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Western Australian Marine Act 1982

W.A. Marine Amendment Regulations 2009

Made by the Governor in Executive Council.

Part 1 — Preliminary matters

1. Citation

These regulations are the *W.A. Marine Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

W.A. Marine Amendment Regulations 2009

Part 2 W.A. Marine (Adjustment of Compasses) Regulations 1983 amended

r. 3

Part 2 — *W.A. Marine (Adjustment of Compasses) Regulations 1983* amended

3. Regulations amended

This Part amends the *W.A. Marine (Adjustment of Compasses) Regulations 1983*.

4. Regulation 4 amended

(1) Delete regulation 4(1) and insert:

(1) In this regulation —

Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009;

licensed adjuster means —

- (a) the holder of a licence as an adjuster of compasses under regulation 5; or
- (b) in relation to a vessel that does not exceed 35 metres in length —
 - (i) the holder of a licence as an adjuster of compasses (restricted) under regulation 5; or
 - (ii) a person who is a licensed compass adjuster as defined in the *Marine Orders Part 21* (Commonwealth).

(1A) Subject to subregulation (2) the compass of a vessel must be adjusted, and a deviation card must be furnished, by a licensed adjuster —

- (a) before an initial certificate of survey of the vessel is issued; and

W.A. Marine Amendment Regulations 2009

W.A. Marine (Adjustment of Compasses) Regulations 1983
amended

Part 2

r. 5

- (b) thereafter at intervals not exceeding —
- (i) if the vessel is a new vessel as defined in Amendment List 7 to the Code as adopted on 7 November 2008 —
4 years; or
 - (ii) for any other vessel — 3 years.
- (2) In regulation 4(3) delete “shall be adjusted and a deviation card furnished” and insert:

must be adjusted, and a deviation card must be
furnished, by a licensed adjuster

5. Regulation 5 amended

Delete regulation 5(2).

6. Regulation 7 amended

In regulation 7 delete “Subject to regulation 4(2)(b), the holder of a licence as adjuster of compasses or adjuster of compasses (restricted) shall” and insert:

A licensed adjuster must

W.A. Marine Amendment Regulations 2009

Part 3 W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983 amended

r. 7

Part 3 — W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983 amended**7. Regulations amended**

This Part amends the *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983*.

8. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

Code

regulation

Schedule

subregulation

- (2) In regulation 3 insert in alphabetical order:

Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009;

9. Regulation 10 amended

In regulation 10(1) delete the definition of *NSCV Part D* and insert:

NSCV Part D means Part D of the NSCV, as defined in the *Navigation Act 1912* (Commonwealth) section 427, as in existence on 1 October 2009.

W.A. Marine Amendment Regulations 2009

W.A. Marine (Certificates of Competency and Safety
Manning) Regulations 1983 amended

Part 3

r. 10**10. Regulation 22 amended**

In regulation 22(1) delete “Schedules 1 and 2” and insert:

Schedules One and Two

11. Regulation 27 amended

In regulation 27(2) delete “Schedule 1 or 2” and insert:

Schedule One or Two

12. Part V deleted

Delete Part V.

13. Schedule 4 amended

In Schedule 4:

- (a) delete “Schedule 1” (each occurrence) and insert:

Schedule One

- (b) delete “Schedule 2” (each occurrence) and insert:

Schedule Two

W.A. Marine Amendment Regulations 2009

Part 4 W.A. Marine (Construction, Stability and Engineering)
Regulations 1983 amended

r. 14

Part 4 — *W.A. Marine (Construction, Stability and Engineering) Regulations 1983* amended

14. Regulations amended

This Part amends the *W.A. Marine (Construction, Stability and Engineering) Regulations 1983*.

15. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

- (1) In these regulations —
Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009.
- (2) In the provisions of the Code incorporated in these regulations, a term has the same meaning as it has in the Code.

W.A. Marine Amendment Regulations 2009

W.A. Marine (Emergency Procedures and Safety of
Navigation) Regulations 1983 amended

Part 5

r. 16**Part 5 — W.A. Marine (Emergency Procedures and
Safety of Navigation) Regulations 1983 amended****16. Regulations amended**

This Part amends the *W.A. Marine (Emergency Procedures and Safety of Navigation) Regulations 1983*.

17. Regulations 3 to 6 replaced

Delete regulations 3 to 6 and insert:

3. Terms used

- (1) In these regulations —
Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009.
- (2) In the provisions of the Code incorporated in these regulations, a term has the same meaning as it has in the Code.

4. Incorporation of Section 15 of Code

- (1) The provisions of Section 15 of the Code, modified as set out in subregulation (2), are incorporated in these regulations and extend and apply to and in respect of all vessels and voyages to which the Act applies.
- (2) For the purposes of subregulation (1) Section 15 of the Code is modified as follows — a reference in Section 15 of the Code to Part E of the National Standard for Commercial Vessels does not include a reference to either of the following —
 - (a) Part E item 2.8.5.2 of that Standard;

W.A. Marine Amendment Regulations 2009

Part 5 W.A. Marine (Emergency Procedures and Safety of Navigation) Regulations 1983 amended

r. 18

(b) Part E item 2.11.1.3 of that Standard.

18. Regulation 8 deleted

Delete regulation 8.

W.A. Marine Amendment Regulations 2009
W.A. Marine (Hire and Drive Vessels) Regulations 1983 **Part 6**
amended

r. 19

Part 6 — *W.A. Marine (Hire and Drive Vessels)*
***Regulations 1983* amended**

19. Regulations amended

This Part amends the *W.A. Marine (Hire and Drive Vessels) Regulations 1983*.

20. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

(1) In these regulations —

Authority means the chief executive officer;

Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009.

(2) In the provisions of the Code incorporated in these regulations, a term has the same meaning as it has in the Code.

21. Regulation 5 deleted

Delete regulation 5.

W.A. Marine Amendment Regulations 2009

Part 7 W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Regulations 1983 amended

r. 22

Part 7 — *W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Regulations 1983* amended

22. Regulations amended

This Part amends the *W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Regulations 1983*.

23. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

- (1) In these regulations —
Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009.
- (2) In the provisions of the Code incorporated in these regulations, a term has the same meaning as it has in the Code.

24. Regulation 4 amended

- (1) In regulation 4(1) delete “Subject to subregulation (3), the provisions of Sections 10, 11, and 13” and insert:

The provisions of Section 10 and 11

- (2) Delete regulation 4(3).

Note: The heading to amended regulation 4 is to read:

Incorporation of Sections 10 and 11 of Code

W.A. Marine Amendment Regulations 2009

W.A. Marine (Life Saving Appliances, Fire Appliances and
Miscellaneous Equipment) Regulations 1983 amended

Part 7

r. 25**25. Regulation 5 inserted**

After regulation 4 insert:

5. Incorporation of Section 13 of Code

- (1) In this regulation —
List 7 vessel means a new vessel as defined in clause 2 of Amendment List 7 to the Code as adopted on 7 November 2008.
- (2) The provisions of Section 13 of the Code that apply to vessels that are not List 7 vessels, modified as set out in subregulation (3), are incorporated in these regulations and extend and apply to and in respect of all such vessels and voyages to which the Act applies.
- (3) For the purposes of subregulation (2) Section 13 of the Code is modified as follows —
 - (a) delete Part 4 Appendix B Part 1 item 6;
 - (b) delete Part 4 Appendix M item 4;
 - (c) delete Part 4 Appendix N item 5.
- (4) The provisions of Section 13 of the Code that apply to List 7 vessels, modified as set out in subregulation (5), are incorporated in these regulations and extend and apply to and in respect of all List 7 vessels and voyages to which the Act applies.
- (5) For the purposes of subregulation (4) Section 13 of the Code is modified as follows —
 - (a) a reference in Section 13 of the Code to Part C Section 7C of the National Standard for Commercial Vessels does not include a reference to Part C Section 7C Annex A clause A4 of that Standard;

W.A. Marine Amendment Regulations 2009

Part 7 W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Regulations 1983 amended

r. 26

- (b) a reference in Section 13 of the Code to Part E of the National Standard for Commercial Vessels does not include a reference to Part E item 2.11.1.3 of that Standard.

26. Regulation 6 amended

In regulation 6 delete “the NSCV, Part B, Chapter 3, as incorporated into the Code.” and insert:

clause 6 of Section 1 of the Code.

W.A. Marine Amendment Regulations 2009
W.A. Marine (Load Lines) Regulations 1983 amended **Part 8**

r. 27

**Part 8 — *W.A. Marine (Load Lines) Regulations 1983*
amended**

27. Regulations amended

This Part amends the *W.A. Marine (Load Lines) Regulations 1983*.

28. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

- (1) In these regulations —
Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009.
- (2) In the provisions of the Code incorporated in these regulations, a term has the same meaning as it has in the Code.

29. Regulation 5 deleted

Delete regulation 5.

W.A. Marine Amendment Regulations 2009

Part 9 *W.A. Marine (Mercantile Marine) Regulations 1983*
repealed

r. 30

Part 9 — *W.A. Marine (Mercantile Marine)*
***Regulations 1983* repealed**

30. Regulations repealed

The *W.A. Marine (Mercantile Marine) Regulations 1983* are repealed.

W.A. Marine Amendment Regulations 2009
W.A. Marine (Radiotelephony) Regulations 1981 amended **Part 10**

r. 31

**Part 10 — *W.A. Marine (Radiotelephony)*
Regulations 1981 amended**

31. Regulations amended

This Part amends the *W.A. Marine (Radiotelephony) Regulations 1981*.

32. Part 1 heading inserted

Before regulation 1 insert:

Part 1 — Preliminary matters

33. Regulation 2A inserted

After regulation 1 insert:

2A. Terms used

In these regulations —

installation means any equipment that is required by these regulations to be fitted in a vessel;

radio surveyor means a person approved by the chief executive officer as a radio surveyor for the purposes of these regulations.

W.A. Marine Amendment Regulations 2009**Part 10** W.A. Marine (Radiotelephony) Regulations 1981 amended**r. 34**

34. Part 2 heading inserted

Before regulation 2 insert:

**Part 2 — Requirements for vessels in existence
before 1 October 2009****35. Regulation 2 amended**

- (1) In regulation 2(1) delete “In these regulations,” and insert:

In this Part,

- (2) In regulation 2(1) delete the definitions of:

*clause**installation**paragraph**radio surveyor**regulation**Schedule**subclause**subparagraph**subregulation**the Act*

- (3) In regulation 2(1) in the definition of
- seagoing ship*
- delete “these regulations apply” and insert:

this Part applies

W.A. Marine Amendment Regulations 2009

W.A. Marine (Radiotelephony) Regulations 1981 amended

Part 10**r. 36**

- (4) In regulation 2(2) delete “In these regulations” and insert:

In this Part

36. Regulation 3 replaced

Delete regulation 3 and insert:

3. Application of Part 2

This Part applies to any vessel —

- (a) that is a commercial vessel of Class 1, 2 or 3, other than a vessel of Class 1E, 2E or 3E or a hire and drive vessel; and
- (b) that is not a new vessel as defined in Amendment List 7 to the Code as adopted on 7 November 2008.

37. Regulation 6 amended

In regulation 6 delete “these regulations.” and insert:

this Part.

38. Regulation 11 amended

In regulation 11(1) delete “these regulations,” and insert:

this Part,

W.A. Marine Amendment Regulations 2009**Part 10** W.A. Marine (Radiotelephony) Regulations 1981 amended**r. 39**

39. Regulation 19 deleted

Delete regulation 19.

40. Part 3 inserted

Before Schedule I insert:

**Part 3 — Requirements for vessels new since
1 October 2009****19. Terms used**

(1) In this Part —

Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009;

NSCV means the NSCV, as defined in the *Navigation Act 1912* (Commonwealth) section 427, as in existence on 1 October 2009;

vessel means a vessel to which this Part applies by virtue of regulation 20.

(2) In the provisions of the Code incorporated in this Part, a term has the same meaning as it has in the Code.

20. Application of Part 3

This Part applies to any vessel that is a new vessel as defined in clause 2 of Amendment List 7 to the Code as adopted on 7 November 2008.

21. Classification of vessels

For the purposes of this Part, vessels are to be classified in the manner provided by clause 6 of Section 1 of the Code.

W.A. Marine Amendment Regulations 2009

W.A. Marine (Radiotelephony) Regulations 1981 amended

Part 10**r. 40****22. Incorporation of Section 12 of Code**

The provisions of Section 12 of the Code are incorporated in this Part and extend and apply to and in respect of all vessels and voyages to which this Part applies.

23. Vessel to be fitted with clock

A vessel that is required by Section 12 of the Code to have any piece of equipment installed in it must have a reliable clock installed in a place where it is visible to the operator of that equipment.

24. Radio surveyor's report to be provided

The owner of the vessel must provide to the chief executive officer a report by a radio surveyor as to whether the vessel complies with this Part —

- (a) when the vessel is required to undergo an initial survey under the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*; and
- (b) when the vessel is required to undergo a periodic survey under those regulations if a report is requested by the chief executive officer.

25. Logbooks

The master of a vessel must comply with regulation 10 as if —

- (a) a reference in regulation 10 to a seagoing ship were a reference to a vessel; and
- (b) the reference in regulation 10(b)(i) to regulation 15 were a reference to this Part.

Penalty: a fine of \$500.

W.A. Marine Amendment Regulations 2009**Part 10** W.A. Marine (Radiotelephony) Regulations 1981 amended**r. 40**

26. Equipment and documents to be available for inspection

- (1) The master of a vessel must, at all reasonable times, make available for inspection and testing by a radio surveyor —
 - (a) any equipment that is required by this Part to be installed in the vessel; and
 - (b) any documents required by this Part to be kept in relation to that equipment.

Penalty: a fine of \$500.

- (2) The master of a vessel must ensure that sufficient power is available to allow testing under subregulation (1)(a) to be undertaken.

Penalty: a fine of \$500.

27. Failure to comply with incorporated provisions

- (1) The owner of a vessel must ensure that the vessel complies with NSCV Part C Section 7B Chapter 5 clauses 5.3, 5.4.2, 5.4.3, 5.7.2, 5.7.3 and 5.7.4.

Penalty: a fine of \$500.

- (2) The master of a vessel must ensure that the following provisions of the NSCV are complied with —

- (a) Part C Section 7B Chapter 6;
- (b) Part E clause 2.8.5.1.

Penalty: a fine of \$500.

- (3) A person who carries out a test required by NSCV Part C Section 7B clause 6.5 must make the records in the vessel's logbook required by that clause.

Penalty: a fine of \$500.

W.A. Marine Amendment Regulations 2009
W.A. Marine (Surveys and Certificates of Survey) **Part 11**
Regulations 1983 amended

r. 41

Part 11 — W.A. Marine (Surveys and Certificates of Survey) Regulations 1983 amended

41. Regulations amended

This Part amends the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*.

42. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

class

Code

existing vessel

measured length

new vessel

regulation

schedule

subregulation

- (2) In regulation 3(1) insert in alphabetical order:

class means a class or service category of a vessel determined in the manner provided in the Code;

Code means the Uniform Shipping Laws Code, referred to in section 115 of the Act, as in existence on 1 October 2009;

List 7 vessel means a new vessel as defined in clause 2 of Amendment List 7 to the Code as adopted on 7 November 2008;

measured length has the meaning given in the Code;

NSCV Part C Section 6A means Part C Section 6A of the NSCV, as defined in the *Navigation Act 1912*

W.A. Marine Amendment Regulations 2009

Part 11 W.A. Marine (Surveys and Certificates of Survey)
Regulations 1983 amended

r. 43

(Commonwealth) section 427, as in existence on
1 October 2009;

- (3) Delete the note at the end of regulation 3(1).
- (4) Delete regulation 3(2).

43. Regulation 4AA inserted

After regulation 4 insert:

4AA. Classification of vessels

For the purposes of these regulations, vessels are to be
classified in the manner provided by clause 6 of
Section 1 of the Code.

44. Regulation 6A amended

In regulation 6A delete “and 6(b),” and insert:

and 6(6),

45. Schedule 1 amended

- (1) In Schedule 1 clause 2 in the Table item 9 —
 - (a) after “Data checking” insert:

for vessel that is not a List 7 vessel
 - (b) in paragraphs (a) and (b) delete “*[see note 1]” and insert:

* [see notes 1 and 2]

W.A. Marine Amendment Regulations 2009
W.A. Marine (Surveys and Certificates of Survey) **Part 11**
Regulations 1983 amended

r. 46

(c) in paragraph (b)(i) and (ii) delete “[see note 2]”.

(2) In Schedule 1 clause 2 in the Table after item 9 insert:

10A.	Data checking for List 7 vessel	
	(a) check of Vessel Stability Data for vessel to which the Chapter 7A, 7B, 7C, 7D, 7E, 7F, 8A, 8B, 8C or 8D criteria (within the meaning of the NSCV Part C Section 6A) apply *[see notes 1 and 2]	
	(i) for first applicable criteria	\$929.80
	(ii) for each additional applicable criteria ...	\$465.60
	(b) check of Vessel Stability Data for any other vessel *[see notes 1 and 2]	
	(i) for first applicable criteria	\$2 791.60
	(ii) for each additional applicable criteria ...	\$929.80
	(c) check of lightship data	\$929.80

(3) In Schedule 1 clause 2 note 2 delete “item 9(a)(i) and (ii)” and insert:

items 9(a) and (b) and 10A(a) and (b)

46. Schedule 3 deleted

Delete Schedule 3.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.