



New South Wales

Water Traffic Amendment (Special Events) Regulation 1999

under the
Maritime Services Act 1935

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

Carl Scully
Minister for Transport

Explanatory note

The object of this Regulation is to prohibit or regulate, by a public notice, the operation of vessels in specified navigable waters during a special event. A *special event* is defined to be a major race for vessels or other event that may affect the safety of navigation in any particular waters and includes, but is not limited to, an event or a test event that is related to the Olympic Games or the Paralympic Games to be held principally in Sydney in the year 2000.

The Regulation also enables certain authorised officers to give directions to persons on or near navigable waters on which a special event is, or is to be, conducted for the purpose of enabling or facilitating the conduct of the special event or for the purpose of marine safety.

This Regulation is made under sections 30D and 38 of the *Maritime Services Act 1935*.

1999 No 665

Clause 1 Water Traffic Amendment (Special Events) Regulation 1999

Water Traffic Amendment (Special Events) Regulation 1999

1 Name of Regulation

This Regulation is the *Water Traffic Amendment (Special Events) Regulation 1999*.

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] Part 2A

Insert after Part 2:

Part 2A Special events

10 Definitions—Part 2A

In this Part:

authorised officer means:

- (a) a harbour master, or
- (b) a police officer, or
- (c) a person (or a person of a class) appointed as an authorised officer under regulation 10C.

Port Corporation means Newcastle Port Corporation, Port Kembla Port Corporation or Sydney Ports Corporation.

special event means a major race for vessels or other event that may affect the safety of navigation in any particular waters and includes, but is not limited to, an event or a test event that is related to the Olympic Games or the Paralympic Games to be held principally in Sydney in the year 2000.

Waterways Authority means the Waterways Authority constituted under Part 4 of the *Ports Corporatisation and Waterways Management Act 1995*.

10A Restrictions on the operation of vessels in navigable waters during special events by publication of notice

- (1) The Minister may prohibit or regulate the operation of vessels in specified navigable waters during a special event by a public notice.
- (2) Such a notice is to be published in a newspaper circulating throughout the State and in such other manner as the Minister considers appropriate.

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Schedule 1 Amendments

- (3) The Minister may, by such a notice, exclude vessels from specified areas during the event concerned and impose any other restrictions considered appropriate for the safety of the public or of the protection of vessels or other property. In particular, the Minister may impose restrictions on:
 - (a) the speed of vessels, or
 - (b) the creation of wash by vessels, or
 - (c) the mooring or anchoring of vessels, or
 - (d) the use of vessels for particular purposes.
- (4) An authorised officer may direct a person to cease operating a vessel to which such a notice applies in contravention of the notice.
- (5) A person who continues to operate the vessel in contravention of the notice after being directed by an authorised officer to cease doing so is guilty of an offence.
Maximum penalty: 15 penalty units.
- (6) In any proceedings for an offence against this regulation, proof of the publication of a notice in accordance with this regulation is not required until evidence is given to the contrary.

10B Other directions by authorised officers

- (1) For the purpose of enabling or facilitating the conduct of a special event that is the subject of a notice under regulation 10A or for the purpose of marine safety associated with such a special event, an authorised officer may, before, during or after the special event, direct a person who is on or near the navigable waters specified in the notice to do, or to refrain from doing, such things as are specified in the direction.
- (2) A person who fails to comply with a direction given under this regulation by an authorised officer is guilty of an offence.
Maximum penalty: 15 penalty units.

10C Appointment of authorised officers (other than harbour masters and police officers)

- (1) The Minister may appoint, as an authorised officer for the purposes of this Part, any person (including a class of persons) who is a member of staff of the Waterways Authority, a Port Corporation, a government department or other public or local authority.
- (2) An authorisation of such a person as an authorised officer can be given generally, or subject to conditions and restrictions or only for limited purposes.

10D Identity cards for authorised officers

- (1) The Minister is required to give an identity card to each authorised officer appointed under regulation 10C.
- (2) An identity card is to be in a form approved by the Minister.
- (3) An authorised officer when exercising the functions of an authorised officer is required to produce his or her identity card if requested to do so by an affected person. This clause does not apply if the authorised officer gives a direction by radio or other communication device.
- (4) A person who has been issued with an identity card must return it to the Minister on demand.
Maximum penalty: 10 penalty units.
- (5) Until an authorised officer is given an identity card, the authorised officer's instrument of appointment is taken to be an identity card for the purposes of clause (3).

[2] Schedule 2 Prescribed offences and penalties for the purpose of section 30D of the Maritime Services Act 1935

Insert in appropriate order:

10A (5)	500
10B (2)	500

BY AUTHORITY