

# WESTERN AUSTRALIAN MARINE.

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No. 63 of 1970.

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AN ACT to amend Division 6 of Part V of the  
Western Australian Marine Act, 1948-1968.

[Assented to 5th November, 1970.]

**B**E 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, 1970.*

Short title  
and citation.

(2) In this Act the Western Australian Marine Act, 1948-1968 is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
13th June,  
1968 and  
further  
amended by  
Act No. 30  
of 1968.

(3) The principal Act as amended by this Act may be cited as the Western Australian Marine Act, 1948-1970.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Repeal and  
re-enact-  
ment of s. 81.

3. Section 81 of the principal Act is repealed and re-enacted as follows—

Application  
of this  
Division.

81. This Division applies, subject to section eighty-three of this Act, to every vessel that is—

- (a) a coast trade ship;
- (b) a limited coast trade vessel exceeding fifteen tons gross;
- (c) a vessel operating as a supply, storage, or transport vessel for any other vessel engaged in—
  - (i) pearling, as defined in the Pearling Act, 1912;
  - (ii) taking by any method of fish for sale, or for other disposal for gain or reward; or
  - (iii) taking or killing whales; or
- (d) a harbour and river ship, unless it is operating solely—
  - (i) on lakes and rivers within the boundaries of the Port of Perth, as determined or varied under section ten of the Shipping and Pilotage Act, 1967; or
  - (ii) under a certificate that, in accordance with subsection (3) of section thirty-seven of this Act, limits the number of passengers. .

Repeal and  
re-enact-  
ment of s. 82.

4. Section 82 of the principal Act is repealed and re-enacted as follows—

Deck lines  
and load  
lines.

82. A vessel to which this Division applies—

- (a) shall be permanently marked with a deck line in the manner prescribed by the regulations;

- (b) shall, before the vessel goes to sea or plies within the boundaries of any port, be marked with a load line in the manner prescribed in the regulations; and
- (c) shall not be loaded beyond the limits prescribed by the regulations. .

5. Section 83 of the principal Act is repealed and re-enacted as follows—

Repeal and re-enactment of s. 83.

83. (1) Where, in respect of a particular vessel, the Minister is satisfied that it would be unreasonable or impracticable to apply this Division, or a provision of this Division, or a provision of the regulations made under this Division, he may, subject to such conditions as he thinks fit for ensuring the safety of the vessel and passengers and crew of the vessel, exempt the vessel, or the master and owner of the vessel, from compliance with the provisions of this Division or from compliance with that provision of this Division or that provision of the regulations, as the case may be.

Exemptions.

(2) The powers of the Minister under subsection (1) of this section to grant an exemption in respect of a particular vessel extend to granting exemptions in respect of a vessel in a particular class of vessels.

(3) Where a condition specified by the Minister under subsection (1) of this section is not complied with in relation to a vessel, the master and the owner of the vessel are each guilty of a contravention or evasion of this Act. .

6. Subsection (1) of section 84 of the principal Act is repealed and re-enacted as follows—

Amendment to s. 84. (Power to appoint corporations, etc., for survey or registry of shipping.)

(1) The Governor may appoint any competent authority for the survey or registry of shipping to give approval or issue a certificate on behalf of the Department in respect of any matter provided for in this Division or the

regulations made thereunder, and may prescribe fees to be paid for any such approval or certificate.

Amendment  
to s. 85.  
(Regulations.)

7. Subsection (1) of section 85 of the principal Act is repealed and re-enacted as follows—

(1) The Governor may make regulations for giving effect to this Division and, in particular and without limiting the generality of the foregoing, prescribing—

- (a) the manner and conditions of assignment of load lines;
- (b) the necessary strength of vessels and the manner of determining that strength;
- (c) surveys and inspections of vessels for the purposes of this Division;
- (d) the manner of calculation and assignment of freeboards;
- (e) the specifications of the marks and lines to be used as, or associated with, deck lines and load lines and the manner of using those marks and lines in order to indicate the maximum load line under different circumstances, in different seasons, and at different places;
- (f) the limits of loading vessels under different circumstances, in different seasons, and at different places and the manner of determining those limits;
- (g) the approvals and certificates that are required and the manner and conditions of giving and issuing them;
- (h) the manner of application, and the fees payable in respect thereof, for any approval or certificate that is required;
- (i) that certificates may be extended and the circumstances in which they may be extended;

- (i) that certificates may be cancelled and the circumstances in which they may be cancelled;
  - (k) the application of the regulations to existing vessels, as prescribed in the regulations;
  - (l) particulars that, for the purposes of this Division, are required to be included in the official log book of the ship and the manner of publicising the particulars on board the ship and otherwise;
  - (m) the forms to be used;
  - (n) the application of the regulations to the owner and master, or both the owner and master, of a vessel;
  - (o) that the regulations require a matter affected by them to be—
    - (i) in accordance with a standard or requirement specified in the regulations;
    - (ii) as approved by, or to the satisfaction of a person or body, or a class of person or body, specified in the regulations; and
  - (p) that a person or body, or a class of person or body, specified in the regulations has a discretionary authority. .
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