

1992—No. 385

## MARITIME SERVICES ACT 1935—REGULATION

(Relating to obstructions to navigation on enclosed waters)

NEW SOUTH WALES



*[Published in Gazette No. 89 of 17 July 1992]*

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 3rd August, 1992.

### Amendments

2. The Management of Waters and Waterside Lands Regulations—N.S.W. are amended:

- (a) by inserting in Regulation 4 (1) in alphabetical order the following definition:

**“Obstruction to navigation”** means:

- (a) a wharf, bridge, breakwater, heavy mooring busy, dolphin, pile or buoy in, on or over the bed of any enclosed water; or
- (b) any other structure or floating object that the considers to be a hazard to navigation on my enclosed water.

- (b) by inserting after Regulation 8 the following Regulation:

**Lighting and marking of obstructions to navigation**

8A. (1) The Board may direct the owner of an obstruction to navigation:

- (a) to mark or light the obstruction within a time and in the manner (if any) specified in the direction; and
- (b) to maintain the marking or lighting of the obstruction.

(2) A direction may be given orally or in writing.

(3) The owner of an obstruction to navigation to whom such a direction is given must:

- (a) mark or light the obstruction; and
- (b) maintain the marking or lighting of the obstruction,

in accordance with the direction.

(4) The owner must give notice to the Board:

- (a) if the owner is unable to comply with a direction to mark or light an obstruction to navigation given to the owner; or
- (b) if any defect arises in the marking or lighting of the obstruction.

(5) The Board may take any of the following actions if a direction given under this Regulation is not complied with or a notice is given under clause (4):

- (a) mark or light the obstruction to navigation;
- (b) remove the obstruction;
- (c) take other action in respect of the obstruction that the Board considers necessary.

(6) The owner of an obstruction to navigation is guilty of an offence against these Regulations if:

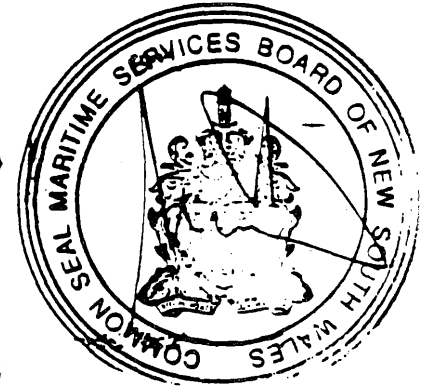
- (a) the owner fails to comply with a direction given under this Regulation; or
- (b) the owner fails to give notice as required by clause (4).

Maximum penalty: \$1,500.

(7) The Board may recover from the owner of the obstruction to navigation the expenses incurred by the Board in taking any action under clause (5).

Dated this 15th day of June, 1992.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was duly affixed in the presence of the Chief Executive: W. L. Gilbert



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**EXPLANATORY NOTE**

The object of this Regulation is to empower the Board to require the owner of any obstruction to navigation on enclosed waters (defined to mean any port or any inland navigable waters) to light or mark the obstruction.

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