



New South Wales

# River Murray Traffic Regulation 2005

under the

Murray-Darling Basin Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Murray-Darling Basin Act 1992*.

IAN MACDONALD, M.L.C.,  
Minister for Natural Resources

## Explanatory note

The objects of this Regulation are:

- (a) to regulate the operation of vessels at and in the vicinity of certain locks, weirs and other works located along the River Murray and the Murrumbidgee River, and
- (b) to prohibit people from fishing or swimming within 150 metres of a river work and from engaging in certain other activities on a river work except with the permission of an authorised officer or some other lawful authority.

This Regulation replaces the *River Murray Traffic Regulation 2000 (the repealed Regulation)*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*. This Regulation is substantially the same as the repealed Regulation. However, this Regulation does not replicate the provisions of the repealed Regulation that provided for slightly extended opening hours of certain locks during the daylight saving period.

This Regulation is made under the *Murray-Darling Basin Act 1992*, including section 35 (the general regulation-making power).

This Regulation comprises or relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth and of Victoria and South Australia.

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## River Murray Traffic Regulation 2005

under the

Murray-Darling Basin Act 1992

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *River Murray Traffic Regulation 2005*.

#### 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *River Murray Traffic Regulation 2000*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**authorised officer** means:

- (a) a lock-keeper, superintendent or other officer or person employed by a Government department or by a statutory corporation who is in charge of a river work or river land, or
- (b) a person appointed under subclause (2) to exercise the functions of an authorised officer under this Regulation, or
- (c) a police officer of the Commonwealth or of New South Wales, Victoria or South Australia.

**employee** means an employee of the relevant water authority or of the Victorian Authority or the South Australian Authority.

**lock** means a lock specified in Schedule 1, and includes the chamber of a lock.

**lock-keeper** means the person in charge of a lock, whether that person was appointed by the relevant water authority or by the Victorian Authority or the South Australian Authority.

**master**, in relation to a vessel, means the person in charge of the vessel and, in relation to a vessel that is being towed by another vessel, the person in charge of the towing vessel.

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***navigable pass***, in relation to a weir, means the part of the weir that can be lowered during a period of high water flow that renders inoperable the chamber of the lock located at the weir.

***prolonged blast*** means a blast lasting about 4 to 6 seconds, inclusive.

***river land*** means an area of land (whether above or below pool levels or tide levels, or both, of the River Murray or its tributaries) that:

- (a) has been acquired in accordance with the Act or any Act repealed by the Act for the construction, maintenance, operation or control of any river work, and
- (b) is vested in the relevant water authority, the Victorian Authority or the South Australian Authority.

***river work*** means:

- (a) a bridge, weir, dam, embankment, lock, navigable pass, barrage, reservoir, flume, race, channel, cutting, tunnel, pipe, sewer, tank regulator, sluice, aqueduct, drain, cut, well shaft, stone paving or pitching of a river bank or bed, fence or building constructed for the purposes of the Act or any Act repealed by the Act, or
- (b) any machinery or appliance forming part of, or used in connection with, such a work.

***short blast*** means a blast lasting about 1 second.

***South Australian Authority*** means the South Australian Water Corporation.

***the Act*** means the *Murray-Darling Basin Act 1992*.

***vessel*** means a ship, boat or marine craft of any description, whether it floats, hovers or is submersible.

***Victorian Authority*** means the Goulburn-Murray Rural Water Authority.

***weir*** means a weir specified in Schedule 1.

- (2) The relevant water authority, or the Victorian Authority or the South Australian Authority, may, in writing, appoint persons to be authorised officers for the purposes of this Regulation.
- (3) Notes included in this Regulation do not form part of this Regulation.

#### 4 Application

This Regulation applies to and in relation to locks, weirs and other works specified in Schedule 1.

## Part 2 Control of vessels at locks

### 5 Control of a vessel that is passing through a lock

- (1) The master of a vessel that is passing through a lock must operate the vessel in accordance with the directions of the lock-keeper.  
Maximum penalty: 10 penalty units.
- (2) If there is no person on board such a vessel who is able to comply with the direction of the lock-keeper, the lock-keeper may cause the vessel to be operated in such manner as the lock-keeper considers to be appropriate.
- (3) For the purposes of this clause, *operate* includes moor, unmoor, place and remove.

### 6 Specific powers of a lock-keeper

When exercising the powers conferred by clause 5 in relation to a vessel, the lock-keeper:

- (a) may unloose or cut any rope, or unshackle or break any chain, by which the vessel is moored or secured, and
- (b) may obtain such assistance as the lock-keeper considers necessary for the purpose of exercising those powers.

### 7 Order of precedence of vessels when passing through a lock

- (1) Whenever the masters of vessels travelling in the same direction wish to navigate those vessels through the same lock, the order of precedence for the passage of those vessels through the lock is the order in which they arrive at the lock.
- (2) However, the lock-keeper may give precedence to a commercial passenger vessel that is operating on an established timetable.

### 8 Times for the passage of vessels through locks

- (1) On each available day in any year, locks 7, 8 and 9 are to be open for the passage of vessels at any time between (and including) 8.00 am and 4.30 pm.
- (2) On each available day:
  - (a) lock 10 is to be open between (and including) 8.00 am and 4.00 pm, on the hour, for the passage of vessels travelling downstream, and
  - (b) lock 10 is to be open between (and including) 8.30 am and 3.30 pm, on the half-hour, for the passage of vessels travelling upstream, and

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Part 2 Control of vessels at locks

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- (c) lock 15 is to be open for the passage of vessels at any time between (and including) 8.00 am and 4.30 pm.
- (3) In this clause, *available day*, in relation to a lock, means a day on which the lock is available for the passage of river traffic in accordance with the Agreement.
- (4) A lock-keeper may authorise the passage of a vessel through a lock referred to in this clause at a time when the lock is not open as provided by this clause if:
  - (a) an application for the vessel to pass through the lock at that time has been made so as to reach the lock-keeper at least 7 days before the date of the proposed passage, and
  - (b) payment of the charge for the special lockage has been tendered.

## Part 3 Signals for entering and leaving locks

### 9 Signals required to be given when a vessel is approaching a lock

- (1) Whenever the master of a vessel intends to navigate the vessel through a lock, the master must, when the vessel is less than 600 metres but not less than 400 metres from the lock, signal that intention to the lock-keeper:
  - (a) by giving 3 prolonged blasts of the vessel's whistle or siren, or
  - (b) if the vessel does not have a whistle or siren:
    - (i) by waving a flag by day, or
    - (ii) either by day or at night, by flashing a light.

Maximum penalty: 10 penalty units.

- (2) On receiving such a signal, the lock-keeper must acknowledge the signal:
  - (a) by showing a red flag by day, or
  - (b) either by day or at night, by displaying a red flashing light, flashing at the rate of approximately 60 flashes per minute.

### 10 Lock-keeper's signal

- (1) A lock-keeper must give the signal that it is appropriate for a vessel to proceed through the lock:
  - (a) by showing a green flag by day, or
  - (b) either by day or at night, by displaying a green fixed light or a green flashing light, flashing at the rate of approximately 60 flashes per minute.
- (2) The master of a vessel must ensure that the vessel does not approach within 150 metres of a lock unless the signal to proceed has been given in accordance with subclause (1).

Maximum penalty: 10 penalty units.

### 11 Signal to be given where a vessel is about to proceed through a lock

The master of a vessel must, after receiving a signal that it is appropriate for the vessel to proceed through a lock but before proceeding into the lock, clearly signal to other vessels in the vicinity of the lock that the vessel is about to proceed into the lock:

- (a) by giving a prolonged blast and then a short blast of the vessel's whistle or siren, or

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Part 3 Signals for entering and leaving locks

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- (b) if the vessel does not have a whistle or siren:
  - (i) by waving a flag by day, or
  - (ii) either by day or at night, by flashing a light.

Maximum penalty: 10 penalty units.

### **12 Vessel not to leave a lock until the lock-keeper's permission has been given**

The master of a vessel that has entered a lock must ensure that the vessel does not leave the lock until the lock-keeper has given permission for the vessel to do so.

Maximum penalty: 10 penalty units.



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## Part 4 Other signals

### 13 Signals to be displayed when only the lock at a weir or barrage is available for the passage of river traffic

- (1) The following markers indicate that the only means of passage at a weir or barrage for river traffic is the lock:
  - (a) by day:
    - (i) a beacon with a green triangular topmark located at each end of the lock that is on the starboard (or right hand) side of the river when facing upstream, and
    - (ii) a beacon with a red square topmark located at each end of the lock that is on the port (or left hand) side of the river when facing upstream,
  - (b) at night—a vertical red strip light at each of the 4 extremities of the lock walls.
- (2) At the weir at Mildura only, the following additional markers indicate the starboard (or right hand) side of the navigable pass at the weir when facing upstream:
  - (a) by day—a black cone (with the apex pointing upwards) between 2 black balls, all fixed in a vertical line,
  - (b) at night—a green light between 2 red lights, all fixed in a vertical line.

### 14 Signals indicating when a navigable pass at a weir is open for river traffic

The following markers indicate that the navigable pass at a weir is open for the passage of river traffic:

- (a) by day:
  - (i) a green triangular shape on the starboard (or right hand) side of the pass when facing upstream, and
  - (ii) a red square shape on the port (or left hand) side when facing upstream,
- (b) at night:
  - (i) a green light on the starboard (or right hand) side of the pass when facing upstream, and
  - (ii) a red light on the port (or left hand) side of the pass when facing upstream.

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Part 5 Provisions relating to locks

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### **Part 5 Provisions relating to locks**

#### **15 Lock-keeper may refuse to allow vessels to enter the lock in certain cases**

The lock-keeper at a lock may refuse permission for a vessel to enter the lock if:

- (a) the master of the vessel fails to give the signal as provided by clause 9, or
- (b) the draught of the vessel does not allow a clearance of at least 0.15 metres over the locksill, or
- (c) the lock-keeper is not satisfied that the vessel has sufficient crew, and adequate fenders and other equipment, to ensure that the vessel does not damage the lock when passing through it, or
- (d) there is anything projecting from either side of the vessel that is liable to damage the lock, or
- (e) work is in progress to demolish, construct, reconstruct, repair or maintain the lock or any weir adjacent to the lock.

#### **16 Restrictions on approaching a weir where the navigable pass is closed**

When the navigable pass at a weir is closed, the master of a vessel must ensure that the vessel does not approach within 150 metres of the weir except for the purpose of passing through the lock located at the weir.

Maximum penalty: 10 penalty units.

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## Part 6 Miscellaneous

### 17 Miscellaneous offences

- (1) A person must not:
- (a) without the permission of an authorised officer, enter onto any river work unless the person is an employee who is performing his or her functions under the Act, or
  - (b) fail to leave a river work immediately after being required to do so by an authorised officer, or
  - (c) do anything that causes ballast, rock, stone or other matter to fall into a lock or onto the walls of a lock or into a place where it is likely to fall or be carried into a lock, or
  - (d) without the permission of an authorised officer, interfere with a valve, gate, machinery or other thing associated with a river work, or
  - (e) without the permission of an authorised officer, embark on or disembark from a vessel that is in a lock, or
  - (f) except:
    - (i) on a formed roadway or on a defined vehicular track that is open to the public, or
    - (ii) in accordance with the written permission of the relevant water authority or the oral or written permission of an authorised officer, or
    - (iii) at the direction of an authorised officer, or
    - (iv) in accordance with a sign erected by or under the authority of the relevant water authority,  
ride, drive, stand or park a vehicle or ride or tether a horse on a river work, or
  - (g) without the written permission of the relevant water authority or an authorised officer, drive a vehicle that has a gross weight exceeding 15 tonnes on a roadway constructed on Hume Dam or Bethanga Bridge, or
  - (h) fish or swim in the River Murray, or in any tributary of that river, within 150 metres of a river work, or
  - (i) attempt to navigate a vessel into or through a lock after the lock-keeper has refused permission for the vessel to enter the lock.

Maximum penalty: 10 penalty units.

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Part 6 Miscellaneous

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- (2) For the purposes of subclause (1) (f), a formed roadway or defined vehicular track is to be regarded as being open to the public unless:
- (a) a barrier or gate is erected across the roadway or track, or
  - (b) a sign is erected on or adjacent to the roadway or track indicating that entry is prohibited, or
  - (c) an authorised officer informs the person concerned that the roadway or track is closed to the public.

### 18 Saving

Any act, matter or thing that, immediately before the repeal of the *River Murray Traffic Regulation 2000* had effect under that Regulation, is taken to have effect under this Regulation.

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Locks, weirs and other works to which this Regulation applies

Schedule 1

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**Schedule 1      Locks, weirs and other works to which  
this Regulation applies**

(Clauses 3 and 4)

Bethanga Bridge  
Hume Dam  
Lake Victoria Works  
Yarrowonga Weir  
Locks Nos 7, 8, 9, 10 and 15  
Weirs Nos 5 (Redbank), 7 (Maude) and 11 (Mildura)