
MARINE/MARITIME

MA301*

Western Australian Marine Act 1982

**Western Australian Marine (Infringements)
Amendment Regulations 2012**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Western Australian Marine (Infringements) Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 November 2012.

3. Regulations amended

These regulations amend the *Western Australian Marine (Infringements) Regulations 1985*.

4. Regulation 3A inserted

After regulation 2 insert:

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.

5. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Forms

[r. 4]

1. Infringement notice

Part 1

<i>Western Australian Marine Act 1982, s. 132(1)</i>		Infringement notice no.:	
		Date of service:	
Infringement notice			
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.	
<i>or</i>			
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:
Alleged offence	Date	Time	
	Place		
	Legislation		
	Provision		
	Details of offence		
Authorised person issuing notice	Name		
	Authorised person no.		
	Signature		

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The above infringement notice issued against you for the above alleged offence has been withdrawn.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: <i>[Insert details of designated officer]</i></p>

3. Notice requiring identification of person in charge of vessel

Part 1

<i>Western Australian Marine Act 1982, s. 133(2)</i>		Notice no:
Notice requiring identification of person in charge of vessel		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		
TAKE NOTICE	<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>		
Authorised person issuing notice	Name		
	Authorised person no.		
	Signature		

Part 2 (detachable)

Notice no. _____	
Identity of person in charge of vessel	I, _____ <i>(Name)</i> 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.
	Name _____
	Address _____
	_____ / ____ / ____ <i>(Signature of registered owner)</i> <i>(Date)</i>
	Detach this section and send to: <i>[Insert details]</i>
Refer to infringement notice no. _____	

4. Certificate as to authorised person other than inspector

<p>Certificate as to authorised person other than inspector</p> <p style="text-align: center;"><i>Western Australian Marine Act 1982, s. 134(1)</i></p> <p>TO WHOM IT MAY CONCERN</p> <p>_____</p> <p><i>(Name)</i></p> <p>not being an inspector, is an authorised person for the purposes of the <i>Western Australian Marine Act 1982</i> sections 132 and 133.</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Chief Executive Officer</p> <p>_____</p> <p><i>(Signature of authorised person)</i></p> <p>Appointment no. _____</p>
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By Command of the Governor,

G. MOORE, Clerk of the Executive Council.
