

1990 - No. 122

MURRAY-DARLING BASIN ACT 1983 - REGULATION

(Providing for the safe navigation of vessels
using the River Murray and its tributaries)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Murray-Darling Basin Act 1983, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Natural Resources.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the River Murray Traffic Regulation 1990.

Commencement

2. This Regulation commences on 2nd March 1990.

Definitions

3. (1) In this Regulation:

"authorised officer" means:

- (a) a lock-keeper, superintendent or other officer or employee employed in a Government department or by a statutory corporation who is in charge of a river work or river land; or

(b) a person appointed under subclause (2) to exercise the functions of an authorised officer under this Regulation;

"Corporation" means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;

"employee" means an employee of the Corporation or of the Victorian Authority or the South Australian Authority;

"lock" means a lock specified in Schedule 1, and includes the chamber of a lock;

"lock-keeper" means the person in charge of a lock, whether that person was appointed by the Corporation or by the Victorian Authority or the South Australian Authority

"master", in relation to a vessel, means the person in charge of the vessel and, in relation to a vessel that is being towed by another vessel, the person in charge of the towing vessel;

"navigable pass", in relation to a weir, means the part of the weir that can be lowered during a period of high water flow that renders inoperable the chamber of the lock located at the weir;

"prolonged blast" means a blast lasting about 4 to 6 seconds, inclusive;

"river land" means an area of land (whether above or below pool levels or tide levels, or both, of the River Murray or its tributaries) which:

(a) has been acquired in accordance with the Act or any Act repealed by the Act for the construction, maintenance, operation or control of any river work; and

(b) is vested in the Corporation, the Victorian Authority or the South Australian Authority;

"riverwork" means:

(a) a bridge, weir, dam, embankment, lock, navigable pass, barrage, reservoir, flume, race, channel, cutting, tunnel, pipe, sewer, tank, regulator, sluice, aqueduct, drain, cut, well shaft, fence or building constructed for the purposes of the Act or any Act repealed by the Act; or

(b) any machinery or appliance forming part of, or used in connection with, such a work;

"short blast" means a blast lasting about 1 second;

"South Australian Authority" means the Minister of Water Resources for South Australia;

"the Act" means the Murray-Darling Basin Act 1983;
"vessel" means a ship, boat or marine craft of any description, whether it floats, hovers or is submersible;
"Victorian Authority" means the Rural Water Commission of Victoria;
"weir" means a weir specified in Schedule 1.

(2) The Corporation, or the Victorian or South Australian Authority, may, in writing, appoint persons to be authorised officers for the purposes of this Act.

Application

4. This Regulation applies to and in relation to locks, weirs and other works specified in Schedule 1.

PART 2 - CONTROL OF VESSELS AT LOCKS

Control of a vessel that is passing through a lock

5. (1) The master of a vessel that is passing through a lock must operate the vessel in accordance with the directions of the lock-keeper.

(2) If there is no person on board such a vessel who is able to comply with the direction of the lock-keeper, the lock-keeper may cause the vessel to be operated in such manner as the lock-keeper considers to be appropriate.

(3) For the purposes of this clause, **"operate"** includes moor, unmoor, place and remove.

Specific powers of a lock-keeper

6. When exercising the powers conferred by clause 5 in relation to a vessel, the lock-keeper:

- (a) may unloose or cut any rope, or unshackle or break any chain, by which the vessel is moored or secured; and
- (b) may obtain such assistance as the lock-keeper considers necessary for the purpose of exercising those powers.

Order of precedence of vessels when passing through a lock

7. (1) Whenever the masters of vessels travelling in the same direction wish to navigate those vessels through the same lock, the

order of precedence for the passage of those vessels through the lock is the order in which they arrive at the lock.

(2) However, the lock-keeper may give precedence to a commercial passenger vessel that is operating on an established timetable.

Times for the passage of vessels through locks

8. (1) On each available day during the period starting with 1 April and ending with 30 September in any year:

- (a) locks 7, 8, 9, 15 and 26 are open for the passage of vessels at any time between (and including) 8.00 a.m. and 4.30 p.m.; and
- (b) locks 10 and 11 are open:
 - (i) between (and including) 8.00 a.m. and 4.00 p.m., on the hour, for the passage of vessels travelling downstream; and
 - (ii) between (and including) 8.30 a.m. and 4.30 p.m., on the half-hour, for the passage of vessels travelling upstream.

(2) On each available day during the period starting with 1 October in any year and ending with 31 March in the following year:

- (a) locks 7, 8, 9, 15 and 26 are open for the passage of vessels between (and including) 8.00 a.m. and 5.00 p.m.; and
- (b) locks 10 and 11 are open:
 - (i) between (and including) 8.00 a.m. and 5.00 p.m., on the hour, for the passage of vessels travelling downstream; and
 - (ii) between (and including) 8.30 a.m. and 5.30 p.m., on the half-hour, for the passage of vessels travelling upstream.

(3) In this clause, "**available day**", in relation to a lock, means a day on which the lock is available for the passage of river traffic.

(4) A lock-keeper may authorise the passage of a vessel through a lock referred to in subclauses (1) and (2) at a time when the lock is not open as provided by those subclauses if:

- (a) an application for the vessel to pass through the lock at that time has been made so as to reach the lock-keeper at least 7 days before the date of the proposed passage; and
- (b) payment of the charge for the special lockage has been tendered.

PART 3 - SIGNALS FOR ENTERING AND LEAVING LOCKS

Signals required to be given when a vessel is approaching a lock

9. (1) Whenever the master of a vessel intends to navigate the vessel through a lock, the master must, when the vessel is less than 600 metres but not less than 400 metres from the lock, signal that intention to the lock-keeper:

- (a) by giving 3 long blasts of the vessel's whistle or siren; or
- (b) if the vessel does not have a whistle or siren:
 - (i) by waving a flag by day; or
 - (ii) by flashing a light, either by day or at night.

(2) On receiving such a signal, the lock-keeper must acknowledge the signal:

- (a) by showing a red flag by day; or
- (b) either by day or night, by displaying a red flashing light, flashing at the rate of approximately 60 flashes per minute.

Lock-keeper's signal

10. (1) A lock-keeper must give the signal that it is appropriate for a vessel to proceed through the lock

- (a) by showing by day a green flag; or
- (b) by showing either by day or night a green fixed light or a green flashing light, flashing at the rate of approximately 60 flashes per minute.

(2) The master of a vessel must ensure that the vessel does not approach within 150 metres of a lock unless the signal to proceed has been given in accordance with subclause (1).

Signal to be given where a vessel is about to proceed through a lock

11. The master of a vessel must, after receiving a signal that it is appropriate for the vessel to proceed through a lock but before proceeding into the lock, clearly signal to other vessels in the vicinity of the lock that the vessel is about to proceed into the lock:

- (a) by giving a long blast and then a short blast of the vessel's whistle or siren; or

- (b) if the vessel does not have a whistle or siren:
 - (i) by waving a flag by day, or
 - (ii) either by day or night, by flashing a light.

Vessel not to leave a lock until the lock-keeper's permission has been given

12. The master of a vessel that has entered a lock must ensure that the vessel does not leave the lock until the lock-keeper has given permission for the vessel to do so.

PART 4 - OTHER SIGNALS

Signals to be displayed when only the lock at a weir or barrage is available for the passage of river traffic

13. (1) The following markers indicate that the only means of passage at a weir or barrage for river traffic is the lock

- (a) by day:
 - (i) a beacon with a green triangular topmark located at each end of the lock that is on the starboard (or right hand) side of the river when facing upstream; and
 - (ii) a beacon with a red square topmark located at each end of the lock that is on the port (or left hand) side of the river when facing upstream;
- (b) at night a vertical red strip light at each of the 4 extremities of the lock walls.

(2) At the weir at Mildura only, the following additional markers indicate the starboard (or right hand) side of the navigable passage at the weir when facing upstream:

- (a) by day - a black cone (with the apex pointing upwards) between 2 black balls, all fixed in a vertical line;
- (b) at night - a green light between 2 red lights, all fixed in a vertical line.

Signals indicating when a navigable pass at a weir is open for river traffic

14. The following markers indicate that the navigable pass at a weir is open for the passage of river traffic:

- (a) by day:
 - (i) a green triangular shape on the starboard (or right hand) side of the pass when facing upstream; and
 - (ii) a red square shape on the port (or left hand) side when facing upstream;
- (b) at night:
 - (i) a green light on the starboard (or right hand) side of the pass when facing upstream; and
 - (ii) a red light on the port (or left hand) side of the pass when facing upstream.

PART 5 - PROVISIONS RELATING TO LOCKS

Lock-keeper may refuse to allow vessels to enter the lock in certain cases

15. The lock-keeper at a lock may refuse permission for a vessel to enter the lock if:

- (a) the master of the vessel fails to give the signal as provided by clause 9; or
- (b) the draught of the vessel does not allow a clearance of at least 0.15 metres over the locksill; or
- (c) the lock-keeper is not satisfied that the vessel has sufficient crew, and adequate fenders and other equipment, to ensure that the vessel does not damage the lock when passing through it; or
- (d) there is anything projecting from either side of the vessel that is liable to damage the lock; or
- (e) work is in progress to demolish, construct, reconstruct, repair or maintain the lock or the weir (if any) adjacent to the lock.

Restrictions on approaching a weir where the navigable pass is closed

16. When the navigable pass at a weir is closed, the master of a vessel must ensure that the vessel does not approach within 150 metres of the weir except for the purpose of passing through the lock located at the weir.

PART 6 - OFFENCES

Offences against the Regulation

17. (1) A person must not:

- (a) without the permission of an authorised officer, enter onto any river work or river land unless the person is an employee who is performing his or her functions under the Act; or
- (b) fail to leave a river work or river land immediately after being required to do so by an authorised officer; or
- (c) destroy, damage or interfere with a river work or river land; or
- (d) do anything that causes ballast, rock, stone or other matter to fall into a lock or onto the walls of a lock or into a place where it is likely to fall or be carried into a lock; or
- (e) without the permission of an authorised officer, interfere with a valve, gate or other machinery associated with a river work; or
- (f) without the permission of an authorised officer, embark on or disembark from a vessel that is in a lock; or
- (g) except:
 - (i) on a formed roadway or on a defined vehicular track that is open to the public; or
 - (ii) in accordance with the written permission of the Corporation or the oral or written permission of an authorised officer; or
 - (iii) at the direction of an authorised officer; or
 - (iv) in accordance with a sign erected by or under the authority of the Corporation,
- (h) ride, drive, stand or park a vehicle or ride or tether a horse on a river work or on river land; or
- (i) without the written permission of the Corporation or an authorised officer, drive a vehicle which has a gross weight exceeding 15 tonnes on a roadway constructed on Hume Dam or Bethanga Bridge; or
- (j) fish or swim in the River Murray, or in any tributary of that river, within 150 metres of a river work; or
- (k) remove or interfere with stone pitching or stone paving located on or forming part of the banks or bed of the River Murray, or of any waters connected to and forming part of a river work.

(2) For the purposes of subclause (1) (g), a roadway or defined vehicular track is to be regarded as being open to the public unless:

- (a) a barrier or gate is erected across the roadway or track; or
- (b) a sign is erected on or adjacent to the roadway or track indicating that entry is prohibited; or
- (c) an authorised officer informs the person concerned that the roadway or track is closed to the public.

(3) A person who:

- (a) contravenes a provision of subclause (1); or
- (b) contravenes clause 5 (1), 9 (1), 10 (2), 11, 12 or 16; or
- (c) attempts to navigate a vessel into or through a lock after the lock-keeper has refused permission for the vessel to enter the lock,

is guilty of an offence.

Maximum penalty: \$1,000.

**SCHEDULE 1 - LOCKS, WEIRS AND OTHER WORKS TO
WHICH THIS REGULATION APPLIES**

(Cl. 3, 4)

Bethanga Bridge

Hume Dam

Lake Victoria Works

Yarrawonga Weir

Locks Nos. 7, 8, 9, 10, 11 and 15

Lock and Weir No. 26 (Torrumbarry)

Weirs Nos. 5 (Redbank) and 7 (Maude)

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SCHEDULE 1 - LOCKS, WEIRS AND OTHER WORKS TO WHICH THIS REGULATION APPLIES

EXPLANATORY NOTE

The object of this Regulation is:

- (a) to regulate the operation of vessels at and in the vicinity of locks, weirs and other works located along the River Murray, and
- (b) to prohibit people from fishing or swimming within 150 metres of a river work and from engaging in certain other activities on a river work except with the permission of an authorised officer or some other lawful authority.
