

TR308*

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

Navigable Waters Amendment Regulations (No. 2) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Navigable Waters Amendment Regulations (No. 2) 2000*.

2. Commencement

These regulations come into operation on 28 February 2001.

3. The regulations amended

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

[* Reprinted as at 3 March 2000.

For amendments to 13 September 2000 see Gazette
20 June 2000.]

4. Regulation 45A amended

Regulation 45A(2) is amended by inserting before “owner” the following definition —

“

“**hull identification number**”, in relation to a vessel,
means a number —

(a) approved by the chief executive officer; and

- (b) affixed to the hull of the vessel by a person, and in a form and manner, approved by the chief executive officer.

”.

5. Regulation 45B amended

- (1) After regulation 45B(1) the following subregulation is inserted —

“

- (1a) A person who contravenes subregulation (1) commits an offence.

”.

- (2) Regulation 45B(3) is amended as follows:

- (a) by deleting paragraph (ab) and inserting instead —

“

- (ab) the hull identification number of the vessel;

”.

- (b) at the end of paragraph (d) by deleting the comma after “outboard type” and inserting instead a full stop;

- (c) by deleting “and the application shall be accompanied by the appropriate fee ascertained in accordance with the following table —” and the Table to the subregulation.

- (3) After regulation 45B(3) the following subregulation is inserted —

“

- (3a) An application under subregulation (3) is to be accompanied by —

- (a) such proof of the particulars referred to in regulation (3) as the department may require; and

- (b) the appropriate fee ascertained in accordance with the following Table —

Table of fees

Where the length of the vessel is —

(i)	less than 5 m	\$50
(ii)	5 m or over but less than 10 m	\$98
(iii)	10 m or over but less than 20 m	\$182
(iv)	20 m or over	\$249

”.

- (4) Regulation 45B(4) is amended by deleting “subregulation (3)” and inserting instead —

“ subregulation (3a)(b) ”.

- (5) After regulation 45B(5) the following subregulation is inserted —

“

- (5a) On an application under this regulation the department is to register a vessel if and only if it is satisfied that —

- (a) the vessel has a hull identification number; and
(b) the particulars provided in the application are true and correct.

”.

- (6) After regulation 45B(7) the following subregulation is inserted —

“

- (7a) A person who contravenes subregulation (7) commits an offence.

”.

- (7) After regulation 45B(8) the following subregulation is inserted —

“

- (8a) A person who contravenes subregulation (8) commits an offence.

”.

6. Regulation 45BAA amended

- (1) After regulation 45BAA(2) the following subregulation is inserted —

“

- (2a) A person who contravenes subregulation (2) commits an offence.

”.

- (2) After regulation 45BAA(6) the following subregulation is inserted —

“

- (6a) A person who contravenes subregulation (6) commits an offence.

”.

7. Regulation 45BA amended

- (1) After regulation 45BA(4) the following subregulation is inserted —

“

- (4a) A person who contravenes subregulation (4) commits an offence.

”.

- (2) Regulation 45BA(5)(b) is amended by deleting “shall not use” and inserting instead —

“ commits an offence if the person uses ”.

- (3) Regulation 45BA(6) is repealed and the following subregulations are inserted instead —

“

(6) Where any dealers plate or set of dealers plates issued under this regulation is lost the person to whom it was issued commits an offence if the person does not, as soon as practicable, notify the department of that fact.

(6a) The department may issue a further dealers plate or set of dealers plates in replacement for that lost —

(a) on being notified under subregulation (6); and

(b) on the payment of a fee of \$58.

”.

8. Regulation 45D amended

- (1) Regulation 45D(1) is amended as follows:

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

“ commits an offence if the owner does not ”;

(b) at the end of paragraph (a) by inserting —

“ and ”.

- (2) Regulation 45D(2) is repealed and the following subregulations are inserted instead —

“

(2) Where a certificate of registration or a boat registration label issued under this Part in respect of a vessel has been lost, stolen, destroyed, mislaid, defaced, mutilated or rendered illegible, the owner of the vessel commits an offence if the person does not, as soon as practicable, notify the department of that fact and of the circumstances which gave rise to that fact.

(3) On being notified under subregulation (2), the department may issue a duplicate certificate of registration or a replacement boat registration label, as the case requires.

”.

9. Regulation 45E amended

- (1) Regulation 45E(1) is amended by deleting “he shall” and inserting instead —

“ the owner commits an offence if the owner does not ”.

- (2) Regulation 45E(2) is amended as follows:
- (a) by deleting “shall, within 15 days” and inserting instead —
“
commits an offence if the person does not, within 15 days
”;
 - (b) by deleting paragraph (b) and inserting instead —
“
(b) produce to the department —
 - (i) the certificate of registration of the vessel;
 - (ii) the consent in writing of all the parties named in the application and such other proof of the sale or disposal of the vessel as the department may require; and
 - (iii) the particulars referred to in regulation 45B(3), and such proof of the particulars as the department may require.
”;
 - (c) by deleting “and thereupon the department shall transfer the registration of the vessel and return to the person by whom the application was made the certificate of registration, suitably endorsed.”.
- (3) After regulation 45E(2) the following subregulation is inserted —
“
(2a) On an application under subregulation (2) the department is to transfer the registration, and return to the person by whom the application was made the certificate of registration, suitably endorsed, if and only if the department is satisfied that —
 - (a) the vessel has a hull identification number; and
 - (b) the particulars provided in the application are true and correct.
”.
- (4) Regulation 45E(3) is amended by deleting “shall” and inserting instead —
“ commits an offence if the owner does not ”.
- (5) Regulation 45E(5) is repealed and the following subregulations are inserted instead —
“
(5) A person to whom a vessel registered under regulation 45BAA has been sold or disposed of commits an offence if the person does not, within 15 days of the sale or disposal, produce to the department the certificate of registration of the vessel

and such other proof of the sale or disposal of the vessel as the department may require.

- (6) On receiving the certificate or registration and proof of sale or disposal referred to in subregulation (5), the department is to —
- (a) transfer the registration of the vessel and return to that person the certificate of registration, suitably endorsed; or
 - (b) where the department considers the vessel is no longer a foreign pleasure vessel, direct that person to make application for registration of the vessel under regulation 45B.

”

10. Regulations 45EA and 45EB inserted

After regulation 45E the following regulations are inserted —

“

45EA. Altering, removing or rendering illegible a hull identification number prohibited

A person who, without the approval of the chief executive officer, alters, removes or renders illegible the hull identification number of a registered vessel commits an offence.

45EB. Duty of owner to reaffix a hull identification number altered, removed or rendered illegible

Where a hull identification number of a registered vessel has, without the approval of the chief executive officer, been altered, removed or rendered illegible (whether accidentally or deliberately), the owner of the vessel commits an offence if the owner does not, as soon as practicable after becoming aware that the number has been altered, removed or rendered illegible, ensure that the number approved by the chief executive officer is reaffixed to the hull of the vessel by a person, and in a form and manner, approved by the chief executive officer.

”

11. Section 45F replaced

Section 45F is repealed and the following regulation is inserted instead —

“

45F. Penalties

A person who commits an offence under this Part is liable to a penalty of \$500.

”

By Command of the Governor,

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