



New South Wales

Water Traffic Amendment (Major Events) Regulation 1998

under the

Maritime Services Act 1935

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

KIM YEADON, M.P.,

Minister for Ports

Explanatory note

The *Water Traffic Regulations–NSW* currently provide that an aquatic licence that is issued by the Minister for the use of navigable waters for an aquatic event operates to exclude recreational vessels but not commercial vessels from those waters during that event.

The object of this Regulation is to extend the exclusion of vessels from waters the subject of a licence to commercial vessels during certain Olympic competition and test events and other major aquatic events. However, the exclusion of commercial vessels does not apply to vessels under pilotage unless, in relation to Olympic competition and test events, the harbour master approves the exclusion of those vessels.

The Regulation also makes other minor amendments.

This Regulation is made under the *Maritime Services Act 1935*, including section 38 (the general regulation-making power), in particular section 38 (2) (b).

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Clause 1 Water Traffic Amendment (Major Events) Regulation 1998

**Water Traffic Amendment (Major Events)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Water Traffic Amendment (Major Events) Regulation 1998*.

2 Amendment of Water Traffic Regulations—NSW

The *Water Traffic Regulations—NSW* are amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Regulation 9 Exclusive use of waters

Omit regulation 9 (3) (c).

Insert instead:

- (c) any vessel specially authorised by the Minister that operates in accordance with the terms of that authority.

[2] Regulation 9 (4)–(6)

Insert after regulation 9 (3):

- (4) Despite clause (3), but subject to clause (5), this regulation applies to a person who navigates a vessel as referred to in clause (3) (a) or (b) if:
 - (a) the aquatic licence relates to a major event, and
 - (b) the aquatic licence provides that the exclusive rights conferred by the licence extend to that person, and
 - (c) the notice published under clause (2) states that it extends to that person.
- (5) This regulation does not apply to a person who navigates a vessel under compulsory pilotage under Part 6 of the *Ports Corporation and Waterways Management Act 1995*, or a vessel that would be required to be under compulsory pilotage but for the fact that the master of that vessel is the holder of a pilotage exemption certificate under the *Marine Pilotage Licensing Act 1971* in relation to that vessel, unless:
 - (a) the activity to which the aquatic licence relates is a 2000 Olympics aquatic event, or an aquatic event that SOCOG declares to be a test event for the 2000 Olympics, and

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Schedule 1 Amendments

- (b) the harbour master for the port concerned has given written approval to the notice referred to in clause (2) in relation to the application of the notice to such vessels prior to the notice being published.

- (6) In this regulation:

major event means:

- (a) a 2000 Olympics aquatic event, or
- (b) an aquatic event that SOCOG declares to be a test event for the 2000 Olympics, or
- (c) the Sydney to Hobart yacht race, or
- (d) any other similar aquatic event the Minister declares to be a major event for the purposes of this definition.

SOCOG means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Committee for the Olympic Games Act 1993*.