

1994—No. 668

MARITIME SERVICES ACT 1935—REGULATION

(Relating to the use of personal water craft)

NEW SOUTH WALES



[Published in Gazette No. 174 of 23 December 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

IAN ARMSTRONG,
Minister for Ports.

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, makes the following Regulation:

Commencement

1. (1) Clause 2 commences on 23 December 1994.
- (2) Clause 3 commences on 1 January 1995.

Amendment of the Water Traffic Regulations—N.S.W.

2. The Water Traffic Regulations—N.S.W. are amended:
 - (a) by inserting in regulation 2 (1) after the definition of “Commercial vessel” the following definition:

“**Designated surf zone**” means such part of navigable waters as is within an area designated for use by swimmers, or for users of surfboards and other paddle craft, by means of surf patrol flags or signs, where the boundaries of the zone comprise:

 - (a) the shore between the flags or signs; and
 - (b) imaginary lines running from the flags or signs perpendicular to the shore for a distance of 500 metres from the shore; and

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- (c) an imaginary line running between the ends of those lines.
- (b) by inserting after regulation 6 (5) the following clause:
 - (6) A person is guilty of an offence against this regulation if, within a designated surf zone, the person navigates a personal water craft which is towing a water skier or aquaplaner so that either the personal water craft or the person being towed passes:
 - (a) within 100 metres of any person in the water, except for the purpose of securing the safety of the person; or
 - (b) within 100 metres of any other vessel or the property of any other person; or
 - (c) within 100 metres of the shore.
- (c) by inserting in regulation 14 (13) after the words “to which this regulation applies” the words ““(other than a personal water craft)””;
- (d) by inserting after regulation 14 (13) the following clauses:
 - (13A) If the driver of a personal water craft which is being driven at a speed of or exceeding 10 knots on any navigable waters is unlicensed, the owner of the craft is guilty of an offence against this regulation.
 - (13B) If the driver of a personal water craft which is being driven at a speed of or exceeding 10 knots on any navigable waters is unlicensed, the driver is guilty of an offence against this regulation.
- (e) by inserting after regulation 15 (3) the following clause:
 - (4) A person is guilty of an offence against this regulation if, within a designated surf zone, the person navigates a personal water craft at a speed of or exceeding 10 knots:
 - (a) within 100 metres of any person in the water, except for the purpose of securing the safety of the person; or
 - (b) within 100 metres of any other vessel or the property of any other person; or
 - (c) within 100 metres of the shore.
- (f) by inserting in the Second Schedule the following:

6	(6)	(a)	.....	\$80
6	(6)	(b)	.....	\$80
6	(6)	(c)	.....	\$80
14	(13A)		.....	\$100

14 (13B)	.....	\$200
15 (4) (a)	.....	\$80
15 (4) (b)	.....	\$80
15 (4) (c)	.....	\$80

Further amendment of the Water Traffic Regulations—N.S.W.

3. The Water Traffic Regulations—N.S.W. are further amended:

(a) by inserting after regulation 15 the following regulation:

Personal water craft behaviour sticker

15A. (1) The owner of a personal water craft is guilty of an offence against this regulation if the craft is driven on navigable waters while:

- (a) the personal water craft does not have a behaviour sticker affixed to it in accordance with the requirements of clause (2); or
- (b) the behaviour sticker so affixed is in any way defaced, obliterated or concealed.

(2) The behaviour sticker:

- (a) must be in a form approved by the Board; and
- (b) must be affixed so that it is clearly visible from the steering position of the personal water craft at all times.

(3) A person who drives a personal water craft otherwise than in accordance with the requirements displayed on the behaviour sticker for the craft is guilty of an offence against this regulation.

(b) by inserting in the Second Schedule the following:

15A (1) (a)	.....	\$80
15A (1) (b)	.....	\$80
15A (3)	.....	\$80

DATED this 20th day of December 1994.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was duly affixed in the presence of the Chief Executive:

J. C. HAYES

EXPLANATORY NOTE

The object of this Regulation is to amend the Water Traffic Regulations—N.S.W. so as:

- (a) to prohibit personal water craft from being driven closer than 100 metres to any person, vessel or property, or to the shore, while in designated surf zones; and
- (b) to increase the penalties that may be imposed by penalty notice for offences committed in relation to the driving of personal water craft above 10 knots by unlicensed persons; and
- (c) to require personal water craft to have “behaviour stickers” affixed to them.

This Regulation is made under the Maritime Services Act 1935, including section 38 (the general regulation making power).
