
MARINE/MARITIME

MX301*

Western Australian Marine Act 1982

**W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations
(No. 3) 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 (No. 3) 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 28 September 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 462, and Gazette 16 and 23 June 2006.*]

3. Regulation 3 amended

Regulation 3 is amended by deleting the definition of “revalidation” and inserting instead —

“

“**revalidate**”, in relation to a certificate of competency, means to record on the certificate that the holder continues to meet the standard of competency required for the functions to which the certificate relates;

”.

4. Regulation 10 amended

- (1) Regulation 10(1) is repealed and the following subregulations are inserted instead —

“

- (1) In this regulation —

“**NSCV Part D**” means Part D of the National Standard for Commercial Vessels published by the National Marine Safety Committee in April 2005.

- (1a) A certificate of competency that has been held for more than 5 years is not a valid certificate of competency for sea service on a trading ship at a particular time unless the chief executive officer has revalidated the certificate within the period of 5 years immediately preceding that time.
- (1b) The holder of a certificate of competency may apply to the chief executive officer at any time for revalidation of the certificate for the purposes of subregulation (1a). ”.
- (2) Regulation 10(2) is amended as follows:
- (a) by inserting after “revalidation” —
- “
- of a certificate of competency to which this subregulation applies
- ”;
- (b) in paragraph (a) by deleting “a certificate of competency to satisfy him as to” and inserting instead —
- “ the certificate ”;
- (c) by deleting paragraph (a)(i) and “and” after it and inserting instead —
- “
- (i) to provide a current certificate of medical fitness in accordance with the requirements set out in Annex C to NSCV Part D; and
- (ia) to provide a current first aid certificate in accordance with the requirements set out in Annex D to NSCV Part D; and
- ”;
- (d) in paragraph (a)(ii) by inserting before “professional competency” —
- “ to satisfy the chief executive officer as to ”;
- (e) in paragraph (a)(ii)(A), (B) and (C) by deleting “seagoing” and inserting instead —
- “ sea ”;
- (f) in paragraph (a)(ii)(C) by deleting “an engineer officer” and inserting instead —
- “ a marine engineer or marine engine driver ”;
- (g) after paragraph (a) by inserting —
- “
- and
- (aa) may require the holder of the certificate to provide further evidence as to the holder’s medical fitness; and
- ”;

- (h) in paragraph (b) —
 - (i) by deleting “a certificate of competency” and inserting instead —
“ the certificate ”;
 - (ii) by deleting “of this regulation”;
 - (i) in paragraph (c) —
 - (i) by deleting “seagoing” and inserting instead —
“ sea ”;
 - (ii) by deleting “a certificate of competency” and inserting instead —
“ the certificate ”.
- (3) After regulation 10(2) the following subregulations are inserted —
- “
- (3) Subregulation (2) applies to the following certificates of competency —
 - (a) Master Class III;
 - (b) Master Class IV;
 - (c) Mate Class IV;
 - (d) Marine Engineer Class III;
 - (e) Marine Engine Driver Grade I.
 - (4) Before revalidation of a certificate of competency to which this subregulation applies, the chief executive officer —
 - (a) shall require the holder of the certificate —
 - (i) to provide a declaration of medical fitness in accordance with the requirements set out in Annex C to NSCV Part D; and
 - (ii) to pass an eyesight test in accordance with the requirements set out in Annex C clause C4 to NSCV Part D; and
 - (iii) in the case of sea service described in subregulation (2)(c), to complete relevant training to the satisfaction of the chief executive officer;
 - and
 - (b) may require the holder of the certificate to provide further evidence as to the holder’s medical fitness; and
 - (c) may require the holder of the certificate to satisfactorily complete a short course of the type referred to in subregulation (2)(a)(ii)(E).
- ”

- (5) Subregulation (4) applies to the following certificates of competency —
- (a) Master Class V;
 - (b) Coxswain;
 - (c) Marine Engine Driver Grade II.
- (6) For the purposes of subregulation (2)(aa) or (4)(b) the chief executive officer may require the holder of the certificate to be examined by a medical practitioner specified by the chief executive officer.

”.

5. Regulation 17 amended

Regulation 17(4) is amended by deleting “revalidation and”.

6. Schedule 3 amended

Schedule 3 is amended by deleting “10(1)” and inserting instead —

“ 10 ”.

7. Schedule 4 amended

Schedule 4 is amended in paragraph (a) of the item headed “MATE CLASS IV — Prerequisites — ” by deleting “seagoing” and inserting instead —

“ sea ”.

By Command of the Governor,

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