



New South Wales

Maritime (Short Description of Offences) Amendment Regulation 1997

under the

Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

P C Scully

Minister for Ports

Explanatory note

Short descriptions of offences are the descriptions that, by virtue of section 145B of the *Justices Act 1902*, may be used to describe summary offences (or indictable offences that may be dealt with summarily) in any information, complaint, summons, warrant, notice, order or other document.

The object of this Regulation is to prescribe the short descriptions of certain offences under the *Boating (Safety Equipment) Regulation—N.S. W* and the *Water Traffic Regulations—N.S.W.* made under the *Maritime Services Act 1935*. This Regulation is required because of the making of the *Maritime Regulations Amendment (Personal Watercraft) Regulation 1997*, which creates offences specifically relating to personal watercraft and repeals and remakes certain provisions of the *Water Traffic Regulations—N.S.W.*

This Regulation also inserts a savings provision relating to the amendment or repeal of short descriptions.

This Regulation is made under the *Justices Act 1902*, and, in particular, under section 145B.

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1 Name of Regulation

This Regulation is the *Maritime (Short Description of Offences) Amendment Regulation 1997*.

2 Commencement

This Regulation commences on 1 February 1997.

3 Amendment of Maritime (Short Description of Offences) Regulation 1987

The *Maritime (Short Description of Offences) Regulation 1987* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Short description of summary offences

Insert at the end of clause 2:

- (2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.
- (3) For the purposes of any proceedings for an offence created by a provision referred to in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision as the provision was in force when the offence is alleged to have been committed.
- (4) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used and any such document continues to have effect as if that expression had not been amended or repealed.
- (5) Subclause (4) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

[2] Schedule 1

Omit from the matter relating to the *Maritime Services Act 1935* the matter relating to section 13SA.

Insert instead:

Section 13SA—personal watercraft or other vessel exceed by not more than 10 knots the speed limit specified by notification published in the Gazette

PWC/non-PWC vessel exceed specified speed by not more than 10 knots

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Schedule 1 Amendments

Section 13SA—personal watercraft or other vessel exceed by more than 10 knots the speed limit specified by notification published in the Gazette	PWC/non-PWC vessel exceed specified speed by more than 10 knots
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[3] Schedule 1 Matter under heading “Boating (Safety Equipment) Regulation—N.S.W.”

Insert before the matter relating to clause 17 in Columns 1 and 2 respectively:

Clause 12A (1)—driver or passenger of personal watercraft not wear PFD 1, PFD 2 or PFD 3 in enclosed waters	driver/passenger PWC enclosed waters not wear PFD 1, 2 or 3
Clause 12A (2)—driver or passenger of personal watercraft not wear PFD 1 or PFD 2 in open waters	driver/passenger PWC open waters not wear PFD 1 or 2

[4] Schedule 1 Matter under heading “Water Traffic Regulations—N.S.W.”

Omit the matter relating to clause 6. Insert instead:

Regulation 6 (1)—navigate on navigable waters a vessel (being a personal water craft) towing more than 3 water skiers or aquaplaners at the same time without the permission of the Minister	PWC tow more than 3 water skiers/aquaplaners
Regulation 6 (1)—navigate on navigable waters a vessel (not being a personal water craft) towing more than 3 water skiers or aquaplaners at the same time without the permission of the Minister	non-PWC vessel tow more than 3 water skiers/ aquaplaners

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Regulation 6 (2) (a)—navigate on navigable waters a vessel (being a personal water craft) towing a water skier or aquaplaner before sunrise	PWC tow water skier/aquaplaner before sunrise
Regulation 6 (2) (a)—navigate on navigable waters a vessel (not being a personal watercraft) towing a water skier or aquaplaner before sunrise	non-PWC vessel tow water skier/aquaplaner before sunrise
Regulation 6 (2) (b)—navigate on navigable waters a vessel (being a personal water craft) towing a water skier or aquaplaner after sunset without licence or permission	PWC tow water skier/aquaplaner after sunset
Regulation 6 (2) (b)—navigate on navigable waters a vessel (not being a personal water craft) towing a water skier or aquaplaner after sunset without licence or permission	non-PWC vessel tow water skier/aquaplaner after sunset
Regulation 6 (2) (c)—navigate on navigable waters a vessel (being a personal water craft) towing a water skier or aquaplaner without an observer	PWC tow water skier/aquaplaner without observer
Regulation 6 (2) (c)—navigate on navigable waters a vessel (not being a personal water craft) towing a water skier or aquaplaner without an observer	non-PWC vessel tow water skier/aquaplaner without observer
Regulation 6 (3) (a) (i)—navigate personal watercraft towing a water skier or aquaplaner so that personal watercraft or person being towed is in designated surf zone or swimming area	towing PWC in surf zone/swimming area/water skier/aquaplaner towed by PWC in surf zone/swimming area

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Regulation 6 (3) (a) (ii)—navigate personal watercraft towing a water skier or aquaplaner so that personal watercraft or person being towed passes within 60 metres of such of the boundaries of designated surf zone or swimming area as run perpendicular to the shore	towing PWC water skier/aquaplaner near boundary surf zone/swimming area/water skier/aquaplaner towed by PWC near boundary surf zone/swimming area
Regulation 6 (3) (b)—navigate vessel towing a water skier or aquaplaner so that vessel or person being towed passes within 60 metres of person in the water	towing vessel near person in water/water skier/aquaplaner towed by vessel near person in water
Regulation 6 (4)—navigate vessel (not being a personal watercraft) towing a water skier or aquaplaner so that vessel or person being towed passes within 30m from other vessel not engaged in water skiing or aquaplaning activities	towing non-PWC vessel/water skier/aquaplaner towed near vessel
Regulation 6 (4)—navigate vessel (not being a personal watercraft) towing a water skier or aquaplaner so that vessel or person being towed passes within 30m from pile or structure or river bank, shore, jetty, landing stage, pontoon or pump inlet	towing non-PWC vessel near pile/structure/bank/shore/jetty/landing stage/pontoon/pump inlet/water skier/aquaplaner towed near pile/structure/bank/shore/jetty/landing stage/pontoon/pump inlet
Regulation 6 (4A) (a)—navigate personal watercraft towing a water skier or aquaplaner so that personal watercraft or person being towed passes within 60 metres of a vessel of 4 metres or less, or a canoe or kayak, that does not have means of mechanical propulsion, or a rowing shell	towing PWC near small vessel/canoe/kayak/rowing shell/water skier/aquaplaner towed by PWC near small vessel/canoe/kayak/rowing shell

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Regulation 6 (4A) (b)—navigate personal watercraft towing a water skier or aquaplaner so that personal watercraft or person being towed passes within 30 metres of other vessel not engaged in water skiing or aquaplaning activities or from pile or structure or river bank, shore, jetty, landing stage, pontoon or pump inlet

towing PWC near vessel/pile/structure/bank/shore/jetty/landing stage/pontoon/pump inlet/water skier/aquaplaner towed near vessel/pile/structure/bank/shore/jetty/landing stage/pontoon/pump inlet

[5] Schedule 1 Matter under the heading “Water Traffic Regulations—N.S.W.”

Omit the matter relating to clause 14.

[6] Schedule 1 Matter under the heading “Water Traffic Regulations—N.S.W.”

Omit the matter relating to Regulation 15 (4). Insert instead:

Regulation 15 (4) (a)—navigate personal watercraft at a speed of or exceeding 10 knots within 60 metres of a vessel of 4 metres or less, or a canoe or kayak, that does not have means of mechanical propulsion, or a rowing shell

fast PWC near small vessel/canoe/kayak/rowing shell

Regulation 15 (4) (b)—navigate personal watercraft at a speed of or exceeding 10 knots within 30 metres of vessel other than vessel referred to in regulation 15 (4) (a) or of pile or structure or river bank, shore, jetty, landing stage, pontoon or pump inlet

fast PWC near vessel/pile/structure/bank/shore/jetty/landing stage/pontoon/pump inlet

[7] Schedule 1 Matter under the heading “Water Traffic Regulations—N.S.W.”

Insert before the matter relating to Regulation 15A:

Regulation 15AA (a)—drive personal watercraft on navigable waters in a designated surf zone or swimming area	drive PWC in surf zone/swimming area
Regulation 15AA (1) (b)—drive personal watercraft on navigable waters within 60 metres of boundary of designated surf zone or swimming area	drive PWC near surf zone/swimming area

[8] Schedule 1 Matter under the heading “Water Traffic Regulations—N.S.W.”

Insert at the end of the matter:

Regulation 15E (1)—being the owner or the driver of a personal watercraft driven on navigable waters by unlicensed driver	own PWC driven by unlicensed driver/drive PWC when unlicensed
Regulation 15E (2)—being the owner or the driver of a vessel other than a personal watercraft driven at a speed of or exceeding 10 knots on navigable waters by unlicensed driver	own vessel driven fast by unlicensed driver/drive vessel fast when unlicensed
Regulation 15F (a)—holder of young adult general licence or young adult personal watercraft licence drive vessel on navigable waters in race, display, regatta, exhibition or similar event without the Minister’s consent	young PWC/general licensee drive in race/display/regatta/exhibition/event

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Regulation 15F (b)—holder of young adult general licence or young adult personal watercraft licence drive vessel towing water skier on navigable waters	young PWC/general licensee tow water skier
Regulation 15F (c)—holder of young adult general licence or young adult personal watercraft licence drive vessel at speed of more than 20 knots on navigable waters	young PWC/general licensee drive vessel very fast
Regulation 15F (d) (i)—holder of young adult general licence or young adult personal watercraft licence drive vessel at speed of or exceeding 10 knots on navigable waters before sunrise	young PWC/general licensee drive vessel fast before sunrise
Regulation 15F (d) (ii)—holder of young adult general licence or young adult personal watercraft licence drive vessel at speed of or exceeding 10 knots on navigable waters after sunset	young PWC/general licensee drive vessel fast after sunset
Regulation 15F (d) (iii)—holder of young adult general licence or young adult personal watercraft licence drive vessel towing aquaplaner at speed of or exceeding 10 knots on navigable waters	young PWC/general licensee tow aquaplaner fast
Regulation 15F (d) (iv)—holder of young adult general licence or young adult personal watercraft licence drive vessel at speed of or exceeding 10 knots on navigable waters when there is not present in the vessel a person who holds a general licence (or a personal watercraft licence, if the vessel is a personal watercraft)	young licensee drive PWC fast without adult PWC licensee/drive vessel fast without adult licensee

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Regulation 15G (1)—driver of vessel at speed of or exceeding 10 knots on navigable waters, or driver of personal watercraft at any speed, on navigable waters not stop on request of authorised person or not produce his or her licence or authority for inspection

driver PWC/non-PWC vessel not stop/produce licence/authority

Regulation 15G (2)—person present for purposes of regulation 15F (d) (iv) in vessel driven at speed of or exceeding 10 knots, or in personal watercraft driven at any speed, on navigable waters not produce licence

supervising licensee not produce licence

Regulation 15K (2)—drive vessel on navigable waters in contravention of condition of licence

drive vessel contrary to condition of licence