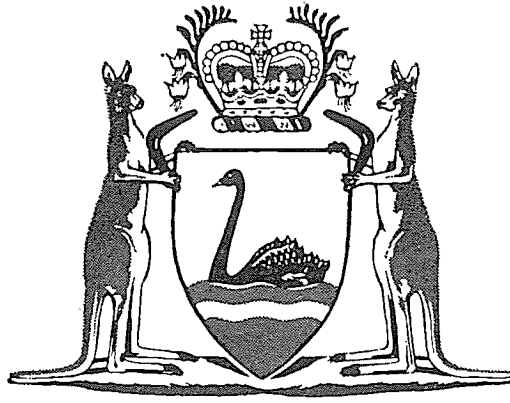


[2901]



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

No. 68]

PERTH : TUESDAY, 1st AUGUST

[1972

SHIPPING AND PILOTAGE ACT, 1967,
JETTIES ACT, 1926, AND WESTERN
AUSTRALIAN MARINE ACT, 1948.

NAVIGABLE WATERS
REGULATIONS.

Crown Law Department,
Perth, 25th July, 1972.

THE undermentioned regulations made under the provisions of the Shipping and Pilotage Act, 1967, the Jetties Act, 1926, and the Western Australian Marine Act, 1948, and amended from time to time up to and including the 24th March, 1972, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

W. J. ROBINSON,
Under Secretary for Law.

SHIPPING AND PILOTAGE ACT, 1967, JETTIES ACT, 1926, AND
WESTERN AUSTRALIAN MARINE ACT, 1948.

NAVIGABLE WATERS REGULATIONS.

Published in the *Government Gazette* on the 2nd April, 1958, and reprinted in the *Government Gazette* published on the 28th April, 1970, incorporating the amendments thereto published in the *Government Gazette* up to and including the 6th February, 1970, and now reprinted incorporating the further amendments thereto published in the *Government Gazette* on the 9th February, 1970; the 1st May, 1970; the 16th October, 1970; the 16th December, 1971, and the 24th March, 1972; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General, dated 24th July, 1972.

SHIPPING AND PILOTAGE ACT, 1967, JETTIES ACT, 1926, AND
WESTERN AUSTRALIAN MARINE ACT, 1948.

NAVIGABLE WATERS REGULATIONS.

PART I.—PRELIMINARY.

Citation.

1. These regulations may be cited as the Navigable Waters Regulations, and shall come into force one month after the publication thereof in the *Government Gazette*.

Interpretation.

2. In these regulations, subject to the context—

“department” means the Harbour and Light Department;

“motor boat” means a vessel propelled by any means other than oars or sail and includes a speed boat but does not include any sailing vessel equipped with propelling machinery of which the horse power, expressed as a number, does not exceed one-twentieth of the number of square feet of sail for which that vessel is fitted;

“navigable waters” means rivers, lakes, inlets and other inland waters on which any vessel or any type of marine craft can be navigated and includes all water below high water mark within three nautical miles of the coastline of the State;

“officer of the department” means an officer of the department and includes any Government officer or other person acting for or on behalf of or with the authority of the department;

“owner” in relation to a vessel includes the master or person in charge of the vessel;

“protected waters” means the waters contained in any lake, river or estuary or by any breakwater;

“public jetty” means “public jetty” as defined in the Jetties Act, 1926, section 3;

“speed boat” means a motor boat designed for, or capable of, a speed in excess of twelve knots;

“the Acts” means Act 18, Vict. No. 15,¹ Act 37, Vict. No. 14,¹ the Jetties Act, 1926, the Western Australian Marine Act, 1948, and all Acts amending or substituted for the same.

Responsibility of Master and Owner.

3. (1) Where by these regulations any act is required or forbidden to be done in relation to any vessel, it is the duty of the master and owner of the vessel to do the act or to refrain from doing the act as the case may be except where otherwise expressly provided by these regulations.

(2) For the purposes of this regulation, the provisions of regulations 51B, 51C and 52A to 52D, inclusive, apply to every vessel being a vessel within the meaning of the Acts or to every owner or person in charge of any such vessel, as the case may be.

Reg. 2.
Amended by
G.G. 19/12/62,
p. 4014;
G.G. 23/3/65,
p. 900.

Reg. 3.
Amended by
G.G. 19/12/62,
p. 4014.

¹ Repealed by Shipping and Pilotage Act, 1967.

PART II.—GENERAL GOOD ORDER REGULATIONS.

Reg. 4.
Substituted
by G.G.
28/5/69,
p. 1568.

4. Unless the contrary intention appears these regulations apply to and in relation to—

- (a) coast-trade ships, limited coast-trade vessels, harbour and river ships and any vessel to which Part VIII of the Western Australian Marine Act, 1948, applies, in or upon navigable waters; and
- (b) persons in or upon navigable waters.

Inspection of Vessels.

5. (a) Any officer of the department and any police officer may at any hour of the day or night enter upon and inspect any vessel and the equipment, machinery and gear in or about the vessel.

(b) Any person who obstructs, threatens or interferes with an officer of the department or police officer when acting under the last preceding subregulation shall be guilty of an offence.

(c) No person on or about a vessel shall, on demand by an officer of the department, refuse to furnish the officer with the person's name and address.

(d) The department may cancel or suspend any certificate granted by the department under any of the Acts to a person convicted of an offence under this regulation.

Reg. 6.
Amended by
G.G. 28/5/69,
p. 1568.

Lifesaving Equipment.

6. No person shall interfere with, remove or damage any lifesaving equipment which has been placed in a public place for use in saving life from drowning.

Aids to Navigation.

7. (a) No person shall interfere with, remove or damage any beacon, buoy or other artificial aid to navigation.

(b) No person shall, except with permission in writing from the department, make fast any vessel to any beacon, buoy, seamark or other aid to navigation.

Reg. 8.
Amended by
G.G. 28/5/69,
p. 1568.

Rubbish.

8. (a) No person shall throw into or cause to be placed in any port or harbour or navigable waters any matter or thing except with the permission of the department.

(b) A person convicted of an offence under this section shall within ten days after demand by the department remove or cause to be removed from the port or harbour or navigable waters the matter or thing thrown or placed therein. Where the matter or thing is not so removed within the period of ten days, the department may remove it or cause it to be removed and all costs incurred in or about such removal shall be deemed to be a debt payable to the department by the person offending and may be recovered by action in law in a Court of competent jurisdiction.

Sand Below High Water Mark.

9. (a) Except as provided by subregulation (b) of the last preceding regulation, no person shall, except with permission of the department, remove any sand or other material from below high water mark in any port or harbour.

(b) No person shall interfere with or cause damage or erosion to the sea shore or to any natural or artificial river bank within a port or harbour.

Restrictions on Swimming.

Reg. 10.
Substituted
by G.G.
3/10/67,
p. 2592.

10. No person shall—

- (a) while using or swimming from any public jetty or bridge, obstruct, impede or interfere with the free passage of any vessel approaching or leaving the public jetty or bridge; or
- (b) cause any nuisance to any person or about a vessel, public jetty or bridge.

Swimming at Own Risk.

11. A person using or swimming from a public jetty shall do so at his own risk so far as liability of the Crown or the department is concerned for any injury, loss or damage incurred by that person in his use of the jetty.

Regattas.

12. (a) No person shall navigate a vessel in such a manner or in such a position as to obstruct, impede or otherwise interfere with, or endanger the safety of boats or persons assembled or competing in events on the occasion of any form of aquatic sport, boat race, swimming carnival, regatta or other assembly for the purpose of entertainment within any navigable waters, for which permission has been granted pursuant to regulation 51C of these regulations.

Reg. 12.
Amended by
G.G. 3/10/67,
p. 2592.

(b) The owner of any vessel on any such occasion shall immediately obey any instruction regarding navigation given to him by an officer of the department or by a police officer.

Age and Duty of Persons in Charge of Vessels.

13. It is the duty of every person in charge of a motor boat to be conversant with these regulations and with the regulations dealing with the rule of the road relating to navigation made under section 89 of the Western Australian Marine Act, 1948.

Nuisance.

14. No vessel shall travel at such a speed or in such a manner as to cause nuisance or damage to any person or to any other vessel whether moored or not or to cause damage or erosion to any bank or property.

14A. No person shall navigate a vessel in such a manner as to obstruct, impede or otherwise interfere with, or endanger the safety of other vessels or persons.

Reg. 14A.
Added by
G.G. 28/5/69,
p. 1568.

Towing Vessels.

15. No motor boat shall pass through or under any bridge with more than one vessel in tow.

Inflammable Liquid.

16. No person shall carry or attempt to carry or cause to be carried any inflammable liquid in any vessel licensed to carry passengers whether or not the liquid is carried with cargo or in passenger's baggage or otherwise.

Two Vessels Leaving Adjacent Berths at the Same Time.

17. Where two or more vessels are scheduled to leave the same or adjoining jetties or berths at the same time, the vessel first under weigh shall have the right of way and the other vessel or vessels shall remain stationary until the vessel first under weigh is well clear.

Motor Boats Approaching Jetties.

18. (a) Where two motor boats approach the same public jetty from different directions under such circumstances that if they proceed on their courses a dangerous situation is likely to arise, the motor boat bound down a river shall give way to the motor boat bound up a river.

(b) Where two motor boats approach the same public jetty in the same direction under circumstances that if they proceed on their courses a dangerous situation is likely to arise, the motor boat on the outer course shall give way to the motor boat on the inner course.

General Restrictions on Use of Vessels.

Reg. 18A.
Added by
G.G. 30/12/66,
p. 3465.

18A. (1) In this regulation "vessel" means any vessel held for the purpose of pleasure privately and not for hire or reward.

(2) A person shall not cause or permit a vessel to go to sea and to remain outside the limits of any port for a period exceeding twelve hours unless the vessel is manned by not less than two persons.

Original
Reg. 19
deleted by
G.G. 19/12/62,
p. 4014.
New Reg.
added by
G.G. 4/11/65,
pp. 3803-4.

19. (1) In this regulation "vessel" means—

(a) a vessel not solely propelled by oars, held for the purpose of pleasure privately and not for hire or reward;

(b) a vessel licensed or required to be licensed under the Fisheries Act, 1905.

(2) Subject to subregulation (3) of this regulation, a person in charge of a vessel of less than twelve feet in length shall not cause or permit the vessel to be navigated at a greater distance than five nautical miles from the nearest point at low water mark on the mainland shore.

Penalty: Forty dollars.

(3) Nothing in this regulation prevents the navigation of a vessel of less than twelve feet in length—

(a) within the limits of any port fixed by or under the Ports and Harbours Act, 1917,¹ or the Fremantle Port Authority Act, 1902; or

(b) within a distance of one nautical mile from any island.

Reg. 19A.
Added by
G.G. 24/3/72,
p. 699.

19A. Subject to regulations 48 and 48A of these regulations, a person shall not cause a vessel to travel at a speed exceeding ten knots in the waters of the Swan and Canning Rivers between the hours of sunset and sunrise.

Reg. 19B.
Added by
G.G. 24/3/72,
p. 699.

19B. A person shall not, except in the case of an emergency, or where a vessel is in distress and requires assistance, use or set off any signal, flare, rocket or other distress signal without having first obtained the written permission of the department.

Penalty: Two hundred dollars.

Penalties.

Reg. 20.
Substituted
by G.G.
28/5/69,
p. 1568.
Amended by
G.G. 24/3/72,
p. 699.

20. A person who by act or omission commits a breach of the provisions of any regulation in this Part is guilty of an offence and where no other penalty is provided is liable on conviction to a penalty of forty dollars.

PART III.—USE OF PUBLIC JETTIES.

Interpretation.

21. In this Part, subject to the context—

"jetty" means "public jetty" as defined in section 3 of the Jetties Act, 1926, and includes all jetties as defined in the said section and public and private jetties within a proclaimed port or harbour;

"vessel" means "vessel" as defined in section 3 of the Jetties Act, 1926.

Application of this Part.

22. Regulations in this Part apply in relation to all persons, in, on, or using navigable waters in or about a jetty.

Use of Jetties.

23. (a) No person shall land at, use or enter a jetty except in accordance with these regulations.

(b) No person shall land at, use or enter a jetty which is under construction or under repair or is closed under section 6 of the Jetties Act, 1926.

¹ Repealed by Shipping and Pilotage Act, 1967.

Moored Vessels to Jetties.

24. (a) No vessel shall be moored or made fast to a jetty or any part thereof except to such mooring piles, ring bolts or other fastenings as are provided and no vessel shall remain alongside any jetty unless so moored or fastened.

(b) No person shall cause any obstruction on or to any public steps or landing place for passengers on or at a jetty or impede the free passage of other persons on or along such steps or places.

Vessels Not to Remain at Jetties.

25. (a) Any vessel fastened to or alongside a jetty shall be removed forthwith on order for removal being given by an officer of the department.

(b) Subject to subregulation (a) of this regulation, vessels fastened to or alongside any jetty shall remain so fastened or alongside only while embarking or disembarking passengers or cargo.

(c) No vessel loading or discharging cargo shall come alongside or be fastened to any jetty until the cargo is ready to be loaded or discharged, as the case may be.

(d) Except with the written permission of the department, no vessel shall remain alongside a jetty for the purpose of loading or discharging cargo between sunset and the next following sunrise.

Cargo or Property on Jetties.

26. (a) No property intended for shipment on to a vessel shall be placed on a jetty unless and until the vessel is alongside the jetty, and such property shall be removed from the jetty as soon as practicable after being placed thereon.

(b) Property unloaded from a vessel on to a jetty shall be removed from the jetty as soon as practicable.

(c) Property on a jetty shall be forthwith removed therefrom upon demand by an officer of the department.

(d) Property left on a jetty shall be removed before the next sunrise.

(e) A person who leaves property or is in charge of property left on a jetty contrary to this regulation commits an offence.

(f) Property which remains on a jetty contrary to this regulation may be removed by an officer of the department, and the cost of removal and of any subsequent storage of the property shall be deemed to be a debt to the department payable jointly and severally by the owner, consignor and consignee of the property, and may be recovered by action in a court of competent jurisdiction.

Explosives on Jetties.

27. Without the permission of the department, no person shall land, place or handle on a jetty any explosive as defined in section 4 of the Explosives Act, 1895.¹

Vehicles on Jetties.

28. (a) No vehicle shall be driven on to or be or remain on a jetty without permission of an officer of the department.

(b) No person shall ride or have a bicycle on any jetty.

Bulk Cargoes on Jetties.

29. (a) No bulk cargo shall be tipped from a vehicle or deposited from a vessel on to a public jetty: Provided that this subregulation shall not apply to the tipping or depositing of sand, stone, gravel, soil or manure which is tipped or deposited by permission in writing of an officer of the department.

(b) All property tipped or deposited on to a jetty shall be so tipped or deposited gently and carefully.

¹ Now Explosives and Dangerous Goods Act, 1961.

Damage to Jetties.

30. (a) Without prejudice to the liability of other persons, if any, the owner of a vessel is personally responsible for all damage to a jetty caused by a person employed by him.

(b) Where damage to a jetty is caused by an owner or by a person employed by him, the department may repair the damage and the cost of such repairs shall be a debt due to the department and payable by the owner and may be recovered in a court of competent jurisdiction.

Fishing from Jetties.

Reg. 31.
Substituted
by G.G.
23/3/67,
p. 814.

31. (1) A person shall not fish in or under a navigation arch of a public bridge or fish from any jetty so as to obstruct or interfere with the free movement of vessels approaching or leaving the jetty or so as to cause a nuisance on the jetty.

(2) A person shall not hang or spread a fishing net from on or over any part of a jetty.

Nuisance on Jetties.

Reg. 32.
Substituted
by G.G.
23/3/67,
p. 815.

32. A person shall not—

- (a) without the consent of the department, offer goods for sale on a jetty;
- (b) by any means, tout or solicit anyone to proceed as a passenger by any vessel or vehicle;
- (c) without the consent of the department, display any sign or advertisement or use any loud speaking device, on a jetty; or
- (d) so conduct himself as to interfere with free movement of persons entering upon or leaving a jetty.

Gangways to be Provided.

33. (a) Any licensed passenger motor boat using a jetty for the purpose of embarking or disembarking passengers shall provide between the vessel and the jetty at least one safe gangway of not less than two feet six inches in width and having a hand rail on both sides.

(b) Where passengers are embarking or disembarking between sunset and the next following sunrise, the gangway referred to in the last preceding subregulation shall be sufficiently lighted.

Material not to be Removed.

34. No person shall remove or cause to be removed from any jetty or from the approaches thereto any gravel, stone, timber, trees, shrubs, grasses or other material without the written permission of the Minister for Works or his representative.

Obstruction of Jetties or Officer.

35. (a) No person shall place or cause to be placed on a jetty any obstruction without the written permission of the department or the Department of Works.

(b) No person shall obstruct any representative, officer or workman of the department or the Department of Works in constructing, repairing, adding to or working on any jetty.

Penalties.

36. A person who by act or omission contravenes the provisions of any regulation in this Part commits an offence and is liable on conviction to a penalty not exceeding forty dollars.

PART IV—BERTHING AND MOORING.

Application of this Part.

37. Subject to the context, the regulations in this Part apply in relation to all vessels referred to in any of the Acts in any port, harbour, or navigable waters.

Vessels to be Moored, Berthed or Take Their Departure as Directed.

38. (a) The owner of a vessel shall moor or berth his vessel in such a place and in such a manner as directed by an officer of the department and shall, if so directed by an officer of the department, forthwith remove his vessel or mooring in accordance with such directions.

Reg. 38.
Amended by
G.G. 23/3/67,
p. 815.

(b) Where the owner of a vessel neglects or refuses to remove his vessel or his moorings as directed by an officer of the department, the officer may move or cause to be moved the vessel or moorings or both, as the case may be, and the cost of such moving shall be deemed to be a debt due to the department payable by the owner and may be recovered by action in a court of competent jurisdiction, but without prejudice to the liability of the owner to conviction and penalty under the last preceding subregulation.

(c) An officer of the department may, without the knowledge or consent of the owner of the vessel, move or cause to be moved the vessel or its moorings or both as found necessary from time to time.

(d) An officer of the department may direct that a vessel take its departure from a berth at such time or times as he may stipulate, so as to provide for the departure of the vessel at a time or times on a particular day or at times over a period of days; and a person in charge of a vessel who fails to comply with any such direction commits an offence.

Interference with Vessels.

39. No person shall, without the consent of the department, or of the owner of a vessel, move, let go or otherwise interfere with a vessel or its moorings.

Penalties.

40. A person who by act or omission contravenes the provisions of any regulation in this Part commits an offence and is liable on conviction to a penalty not exceeding forty dollars or imprisonment not exceeding one month with or without hard labour.

PART V—OBSTRUCTION AND WRECKS.

Application of this Part.

41. Subject to the context, regulations in this Part apply within ports, harbours and navigable waters and in relation to vessels, owners and persons referred to in the Acts.

Vessels in Distress in Channels.

42. (a) No person shall anchor or moor any vessel in any fairway or channel, unless the vessel is in distress.

(b) Where an anchor has been slipped or let go from a vessel in distress in a fairway or channel, the owner of the vessel shall, as soon as possible, recover and lift the anchor and place it in a position where it will not interfere with the free passage of any other vessel.

(c) No person shall place a cable, rope or other obstruction in or across a fairway or channel without the permission in writing of the department.

(d) No person who causes an obstruction in any fairway or channel shall allow the obstruction to remain in the fairway or channel.

(e) A vessel detained by engine failure or similar cause in a fairway or channel shall be moved close to one side of and where possible out of the fairway or channel.

Obstructions.

Reg. 43.
Amended by
G.G. 3/10/67,
p. 2593.

43. (a) No crab drop net, fishing net, marker buoy or other buoyed object shall be placed or allowed to remain in any channel or fairway in any port or harbour, or in any channel, fairway or passage in any navigable waters except by permission of the department.

(b) No person shall sink, set adrift or abandon any vessel, wreck or thing liable to obstruct the passage of or to cause damage to any vessel in any port, harbour or navigable waters.

(c) The owner of any vessel, wreck or thing which has been sunk, set adrift or abandoned in any port, harbour or navigable waters, shall raise and remove the same and where directions as to the removal are given to him by an officer of the department, the owner shall forthwith then obey the same.

(d) Where any vessel, wreck or thing is not removed in accordance with paragraph (c) of this regulation, or where the officer of the department is unable, after making reasonable enquiries, to ascertain the identity or whereabouts of the owner, the department may remove the same or cause it to be removed and the cost of such removal shall be deemed to be a debt due to the department by the owner of the vessel, wreck or thing and may be recovered by action in a Court of competent jurisdiction.

(e) An officer of the department may remove any buoyed object (including floats and attachments) found in any channel or fairway. A buoyed object so removed may be retained in the possession of the department until claimed by the owner or person entitled to possession thereof. If no such claim is made within three months after possession by the department, the object so possessed shall be deemed to have been abandoned by the owner and may be disposed of accordingly.

Beached Vessels.

44. (a) No person shall remove or otherwise interfere with a vessel which has been beached except with the consent of the owner of the vessel.

(b) The owner of a beached vessel shall remove it to another place if and when directed by an officer of the department and in accordance with such directions.

(c) An officer of the department may remove any beached vessel from any place to any other place.

Penalties.

45. Any person who by act or omission contravenes the provisions of any regulation in this Part commits an offence and is liable on conviction to a penalty not exceeding forty dollars or to imprisonment not exceeding one month with or without hard labour.

PART VA—REGISTRATION OF PRIVATE PLEASURE BOATS.

Application of this Part.

Reg. 45A.
Added by
G.G. 16/12/71,
pp. 5230-1.

45A. (1) The provisions of this Part apply to and in relation to—

- (a) the use in navigable waters of any registrable vessel on or after the first day of January, 1972;
- (b) the registration for the first time of any registrable vessel that is effected on or after the first day of January, 1972;
- (c) the renewal of any registration that expires on or after the thirty-first day of December, 1971; and
- (d) the transfer, on or after the first day of January, 1972, of the ownership and registration of any registered vessel.

(2) In this Part—

“owner” in relation to a registered vessel, means the person stated to be the owner in the application for registration or renewal or transfer thereof, of the vessel, last received by the department;

“registered vessel” means a vessel for the time being registered under this Part;

“registrable vessel”, subject to subregulation (3) of this regulation, means any vessel, within the meaning of section 205 of the Western Australian Marine Act, 1948, which is or may be propelled by mechanical power, including such a vessel which is ordinarily propelled by sail only;

“tender” means an auxiliary vessel that—

- (a) is not more than 10 feet in length; and
- (b) is propelled by motored power not exceeding 5 horsepower,

that is used as a life boat or means of transportation between the parent vessel and the shore, or for both those purposes, but for no other purpose.

(3) A tender is not a registrable vessel for the purposes of this Part if the tender is marked, in the manner described in regulation 47A of these regulations, with the registration number of the parent vessel.

Vessels Required to be Registered, etc.

45B. (1) A person shall not, on or after the first day of January, 1972, use or have in any navigable waters a registrable vessel unless—

Reg. 45B.
Added by
G.G. 16/12/71,
p. 5231.

- (a) the vessel is registered with the department in accordance with this Part; and
- (b) there is affixed to the vessel adjacent to its means of steering and in such a position as to render the particulars therein to be clearly visible and legible, the current identification plate issued under this Part for the vessel.

(2) Every application for the registration or the renewal of the registration of a registrable vessel shall be made to the department in writing and shall include particulars of—

- (a) the full name and residential address of the owner of the vessel and the telephone number of any telephone installed at that address for the owner;
- (b) the overall length of the vessel expressed in feet and inches or in metres and centimetres;
- (c) the type of construction of the vessel and its colour; and
- (d) the horsepower and name of the manufacturer of the engine fitted to the vessel or carried as an auxiliary in the vessel and a statement as to whether the engine is of the inboard or outboard type,

and the application shall be accompanied by the appropriate fee ascertained in accordance with the following table:—

Overall length of registrable vessel.	Fee \$
Less than 16 ft.	4.00
16 ft. or more but not exceeding 35 ft.	7.00
Exceeding 35 ft.	8.00

(3) Where an application in accordance with subregulation (2) of this regulation is made to the department—

- (a) the department shall, where the application is not one by way of renewal, allot a registration number for the vessel; and
- (b) the department shall in every case, issue to the owner for whom the application was made a certificate of registration of the vessel and an identification plate for the vessel which identification plate shall include the registration number allotted by the department for the vessel at the time when the boat was first registered.

Duration of Registration, etc.

Reg. 45C.
Added by
G.G. 16/12/71,
pp. 5231-2.

45C. (1) Where a vessel is first registered under this Part on or after the first day of January, 1972, the registration of that vessel shall continue in force for the period of twelve months commencing on the day on which the registration is effected and may be renewed under this Part for succeeding periods of twelve months thereafter.

(2) Where the registration of a vessel that expires on the thirty-first day of December, 1971, is renewed under this Part, the registration as so renewed shall continue in force until the thirty-first day of December, 1972.

(3) Notwithstanding any other provision of this Part, where an application is duly made to the department for the renewal of the registration of a vessel that expires on the thirty-first day of December, 1972—

- (a) the department shall renew the registration of that vessel for a period, being not less than six months nor more than eighteen months, that is selected by the department; and
- (b) the fee payable for any such renewal is the amount calculated by multiplying one-twelfth of the appropriate fee in the Table to subregulation (2) of regulation 45B of this Part by the number of whole months for which the registration is so renewed,

but any renewal of the registration of the vessel thereafter shall be effected in accordance with the provisions of this Part for succeeding periods of twelve months.

Owners to Furnish Particulars of Changes of Address, etc.

Reg. 45D.
Added by
G.G. 16/12/71,
p. 5232.

45D. (1) The owner of a registered vessel shall—

- (a) produce to an officer of the department or any member of the police force the certificate of registration of the vessel within the time specified by the officer or member;
- (b) notify the department in writing of any change in any of the registered particulars of the vessel or of the owner's address within fifteen days of any such change occurring.

(2) Where a certificate of registration or an identification plate issued under this Part in respect of a vessel has been lost, stolen, destroyed, mislaid, defaced, mutilated or rendered illegible, the owner of the vessel shall forthwith advise the department of that fact and of the circumstances which gave rise thereto and thereupon the department may, on payment of a fee of 25c, issue a duplicate certificate of registration or identification plate, as the case requires.

Transfers.

Reg. 45E.
Added by
G.G. 16/12/71,
p. 5232.

45E. (1) Where the owner of a registered vessel sells or otherwise disposes of the vessel, he shall—

- (a) forthwith furnish to the person to whom the vessel has been sold or disposed of the certificate of registration and the identification plate issued in respect of the vessel; and
- (b) within seven days of the sale or disposal, give notice to the department in writing of the sale or disposal of the vessel and of the name and address of the person to whom the vessel has been sold or disposed of.

(2) A person to whom a registered vessel has been sold or disposed of shall, within fifteen days of the sale or disposal—

- (a) apply to the department for the transfer of the registration of the vessel and include with his application a fee of two dollars; and
- (b) produce to the department the certificate of registration of the vessel and such other proof of his acquisition of the vessel as the department may require,

and thereupon the department shall transfer the registration of the vessel and return to the person by whom the application was made the certificate of registration, suitably endorsed.

(3) The owner of a registered vessel shall notify the department in writing of the loss of that vessel, however occasioned, within fifteen days of his learning of that loss.

Penalties.

45F. A person who, by act or omission, contravenes or fails to comply with any provision of a regulation in this Part of these regulations commits an offence and is liable on conviction to a penalty not exceeding forty dollars.

Reg. 45F.
Added by
G.G. 16/12/71,
p. 5232.

PART VI—PRIVATE PLEASURE BOATS.

Interpretations and Application.

46. (1) Subject to the provisions of subregulation (2) of regulation 3 of these regulations, a reference in this Part to a motor boat is a reference to a motor boat that is a vessel, within the meaning of section 205 of the Western Australian Marine Act, 1948 (as amended); and the word "owner" has the meaning provided by that section and the word "ownership" shall be construed accordingly.

Reg. 46.
Substituted
by G.G.
19/12/62,
pp. 4014-5.

(2) In this Part—

"trick water ski-ing" means the sport or exercise of being towed over the water by a motor boat, without being continuously supported on the surface;

"water ski-ing" means the sport or exercise of being towed over water by a motor boat, so as to be supported on the surface by a ski or skis, an aquaplane or the feet; and "water skier" means a person engaging in water ski-ing or in trick water ski-ing.

(3) Regulations 47 to 51A, inclusive, 52 and 52D of these regulations apply to motor boats and regulations 51B, 51C and 52A to 52D, inclusive, of these regulations apply to, or in relation to, all vessels.

Registration of Boats.

47. (1) A person shall not have, or use, a motor boat in any navigable waters, unless the boat is registered with the department.

(2) Application for registration of a motor boat shall be made to the department in writing; and the department shall issue a certificate of registration for the boat and where the boat is being registered in the first instance, the Department shall allot a registration number for the boat.

(3) Registration pursuant to this regulation is valid for the period from the date of registration until the thirty-first day of December next following that date and shall at the end of that period be renewed and thereafter be renewed annually, by the owner.

Reg. 47.
Substituted
by G.G.
16/12/63,
pp. 3875-6.
Amended by
G.G. 9/12/64,
p. 3907;
G.G. 4/11/65,
p. 3804;
G.G. 2/7/69,
p. 1954;
G.G. 16/12/71,
p. 5232.

[Subregulation (4) revoked by G.G. 9/12/64 p. 3907.]

(5) A fee of one dollar shall be paid to the department on the registration, and on the renewal of registration of a motor boat.

(6) The person registered as the owner of a motor boat shall advise the department in writing of—

- (a) any change in his address within fifteen days of the occurring of that change;
- (b) the name and address of the new owner of the motor boat within fifteen days of any change in the ownership of the motor boat;
- (c) the loss of the motor boat, however occasioned, within fifteen days of his learning of that loss.

(7) The provisions of this regulation do not apply—

- (a) to the use of a motor boat on or after the first day of January, 1972; or
- (b) to any application for the registration of a motor boat that is made on or after the first day of January, 1972; or
- (c) to the renewal of the registration of a motor boat that expires on or after the thirty-first day of December, 1971.

Identification of Boats.

Reg. 47A. 47A. (1) A person shall not use a motor boat in any navigable waters unless the registration number allotted to that boat pursuant to these regulations is legibly marked—

- Added by G.G. 19/12/62, p. 4015.
Amended by G.G. 2/7/69, p. 1954; G.G. 16/12/71, p. 5232.
- (a) in the case of a speed boat, on both sides of the hull towards the bow, in numerals of not less than six inches in height and one inch in width; and
 - (b) in the case of any other motor boat, on the hull or superstructure, in numerals of not less than two inches in height and half an inch in thickness, together with the name (if any) of the boat.

(2) Numerals marked pursuant to this regulation shall be of plain, block design and not script, vertical and not slanting, of a colour contrasting with the background and any border, outline or shadowing shall be disregarded, in determining their dimensions and colour contrast.

[Subregulation (3) revoked by G.G. 16/12/71 p. 5232.]

Limitation of Speed.

Reg. 48. 48. Subject to regulation 48A of these regulations, a person shall not, in any navigable waters, drive a motor boat at a speed exceeding eight knots, or water ski—

- Substituted by G.G. 19/12/62, p. 4015.
Amended by G.G. 9/2/70, p. 377.
- (a) without the approval of the department—
 - (i) in any water having a depth of less than 10 feet; or
 - (ii) within 150 feet of a river bank or low water mark;
 - (b) in or through a mooring area;
 - (c) within 50 feet of a vessel under weigh;
 - (d) within 150 feet of—
 - (i) a moored vessel;
 - (ii) a vessel or buoy displaying International Code Flag "A" (a swallow-tailed flag having two vertical halves; the inner being white and the outer blue, indicating "diver below");
 - (iii) a person in the water; or
 - (iv) a jetty or wharf; or
 - (e) through an arch of a bridge.

Areas for Speed Boats, Water Ski-ing and Swimming.

48A. (1) The department may, by notice published in the *Government Gazette*—

- (a) limit the speed of any specified class or classes of motor boat, in any navigable waters therein defined;
- (b) define and set aside any area of navigable waters for the purpose of racing by speed boats of which the owners have been granted permission to race by the department;
- (c) define and set aside, and impose conditions on the use of, any area of navigable waters for the purposes of water ski-ing and may, subject to such conditions as it sees fit to impose, permit the use of any waters mentioned in paragraph (a) of regulation 48 of these regulations, for that purpose; and
- (d) define and set aside any area of navigable waters for the purpose of swimming only.

Reg. 48A.
Added by
G.G. 19/12/62,
p. 4016.
Amended by
G.G. 16/12/63,
p. 3876;
G.G. 16/10/70,
p. 3206.

(2) A person shall not race a motor boat, or drive a motor boat towing a water skier in any navigable waters, except in an area defined and set aside by the department for the purpose and where the department has imposed any conditions on the racing of speed boats, or on water ski-ing, in any such defined area, a person failing to comply with those conditions commits an offence.

(3) Where, under the provisions of this regulation, the department defines and sets aside any area of navigable waters, for a specified purpose, it may, at the same or any other time order that those waters be not used for any but the specified purpose; and a person shall not, thereupon, use those waters for any but the specified purpose.

Safety Measures.

49. (1) A person shall not drive a speed boat towing a water skier unless he is at least 17 years of age and is accompanied, in the boat, by a person of at least 14 years of age.

Reg. 49.
Substituted
by G.G.
19/12/62,
p. 4016.
Amended by
G.G. 16/10/70,
p. 3206.

(2) A person driving a speed boat towing a water skier shall maintain a constant lookout ahead and the person accompanying him, in the boat, shall maintain a constant watch over the skier or skiers being towed by that boat.

49A. A person shall not drive or operate a speed boat—

- (a) if under the age of 14 years; or
- (b) if under the age of 17 years, unless accompanied, in the boat, by a person of the full age of 21 years;

Reg. 49A.
Added by
G.G. 19/12/62,
p. 4016.

and a person being the owner of, or having the control of, a speed boat shall not knowingly permit or suffer any of those things to be done.

49B. Every person who—

- (a) drives or operates a vessel; or
- (b) water skis;

Reg. 49B.
Added by
G.G. 19/12/62,
p. 4016.

in a dangerous or negligent manner, is guilty of an offence.

49C. A person shall not drive a speed boat directly behind a water skier or another boat under way so as to approach within 150 feet of such water skier or other boat.

Reg. 49C.
Added by
G.G. 19/12/62,
p. 4016.
Substituted
by G.G.
16/10/70,
p. 3206.

- Reg. 49D. 49D. A person driving a boat about to take off shall yield right of way to a speed boat coming in to land a water skier.
 Added by G.G. 19/12/62, p. 4016.
- Reg. 49E. 49E. A person shall not permit a ski rope to trail within 100 feet of the shore of any area set aside for water-ski-ing, unless the rope handles are held by a skier.
 Added by G.G. 19/12/62, p. 4016.
- Reg. 49F. 49F. A person shall not drive a speed boat towing a person or persons engaged in the exercise of trick water ski-ing so as to approach within 300 feet of any landing or take-off area.
 Added by G.G. 19/12/62, p. 4016.
 Amended by G.G. 16/12/63, p. 3876.
- Reg. 49G. 49G. Except as otherwise provided by any notice published under the provisions of regulation 48A of these regulations, a person shall not drive a speed boat towing water skiers within 100 feet of the shore of any landing or take-off area, except for the purpose of landing or taking off water skiers.
 Added by G.G. 19/12/62, p. 4016.
 Substituted by G.G. 16/12/63, p. 3876.
- Reg. 49H. 49H. After landing a water skier, the driver of a speed boat that towed the skier shall continue to a distance of not less than 200 feet from the point of dropping such skier, where he shall stop and retrieve the ski line and if coming to shore he shall then drive the boat at a speed not exceeding eight knots and in a manner so as not to interfere with, or obstruct, any other boat towing a water skier.
 Added by G.G. 19/12/62, p. 4017.
 Substituted by G.G. 16/10/70, p. 3206.
- Reg. 49 I. 49I. The driver of a speed boat landing a water skier shall not approach within 75 feet of the shore where the skier is to be landed.
 Added by G.G. 19/12/62, p. 4017.
 Substituted by G.G. 16/10/70, p. 3206.
- Reg. 49J. 49J. A person shall not, while driving a speed boat, sit on the gun-whale or on the back of the driving seat.
 Added by G.G. 3/10/67, p. 2593.
- Reg. 49K. 49K. A water skier shall, immediately upon losing or intentionally discarding a ski, retrieve or cause to be retrieved such ski.
 Added by G.G. 1/5/70, p. 1233.
- Reg. 49L. 49L. A person shall not—
 (a) have control of any vessel;
 (b) attempt to operate any vessel; or
 (c) operate any vessel,
 in any navigable waters whilst under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the vessel.
- Reg. 49M. 49M. (1) A person shall not use any navigable waters for the purpose of—
 (a) a slalom course or ski-jump unless prior approval in writing has been obtained from the department;
 (b) a slalom course or ski-jump unless a safety zone surrounding such slalom course or ski-jump is defined by red marker buoys, each having a diameter of 8 inches and fitted with a 12 inch high orange triangular pennant;
 (c) slalom ski-ing unless that person is wearing an approved buoyancy vest and in the event of attempting a ski-jump that person is wearing an approved vest and wet suit rubber pants; and
 (d) slalom ski-ing or ski-jumping unless that person is permitted to use the slalom course or ski-jump by the person or club having the approval of the department to use the water for that purpose.

Limitation of Hours.

50. A person shall not drive a motor boat towing a water skier, before 8 a.m. and after sundown, in the waters of—

- (a) the Swan River; or
- (b) the Canning River.

Reg. 50.
Substituted
by G.G.
19/12/62,
p. 4017.

50A. [Added by G.G. 23/12/60, p. 4064. Revoked by G.G. 19/12/62, p. 4017.]

Amended by
G.G. 16/12/63,
p. 3876;
G.G. 16/10/70,
p. 3206.

50B. [Added by G.G. 23/12/60, p. 4064. Revoked by G.G. 19/12/62, p. 4017.]

50C. [Added by G.G. 23/12/60, p. 4064. Revoked by G.G. 19/12/62, p. 4017.]

50D. [Added by G.G. 23/12/60, p. 4064. Revoked by G.G. 19/12/62, p. 4017.]

Silencers on Motor Boats.

51. A person shall not use a motor boat unless it is fitted with an efficient silencer approved by the department.

Reg. 51.
Substituted
by G.G.
19/12/62,
p. 4017.

Motor Boats not to Emit Smoke or Vapour.

51A. Except in the case of an emergency, a person shall not cause or permit a motor boat to emit smoke or vapour to such an extent as to cause danger, nuisance or annoyance to the public.

Reg. 51A.
Added by
G.G. 19/12/62,
p. 4017.

No Advertisements to be Carried Without Permission.

51B. Except with the permission in writing of the department, a person shall not cause or permit any advertisement or sign to be carried by, or displayed on, a motor boat.

Reg. 51B.
Added by
G.G. 19/12/62,
p. 4017.

Organised Races, Displays, Regattas and Aquatic Sports.

51C. A person shall not organise, promote or conduct a race, display or regatta for vessels of any description or an exhibition of any form of aquatic sport, including water ski-ing, in any navigable waters, unless permission therefor has first been granted by the department.

Reg. 51C.
Added by
G.G. 19/12/62,
p. 4017.

Equipment of Vessels.

52. Every motor boat other than a motor boat propelled by an out-board motor of 18 horsepower or less shall be equipped with a fire extinguisher that is fitted so as to be readily accessible at all times, and that—

- (a) if of the dry powder type, has a minimum capacity of 1 lb.; or
- (b) if of the liquid type, has a minimum capacity of 30 oz.

Reg. 52.
Substituted
by G.G.
3/10/67,
p. 2593.

52A. Every vessel shall, while being navigated outside protected waters, be equipped with a life jacket for each person on board, that—

- (a) conforms to standard AS Z27 of the Standards Association of Australia; or
- (b) has been approved by the Marine Board of Victoria or the Department of Shipping and Transport of the Commonwealth, as a life jacket.

Reg. 52A.
Added by
G.G. 19/12/62,
p. 4017.
Substituted
by
G.G. 3/10/67,
p. 2593.

52B. Every vessel shall, while being navigated outside protected waters, be equipped with not less than one waterproof red hand flare and not less than one waterproof orange smoke flare.

Reg. 52B.
Added by
G.G. 19/12/62,
p. 4017.
Substituted
by G.G.
3/10/67,
p. 2593.

52C. Every vessel, when proceeding outside protected waters, shall be equipped with an efficient anchor and line.

Reg. 52C.
Added by
G.G. 19/12/62,
p. 4017.

Reg. 52D.
Added by
G.G. 19/12/62,
p. 4017.

52D. When under the circumstances for the time being prevailing, a vessel is unseaworthy, overloaded or insufficiently equipped or is in an unsafe position or locality, the person in charge of the vessel shall forthwith obey any demand or instruction given to him by the department or by an officer of the department or any person acting with the authority of the department, relating to the removal of the vessel, to reducing the load thereof or to providing any additional equipment required therefor.

Reg. 52E.
Added by
G.G. 4/11/65,
p. 3804.

52E. The following provisions apply to the storage and use of fuel in all motor boats, namely—

- (a) fuel shall be carried in containers soundly constructed of metal or any other approved materials and shall not, in any event, be carried in plastic containers;
- (b) subject to paragraph (c) of this regulation, the pipes leading from the fuel tank to the engine shall be of steel or copper, having all joints brazed and union faces ground and made of metal;
- (c) a short length of flexible piping of some other material may be used with the approval of the department; and
- (d) an efficient valve shall be fitted against the fuel tank outlet.

Reg. 52F.
Added by
G.G. 4/11/65,
p. 3804.

52F. Any engine compartment of a motor boat shall be adequately ventilated.

Reg. 52G.
Added by
G.G. 3/10/67,
p. 2593.

52G. (1) Every vessel solely propelled by oars, every sailing vessel of not more than 14 feet in length and every motor boat of not more than 14 feet in length, shall, while operating between sunset and sunrise, be equipped with an all round white light which shall be kept lighted and shall be displayed whenever the vessel approaches, or is being approached by, any other vessel in sufficient time to warn that other vessel so as to avoid the possibility of any collision.

(2) Every motor boat of more than 14 feet but not more than 18 feet, in length and every sailing vessel of more than 14 feet in length that is not equipped and displaying the lights referred to in subregulation (3) of this regulation, shall, while operating between sunset and sunrise, have fixed to the masthead or, if the vessel has no mast, then in a prominent position on the forepart of the vessel, and kept lighted an all round white light.

(3) Every motor boat, of more than 18 feet in length shall be equipped with and display the lights required to be carried by a power-driven vessel of the same length in accordance with the provisions of the Regulations for Preventing Collisions at Sea in force under section 89 of the Western Australian Marine Act, 1948.

(4) In this regulation, an all round white light means a white light visible all round the horizon at a distance of at least one mile.

Reg. 53.
Substituted
by G.G.
19/12/62,
p. 4017.

53. Every person who by act or omission contravenes the provisions of any regulation in this Part, or the provisions of any notice published under, and by virtue of, this Part, commits an offence and is liable on conviction to a penalty not exceeding forty dollars or to imprisonment not exceeding one month, with or without hard labour.

PART VII—REGULATIONS APPLYING TO CERTAIN AREAS.

Division 1.—Port of Perth.

Application of Division.

54. Regulations in this Division apply in relation to vessels, owners and persons as referred to in regulation 4 of these regulations within the area of the Port of Perth for the time being proclaimed under the Ports and Harbours Act, 1917.¹

¹ Repealed by Shipping and Pilotage Act, 1967.

Permits for Vessels Alongside Jetties.

55. (a) Without the prior permission in writing of the department, no person shall moor, fasten or take any vessel alongside any public jetty or cause or permit any vessel to be so moored, fastened or taken.

(b) Permission granted under this regulation shall not extend to any jetty or berth in respect of which a permit has been granted and is in force under regulation 57 of these regulations.

Charges for Permits.

56. (a) No permission under the last preceding regulation shall be given unless and until there is paid to the department a charge in accordance with the following scale:—

- (i) For vessels licensed to carry passengers—12.5 cents per head per annum for each passenger which the vessel is licensed to carry: Provided that the charge shall not exceed \$48 per annum for any one vessel.
- (ii) For other vessels—where 17 feet in length or under, 60 cents per annum; where over 17 feet in length and under 28 feet, one dollar and twenty cents per annum; where 28 feet in length or over, two dollars and forty cents per annum.

(b) Measurements for the purposes of the last preceding subregulation shall be taken from the forepart of the stem under the bowsprit to the aft side of the head of the stern post.

(c) A permit issued under the last preceding regulation shall remain in force for one year from the date of issue and shall have effect subject to regulation 25 of these regulations.

Permanent Berths.

57. (a) Subject to the payment in advance of a charge of one dollar per week per berth in addition to the charge payable under the last preceding regulation, the department may grant to the owner of any vessel licensed to carry passengers, a permit for the exclusive use of a berth at a public jetty as a berth for such vessel where accommodation is and subject to accommodation being for the time being available.

(b) Where a permit for the exclusive use of a berth is granted under the last preceding subregulation for a vessel, no other vessel shall use the berth while the permit is current.

Wharfage Dues.

58. The owner of any vessel handling or permitting the handling of cargo on any jetty shall pay to the department as wharfage dues the sum of 10 cents per ton of such cargo.

59. [*Revoked by G.G. 9/2/70, p. 377.*]

60. [*Revoked by G.G. 9/2/70, p. 377.*]

61. [*Revoked by G.G. 9/2/70, p. 377.*]

62. [*Revoked by G.G. 9/2/70, p. 377.*]

63. [*Revoked by G.G. 9/2/70, p. 377.*]

64. [*Revoked by G.G. 9/2/70, p. 377.*]

65. [*Revoked by G.G. 9/2/70, p. 377.*]

66. [*Revoked by G.G. 9/2/70, p. 377.*]

Penalties.

67. A person who, by act or omission, contravenes the provisions of a regulation in this Part of these regulations commits an offence and is liable on conviction to a penalty not exceeding forty dollars.

[*Schedule added by G.G. 19/12/62, p. 4018; revoked by G.G. 9/12/64, p. 3907.*]