

MX301*

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

Navigable Waters Amendment Regulations (No. 2) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Navigable Waters Amendment Regulations (No. 2) 2006*.

2. Commencement

These regulations come into operation on —

- (a) if they are published in the *Gazette* on or before the day on which the *Fair Trading (Product Information Standard) Amendment Regulations 2006* come into operation — that day; or
- (b) if they are published in the *Gazette* after that day — the day on which they are published in the *Gazette*.

3. The regulations amended

The amendments in these regulations are to the *Navigable Waters Regulations 1958*.*.

[* *Reprint 11 as at 21 March 2003.*

For amendments to 14 July 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 384, and Gazette 10 February and 23 June 2006.]

4. Regulation 45A amended

Regulation 45A(2) is amended by inserting the following in the appropriate alphabetical position —

“

“**ABP standard**” has the meaning given to the term in regulation 8 of the *Fair Trading (Product Information Standard) Regulations 2005*;

”.

5. Regulation 45B amended

(1) Regulation 45B(3) is amended as follows:

- (a) by deleting “particulars of”;
- (b) after paragraph (ac) by inserting the following paragraph —

“

- (ad) whether or not an Australian Builders Plate is attached to the vessel in accordance with the ABP standard;

”.

(2) Regulation 45B(5a) is amended after paragraph (b) by deleting the full stop and inserting —

“

; and

- (c) if the vessel has not been registered in Western Australia before and the vessel —
 - (i) is a vessel to which regulation 9 of the *Fair Trading (Product Information Standard) Regulations 2005* applies; or
 - (ii) is a vessel to which regulation 9 of the *Fair Trading (Product Information Standard) Regulations 2005* does not apply solely because of regulation 9(2)(a) of those regulations and in respect of which a certificate of survey has not been issued,

the vessel has an Australian Builders Plate attached in accordance with the ABP standard.

”.

- (3) After regulation 45B(5a) the following subregulations are inserted —

“

- (5b) The requirement to have an Australian Builders Plate under subregulation (5a)(c) does not apply to a vessel imported from a State or Territory if —
- (a) the vessel has an Australian Builders Plate or an equivalent plate that complies with a requirement of the State or Territory that corresponds to the requirement to have an Australian Builders Plate under subregulation (5a)(c); or
 - (b) the vessel is exempt from that corresponding requirement by or under a law of the State or Territory; or
 - (c) the State or Territory does not have a requirement that corresponds to the requirement to have an Australian Builders Plate under subregulation (5a)(c) and the vessel is imported within 18 months after the day on which the *Navigable Waters Amendment Regulations (No. 2) 2006* came into operation.
- (5c) The chief executive officer may, on application, exempt a particular vessel from the requirement to have an Australian Builders Plate under subregulation (5a)(c) if satisfied that —
- (a) the vessel complies with some other appropriate safety standard and, in the circumstances of the case, it would be unreasonable for the vessel to be required to have an Australian Builders Plate; or
 - (b) the vessel is of a type for which appropriate safety standards do not exist and for which other safety standards cannot reasonably be adapted and, in the circumstances of the case, it would be unreasonable for the vessel to be required to have an Australian Builders Plate; or
 - (c) the vessel is of a type that closely resembles a vessel of a type that is not covered by regulation 9 of the *Fair Trading (Product Information Standard) Regulations 2005* because of regulation 9(2) of those regulations and, in the circumstances of the case, it would be unreasonable for the vessel to be required to have an Australian Builders Plate; or
 - (d) the vessel is to be used for only a short period of time, its use is unlikely to endanger the lives of its occupants or occupants of other vessels

and, in the circumstances of the case, it would be unreasonable for the vessel to be required to have an Australian Builders Plate.

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6. Regulation 46 amended

Regulation 46(2) is amended in the definition of “personal watercraft” by deleting “designed for the transport of one, 2 or 3 persons”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.