

Act 1994 No. 3

**MARITIME SERVICES (OFFSHORE BOATING)
AMENDMENT BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend section 38 of the Maritime Services Act 1935 so as to extend the power of the Maritime Services Board, with the approval of the Governor, to make regulations relating to boating and other activities in offshore waters. At present, the power under the Maritime Services Act 1935 to make such regulations is largely restricted to the making of regulations concerning the safety of persons operating, using or being carried in vessels in those waters.

The proposed amendments will permit the provisions of the Water Traffic Regulations—N.S.W. and the Management of Waters and Waterside Lands Regulations—N.S.W. (most of which currently apply only to ports and inland waters) to be extended to apply also to offshore waters. Those regulations relate to matters such as the following:

- registration of vessels
- licensing of operators
- negligent navigation
- licensing of aquatic activities
- causing of nuisance or danger
- towing of aquaplaners and water skiers.

After the amendments, the relevant paragraphs of section 38 (2) of the Act will read as follows (matter to be omitted is shown in *italics*):

(2) In particular and without limiting the generality of the foregoing power the Board, with the approval of the Governor, may make regulations for or in relation to:

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- (ei) prohibiting or regulating on, or in connection with, any vessel, floating object, apparatus or structure in any port or inland navigable waters, the carrying on of any activity or operation, or the installation or use of any fitting, equipment or machine, which may cause annoyance, nuisance, injury or danger to any person, damage or risk of damage to any property or pollution of navigable waters, or which involves the emission of noise, smoke, dust, cinders, solid particles of any kind, gases, fumes, mist, odours, radio-activity or radio-active substances;
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- (f) generally controlling and regulating the navigation, use and equipment of vessels in the ports and inland navigable waters of New South Wales and, without limiting the generality of the foregoing:
 - (i) the proper, safe, and efficient conduct of navigation and of maritime and aquatic activities;
 - (ii) preventing interference by or in the use of any vessel with the operation or use of any other vessel;
 - (iii) preventing the operation or use of any vessel in a manner that may cause annoyance, nuisance, injury or danger to any person or damage or risk of damage to any property; and
 - (iv) preventing or limiting the emission from vessels of noise, smoke, dust, cinders, solid particles of any kind, gases, fumes, mist, odours, radio-activity or radio-active substances, prescribing the equipment to be installed in vessels to prevent or limit any such emission, and preventing or regulating the use, movement or operation of vessels in such manner as may cause, increase, or render more serious the effect of, any such emission;

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 amends the Maritime Services Act 1935 to give effect to the object referred to above.
