



New South Wales

Water Management (River Murray Traffic) Regulation 2016

under the

Water Management Act 2000

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

NIALL BLAIR, MLC
Minister for Lands and Water

Explanatory note

The object of this Regulation is to repeal and remake, with minor amendments, the provisions of the *Water Management (River Murray Traffic) Regulation 2011*, which would otherwise be repealed by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the control of vessels at certain locks on the River Murray,
- (b) the signals that must be given when entering and leaving those locks,
- (c) other signals to be displayed in the vicinity of certain locks, weirs and other works located along the River Murray,
- (d) the circumstances in which a lock-keeper may refuse to allow a vessel to enter the lock,
- (e) the restrictions on approaching a weir if the navigable pass at the weir is closed,
- (f) offences with respect to locks, weirs and other works located along the River Murray,
- (g) savings and formal matters.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (River Murray Traffic) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation replaces the *Water Management (River Murray Traffic) Regulation 2011*, which would otherwise be repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

lock means Lock Number 7, 8, 9, 10 or 15, and includes the chamber of any such lock.

lock-keeper means the person in charge of a lock, whether or not that person was appointed by a relevant 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.

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.

relevant Authority means:

- (a) Water NSW, or
- (b) the South Australian Water Corporation, or
- (c) the Goulburn-Murray Rural Water Corporation of Victoria.

the Act means the *Water Management Act 2000*.

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

(2) Notes included in this Regulation do not form part of this Regulation.

4 Application

This Regulation applies to and in relation to the following works:

- (a) Edwards River Offtake,
- (b) Hume Dam,

- (c) Koondrook–Perricoota Flood Enhancement Works,
- (d) Lake Victoria Works,
- (e) Locks Number 7, 8, 9, 10 and 15,
- (f) Weir Number 11 (Mildura),
- (g) Yarrawonga Weir.

Part 2 Control of vessels at locks

5 Control of vessel passing through 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) When exercising the powers conferred by this clause in relation to a vessel, the lock-keeper:
 - (a) may unfasten or cut any rope or 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.
- (4) For the purposes of this clause, *operate* includes moor, unmoor, place and remove.

6 Order of precedence of vessels passing through 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.

7 Times for the passage of vessels through locks

The relevant Authority that operates a lock may set the times for passage through the lock (whether upstream, downstream or both) by publishing those times in a newspaper circulating throughout the area in which the lock is located.

Part 3 Signals for entering and leaving locks

8 Signals if vessel is approaching 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 (each such blast lasting about 4 to 6 seconds) 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.

9 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.

10 Signal if vessel is about to proceed through 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 (a blast lasting about 4 to 6 seconds) and then a short blast (a blast lasting about 1 second) 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.

11 Vessel not to leave lock without lock-keeper's permission

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.

Part 4 Other signals

12 Signal if only the lock at weir or barrage is available

- (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 red 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.

13 Signal if navigable pass at 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.

Part 5 Miscellaneous

14 Lock-keeper may refuse to allow vessel to enter lock

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 8, or
- (b) the draught of the vessel does not allow a clearance of at least 0.15 metres above the floor of the lock, 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.

15 Restrictions on approaching weir if navigable pass 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.

16 Offences with respect to river works

(1) A person must not:

- (a) without the permission of an authorised officer, enter onto any river work unless the person is an employee of a relevant Authority who is exercising his or her functions as such an employee, 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) ride, drive, stand or park a vehicle on a river work, 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 a relevant 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 a relevant Authority, or
- (g) fish or swim in the River Murray within 150 metres of a river work, or
- (h) 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.

- (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.

- (3) In this clause:

authorised officer means:

- (a) a lock-keeper, or
- (b) a member of staff of a relevant Authority, or
- (c) a person appointed by a relevant Authority, in writing, to exercise the functions of an authorised officer under this clause, or
- (d) a police officer of the Commonwealth or of New South Wales, Victoria or South Australia.

river work means a work to which this Regulation applies, including any building, work, structure, machinery or appliance forming part of, or used in connection with, such a work.

17 Repeal and savings

- (1) The *Water Management (River Murray Traffic) Regulation 2011* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water Management (River Murray Traffic) Regulation 2011* had effect under that Regulation, continues to have effect under this Regulation.