

TASMANIA

MARINE AND SAFETY (JETTIES) BY-LAWS 2017
STATUTORY RULES 2017, No.

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MARINE AND SAFETY (JETTIES) BY-LAWS 2017

The Marine and Safety Authority makes the following by-laws under the *Marine and Safety Authority Act 1997*.

1. Short title

These by-laws may be cited as the *Marine and Safety (Jetties) By-laws 2017*.

2. Commencement

These by-laws take effect on 29 July 2017.

3. Interpretation

In these by-laws –

Act means the *Marine and Safety Authority Act 1997*;

Authority means the Marine and Safety Authority established under section 4 of the Act;

berth means –

- (a) to lie alongside a State jetty; or
- (b) to be connected or tied to a vessel lying alongside a State jetty; or
- (c) to be connected to a State jetty;

berthing area means any area of a State jetty that is not delineated at the kerb, fenders or edge by a yellow line;

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certificate of survey or operation has the same meaning as in the National Law;

loading area means any area of a State jetty that is delineated at the kerb, fenders or edge by a yellow line;

marine facility means any facility, structure or equipment used in relation to the navigation and operation of vessels;

National Law has the same meaning as in the Act;

operator means a person in charge of, or operating, a vessel;

penalty unit means a penalty unit within the meaning of the *Penalty Units and Other Penalties Act 1987*;

restricted area means any area on a marine facility that is delineated at the kerb, fender or edge by a red line;

rubbish means any waste material, refuse or litter, including fish waste and animal faeces;

State jetty means any marine facility, together with any utility services, managed by the Authority;

unseaworthy has the same meaning as in the Act;

utility services means –

- (a) any services providing power, light, water or fuel to a State jetty; or
- (b) any other similar services connected to a State jetty;

vehicle includes any thing designed to move or to be moved on one or more wheels or revolving runners;

vessel has the same meaning as in the Act.

4. Berthing of certain vessels prohibited

A person must not berth a vessel at a State jetty, without prior approval of the Authority, unless that vessel –

- (a) has a current national certificate of survey or operation; or
- (b) is registered in accordance with the *Marine and Safety (Motor Boats and Licences) By-laws 2013*.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

5. Vessels not to exceed load rating

A person must not berth a vessel at a State jetty or part of a State jetty if that vessel exceeds the

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vessel tonnage or length limit displayed for the State jetty or the part of the State jetty.

Penalty: Fine not exceeding 20 penalty units.

6. Loading areas

(1) A person must not –

- (a) berth, without prior approval of the Authority, a vessel alongside a loading area other than for the purpose of loading or unloading passengers, stores, catch or cargo; or
- (b) leave a commercial vessel in a loading area without a competent crew on board who holds a current national certificate of competency relevant to the vessel; or
- (c) leave a recreationally registered vessel in a loading area without a competent crew on board who holds a recreational licence in accordance with the *Marine and Safety (Motor Boats and Licences) By-laws 2013*; or
- (d) leave a recreational vessel that does not require registration in accordance with the *Marine and Safety (Motor Boats and Licences) By-laws 2013* alongside a loading area without a competent crew on board.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing

offence, a further penalty of 5 penalty units for each day during which the offence continues.

- (2) A person must not leave a vessel alongside a loading area once the vessel has completed loading or unloading passengers, stores, catch or cargo.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

7. Restricted areas

A person must not berth a vessel alongside a restricted area at a State jetty in excess of any time limit specified by the Authority and displayed at the State jetty, without prior approval of the Authority.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

8. Removal or relocation of vessel

- (1) The Authority, by written notice, may direct the owner or operator of a vessel that is berthed at a State jetty to remove the vessel from that State jetty for a period specified by the Authority.

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Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

- (2) The Authority, by written notice, may direct the owner or operator of a vessel that is berthed at part of a State jetty to move the vessel to another part of that State jetty.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

- (3) If the owner of a vessel does not comply with a direction in a notice under subclause (1) or (2), the Authority may move or relocate the vessel.
- (4) The Authority may recover from the owner of a vessel any costs incurred in the relocation of a vessel under subclause (3) in a court of competent jurisdiction.

9. Vehicles on State jetties

- (1) A person must not use a vehicle on a State jetty except in connection with the loading, unloading or maintenance of vessels.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not drive, park or place a vehicle on any part of a State jetty if the vehicle mass of

that vehicle exceeds the displayed gross vehicle mass in respect of that part.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not leave a vehicle unattended on a State jetty.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

10. Closure of State jetty

- (1) The Authority, by issue of a notice, may require a State jetty to be closed for a specified period –
- (a) for a special event; or
 - (b) for the purpose of maintenance; or
 - (c) if it considers that the State jetty is unsafe.
- (2) The Authority may direct any person in charge of a vessel at, or a vehicle on, a State jetty to remove the vessel or vehicle from that State jetty for the period specified in a notice under subclause (1).
- (3) A person must not be, or remain, on a State jetty during the period specified in a notice under subclause (1).

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Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

11. Damage to State jetty

- (1) A person must not damage a State jetty or its utility services by –
- (a) causing or allowing a vessel to collide with the State jetty; or
 - (b) vandalising the State jetty; or
 - (c) loading or unloading cargo and fuel in a negligent manner; or
 - (d) graffitiing; or
 - (e) interfering with, damaging or removing any part of any utility service; or
 - (f) removing or damaging any part of a marine facility that could interfere with the safe navigation of vessels or could endanger lives.

Penalty: Fine not exceeding 30 penalty units.

- (2) A person must not light a fire on a State jetty.

Penalty: Fine not exceeding 30 penalty units.

- (3) A person must not attach any berthing lines to any State jetty components that are not

specifically fitted for the purpose of attaching berthing lines.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person in charge of a vessel berthed at a State jetty must remove that vessel from the State jetty if weather conditions are likely to cause the vessel to damage the State jetty.

Penalty: Fine not exceeding 20 penalty units.

- (5) The Authority may recover the costs for repair of damage to a State jetty from a person who contravenes subclause (1), (2), (3) or (4) in a court of competent jurisdiction as a debt due to the Authority.

12. Rubbish on State jetty

- (1) A person must not leave any rubbish on a State jetty.

Penalty: Fine not exceeding 20 penalty units.

- (2) The Authority may –

(a) remove any rubbish left on a State jetty;
and

(b) recover, in a court of competent jurisdiction, the reasonable costs incurred in that removal from the person who left the rubbish.

13. Unauthorised alteration of State jetty

- (1) A person must not alter a State jetty without the written approval of the Authority.

Penalty: Fine not exceeding 30 penalty units.

- (2) A person must not install any lifting device, crane or utility service on a State jetty without the written approval of the Authority.

Penalty: Fine not exceeding 30 penalty units.

- (3) The Authority may –

(a) rectify any alteration or remove any utility service on a State jetty made or installed under subclause (1) or (2); and

(b) recover from the person who made the alteration or installed the utility service reasonable costs incurred for rectification of the alteration or the removal of the utility service in a court of competent jurisdiction.

- (4) A person must not erect, exhibit or display a notice, sign, bill, poster or advertisement on any State jetty without the prior approval of the Authority.

Penalty: Fine not exceeding 20 penalty units.

14. Utility services

The Authority may recover from a person the reasonable costs incurred by the Authority for

the use by that person of any utility service in a court of competent jurisdiction.

15. Obstruction of State jetty

- (1) A person must not berth a vessel or place a vehicle or any other equipment on a State jetty or use a State jetty in a manner that obstructs another vessel coming alongside or leaving the State jetty.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

- (2) A person must not berth a vessel at a State jetty without the prior written approval of the Authority if—
- (a) the vessel is unseaworthy; or
 - (b) work on the vessel may render it unseaworthy.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not place or store cargo or other material on, or in such a way as to obstruct, a State jetty unless a vessel or vehicle is alongside to receive the cargo or other material.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty

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units for each day during which the offence continues.

- (4) A person must not fish from or near a State jetty in such a manner as to obstruct or impede vessels or vehicular or pedestrian traffic on or adjacent to the State jetty.

Penalty: Fine not exceeding 20 penalty units.

16. Maintenance of vessels

A person must not carry out repairs or maintenance to a vessel on a State jetty for a period in excess of 3 days without prior written approval of the Authority.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further penalty of 5 penalty units for each day during which the offence continues.

17. Direction to leave

The Authority may direct a person to leave a State jetty if the person does not have a valid reason to be on the State jetty.

18. Direction to remain

The Authority may direct the person in charge of a vessel berthed at a State jetty to remain in attendance while –

- (a) the vessel is being loaded or unloaded; or
- (b) passengers or crew are boarding or leaving the vessel.

19. Compliance with direction

A person must comply with a direction given by the Authority under these by-laws.

Penalty: Fine not exceeding 20 penalty units.

20. Commercial use

A person must not sell, let or hire any goods, vessel or property on a State jetty without prior written approval of the Authority.

Penalty: Fine not exceeding 20 penalty units.

21. Swimming and diving at State jetty

A person, without written approval from the Authority, must not –

- (a) swim or dive within 30 metres of a State jetty; or
- (b) jump or dive off a State jetty.

Penalty: Fine not exceeding 20 penalty units.

22. Exemptions

The Authority may exempt any person from any provision of these by-laws.

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The common seal of the Marine and Safety Authority was affixed in pursuance of a resolution of the Authority made at a meeting held on _____, in the presence of –

Chairperson

Chief Executive