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AND WESTERN AUSTRALIAN MARINE ACT 1948.

NAVIGABLE WATERS REGULATIONS.

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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 and a sailing vessel which is equipped with propelling machinery and propelled by mechanical power;

“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, but does not include the waters of Cambridge Gulf or Lake Argyle;

“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.

Reg. 2.

Amended by G.G. 19/12/62, p. 4014; G.G. 23/3/65, p. 900; G.G. 7/6/72, p. 1721; G.G. 22/12/72, p. 477; G.G. 12/7/74, p. 2624.

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. 3.

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

PART II.—GENERAL GOOD ORDER REGULATIONS.

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.

Reg. 4.

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

¹ Repealed by Shipping and Pilotage Act 1967.

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.

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.

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

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.

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 regulation 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.

Reg. 8.
Amended
by G.G.
28/5/69,
p. 1568; G.G.
22/12/72,
p. 4777.

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.

Conduct On or Near Vessels, Public Jetties or Bridges.

10. No person shall—

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

Reg. 10.
Substituted
by G.G.
12/7/74,
p. 2624.

Areas for Swimming.

10A. The department may, by notice published in the *Government Gazette*—

- (a) define and set aside any area of navigable waters as an area that shall not be used for any purpose other than swimming;
- (b) prohibit swimming from or near any public jetty or bridge specified in the notice or within any area of navigable waters defined in the notice;
- (c) vary or cancel any previous notice under this regulation.

Reg. 10A.
Inserted by
G.G. 12/7/74,
p. 2625.
Amended by
G.G. 16/3/79,
p. 750.

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—

- (a) endanger the safety of that or any other vessel or any person; or
- (b) obstruct, impede or otherwise interfere with any other vessel.

Reg. 14A.
Substituted
by G.G.
22/9/78,
p. 3504.

14B. The person in charge of a vessel shall not permit any other person not engaged in activities required by the navigation of the vessel or the purposes for which that vessel is being used to remain in a position where any portion of his body is exposed to the risk of injury beyond the limits of the hull of that vessel.

Reg. 14B.
Inserted by
G.G. 22/8/75,
p. 3044.

Towing Vessels.

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

(2) A person shall not use a vessel for the purposes of towing unless he is at least 17 years of age and is accompanied, in the vessel, by a person of at least 14 years of age.

(3) A person in control of a towing vessel shall maintain a constant look-out ahead and the person accompanying him, in the vessel, shall maintain a constant watch over the vessel or object being towed by that vessel.

(4) Subregulations (2) and (3) of this regulation do not apply where—

- (a) a distressed vessel is being towed in an emergency situation and no other person is available as an observer; or
- (b) the person in control of a vessel is unaccompanied at the time he finds a drifting vessel or object in any navigable waters and is towing the vessel or object away in order to prevent a danger arising to vessels using those waters.

Reg. 15.
Amended
by G.G.
22/9/78,
p. 3504.

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 course 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.
Inserted
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
repealed
by G.G.
19/12/62,
p. 4014,
New Reg.
inserted by
G.G. 4/11/65,
pp. 3803-4.
Amended by
G.G. 14/2/75,
p. 572.

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 3.75 metres 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 3.75 metres 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.
Inserted 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.
Inserted 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.

Reg. 19C.
Inserted by
G.G. 22/12/72,
p. 4777.
Amended by
G.G. 9/2/79,
p. 375.

19C. (1) The master or person in charge of a vessel that is engaged in diving operations shall, at all times during which the vessel is so engaged, cause to be exhibited on the vessel so as to be clearly visible to all approaching vessels at all times, the International Code Flag "A" (a swallow tailed flag having two vertical halves; the inner being white and the outer blue, indicating "diver below").

(2) The International Code Flag "A" referred to in subregulation (1) of this regulation shall be of the following dimensions:—

(a) in the case of a flag displayed on a vessel not exceeding 12 metres in length, a flag of size 6 of the International Flag Code, or, not less than 750 millimetres in length and not less than 600 millimetres in width.

¹Repealed by Shipping and Pilotage Act 1967.

7

- (b) in the case of a flag displayed on a vessel exceeding 12 metres in length, a flag of size 3 of the International Flag Code, or, not less than 900 millimetres in length and not less than 750 millimetres in width.

19D. (1) Where a diver is engaged in diving operations, other than from a vessel, the diver may cause to be exhibited from a personal buoy, so as to be clearly visible to all approaching vessels, the International Code Flag "A".

Reg. 19D.
Inserted by
G.G. 22/12/72,
p. 4777-8.

(2) The International Code Flag "A" referred to in subregulation (1) of this regulation shall be not less than 300 millimetres in length and not less than 200 millimetres in width.

19E. The master or person in charge of a vessel approaching a personal buoy or another vessel displaying International Code Flag "A" shall—

Reg. 19E.
Inserted by
G.G. 22/12/72,
p. 4778.

- (a) keep his vessel at least 50 metres clear of such buoy or vessel; or
(b) where it is not possible to keep 50 metres clear of such buoy or vessel, reduce the speed of his vessel to the slowest speed at which it can be safely navigated whilst passing within 50 metres of the vessel or buoy displaying the flag.

19F. (1) When it is alleged that a vessel has been involved in the commission of an offence against any of the provisions of these regulations, an officer of the department may demand from the owner or person for the time being in charge of the vessel, the name and address of the driver of the vessel at the time of the alleged offence.

Reg. 19F.
Inserted by
G.G. 22/12/72,
p. 4778.

(2) If the owner, or person for the time being in charge of the vessel, refuses on demand to identify or supply the name and address of the driver of the vessel he commits an offence unless he can prove there are reasonable grounds for him not having knowledge of the driver's identity.

Penalty: Two hundred dollars.

19G. The form of certificate of appointment for the purpose of sections 183A and 205A of the Western Australian Marine Act 1948-1980 is a form in the form in the Schedule to these regulations.

Reg. 19G.
Inserted by
G.G. 7/3/78,
p. 817.

Penalties.

20. 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 of two hundred dollars.

Reg. 20.
Substituted
by G.G.
12/7/74,
p. 2625.
Amended by
G.G. 17/9/76,
p. 3463.

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.

Vessels Moored 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 an 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.

¹ Now Explosives and Dangerous Goods Act 1961.

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.

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.

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.

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

Nuisance on Jetties.

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.

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

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 800 millimetres 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.

Reg. 33.
Amended by
G.G. 14/2/75,
p. 572.

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 two hundred dollars.

Reg. 36.
Amended by
G.G. 17/9/76,
p. 3463.

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.

Reg. 38.

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

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.

(b) Where the owner of a vessel neglects or refuses to remove his vessel or his mooring 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.

Reg. 40.

Amended by
G.G. 17/9/76,
p. 3463.

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 two hundred 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.

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.

Reg. 43.
Amended by
G.G. 3/10/67,
p. 2593;
G.G. 22/9/78,
p. 3504.

(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 carry out the directions within such time as is specified by the officer.

(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 two hundred dollars or to imprisonment not exceeding one month with or without hard labour.

Reg. 45.
Amended by
G.G. 17/9/76,
p. 3463.

PART VA.—REGISTRATION OF PRIVATE PLEASURE BOATS.

Application of this Part.

- 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;

Reg. 45A.
Inserted by
G.G. 16/12/71,
pp. 5230-1.
Amended by
G.G. 14/2/75,
p. 572;
G.G. 17/9/76,
p. 3464;
G.G. 22/9/78,
p. 3504.

“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 3.1 metres in length; and
- (b) is propelled by motored power not exceeding 3.73 kilowatts, 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 with the registration number of its parent vessel in black numerals not less than 50 millimetres in height and 12 millimetres in width with a white surround not less than 7 millimetres immediately forward of the transom on each side of the vessel.

Vessels Required to be Registered, etc.

Reg. 45B.
 Inserted by
G.G. 16/12/71,
 p. 5231.
 Amended by
G.G. 22/12/72,
 p. 4778;
G.G. 15/6/73,
 p. 2234;
G.G. 12/7/74,
 p. 2625;
G.G. 14/2/75,
 p. 572;
G.G. 22/8/75,
 p. 3044;
G.G. 22/9/78,
 pp. 3504-5;
G.G. 9/2/79,
 p. 375;
G.G. 16/3/79,
 p. 751;
G.G. 28/11/80,
 p. 4051.

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—

- (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 metres expressed to two decimal places;
- (c) the type of construction of the vessel and its colour; and
- (d) the power in kilowatts 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:—

(a) In the case of an application for—

- (i) registration for the first time where registration is effected before the prescribed day; or
- (ii) renewal of any registration that expires before the prescribed day,

where the overall length of the vessel is—

	\$
less than 4.88 metres	4.00
not less than 4.88 metres, but not more than 10.67 metres	7.00
more than 10.67 metres	8.00

(b) In the case of an application for—

- (i) registration for the first time where registration is effected on or after the prescribed day; or
- (ii) renewal of any registration that expires on or after the prescribed day,

where the overall length of the vessel is—

	\$
less than 5 metres	8.00
not less than 5 metres	15.00

13

(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.

(4) [*Repealed by G.G. 28/11/80, p. 4051.*]

(4a) A person shall not, on or after the 1st April, 1980, use or have in any navigable waters a registrable vessel unless—

- (a) where the vessel is a vessel other than a yacht which is or may be propelled by mechanical power, the registration number allotted to the vessel is legibly marked on each side of the hull of the vessel in accordance with the following provisions—
 - (i) the number shall be positioned generally amidships and not on forward of the shoulder of the vessel so as to be positioned under the flared bow;
 - (ii) the digits of the number shall be positioned so that the highest part of each digit commences at a point that is not lower than 75 millimetres below the gunwale of the vessel;
 - (iii) each digit of the number shall be black and shall be not less than 150 millimetres in height, and not less than 25 millimetres in width;
 - (iv) where the background of each digit is not white, each digit of the number shall have a white surround not less than 7 millimetres in width; and
 - (v) each digit of the number shall be of plain block design and not script and be vertical and not slanting; and
- (b) where the vessel is a yacht which is or may be propelled by mechanical power, the registration number allotted to the vessel is legibly marked on each side of the hull of the vessel in accordance with the following provisions—
 - (i) the number shall be positioned immediately forward of the transom so as to be easily visible;
 - (ii) the digits of the number shall be positioned so that the highest part of each digit commences at a point that is not lower than 75 millimetres below the gunwale of the vessel;
 - (iii) each digit of the number shall be black and shall be not less than 50 millimetres in height and 12 millimetres in width;
 - (iv) where the background of each digit is not white, each digit of the number shall have a white surround not less than 7 millimetres in width; and
 - (v) each digit of the number shall be of plain block design and not script and be vertical and not slanting.

(4b) Every registrable vessel proceeding to sea on voyages north of Geraldton, shall have painted in black letters and figures at least 0.61 metres in height and 0.1 metres in width upon a yellow background, the registration number allotted to the vessel under this Part, prefixed by the letter "W" in the same dimensions, either—

- (a) upon the top of the wheelhouse; or
- (b) upon a canvas sheet carried upon the vessel and displayed when required for identification of the vessel.

(5) Where the department receives from any person requesting information as to the ownership or other registered particulars of any vessel—

- (a) an application in writing setting out—
 - (i) the name and address of the person making the application; and
 - (ii) sufficient particulars to identify the vessel; and
- (b) a fee of—
 - (i) in the case of an application received before the prescribed day—fifty cents; and
 - (ii) in the case of an application received on or after the prescribed day—one dollar,

it shall supply that person with the information requested by him.

(6) For the purposes of subregulations (2) and (5) of this regulation, the prescribed day is the first day of March, 1979.

Reg. 45BA.
 Inserted by
G.G. 14/3/75,
 p. 899.
 Amended by
G.G. 20/6/80,
 p. 1831.

45BA. (1) Any person who is carrying on the business of—

- (a) manufacturing vessels;
- (b) buying or selling new vessels;
- (c) buying or selling used vessels;
- (d) repairing vessels; or
- (e) buying or selling trade articles used on vessels,

may apply in writing to the department for the issue to him of one or more sets of dealers plates.

(2) An application under subregulation (1) of this regulation shall be made in writing in a form approved by the Department and be accompanied by a fee of—

- (a) \$50.00 for the issue of the first set; and
- (b) \$30.00 for the issue of any further set.

(3) A person to whom a set of dealers plates is issued by the department pursuant to an application made in accordance with subregulation (2) of this regulation is entitled, subject to subregulation (5) of this regulation to use those dealers plates in accordance with the provisions of this regulation for a period of 12 months from the date of issue to him of the dealers plates and thereafter the person may so use the dealers plates for successive periods of 12 months if a renewal fee of \$10.00 for that set is paid to the department prior to the commencement of each such successive period of 12 months.

(4) A person shall not use a vessel, or cause or permit a vessel to be used, while dealers plates are affixed on the vessel unless—

- (a) the vessel is being used by or with the consent of the person to whom the dealers plates have been issued;
- (b) the vessel is being used for purposes connected with the manufacture, alteration, repair, testing, sale or demonstration for a commercial purpose of the vessel or of a trade article used on the vessel; and
- (c) the plates are securely affixed to the vessel and are visible at a distance of 50 m while the vessel is under way,

and no payment or valuable consideration of any kind shall be made, given or demanded for the use of a vessel while dealers plates are affixed on the vessel.

(5) (a) The department may by notice served on a person to whom dealers plates have been issued, require him to immediately or within seven days deliver up the plates to the department.

(b) A person served with a notice pursuant to paragraph (a) of this subregulation shall not use the plates after service of that notice.

15

(6) When any dealers plates or set of dealers plates issued under this regulation is lost the person to whom it was issued shall forthwith notify the department and the department may on payment to it by that person of a fee of \$5.00 issue a further dealers plate or set of dealers plates in replacement for that lost.

(7) The provision of subregulations (1) and (4) of regulation 45B of these regulations do not apply to the use of a vessel to which dealers plates are affixed in the manner prescribed by this regulation on any occasion when the use of the vessel with dealers plates so affixed is authorized by the provisions of this regulation.

Duration of Registration, etc.

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.

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

(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.

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

(a) produce to an officer of the department or any members 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.

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

Transfers.

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.

Reg. 45E.
Inserted by
G.G. 16/12/71,
p. 5232.
Amended by
G.G. 12/7/74,
p. 2625;
G.G. 9/2/79,
p. 375.

16

(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—

(i) in the case of a transfer effected before the day referred to in subregulation (6) of regulation 45B of these regulations—two dollars; and

(ii) in the case of a transfer effected on or after that day—three 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.

(4) Subregulation (3) of this regulation does not apply if the department has already been notified of the loss of the vessel pursuant to regulation 52H of these regulations.

Penalties.

Reg. 45F.
Inserted by
G.G. 16/12/71,
p. 5232.
Amended by
G.G. 17/9/76,
p. 3464.

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 two hundred dollars.

PART VI.—PRIVATE PLEASURE BOATS.

Interpretations and Application.

Reg. 46.
Substituted
by G.G.
19/12/62,
pp. 4014-5.
Amended by
G.G. 12/7/74,
p. 2625.

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.

(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) Regulation 47 to 49A inclusive 49C to 49K inclusive, 49M to 51B inclusive, 52, 52E and 52F apply to motor boats and regulations 49B, 49L, 51C, 52A to 52D inclusive, 52G and 52H of these regulations apply to, or in relation to, all vessels.

[Previous regulation 47 repealed by G.G. 22/12/72, p. 4778.]

Closure of Areas.

Reg. 47.
Inserted by
G.G. 16/3/79,
p. 751.

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

(a) define and set aside any area of navigable waters as an area that is closed to navigation, and the notice shall apply—

(i) generally or in respect of any vessel specified, or vessel of a type specified, in the notice; and

(ii) at all times or such times as are specified in the notice;

(b) vary or cancel any previous notice under this subregulation.

(2) A person shall not navigate a vessel in an area defined and set aside by a notice under subregulation (1) of this regulation, contrary to that notice.

47A. [Repealed by G.G. 22/12/72, p. 4778.]

Limitation of Speed.

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—

- (a) without the approval of the department—
 - (i) in any water having a depth of less than three metres; or
 - (ii) within forty-five metres of a river bank or low water mark;
- (b) in or through a mooring area;
- (c) within fifteen metres of a vessel under weigh;
- (d) within forty-five metres of—
 - (i) a moored vessel;
 - (ii) [Deleted by G.G. 22/12/75, p. 4778.]
 - (iii) a person in the water; or
 - (iv) a jetty or wharf; or
- (e) through an arch of a bridge.

Reg. 48.
Substituted by G.G. 19/12/62, p. 4015.
Amended by G.G. 9/2/70, p. 377; G.G. 22/12/72, p. 4778; G.G. 14/2/75, p. 572.

Areas for Speed Boats and Water ski-ing.

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;
- (d) vary or cancel any previous notice under this subregulation.

(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.

Reg. 48A.
Inserted by G.G. 19/12/62, p. 4016.
Amended by G.G. 16/12/63, p. 3876; G.G. 16/10/70, p. 3206; G.G. 12/7/74, p. 2625.

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.

(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.

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

49A. (1) Subject to subregulation (2) of this regulation—

- (a) a person under the age of 17 years shall not drive or operate a speed boat;
- (b) the owner or person having the control of a speed boat shall not knowingly permit or suffer the speed boat to be driven or operated by a person under the age of 17 years.

Reg. 49A.
Inserted by G.G. 19/12/62, p. 4016.
Substituted by G.G. 12/7/74, p. 2625.

(2) Subregulation (1) of this regulation does not apply to or in relation to—

- (a) a person under the age of 17 years but not under the age of 14 years driving or operating a speedboat when accompanied, in the boat, by a person of at least 21 years of age; or
- (b) a person driving or operating a speed boat in, or in practice for, a competitive event, if the practice or event is under the proper control or supervision of an approved speed boat club or body that is conducting that practice or event with the permission of the department on a course in an area of navigable waters defined and set aside pursuant to paragraph (b) of subregulation (1) of regulation 48A of these regulations.

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

49B. Every person who—
(a) drives or operates a vessel; or
(b) water skis,
in a dangerous or negligent manner, is guilty of an offence.

Navigation of Vessels behind Water Skiers or Other Vessels.

Reg. 49C.
Inserted by
G.G. 19/12/62,
p. 4016.
Substituted
by *G.G.*
16/10/70,
p. 3206.
Amended by
G.G. 14/2/75,
p. 572.

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

Reg. 49D.
Inserted by
G.G. 19/12/62,
p. 4016.

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.

Reg. 49E.
Inserted by
G.G. 19/12/62,
p. 4016.
Amended by
G.G. 14/2/75,
p. 572.

49E. A person shall not permit a ski rope to trail within thirty metres of the shore of any area set aside for water ski-ing, unless the rope handles are held by a skier.

Reg. 49F.
Inserted by
G.G. 19/12/62,
p. 4016.
Amended by
G.G. 16/12/63,
p. 3876;
G.G. 14/2/75,
p. 572.

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 ninety metres of any landing or take-off area.

Reg. 49G.
Inserted by
G.G. 19/12/62,
p. 4016.
Substituted
by *G.G.*
16/12/63,
p. 3876.
Amended by
G.G. 14/2/75,
p. 572.

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 thirty metres of the shore of any landing or take-off area; except for the purpose of landing or taking off water skiers.

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 sixty metres 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.

Reg. 49H.
Inserted by
G.G. 19/12/62,
p. 4017.
Substituted
by *G.G.*
16/10/70,
p. 3206.
Amended by
G.G. 14/2/75,
p. 472.

49I. The driver of a speed boat landing a water skier shall not approach within twenty-five metres of the shore where the skier is to be landed.

Reg. 49 I.
Inserted by
G.G. 19/12/62,
p. 4017.
Substituted
by *G.G.*
16/10/70,
p. 3206.
Amended by
G.G. 14/2/75,
p. 472.

49J. A person shall not, while driving a speed boat, sit on the gunwale or on the back of the driving seat.

Reg. 49J.
Inserted by
G.G. 3/10/67,
p. 2593.

49K. A water skier shall, immediately upon losing or intentionally discarding a ski, retrieve or cause to be retrieved such ski.

Reg. 49K.
Inserted by
G.G. 1/5/70,
p. 1233.

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. 49L.
Inserted by
G.G. 16/10/70,
p. 3206.

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 200 millimetres and fitted with a 300 millimetre 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.

Reg. 49M.
Inserted by
G.G. 16/10/70,
p. 3206.
Amended by
G.G. 14/2/75,
p. 472.

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

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

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

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

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

Silencers on Motor Boats.

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

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

Motor Boats not to Emit Smoke or Vapour.

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

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.

51B. [Repealed by G.G. 7/9/79, p. 2735.]

Organised Races, Displays, Regattas and Aquatic Sports.

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

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. 52.
Substituted
by G.G.
17/9/76,
p. 3464.
Amended by
G.G. 18/2/77,
p. 505.

52. Every motor boat other than a motor boat propelled by an outboard motor of 13.5 kilowatt brakepower or less shall be equipped with a fire extinguisher that bears the stamp of the Standards Association of Australia and conforms to one of the following standards issued by that body—

- (a) AS A32, AS 1843, AS 1844 or AS 1845 (foam);
- (b) AS A137, or AS 1846 (dry chemical);
- (c) AS A138 or AS 1847 (carbon dioxide);
- (d) AS A163 or AS 1848 (halogenated hydrocarbon).

Reg. 52A.
Inserted by
G.G. 19/12/62,
p. 4017.
Substituted
by G.G.
3/10/67,
p. 2593.
Amended by
G.G. 22/8/75,
p. 3044.

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

- (a) bears the stamp of and conforms to Australian Standards ASZ 27 or AS 1512; or
- (b) has been approved by the Marine Board of Victoria, or of the Department of Transport of the Australian Government, as a lifejacket.

Reg. 52B.
Inserted by
G.G. 19/12/62,
p. 4017.
Substituted
by G.G.
22/8/75,
p. 3044.

52B. (1) Every vessel shall, while being navigated outside protected waters, be equipped with the following distress signals—

- (a) not less than two red hand flares or not less than two parachute distress rockets; and
- (b) not less than two orange smoke flares.

(2) Distress signals required by this regulation shall be maintained in a serviceable condition at all times, they shall be capable of functioning satisfactorily after immersion in water for one minute, and shall be of such a quality as to enable them to remain serviceable

under good average storage conditions for a period of at least three years, the container of each distress signal shall be stamped indelibly with the date on which it is filled and in the case of—

- (a) red hand flares, the flare shall be capable of emitting a red light of minimum luminous intensity of fifteen thousand candelas for not less than fifty-five seconds;
- (b) parachute distress rockets, the rocket shall be capable of projecting a single bright red star to a minimum height of 230 metres which burns, while falling, with a minimum luminous intensity of twenty-five thousand candelas for not less than forty seconds;
- (c) smoke flares, the flare shall be capable of emitting a dense volume of bright orange smoke for a period of not less than fifty-five seconds.

52BA. (1) All items of equipment required to be carried on board any vessel pursuant to regulations 52, 52A and 52B shall be—

- (a) maintained in a serviceable condition; and
- (b) situated so as to be readily accessible to all persons on board the vessel.

(2) Where any of the items of equipment referred to in subregulation (1) of regulation 52BA are stored under cover, the position of those items shall be clearly indicated by appropriate markings.

(3) All equipment required to be carried on board any vessel pursuant to regulations 52, 52A, 52B and 52C shall be produced to an officer of the department on demand.

Reg. 52BA.
Substituted
by G. G.
17/9/76,
p. 3464.

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

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

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

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

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

Reg. 52G.
 Inserted by
G.G. 3/10/67,
 p. 2593.
 Amended by
G.G. 14/2/75,
 pp. 572-3.

52G. (1) Every vessel solely propelled by oars, every sailing vessel of not more than 4.25 metres in length and every motor boat of not more than 4.25 metres 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 4.25 metres but not more than 5.5 metres in length and every sailing vessel of more than 4.25 metres in length that is not equipped and displaying the lights referred to in sub-regulation (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 5.5 metres 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. 52H.
 Inserted by
G.G. 12/7/74,
 p. 2626.

52H. Whenever—

- (a) any vessel (including a vessel propelled solely by sail) is involved in an accident; or
 - (b) a fire occurs on board any vessel (including a vessel propelled solely by sail),
- and by reason of that accident or fire—
- (c) the vessel is lost or sustains damage rendering it unseaworthy or incapable of being safely navigated; or
 - (d) loss of life or serious injury occurs,
- the owner or person in charge of the vessel shall within seven days of the occurrence of that accident or fire notify the department by sending to the department a written report containing particulars of the accident or fire and of any loss, damage, injury or loss of life.

Reg. 53.
 Substituted
 by *G.G.*
 19/12/62,
 p. 4017.
 Amended by
G.G. 17/9/76,
 p. 3464.

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 two hundred 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

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.

¹ Repealed by Shipping and Pilotage Act 1967.

Charges for Permits.

56. (1) Subject to this regulation, no permission under regulation 55 or regulation 57 of these regulations shall be given unless and until there is paid to the department a charge in accordance with the following scale—

(a) for vessels licensed to carry passengers and granted a permanent berth in accordance with regulation 57—

for vessels up to 15 gross ton	....	....	....	\$300 per annum
for vessels exceeding 15 ton but not more than 20 gross ton	....	....	....	\$450 per annum
for vessels exceeding 20 ton but not more than 25 gross ton	....	....	....	\$600 per annum
for vessels exceeding 25 gross ton	..	....	....	\$35 per gross ton per annum;

(b) for other vessels granted a permit in accordance with regulation 55—\$2.00 per day or part thereof.

(2) A permit issued under regulation 55 of these regulations shall remain in force for one year from the date of issue, and shall have effect subject to regulation 25 of these regulations.

(3) The provisions of subregulation (1) of this regulation do not apply to any vessels owned and operated by the Police Department or other Government Department or Instrumentality exempted in writing by the Department.

(4) Where a vessel subject to charges pursuant to this regulation does not occupy its permanent berth during the whole of any calendar month it shall be exempt from payment of charge for each such calendar month and the annual charge shall be reduced accordingly.

(5) A vessel shall not be subject to charges pursuant to this regulation where a charge is paid in respect of that vessel for the berth pursuant to regulation 72 of the Jetties Act Regulations 1940.

Permanent Berths.

57. (1) Subject to the payment of the charge payable under regulation 56 (1) (a) of these regulations 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, subject to accommodation for the time being available.

(2) Where a permit for the exclusive use of a berth is granted under subregulation (1) of this regulation for a vessel, no other vessel shall use the berth while the permit is current.

(3) Any permit granted under this regulation may specify—

- any other berth or jetty within the Port of Perth at which the vessel may berth to pick up or set down passengers;
- the time or times that the vessel may berth or pick up or set down passengers;
- other conditions which the Manager considers necessary for good order on or about a public jetty or in the interests of safety of the passengers, vessel or jetty.

(4) Any of the conditions specified in a permit issued under this regulation may be amended or varied by notice in writing served on the person in charge of the vessel subject to the permit or upon the owner of the vessel by letter addressed to his registered office.

(5) A person who, by act or omission, contravenes the conditions of a permit issued under this regulation or under regulation 55 of these regulations is liable on conviction to a penalty not exceeding two hundred dollars.

(6) The Minister may cancel any permit issued under regulation 55 of these regulations or this regulation if he is satisfied that the holder of a permit has failed to observe the conditions of the permit so issued or has failed to observe any regulation relating to the maintenance of good order or safety on or about a public jetty.

Reg. 56.
Substituted
by G.G.
31/3/78,
p. 989.
Amended by
G.G. 28/11/80,
p. 4050.

Reg. 57.
Substituted
by G.G.
31/3/78,
pp. 989-90.

24

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. [Repealed by G.G. 9/2/70, p. 377.]

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

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

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

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

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

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

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

Penalties.

Reg. 67.
Amended by
G.G. 31/3/78,
p. 990.

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, or, where a particular penalty is provided for that offence by these regulations, that particular penalty.

[Previous Schedule inserted by G.G. 19/12/62, p. 4018; deleted by G.G. 9/12/64, p. 3907.]

Schedule.
Inserted by
G.G. 17/3/78,
p. 817.

Schedule.

WESTERN AUSTRALIAN MARINE ACT 1948.

Certificate of Appointment.

This is to certify that
the holder of this Certificate is appointed as an authorized person pursuant to section of the Western Australian Marine Act 1948 and is authorized to carry out the duties set out in this Certificate in the areas specified herein.

Duties.

Manager,
Harbour and Light Department.

The holder of this Certificate of Appointment shall produce this Certificate whenever required to do so by any person in respect of whom he has exercised or is about to exercise any of his powers.