

**MARINE AND HARBOURS****MH301**

SHIPPING AND PILOTAGE ACT 1967

JETTIES ACT 1926

WESTERN AUSTRALIAN MARINE ACT 1982

**NAVIGABLE WATERS AMENDMENT REGULATIONS (NO. 4) 1992**

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

**Citation**

1. These regulations may be cited as the *Navigable Waters Amendment Regulations (No. 4) 1992*.

**Commencement**

2. These regulations shall come into operation on 1 September 1992.

**Principal regulations**

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

[\* Reprinted in the Gazette of 8 November 1989 at pp.4001-39.  
For amendments to 11 August 1992 see 1991 Index to Legislation of Western Australia, pp.486-7 and Gazettes of 10 April 1992 and 30 June 1992.]

**Regulation 2 amended**

4. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical positions, the following definitions —

- “ **“authorized person”** means a person appointed under section 117 (2) of the *Western Australian Marine Act 1982*;
- “diving operations”** means any activity where any person is engaged in diving, skin diving, scuba diving, snorkelling or any similar activity whether from a vessel or not;
- “inspector”** means a person appointed under section 117 (1) of the *Western Australian Marine Act 1982*;
- “personal powered watercraft”** means any vessel which is propelled by means of an inboard or outboard motor or is air cushion supported and which is designed to be steered by means of handlebars by a person sitting, standing or kneeling in or on the vessel; ”.

**Regulation 6A inserted**

5. After regulation 6 of the principal regulations the following regulation is inserted —

- “ **Owner of vessel shall comply with directions**
- 6A. The owner of a vessel shall, at all times, comply with any directions given by an officer of the department, an authorized person, an inspector or a police officer.
- Penalty: \$500 ”.

**Regulation 12 amended**

6. Regulation 12 of the principal regulations is amended by deleting paragraph (b).

**Regulations 19C amended**

7. Regulation 19C of the principal regulations is amended by inserting after subregulation (2) the following subregulation —

- “ (3) The master or person in charge of a vessel that is engaged in diving operations during the hours of darkness shall cause to be displayed on the vessel, in a vertical line where they can best be seen, 3 all round lights (having a visibility of not less than 2 miles) the highest and lowest of which shall be red and the middle light shall be white. ”.

**Regulation 19D repealed and a regulation substituted**

8. Regulation 19D of the principal regulations is repealed and the following regulation is substituted —

“ Person shall display signal from buoy

**19D.** (1) Where a person is engaged in diving operations other than from a vessel, the person shall cause to be displayed from a personal buoy, so as to be clearly visible to all approaching vessels, the International Code Flag “A”.

(2) The International Code Flag “A” referred to in subregulation (1) shall be not less than 300 millimetres in length and not less than 200 millimetres in width. ”.

**Regulation 45B amended**

9. Regulation 45B of the principal regulations is amended in subregulation (3) —

(a) in paragraph (a) by inserting after the paragraph designation “(a)” the following —

“ subject to subparagraph (aa) ”;

(b) by inserting after paragraph (a) the following paragraphs —

“ (aa) where the owner of a registered vessel is —

(i) a company, the full name of a natural person nominated by the company; or

(ii) a partnership, the full name of each partner,

together with the addresses and telephone numbers at which the natural person or partners, as the case may be, may be contacted both during normal business hours and outside of those hours;

(ab) where applicable to the hull of the vessel, the manufacturers serial number;

(ac) the engine number of any motor fitted to the vessel; ”.

**Regulation 45D amended**

10. Regulation 45D of the principal regulations is amended in subregulation (1) by deleting paragraph (b) and substituting the following paragraph —

“ (b) notify the department in a form approved by the Minister of any change in any of the registered particulars of the vessel or the address of the owner or any of the nominated persons referred to in regulation 45B (3) (aa), within 15 days of any such change occurring. ”.

**Regulation 46 amended**

11. Regulation 46 (2) of the principal regulations is amended —

(a) by inserting before the definition of “trick water skiing” the following definition —

“ “para-sailing” means the sport or exercise where a person is towed over water by a motor boat and with the aid of a kite, parachute or similar apparatus becomes airborne; ”;

and

- (b) in the definition of "water ski-ing" by inserting after "water" the following —

" , at a speed of 8 knots or more, ".

#### Regulation 48 amended

12. Regulation 48 of the principal regulations is amended by deleting "or water ski —" and substituting the following —

" water ski or para-sail — ".

#### Regulation 48A amended

13. Regulation 48A of the principal regulations is amended—

- (a) in subregulation (1) (c) by inserting after "purposes of" the following —

" para-sailing or "; and

- (b) in subregulation (2) —

- (i) by inserting after "towing a" the following —

" para-sailor or a "; and

- (ii) by inserting after "speed boats," the following —

" on para-sailing ".

#### Regulation 49 amended

14. Regulation 49 of the principal regulations is amended —

- (a) in subregulation (1) by inserting after "towing a" the following —

" para-sailor or a "; and

- (b) in subregulation (2) —

- (i) by inserting after "towing a" the following —

" para-sailor or a "; and

- (ii) by inserting after "over the" the following —

" para-sailor or para-sailors or the ".

#### Regulation 49A amended

15. Regulation 49A of the principal regulations is amended in subregulation (2) (a) by deleting "21" and substituting the following —

" 18 ".

#### Regulation 52 repealed and a regulation substituted

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

" **Certain vessels shall be equipped with fire extinguishers**

- 52.** The owner of —

- (a) a motor boat (other than a motor boat propelled by an outboard motor of 7.5 kilowatt brake power or less);

or

- (b) any vessel which is fitted with hydrocarbon cooling or heating appliances,

shall ensure that the motor boat or vessel is equipped with a fire extinguisher that bears the stamp of the Standards Association of Australia and conforms to one of the following standards issued by that body —

- (c) AS 1841.1 and AS 1841.4 (foam);  
 (d) AS 1841.1 and AS1841.5 (powder type);  
 (e) AS 1841.1 and AS 1841.6 (carbon dioxide); or  
 (f) AS 1841.1 and AS1841.7 (vaporising liquid). ”

#### **Regulation 52CAB repealed and a regulation substituted**

17. Regulation 52CAB of the principal regulations is repealed and the following regulation is substituted —

“ **Personal powered watercraft and sailboards exempted from certain regulations**

52CAB. (1) Regulation 52 does not apply to a personal powered watercraft.

(2) Regulations 52A and 52B do not apply to a personal powered watercraft or a sailboard being used within 400 metres of the shore.

(3) Regulation 52C does not apply to a personal powered watercraft or a sailboard.

(4) In any dispute the General Manager shall decide if the relevant vessel is a personal powered watercraft. ”

#### **Various penalties amended**

18. The principal regulations are amended by deleting in the provisions referred to in Column 1 of the Table to this regulation the penalties respectively set out in Column 2 of the Table and substituting in each case the penalty set out in Column 3 of the Table.

TABLE

Column 1 Provision	Column 2 Deleted penalty	Column 3 Substituted penalty
Regulation 19 (2)	\$40	\$500
Regulation 19B	\$200	\$500
Regulation 19F	\$200	\$500
Regulation 19I (1)	\$200	\$500
Regulation 19I (2)	\$200	\$500
Regulation 20	\$200	\$500
Regulation 36	\$200	\$500
Regulation 40	\$200	\$500
Regulation 45	\$200	\$500
Regulation 45F	\$200	\$500
Regulation 53 (1)	\$200	\$500
Regulation 53 (2)	\$200	\$500

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.