

1990—No. 813

MARITIME SERVICES ACT 1935 - REGULATION

(Relating to the use of vessel capacity plates, the display of
distinguishing numbers on vessels and penalties)

NEW SOUTH WALES



[Published in Gazette No. 174 of 21 December 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

BRUCE BAIRD
Minister for Transport.

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, hereby makes the following Regulation:

Commencement

1. This Regulation commences on 1 January 1991.

Amendments

2. The Water Traffic Regulations - N.S.W. are amended:
 - (a) by omitting from regulation 2 (1) the definitions of "Current identification plate" and "Relevant identification plate";
 - (b) by omitting from regulation 2 (2) the words "durable plastic or similar material" and by inserting instead "metal or another strong rigid material";

- (c) by inserting in regulation 3 (1) after the word "speed," the words "or loaded with persons, goods, fuel or any other thing in such a manner,";
- (d) by inserting after regulation 3 the following regulation:

Vessel capacity

3A. (1) This regulation applies to each power driven vessel the construction of the hull of which commenced on or after 1 January 1991.

(2) This regulation does not apply to vessels which are:

- (a) used exclusively for commercial purposes or for racing;
or
- (b) auxiliary yachts, being sailing vessels fitted with any form of mechanical propulsion, or inflatable boats.

(3) In this regulation:

"vessel capacity plate" means a plate having a minimum size of 100 mm x 70 mm which is made from metal or another strong rigid material.

(4) A vessel capacity plate for a vessel complies with this regulation only if weather-resistant characters are permanently embossed, etched, engraved or stamped into the surface stating at least the following particulars:

- (a) the builder's name and address, or trademark;
- (b) the serial number, model number and year of manufacture of the hull of the vessel;
- (c) the maximum number of persons the vessel may carry, stated as follows:

Max persons on smooth waters ONLY calculated at average weight of 75 kg per person

WARNING: A reduction in maximum number MUST be made in adverse weather conditions or when on the open sea.

(5) The manufacturer of a vessel must, at the time of the construction of the hull of the vessel, permanently affix a vessel capacity plate to the vessel in such a location as to be clearly visible from each steering position.

(6) The manufacturer of a vessel must ensure that the maximum number of persons stated on each vessel capacity plate when it is affixed to the vessel does not exceed the

maximum number of persons which the vessel may carry calculated:

- (a) at one person for each metre of length overall of the vessel; or
- (b) in a manner approved by the Board.

(7) The master of a vessel contravenes this regulation if there is on board the vessel a greater number of persons than the number specified in a vessel capacity plate affixed to the vessel.

(8) The master of a vessel contravenes this regulation if the vessel:

- (a) does not have a vessel capacity plate affixed to it; or
 - (b) has a vessel capacity plate affixed to it which does not state a maximum number of persons; or
 - (c) has a vessel capacity plate affixed to it which does not otherwise comply with this regulation; or
 - (d) has a vessel capacity plate affixed to it which is in any way defaced, obliterated or concealed.
- (e) by omitting from regulations 11 (12), 11 (12A) and 11 (12B) the word "painted" wherever occurring and by inserting instead the word "displayed".
- (f) by inserting after regulation 11 (12B) the following clause:
- (12C) A registered vessel which is subject to a vessel permit under the Commercial Vessels Act 1979 must display only the permit number of the vessel in accordance with the Commercial Vessels (Permits) Regulation 1986.
- (g) by omitting regulation 11 (13) (c) and by inserting instead the following paragraph:
- (c) If a registered vessel is on any enclosed water and does not have a number displayed on it, in the position or positions and manner prescribed by clause (12), (12A), (12B) or (12C) or if any number so displayed on the vessel is in any way defaced, obliterated or concealed, both the owner and master of the vessel are guilty of an offence against this regulation.
- (h) by omitting from regulation 19 the matter "\$400" and by inserting instead the matter "\$1500".

DATED this sixth day of December 1990.

The *COMMON SEAL* of the
MARITIME SERVICES BOARD OF
NEW SOUTH WALES was hereto
affixed in the presence of the Chief
Executive:

EXPLANATORY NOTE

The object of this Regulation is to amend the Water Traffic Regulations - N.S.W.
so as, from 1 January 1991:

- (a) to make it an offence, in certain circumstances, for a person to navigate a power vessel carrying too many persons; and
- (b) to require that a vessel capacity plate (stating, among other matters, the maximum number of persons that a vessel may carry) be fixed to a vessel by the manufacturer; and
- (c) to make it an offence for a vessel not to have a vessel capacity plate or to have a vessel capacity plate which does not meet prescribed requirements; and
- (d) to allow distinguishing numbers to be displayed on vessels otherwise than by painting; and
- (e) to delete certain unnecessary definitions; and
- (f) to increase the maximum penalty for offences under the Regulations from \$400 to \$1500.