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SHIPPING AND PILOTAGE ACT 1967  
JETTIES ACT 1926  
WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS AMENDMENT REGULATIONS (NO. 2) 1993

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Navigable Waters Amendment Regulations (No. 2) 1993*.

**Commencement**

2. These regulations come into operation on 1 March 1994.

**Principal regulations**

3. In these regulations the *Navigable Waters Regulations\** are referred to as the principal regulations.

[\* *Reprinted as at 8 November 1989.*  
*For amendments to 7 December 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 243-4, and Gazette of 29 June 1993.*]

**Regulation 49A repealed and a regulation substituted**

4. Regulation 49A of the principal regulations is repealed and the following regulation is substituted —

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**Minimum age for drivers and operators of motor boats**

49A. (1) Subject to subregulations (2), (3) and (4) —

- (a) a person under the age of 17 years must not drive or operate a motor boat;

- (b) the owner or person having the control of a motor boat must not knowingly permit or suffer the motor boat to be driven or operated by a person under the age of 17 years otherwise than in accordance with this regulation.

(2) A person who is under the age of 17 years but not under the age of 14 years, who holds a current and valid *Certificate of Proficiency in the Operation of Pleasure Vessels*, issued under regulation 27A of the *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983*, may drive or operate a motor boat.

(3) A person who is not under the age of 10 years may drive or operate a motor boat with a motor not exceeding 4.5 kilowatts brakepower.

(4) A person of any age may drive or operate a motor boat provided that if the person is under the age of 17 years and does not hold a certificate referred to in subregulation (2), he or she is under the direct supervision of an adult.

(5) An owner and any person who contravenes this regulation commits an offence.

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#### Regulation 51D inserted

5. After regulation 51C of the principal regulations the following regulation is inserted —

“

#### Certain vessels to be equipped with bilge pumps

51D. (1) The owner of a vessel of 7 metres length or over must ensure that the vessel is fitted with an efficient and operational bilge pump.

(2) A pump referred to in subregulation (1) must —

- (a) have the capacity to pump not less than 4 kilolitres per hour; and
- (b) if it is automatic or electric, be wired so that an indicator shows when the pump is working.

(3) The owner of a vessel of under 7 metres length which is not fitted with a bilge pump must ensure that the vessel carries a bucket or bailer.

(4) An owner who contravenes this regulation commits an offence.

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#### Regulation 52 amended

6. Regulation 52 of the principal regulations is amended by deleting paragraph (a) and substituting the following paragraph —

“ (a) any vessel fitted with an inboard engine; ”

#### Regulation 52B amended

7. Regulation 52B of the principal regulations is amended —

- (a) by repealing subregulation (1) and substituting the following subregulations —

“

(1) The owner of a vessel must ensure that the vessel, while being navigated outside protected waters, is equipped with the following distress signals —

- (a) not less than —
  - (i) 2 red hand held flares; or
  - (ii) 2 parachute distress rockets;
 and
- (b) not less than —
  - (i) 2 hand held orange smoke signals; or
  - (ii) one orange smoke canister.

(1a) The owner of a vessel that proceeds more than 5 nautical miles from the mainland, or more than one nautical mile from an island situated more than 5 nautical miles from the mainland, must ensure that the vessel is equipped with the following distress signals —

- (a) not less than 2 parachute distress rockets; and
- (b) not less than —
  - (i) 2 hand held orange smoke signals; or
  - (ii) one orange smoke canister.

”;

and

- (b) by inserting after subregulation (2) the following subregulation —

“

(3) An owner who contravenes this regulation commits an offence.

”.

#### Regulations 52BAA and 52BAB inserted

8. After regulation 52B of the principal regulations the following regulations are inserted —

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#### Certain vessels must be equipped with a marine transceiver

52BAA. (1) The owner of a vessel that proceeds more than 5 nautical miles from the mainland, or more than one nautical mile from an island situated more than 5 nautical miles from the mainland, must ensure that the vessel is equipped with a marine transceiver approved by the Spectrum Management Authority of the Commonwealth.

(2) Whilst the vessel is underway the transceiver referred to in subregulation (1) must, when not used for other transmission, remain switched on and tuned to the emergency distress calling frequency or the working frequency of the shore station with which the vessel is logged on.

(3) An owner who contravenes this regulation commits an offence.

#### Certain vessels must carry Electronic Position Indicating Radio Beacons

52BAB. (1) The owner of a vessel which proceeds more than 30 nautical miles from the mainland, or more than one nautical mile from an island situated more than 30 nautical miles from the mainland, must ensure that the vessel is equipped with an Electronic Position Indicating Radio Beacon approved by the Spectrum Management Authority of the Commonwealth.

(2) An owner who contravenes this regulation commits an offence.

**Regulation 52BA amended**

9. Regulation 52BA of the principal regulations is amended —

(a) in subregulation (1) by deleting “52, 52A and 52B” and substituting the following —

“ 51D, 52, 52A, 52B, 52BAA, 52BAB and 52G ”; and

(b) in subregulation (3) by deleting “52, 52A, 52B and 52C” and substituting the following —

“ 51D, 52, 52A, 52B, 52BAA, 52BAB, 52C and 52G ”.

**Regulation 52G repealed and a regulation substituted**

10. Regulation 52G of the principal regulations is repealed and the following regulation is substituted —

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**Navigation lights**

52G. (1) The owner of a vessel must ensure that the vessel, while operating between sunset and sunrise, displays the navigation lights prescribed under the *Prevention of Collisions at Sea Regulations 1983*.

(2) An owner who contravenes this regulation commits an offence.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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