

1995—No. 315

MARITIME SERVICES ACT 1935—REGULATION

(Amendments consequent on the dissolution of the Maritime Services Board)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935 and the Ports Corporatisation and Waterways Management Act 1995, has been pleased to make the Regulation set forth hereunder.

P. C. Scully
Minister for Ports.

Commencement

1. This Regulation is taken to have commenced on 1 July 1995.

Amendment of Boating (Safety Equipment) Regulation—N.S.W.

2. The Boating (Safety Equipment) Regulation—N.S.W. is amended:

- (a) by omitting from clause 2 the definition of “Board”;
- (b) by omitting the word “Board” from clause 29 (1) and by inserting instead the word “Minister”;
- (c) by omitting from clause 29 (2) the words “an officer of the Board” and by inserting instead the words “any delegate of the Minister or any officer of such a delegate”;
- (d) by inserting after clause 29 the following clause:

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30. Anything done by the Maritime Services Board or by an officer of the Board under this Regulation before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by the Minister or by a delegate of the Minister or any officer of such a delegate, as the case requires.

Amendment of Water Traffic Regulations—N.S.W.**3. The Water Traffic Regulations—N.S.W. are amended:**

- (a) by omitting from Regulation 2 the definition of “Board”;
- (b) by omitting the word “Board” wherever occurring (except where it occurs in the expressions “officer of the Board” and “Secretary of the Board”) and by inserting instead the word “Minister”;
- (c) by omitting the words “an officer of the Board” wherever occurring and by inserting instead the words “any delegate of the Minister or any officer of such a delegate”;
- (d) by omitting the words “Secretary of the Board” wherever occurring and by inserting instead the words “Minister or a person authorised by the Minister”;
- (e) by omitting from Regulations 7 (3) and 14 (7) the words “as it considers appropriate” wherever occurring and by inserting instead the words “as the Minister considers appropriate”;
- (f) by omitting from Regulation 7 (4) (a) the words “unless it is satisfied” and by inserting instead the words “unless the Minister is satisfied”;
- (g) by omitting from Regulation 8 (8) the words “its failure” and by inserting instead the words “the failure”;
- (h) by omitting from Regulation 8 (10) the words “it thinks fit” and by inserting instead the words “the Minister thinks fit”;
- (i) by omitting from Regulation 8 (12) the words “if it considers it appropriate” and by inserting instead the words “if he or she considers it appropriate”;
- (j) by omitting from Regulation 8 (12) the words “the Board’s officers” and by inserting instead the words “any delegate of the Minister or any officer of such a delegate”;
- (k) by omitting the words “which may” wherever occurring (except where occurring in Regulation 19) and by inserting instead the words “who may”;
- (l) by omitting the words “any officer of the Board” wherever occurring and by inserting instead the words “any delegate of the Minister or any officer of such a delegate”;
- (m) by inserting in Regulation 13 (7) (b) after the words “which such” the words “delegate or”;
- (n) by omitting from Regulations 13 (11) (a) (iv) and 14 (10) (c) the words “the Board’s opinion” and by inserting instead the words “the Minister’s opinion”;

- (o) by omitting from Regulation 17 the words “Any officer of the Board” wherever occurring and by inserting instead the words “Any delegate of the Minister or any officer of such a delegate”;
- (p) by inserting after Regulation 20 the following Regulation:

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21. Anything done by the Maritime Services Board (including by the Secretary of the Board) or by an officer of the Board under these Regulations before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by the Minister or by a delegate of the Minister or any officer of such a delegate, as the case requires.

Amendment of Management of Waters and Waterside Lands Regulations—N.S.W.

4. The Management of Waters and Waterside Lands Regulations—N.S.W. are amended:

- (a) by omitting the definition of “Harbour Master” from Regulation 4;
- (b) by inserting after Part 1 the following Part:

PART 1A—PROVISIONS CONSEQUENTIAL ON DISSOLUTION OF MARITIME SERVICES BOARD

Changes in terminology following dissolution of Maritime Services Board

4AB. (1) A reference in these Regulations:

- (a) to the Board or the Maritime Services Board is taken to be a reference to the Minister and, in Regulations 5, 11, 18 and 68, is taken to include a reference to a Port Corporation or the Waterways Authority;
- (b) to an officer of the Board is taken to be a reference to an officer of the Minister and, in Regulations 7, 15, 24, 68 and 73, is taken to include an officer of a Port Corporation or the Waterways Authority;
- (c) to the Secretary of the Board is taken to be a reference to the Minister or a person authorised by the Minister;
- (d) to land vested in, or under the control or management of, the Board is taken to be a reference to land vested in, or under the control or management of the Minister, a Port Corporation or the Waterways Authority;

- (e) to a bed of enclosed water not vested in the Board (see Regulation 28) is taken to be a reference to a bed of enclosed water not vested in the Ministerial Corporation, a Port Corporation or the Waterways Authority.
- (2) In this clause:
 - (a) **“Ministerial Corporation”**, **“Port Corporation”** and **“Waterways Authority”** have the same meanings they have in the Ports Corporatisation and Waterways Management Act 1995; and
 - (b) **“officer of the Minister”** means a delegate of the Minister or any officer of such a delegate.

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4AC. Anything done by the Maritime Services Board (including by the Secretary of the Board) or by an officer of the Board under a provision of these Regulations before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by the person who is taken, by virtue of Regulation 4AB, to have the functions of the Board, the Secretary or an officer of the Board under that provision.

- (c) by omitting from Regulations 8 (2) (a), 11 (a) and 21 (2) (c) the words “the Board,” wherever occurring;
- (d) by omitting from Regulation 56 (3) (a) the words “at the head office of the Board or at any other place” and by inserting instead the words “at any place”.

Amendment of Port Authority—Land Traffic Control Regulations—N.S.W.

5. The Port Authority—Land Traffic Control Regulations—N.S.W. are amended:

- (a) by omitting the words “order of the Board” wherever occurring and by inserting instead the words “order of an Authority”;
- (b) by omitting Regulation 1A;
- (c) by omitting from Regulations 2 and 9 (1) the words “vested in the Board” wherever occurring and by inserting instead the words “vested in an Authority”;

- (d) by inserting in Regulation 4 in alphabetical order the following definition:

“Authority” means the Minister, a Port Corporation (within the meaning of the Ports Corporatisation and Waterways Management Act 1995) or the Waterways Authority (within the meaning of that Act).

- (e) by omitting from Regulation 4 the definitions of “Board” and “Secretary”;
- (f) by omitting the definition of “Officer” from Regulation 4 and by inserting instead the following definition:

“Officer” means any person appointed by an Authority to give directions relating to vehicles and drivers thereof on any wharf or property vested in the Authority or under its control or management, pursuant to these Regulations, or any member of the police force.

- (g) by omitting from the definition of “Parkingarea” in Regulation 4 the words “the Board” and by inserting instead the words “an Authority”;
- (h) by omitting from the definition of “Traffic sign” in Regulation 4 the words “management of the Board” wherever occurring and by inserting instead the words “management of an Authority”;
- (i) by inserting at the end of Regulation 9 the following clause:
- (3) A reference in Schedule 1 to the Board or to the Maritime Services Board is taken to be a reference to the Authority which owns or has the control or management of the land or other property in relation to which the expression is used.
- (j) by omitting from Regulation 11 (1) the words “by the Board” wherever occurring and by inserting instead the words “by an Authority”;
- (k) by omitting from Regulation 11 (3) the words “the Board” and by inserting instead the words “an Authority”;
- (l) by omitting Regulation 14 (2) and by inserting instead the following clause:
- (2) Any officer who is appointed by an Authority to be a prescribed officer for the purposes of the section is a prescribed officer for the purposes of the section.

(m) by inserting after Regulation 14 the following Regulation:

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15. Anything done by the Maritime Services Board or by the Secretary of the Board or a person appointed as an officer by the Secretary under these Regulations before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by an Authority or by an officer, as the case requires.

(n) by omitting from Schedule 1 all matter relating to Circular Quay West District and Woolloomooloo District.

EXPLANATORY NOTE

The object of this Regulation is to update various Regulations under the Maritime Services Act 1935 consequent on the dissolution of the Maritime Services Board on 1 July 1995 (by the Ports Corporatisation and Waterways Management Act 1995). The Regulation updates references to the Board and officers of the Board and makes other provisions of a savings and transitional nature.

This Regulation is made under the Maritime Services Act 1935, including section 38 (the general regulation making power). Clause 1 of this Regulation (which provides that the Regulation is taken to have commenced on 1 July 1995) is made under the authority conferred by Part 1 of Schedule 5 to the Ports Corporatisation and Waterways Management Act 1995.
