

Navigation Act 1901 No 60

[1901-60]



New South Wales

Status Information

Currency of version

Historical version for 30 March 2009 to 30 June 2013 (accessed 4 May 2024 at 7:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158 (not commenced)
Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Act 2012 No 90 (not commenced — to commence on 1.7.2013)
- **Proposed repeal**
The Act is to be repealed on the whole commencement of Part 1 of Sch 2 to the *Marine Safety Act 1998 No 121*.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 31 May 2013

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Editorial note—

The long title was repealed by the [Marine Safety Act 1998](#).

1 Name of Act

This Act may be cited as the [Navigation Act 1901](#).

2, 2A (Repealed)

3 Definitions

(1) In this Act, unless the context or subject-matter otherwise indicates or requires:

certificate, in relation to a master, mate or engineer, includes a certificate of competency within the meaning of the [Commercial Vessels Act 1979](#).

harbour-master means any duly appointed harbour-master or assistant harbour-master, and includes any person acting in the capacity of harbour-master.

master means every person except a pilot having command or charge of any ship.

Merchant Shipping Act means the Imperial Act, the *Merchant Shipping Act 1894* or any Act amending the same or in substitution therefor.

officer of the Minister means any delegate of the Minister or any officer of such a delegate.

owner includes the manager or secretary of any body corporate or company.

passenger means every person carried in any ship other than the master and crew, and the owner of the ship and his or her family and servants.

port includes place.

ship means every description of vessel used in navigation not propelled by oars.

surveyor has the same meaning as it has in the [Commercial Vessels Act 1979](#).

the Jurisdiction means the navigable waters lying within one nautical league of the

coast and the inland navigable waters of New South Wales.

- (2) In this Act, a reference to a failure to do any act or thing includes a reference to a refusal to do that act or thing.

3A-4A (Repealed)

4B Ports and Maritime Administration Act 1995

This Act is subject to the *Ports and Maritime Administration Act 1995*.

5-132 (Repealed)

133 Definitions

In this Part, unless the context or subject-matter otherwise indicates or requires:

master means every person having command or charge of a vessel.

navigable waters means any port, harbour, haven, roadstead, channel, navigable river or creek or arm of the sea within the Jurisdiction.

vessel means any ship, boat, barge, punt, craft, or other vessel of whatever description and however propelled.

134 Minister to be conservator of navigable waters

The Minister shall be the proper authority to act as conservator of all navigable waters within the Jurisdiction.

135-140 (Repealed)

141 Unauthorised works on navigable waters prohibited

- (1) Any person who drives piles, or constructs or erects any wharf, jetty, wall, or other erection, or in any manner whatsoever reclaims or attempts to reclaim any land beyond or below the high-water mark of any navigable waters unless expressly authorised according to the law in that behalf shall be liable for every such offence to a penalty not exceeding 0.5 penalty unit.
- (2) Such person so offending shall also be liable to a further penalty not exceeding 0.1 penalty unit for every day during which any such work as aforesaid, whether completed or incomplete, remains unremoved after notice in writing under the hand of the Minister for Public Works to remove the same has been served upon such persons either personally or by leaving such notice at or transmitting the same by post to his or her last known place of abode or business.
- (3) If not removed within twenty-one days after such service the said Minister may cause such work to be removed, and may recover at law from such person in any Court of competent jurisdiction the whole charges and expenses thereby incurred together

with costs.

(4) (Repealed)

142 Authorised works on navigable waters

- (1) The Governor may authorise the driving of piles, and the construction or erection of any wharf, jetty, wall, or other erection, or work, or the reclaiming in any manner of any land beyond or below the high-water mark of any navigable waters for any purpose connected with the convenience of the public or the improved navigation of such waters.
- (2) The said Minister for Public Works may cause such works to be executed by such persons and in such manner as he or she thinks fit out of any moneys at his or her disposal applicable to such or to like public works.
- (3) (Repealed)

143 (Repealed)

144 Trees in or over navigable waters to be removed

If any tree is felled on the bank of any navigable waters, so that any part of such tree is in or over such waters or within high-water or flood mark, and the same is not removed within ten days after having been so felled, the owner or occupier of the land from which such tree was so felled shall incur a penalty not exceeding 0.5 penalty unit for every tree so cut and not removed, in addition to the actual cost of removing the same, such cost to be assessed by the magistrate at the time of imposing such penalty.

145-152 (Repealed)

153 Jetties etc may be placed under control of Minister

- (1) The Governor, by notification in the Gazette, may declare that any public jetty, pier, quay, or landing-place in any port within the jurisdiction of the Minister shall be under the control and management of the Minister.
- (2) Upon such notification the Governor may frame regulations to be enforced under a penalty, in any case not exceeding 1 penalty unit:
 - (a) for the proper use and enjoyment of any such jetty, pier, quay, or landing-place by the public, and
 - (b) for the due control and management of such jetty, pier, quay, or landing-place.

154-165 (Repealed)

165A Regulations

The Governor may make regulations prescribing all matters which by this Act are required

or permitted to be prescribed by regulation or which are necessary or convenient for carrying this Act into effect.

166-173

First-Eleventh Schedules (Repealed)