

Authorised Version No. 001
Water Industry (Waterways Land)
Regulations 2013

S.R. No. 25/2013

Authorised Version as at
26 February 2013

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1 Objectives

The objectives of these Regulations are to—

- (a) enable the closure of regulated waterways land for the purposes of an organised activity or for safety reasons; and
- (b) regulate organised activities occurring on regulated waterways land; and
- (c) regulate the berthing and mooring of vessels on regulated waterways land.

2 Authorising provisions

These Regulations are made under sections 149 and 184 of the **Water Industry Act 1994**.

3 Definitions

In these Regulations—

organised activity includes any boat race, regatta, swimming race, competition, tournament, festival, concert, promotion, fireworks display and any other organised event;

regulated waterways land means waterways land as defined by the Act, other than land that falls within paragraph (b) of the definition of ***waterways land*** and that is land—

- (a) managed under the **National Parks Act 1975**; or

- (b) managed under section 18B of the **Crown Land (Reserves) Act 1978** by any person (other than Parks Victoria); or
- (c) managed under the **Crown Land (Reserves) Act 1978** by a committee of management (other than Parks Victoria); or
- (d) vested in a Council under section 16 of the **Crown Land (Reserves) Act 1978**; or
- (e) managed by trustees under any Act of Parliament; or
- (f) that is part of the docklands area (within the meaning of the **Docklands Act 1991**) that does not consist of waterways;

Secretary means the body corporate established under Part 2 of the **Conservation, Forests and Lands Act 1987**;

the Act means the **Water Industry Act 1994**;

vessel has the same meaning as in the **Marine (Drug, Alcohol and Pollution Control) Act 1988**;

waterway manager has the same meaning as in the **Marine Safety Act 2010**.

4 Closure of certain regulated waterways land

- (1) The waterway manager for any regulated waterways land, or in the absence of a waterway manager, the Secretary may, by erecting signs or barriers, close to entry by the public any part of that regulated waterways land, for such period as determined necessary—

- (a) to enable an organised activity to be conducted on that part of the regulated waterways land; or
 - (b) in an emergency.
- (2) In determining when to close any regulated waterways land to entry by the public under subregulation (1), the waterway manager for any regulated waterways land, or in the absence of a waterway manager, the Secretary, must take into account the reasonable needs of the public to enter and enjoy that land.
- (3) A person must not enter any regulated waterways land that has been closed under this regulation unless that person is entitled to do so for the purpose for which the area has been closed to entry.

Penalty: 10 penalty units.

5 Organised activities on regulated waterways land

- (1) A person must not take part in organising or conducting an organised activity on regulated waterways land unless that person is the holder of a written authority to do so under subregulation (2).

Penalty: 10 penalty units.

- (2) The waterway manager for any regulated waterways land or, in the absence of a waterway manager, the Secretary may issue a written authority to a person to take part in organising or conducting an organised activity on any regulated waterways land.

6 Offence to berth or moor a vessel

- (1) A person in charge of a vessel must not berth or moor that vessel on any regulated waterways land.

Penalty: 10 penalty units.

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- (2) Subregulation (1) does not apply where the vessel is berthed or moored—
- (a) in accordance with the terms and conditions of a lease or licence of regulated waterways land; or
 - (b) in accordance with the terms and conditions of a lease or licence of Crown land adjacent to regulated waterways land; or
 - (c) in accordance with a sign posted on that berth by the waterway manager for any regulated waterways land or, in the absence of a waterway manager, the Secretary.
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ENDNOTES

1. General Information

The Water Industry (Waterways Land) Regulations 2013, S.R. No. 25/2013 were made on 26 February 2013 by the Governor in Council under sections 149 and 184 of the **Water Industry Act 1994**, No. 121/1994 and came into operation on 26 February 2013.

The Water Industry (Waterways Land) Regulations 2013 will sunset 10 years after the day of making on 26 February 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

Water Industry (Waterways Land) Regulations 2013
S.R. No. 25/2013

Endnotes

2. Table of Amendments

There are no amendments made to the Water Industry (Waterways Land) Regulations 2013 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

In accordance with section 11 of the **Monetary Units Act 2004**, the value of a penalty unit for the financial year commencing 1 July 2012 is \$140.84.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.