



Maritime Services (Miscellaneous Amendments) Regulation 2003

under the

Maritime Services Act 1935

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

MICHAEL COSTA, M.L.C.,
Minister for Transport Services

Explanatory note

The object of this Regulation is to amend the *Management of Waters and Waterside Lands Regulations—N.S.W.*:

- (a) to create an offence of climbing on to or attaching oneself to a vessel in navigable waters without lawful authority or of assisting someone else to do so, and
- (b) to create an offence of coming within a specified distance from a naval vessel in navigable waters (with specified exceptions), and
- (c) to enable penalty notices to be issued for those new offences and for certain other offences involving causing nuisance or danger to persons or vessels in navigable waters, failing to comply with certain directions or obstructing persons in carrying out their functions under the marine legislation.

The Regulation also amends the *Water Traffic Regulations—N.S.W.* to enable penalty notices to be issued for certain other offences involving dangerous navigation of a vessel in navigable waters or causing annoyance, nuisance or danger to persons or vessels in navigable waters.

This Regulation is made under the *Maritime Services Act 1935*, including sections 30D and 38 (the general regulation-making power).

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Clause 1 Maritime Services (Miscellaneous Amendments) Regulation 2003

Maritime Services (Miscellaneous Amendments) Regulation 2003

under the

Maritime Services Act 1935

1 Name of Regulation

This Regulation is the *Maritime Services (Miscellaneous Amendments) Regulation 2003*.

2 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

The *Management of Waters and Waterside Lands Regulations—N.S.W.* are amended as set out in Schedule 1.

3 Amendment of Water Traffic Regulations—N.S.W.

The *Water Traffic Regulations—N.S.W.* are amended as set out in Schedule 2.

Schedule 1 Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

(Clause 2)

[1] Regulation 4 Definitions

Insert in alphabetical order:

naval vessel means a vessel used by an arm of the Defence Force of Australia or by the naval, military or air forces of a country other than Australia.

[2] Regulation 8 Security of navigation aids, vessels and installations

Insert after Regulation 8 (1):

- (1A) A person must not, without lawful authority:
- (a) climb on to or attach oneself to a vessel in navigable waters, or
 - (b) assist any person to climb on to or attach himself or herself to any vessel in navigable waters.

[3] Regulation 8 (2A)

Insert after Regulation 8 (2):

- (2A) Despite clause (2) (a), a person, whether or not conveyed in a vessel, must not, in navigable waters, be any closer than:
- (a) 200 metres from the bow and 60 metres from the sides and stern of a naval vessel that is underway, or
 - (b) 60 metres from a naval vessel that is moored, anchored or berthed.

[4] Regulation 8 (4)

Insert after Regulation 8 (3):

- (4) Clause (2A) does not apply to a person on board any of the following vessels:
- (a) a vessel that has the consent of the master of the naval vessel concerned to be closer than the distances specified in that clause,
 - (b) a vessel operated by the State Transit Authority for the carriage of passengers that is on its usual route or timetable for the day,

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Schedule 1 Amendment of Management of Waters and Waterside Lands Regulations—
N.S.W.

- (c) a vessel that is compelled by circumstances to be closer than the distances specified in that clause.

[5] The Fifth Schedule

Omit the heading. Insert instead “**The Fifth Schedule—Penalty notice offences and penalties under these Regulations**”.

[6] The Fifth Schedule

Insert in appropriate order in the Columns in the Schedule:

7 (2) 550

8 (1A):

(a) where the vessel
concerned is a naval vessel
or a seagoing vessel 1,500

(b) in any other case 550

8 (2A) 1,500

14 (1):

(a) where the offence involves
causing annoyance,
nuisance or danger to a
person on board a naval
vessel or a seagoing vessel
or involves causing danger
to such a vessel 1,500

(b) in any other case 550

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Amendment of Management of Waters and Waterside Lands Regulations— Schedule 1
N.S.W.

14 (2):

- | | | |
|-----|---|-------|
| (a) | where the offence involves causing annoyance, nuisance or danger to a person on board a naval vessel or a seagoing vessel or involves causing danger to such a vessel | 1,500 |
| (b) | in any other case | 550 |
| 15 | | 550 |

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Schedule 2 Amendment of Water Traffic Regulations—N.S.W.

**Schedule 2 Amendment of Water Traffic Regulations—
N.S.W.**

(Clause 3)

[1] Regulation 2 Definitions

Insert in alphabetical order:

naval vessel means a vessel used by an arm of the Defence Force of Australia or by the naval, military or air forces of a country other than Australia.

[2] Regulation 20 Application of section 30D of the Maritime Services Act 1935

Omit “the Second Schedule” wherever occurring in Regulation 20 (3) and (4).

Insert instead “Schedule 2”.

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

Insert in appropriate order in the Columns in the Schedule:

3 (1):

- where the offence involves causing, or the likelihood of causing, injury, annoyance, nuisance or danger to a person on board a naval vessel or a seagoing vessel or involves causing, or the likelihood of causing, danger or damage to such a vessel 1,500
- in any other case 550

5:

- where the offence involves causing annoyance, nuisance or danger to a person on board a naval vessel or a seagoing vessel or involves causing danger to such a vessel 1,500
- in any other case 550