



Western Australia

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

## **Navigable Waters Amendment Regulations 2024**



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## Contents

1.	Citation		1
2.	Commencement		1
3.	Regulations amended		1
4.	Regulation 47C amended		1
5.	Regulations 47GA and 47GB inserted		1
	47GA. Effect of disqualification: cancellation	1	
	47GB. Effect of disqualification in another jurisdiction	2	
6.	Regulations 70 to 72 inserted		3
	70. Form of order to produce	3	
	71. Disclosure of information by Commissioner of Police	3	
	72. Disclosure of information: prescribed persons	4	
7.	Schedule 1 amended		8
8.	Schedule 1 Form 5 inserted		9



## **Navigable Waters Amendment Regulations 2024**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Navigable Waters Amendment Regulations 2024*.

**2. Commencement**

These regulations come into operation on 2 May 2024.

**3. Regulations amended**

These regulations amend the *Navigable Waters Regulations 1958*.

**4. Regulation 47C amended**

In regulation 47C(1) delete “regulation 47G” and insert:

regulations 47G and 47GB

**5. Regulations 47GA and 47GB inserted**

After regulation 47G insert:

**47GA. Effect of disqualification: cancellation**

(1) In this regulation —

**prescribed offence** means an offence against section 75C(1), 75CA(1), 75CD(1), 75DA(1), 75DD(1), 75HB(1), 75HC(1), 75HE(1), 75HH(1) or 75HI(1);

**section** means section of the *Western Australian Marine Act 1982*.

- (2) This regulation applies in relation to a person who is disqualified under a disqualification order on being convicted of an offence (the **present offence**) if —
  - (a) the present offence is a prescribed offence, other than an offence against section 75DA(1), and the person has previously been convicted of a prescribed offence; or
  - (b) the present offence is an offence against section 75DA(1) and the person has been convicted of a prescribed offence within the period of 5 years preceding the conviction for the present offence; or
  - (c) the present offence is an offence against section 75B(1) or (2), 75BA(1) or (2), 75BB(1) or (3), 75C(1) or 75CA(1).
- (3) A recreational skipper's ticket held by the person is cancelled by force of this regulation.
- (4) If a recreational skipper's ticket is cancelled under subregulation (3), the CEO must give written notice of the cancellation, and the reasons for it, to the ticket holder.
- (5) Regulation 47E does not apply in relation to the person.

**47GB. Effect of disqualification in another jurisdiction**

For the purposes of the *Western Australian Marine Act 1982* section 124GQ(b), if a person is disqualified

from holding or obtaining a foreign skipper's ticket under the law of another Australian jurisdiction or an overseas jurisdiction —

- (a) a recreational skipper's ticket held by the person is suspended while the disqualification is in effect; and
- (b) the person cannot obtain a recreational skipper's ticket.

**6. Regulations 70 to 72 inserted**

At the end of Part VIII insert:

**70. Form of order to produce**

For the purposes of the *Western Australian Marine Act 1982* section 18D(4) an order to produce must be in the form of Schedule 1 Form 5.

**71. Disclosure of information by Commissioner of Police**

(1) In this regulation —

*criminal intelligence information* means —

- (a) information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected —
  - (i) to prejudice criminal investigations; or
  - (ii) to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or

(iii) to endanger a person's life or physical safety;

or

(b) information the disclosure of which could reasonably be expected to reveal and prejudice the effectiveness of any of the following —

(i) police information-gathering or surveillance methods;

(ii) police procedures for preventing, detecting, investigating or dealing with matters arising out of breaches of the law.

(2) The information prescribed for the purposes of the *Western Australian Marine Act 1982* section 109(3) is information, other than criminal intelligence information, relating to the actual or suspected conduct of a person that may indicate that the person poses a risk of violence.

**72. Disclosure of information: prescribed persons**

(1) In this regulation —

*APS employee* has the meaning given in the *Public Service Act 1999* (Commonwealth) section 7;

*CEO* means the chief executive officer of the department.

(2) For the purposes of the definition of *prescribed person* in the *Western Australian Marine Act 1982* section 111(1), the following are prescribed —

(a) the Chairperson of ASIC, as defined in the *Australian Securities and Investments Commission Act 2001* (Commonwealth) section 5(1), or a staff member, as defined in



- that subsection, nominated by the Chairperson to the CEO;
- (b) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1), or an AFP employee, as defined in that subsection, nominated by the Commissioner to the CEO;
  - (c) the Australian Border Force Commissioner, appointed under the *Australian Border Force Act 2015* (Commonwealth) section 11(1) (***ABF Commissioner***), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the ABF Commissioner to the CEO;
  - (d) the Comptroller-General of Customs, referred to in the *Australian Border Force Act 2015* (Commonwealth) section 11(3), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the Comptroller-General to the CEO;
  - (e) the Chief of the Defence Force, appointed under the *Defence Act 1903* (Commonwealth) section 12(1) (***Chief of Defence***), or an officer of the Defence Force, as defined in section 4(1) of that Act, nominated by the Chief of Defence to the CEO;
  - (f) the Inspector-General, as defined in the *Bankruptcy Act 1966* (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act nominated by the Inspector-General to the CEO;

- (g) the Registrar, as defined in the *Child Support (Registration and Collection) Act 1988* (Commonwealth) section 4(1), or an APS employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act nominated by the Registrar to the CEO;
- (h) the Electoral Commissioner, as defined in the *Commonwealth Electoral Act 1918* (Commonwealth) section 4(1), or a member of the staff mentioned in section 29 of that Act nominated by the Electoral Commissioner to the CEO;
- (i) the Commissioner, as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1), or another officer of the Commission, as defined in that subsection, nominated by the Commissioner to the CEO;
- (j) the Electoral Commissioner, as defined in the *Electoral Act 1907* section 4(1), or a person employed in the Western Australian Electoral Commission nominated by the Electoral Commissioner to the CEO;
- (k) the FES Commissioner, as defined in the *Fire and Emergency Services Act 1998* section 3, or another member of staff, as defined in that section, nominated by the FES Commissioner to the CEO;
- (l) the Chief Executive Centrelink, as defined in the *Human Services (Centrelink) Act 1997* (Commonwealth) section 3, or a Departmental

- employee, as defined in that section, nominated by the Chief Executive Centrelink to the CEO;
- (m) a CEO of a local government, as defined in the *Local Government Act 1995* section 1.4 (**LG CEO**), or an employee of that local government, as defined in that section, nominated by the LG CEO to the CEO;
  - (n) the chief executive officer of a GTE, as defined in the *Government Trading Enterprises Act 2023* section 3(1) (**GTE CEO**), or a member of staff of the GTE, as defined in that subsection, nominated by the GTE CEO to the CEO;
  - (o) the chief executive officer of an agency, as defined in the *Public Sector Management Act 1994* section 3(1), or a person employed in that agency nominated by the chief executive officer to the CEO;
  - (p) an Agency Head, as defined in the *Public Service Act 1999* (Commonwealth) section 7, or an APS employee of the Agency Head's Agency nominated by the Agency Head to the CEO;
  - (q) the Commissioner, as defined in the *Taxation Administration Act 1953* (Commonwealth) section 2(1), or a member of the staff mentioned in section 4A of that Act nominated by the Commissioner to the CEO;
  - (r) a registered liquidator appointed under the *Corporations Act 2001* (Commonwealth) section 472(1) or a liquidator appointed under section 489EC(1) of that Act;

- (s) a registered trustee of the estate of a bankrupt appointed under the *Bankruptcy Act 1966* (Commonwealth);
- (t) the Commissioner (however designated) of the police force of another State or of the Northern Territory, or another officer of that police force nominated by the Commissioner of that police force to the CEO;
- (u) the chief executive officer (however designated) of a department of the public service of another State, the Australian Capital Territory or the Northern Territory, or a person employed in that department nominated by the chief executive officer of that department to the CEO;
- (v) the chief executive officer (however designated) of a local government or local government council in another State or in the Northern Territory, or an employee employed by that local government or local government council nominated by the chief executive officer of that local government or local government council to the CEO.

**7. Schedule 1 amended**

Delete the reference after the heading to Schedule 1 and insert:

[r. 19G, 69 and 70]

8. **Schedule 1 Form 5 inserted**

At the end of Schedule 1 insert:

**Form 5**

**ORDER TO PRODUCE**

<i>Western Australian Marine Act 1982</i>			
<b>Order to produce business record</b>			
<b>To</b>			
<b>Application</b>	The applicant has applied under the <i>Western Australian Marine Act 1982</i> s. 18C to me, a Justice of the Peace, for an order to produce a business record.		
<b>Official details of applicant</b>			
<b>Business records to be produced</b>	Description of records	Version to be produced	
<b>Order</b>	You are ordered to produce the version of the record or records described above at the place described below on or before [ <i>date</i> ].		
<b>Warning</b>	<b>It is an offence not to obey this order without a reasonable excuse.</b>		
<b>Where records to be produced</b>			
<b>Issuing details</b>	Name of JP		
	Date		Time

<b>JP's signature</b>	Issued by me on the above date and at the above time.	
	Justice of the Peace	
<b>Service details</b>	On [ <i>date</i> ] I served a copy of this order on the person to whom it is addressed by:	
	Signature of server	
<b>Server's details</b>	Name	
	Contact details	

K. COLLERAN, Clerk of the Executive Council