
MARINE/MARITIME

MX301*

Shipping and Pilotage Act 1967
Jetties Act 1926
Western Australian Marine Act 1982

Navigable Waters Amendment Regulations (No. 3) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Navigable Waters Amendment Regulations (No. 3) 2009*.

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 the day after that day.

3. Regulations amended

These regulations amend the *Navigable Waters Regulations 1958*.

4. Regulation 14 amended

In regulation 14 delete “cause nuisance or damage to any person or to any other vessel whether moored or not or to cause damage or erosion to any bank or property.” and insert:

cause —

- (a) nuisance to any person or to any other vessel whether moored or not; or
- (b) damage to any person or to that or any other vessel whether moored or not; or
- (c) damage or erosion to any bank or property.

5. Regulation 19B amended

In regulation 19B in the Penalty delete “\$500.” and insert:

\$1 000.

6. Regulation 19E amended

(1) At the end of regulation 19E(1) insert:

Penalty: a fine of \$1 000.

(2) In regulation 19E(2) —

(a) in paragraph (a) delete “department;” and insert

Department;

(b) delete “or the appropriate signal during the hours of darkness.” and insert:

or, during the hours of darkness, the appropriate signal.

(3) In regulation 19E(3) delete “in the vicinity” and insert:

within 50 metres

(4) After regulation 19E(3) insert:

(4A) The master or person in charge of a vessel in the vicinity of a place or another vessel displaying International Code Flag “A” or, during the hours of darkness, the appropriate signal, but at least 50 metres clear of that place or vessel, must, while in such a position —

(a) proceed at a safe speed; and

(b) maintain a proper lookout for persons in the water.

Penalty: a fine of \$1 000.

(4B) For the purposes of subregulation (4A), a vessel is in the vicinity as described in subregulation (4A) if the flag or signal is or would be visible to a person on the vessel maintaining a proper lookout.

7. Regulation 20 amended

In regulation 20 delete “Every person” and insert:

Unless otherwise provided, every person

8. Regulation 67 amended

In regulation 67 delete “penalty” (first occurrence) and insert:

fine

9. Various provisions relating to penalties amended

- (1) In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

r. 6A	r. 19(2)
r. 19B	r. 19F(2)
r. 19I(1) and (2)	

- (2) In the provisions listed in the Table delete “penalty” and insert:

fine

Table

r. 20	r. 36
r. 40	r. 45
r. 45F	r. 53(1)
r. 57(5)	

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.