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**TRANSPORT**

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TN301

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

## **Transport Regulations Amendment (Lifejackets) Regulations 2017**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Transport Regulations Amendment (Lifejackets) Regulations 2017*.

#### **2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**Part 2 — *Navigable Waters Regulations 1958* amended****3. Regulations amended**

This Part amends the *Navigable Waters Regulations 1958*.

**4. Regulation 3B inserted**

At the end of Part I insert:

**3B. International Organization for Standardization**

The International Organization for Standardization is specified as a like body for the purposes of the *Western Australian Marine Act 1982* section 115(1)(a).

**5. Regulation 46 amended**

- (1) In regulation 46(2) delete the definitions of:

*Level 50*

*Level 50S (Special)*

*Level 100*

*Level 150*

*Level 275*

*SOLAS jacket*

- (2) In regulation 46(2) insert in alphabetical order:

*AS*, followed by a designation, means the Australian Standard having that designation published by Standards Australia;

*AS/NZS*, followed by a designation, means the Australian/New Zealand Standard having that designation jointly published by Standards Australia and the Standards Council of New Zealand;

*ISO*, followed by a designation, means the standard having that designation published by the International Organization for Standardization;

*Level 50 lifejacket* means —

- (a) a lifejacket classified as Level 50 by AS 4758;  
or
- (b) a buoyancy aid classified as performance level 50 by ISO 12402;

*Level 50S lifejacket* means —

- (a) a lifejacket classified as Level 50S by AS 4758;  
or
- (b) a special purpose buoyancy aid classified as performance level 50 by ISO 12402;

**Level 100 lifejacket** means —

- (a) a lifejacket classified as Level 100 by AS 4758;  
or
- (b) a lifejacket classified as performance level 100  
by ISO 12402;

**Level 150 lifejacket** means —

- (a) a lifejacket classified as Level 150 by AS 4758;  
or
- (b) a lifejacket classified as performance level 150  
by ISO 12402;

**Level 275 lifejacket** means —

- (a) a lifejacket classified as Level 275 by AS 4758;  
or
- (b) a lifejacket classified as performance level 275  
by ISO 12402;

**SOLAS lifejacket** means a lifejacket that meets the standards of the current International Convention for the Safety of Life at Sea;

**6. Regulation 46A deleted**

Delete regulation 46A.

**7. Regulation 48 amended**

In regulation 48:

- (a) delete paragraph (a)(ii) and insert:
  - (ii) within 50 m of a river bank or water's  
edge;
- (b) in paragraph (d) delete “45 m” and insert:  
  
50 m

Note: The heading to amended regulation 48 is to read:

**Limitation of speed, water ski-ing and para-sailing**

**8. Regulation 49C amended**

In regulation 49C delete “45 m” and insert:

50 m

**9. Regulation 49F amended**

In regulation 49F delete “90 m” and insert:

100 m

**10. Regulation 49M amended**

Delete regulation 49M(c) and insert:

- (c) slalom ski-ing unless that person is wearing any of the following appropriate in terms of the buoyancy and size to the body mass of that person —
    - (i) a Level 50 lifejacket;
    - (ii) a Level 50S lifejacket;
    - (iii) a Level 100 lifejacket;
    - (iv) a Level 150 lifejacket;
    - (v) a Level 275 lifejacket;
    - (vi) a SOLAS lifejacket;
    - (vii) a PFD Type 1;
    - (viii) a PFD Type 2;
    - (ix) a PFD Type 3;
- and

**11. Regulation 50B replaced**

Delete regulation 50B and insert:

**50B. Lifejacket to be worn by driver and passenger of personal watercraft**

(1) In this regulation —

*appropriate lifejacket*, for a person, means —

- (a) if a personal watercraft is being used outside of protected waters and more than 400 m from any shore, any of the following appropriate in terms of buoyancy and size of the body mass of the person —
    - (i) a Level 100 lifejacket;
    - (ii) a Level 150 lifejacket;
    - (iii) a Level 275 lifejacket;
    - (iv) a SOLAS lifejacket;
    - (v) a PFD Type 1;
- or
- (b) in any other case, any of the following appropriate in terms of buoyancy and size of the body mass of the person —
    - (i) a Level 50 lifejacket;
    - (ii) a Level 50S lifejacket;
    - (iii) a Level 100 lifejacket;

- (iv) a Level 150 lifejacket;
  - (v) a Level 275 lifejacket;
  - (vi) a SOLAS lifejacket;
  - (vii) a PFD Type 1;
  - (viii) a PFD Type 2;
  - (ix) a PFD Type 3.
- (2) A person must not, in any navigable waters, drive a personal watercraft unless the person and any passenger on the personal watercraft who has reached 12 months of age is wearing an appropriate lifejacket for that person.
- (3) A person who has reached 12 months of age must not, in any navigable waters, travel on a personal watercraft as a passenger unless the person is wearing an appropriate lifejacket for that person.

## 12. Regulation 52A amended

- (1) Delete regulation 52A(1) and insert:
- (1) The owner of a vessel must ensure that the vessel, while being navigated outside protected waters, is equipped with at least 1 of the following for each person on board who has reached 12 months of age, appropriate in terms of the buoyancy and size of the body mass of every such person —
- (a) a Level 100 lifejacket;
  - (b) a Level 150 lifejacket;
  - (c) a Level 275 lifejacket;
  - (d) a SOLAS lifejacket;
  - (e) a PFD Type 1.
- (2) Delete regulation 52A(2)(a) and insert:
- (a) a personal watercraft; or
- (3) After regulation 52A(3) insert:
- (4) This regulation does not affect a person's obligation to comply with regulation 50B with respect to a personal watercraft.

Note: The heading to amended regulation 52A is to read:

**Vessels to be equipped with lifejackets**

**13. Regulation 52B amended**

- (1) Delete regulation 52B(2).
- (2) In regulation 52B(2AA) delete “other”.

**14. Regulation 52BAB amended**

In regulation 52BAB(1A) delete the definition of *AS/NZS*.

**15. Regulation 52BAC amended**

- (1) Delete regulation 52BAC(2) and insert:
  - (2) A person who is sailboard riding outside protected waters and more than 400 m from any shore must wear any of the following appropriate in terms of the buoyancy and size of the body mass of the person —
    - (a) a Level 50 lifejacket;
    - (b) a Level 50S lifejacket;
    - (c) a Level 100 lifejacket;
    - (d) a Level 150 lifejacket;
    - (e) a Level 275 lifejacket;
    - (f) a SOLAS lifejacket;
    - (g) a PFD Type 1;
    - (h) a PFD Type 2;
    - (i) a PFD Type 3.

Note: The heading to amended regulation 52BAC is to read:

**Sailboard riders to carry lifejackets, distress signals and emergency beacons**

- (2) Delete regulation 52BAC(6).
- (3) In regulation 52BAC(7) delete “other distress signals required by subregulations (3)(b) and (5)(c)” and insert:

distress signals required by subregulations (3)(b) and (5)(b) and (c)

**16. Regulation 52BAD amended**

- (1) Delete regulation 52BAD(3)(a) and insert:
  - (a) at least 1 of the following for each person on board who has reached 12 months of age, appropriate in terms of the buoyancy and size of the body mass of every such person —
    - (i) a Level 50 lifejacket;

- (ii) a Level 50S lifejacket;
  - (iii) a Level 100 lifejacket;
  - (iv) a Level 150 lifejacket;
  - (v) a Level 275 lifejacket;
  - (vi) a SOLAS lifejacket;
  - (vii) a PFD Type 1;
  - (viii) a PFD Type 2;
  - (ix) a PFD Type 3;
- and

Note: The heading to amended regulation 52BAD is to read:

**Owners to ensure recreational paddle craft are equipped with lifejackets, distress signals and emergency beacons**

- (2) Delete regulation 52BAD(8).
- (3) In regulation 52BAD(9) delete “other distress signals required by subregulations (4)(b) and (6)(d)” and insert:

distress signals required by subregulations (4)(b) and (6)(c) and (d)

### **Part 3 — *Western Australian Marine (Infringements) Regulations 1985* amended**

#### **17. Regulations amended**

This Part amends the *Western Australian Marine (Infringements) Regulations 1985*.

#### **18. Schedule 1 amended**

- (1) In the provisions listed in the Table delete “45 m” and insert:

50 m

**Table**

Sch. 1 it. 24A	Sch. 1 it. 24D
Sch. 1 it. 24E	Sch. 1 it. 24F
Sch. 1 it. 29	

- (2) In Schedule 1 item 38C delete “flotation device” and insert:

lifejacket

(3) In Schedule 1 item 42 delete “approved life jackets” and insert:

lifejackets

R. KENNEDY, Clerk of the Executive Council.

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