

TR302*

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

Navigable Waters Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Navigable Waters Amendment Regulations 2002*.

2. The regulations amended

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

[* Reprinted as at 3 March 2000.

For amendments to 14 June 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 310.]

3. Regulation 2 amended

Regulation 2 is amended by deleting the definition of “diving operations” and inserting the following definition instead —

“

“**diving**” means diving using compressed gas for breathing by means of either surface supplied breathing apparatus or self-contained underwater breathing apparatus;

”.

4. Regulation 19C amended

(1) Regulation 19C(1) is amended as follows:

(a) by deleting “The” and inserting instead —

“ Except as provided by subregulation (3), the ”;

(b) by deleting “that is engaged in diving operations shall,” and inserting instead —

“ from which a person is diving must, ”;

(c) by deleting “so engaged,” and inserting instead —

“ being so used, ”.

- (2) Regulation 19C(2) is repealed and the following subregulation is inserted instead —

“

- (2) The International Code Flag “A” referred to in subregulation (1) must be —
- (a) a flag of size 6 of the International Flag Code; or
 - (b) not less than 750 millimetres in length and not less than 600 millimetres in width.

”.

- (3) Regulation 19C(3) is amended as follows:

- (a) by deleting “that is engaged in diving operations during the hours of darkness shall” and inserting instead —

“

from which a person is diving during the hours of darkness must

”.

- (b) by deleting “where they can best be seen,” and inserting instead —

“

and so as to be clearly visible to all approaching vessels at all times,

”.

- (c) by deleting “2 miles)” and inserting instead —

“ 200 metres) ”;

- (d) by deleting “shall” in the second and third places where it occurs and inserting instead —

“ must ”.

5. Regulation 19D replaced

Regulation 19D is repealed and the following regulation is inserted instead —

“

19D. Person to display certain signals when diving otherwise than from vessel

- (1) A person who is diving otherwise than from a vessel must ensure that there is displayed at the place where he or she is diving, so as to be clearly visible to all approaching vessels at all times —
- (a) the International Code Flag “A”; or
 - (b) if diving is taking place during the hours of darkness, a yellow or orange flashing light with a visibility of not less than 200 metres.

- (2) The International Code Flag “A” referred to in subregulation (1) must be —
- (a) if displayed from a buoy, not less than 300 millimetres in length and not less than 200 millimetres in width; or
 - (b) if otherwise displayed —
 - (i) a flag of size 6 of the International Flag Code; or
 - (ii) not less than 750 millimetres in length and not less than 600 millimetres in width.

”.

6. Regulation 19E amended

- (1) Regulation 19E(1) is amended as follows:

- (a) by deleting “personal buoy” and inserting instead —
“ place ”;
- (b) by deleting “shall” and inserting instead —

“

or, during the hours of darkness, the appropriate signal must

”.

- (c) by deleting “such buoy” in both places where it occurs and inserting instead —
“ that place ”;
- (d) by deleting “of the buoy or vessel displaying the flag.” and inserting instead —

“

of the place or vessel displaying the flag or the appropriate signal.

”.

- (2) Regulation 19E(2) is amended as follows:

- (a) by deleting “personal buoy” and inserting instead —
“ place ”;
- (b) after “Flag “A” ” by inserting —

“

or the appropriate signal during the hours of darkness

”.

- (3) Regulation 19E(3) is amended by deleting “personal buoy” and inserting instead —

“ place ”.

- (4) After regulation 19E(3) the following subregulation is inserted —

“

- (4) In this regulation —

“**appropriate signal**” means, as the case requires —

- (a) the 3 all round lights referred to in regulation 19C(3); or
- (b) the yellow or orange flashing light referred to in regulation 19D(1)(b).

”.

By Command of the Governor,

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