

## MARINE SAFETY REGULATION 2016

### Clause 56(1)

#### DIRECTION

##### **'CODE OF CONDUCT' FOR THE MORTLAKE ROAD-FERRY AND PARRAMATTA RIVER PASSENGER FERRIES**

I, Chris Doolin, Principal Manager, Operations and Compliance, a delegate of Roads and Maritime Services (in its capacity as maritime regulator – hereafter referred to as 'NSW Maritime'), pursuant to clause 56(1)(b) of the Marine Safety Regulation 2016 (Regulation), issue this **DIRECTION** to Roads and Maritime Services (in its capacity as the owners and operators of the road-ferry known as the 'Mortlake Ferry'), and to Harbour City Ferries (operators of passenger ferries using the Parramatta River).

This Direction applies at all times (24 hours per day, 7 days per week).

This Direction requires Harbour City Ferries (HCF) and Roads and Maritime Services (RMS) to comply with the navigational requirements imposed in **Schedule 1** when operating in the defined Zone. The Direction is required due to safety concerns related to the frequency of passenger ferry movements in the Zone and potential risks associated with cables used by the Mortlake Ferry (a 'ferry-in-chains').

This Direction does not apply in any individual case where NSW Maritime has expressed in writing that it is not to apply.

#### **Object**

The Object of this Direction is to facilitate the safe and efficient operation of both the Mortlake Ferry and passenger ferries operated by HCF.

This Direction requires HCF and the masters of its passenger ferries to navigate safely when approaching and crossing the cables of the Mortlake Ferry, and to permit the timely operation of the Mortlake Ferry.

This Direction requires RMS and its agents, to facilitate where possible the safe navigation and timely operation of any HCF passenger ferry that is approaching or crossing the cables of the Mortlake Ferry.

A copy of this Direction must be carried on board the Mortlake Ferry and every HCF passenger ferry that operates upstream of Cabarita Point, Parramatta River.

#### **Definitions**

In this Notice:

*'Mortlake Ferry'* means the RMS vehicular 'road-ferry' - operated by cables between Putney Point and Hilly Street, Mortlake – and is a 'road' within the meaning of the *Roads Act 1993* and a 'vessel in chains' within the meaning of the Regulation.

*'passenger ferry'* means a ferry on a scheduled service, whether operated by, or on behalf of, Harbour City Ferries.

*'Regulation'* means the Marine Safety Regulation 2016.

*'Zone'* means the area in the vicinity of Breakfast Point commencing approximately 350 metres downstream from the Mortlake Ferry and the area in the vicinity of Mortlake Point commencing approximately 350 metres upstream of the Mortlake Ferry as shown on the Diagram provided in Schedule 2.

## **Background**

On 1 April 2003, the then Waterways Authority convened a meeting between the then Roads and Traffic Authority (RTA) and the State Transit Authority (STA) to find a suitable solution to minimise delays to, and increase safety for, the Mortlake Ferry and (then) STA passenger ferries.

Masters of the Mortlake Ferry and STA passenger ferries had previously reported delays and misunderstandings when operating in the same vicinity at the same time. The reported factors included:

- GRN Channel 2 radio contact not being made between vessels
- the Mortlake Ferry yellow flashing light shore based system being obscured from view
- both the Mortlake Ferry and shore based, yellow flashing lights not being visible late afternoon due to sun-glare
- uncertainty regarding the Mortlake Ferry intentions
- uncertainty regarding STA passenger ferries intentions
- uncertainty as to the time taken for the Mortlake Ferry to make a crossing
- uncertainty on the priority when two STA passenger ferries arrive together from opposing directions

As a result of the meeting, a Code of Conduct was developed by the Waterways Authority in consultation with the RTA and STA, and was adopted as part of the commercial vessel regime then applicable to such vessels.

The Code of Conduct commenced on 1 January 2004, and was amended in 2014 following legislative amendments and organisational changes.

In response to further legislative amendments and in consultation with all parties, the Code of Conduct is now adopted as a direction in relation to waterway management matters under the Regulation.

## **Compliance with this Direction**

This Direction is intended to promote the maintenance of safety and good seamanship and facilitate equitable distribution of time for passengers using both forms of transport.

Failure to comply with a requirement of this Direction may constitute an offence (cl.56(5) of the Regulation).

## **Publication**

Pursuant to clause 56(2) of the Regulation, this Notice is published in the NSW Government Gazette and may be revoked or modified at any time by NSW Maritime.

If any party subject to this Direction believes that an amendment is required, details should be submitted to:

Principal Manager Sydney,  
Operations and Compliance – NSW Maritime  
Roads and Maritime Services  
33 James Craig Road,  
Rozelle Bay, NSW, 2039

This Direction takes effect on publication and will continue in force until revoked.

Date: 6<sup>th</sup> August 2018

CHRIS DOOLIN

A handwritten signature in cursive script, appearing to read "Doolin".

Delegate

## SCHEDULE 1

### NAVIGATIONAL REQUIREMENTS

The following navigational requirements must be adhered to:

1. Signal lights to be displayed on the Mortlake Ferry when making way

The Mortlake Ferry operates to a schedule, and while making way, a transit across the Parramatta River must be signified by:

- a flashing magenta signal light on the ferry
- a flashing magenta signal light situated above the ferry ramp, upon the northern shoreline
- a flashing magenta signal light situated at Breakfast Point, approximately 350 metres from the Mortlake Ferry, on the downstream side of the southern shoreline
- a flashing magenta signal light situated at Mortlake Point, approximately 350 metres from the Mortlake Ferry, on the upstream side of the southern shoreline.

2. When signal lights are operational

When the signal lights are operational, only one passenger ferry may pass over the cables of the Mortlake Ferry at any time.

Passenger ferries passing over the cables of the Mortlake Ferry must be operated with extreme caution and operators are reminded they must comply with clause 42 of the Regulation (as amended from time to time).

**42 Special provisions for vessels in the vicinity of vessels operating in chains**

The operator of a vessel that is passing or crossing a vessel in chains that is making way must:

- (a) operate at a speed of 4 knots or less when within 100 metres of the chains, ropes or cables being used by the vessel in chains, and
- (b) disengage power when crossing the chains, ropes or cables being used by the vessel in chains, except when it is unsafe to do so, and
- (c) pass at a safe distance astern from the vessel in chains.

Maximum penalty: 50 penalty units.

3. When signal lights are not operational

When signal lights are not operating, passenger ferries must exercise caution when operating in the zone to take into account the possible malfunction of Mortlake Ferry signal lights.

4. When signal lights commence operation and a passenger ferry is inside the Zone

If a passenger ferry is in the Zone and the signal lights commence operation, the passenger ferry master is to immediately establish GRN radio contact with the Mortlake Ferry master.

The passenger ferry master is to identify his vessel AND position, seek approval from the Mortlake Ferry master to transit the Zone under power and at regular speed, and seek confirmation that the Mortlake Ferry will hold at the shore:

- If approval is given by the Mortlake Ferry master, the passenger ferry may continue through the Zone on the basis that it is not 'passing or crossing a vessel in chains', and clause 42 does not apply.
- If approval is not given by the Mortlake Ferry master, the passenger ferry may still proceed through the Zone, however must be operated in compliance with the requirements under clause 42 of the Regulation.

The decision of the Mortlake Ferry Master is final.

5. Passenger ferries transiting the Zone from opposing directions

If two or more passenger ferries transit the Zone at the same time from opposing directions, only one passenger ferry may pass over the cables of the Mortlake Ferry at any time.

Priority will be given to the upstream passenger ferry, subject to paragraph 4 of this Schedule.

6. Passenger ferries transiting the Zone from the same direction

If two or more passenger ferries transit the Zone from the same direction, only one passenger ferry may pass over the cables of the Mortlake Ferry at a time.

Priority will be given to the passenger ferry that is the first vessel to establish radio contact with the Mortlake Ferry master under paragraph 4 of this Schedule.

7. Radio Contact

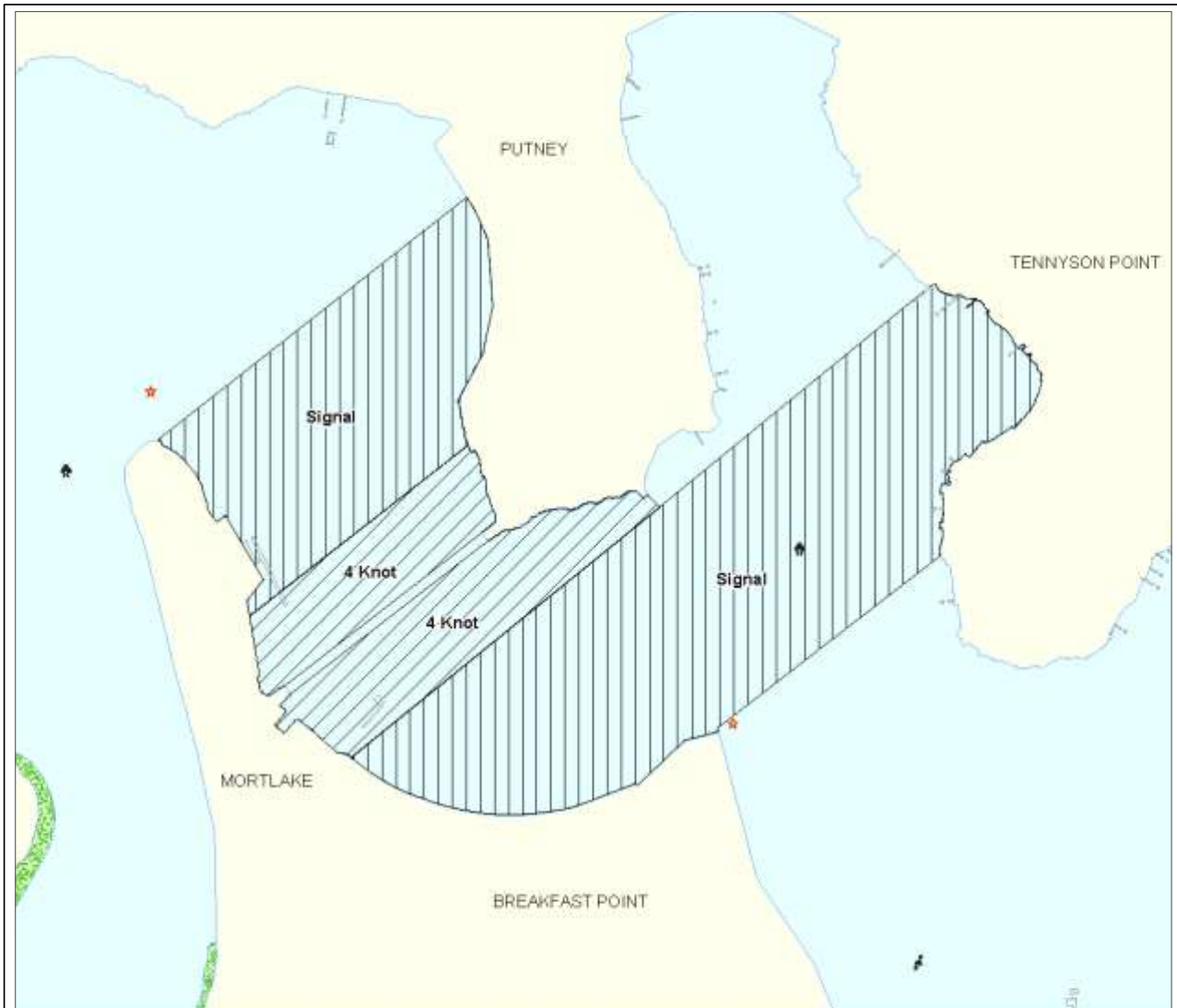
If radio contact cannot be established, is broken or is subject to interference, then passenger ferries must be operated in full compliance with the requirements of clause 42 of the Regulation while in the Zone.

8. In case of doubt

If there is any doubt whatsoever, passenger ferry masters must travel at a safe speed, keep a proper lookout, and be mindful of the requirement to comply with clause 42 of the Regulation.

SCHEDULE 2

DIAGRAM OF THE 'ZONE'



**Ferry Signal Zones**  
□ Signal Zone  
▨ 4 Knot Zone



Plan compiled from information held in the Survey and Spatial Information Units.  
INFORMATION ON THIS PLAN IS SUBJECT TO COPYRIGHT.  
NSW Government  
Transport Roads & Maritime Services  
Scale at A3 sheet: 1:5,000  
0 50 100 150 200 m

Custom Map  
LGA: Ryde and Canada Bay  
Locality: Putney and Breakfast Point  
**Ferry Signal Zones**  
Date Produced: 9 April 2018  
**PLAN N<sup>o</sup>: 2018/15**