

1994—No. 590

JUSTICES ACT 1902—REGULATION

(Relating to short descriptions of offences under the Commercial Vessels Act 1979
and certain regulations)

NEW SOUTH WALES



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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 11 November 1994.

Amendment

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

- (a) by inserting in Schedule 1 in appropriate order the following matter:

Commercial Vessels Act 1979

Section 8 (1) (a)—being the owner
of a vessel, use the vessel in
prescribed waters without a permit

own vessel used
without permit

Section 8 (1) (a)—being the master
of a vessel, use the vessel in
prescribed waters without a permit

master of vessel used
without permit

Section 8 (1) (b)—being the owner of a vessel, use the vessel in prescribed waters otherwise than in accordance with the authority conferred by permit	own vessel used contrary to permit
Section 8 (1) (b)—being the master of a vessel, use the vessel in prescribed waters otherwise than in accordance with the authority conferred by permit	master of vessel used contrary to permit
Section 9 (1)—being the owner of a vessel in prescribed waters without permit plate affixed as prescribed	own vessel without permit plate affixed
Section 9 (1)—being the master of a vessel in prescribed waters without permit plate affixed as prescribed	master of vessel without permit plate affixed
Section 10 (2)—being the owner of a vessel, subject to a restriction as to the presence in a specified part of the vessel of a passenger, or a passenger of a specified class, or a passenger other than a passenger of a specified class, that does not have painted prominently and clearly at the entry to that part of the vessel a statement about the restriction	fail to paint on vessel passenger restriction statement
Section 10 (3)—being the owner of a vessel, subject to a permit condition that specified equipment be carried in the vessel, that does not have painted on the vessel as specified in the permit a statement about the terms of the condition	fail to paint on vessel statement about equipment
Section 13—let vessel out on hire without authority of a permit	unauthorised letting of vessel out on hire

Section 15 (8)—being the owner of a vessel that is proposed to be altered or reconstructed, or on which alteration or reconstruction has commenced, fail to return the permit plate to the Board within the time specified in the Board's notice	fail to return permit plate for vessel within time
Section 19 (5) (a)—being the owner of a vessel the subject of a temporary permit issued under section 19 (2), use the vessel otherwise than in accordance with the authority conferred by the temporary permit	own vessel used contrary to sec. 19 (2) permit
Section 19 (5) (a)—being the master of a vessel the subject of a temporary permit issued under section 19 (2), use the vessel otherwise than in accordance with the authority conferred by the temporary permit	master of vessel used contrary to sec. 19 (2) permit
Section 19 (5) (a)—being the owner of a vessel the subject of a temporary permit deemed to have been issued under section 19 (3), use the vessel otherwise than in accordance with the authority conferred by section 19 (3)	own vessel used contrary to sec. 19 (3)
Section 19 (5) (a)—being the master of a vessel the subject of a temporary permit deemed to have been issued under section 19 (3), use the vessel otherwise than in accordance with the authority conferred by section 19 (3)	master of vessel used contrary to sec. 19 (3)

Section 19 (5) (a)—being the owner of a vessel the subject of a temporary permit issued under section 19 (4), use the vessel otherwise than in accordance with the authority conferred by the temporary permit	own vessel used contrary to sec. 19 (4) permit
Section 19 (5) (a)—being the master of a vessel the subject of a temporary permit issued under section 19 (4), use the vessel otherwise than in accordance with the authority conferred by the temporary permit	master of vessel used contrary to sec. 19 (4) permit
Section 19 (5) (b)—being the owner of a vessel the subject of a temporary permit issued under section 19 (2), fail to return the temporary permit forthwith to the Board after the temporary permit has been suspended	owner fail to return suspended sec. 19 (2) permit
Section 19 (5) (b)—being the master of a vessel the subject of a temporary permit issued under section 19 (2), fail to return the temporary permit forthwith to the Board after the temporary permit has been suspended	master fail to return suspended sec. 19 (2) permit
Section 19 (5) (b)—being the owner of a vessel the subject of a temporary permit issued under section 19 (4), fail to return the temporary permit forthwith to the Board after the temporary permit has been suspended	owner fail to return suspended sec. 19 (4) permit

Section 19 (5) (b)—being the master of a vessel the subject of a temporary permit issued under section 19 (4), fail to return the temporary permit forthwith to the Board after the temporary permit has been suspended

master fail to return suspended sec. 19 (4) permit

Section 21 (2)—being the holder of a permit, fail to return the permit plate to the Board after the permit is suspended under section 21 (1)

holder fail to return permit plate after permit suspended

Section 26 (c)—being the owner of a vessel the subject of a permit, fail to furnish the Board with full particulars in writing of any proposed alteration of the vessel not later than 21 days before the commencement of the alteration

owner fail to notify Board of vessel alteration within time

Section 26 (c)—being the owner of a vessel the subject of a permit, fail to furnish the Board with full particulars in writing of any proposed reconstruction of the vessel not later than 21 days before the commencement of the reconstruction

owner fail to notify Board of vessel reconstruction within time

Section 30B (1)—being the owner of a vessel used in prescribed waters without the minimum number of duly qualified and other crew of specified designations required to be carried in the vessel

own vessel not carrying required crew

Section 30B (1)—being the master of a vessel used in prescribed waters without the minimum number of duly qualified crew and other crew of specified designations required to be carried in the vessel

master of vessel not carrying required crew

Section 42 (1) (a)—being the owner of a vessel in prescribed waters not carrying equipment prescribed for carriage by the vessel	own vessel not carrying prescribed equipment
Section 42 (1) (a)—being the master of a vessel in prescribed waters not carrying equipment prescribed for carriage by the vessel	master of vessel not carrying prescribed equipment
Section 42 (1) (b) (i)—being the owner of a vessel in prescribed waters carrying prescribed equipment that is defective	own vessel carrying defective prescribed equipment
Section 42 (1) (b) (ii)—being the master of a vessel in prescribed waters carrying prescribed equipment that is defective	master of vessel carrying defective prescribed equipment
Section 42 (1) (b) (i)—being the owner of a vessel in prescribed waters carrying prescribed equipment otherwise than in position or manner prescribed	equipment not carried in prescribed position or manner (owner)
Section 42 (1) (b) (ii)—being the master of a vessel in prescribed waters carrying prescribed equipment otherwise than in position or manner prescribed	equipment not carried in prescribed position or manner (master)
Section 42 (1) (c)—being the owner of a vessel in prescribed waters carrying equipment not labelled as prescribed for that equipment	carry equipment not labelled as prescribed (owner)
Section 42 (1) (c)—being the master of a vessel in prescribed waters carrying equipment not labelled as prescribed for that equipment	carry equipment not labelled as prescribed (master)

Section 42 (1) (d)—being the owner of a vessel in prescribed waters not displaying notice prescribed for display in relation to equipment carried by the vessel	not display prescribed notice for equipment (owner)
Section 42 (1) (d)—being the master of a vessel in prescribed waters not displaying notice prescribed for display in relation to equipment carried by the vessel	not display prescribed equipment notice (master)
Section 42 (1) (d)—being the owner of a vessel in prescribed waters not displaying instruction prescribed for display in relation to equipment carried by the vessel	not display prescribed equipment instruction (owner)
Section 42 (1) (d)—being the master of a vessel in prescribed waters not displaying instruction prescribed for display in relation to equipment carried by the vessel	not display prescribed equipment instruction (master)
Section 42 (1) (e)—being the owner of a vessel in prescribed waters where instruction regarding the proper use of equipment carried by the vessel is not made available as prescribed	instruction for use of equipment not available (owner)
Section 42 (1) (e)—being the master of a vessel in prescribed waters where instruction regarding the proper use of equipment carried by the vessel is not made available as prescribed	instruction for use of equipment not available (master)
Section 45 (2)—being a passenger on a vessel, fail to comply with a direction, given by an authorised person for the vessel, to move to or from a part of the vessel	passenger not comply with direction to move

Section 45 (2)—being a passenger on a vessel, fail to comply with, a direction, given by an authorised person for the vessel, to cease an activity in which the person is engaged on the vessel

passenger not comply with direction to cease activity

Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986

Clause 6 (1)—being the owner of a vessel contravening clause 2.3 (b) (i) of section 15 of the Code	crew not familiar with launching survival craft (owner)
Clause 6 (1)—being the master of a vessel contravening clause 2.3 (b) (i) of section 15 of the Code	crew not familiar with launching survival craft (master)
Clause 6 (1)—being the owner of a vessel contravening clause 2.3 (b) (ii) of section 15 of the Code	not keeping survival craft ready for launching (owner)
Clause 6 (1)—being the master of a vessel contravening clause 2.3 (b) (ii) of section 15 of the Code	not keeping survival craft ready for launching (master)
Clause 6 (1)—being the owner of a vessel contravening clause 2.3 (b) (iii) of section 15 of the Code	crew not instructed in fire-fighting procedures (owner)
Clause 6 (1)—being the master of a vessel contravening clause 2.3 (b) (iii) of section 15 of the Code	crew not instructed in fire-fighting procedures (master)
Clause 6 (1)—being the owner of a vessel contravening clause 2.3 (b) (iv) of section 15 of the Code	crew not familiar with collision procedures (owner)
Clause 6 (1)—being the master of a vessel contravening clause 2.3 (b) (iv) of section 15 of the Code	crew not familiar with collision procedures (master)

Commercial Vessels (Hire and Drive) Regulation 1986

Clause 14 (1), (5)—being the owner of a Class 4 vessel, fail to maintain register as required by clause 14 (1)	owner fail to maintain hirers register for Class 4 vessel
Clause 14 (2), (5)—being the owner of a Class 4 vessel, hire the vessel without obtaining the details required under clause 14 (1)	owner hire Class 4 vessel without obtaining details
Clause 14 (3), (5)—being the owner of a Class 4 vessel, fail to produce register under clause 14 (1) on demand by an officer of the Board	owner fail to produce hirers register for Class 4 vessel
Clause 14 (4), (5)—being the owner of a Class 4 vessel, fail to retain register under clause 14 (1) for the period required by clause 14 (4)	owner fail to retain hirers register for Class 4 vessel
Clause 15 (2), (4)—being the owner of a Class 4 vessel, fail to issue instructions to each hirer of the vessel as required by clause 15 (2)	owner fail to give instructions to hirer of Class 4 vessel
Clause 15 (3), (4)—being the owner of a Class 4 vessel, before hiring the vessel, fail to obtain signed statement from the hirer indicating that the hirer fully understands the limits, restrictions and conditions that have been placed on the operation of the vessel	owner fail to obtain signed statement from hirer

**Commercial Vessels (Permits)
Regulation 1986**

Clause 8 (1)—being the owner of a vessel the subject of a vessel permit not displaying the permit number of the vessel as required by clause 8 (2)	fail to display vessel permit number as specified
Clause 9 (1) (a), (2)—being the owner of a vessel the subject of a vessel permit, not advise the Board of any change in the owner's address within 21 days of the change	owner fail to advise change of address within time
Clause 9 (1) (b), (2)—being the owner of a vessel the subject of a vessel permit, not advise the Board of any change in the name of the vessel within 21 days of the change	owner fail to advise change in vessel name within time
Clause 9 (1) (c), (2)—being the owner of a vessel the subject of a vessel permit, not advise the Board of any change in ownership of the vessel within 21 days of the change	owner fail to advise change in vessel ownership within time
Clause 10 (2), (9)—being the owner of a vessel the subject of a vessel permit for which the survey record book does not include information and documents as required by the Board	owner fail to keep required information in survey record book
Clause 10 (2), (9)—being the owner of a vessel the subject of a vessel permit for which the survey record book is not maintained in the manner required by the Board	owner fail to maintain survey record book as required

Clause 10 (3), (9)—being the owner of a vessel the subject of a vessel permit for which the survey record book is not kept in the place required by clause 10 (3)	fail to keep survey record book in required place
Clause 10 (4) (a), (9)—being the owner of a vessel the subject of a vessel permit for which the survey record book is not produced at a survey of the vessel to the Board's surveyor	fail to produce survey record book to Board surveyor
Clause 10 (4) (b), (9)—being the owner of a vessel the subject of a vessel permit for which the survey record book is not produced on demand to an officer of the Board	fail to produce survey record book to Board officer
Clause 10 (5), (9)—being the owner of a vessel the subject of a permit where the Board is not informed that the survey record book has been lost	fail to advise Board of lost survey record book
Clause 10 (5), (9)—being the owner of a vessel the subject of a permit where the Board is not informed that the survey record book has been destroyed	fail to advise Board of destroyed survey record book
Clause 10 (6) (a), (9)—being the owner of a vessel the subject of a permit for which the survey record book is not returned to the Board on demand by an officer of the Board	fail to return survey record book on demand by Board officer
Clause 10 (6) (b), (9)—being the owner of a vessel the subject of a permit for which the survey record book is not returned to the Board when the vessel permit for the vessel is cancelled	fail to return survey record book when permit cancelled

Clause 10 (6) (b), (9)—being the owner of a vessel the subject of a permit for which the survey record book is not returned to the Board when the vessel permit for the vessel is suspended	fail to return survey record book when permit suspended
Clause 12 (2)—take a towed vessel on a sea-going voyage otherwise than with, and in accordance with, towage permit	take towed vessel on sea-going voyage without permit
(b) by omitting from the matter in Schedule 1 relating to the Management of Waters and Waterside Lands Regulations—N.S.W. the words “enclosed water” and “enclosed waters” wherever occurring (except in relation to Regulations 19 (3), 24 and 47) and by inserting instead the words “navigable waters”;	
(c) by omitting from the matter relating to the Water Traffic Regulations—N.S.W. the words “enclosed water” wherever occurring and by inserting instead the words “navigable waters”.	

EXPLANATORY NOTE

This Regulation prescribes the short descriptions that, under 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 commercial vessels.

The Regulation also amends the short descriptions of certain offences under the Management of Waters and Waterside Lands Regulations—N.S.W. and the Water Traffic Regulations—N.S.W. as a consequence of recent amendments to those two Regulations.

The Regulation is made under the Justices Act 1902, including section 154 (the general regulation making power) and section 145B.
