



New South Wales

Water Management (Murray River Traffic) Regulation 2023

under the

Water Management Act 2000

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

ROSE JACKSON, MLC
Minister for Water

Explanatory note

The object of this regulation is to repeal and remake, with minor amendments, the *Water Management (River Murray Traffic) Regulation 2016*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) the control of vessels at certain locks on the Murray River,
- (b) the signals that must be given when entering and leaving the locks,
- (c) the signals that must be given near locks, weirs and other works located along the Murray River,
- (d) the circumstances in which a lock-keeper may refuse to allow a vessel to enter a 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 Murray River,
- (g) the repeal of the *Water Management (River Murray Traffic) Regulation 2016* and savings consequent on the repeal.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, 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 (Murray River Traffic) Regulation 2023*.

2 Commencement

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

Note— This regulation repeals and replaces the *Water Management (River Murray Traffic) Regulation 2016*, which would otherwise be repealed on 1 September 2023 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

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

lock-keeper, in relation to a lock, means the person in charge of the lock and appointed by a relevant Authority.

master means—

- (a) in relation to a vessel—the person in charge of the vessel, or
- (b) in relation to a vessel 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, to render the chamber of the lock located at the weir inoperable.

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 type of ship, boat or marine craft that floats, hovers or is submersible.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Application

This regulation applies to the following works—

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

- (c) Koondrook-Perricoota Flood Enhancement Works,
- (d) Lake Victoria Works,
- (e) Lock 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—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), the master of a vessel passing through a lock must operate the vessel in accordance with the directions of the lock-keeper at the lock.
Maximum penalty—10 penalty units.
- (2) If there is no person on board the vessel who is able to comply with the directions of the lock-keeper, the lock-keeper may cause the vessel to be operated in a way the lock-keeper considers appropriate.
- (3) When exercising a power under this section in relation to a vessel, the lock-keeper may—
 - (a) unfasten or cut a rope or chain by which the vessel is moored or secured, and
 - (b) obtain assistance the lock-keeper considers necessary for the purpose of exercising the power.
- (4) In this section—
operate includes the following—
 - (a) moor,
 - (b) place,
 - (c) remove,
 - (d) unmoor.

6 Order of precedence of vessels passing through lock—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), if 2 or more vessels are travelling in the same direction and the masters of the vessels wish to navigate the vessels through the same lock, the order of precedence for the passage of the vessels through the lock is the order in which the vessels arrive at the lock.
- (2) Despite subsection (1), the lock-keeper at the lock may give precedence to a commercial passenger vessel operating on an established timetable.

7 Times for passage of vessels through locks—the Act, s 400

For the Act, section 400(1)(f)(i), the relevant Authority that operates a lock may set the times for passage through the lock, whether upstream, downstream or both, by publishing the times—

- (a) in a newspaper that circulates in the area in which the lock is located, or
- (b) on the website of the relevant Authority.

Part 3 Signals for entering and leaving locks

8 Signals if vessel is approaching lock—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), the master of a vessel who intends to navigate the vessel through a lock must give the lock-keeper at the lock a signal of that intention.
- (2) The master must give the signal to the lock-keeper when the vessel is less than 600m but not less than 400m from the lock.
- (3) The signal must be given—
 - (a) for a vessel that has a whistle or siren—by sounding 3 prolonged blasts, each lasting approximately 4–6 seconds, of the vessel’s whistle or siren, or
 - (b) for a vessel that does not have a whistle or siren—
 - (i) if the signal is given during the day—by waving a flag or flashing a light, or
 - (ii) if the signal is given at night—by flashing a light.

Maximum penalty—10 penalty units.
- (4) On receiving a signal under subsection (1), the lock-keeper must acknowledge the signal—
 - (a) if the signal is received during the day—by showing a red flag or displaying a red flashing light, flashing at the rate of approximately 60 flashes per minute, or
 - (b) if the signal is received at night—by displaying a red flashing light, flashing at the rate of approximately 60 flashes per minute.

9 Lock-keeper’s signal—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), the lock-keeper at the lock must give a signal to the master of a vessel that it is appropriate for the vessel to proceed through the lock—
 - (a) if the signal is given during the day—
 - (i) by showing a green flag, or
 - (ii) by displaying a green light, either fixed or flashing at the rate of approximately 60 flashes per minute, or
 - (b) if the signal is given at night—by displaying a green light, either fixed or flashing at the rate of approximately 60 flashes per minute.
- (2) The master of a vessel must ensure the vessel does not approach within 150m of a lock unless the lock-keeper at the lock has given a signal to proceed under subsection (1).

Maximum penalty—10 penalty units.

10 Signal if vessel is about to proceed through lock—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), this section applies to the master of a vessel who has received a signal under section 9 that it is appropriate for the vessel to proceed through a lock.
- (2) Before proceeding into the lock, the master must clearly signal to other vessels near the lock that the vessel is about to proceed into the lock.
- (3) The signal must be given—
 - (a) for a vessel that has a whistle or siren—by sounding 1 prolonged blast, lasting approximately 4–6 seconds, and then a short blast, lasting approximately 1 second, of the vessel’s whistle or siren, or

- (b) for a vessel that does not have a whistle or siren—
 - (i) if the signal is given during the day—by waving a flag or flashing a light, or
 - (ii) if the signal is given at night—by flashing a light.
- Maximum penalty—10 penalty units.

11 Vessel not to leave lock without lock-keeper's permission—the Act, s 400

For the Act, section 400(1)(f)(i), the master of a vessel that has entered a lock must ensure the vessel does not leave the lock until the lock-keeper at the lock 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—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), the following markers indicate that the only means of passage at a weir or barrage for river traffic is the lock—
 - (a) during the day—
 - (i) a beacon with a green triangular topmark located at each end of the lock on the starboard side of the river when facing upstream, and
 - (ii) a beacon with a red square topmark located at each end of the lock on the port 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 side of the navigable pass at the weir when facing upstream—
 - (a) during the 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.

Note— *Starboard side* means the right hand side and *port side* means the left hand side.

13 Signal if navigable pass at weir is open for river traffic—the Act, s 400

For the Act, section 400(1)(f)(i), the following markers indicate that the navigable pass at a weir is open for the passage of river traffic—

- (a) during the day—
 - (i) a green triangular shape on the starboard side of the pass when facing upstream, and
 - (ii) a red square shape on the port side of the pass when facing upstream,
- (b) at night—
 - (i) a green light on the starboard side of the pass when facing upstream, and
 - (ii) a red light on the port side of the pass when facing upstream.

Note— *Starboard side* means the right hand side and *port side* means the left hand side.

Part 5 Miscellaneous

14 Lock-keeper may refuse to allow vessel to enter lock—the Act, s 400

For the Act, section 400(1)(f)(i), 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 under section 8, or
- (b) the draught of the vessel does not allow a clearance of at least 0.15m above the floor of the lock, or
- (c) the lock-keeper is not satisfied the vessel has sufficient crew, and adequate fenders and other equipment, to ensure the vessel does not damage the lock when passing through the lock, or
- (d) there is anything projecting from either side of the vessel that may damage the lock, or
- (e) any of the following works are in progress at the lock or a weir adjacent to the lock—
 - (i) demolition,
 - (ii) construction,
 - (iii) reconstruction,
 - (iv) repairs,
 - (v) maintenance.

15 Restriction on approaching weir if navigable pass closed—the Act, s 400

For the Act, section 400(1)(f)(i), when the navigable pass at a weir is closed, the master of a vessel must ensure the vessel does not approach within 150m 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—the Act, s 400

- (1) For the Act, section 400(1)(f)(i), a person must not—
 - (a) without the oral or written permission of an authorised officer, board or disembark from a vessel that is in a lock, or
 - (b) attempt to navigate a vessel into or through a lock after the lock-keeper at the lock has refused permission for the vessel to enter the lock.Maximum penalty—10 penalty units.
- (2) For the Act, section 400(1)(f)(ii), a person must not—
 - (a) without the oral or written permission of an authorised officer, enter onto a river work unless the person is an employee of a relevant Authority and is exercising the person's functions as an employee, or
 - (b) fail to leave a river work immediately after being asked to do so by an authorised officer, or
 - (c) do anything that causes ballast, rock, stone or other matter to fall—
 - (i) into a lock, or
 - (ii) onto the walls of a lock, or
 - (iii) into a place where it is likely to fall or be carried into a lock, or
 - (d) without the oral or written permission of an authorised officer, interfere with a valve, a gate, machinery or another thing associated with a river work, or
 - (e) ride, drive, stand or park a vehicle on a river work, except—

- (i) on a formed roadway or defined vehicular track 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
- (f) fish or swim in the Murray River within 150m of a river work.
Maximum penalty—10 penalty units.
- (3) For subsection (2)(e)(i), a formed roadway or defined vehicular track is taken to be 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 entry is prohibited, or
 - (c) an authorised officer informs the person the roadway or track is closed to the public.
- (4) In this section—
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 section, or
 - (d) a police officer of—
 - (i) the Commonwealth, or
 - (ii) New South Wales, or
 - (iii) Victoria, or
 - (iv) South Australia.

river work means a work to which this regulation applies, and includes a building, work, structure, machinery or appliance forming part of, or used in connection with, the work.

17 Repeal and savings

- (1) The *Water Management (River Murray Traffic) Regulation 2016* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Water Management (River Murray Traffic) Regulation 2016*, had effect under that regulation continues to have effect under this regulation.