

WESTERN AUSTRALIAN
MARINE (No. 2).

No. 16 of 1979.

AN ACT to amend the Western Australian Marine Act, 1948-1978.

[Assented to 30th August, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Western Australian Marine Act Amendment Act (No. 2), 1979.*

Short title and citation.

(2) In this Act the Western Australian Marine Act, 1948-1978, is referred to as the principal Act.

Approved for reprint 13th June, 1968 and amended by Acts Nos. 30 of 1968, 1 of 1972, 94 of 1972 (as amended by No. 42 of 1975), 109 of 1973, 4 and 12 of 1976, 67 of 1977 and 21 of 1978.

(3) The principal Act as amended by this Act may be cited as the Western Australian Marine Act, 1948-1979.

Commence-
ment.

2. The provisions of this Act shall come into operation on a date to be fixed by proclamation after the approval of the Queen thereto has been proclaimed in the State.

Section 19
repealed and
substituted.

3. Section 19 of the principal Act is repealed and the following section is substituted—

Examina-
tions for
certain
certificates
of
competency.

19. (1) Subject to subsection (2) of this section, the Department shall appoint examiners and conduct examinations at times and places and in manner and under conditions prescribed for applicants for—

- (a) coast trade masters' certificates;
- (b) masters' certificates;
- (c) master harbour and river certificates;
- (d) coxswains' certificates;
- (e) third class engineers' certificates;
- (f) fourth class engineers' certificates; or
- (g) marine motor engine drivers' certificates,

referred to in section twenty-one of this Act and in this Act referred to as certificates of competency.

(2) A person shall not be admitted to an examination conducted under subsection (1) of this section unless he speaks and writes the English language intelligibly. .

Section 20
repealed and
substituted.

4. Section 20 of the principal Act is repealed and the following section is substituted—

Reports of
examiners,
issue of
certificates
of compet-
ency,
re-examina-
tions and
further
inquiries.

20. (1) Subject to subsection (2) of this section, examiners appointed under subsection (1) of section nineteen of this Act shall report on the result of each examination conducted

under the latter subsection to the Department, which shall thereupon issue to each applicant who is duly reported by those examiners—

- (a) to have passed that examination satisfactorily; and
- (b) to have given satisfactory evidence of his sobriety, experience, ability and general good conduct,

the appropriate certificate of competency referred to in that subsection.

(2) If the Department has reason to believe a report made under subsection (1) of this section to have been unduly made, the Department may remit the case either to the same or to any other examiners appointed under subsection (1) of section nineteen of this Act and may require those examiners to re-examine the applicant concerned or to inquire further concerning his testimonials and character, or both, before deciding whether or not to issue the appropriate certificate of competency to that applicant.

5. Section 21 of the principal Act is repealed and the following section is substituted—

Section 21
repealed
and
substituted.

21. (1) A person shall not cause or attempt to cause—

Officers to
be provided
on certain
ships.

- (a) a coast-trade ship to be underway within the jurisdiction unless the coast-trade ship is provided with—
 - (i) in the case of every coast-trade ship, a master possessing a coast-trade master's certificate appropriate to the gross tonnage of his coast-trade ship or a certificate of higher grade;
 - (ii) in the case of a coast-trade ship of more than one hundred tons net registered tonnage, a first mate possessing a mate's

certificate appropriate to the gross tonnage of his coast-trade ship or a certificate of higher grade in addition to the master referred to in subparagraph (i) of this paragraph; and

- (iii) in the case of a coast-trade ship of more than three hundred tons net registered tonnage, a second mate possessing a mate's certificate of any grade or a certificate of higher grade in addition to the master and first mate referred to in subparagraphs (i) and (ii), respectively, of this paragraph;

or

- (b) a harbour and river ship to be underway within the jurisdiction unless the harbour and river ship is provided with a master possessing a master harbour and river certificate or, if the Department so permits in writing, a coxswain possessing a coxswain's certificate.

(2) A person shall not cause or attempt to cause a coast-trade ship or harbour and river ship which is propelled by mechanical power to be underway within the jurisdiction unless—

- (a) in the case of a coast-trade ship the propelling power of which is more than three thousand kilowatt power, that coast-trade ship is provided with a first engineer possessing a first class engineer's certificate and a second engineer possessing a second class engineer's certificate or a certificate of higher grade;
- (b) in the case of a coast-trade ship the propelling power of which is three thousand kilowatt power or less but more than one thousand five hundred

kilowatt power, that coast-trade ship is provided with a first engineer possessing a second class engineer's certificate or a certificate of higher grade and a second engineer possessing a third class engineer's certificate or a certificate of higher grade;

- (c) in the case of a coast-trade ship the propelling power of which is one thousand five hundred kilowatt power or less but more than seven hundred and fifty kilowatt power or a harbour and river ship the propelling power of which is more than one thousand five hundred kilowatt power, that coast-trade ship or harbour and river ship is provided with a first engineer possessing a third class engineer's certificate or a certificate of higher grade and a second engineer possessing a fourth class engineer's certificate or a certificate of higher grade;
- (d) in the case of a coast-trade ship the propelling power of which is seven hundred and fifty kilowatt power or less but more than three hundred kilowatt power or a harbour and river ship the propelling power of which is one thousand five hundred kilowatt power or less but more than five hundred and fifty kilowatt power, that coast-trade ship or harbour and river ship is provided with an engineer possessing a fourth class engineer's certificate or a certificate of higher grade; or
- (e) in the case of a coast-trade ship the propelling power of which is three hundred kilowatt power or less or a harbour and river ship the propelling power of which is five hundred and fifty kilowatt power or less, that coast-trade ship or harbour and river ship is

provided with a driver possessing a marine motor engine driver's certificate or a certificate of higher grade.

- (3) This section does not apply—
- (a) to ships used for pleasure and not engaged in trading or plying for hire; or
 - (b) to ships in respect of which a determination of the Manning Committee is in force under section twenty-one C of this Act.

Section 182A
amended.

6. Section 182A of the principal Act is amended—
- (a) in lines three and four of subsection (1) by deleting the words "go to sea" and substituting the words "be underway";
 - (b) in lines one and two of subparagraph (i) of paragraph (b) of subsection (1) by deleting the passage "150 kilowatts brake power" and substituting the words "three hundred kilowatt power";
 - (c) in lines one and two of subparagraph (ii) of paragraph (b) of subsection (1) by deleting the passage "150 kilowatts brake power" and substituting the words "three hundred kilowatt power";
 - (d) in line four of paragraph (b) of subsection (2) by deleting the words "second or a" and substituting the passage "third, second or"; and
 - (e) in line three of paragraph (c) of subsection (2) by deleting the passage "third," and substituting the passage "fourth, third,".

Section 182B
amended.

7. Section 182B of the principal Act is amended in line three by deleting the words "go to sea" and substituting the words "be underway".