



Western Australia

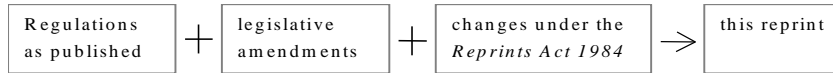
Western Australian Marine Act 1982

Western Australian Marine (Infringements) Regulations 1985

Reprint 3: The regulations as at 6 December 2013

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 6 December 2013

Western Australia

Western Australian Marine (Infringements) Regulations 1985

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Reprinted under the
Reprints Act 1984 as
at 6 December 2013

Western Australia

Western Australian Marine Act 1982

Western Australian Marine (Infringements) Regulations 1985

1. Citation

These regulations may be cited as the *Western Australian Marine (Infringements) Regulations 1985*¹.

2. Commencement

These regulations shall come into operation 3 months after the day on which they are published in the *Gazette*¹.

3A. Terms used

In these regulations, unless the contrary intention appears —
Act means the *Western Australian Marine Act 1982*;

Department means the Department principally assisting the Minister in the administration of the Act.

[Regulation 3A inserted in *Gazette* 9 Oct 2012 p. 4755.]

3. Modified penalties

The amount specified in the fourth column of Schedule 1 opposite the description set out in the third column of that Schedule of an offence created by the provision specified opposite thereto in the second column of that Schedule is the

r. 4

modified penalty in respect of that offence for the purposes of section 132(1) of the Act.

4. Forms

The several forms specified in Schedule 2 are prescribed for the respective purposes for which forms are required by sections 132(1), 132(5), 133(2) and 134(1) of the Act.

5. Offence of unauthorised endorsement or alteration of infringement notices

- (1) A person who, not being an authorised person or a designated officer, makes any endorsement on, or alteration to, an infringement notice commits an offence and is liable to a penalty not exceeding \$200.
- (2) In subregulation (1) —
authorised person, *designated officer* and *infringement notice* have the respective meanings given to them by section 132(11) of the Act.

Schedule 1 — Modified penalties

[r. 3]

[Heading inserted in Gazette 13 Nov 2009 p. 4538.]

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|------|--|---|------------------------|
| 1 | 6A | Failing to comply with directions | 200 |
| 1AA | 10(a) | Obstructing, impeding or interfering with passage of vessel approaching or leaving public jetty or bridge..... | 100 |
| 1AB | 10(b) | Causing a nuisance to any person on, in or about vessel, public jetty or bridge | 100 |
| 1AC | 10A(b) (as read with r. 20) | Swimming from or near public jetty or bridge specified in notice or within area of navigable waters defined in notice | 100 |
| 1A | 14 | Vessel travelling so as to cause nuisance or damage | 160 |
| 1B | 14A(a) | Navigating vessel so as to endanger safety of vessel or person | 200 |
| 2 | 14A(b) | Navigating vessel so as to obstruct, impede or interfere with other vessel | 160 |
| 3 | 14B | Permitting person to expose portion of body to risk of injury beyond hull limits of vessel..... | 60 |
| 4 | 15(1) | Motor boat towing more than one vessel through or under bridge..... | 60 |
| 5 | 19(2) | Navigating vessel less than 3.75 m long more than 5 nautical miles from nearest point at low water mark on mainland shore..... | 100 |
| 6 | 19A | Vessel exceeding speed of 10 knots between sunset and sunrise — (a) by not more than 10 knots | 160 |
| | | (b) by more than 10 knots..... | 200 |
| 7 | 19B | Using or setting off signal, flare, rocket or other distress signals, except in case of emergency or vessel in distress, without prior written permission of Department | 200 |
| 8 | 19C(1) | Failing to exhibit on vessel required diving flag..... | 100 |

Western Australian Marine (Infringements) Regulations 1985**Schedule 1 Modified penalties**

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|---|----------------------------|
| 8A | 19C(3) | Failing to display required lights on vessel from which a person is diving..... | 100 |
| 8B | 19D(1)(a) | Failing to display a diving flag at the place where the person is diving..... | 100 |
| 8C | 19D(1)(b) | Failing to display required lights when diving at night otherwise than from a vessel..... | 100 |
| 9 | 19E(1) | Failing to maintain distance of 50 m between vessel and place or other vessel displaying diving flag or, during the hours of darkness, the appropriate signal, or failing to reduce speed of vessel to slowest navigable speed whilst passing within 50 m of that place or other vessel | 200 |
| 10A | 19E(4A) | Failing to proceed at a safe speed or maintain a proper look out while in the vicinity of a place or vessel displaying a diving flag or appropriate signal, but at least 50 m clear of that place or vessel | 200 |
| 10 | 42(a) | Anchoring or mooring vessel in fairway or channel when not in distress | 60 |
| 11 | 42(c) | Placing cable or rope or other obstruction across fairway or channel without written permission of Department | 100 |
| 12 | 43(a) | Obstructing channel or fairway with net or buoyed objects..... | 120 |
| 13 | 45B(1)(a) | Using or having on navigable waters unregistered registrable vessel | 160 |
| 14 | 45B(1)(b) | Failing to have current boat registration label properly affixed to vessel | 80 |
| 15 | 45B(7) | Failing to have registrable vessel legibly marked with registration number | 80 |
| 16 | 45B(8) | Registrable vessel failing to have required identification marking when proceeding north of Geraldton | 60 |
| 17 | 45BA(4)(c) | Use of vessel with incorrectly affixed dealer plates..... | 60 |
| 18 | 45D(1)(a) | Failing to produce certificate of registration of vessel within specified time | 40 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|--|----------------------------|
| 19 | 45D(1)(b) | Failing to notify Department of change of registered particulars, or of address of owner, of vessel within 15 days..... | 120 |
| 20 | 45E(1)(a) | Failing to furnish purchaser of vessel with registration certificate | 60 |
| 21 | 45E(1)(b) | Failing to notify Department of sale or disposal of registered vessel within 7 days | 60 |
| 22 | 45E(2)(a) | Failing to apply for transfer of registration within 15 days of acquisition of registered vessel..... | 120 |
| 23 | 45E(3) | Failing to notify Department of loss of registered vessel within 15 days..... | 60 |
| 23A | 47AA(3) | Person between 10 and 16 driving an RST vessel unless under supervision (before 1 April 2007) | 200 |
| 23B | 47AB(3) | Person between 10 and 14 driving an RST vessel unless under supervision (between 1 April 2007 and 1 April 2008)..... | 200 |
| 23C | 47AB(4) | Person between 14 and 16 driving an RST vessel unless — (a) driving at not more than 8 knots and during the day time; or (b) under supervision (between 1 April 2007 and 1 April 2008) | 200 |
| 23D | 47AB(5) | Person between 16 and 25 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (between 1 April 2007 and 1 April 2008)..... | 200 |
| 23E | 47A(3) | Person between 10 and 14 driving an RST vessel unless under supervision (on and after 1 April 2008) | 200 |
| 23F | 47A(4) | Person between 14 and 16 driving an RST vessel unless — (a) holding a recreational skipper's ticket and driving at not more than 8 knots and during the day time; or (b) under supervision (on and after 1 April 2008) | 200 |

Western Australian Marine (Infringements) Regulations 1985**Schedule 1** Modified penalties

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|---|----------------------------|
| 23G | 47A(5) | Person over 16 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (on and after 1 April 2008)..... | 200 |
| 23H | 47AA(4) 47AB(6) 47A(6) | Owner allowing RST vessel to be driven in contravention of regulation 47AA, 47AB or 47A..... | 200 |
| 23I | 47H | Failing to produce recreational skipper's ticket on request..... | 200 |
| 23J | 47I | Holder of recreational skipper's ticket failing to notify change of details | 120 |
| 24 | 48(a)(i) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing in water with a depth of less than 3 m | 160 |
| 24A | 48(a)(ii) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 m of a river bank or low water mark | 160 |
| 24B | 48(b) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing in or through mooring area | 160 |
| 24C | 48(c) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 15 m of a vessel under weigh | 160 |
| 24D | 48(d)(i) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 m of a moored vessel | 160 |
| 24E | 48(d)(iii) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 m of a person in the water | 200 |
| 24F | 48(d)(iv) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 m of a jetty or wharf..... | 160 |
| 24G | 48(e) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing through an arch of a bridge | 160 |
| 25 | 48A(2) | Driving motor boat towing para-sailor or water skier in area not set aside for purpose..... | 200 |
| 26 | 49(1) | Towing para-sailor or water skier without observer in towing speed boat..... | 160 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|---|----------------------------|
| 27 | 49(2) | Driver of or observer in speed boat towing para-sailor or water skier failing to maintain constant lookout or watch | 120 |
| [28 | <i>deleted</i> | | |
| 29 | 49C | Failing to drive speed boat at least 45 m behind water skier or other boat..... | 120 |
| 30 | 49D | Driver of boat about to take off failing to yield right of way to speed boat landing water skier | 60 |
| 31 | 49E | Trailing ski rope within 30 m of shore in water ski area. | 60 |
| 32 | 49G | Failing to keep speed boat towing water skier at least 30 m from shore when not engaged in landing or taking off water skier..... | 60 |
| 33 | 49H | Driver of speed boat failing to maintain correct distance after landing water skier before retrieving tow line or thereafter driving speed boat at more than 8 knots or so as to interfere with or obstruct other boat towing water skier | 120 |
| 34 | 49I | Driver of speed boat failing to maintain distance of 25 m from shore when landing water skier..... | 60 |
| 35 | 49J | Sitting on gunwale or back of driving seat when driving speed boat..... | 60 |
| 36 | 49K | Water skier failing to retrieve water ski..... | 60 |
| 37 | 49M(a) or (b) | Using navigable waters for purpose of slalom course or ski-jump — | |
| | | (a) without prior written permission of Department | 100 |
| | | (b) without required marker buoys and pennants | 60 |
| 38 | 50 | Driving motor boat towing water skier between sundown and 8am on Swan River or between sundown and 9am on Canning River | 200 |
| 38A | 50A(2) | Freestyle driving, surfing or wave jumping in a prohibited area | 200 |

Western Australian Marine (Infringements) Regulations 1985**Schedule 1 Modified penalties**

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|--|--------------------------------|
| 38B | 50A(3) | Freestyle driving, surfing or wave jumping within — (a) 30 m of another personal watercraft; or (b) 50 m of any other vessel or person | 200 |
| 38C | 50B | Failing to wear an appropriate flotation device while on a personal watercraft | 200 |
| 39 | 51 | Using motor boat not fitted with efficient silencer approved by Department | 160 |
| 40 | 51A | Causing or permitting motor boat to emit smoke or vapour causing danger, nuisance or annoyance | 160 |
| 40A | 51D | Failing to fit a bilge pump | 160 |
| 41 | 52 | Failing to equip vessel with approved fire extinguisher . | 160 |
| 42 | 52A | Failing to equip vessel with required number of approved life jackets whilst being navigated outside protected waters | 200 |
| 43 | 52B | Failing to equip vessel with required number of distress signals whilst being navigated outside protected waters | 160 |
| 43A | 52BAA | Failing to equip vessel with an approved and licensed marine transceiver | 200 |
| 43B | 52BAB | Failing to equip vessel with an approved Electronic Position Indicating Radio Beacon | 200 |
| 44 | 52BA(1)(a) | Failing to maintain items of safety equipment of vessel in serviceable condition | 160 |
| 45 | 52BA(1)(b) | Failing to have safety equipment of vessel readily accessible to all persons on board | 160 |
| 46 | 52BA(3) | Failing to produce items of safety equipment to officer of Department on demand | 160 |
| 47 | 52C | Vessel not carrying efficient anchor and line whilst outside protected waters | 160 |
| 48 | 52G | Failing to display navigation lights on small motor boat as required | 200 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|-------------|--|--|----------------------------|
| 49 | 13(1)(a) | Uncertificated person acting in a position of command on a commercial vessel | 300 |
| 50 | 13(1)(b) | Employing an uncertificated person in a position of command | 300 |
| 51 | 13(2) | Failing to ascertain whether an employee on a commercial vessel is duly certificated | 200 |
| 52 | 14 | Beginning a voyage on a commercial vessel without sufficient crew, or with under qualified or inexperienced crew | 300 |
| 53 | 26(3) | Being underway or plying without, or contrary to, certificate of survey | 300 |
| 54 | 27 | Beginning a voyage without exhibiting evidence of compliance with survey requirements | 200 |
| 55 | 28 | Carrying too many people on board ship | 300 |
| 56 | 40(a) | Beginning a voyage without appropriate life saving appliances | 300 |
| 57 | 40(b) | Allowing loss of, or damage to, life saving appliances .. | 200 |
| 58 | 40(c) | Failing to repair or replace life saving appliances | 200 |
| 59 | 40(d) | Failing to keep life saving appliances fit and ready for use | 200 |
| 60 | 42(a) | Beginning a voyage without appropriate fire appliances | 300 |
| 61 | 42(b) | Allowing loss of, or damage to, fire appliances..... | 200 |
| 62 | 42(c) | Failing to repair or replace fire appliances | 200 |
| 63 | 42(d) | Failing to keep fire appliances fit and ready for use | 200 |
| 64 | 44(a) | Beginning a voyage without appropriate radio equipment | 300 |
| 65 | 44(b) | Beginning a voyage without a qualified radio operator on board | 200 |
| 66 | 48(a) | Beginning a voyage without required equipment | 150 |
| 67 | 48(b) | Failing to keep required equipment in good repair | 100 |
| 68 | 58(2)(a) | Failing to produce logbook or other documents | 100 |
| 69 | 63(2) | Failing to take vessel to nearest port | 100 |
| 70 | 63(5) | Navigating vessel in breach of order | 150 |
| 71 | 64(2) | Failing to render assistance or give details after a collision | 150 |

Western Australian Marine (Infringements) Regulations 1985

Schedule 1 Modified penalties

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|-------------|--|---|----------------------------|
| 72A | 64(3) | Failing to — (a) render assistance; or (b) give details to certain persons; or (c) report to the Department within 7 days, after a collision, accident or other casualty involving a pleasure vessel | 150 |
| 72 | 64(4) | Failing to make immediate report of a casualty or injury on, or damage to, a commercial vessel | 150 |
| 73 | 64(5) | Failing to confirm report of a casualty or injury on, or damage to, a commercial vessel | 150 |
| 74 | 66(3)(a) | Obstructing an authorised person in relation to an area closed to navigation | 200 |
| 75 | 66(3)(b) | Navigating a vessel in an area closed to navigation | 200 |
| 76 | 67(3) | Exceeding speed limit by — (a) more than 3, but less than 5, knots | 100 |
| | | (b) 5 or more, but less than 10, knots | 160 |
| | | (c) 10 knots or more | 200 |
| 77 | 69 | Failing to batten down and secure hatches | 100 |
| 78 | 70(1) | Going on board a vessel in port at night without authority | 100 |
| 79 | 72(1)(a) | Being drunk or disorderly and attempting to board a passenger ship without authority | 100 |
| 80 | 72(1)(b) | Being drunk or disorderly on board a passenger ship and refusing to leave when requested | 100 |
| 81 | 72(1)(c) | Molesting a passenger on a passenger ship after being warned | 100 |
| 82 | 72(1)(d) | Being on board a passenger ship without authority and refusing to leave when requested..... | 100 |
| 83 | 72(1)(e) | Attempting to enter a passenger ship after entry has been refused | 100 |
| 84 | 72(1)(f) | Refusing to leave a passenger ship when requested | 100 |
| 85 | 72(1)(g) | Attempting to travel on a passenger ship without paying the fare | 100 |
| 86 | 72(1)(h) | Attempting to travel on a passenger ship beyond the place to which the fare has been paid | 100 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|-------------|--|--|----------------------------|
| 87 | 72(1)(i) | Refusing to leave a passenger ship at place to which fare has been paid | 100 |
| 88 | 72(1)(j) | On a passenger ship failing to produce ticket or pay fare when requested | 100 |
| 89 | 73 | Damaging equipment, or obstructing the crew, on a passenger ship | 100 |
| 90A | 79(2) | Failure of the master or person in charge of a vessel to comply with the <i>Prevention of Collisions at Sea Regulations 1983</i> | 300 |
| 90 | 91(1) | Carrying dangerous goods without proper markings | 200 |
| 91 | 97(1) | Carrying explosives on a passenger ship without proper protection | 200 |
| 92 | 132(8) | Removing an infringement notice from a vessel..... | 100 |

W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)

| | | | |
|----|--------|--|-----|
| 93 | 3.4.1 | Failing to fix registration plates to hire and drive vessel | 50 |
| 94 | 3.4.2 | Failing to maintain markings on hire and drive vessel .. | 50 |
| 95 | 3.12.1 | Failing to notify the CEO of repairs or alterations to hire and drive vessel | 50 |
| 96 | 3.13.2 | Failing to report an accident involving hire and drive vessel | 50 |
| 97 | 4.2.2 | Overloading a hire and drive vessel | 100 |

| Item | Mooring Regulations 1998 | Description of offence | Modified penalty \$ |
|-------------|---------------------------------|--|----------------------------|
| 98 | 6(1) | Securing vessel to mooring when mooring site is not licensed, vessel is not authorised or vessel is not identifiable | 100 |
| 99 | 6(2)(a) | Securing vessel to mooring on licensed mooring site when another vessel is secured to the mooring | 100 |

Western Australian Marine (Infringements) Regulations 1985
Schedule 1 Modified penalties

| Item | Mooring Regulations 1998 | Description of offence | Modified penalty \$ |
|-------------|---------------------------------|---|----------------------------|
| 100 | 6(2)(b) | Securing vessel to another vessel secured to a mooring on a licensed mooring site | 100 |
| 101 | 6A | Securing vessel in a mooring control area for more than 6 hours | 100 |

[First Schedule inserted in Gazette 9 Jun 1992 p. 2381-2; amended in Gazette 30 Jun 1992 p. 2910; 7 May 1993 p. 2361-2; 31 Dec 1993 p. 6911-2; 14 Jun 1996 p. 2607; 30 May 1997 p. 2497-9; 27 Oct 1998 p. 5965; 11 Dec 1998 p. 6652; 17 Jun 2003 p. 2221; 23 Dec 2005 p. 6278-9; 10 Feb 2006 p. 666; 26 May 2006 p. 1880; 13 Nov 2009 p. 4538; 17 Nov 2009 p. 4631-2; 4 Jan 2013 p. 9.]

Schedule 2 — Forms

[r. 4]

[Heading inserted in Gazette 9 Oct 2012 p. 4756.]

1. Infringement notice

Part 1

| | | | | |
|---|---|--|----------------------|-------------|
| Western Australian Marine Act 1982, s. 132(1) Infringement notice | | Infringement notice no.: Date of service: | | |
| TO: | <input type="checkbox"/> | Surname/ Company name and ACN | | |
| | | Other names | | |
| | | Address | | |
| | | Date of birth | | Male/Female |
| | | <input type="checkbox"/> Tick if this notice is addressed to the above person as the owner of the vessel described below. | | |
| | | or TO: <input type="checkbox"/> The owner of the vessel described below (whose identity is not known and cannot immediately be ascertained). | | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: | |
| | Vessel type: | Length (metres): | No. persons onboard: | |
| | Construction material: | | Colour: | |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: | |

Form 1

| | | | | |
|---|--|--|------|--|
| Alleged offence | Date | | Time | |
| | Place | | | |
| | Legislation | | | |
| | Provision | | | |
| | Details of offence | | | |
| Authorised person issuing notice | Name | | | |
| | Authorised person no. | | | |
| | Signature | | | |
| Modified penalty | \$ _____ | | | |
| TAKE NOTICE | <p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty in accordance with Part 2 of this notice within 28 days after the date of service of this notice.</p> <p>If you do not pay the modified penalty within that period, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If this notice is addressed to you as the owner of the vessel described above (whether or not your identity is known), the <i>Western Australian Marine Act 1982</i> section 132(3) says, in effect, that you are, in the absence of proof to the contrary, deemed to be the person who was in charge of the vessel at the time the above alleged offence is believed to have been committed. This does not apply if within 21 days after the date of service of this notice —</p> <ul style="list-style-type: none"> ● the modified penalty for the alleged offence is paid; or | | | |

| | |
|--|--|
| | <ul style="list-style-type: none"> • you — • inform an authorised person of the identity and address of the person who was in charge of the vessel at the time of the alleged offence; or • satisfy an authorised person that the vessel had been stolen or unlawfully taken, or was being unlawfully used at that time. <p>Any inquiry you have in relation to this matter is to be made in writing and sent by post to:</p> <p><i>[Insert details]</i></p> <p>If you want this matter to be dealt with by prosecution in court, you may decline to be dealt with under the <i>Western Australian Marine Act 1982</i> section 132 by completing the Election to have matter dealt with by a Court section in Part 2 of this notice and posting Part 2 to the designated officer at the address below.</p> |
|--|--|

Part 2 (detachable)

| | | |
|--|--|---|
| Infringement notice no: _____ | | |
| Election to have matter dealt with by a Court | <p>I decline to be dealt with under the <i>Western Australian Marine Act 1982</i> section 132 and elect to be prosecuted in Court for the alleged offence.</p> <p>_____</p> <p><i>(Name)</i></p> <p>_____ ___/___/___</p> <p><i>(Signature)</i> <i>(Date)</i></p> <p>Detach this Part and send to:</p> <p><i>[Insert details of designated officer]</i></p> | |
| How to pay | By post | <p>Tick the relevant box below:</p> <p><input type="checkbox"/> I want to pay the modified penalty. A cheque or money order (payable to <i>[insert name of designated officer]</i>) for the modified penalty is enclosed.</p> |

2. Withdrawal of infringement notice

Part 1

| | | | |
|--|---|------------------|-------------------------|
| <i>Western Australian Marine Act 1982, s. 132(5)</i> Withdrawal of infringement notice | | Withdrawal no.: | |
| | | Date: | |
| TO: | Surname/ company name and ACN | | |
| | Other names | | |
| | Address | | |
| | | | |
| Infringement notice | Infringement notice no. | | |
| | Date of service | | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: |
| | Vessel type: | Length (metres): | No. persons onboard: |
| | Construction material: | | Colour: |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: |

Form 2

| | | | | |
|--|--|--|------|--|
| Alleged offence | Date | | Time | |
| | Place | | | |
| | Legislation | | | |
| | Provision | | | |
| | Details of offence | | | |
| Authorised person withdrawing notice | Name | | | |
| | Authorised person no. | | | |
| | Signature | | | |
| Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i> | <p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by completing Part 2 of this notice and sending it to the address below.</p> | | | |

Part 2 (detachable)

| | |
|-------------------------|--|
| Withdrawal no: _____ | |
| Claim for refund | <p>I claim a refund for the modified penalty paid in accordance with the infringement notice that was withdrawn by this notice of withdrawal.</p> <p>_____</p> <p><i>(Name)</i></p> <p>_____ ____/____/____</p> <p><i>(Signature)</i> <i>(Date)</i></p> <p>Detach this Part and send to:</p> <p><i>[Insert details of designated officer]</i></p> |

[Form 2 inserted in Gazette 9 Oct 2012 p. 4758-9.]

3. Notice requiring identification of person in charge of vessel

Part 1

| | | | |
|--|---|------------------|----------------------|
| <i>Western Australian Marine Act 1982, s. 133(2)</i> Notice requiring identification of person in charge of vessel | | Notice no: | |
| | | Date: | |
| TO: | Name | | |
| | Address | | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: |
| | Vessel type: | Length (metres): | No. persons onboard: |
| | Construction material: | | Colour: |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: |
| Alleged offence | Date | | Time |
| | Place | | |
| | Legislation | | |
| | Provision | | |
| | Details of offence | | |

Form 3

| | | |
|--|---|--|
| <p>TAKE NOTICE</p> | <p>You are the registered owner of the vessel described above.</p> <p>It is alleged that the offence described above was committed while the vessel described above was in charge of a person whose identity is not known and cannot immediately be ascertained.</p> <p>You, as the registered owner, are required to identify the person who was in charge of the vessel at the time when the offence described above is alleged to have been committed.</p> <p>If, within 21 days after the date of service of this notice, you do not —</p> <ul style="list-style-type: none"> ● inform the Department, by completing Part 2 of this notice, of the identity and address of the person who was in charge of the vessel described above at the time the offence described above is alleged to have been committed; or ● satisfy the Department that the vessel described above had been stolen or unlawfully taken, or was being unlawfully used, at the time when the offence described above is alleged to have been committed, <p>you will, in the absence of proof to the contrary, be deemed to be the person who was in charge of the vessel at the time when the offence described above is believed to have been committed.</p> | |
| <p>Authorised person issuing notice</p> | <p>Name</p> | |
| | <p>Authorised person no.</p> | |
| | <p>Signature</p> | |

Part 2 (detachable)

| | | | | | | |
|---|---|------|-------|---------|-------|-------|
| Notice no. _____ | | | | | | |
| Identity of person in charge of vessel | <p>I, _____ <i>(Name)</i></p> <p>am the registered owner of the vessel described in this notice. At the time the offence described in this notice is alleged to have been committed, the following person was in charge of the vessel.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">Name</td> <td style="padding: 2px;">_____</td> </tr> <tr> <td rowspan="2" style="padding: 2px;">Address</td> <td style="padding: 2px;">_____</td> </tr> <tr> <td style="padding: 2px;">_____</td> </tr> </table> <p>_____/_____/_____ <i>(Signature of registered owner)</i> <i>(Date)</i></p> <p>Detach this section and send to: <i>[Insert details]</i></p> <p style="text-align: center;">Refer to infringement notice no. _____</p> | Name | _____ | Address | _____ | _____ |
| Name | _____ | | | | | |
| Address | _____ | | | | | |
| | _____ | | | | | |

[Form 3 inserted in Gazette 9 Oct 2012 p. 4759-61.]

Form 4

4. Certificate as to authorised person other than inspector

Certificate as to authorised person other than inspector

Western Australian Marine Act 1982, s. 134(1)

TO WHOM IT MAY CONCERN

(Name)

not being an inspector, is an authorised person for the purposes of the
Western Australian Marine Act 1982 sections 132 and 133.

Chief Executive Officer

(Signature of authorised person)

Appointment no. _____

[Form 4 inserted in Gazette 9 Oct 2012 p. 4761.]

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Notes

- ¹ This reprint is a compilation as at 6 December 2013 of the *Western Australian Marine (Infringements) Regulations 1985* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|-----------------------|
| <i>Western Australian Marine (Infringements) Regulations 1985</i> | 4 Oct 1985 p. 3866-70 | 4 Jan 1986 (see r. 2) |
| <i>Western Australian Marine (Infringements) Regulations 1986</i> | 24 Apr 1986 p. 1480-1 | 24 Apr 1986 |
| <i>Western Australian Marine (Infringements) Regulations (No. 2) 1986</i> | 20 Jun 1986 p. 2057 | 20 Jun 1986 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1991</i> | 26 Jul 1991 p. 3934-6 | 26 Jul 1991 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1992</i> | 9 Jun 1992 p. 2380-2 | 1 Jul 1992 (see r. 2) |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1992</i> | 30 Jun 1992 p. 2910 | 1 Jul 1992 (see r. 2) |
| <i>W.A. Marine Amendment Regulations 1992 Pt. 7</i> | 11 Aug 1992 p. 3976-80 | 11 Aug 1992 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1991</i> | 7 May 1993 p. 2361-2 | 7 May 1993 |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1993</i> | 31 Dec 1993 p. 6911-12 | 1 Mar 1994 (see r. 2) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1996</i> | 14 Jun 1996 p. 2607 | 14 Jun 1996 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1997</i> | 30 May 1997 p. 2497-9 | 30 May 1997 |

Western Australian Marine (Infringements) Regulations 1985

| Citation | Gazettal | Commencement |
|---|--------------------------|--|
| <i>Western Australian Marine (Infringements) Amendment Regulations 1998</i> | 27 Oct 1998 p. 5964-5 | 27 Oct 1998 |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998</i> | 11 Dec 1998 p. 6651-2 | 11 Dec 1998 (see r. 2) |
| Reprint of the Western Australian Marine (Infringements) Regulations 1985 as at 27 Aug 1999 (includes amendments listed above) | | |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2003</i> | 17 Jun 2003 p. 2220-1 | 1 Jul 2003 (see r. 2) |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005</i> | 23 Dec 2005 p. 6278-9 | 23 Dec 2005 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2005</i> | 10 Feb 2006 p. 665-6 | 10 Feb 2006 (see r. 2 and <i>Gazette</i> 10 Feb 2006 p. 667) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2006</i> | 26 May 2006 p. 1880 | 26 May 2006 |
| Reprint 2: The Western Australian Marine (Infringements) Regulations 1985 as at 13 Feb 2009 (includes amendments listed above) | | |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2009</i> | 13 Nov 2009 p. 4537-8 | r. 1 and 2: 13 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Nov 2009 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2009</i> | 17 Nov 2009 p. 4631-2 | r. 1 and 2: 17 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2009 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2012</i> | 9 Oct 2012 p. 4755-61 | r. 1 and 2: 9 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2012 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2012</i> | 4 Jan 2013 p. 9 | r. 1 and 2: 4 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Jan 2013 (see r. 2(b)) |

Western Australian Marine (Infringements) Regulations 1985

| Citation | Gazettal | Commencement |
|--|------------------------|--|
| <i>Western Australian Marine (Infringements) Amendment Regulations 2013</i> | 20 Aug 2013 p. 3849 | r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815) |
| Reprint 3: The Western Australian Marine (Infringements) Regulations 1985 as at 6 Dec 2013 (includes amendments listed above) | | |

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|---------------------------|---------------------|
| Act..... | 3A |
| authorised person | 5(2) |
| Department..... | 3A |
| designated officer..... | 5(2) |
| infringement notice | 5(2) |