

1993—No. 346

JUSTICES ACT 1902—REGULATION

(Relating to short descriptions of certain offences on NSW waters)

NEW SOUTH WALES



[Published in Gazette No. 84 of 30 July 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,
Minister for Justice.

Commencement

1. This Regulation commences on 1 August 1993.

Amendments

2. The Maritime Services (Short Description of Offences) Regulation 1987 is amended:

- (a) by omitting from clause 1 the words “Maritime Services” and by inserting instead the word “Maritime”;
- (b) by inserting in Schedule 1 in appropriate order the following matter:

Marine (Boating Safety—Alcohol and Drugs) Act 1991

Section 6 (1)—operate vessel on any waters while
under the influence of alcohol

operate vessel under
influence of
alcohol

Section 6 (1)—operate vessel on any waters while
under the influence of drugs

operate vessel under
influence of
drugs

Section 6 (2)—being the master of a vessel and being aware or having reasonable cause to believe a person is under the influence of alcohol, permit the person to operate the vessel on any waters	permit person under influence of alcohol to operate vessel
Section 6 (2)—being the master of a vessel and being aware or having reasonable cause to believe a person is under the influence of drugs, permit the person to operate the vessel on any waters	permit person under influence of drugs to operate vessel
Section 7 (1)—operate vessel on any waters with prescribed concentration of alcohol in blood	operate vessel with p.c.a.
Section 7 (3)—being the supervisor of a juvenile operator of a motor vessel, permit juvenile with the prescribed concentration of alcohol in blood to operate the vessel on any waters	permit juvenile with p.c.a. to operate motor vessel

(c) by inserting in Schedule 1 in appropriate order in the matter relating to the Maritime Services Act 1935 the following matter:

Section 13W (3)—being the master of a vessel, refuse to comply with any direction of harbour master	refuse to comply with harbour master's direction
Section 13W (3)—being the master of a vessel, neglect to comply with any direction of harbour master	neglect to comply with harbour master's direction

(d) by inserting in Schedule 1 in appropriate order in the matter relating to the Management of Waters and Waterside Lands Regulations—N.S.W. the following matter:

Regulation 6 (a)—obstruct the launching of a vessel	obstruct launching of vessel
Regulation 6 (a)—obstruct the removal from the water of a vessel	obstruct removal of vessel from water
Regulation 6 (a)—obstruct the securing of a vessel	obstruct securing of vessel
Regulation 6 (a)—impede the launching of a vessel	impede launching of vessel
Regulation 6 (a)—impede the removal from the water of a vessel	impede removal of vessel from water
Regulation 6 (a)—impede the securing of a vessel	impede securing of vessel

Regulation 17 (a)—without proper cause, on any enclosed water, display any visual signal which is used to indicate the presence, characteristics or intentions of vessels	display false visual signal on enclosed water
Regulation 17 (a)—without proper cause, on any enclosed water, make any sound signal which is used to indicate the presence, characteristics or intentions of vessels	make false sound signal on enclosed water
Regulation 17 (a)—without proper cause, on any managed land, display any visual signal which is used to indicate the presence, characteristics or intentions of vessels	display false visual signal on managed land
Regulation 17 (a)—without proper cause, on any managed land, make any sound signal which is used to indicate the presence, characteristics or intentions of vessels	make false sound signal on managed land
(e) by inserting in Schedule 1 in appropriate order in the matter relating to the Water Traffic Regulations—N.S.W. the following matter:	
Regulation 3—navigate a vessel on any enclosed water recklessly	navigate recklessly
Regulation 3—navigate a vessel on any enclosed water negligently	navigate negligently
Regulation 3—navigate a vessel on any enclosed water at speed likely to cause damage or injury	navigate at speed likely to cause damage or injury
Regulation 3—navigate a vessel on any enclosed water at speed likely to cause annoyance or nuisance	navigate at speed likely to cause annoyance or nuisance
Regulation 3—navigate a vessel on any enclosed water so loaded as to be likely to cause damage or injury	navigate with load likely to cause damage or injury
Regulation 3—navigate a vessel on any enclosed water so loaded as to be likely to cause annoyance or nuisance	navigate with load likely to cause annoyance or nuisance
Regulation 3—navigate a vessel in a way that is dangerous	navigate dangerously
Regulation 5—whilst using vessel on enclosed water, cause annoyance to any person	cause annoyance to person
Regulation 5—whilst using vessel on enclosed water, cause nuisance to any person	cause nuisance to person

1993—No. 346

Regulation 5—whilst using vessel on enclosed water, cause danger to any person	cause danger to person
Regulation 5—whilst using vessel on enclosed water, cause danger to any property	cause danger to property

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences relating to the use of New South Wales waters (clause 2 (b)–(e)).

The Regulation also changes the name of the principal Regulation (clause 2 (a)).
