



Western Australia

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

Transport Regulations Amendment (Marine Safety Equipment) Regulations 2023

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Contents

Part 1 — Preliminary		
1.	Citation	1
2.	Commencement	1
Part 2 — <i>Navigable Waters</i>		
<i>Regulations 1958 amended</i>		
3.	Regulations amended	2
4.	Regulation 2 amended	2
5.	Regulation 2A inserted	3
	2A. Measurement of distance	3
6.	Regulation 17 amended	3
7.	Regulation 19 deleted	4
8.	Part VA heading replaced	4
Part 5A — Registration of private pleasure vessels		
9.	Regulation 45A amended	4
10.	Regulation 45B amended	5
11.	Regulation 45BA amended	5
12.	Part VI heading replaced	5
Part 6 — Private pleasure vessels		
Division 1 — Preliminary		
13.	Regulation 46 amended	6
14.	Part VI Division 2 heading inserted	9
Division 2 — Recreational skippers' tickets		
15.	Regulation 47 amended	9
16.	Regulation 47A amended	10

Contents

17.	Part VI Division 3 heading inserted	10
	Division 3 — Water ski-ing, para-sailing and the use of personal watercraft	
18.	Regulation 48 amended	10
19.	Regulation 49C amended	10
20.	Regulation 49M amended	11
21.	Regulation 50 amended	11
22.	Part VI Division 4 heading inserted	12
	Division 4 — Lifejackets	
23.	Regulation 50B replaced	12
	50B. Lifejackets to be worn on vessels	12
24.	Part VI Division 5 heading inserted	13
	Division 5 — Sailboard riding	
25.	Part VI Division 6 heading inserted	13
	Division 6 — Motor boats	
26.	Part VI Division 7 heading inserted	14
	Division 7 — Aquatic sport events	
27.	Part VI Division 8 heading inserted	14
	Division 8 — Equipment and safety	
28.	Regulations 51D to 52A replaced	14
	52A. Vessels being navigated to be equipped with lifejackets	14
29.	Regulation 52B amended	15
30.	Regulation 52BAA amended	16
31.	Regulation 52BAB replaced	16
	52BAB. Certain vessels to carry locator beacons	16
32.	Regulation 52BAD amended	17
33.	Regulation 52BA amended	17
34.	Regulation 52BB inserted	17
	52BB. Lifejacket worn on personal watercraft to be maintained in serviceable condition	17
35.	Regulation 52C deleted	18
36.	Regulation 52CA amended	18
37.	Part VI Division 9 heading inserted	18
	Division 9 — Offences and penalties	
	Part 3 — Western Australian Marine (Infringements) Regulations 1985 amended	
38.	Regulations amended	19

**Transport Regulations Amendment (Marine Safety Equipment)
Regulations 2023**

Contents

39.	Schedule 1 amended	19
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Jetties Act 1926
Shipping and Pilotage Act 1967
Western Australian Marine Act 1982

Transport Regulations Amendment (Marine Safety Equipment) Regulations 2023

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Marine Safety Equipment) Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 September 2023.

Part 2 — Navigable Waters Regulations 1958 amended

3. Regulations amended

This Part amends the *Navigable Waters Regulations 1958*.

4. Regulation 2 amended

In regulation 2 insert in alphabetical order:

length, in relation to a vessel, means —

- (a) in the case of a vessel that is registered under regulation 45B —
 - (i) the length of the vessel specified in the certificate of registration of that vessel;
or
 - (ii) if the Minister is not satisfied as to the accuracy of that registered length, the length determined under paragraph (b);

and

- (b) in any other case, the distance from the fore part of the hull to the after part of the hull taken at the upperside of the uppermost weathertight deck or, in the case of an open vessel, at the height of the gunwale;

non-registrable vessel means a pleasure vessel as defined in the *Western Australian Marine Act 1982* section 98(1) that is not a registrable vessel;

personal watercraft means a vessel that —

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by a person sitting, standing or kneeling on the vessel and not within it;

registrable vessel, subject to regulation 45A(3) —

- (a) means a pleasure vessel as defined in the *Western Australian Marine Act 1982* section 98(1) that is or may be propelled by mechanical power; and
- (b) includes a vessel that is ordinarily propelled by sail only;

5. Regulation 2A inserted

After regulation 2 insert:

2A. Measurement of distance

In these regulations, a reference to a distance from any shore or land is a reference to that distance measured from the high water mark on the shore or land and not from any jetty, pier or other structure abutting on or adjacent to the shore or land.

6. Regulation 17 amended

In regulation 17:

- (a) delete “under way shall have” and insert:

underway has

- (b) delete “shall” (2nd occurrence) and insert:

must

- (c) delete “under way” (2nd occurrence) and insert:

underway

7. Regulation 19 deleted

Delete regulation 19.

8. Part VA heading replaced

Delete the heading to Part VA and insert:

**Part 5A — Registration of private pleasure
vessels**

9. Regulation 45A amended

- (1) Delete regulation 45A(1).
- (2) In regulation 45A(2) delete the definitions of:
registrable vessel
tender
- (3) In regulation 45A(2) insert in alphabetical order:

tender means an auxiliary vessel that —

- (a) is not more than 3.1 m in length; and
- (b) is propelled by motored power not exceeding 3.73 kW; and
- (c) is used for one or more of the following purposes, and for no other purpose —
- (i) as a life boat;

(ii) as a means of transportation between the parent vessel and the shore.

(4) In regulation 45A(3) delete “not a registrable vessel for the purposes of this Part” and insert:

a non-registrable vessel

10. Regulation 45B amended

In regulation 45B(7)(a)(i) delete “under way; and” and insert:

underway; and

11. Regulation 45BA amended

In regulation 45BA(4)(c) delete “under way,” and insert:

underway,

12. Part VI heading replaced

Delete the heading to Part VI and insert:

Part 6 — Private pleasure vessels

Division 1 — Preliminary

13. Regulation 46 amended

- (1) In regulation 46(2) delete the definitions of:
Emergency Position Indicating Radio Beacon
personal locator beacon
personal watercraft
- (2) In regulation 46(2) insert in alphabetical order:

appropriate lifejacket, for a person, means —

- (a) in relation to a registrable vessel that is not a personal watercraft, any of the following, of a size and buoyancy appropriate to the body mass of that person —
- (i) a Level 100 lifejacket;
 - (ii) a Level 150 lifejacket;
 - (iii) a Level 275 lifejacket;
 - (iv) a SOLAS lifejacket;
- and
- (b) in relation to a non-registrable vessel and a registrable vessel that is a personal watercraft, any of the following, of a size and buoyancy appropriate to the body mass of that person —
- (i) a Level 50S lifejacket;
 - (ii) a Level 50 lifejacket;
 - (iii) a Level 100 lifejacket;
 - (iv) a Level 150 lifejacket;
 - (v) a Level 275 lifejacket;
 - (vi) a SOLAS lifejacket;

approved electronic visual distress signal means an electronic visual distress signal approved by the Minister, for the purposes of regulation 52B, by notice published in the *Gazette*;

Australian Communications and Media Authority means the Australian Communications and Media Authority established under the *Australian Communications and Media Authority Act 2005* (Commonwealth) section 6;

Emergency Position-Indicating Radio Beacon means an emergency position-indicating radio beacon registered with the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* (Commonwealth) section 5 that —

- (a) before 1 September 2028, complies with —
 - (i) AS/NZS 4280.1:2003; or
 - (ii) AS/NZS 4280.1:2017; or
 - (iii) AS/NZS 4280.1:2022;and
- (b) on or after 1 September 2028 but before 1 September 2033, is GNSS-equipped and complies with —
 - (i) AS/NZS 4280.1:2017; or
 - (ii) AS/NZS 4280.1:2022;and
- (c) on or after 1 September 2033, is GNSS-equipped and complies with AS/NZS 4280.1:2022;

GNSS-equipped, in relation to an Emergency Position-Indicating Radio Beacon or a personal locator beacon, means capable of —

- (a) determining, by means of a global navigation satellite system, the location of the Emergency Position-Indicating Radio Beacon or personal locator beacon, as the case may be; and
- (b) encoding information as to the location within the signal transmitted by the Emergency Position-Indicating Radio Beacon or personal locator beacon;

marine transceiver means a marine radio transceiver approved by the Australian Communications and Media Authority that is —

- (a) a High Frequency or Very High Frequency radio; or
- (b) before 1 September 2028 — a 27 MHz radio;

personal locator beacon means a beacon registered with the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* (Commonwealth) section 5 that —

- (a) before 1 September 2028, complies with —
 - (i) AS/NZS 4280.2:2003; or
 - (ii) AS/NZS 4280.2:2017;and
- (b) on or after 1 September 2028, is GNSS-equipped and complies with AS/NZS 4280.2:2017;

- (3) Delete regulation 46(3).

14. Part VI Division 2 heading inserted

After regulation 46 insert:

Division 2 — Recreational skippers' tickets

15. Regulation 47 amended

- (1) In regulation 47(1) delete “regulations 47 to 47I —” and insert:

this Division —

- (2) In regulation 47(1) in the definition of *RST vessel* paragraph (a) delete “vessel for the purposes of Part VA; and” and insert:

vessel; and

- (3) In regulation 47(2):

- (a) delete “regulations 47 to 47I” and insert:

this Division,

- (b) delete “he or she” and insert:

the person

- (4) In regulation 47(3):

- (a) delete “regulation 47 to 47I,” and insert:

this Division,

(b) delete “he or she” and insert:

the applicant

Note: The heading to amended regulation 47 is to read:

Terms used

16. Regulation 47A amended

Delete regulation 47A(1).

Note: The heading to amended regulation 47A is to read:

Authority to drive motor boats and RST vessels

17. Part VI Division 3 heading inserted

After regulation 47I insert:

**Division 3 — Water ski-ing, para-sailing and the use of
personal watercraft**

18. Regulation 48 amended

In regulation 48(c) delete “under way; or” and insert:

underway; or

19. Regulation 49C amended

In regulation 49C delete “under way” and insert:

underway

20. Regulation 49M amended

In regulation 49M(c) delete “following appropriate in terms of the buoyancy and size” and insert:

following, of a size and buoyancy appropriate

Note: The heading to amended regulation 49M is to read:

Restrictions on slalom ski-ing or ski-jumping

21. Regulation 50 amended

In regulation 50(1):

(a) in paragraph (a) delete “8 a.m.” and insert:

8 am

(b) in paragraph (a) delete “sundown,” and insert:

sunset

(c) in paragraph (b) delete “9 a.m.” and insert:

9 am

(d) in paragraph (b) delete “sundown” and insert:

sunset

22. Part VI Division 4 heading inserted

After regulation 50A insert:

Division 4 — Lifejackets

23. Regulation 50B replaced

Delete regulation 50B and insert:

50B. Lifejackets to be worn on vessels

- (1) In this regulation —
open area, in relation to a vessel, means all areas of the vessel that are not wholly enclosed by a rigid structure.
- (2) If a vessel that is not a personal watercraft is being navigated outside protected waters and more than 400 m from any shore, each person on the vessel who has reached 12 months of age but who is not yet 12 years of age must, when on an open area of the vessel, wear an appropriate lifejacket.
- (3) If a vessel that is less than 4.8 m in length but that is not a personal watercraft is being navigated outside protected waters and more than 400 m from any shore, each person on the vessel who has reached 12 months of age must wear an appropriate lifejacket.
- (4) If a vessel is a personal watercraft that is being navigated in navigable waters, each person on the vessel who has reached 12 months of age must wear an appropriate lifejacket.
- (5) If a person who has reached 12 years of age is required to wear an appropriate lifejacket under subregulation (3) or (4) and the person is wearing a

lifejacket, that person must produce the lifejacket to an officer of the department on demand.

- (6) The master or person in charge of a vessel must ensure that each person who is required to wear an appropriate lifejacket under subregulation (2), (3) or (4) wears an appropriate lifejacket.
- (7) If a person on the vessel who is not yet 12 years of age is required to wear an appropriate lifejacket under subregulation (2), (3) or (4) and the person is wearing a lifejacket, the master or person in charge of the vessel must produce the lifejacket to an officer of the department on demand.
- (8) A person who has reached 12 years of age who contravenes subregulation (3), (4) or (5) commits an offence.
- (9) A master or person in charge of a vessel who contravenes subregulation (6) or (7) commits an offence.

24. Part VI Division 5 heading inserted

After regulation 50B insert:

Division 5 — Sailboard riding

25. Part VI Division 6 heading inserted

After regulation 50C insert:

Division 6 — Motor boats

26. Part VI Division 7 heading inserted

After regulation 51A insert:

Division 7 — Aquatic sport events

27. Part VI Division 8 heading inserted

After regulation 51C insert:

Division 8 — Equipment and safety

28. Regulations 51D to 52A replaced

Delete regulations 51D to 52A and insert:

52A. Vessels being navigated to be equipped with lifejackets

- (1) This regulation does not apply to a personal watercraft.
- (2) The owner of a registrable vessel must ensure that the vessel, while being navigated, is equipped with at least 1 appropriate lifejacket for each person on board who has reached 12 months of age.
- (3) The owner of a non-registrable vessel must ensure that the vessel, while being navigated outside protected waters and more than 400 m from any shore, is equipped with at least 1 appropriate lifejacket for each person on board who has reached 12 months of age.
- (4) For the purposes of determining the number of lifejackets a vessel is equipped with under subregulation (2) or (3), a lifejacket being worn by a

person on board the vessel is taken to be a lifejacket that the vessel is equipped with.

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

29. Regulation 52B amended

- (1) Delete regulation 52B(1) and (1a) and insert:

- (1) The owner of a vessel must ensure that the vessel, while being navigated outside protected waters and more than 400 m from any shore, is equipped with the following distress signals —

- (a) not fewer than —

- (i) 2 red hand held flares; and
(ii) 2 orange hand held flares;

or

- (b) an approved electronic visual distress signal if —

- (i) the vessel is also equipped with an Emergency Position-Indicating Radio Beacon that is GNSS-equipped; or
(ii) a personal locator beacon that is GNSS-equipped is attached to a person on board the vessel;

or

- (c) before 1 September 2026, not fewer than —

- (i) 2 orange hand held flares; and
(ii) 2 parachute distress rockets.

r. 30

- (2) In regulation 52B(2AA) delete “subregulations (1) and (1a)” and insert:

subregulation (1)(a) and (c)

- (3) Delete regulation 52B(2A).

30. Regulation 52BAA amended

- (1) Delete regulation 52BAA(1) and insert:

(1) The owner of a registrable vessel that proceeds more than 4 nautical miles from any shore must ensure that the vessel is equipped with a marine transceiver.

- (2) In regulation 52BAA(2) delete “under way the” and insert:

underway the marine

- (3) Delete regulation 52BAA(3A).

31. Regulation 52BAB replaced

Delete regulation 52BAB and insert:

52BAB. Certain vessels to carry locator beacons

The owner of a vessel that is outside protected waters and more than 400 m from any shore must ensure that —

- (a) the vessel is equipped with an Emergency Position-Indicating Radio Beacon; or

- (b) a personal locator beacon is attached to a person on board the vessel.

32. Regulation 52BAD amended

In regulation 52BAD(6)(b) delete “transceiver approved by the Spectrum Management Authority of the Commonwealth; and” and insert:

transceiver; and

33. Regulation 52BA amended

- (1) In regulation 52BA(1) delete “51D, 52,”.
- (2) In regulation 52BA(3):
- (a) delete “51D, 52,”;
- (b) delete “52BAB, 52C” and insert:

52BAB

34. Regulation 52BB inserted

After regulation 52BA insert:

52BB. Lifejacket worn on personal watercraft to be maintained in serviceable condition

A lifejacket that is required to be worn under regulation 50B(4) must be maintained in a serviceable condition.

**Transport Regulations Amendment (Marine Safety Equipment)
Regulations 2023**

Part 2 Navigable Waters Regulations 1958 amended

r. 35

35. Regulation 52C deleted

Delete regulation 52C.

36. Regulation 52CA amended

- (1) In regulation 52CA(1) delete “52A, 52B and 52C” and insert:

52A and 52B

- (2) In regulation 52CA(2A) and (2B) delete “52A, 52B and 52C.” and insert:

52A and 52B.

Note: The heading to amended regulation 52CA is to read:

**Chief executive officer may grant exemption from compliance
with r. 52A, 52B, 52BAC and 52BAD**

37. Part VI Division 9 heading inserted

After regulation 52H insert:

Division 9 — Offences and penalties

Note: The heading to regulation 50A is to read:

**Restrictions on freestyle driving, surfing and wave jumping on
personal watercraft**

**Part 3 — Western Australian Marine (Infringements)
Regulations 1985 amended**

38. Regulations amended

This Part amends the *Western Australian Marine (Infringements) Regulations 1985*.

39. Schedule 1 amended

In Schedule 1:

- (a) delete items 5 and 23A to 23D;
- (b) in item 23E delete “(on and after 1 April 2008)”;
- (c) in item 23F delete “day time; or” and insert:

daytime; or

- (d) in items 23F and 23G delete “(on and after 1 April 2008)”;
- (e) in item 23H delete “47AA(4)”;
- (f) in item 23H delete “47AB(6)”;
- (g) in item 23H delete “47AA, 47AB or”;
- (h) in item 24C delete “under weigh” and insert:

underway

- (i) in item 38 delete “50” and insert:

50(1)

- (j) in item 38 delete “sundown” (1st occurrence) and insert:

sunset

**Transport Regulations Amendment (Marine Safety Equipment)
Regulations 2023**

Part 3 Western Australian Marine (Infringements) Regulations 1985
amended

r. 39

(k) in item 38 delete “8am” and insert:

8 am

(l) in item 38 delete “sundown” (2nd occurrence) and insert:

sunset

(m) in item 38 delete “9am” and insert:

9 am

(n) delete item 38C and insert:

38C	50B(3) and (4) (as read with (8))	Person over 12 years failing to wear appropriate lifejacket	200
38D	50B(5) (as read with (8))	Person over 12 years required to wear appropriate lifejacket failing to produce the lifejacket they are wearing to officer of Department on demand	160
38E	50B(6) (as read with (9))	Master or person in charge of a vessel failing to ensure that an appropriate lifejacket is worn by a person on the vessel	200
38F	50B(7) (as read with (9))	Master or person in charge of a vessel failing to produce to officer of Department on demand a lifejacket being worn by a person on board who is under 12 and required to wear an appropriate lifejacket	160

(o) delete items 40A to 43B and insert:

42	52A(2)	Failing to equip registrable vessel being navigated with required number of lifejackets	200
42A	52A(3)	Failing to equip non-registrable vessel being navigated outside protected waters and more than 400 m from any shore with required number of lifejackets	200

**Transport Regulations Amendment (Marine Safety Equipment)
Regulations 2023**

Western Australian Marine (Infringements) Regulations 1985
amended

Part 3

r. 39

43	52B	Failing to equip vessel being navigated outside protected waters and more than 400 m from any shore with required number of distress signals	160
43A	52BAA	Failing to equip vessel being navigated more than 4 nautical miles from any shore with a marine transceiver.....	200
43B	52BAB	Failing to equip vessel being navigated outside protected waters and more than 400 m from any shore with — (a) an Electronic Position-Indicating Radio Beacon; or (b) a personal locator beacon attached to a person on board the vessel.....	200

(p) after item 46 insert:

46A	52BB	Failing to maintain lifejacket worn on personal watercraft in serviceable condition	200
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(q) delete item 47.

V. MOLAN, Clerk of the Executive Council