

MX301*

Western Australian Marine Act 1982

W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2006*.

2. The regulations amended

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

[* Reprint 2 as at 17 September 2004.

For amendments to 14 March 2006 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 447, and Gazette 24 June 2005.*]

3. Regulation 15 amended

(1) Regulation 15(1) is amended as follows:

- (a) by deleting “, or suspend for a period,” and inserting instead —
“ or suspend ”;
- (b) by deleting “incapable of discharging his duties by reason of incompetency” and inserting instead —
“ guilty of incompetence ”.

- (2) After regulation 15(1) the following subregulation is inserted —
- “
- (1a) The chief executive officer may suspend a certificate of competency or certificate of satisfactory service under subregulation (1) —
- (a) for a period specified by the chief executive officer; or
 - (b) until the person complies with a requirement specified by the chief executive officer.
- ”.
- (3) Regulation 15(2) is repealed and the following subregulation is inserted instead —
- “
- (2) Before the chief executive officer decides to cancel or suspend a certificate of competency or a certificate of satisfactory service, the chief executive officer shall give notice in writing to the holder of the certificate of —
- (a) the proposed cancellation or suspension;
 - (b) the findings of an investigation into the material questions of fact;
 - (c) the reason why it appears to the chief executive officer that the certificate should be cancelled or suspended; and
 - (d) the period during which the holder may make written or oral representations to the chief executive officer.
- ”.
- (4) Regulation 15(3) is amended by deleting “and” after paragraph (b) and inserting instead —
- “
- (ba) in the case of suspension —
- (i) the period of the suspension; or
 - (ii) any requirement that has to be complied with by the holder before the suspension ceases to have effect;
- and
- ”.
- (5) After regulation 15(3) the following subregulation is inserted —
- “
- (4) Where the chief executive officer decides to cancel or suspend a certificate of competency or a certificate of satisfactory service, the chief executive officer shall advise other marine authorities within whose jurisdiction the certificate is normally accepted for manning purposes of the general details and

circumstances attached to the cancellation or suspension in order that they may then take appropriate parallel action.

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By Command of the Governor,

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