

MX307*

Western Australian Marine Act 1982

**W.A. Marine (Surveys and Certificates of
Survey) Amendment Regulations (No. 2) 2008**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations (No. 2) 2008*.

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

The amendments in these regulations are to the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*.

4. Regulation 3 amended

(1) In regulation 3:

- (a) delete “In” and insert:

(1) In

- (b) delete the definition of *Code* and insert:

Code means the Uniform Shipping Laws Code incorporating the amendments adopted by the Australian Transport Council on 1 October 2007;

- (c) insert in alphabetical order:

class refers to the service category in the Code assigned to the vessel, as set out in Schedule 3;

existing vessel means a vessel that is not a new vessel;

measured length of a vessel means the greater of —

- (a) the length on deck; and
- (b) 96% of the length overall;

new vessel means a vessel —

- (a) the keel of which is laid; or
- (b) for which construction identifiable with that particular vessel has begun; or
- (c) a portion of which has been fabricated and finally assembled, having a mass of not less than the lesser of —
 - (i) 50 tonnes; or
 - (ii) one per cent of the estimated mass of all structural material comprising the completed vessel,

on or after 1 October 2008;

- (2) After regulation 3(1) insert:

Note: The definition of **Code** refers to the Code as amended by Amendment Lists 5 and 6 adopted by the Australian Transport Council on 1 October 2007 and available at http://www.nmsc.gov.au/uslcode_2.html. That version of the Code contains provisions that affect the operation of regulations that refer to it, and should be referred to when interpreting those regulations.

- (2) The method by which the measured length of a vessel is established for the purposes of this regulation can be found in guidelines set out in the National Standard for Commercial Vessels, Part B, Annex A, published by the National Marine Safety Committee of the Commonwealth.

5. Schedule 1 amended

- (1) In Schedule 1 item 1(b)(i) delete “Uniform Shipping Laws (USL) code” (each occurrence) and insert:

Code

- (2) In Note 1 at the end of Schedule 1 item 2 delete the passage that begins with “or data” to the end of that note and insert

or data is \$178.60/hour.

6. Schedule 3 inserted

After Schedule 2 insert:

Schedule 3 — Vessel categories and notation

1. Service categories

The service categories assigned to vessels by the Code are set out in the following Table.

Table

Service category	Description
Class 1A	Seagoing passenger vessel for use in all operational areas up to and including unlimited domestic operations.
Class 1B	Seagoing passenger vessel for use in all operational areas up to and including offshore operations.
Class 1C	Seagoing passenger vessel for use in all operational areas up to and including restricted offshore operations.

Service category	Description
Class 1D	Sheltered waters passenger vessel for operations in partially smooth and smooth waters only.
Class 1E	Sheltered waters passenger vessel for use in smooth waters only.
Class 2A	Seagoing non-passenger vessel for use in all operational areas up to and including unlimited domestic operations.
Class 2B	Seagoing non-passenger vessel for use in all operational areas up to and including offshore operations.
Class 2C	Seagoing non-passenger vessel for use in all operational areas up to and including restricted offshore operations.
Class 2D	Sheltered waters non-passenger vessel for operations in partially smooth and smooth waters only.
Class 2E	Sheltered waters non-passenger vessel for use in smooth waters only.
Class 3A	Seagoing fishing vessel for use in all operational areas up to and including unlimited domestic operations.
Class 3B	Seagoing fishing vessel for use in all operational areas up to and including offshore operations.
Class 3C	Seagoing fishing vessel for use in all operational areas up to and including restricted offshore operations.
Class 3D	Sheltered waters fishing vessel for operations in partially smooth and smooth waters only.
Class 3E	Sheltered waters fishing vessel for use in smooth waters only.
Class 4C	Seagoing hire and drive vessel for use in all operational areas up to and including restricted offshore operations.
Class 4D	Sheltered waters hire and drive vessel for operations in partially smooth and smooth waters only.
Class 4E	Sheltered waters hire and drive vessel for use in smooth waters only.

2. Special service notations

The special service notations that may be added to the service categories assigned to vessels by the Code are set out in the following Table.

Table

Operations	Notation
Fast craft	(FAST)
Novel or unusual vessels	(NOV)
Special purpose vessels	(SP)
Other craft	Notation to be determined as the need arises

3. Multiple service categories

A vessel may be assigned more than one service category under the Code where the vessel or its operation is not adequately defined by a single service category.

Consequences of this multiple categorisation may depend upon whether the vessel is engaging in one, or more than one, of the categories of service at the time.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.