



VICTORIA GOVERNMENT GAZETTE

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[1961

GEELONG WATERWORKS AND SEWERAGE TRUST.

BY-LAW No. 94.

Barwon River.

THE Geelong Waterworks and Sewerage Trust (hereinafter called "the Trust"), pursuant to and in exercise and execution of the powers and authorities conferred on the Trust by the Geelong Waterworks and Sewerage Act, and of any other power or authority enabling it in that behalf, hereby orders as follows:—

1. In the construction of this By-law unless inconsistent with the context or subject-matter—

"Trust" means Geelong Waterworks and Sewerage Trust;

"Boat" and "Vessel" includes any boat, canoe, yacht, house-boat, barge, raft, lighter, catamaran, punt, craft or vessel.

"Licence" means a licence for the time being in force issued by the Geelong Waterworks and Sewerage Trust under this By-law.

"Power boat" means any boat mechanically propelled through the agency of gas, oil, fluid, electricity, steam or otherwise.

"Permit" means a permit for the time being in force issued by the Trust under this By-law.

"Person" includes a corporation unless there be something repugnant to or inconsistent with that interpretation.

"Regulations or Regulation" means this By-law and the several respective numbered clauses hereof.

"River Officer" means and includes any officer appointed by the Trust as such and any officer of the Trust on river duties acting for him and any official in charge of or concerned in a regatta or swimming races authorized by the River Officer or by the Trust in writing to so act in connexion with such regatta or swimming races as the case may be.

"The river" means that portion of the bed soil and banks of the Barwon River the control of which is vested in the Trust under Act No. 6263 of 1958.

Navigation.

2. Every person in charge of a boat other than a close-hauled yacht shall keep such boat—

(a) when proceeding up or down the river to the right or starboard side of the centre thereof,

(b) when turning around or crossing from one side of the river to the other out of the way of boats proceeding up or down the river and such boat

shall not be turned around or crossed from one side of the river to the other so as to interfere with any boat proceeding up or down the river,

but nothing herein shall operate to relieve any person in control of any boat from any obligation under the steering and sailing rules set out hereunder to keep clear.

3. The following steering and sailing rules shall be observed by all boats under way on the said river:—

(a) When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows:—

(i) a vessel which is running free shall keep out of the way of a vessel which is close-hauled;

(ii) a vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack;

(iii) when both vessels are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other;

(iv) when both are running free with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(v) a vessel which has the wind aft shall keep out of the way of the other vessel;

(b) when two power boats are meeting end on or nearly end on, so as to involve risk of collision, each shall alter its course to starboard so that each may pass on the port side of the other;

(c) when two power boats are crossing, so as to involve risk of collision, the vessel which has the other on its own starboard side shall keep out of the way of the other;

(d) when a power boat and a sailing vessel are proceeding in such directions as to involve risk of collision, the power boat shall keep out of the way of the sailing vessel;

(e) where by these Rules one of two vessels is to keep out of the way, the other shall keep its course and speed;

(f) every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other;

(g) every power boat which is directed by these Rules to keep out of the way of another vessel shall on approaching it, if necessary, slacken its speed or stop;

- (h) notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel;
- (i) in obeying and construing these Rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

4. (a) Subject to the provisions of these Regulations no person shall, unless the holder of a written permit from the Trust, drive any power boat at a rate of speed exceeding 6 miles per hour except at such times and in such portion or portions of the river as the Trust shall from time to time determine and publish at least once in the *Geelong Advertiser* or other paper circulating in the Geelong district.

(b) The Trust may grant a permit to any person or persons to drive a power boat at a rate of speed greater than the rate hereinbefore provided upon such portion or portions of the river and during such period or periods and upon such day or days as are specified in such permit.

5. No person shall navigate or use a boat or manipulate any water ski, surf board, aquaplane or similar device on the river carelessly, recklessly or negligently or at such a speed or in such a manner as is likely to cause annoyance or nuisance or injury or be a danger to any property, river bank, river improvement work, structure or boat whether the same or another and whether by its wash or otherwise.

6. No person shall—

(a) navigate, use or take charge of any boat whilst under the influence of alcohol or any drug;

(b) (i) navigate or use a power boat,

(ii) tow, use or manipulate any surf ski, surf board, aquaplane or similar device, at a speed greater than 6 miles per hour within 50 feet of any person swimming or bathing or of any structure not used for water skiing or of any boat under way, at anchor, moored or engaged in fishing;

(c) navigate or use a power boat towing a surf ski, surf board, aquaplane or other device unless accompanied by at least one other responsible person in such boat;

(d) navigate or use any power boat less than 30 feet in length and capable of a speed in excess of 10 miles per hour unless the same be fitted with an automatic device for rapidly closing the throttle or for shutting off the engine should the power boat cease to be under the control of the operator;

(e) navigate, use or be in charge of any power boat unless the same shall be fitted with an effective silencer or other device for the purpose of preventing noise from the engine or engines likely to be or become annoying to people on and in the vicinity of the river.

7. (a) A person shall not navigate or use a vessel or other craft within 50 feet of any vessel or buoy on which is displayed a red flag with white diagonal cross indicating "diver below".

(b) A person shall not display a red flag with a white diagonal cross on any vessel unless there is a diver below or in the vicinity of such vessel.

8. Between the hours of sunset and sunrise boats shall carry the following lights:—

(a) Power boats—a white unbroken light visible around 360 degrees and on the port side a red light and on the starboard side a green light, each such light so fixed as to show from dead ahead to two points abaft the beam on its respective side, all of such lights to be visible for at least half a mile in clear weather.

(b) Any other boat—a white unbroken light in such a position that it can be clearly seen by boats approaching, overtaking or passing:

Provided always that any boat carrying navigation lights in conformity with the rules for preventing collisions at sea shall be deemed to comply with this Regulation.

9. No boat shall be navigated, driven or propelled at any time during the day or night to the danger of the public and if in the opinion of the River Officer or of any member of the Police Force any boat is overcrowded or is being incompetently navigated or managed in a manner dangerous to the occupants or to the public, the River Officer or member of the Police Force, as the case may be, may order such boat to the bank of the river or to its berth and moorings and may compel the whole or any number of the passengers on board to disembark.

10. The Trust may at any time by notice in the form of an advertisement published in one issue of the *Geelong* daily newspaper close to traffic any portion of the river for any period of time to be specified together with a description of such portion in the advertisement. Any person in charge of any boat traversing such portion during the closed period shall violate and be deemed to have violated this By-law.

General Provisions as to Boats.

11. (1) No person shall use on, bring onto, or allow or suffer to remain on the river any boat—

(a) which is likely to be or become offensive or annoying by reason of noise, smoke or smell or the machinery of which is defective or is likely to be or become dangerous to life or traffic;

(b) any boat which is unsafe, derelict, unseaworthy or unsuitable for the river;

(c) exceeding 30 feet in length or exceeding 10 feet in beam except with the written consent of the Trust and on the terms and conditions set out therein.

(2) Where any boat is brought onto, moored or berthed on or remains on the river in contravention of these Regulations, the River Officer may—

(a) after seven days' notice in writing given to the owner or person in control thereof and such notice has not been complied with, or,

(b) where the whereabouts of the owner or person in control are not known to the River Officer after reasonable inquiry, or,

(c) where such boat is or is likely to become offensive, dangerous to life or traffic or an obstruction to the use of the river and the owner or person in control is not immediately available,

seize such boat and remove the same to some other portion of the river or off the river into storage and any expenses including storage involved in so doing shall be borne by the owner. In the event of the owner failing to pay on demand such expenses or if the owner after advertisement by the Trust in the *Geelong Advertiser* or some other newspaper circulating in the district of its intention to sell any such boat fails to pay such expenses and removes such boat, the Trust may sell the same and from the proceeds thereof deduct any expenses incurred as a result of the seizure, removal, storage and sale of such boat and may retain the balance until claimed by the person entitled thereto.

Berthing or Mooring Boats.

12. (a) Boats shall be moored or berthed only in such part or parts of the river and in such manner as may from time to time be directed or ordered by the River Officer.

(b) No boat shall be moored and no mooring shall be laid down in the river without the consent in writing of the River Officer and in the case of a boat other than a boat propelled exclusively by oars without a permit in writing has first been obtained from the Trust.

13. (a) Application for a mooring permit shall be made in the form set out in the First Schedule and shall be true in every particular.

(b) The Trust may issue a mooring permit in the form provided in the Schedule hereto which shall be subject to the following conditions:—

(i) Payment of the prescribed fee;

(ii) the permit shall be current for one year only (unless the same shall be issued for a lesser period) and may be renewed if the Trust so approves on payment of the prescribed renewal fee;

(iii) the mooring shall be placed where directed from time to time by the River Officer;

(iv) notwithstanding anything herein contained the owner or any person in charge of any boat shall remove the moorings thereof within 24 hours of having been served with a notice so to do by the River Officer and unless the River Officer permits the replacement of such moorings or unless the owner or person in charge thereof is in breach of the provisions of this By-law the owner shall be entitled to a *pro rata* refund of the mooring permit fee paid.

(c) No boat shall be moored at any moorings except those in respect of which a permit to moor such boat has been issued.

(d) Mooring and renewal fees shall be as set out in the Schedule.

Boat Races and Regattas.

14. No boat race, regatta or other assemblage of boats, other than races promoted by a rowing club for its own members only, shall take place on the river without the permission in writing of the Trust, and upon such special conditions as the Trust or the River Officer may from time to time impose.

15. On the occasion of any boat race, regatta or other assemblage of boats for which permission of the Trust shall have been given—

- (a) the orders and directions of the River Officer or member of the Police Force as to the positions to be taken up, the maintenance of order, the keeping clear of the course and in connexion with the general control and management of the boat race, regatta or assemblage of boats shall be strictly observed;
- (b) no person shall obstruct or improperly interfere with any boats or persons thereon engaged in competing in any boat race;
- (c) no person shall navigate any boat in such a manner as to obstruct, impede or interfere with a boat race, regatta or assemblage of boats or endanger the safety of persons on the river or prevent the maintenance of order thereon;
- (d) during racing hours, that is to say, between the commencement and the conclusion of the day's racing, no boats other than the boats engaged in such, racing umpires' launches, or boats engaged in keeping order will be permitted to navigate any portion of the course except during such intervals between the racing as may be specially fixed and set out in the official programme of the boat race, regatta or other assemblage of boats or as directed by the River Officer;
- (e) when the signal for clearing the course is given or when otherwise ordered by the River Officer all non-competing boats must be removed from the course as quickly as possible.

Boats Plying or Let Out for Hire.

16. No person shall on the river—

- (a) ply for hire with any boat;
- (b) let any boat out for hire;
- (c) in any boat carry goods, passengers or two water skis, surf boards, aquaplanes or similar devices for reward unless such boat shall be licensed hereunder so to do.

17. Every application for a licence hereunder shall be made to the secretary of the Trust in the appropriate form as prescribed in the Second Schedule and shall be accompanied by the appropriate fee as prescribed therein.

18. The licence issued under these Regulations shall be in the forms respectively (or to the same effect) prescribed in the Second Schedule hereto.

19. No boat shall be deemed to be licensed hereunder unless the same shall have been examined by the River Officer and approved and such approval shall not have been withdrawn and the number allotted in the licence to such boat shall have been painted on the bow on each side or on such other places in lieu thereof as the River Officer may approve in letters at least 4 inches high clearly visible at 50 yards.

20. Every licensed power boat shall carry—

- (a) an effective fire extinguisher;
- (b) life jackets or other flotation equipment approved by the River Officer capable of supporting the number of persons for which such boat is licensed and the driver thereof unless such boat is equipped with built-in flotation tanks capable of supporting such boat and its passengers and driver.

21. The River Officer or any other officer or person appointed by the Trust for that purpose may from time to time inspect any boat licensed under these Regulations and shall be afforded every facility by the owner or person in charge to make such inspection.

22. No person shall be in control of any boat plying for hire or carrying goods, passengers or towing water skis, surf boards, aquaplanes or similar devices for reward unless such person is the holder of a boatman's licence. Application for such licence shall be made in the form set out in the Third Schedule and shall be accompanied by the fee prescribed therein. The boatman's licence shall be in the form set out in the Third Schedule and unless suspended or cancelled shall remain in force until the 30th day of June next ensuing.

Licences Generally.

23. The Trust may at any time suspend, cancel or refuse to renew any licence issued under these Regulations without assigning any cause for such suspension or cancellation. The person to whom such licence has been granted shall have no recourse against the Trust for any loss or damage that may accrue to him by reason of such suspension or cancellation.

24. On the suspension or cancellation of any licence issued under these Regulations the person to whom the same has been granted shall—

- (a) forthwith deliver to the Trust such licence, and
- (b) where such licence has been issued in respect of a boat remove from the boat any marks purporting to imply that such boat is licensed by the Trust.

Offences.

25. No person shall—

- (a) interfere with any life-saving gear, life hook, life buoy or other life-saving apparatus unless such removal or interference be for the purpose of saving life;
- (b) remove or in any way interfere with any sign or notice board erected by the Trust;
- (c) pump or discharge or permit to be pumped or discharged any harmful, noxious, poisonous or corrosive material or any liquid, oil, spirits, tar or other inflammable or polluting substance whatsoever into the river;
- (d) cut, break, throw down, destroy or interfere with any tree, shrub, plant, bank, wall or structure or river-improvement work;
- (e) cut, break, destroy or interfere with the mooring or fastening of any boat belonging to the Trust or of any other boat without the consent of the owner thereof;
- (f) discharge any fireworks or firearms on or from any boat in or upon the river without the permission of the River Officer.

26. No person with the exception of the River Officer shall—

- (a) remove or interfere with or cast off or take away any boat from any wharf or place fixed, set apart or allocated by the Trust or its River Officer for the mooring or berthing of boats without the permission of the owner or other authorized person;
- (b) without the prior consent of the Trust use or occupy any boat moored or berthed in any part of the river as a residence whether permanent, temporary or occasional.

Enforcement of Penalties.

27. (a) The River Officer or any member of the police force may give such reasonable directions to any person on the river, any banks thereof or to the person or other person on whose behalf any boat is plying for hire or reward or who is in charge of or has the control and management of any boat on the river which may in the opinion of such River Officer or member of the police force be necessary for carrying into execution the provisions of these Regulations.

(b) Neglect or refusal to obey any lawful direction of the River Officer or member of the Police Force given as aforesaid shall be an offence against these Regulations.

28. (a) In any case where the River Officer or any officer of the Trust or any member of the Police Force has reasonable grounds for believing or suspecting that any persons have contravened these Regulations the River Officer or such officer or member may request such persons to state his name and address and produce such evidence of identity as the circumstances may reasonably require.

(b) If such person refuses to state his name and address or states a false name and address or refuses to produce to the River Officer or to such officer or member such evidence of identity as in the circumstances may reasonably be required he shall be guilty of an offence against these Regulations.

29. Any notice required by these Regulations to be given or served upon any person may be given or served—

- (a) by delivering it to such person or if such person be a company to the manager or secretary thereof, or

- (b) by leaving it at the last-known place of abode or business of such person or if such person be a company the registered office or place of business thereof, or
- (c) by sending it by registered post to the last-known place of abode of such person or if such person be a company the registered office thereof,
- (d) where the whereabouts of the owner or person in charge of any boat is not known by affixing to such boat a copy addressed to the owner or person in charge,

provided however that where any person has been granted any permit or licence by these Regulations any notice may be given or served by leaving the same at the address shown in such permit or licence or by sending the same by registered post to such person at such address. Service of any notice forwarded by post shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

30. Any person who by any act or default fails to comply with the provisions of these Regulations shall be guilty of an offence and upon conviction shall be liable to a penalty not exceeding £20 and in the case of a continuing offence a further penalty of not more than £2 for each day on which the offence is committed or repeated after a conviction or order by any court.

The foregoing By-law was made and passed by the Geelong Waterworks and Sewerage Trust on the 31st day of January, 1961, and the common seal of the said Trust was hereunto affixed on the date aforesaid in the presence of—

(SEAL) J. W. CARR, Chairman.
B. E. PURNELL, Commissioner.
S. W. BIRRELL, Acting Secretary.

Approved by the Governor in Council, the 2nd of August, 1961.—A. MAHLSTEDT, Clerk of the Executive Council.

FIRST SCHEDULE.

APPLICATION FOR MOORING.

I
of
hereby apply for a mooring permit
at
for the boat described as follows:—

Over-all length
Waterline length
Beam
Engine (type)
Horse-power
Maximum speed

Dated

Applicant.

MOORING PERMIT.

Expiry date.

The is hereby granted a permit to moor the boat described hereunder at in the position allotted by the River Officer subject to the provisions of By-law No. 94 of the Geelong Waterworks and Sewerage Trust—

Over-all length
Waterline length
Beam
Engine (type)
Horse-power
Maximum speed

Dated this day of

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Secretary.

MOORING PERMIT AND RENEWAL FEES.

Moorings: One pound per annum.

SECOND SCHEDULE.

APPLICATION FOR LICENCE TO PLY FOR HIRE.

I
of
Occupation:
hereby apply for a licence to carry passengers goods for reward with boat as described hereunder subject to the terms and conditions of By-law No. 94 of the Geelong Waterworks and Sewerage Trust:—

Boat—

Over-all length
Waterline length
Maximum beam
Engine type
Horse-power
Maximum speed
Construction
Seating capacity

Dated this day of 19
Applicant.

LICENCE TO PLY FOR HIRE.

Expiry date.

The
of
is hereby licensed subject to the provisions of By-law No. 94 of the Geelong Waterworks and Sewerage Trust to ply for hire and carry passengers goods for reward on the Barwon River for a period of one year or until the expiry date set out above (whichever shall be the sooner).

Particulars of Boat—

Length over-all
Waterline length
Maximum beam
Engine (type)
Horse-power
Maximum speed
Construction

The boat shall not carry more than passengers
and shall be licensed No.

Dated this day of

Secretary,

Geelong Waterworks and Sewerage Trust.

Fee for licence to ply for hire—10s.

Renewal fee—10s.

THIRD SCHEDULE.

APPLICATION FOR BOATMAN'S LICENCE.

I
of
hereby apply for a boatman's licence pursuant to the provisions of By-law No. 94 of the Geelong Waterworks and Sewerage Trust.

Occupation
Age
Experience

Dated this day of Applicant.

BOATMAN'S LICENCE.

of
is hereby licensed to ply for hire and carry goods and passengers for reward on the Barwon River until the 30th June next ensuing subject to the provisions of By-law No. 94 of the Geelong Waterworks and Sewerage Trust.

Dated this day of

Secretary,

Geelong Waterworks and Sewerage Trust.

Fee for boatman's licence—5s.
Renewal fee—5s.