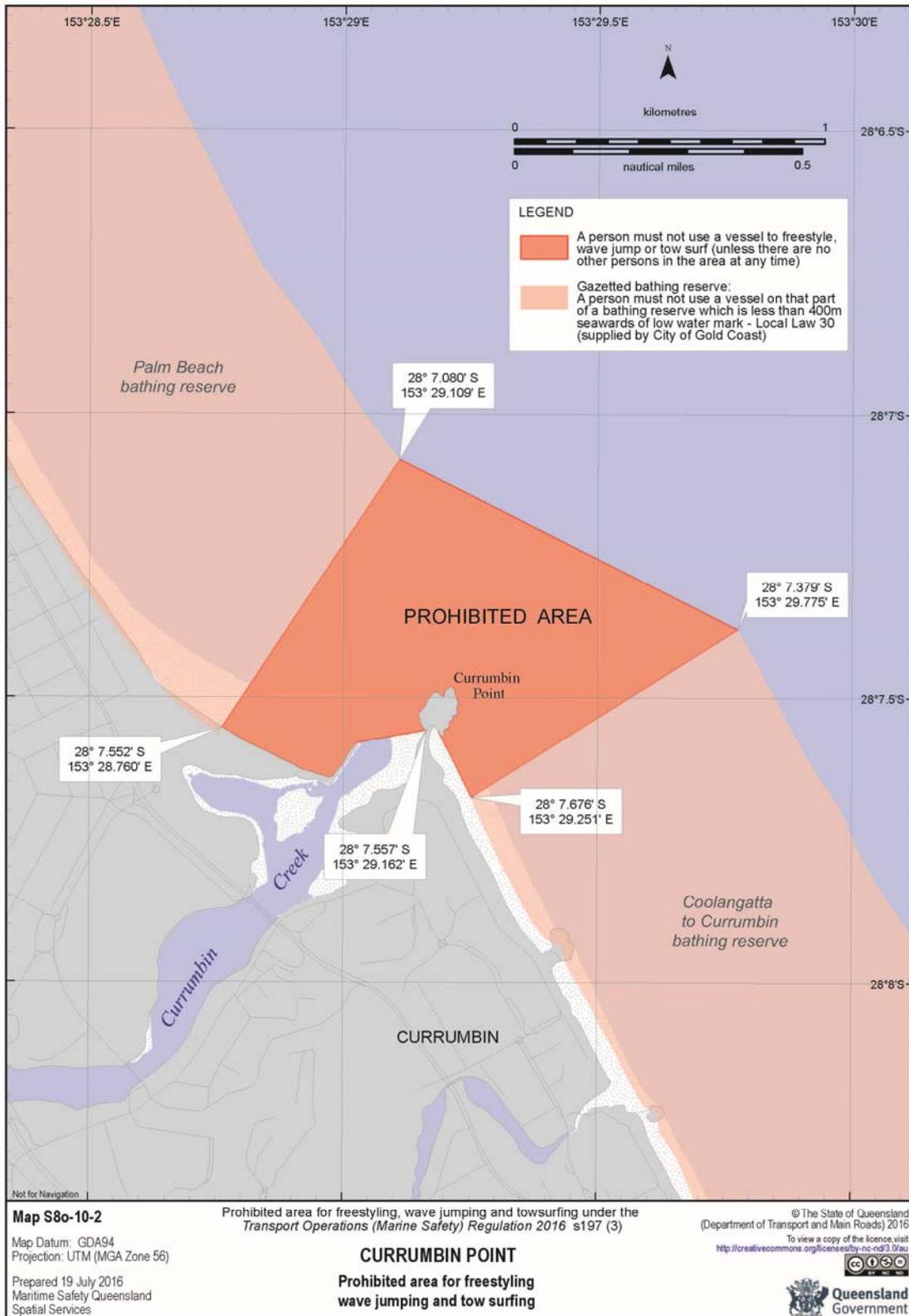
Maritime Safety Queensland

Gold Coast City Council/Gold Coast City Council Lifeguard Service.

Annex A — Gold Coast City Council bathing reserves



Annex B — Currumbin Creek — S221 prohibition



Annex C — Tallebudgera Creek — S221 prohibition

