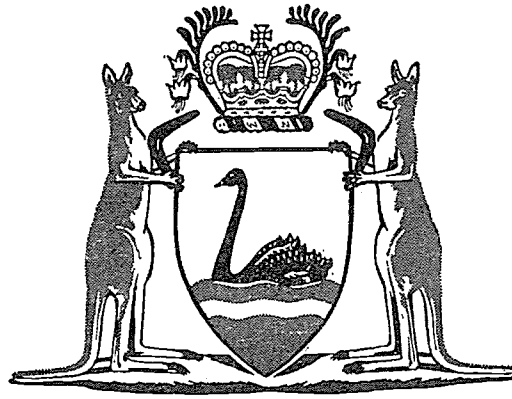


[2177]



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.45 p.m.)

No. 46]

PERTH : FRIDAY, 1 JULY

[1983

WESTERN AUSTRALIAN MARINE ACT 1982

REGULATIONS

WESTERN AUSTRALIAN MARINE ACT 1982.
INTERPRETATION ACT 1918-1981.
W.A. MARINE (CONSTRUCTION, STABILITY AND ENGINEERING)
REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- | | |
|---|---|
| Citation. | 1. These regulations may be cited as the W.A. Marine (Construction, Stability and Engineering) Regulations 1983. |
| Commence- ment. | 2. These regulations shall come into operation on 1 July 1983. |
| Interpreta- tion. | 3. (1) In these regulations, unless the contrary intention appears— “Authority” means the General Manager; “Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the <i>Commonwealth of Australia Gazette</i> on 11 May 1981. (2) In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section. |
| Classification of vessels. | 4. For the purposes of these regulations, vessels shall be classified in the manner provided by clause 6 of Section 1 of the Code. |
| Application of Sections 5 and 6 of Code. | 5. The provisions of Sections 5 and 6 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies. |
| Application of Section 8 of Code. | 6. (1) Subject to subregulation (2) of this regulation, the provisions of Section 8 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies. (2) The incorporation and application of Section 8 of the Code by subregulation (1) of this regulation is subject to the following modifications— (a) in clause C.3, for “Class 2D and 2E Vessels” there shall be substituted the following— “ Class 2D and 2E Vessels 16 Metres and Over in Measured Length ”; (b) in clause C.3.2, for “all vessels 16 metres in measured length and over but less than 20 metres in measured length” there shall be substituted the following— “ all vessels of Classes 2A, 2B and 2C 20 metres in measured length and over but less than 24 metres in load line length and vessels of Classes 2D and 2E 16 metres and over in measured length ”. |
| Application of Section 9 of Code. | 7. The provisions of Section 9 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies. |

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (LIFE SAVING APPLIANCES, FIRE APPLIANCES AND MISCELLANEOUS EQUIPMENT) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Life Saving Appliances, Fire Appliances and Miscellaneous Equipment) Regulations 1983.
- Commencement. 2. These regulations shall come into operation on 1 July 1983.
- Interpretation. 3. In these regulations unless the context otherwise requires—
 “Authority” means the General Manager;
 “Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981.
- Application of Sections 10, 11, and 13 of Code. 4. (1) Subject to subregulations (2) and (3) of this regulation, the provisions of Sections 10, 11, and 13 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies.
- (2) The incorporation and application of Section 11 of the Code by subregulation (1) of this regulation is subject to the following modifications—
- (a) in each of those portions of Part 2 which set out scales of fire fighting equipment for vessels of classes 1B, 1C, 1D, 1E, 2A, 2B, 2C, 3A, 3B and 3C, under the heading “Fixed Fire Extinguishing Installation—Machinery Space” in each case, there shall be substituted “12.5 metres” in the column headed “Size” for “10 metres”;
 - (b) after Item 1.5 of Appendix E to Part 3, the following sub-item is inserted—
 “ 1.6 Automatic means shall be provided for giving audible warning to persons within a working space when fire smothering gas of a manually operated system is about to be released into the space. Where an emergency power system is required to be fitted then the audible alarm shall be connected to both power systems. ”;
 - (c) Item 2.3.1 of Appendix E to Part 3 shall be deleted;
 - (d) Item 1.1 of Appendix G to Part 3 shall be deleted;
 - (e) in Items 2.1.2, 2.1.3 and 2.2 of Appendix G to Part 3, for “10 metres in length” there shall be substituted in each case—
 “ 5 metres in length ”;
 - (f) in Item 2.2 of Appendix G to Part 3, “other than vessels of Classes 1A and 2A” shall be deleted;
 - (g) at the end of Item 2.5 of Appendix G to Part 3, there shall be inserted—
 “ Where only one extinguisher is required in a space, it may be of the dry powder type. ”.
- (3) The incorporation and application of Section 13 of the Code by subregulation (1) of this regulation is subject to the following modifications—
- (a) clause 3 shall be deleted;

(b) in that portion of Part 3 which relates to vessels of Class IC, there shall be inserted after "All lengths . . . Signalling light" the following—

" All lengths . . . International code flags NC ";

(c) in that portion of Part 3 which relates to vessels of Class 2C, there shall be inserted after "All lengths . . . Signalling light" the following—

" All lengths . . . International code flags NC ";

(d) in that portion of Part 3 which relates to vessels of Class 3A, there shall be inserted after "35 metres and over . . . 1 set of international code flags" the following—

" Less than 35 metres . . . International code flags NC ";

(e) after Item 3.1 of Part I of Appendix B to Part 4, the following sub-item is inserted—

" 3.2 Notwithstanding sub-item 1 of this Item, a seagoing fishing vessel less than 10 metres in length licensed to operate not more than 5 nautical miles offshore may, instead of a magnetic steering compass as required by that sub-item, carry a fixed or hand-held compass of a type approved by the Authority and, if the vessel travels in convoy with, or under tow by, a vessel fitted with such a magnetic steering compass, may carry such a fixed or hand-held compass where the vessel is required to proceed more than 5 nautical miles offshore to reach its base of operations. ";

(f) Item 6 of Part I of Appendix B to Part 4 shall be deleted;

(g) Item 4 of Appendix M to Part 4 shall be deleted; and

(h) Item 5 of Appendix N to Part 4 shall be deleted.

Construction
of Code.

5. In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section.

Classification
of vessels.

6. For the purposes of these regulations, vessels shall be classified in the manner provided by clause 6 of Section 1 of the Code.

Repeals.

7. (1) The Western Australian Marine Act 1948, Regulations for Life Saving Appliances are repealed.

(2) The Western Australian Marine Act 1948 (Fire Appliances) Regulations are repealed.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

W.A. MARINE (EMERGENCY PROCEDURES AND SAFETY OF
NAVIGATION) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Emergency Procedures and Safety of Navigation) Regulations 1983.
- Commence-
ment. 2. These regulations shall come into operation on 1 January 1984.
- Interpreta-
tion. 3. In these regulations, unless the contrary intention appears—
“Authority” means the General Manager; and
“Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981.
- Application. 4. These regulations apply to all vessels to which the Act applies.
- Application
of Section 15
of Code. 5. (1) Subject to subregulation (2) of this regulation, the provisions of Section 15 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies.
- (2) The incorporation and application of Section 15 of the Code by subregulation (1) of this regulation is subject to the following modifications—
- (a) clauses 4.1, 5.1, 7.2, 7.5, 7.6, 7.7, 7.8, 8.1, 8.3, 9.1 and 9.3 shall not apply to vessels of Classes 2B, 2C, 2D, 2E, 3A, 3B, 3C, 3D and 3E not exceeding 25 metres in length where the number of persons on board, excluding passengers, does not exceed 4;
- (b) for clause 10.1 there shall be substituted the following—
- “ 10.1 The master of a Class 1B vessel having a length in excess of 45 metres shall—
- (a) drill those members of the crew assigned for special duties in connection with the assembly and use of rocket line throwing apparatus at such times as he thinks fit; and
- (b) hold practices with the apparatus within 1 week of the commencement of an agreement with a new crew and thereafter at intervals of not more than 3 months.
- 10.2 A practice with the rocket line throwing apparatus shall not be held—
- (a) other than during the hours of daylight; or
- (b) in a port where the firing of the rocket would be likely to cause damage to property.
- 10.3 Nothing in this regulation authorizes or requires a practice with rocket line throwing apparatus that would involve a contravention of any other law. ”; and
- (c) Part III shall be deleted.

- Responsibility of master of certain vessels. 6. The master of a vessel to which various clauses of Section 15 of the Code do not apply by reason of regulation 5 (2) (a) of these regulations shall ensure that—
- (a) the crew of the vessel is familiar with the procedure for launching survival craft;
 - (b) survival craft are kept ready for launching at all times;
 - (c) all crew members are instructed in and familiar with fire fighting procedures; and
 - (d) all crew members are familiar with collision procedures.
- Offences. 7. The master of a vessel or any other person who without reasonable excuse contravenes or otherwise fails to comply with a requirement of these regulations is guilty of an offence and is liable on conviction to a fine of \$1 000.
- Construction of Code. 8. In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section.
- Classification of vessels. 9. For the purposes of these regulations, vessels shall be classified in the manner provided by clause 6 of Section 1 of the Code.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (MERCANTILE MARINE) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Mercantile Marine) Regulations 1983.
- Commencement. 2. These regulations shall come into operation on 1 July 1983.
- Interpretation. 3. In these regulations, unless the contrary intention appears—
 “appropriate tribunal” means the Disciplinary Appeal Tribunal;
 “Authority” means the General Manager; and
 “Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981.
- Application of Section 4 of Code. 4. (1) Subject to subregulation (2) of this regulation, the provisions of Section 4 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies.
 (2) The incorporation and application of Section 4 of the Code by subregulation (1) of this regulation is subject to the deletion of clause 2.1.
- Construction of Code. 5. In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section.
- Classification of vessels. 6. For the purposes of these regulations, vessels shall be classified in the manner provided by clause 6 of Section 1 of the Code.
- Fees. 7. (1) A fee of \$7 shall be payable in respect of the approval of a Superintendent to the engagement of a seaman.
 (2) A fee of \$7 shall be payable in respect of the attestation by a Superintendent of the discharge of a seaman.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (HIRE AND DRIVE VESSELS) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Hire and Drive Vessels) Regulations 1983.
- Commence-
ment. 2. These regulations shall come into operation on 1 July 1983.
- Interpreta-
tion. 3. In these regulations, unless the contrary intention appears—
 "Authority" means the General Manager;
 "Code" means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981.
- Application
of Section 18
of Code. 4. (1) Subject to subregulation (2) of this regulation, the provisions of Section 18 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all hire and drive vessels and voyages of hire and drive vessels.
- (2) The incorporation and application of Section 18 of the Code by subregulation (1) of this regulation is subject to the following modifications—
- (a) in clause 1.2—
- (i) paragraphs 1, 2 and 3 shall be deleted;
- (ii) paragraph 6 is amended by inserting after "devices" the following—
 " and includes paddel boats of the foot or hand-driven types "; and
- (iii) for paragraph 8, there shall be substituted the following—
 " 1.2.8 The term "Houseboat means any vessel or pontoon that is held or let—
 (a) as a place of habitation whether such use be temporary, intermittent or permanent;
 (b) as a place for accommodating or receiving persons for purposes of shelter, recreation, entertainment or refreshment; or
 (c) as club or business premises,
 but does not include a vessel being temporarily used for any of the purposes in subparagraphs (a), (b) or (c) of this paragraph if the vessel is normally employed in carrying goods or passengers, or both, for reward or plying for hire for the carriage of goods or passengers, or both. ";
- (b) in clause 2.4—
- (i) by inserting at the end of paragraph 1 the following—
 " Penalty: \$500 ";

(ii) for paragraph 2 there shall be substituted the following paragraphs—

“ 2.4.2 The owner of a hire and drive vessel shall not allow that vessel to be hired out unless the equipment required by clause 2.2 is on board the vessel and, if necessary, secured to the vessel.

Penalty: \$500.

“ 2.4.3 The hirer of a hire and drive vessel shall at all times keep the equipment on board the vessel, and if necessary, secured to the vessel and shall, on demand by an authorized person, produce the equipment for his inspection.

Penalty: \$500. ”;

(c) clause 2.5 shall be deleted;

(d) for the heading above clause 3.1, the following shall be substituted—

“ PART 3—LICENSING OF OWNERS AND REGISTRATION AND INSPECTION OF VESSELS ”;

(e) for clause 3.1, the following shall be substituted—

“ 3.1 Owners to be licensed and Hire and Drive vessels to be Registered

3.1.1 The owner of a hire and drive vessel shall not allow that vessel to be hired out unless—

3.1.1 (a) he is licensed under this Part as the owner of the hire and drive vessel;

3.1.1 (b) current registration has been issued by the Authority for the vessel; and

3.1.1 (c) a registration plate or equivalent is displayed on the vessel or the vessel is marked in accordance with directions given under 3.3.2.

3.1.2 Before a vessel is used as a hire and drive vessel the owner shall:

3.1.2 (a) make an application to the Authority for a licence as the owner of the hire and drive vessel;

3.1.2 (b) pay to the Authority a licence fee of \$30.

3.1.3 Upon receiving an application and payment of the licence fee, the Authority may issue a licence to the owner of a hire and drive vessel and may attach conditions to the licence as to any or all of the following matters:

3.1.3 (a) the approval of a public or local authority having responsibility for the management of the land above high water in the area where the vessel is intended to be operated or the waters where the vessel is intended to be operated;

3.1.3 (b) the limits of the area where the vessel may be hired;

3.1.3 (c) compliance with any or all of the requirements of clause 4.4 below;

3.1.3 (d) the suspension of hire operations in the event of the existence of specified wind or weather conditions;

- 3.1.3 (e) the provision of a suitable rescue craft, registered under the Act, available for immediate use at all times when a vessel is hired;
- 3.1.3 (f) continuous surveillance of vessels on hire;
- 3.1.3 (g) the maximum number of vessels which may be hired out;
- 3.1.3 (h) survey requirements and the payment of survey fees;
- 3.1.3 (i) the provision of life jackets or aids to buoyancy and their use by hirers;
- 3.1.3 (j) the regulation of the use of hired vessels;
- 3.1.3 (k) the possession by the owner, or other person who is to teach or instruct, of the appropriate Yachting Association Certificate or other qualification approved by the Authority where, as part of the hiring operation, the owner or some other person professes to teach or instruct in sailing or sailboarding;
- 3.1.3 (l) the register book referred to in clause 4.1 below; and
- 3.1.3 (m) the temporary or permanent variation of conditions by the Authority on payment of a variation fee of \$30.

3.1.4 Every licence issued subject to conditions shall contain a statement to the effect that the failure of owners to comply with the conditions of a licence may constitute an offence under Section 55 of the Act.

3.1.5 In the event that the holder of a licence as owner of a hire and drive vessel is or has been convicted of an offence concerned with or related to the hire of vessels, the Authority may suspend or cancel his licence. ”;

(f) after clause 3.3.1, the following shall be inserted—

“ 3.3.2 Notwithstanding 3.3.1 (c) above, the Authority, instead of issuing a registration plate or equivalent as required by 3.3.1 (c), may direct the owner of the vessel to paint or otherwise mark on the vessel an identification number, the maximum number of persons that the vessel is registered to carry and the word “HIRE” on the part of the vessel and in the manner specified in the direction. ”;

(g) for the heading to clause 3.4 the following shall be substituted—

“ Display of Registration Plate or Identification Number ”;

(h) for clause 3.4.1, the following shall be substituted—

“ 3.4.1 A registration plate or equivalent issued in accordance with 3.3.1 (c) above shall be firmly affixed in a conspicuous position on the hire and drive vessel.

Penalty: \$500.

3.4.2 The owner of a hire and drive vessel shall comply with a direction given to him by the Authority under 3.3.2 and shall maintain the relevant markings on the vessel in clear and legible condition.

Penalty: \$500 ”;

(i) clause 3.10 shall be deleted;

(j) for the heading to clause 3.11, the following shall be substituted—

“ Vessels without Registration or Survey Certificate ”;

(k) in clause 3.11.1—

(i) after “current registration” there shall be inserted the following—

“ or current survey certificate ”; and

(ii) after “equivalent” there shall be inserted the following—

“ or mark ”;

(l) after 3.12.1, the following shall be inserted—

“ Penalty: \$500 ”;

(m) in clause 3.13—

(i) for paragraph 1, the following shall be substituted—

“ 3.13.1 The owner of a hire and drive vessel shall make a report in writing to the Authority concerning any accident or damage affecting the seaworthiness of a vessel or any death or injury to a person. ”;

and

(ii) after paragraph 2, the following shall be inserted—

“ Penalty: \$500 ”;

(n) in clause 4.1.1, for “The owner of a hire and drive vessel” there shall be substituted—

“ Where the owner of a hire and drive vessel is so required as a condition of his licence, he ”;

(o) after 4.2.2, the following shall be inserted—

“ Penalty: \$500 ”; and

(p) after 4.3.1 (b), the following shall be inserted—

“ Penalty: \$500.

4.3.2 Subject to 4.3.3,

(a) a person under the age of 17 years shall not drive or operate a hire and drive vessel which is a mechanically propelled vessel capable of or designed for a speed in excess of 12 knots;

(b) the owner or the hirer of a vessel referred to in paragraph (a) above, shall not knowingly permit or suffer the vessel to be driven or operated by a person under the age of 17 years.

Penalty: \$300.

4.3.3. The provisions of 4.3.2 do not apply to or in relation to the driving or operation of a vessel by a person who is not less than 14 years of age and is accompanied in the vessel by a person not less than 21 years of age. ”.

Construction
of Code.

5. In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (RADIOTELEPHONY) AMENDMENT REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Radiotelephony) Amendment Regulations 1983.
- Commencement. 2. These regulations shall come into operation on 1 July 1983.
- Principal regulations. 3. In these regulations, the Western Australian Marine (Radiotelephony) Regulations 1981* are referred to as the principal regulations.
- Regulation 1 amended. 4. Regulation 1 of the principal regulations is amended by deleting "Western Australian" and substituting the following—
" W.A. ".
- Regulation 2 amended. 5. Regulation 2 of the principal regulations is amended in subregulation (1)—
(a) by deleting the definition "at sea" and substituting the following definition—
" "at sea", in relation to radio watch keeping means, in its application to commercial vessels of Classes 1, 2 and 3, the period during which the vessel is under way beyond smooth waters; ";
(b) in the definition of "installation", by deleting "referred to in section 68 (1) (d) of the Act" and substituting the following—
" with which a ship is required to be equipped for the purposes of section 44 (a) of the Act ";
(c) by deleting the definitions of "protected waters", "radiotelephone operator", and "radiotelephony"; and
(d) in the definition of "the Act" by deleting "1948" and substituting the following—
" 1982 ".
- Regulation 3 repealed and substituted. 6. Regulation 3 of the principal regulations is repealed and the following regulation substituted—
" 3. These regulations apply to commercial vessels of Classes 1, 2 and 3, other than vessels of Classes 1E, 2E, and 3E and hire and drive vessels. ".
- Regulation 4 repealed. 7. Regulation 4 of the principal regulations is repealed.
- Regulation 5 amended. 8. Regulation 5 of the principal regulations is amended by deleting "for the purposes of section 68 (1) (d)" and substituting the following—
" required to be installed in a ship for the purposes of complying with section 44 ".

* Published in the *Government Gazette* on 27 November 1981 at pp. 4839-4846.

- Regulation 12 amended. 9. Regulation 12 of the principal regulations is amended by deleting—
“ not—
 (i) a ship that is licensed or required to be licensed under the Fisheries Act 1905 or the Pearling Act 1912; or
 (ii) a limited coast trade ship, ”
and substituting the following—
“ not a fishing vessel, ”.
- Regulation 13 amended. 10. Regulation 13 of the principal regulations is amended by deleting
“68 (1) (e)” and substituting the following—
“ 44 (b) ”.
- Regulation 16 amended. 11. Regulation 16 of the principal regulations is amended—
 (a) in subregulation (3), by inserting before “Manager” the following—
 “ General ”; and
 (b) by repealing subregulation (6) and substituting the following subregulation—
 “ (6) The master of a seagoing ship which is a commercial vessel to which these regulations apply shall not cause or permit that ship to be navigated beyond smooth waters unless a valid temporary certificate or certificate of survey is in force in respect of the installation of that ship. ”.
- Regulation 18 amended. 12. Regulation 18 of the principal regulations is amended by deleting
“\$200” wherever it occurs and substituting in each case the following—
“ \$500 ”.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (ADJUSTMENT OF COMPASSES) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Adjustment of Compasses) Regulations 1983.
- Commence-
ment. 2. These regulations shall come into operation on 1 July 1983.
- Application. 3. These regulations shall apply to all vessels and voyages to which the Act applies.
- Adjustment
of compasses. 4. (1) The compass of a vessel to which these regulations apply shall be adjusted and a deviation card shall be furnished before an initial certificate of survey of the vessel is issued and thereafter at intervals of 3 years, except that, without affecting the due dates of subsequent adjustments, the General Manager may in any case direct that a vessel have its compass adjusted not more than 6 months before or after the due date.

(2) Notwithstanding subregulation (1) of this regulation, where—

- (a) the master of an existing vessel has delivered to the General Manager a declaration certifying the accuracy of the compass, the General Manager may permit the postponement of the adjustment of the compass for a period not exceeding 3 months; and
- (b) in the case of a new vessel, other than a vessel of steel construction, a person holding a certificate of competency as Master Class I or equivalent has delivered to the General Manager a compass deviation card based on the swinging of the compass by him and subject to the maximum deviation of the compass being not more than 5°, the General Manager may grant an exemption from compliance with subregulation (1) for a period not exceeding 6 months.

(3) Without prejudice to the requirements of subregulations (1) and (2) of this regulation, the compass of a vessel shall be adjusted and a deviation card furnished in the following circumstances—

- (a) if the vessel has undergone repairs or alterations of such a nature as is, in the opinion of the General Manager, likely to affect the accuracy of the compass;
- (b) if the vessel has not previously operated from a port or place in Australia; and
- (c) if the compass of the vessel is, in the opinion of the General Manager, unsatisfactory or unreliable.

(4) Where the services referred to in subregulations (1), (2), and (3) of this regulation are provided by the Department, fees shall be payable in accordance with the following scale—

Scale of Fees.

| Gross registered tonnage of vessel— | \$ |
|---|--------|
| not exceeding 20 tons | 50.00 |
| exceeding 20 tons but not exceeding 50 tons | 80.00 |
| exceeding 50 tons but not exceeding 100 tons | 100.00 |
| exceeding 100 tons but not exceeding 250 tons | 135.00 |
| exceeding 250 tons but not exceeding 1 000 tons | 200.00 |
| exceeding 1 000 tons but not exceeding 3 000 tons | 270.00 |
| exceeding 3 000 tons | 405.00 |

Licence to
adjust
compass.

5. (1) A licence as an adjuster of compasses or an adjuster of compasses (restricted) may be issued by the General Manager to a competent person.

(2) A person may adjust compasses and furnish and sign deviation cards for the purposes of these regulations only if he is the holder of a licence as an adjuster of compasses or, in the case of a vessel not exceeding 35 metres in length, the holder of a licence as an adjuster of compasses (restricted) issued under these regulations or under the Navigation (Compass) Regulations of the Commonwealth.

(3) A person is competent to be granted a licence as an adjuster of compasses if he is the holder of a certificate of competency as compass adjuster.

(4) A person is competent to be granted a licence as an adjuster of compasses (restricted) for the adjustment of compasses on vessels not exceeding 35 metres in length if he is the holder of a certificate of competency (restricted) as compass adjuster.

Certificates of
competency.

6. (1) The General Manager shall issue a certificate of competency as compass adjuster—

(a) without further examination and on payment of a fee of \$10 to the holder of a certificate of competency as extra master, Class I or equivalent, issued or recognized under the Navigation Act 1912 of the Commonwealth;

(b) without further examination and on payment of a fee of \$10 to the holder of a licence as a compass adjuster issued or recognized under the Navigation Act 1912 of the Commonwealth.

(2) The General Manager shall issue a certificate of competency (restricted) as compass adjuster for compasses on vessels not exceeding 35 metres in length, without further examination and on payment of a fee of \$10, to an applicant who has, not more than 12 months before making the application, successfully completed a course for compass adjusters (restricted) conducted by the Australian Maritime College at Launceston and approved by the General Manager.

Restriction.

7. Subject to regulation 4 (2) (b), the holder of a licence as adjuster of compasses or adjuster of compasses (restricted) shall not adjust the compass of a vessel, or furnish a deviation card in respect of a vessel, of which he is the master.

Offence.

8. The owner or master of a vessel shall not send or take the vessel on a voyage or permit the vessel to begin a voyage unless the compass of the vessel has been adjusted and a deviation card furnished in accordance with the requirements of these regulations.

Penalty: \$1 000.

Repeal.

9. The Western Australian Marine Act 1948, Regulations for Swinging Ships are repealed.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (LOAD LINES) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the W.A. Marine (Load Lines) Regulations 1983.
- Commence-
ment. 2. These regulations shall come into operation on 1 July 1983.
- Interpreta-
tion. 3. In these regulations, unless the contrary intention appears—
 “Authority” means the General Manager;
 “Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981.
- Application of
Section 7 of
Code. 4. (1) Subject to subregulation (2) of this regulation, the provisions of Section 7 of the Code are incorporated in these regulations and shall extend and apply to and in respect of all vessels and voyages to which the Act applies.
 (2) The incorporation and application of Section 7 of the Code by subregulation (1) of this regulation is subject to the following modifications—
 (a) for the definition of ‘Survey authority’ in clause 3.9, there is substituted the following definition—
 “ ‘survey authority’ means an authority appointed by the Governor under Section 31 of the Act. ”;
 (b) clause 73.6 shall be deleted;
 (c) clauses 74.1 and 74.2 shall be deleted;
 (d) clauses 74.4 and 74.5 shall be deleted; and
 (e) clauses 74.7 and 74.8 shall be deleted.
- Construction
of Code. 5. In the construction of the Code as incorporated in these regulations, words and expressions defined in Section 1 of the Code shall, unless otherwise provided by the Act or these regulations, have the meanings assigned in that Section.
- Fees. 6. (1) A fee of \$9 for each metre of the load line length shall be payable for the initial load line survey of a vessel and the issue of a certificate.
 (2) For the renewal of a load line survey (every 5 years), a fee of \$55 shall be payable if the renewal survey is carried out in conjunction with the annual survey of the vessel and if the renewal survey is carried out at any other time the fee shall be \$55 plus \$20 for every half hour during which the surveyor is engaged on the survey.
 (3) The fee for an annual load line survey carried out other than in conjunction with the annual survey of a vessel shall be \$20 for each half hour during which the surveyor is engaged on the survey.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.
INTERPRETATION ACT 1918-1981.
W.A. MARINE (COURT OF MARINE INQUIRY) AMENDMENT
RULES 1983.

MADE by His Excellency the Governor in Executive Council.

- | | |
|---|--|
| Citation. | 1. These rules may be cited as the W.A. Marine (Court of Marine Inquiry) Amendment Rules 1983. |
| Commence- ment. | 2. These rules shall come into operation on 1 July 1983. |
| Principal rules. | 3. In these rules, the Western Australian Marine Act 1948 Court of Marine Inquiry Rules* are referred to as the principal rules. |
| Rule 1 (Citation) amended. | 4. Rule 1 of the principal rules is amended by deleting "Western Australian Marine Act, 1948, Court of Marine Inquiry Rules" and substituting the following— " W.A. Marine (Court of Marine Inquiry) Rules ". |
| Rule 2 amended. | 5. Rule 2 of the principal rules is amended— (a) by inserting at the beginning the following— " "Act" means the Western Australian Marine Act 1982. "; and (b) in the definition of Department by deleting "Harbour and Light Department" and substituting the following— " Department of Marine and Harbours ". |
| Rule 7 repealed and substituted. | 6. Rule 7 of the principal rules is repealed and the following rule is substituted— " 7. Persons placed on the list of assessors who assist in a Court of Marine Inquiry under the Western Australian Marine Act 1982 shall be classified according to their qualifications as follows— <i>Class I—Mercantile Marine Masters.</i> 5 years' service as a master in the merchant service of which 2 years must have been service in command of a ship with a certificate of competency as Master Class I or equivalent. <i>Class II—Mercantile Marine Engineers.</i> 5 years' service as an engineer in the merchant service and at the time of appointment holding a certificate of competency as Marine Engineer Class I or equivalent. ". |
| Rule 9 repealed. | 7. Rule 9 of the principal rules is repealed. |
| Rule 10 repealed and substituted. | 8. Rule 10 of the principal rules is repealed and the following rule is substituted— " 10. Subject to any special appointment or appointments which the Minister may think it expedient to make in any case where special circumstances appear to him to require it (subject always to compliance with section 105 (2), of the Act), assessors shall be appointed as follows— (a) where the inquiry involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or coxswain, at least 2 assessors shall be appointed from Class I; and (b) where the investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a marine engineer or a marine engine driver, at least 2 assessors shall be appointed from Class II. ". |
| Appendix amended. | 9. The Appendix to the principal rules is amended by deleting "Western Australian Marine Act, 1948" in each of the forms numbered 1 to 10 inclusive and substituting in each case the following— " Western Australian Marine Act 1982. ". |

By His Excellency's Command,
J. E. A. PRITCHARD,
Clerk of the Council.

Western Australia.
WESTERN AUSTRALIAN MARINE ACT 1982.
INTERPRETATION ACT 1918-1981.
W.A. MARINE (SURVEYS AND CERTIFICATES OF SURVEY)
REGULATIONS 1983.

ARRANGEMENT.

PART I—PRELIMINARY.

Regulation

1. Citation.
2. Commencement.
3. Interpretation.
4. Application.

PART II—SURVEY REQUIREMENTS.

5. Initial survey.
6. Periodic surveys and inspections.
7. Random inspections.
8. Owner to report special factors.
9. Owner to report accidents, injuries, etc.
10. Power to exempt certain vessels.

PART III—CERTIFICATES.

11. Issue of certificate of survey.
12. Evidence of compliance with survey requirements.
13. Revalidation or renewal of certificate of survey.
14. Extension of certificate of survey.
15. Suspension or cancellation of certificate of survey.
16. Owners to notify General Manager of various occurrences.
17. Acceptance of other certificates of survey.
18. Continuation of approved survey programme.

PART IV—SINGLE VOYAGE TOWAGE PERMITS.

19. Application of Part IV.
 20. Application for towage permit.
 21. Issue of towage permit.
 22. Offence for vessel to be towed without towage permit.
 23. Repeal.
- Schedule 1—Fees.
- Schedule 2—Survey Requirements and Intervals.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (SURVEYS AND CERTIFICATES OF SURVEY)
REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY.

- | | |
|----------------------|--|
| Citation. | 1. These regulations may be cited as the W.A. Marine (Surveys and Certificates of Survey) Regulations 1983. |
| Commence- ment. | 2. These regulations shall come into operation on 1 July 1983. |
| Interpreta- tion. | <p>3. In these regulations, unless the contrary intention appears—</p> <p>“Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the <i>Commonwealth of Australia Gazette</i> on 11 May 1981;</p> <p>“inspection” means a visual inspection performed by a person approved for the purpose by the General Manager;</p> <p>“marine authority” means the statutory marine authority of the Commonwealth or of a State or Territory of the Commonwealth;</p> <p>“regulation” means a regulation of these regulations;</p> <p>“schedule” means schedule to these regulations;</p> <p>“specified form” means a form specified for the purpose by the Minister;</p> <p>“subregulation” means a subregulation of the regulation in which the term is used;</p> <p>“survey” means a thorough examination performed by or in the presence of a surveyor or survey authority;</p> <p>“survey authority” means an authority appointed by the Governor under section 24 of the Act.</p> |
| Application. | 4. These regulations apply to all commercial vessels to which the Act applies. |

PART II—SURVEY REQUIREMENTS.

- | | |
|--------------------|---|
| Initial survey. | <p>5. (1) Every new vessel constructed under the jurisdiction of the State and every existing vessel being brought under survey for the first time is required to undergo an initial survey for the purpose of satisfying the General Manager that the vessel complies with the laws of the State.</p> <p>(2) An application for initial survey shall be made to the General Manager in the specified form and shall be accompanied by the appropriate survey fee set out in Schedule 1.</p> <p>(3) An application for initial survey shall be accompanied by the following information—</p> <ul style="list-style-type: none"> (a) type and purpose of vessel; (b) intended area of operations; (c) whether vessel is to be classed and if so, name of the Classification Society (for existing vessel the details of any Classification); (d) plans and details of hull, boilers and machinery, and equipment; (e) such other information as the General Manager may require; and (f) where a vessel is, or is to be, classed, the owner shall forward to the General Manager only such plans and details as are relevant to the General Manager's own survey and the other plans and details shall be forwarded to the Classification Society. |
|--------------------|---|

(4) The information required to be provided to the Authority under subregulation (3) shall be submitted—

- (a) in the case of a new vessel, prior to the commencement of construction (and construction shall not begin until the General Manager has given his approval); and
- (b) in the case of an existing vessel, in such time as is provided by regulation 6 (7) with respect to applications for periodic survey

(5) Subject to subregulation (6), an initial survey shall be carried out in full by the Department's surveyors who shall forward to the General Manager in writing, and in a form approved by the General Manager, a report of the condition of the hull and the boilers and machinery and equipment of the vessel.

(6) The General Manager may accept the performance of all or part of an initial survey by a survey authority.

Periodic
surveys and
inspections.

6. (1) Subsequent to the initial survey, every vessel is required to undergo periodic surveys and inspections for the purpose of satisfying the General Manager that the vessel continues to comply with the laws of the State.

(2) The General Manager may accept the performance of all or part of a periodic survey or inspection by a survey authority.

(3) The intervals between surveys shall be as follows—

- (a) a vessel's equipment shall be surveyed at intervals not exceeding 1 year;
- (b) a vessel's hull, structure, boilers and machinery, and fittings shall be surveyed at the intervals specified in a survey programme approved by the General Manager or alternatively in accordance with the requirements of Schedule 2, except that the General Manager may in a particular case require lesser intervals than those in Schedule 2 if considered desirable because of—
 - (i) the age of the vessel;
 - (ii) the service of the vessel (passenger, cargo or fishing);
 - (iii) the area or proposed area of operation of the vessel;
 - (iv) the materials used in and the method of construction of the vessel;
 - (v) the type of underwater fittings of the vessel;
 - (vi) the size of the vessel; or
 - (vii) any other reason.

(4) The owner may submit a survey programme for a vessel to the General Manager for his approval. In drawing up such a programme, consideration shall be given to—

- (a) the survey requirements and intervals in Schedule 2; and
- (b) the specific requirements of the General Manager.

(5) Where a survey programme has been approved by the General Manager under this regulation, the survey of particular items shall be carried out in accordance with that programme, except where the General Manager directs otherwise or agrees to modify, defer, or cancel the programme.

(6) An application for periodic survey shall be made to the General Manager in the specified form and shall be accompanied by the appropriate survey fee set out in Schedule 1.

(7) An application for survey shall be made by the owner of a vessel—

- (a) in the case of the survey of a vessel out of the water, not less than 7 days before the date on which the survey is to be performed;
- (b) in respect of a survey of boilers and machinery or equipment or both—
 - (i) where the survey is to be made within the metropolitan area of Perth or at Geraldton, not less than 14 days before the date on which the survey is to be performed;
 - (ii) where the survey is to be made elsewhere than in the metropolitan area of Perth or at Geraldton, not less than 14 days before the date specified for surveys in that port or place in a programme of surveys issued by the Department and available at offices of the Department from 30 January in each year,

and the owner shall cause the vessel to be presented for survey at the port or place stated in the application at the time and date notified to him by the Department.

(8) Where a survey or inspection of a vessel's hull is to be carried out, the owner shall cause the vessel to be withdrawn from the water and placed in a satisfactory manner to enable the surveyor to make an external examination of the hull, underwater fittings, shafting, propeller, rudder and any other appurtenances. Prior to such examination the hull shall have been washed and cleaned, but shall not have been painted.

(9) During the course of a survey or inspection the surveyor shall have discretion to require the opening up for examination of any other part or parts of the vessel including removal of linings and permanent ballast where applicable.

(10) After a survey or inspection the surveyor shall make in the manner or form required by the General Manager a duplicate List of Repairs and Deficiencies which shall be counter signed by the owner who shall retain one copy. The survey will not be completed until such repairs and deficiencies have been made good to the satisfaction of the surveyor.

(11) On completion of a survey or inspection, the surveyor shall make his report to the General Manager in writing and in a form approved by the General Manager.

(12) On completion of an item or stage of an approved survey programme, the surveyor shall sign the owner's copy, the vessel's copy and the General Manager's copy of the programme documents and shall also make a report to the General Manager concerning the item or stage surveyed.

(13) When making a survey or inspection of a vessel, a surveyor shall be accompanied by the owner.

Random inspections.

7. A surveyor or an authorized officer may, in the execution of his duty, board a vessel at any reasonable time to make an occasional or random inspection.

Owner to report special factors.

8. The owner of a vessel shall report to the General Manager any special factors that may influence the General Manager's survey requirements for the vessel, including any change of trade, operations, alteration to structure or machinery that have occurred since the previous survey.

Owner to report accidents, injuries, etc.

9. (1) The owner of a vessel shall in the specified form make a report to the General Manager concerning any accident or damage to the vessel or any death or injury to a person occurring on the vessel.

(2) A report under subregulation (1) shall be forwarded to the General Manager—

- (a) in the case of a vessel in port, within 48 hours of the occurrence; and
- (b) in the case of a vessel at sea, within 48 hours of the first arrival of the vessel at a port.

(3) Where any part of a vessel's hull, structure, machinery, fittings or equipment is open for routine maintenance or substantial repair, the owner shall inform the General Manager so that a survey may take place.

Power to
exempt
certain vessels.

10. (1) Upon application made to the General Manager in the specified form, the General Manager may exempt a vessel of Class 2E or Class 3E from the survey requirements of these regulations.

(2) An exemption granted under subregulation (1) shall be effective during such time as the following conditions are complied with—

- (a) payment of the annual exemption fee set out in Schedule 1;
- (b) the vessel 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—
 - (i) AS A 32, AS 1843, AS 1844 or AS 1845 (foam);
 - (ii) AS A 137, or AS 1846 (dry chemical);
 - (iii) AS A 138 or AS 1847 (carbon dioxide);
 - (iv) AS A 163 or AS 1848 (halogenated hydrocarbon);
- (c) the following conditions apply to the storage and use of fuel—
 - (i) 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;
 - (ii) subject to subparagraph (iii) of this subregulation, 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;
 - (iii) a short length of flexible piping of some other material may be used with the approval of the department; and
 - (iv) an efficient valve shall be fitted against the fuel tank outlet;
- (d) the engine compartment of a motor vessel shall be adequately ventilated.

PART III—CERTIFICATES.

Issue of
certificate of
survey.

11. (1) Upon receiving a satisfactory report from each surveyor performing the initial survey of a vessel, the General Manager shall prepare a Certificate of Survey in the specified form and a Record of Survey describing the hull, boilers and machinery, and equipment of the vessel.

(2) The Certificate of Survey shall contain the following items—

- Name of Vessel;
- Identifying Number of Vessel;
- Official Number (if registered vessel);
- Number of Passengers;
- Number of Crew;
- Class of Vessel;
- Limits of Operation(s);
- Measured Length and/or Gross Tonnage;
- Title of Issuing Authority;
- Signature of authorized officer(s);
- Period of validity from to
- Statement that vessel complies with the survey requirements of the Authority.

(3) The original of the Certificate of Survey shall be issued to the owner or his agent.

Evidence of compliance with survey requirements.

12. (1) Evidence of compliance with the appropriate survey requirements shall consist of the display of the original, or a copy of the Certificate of Survey, or a plasticised document or a sticker or a metal plate referring to the Certificate of Survey, as may be approved by the General Manager.

(2) The evidence of compliance, if not the original or a copy of the Certificate of Survey, shall contain the following details—

- Name of vessel;
- Identifying number of vessel;
- Class of vessel;
- Measured length and/or gross tonnage;
- Maximum number of persons carried;
- Limits of operation;
- Issuing authority and signature of issuing officer;
- Date of expiry.

(3) Subject to subregulation (4), evidence of compliance shall be displayed near the steering position of the vessel, except that in the case of passenger vessels, the evidence shall be displayed in such a position that it is readily visible to passengers.

(4) If the General Manager so directs, the evidence of compliance carried on board a vessel shall be placed in such a position on board the vessel that it is visible from outside the vessel.

Revalidation or renewal of certificate of survey.

13. (1) Upon the satisfactory completion of any subsequent survey of a vessel and the receipt of the Report of each surveyor, the General Manager may then issue for display on the vessel either—

- (a) a new copy of the evidence required to be carried on board under Section 27 of the Act; or
- (b) a statement of revalidation, in a suitable form, that the evidence carried on the vessel under Section 27 of the Act shall remain valid until the new expiry date indicated (which date shall usually be the due date of the next survey).

(2) The General Manager, on satisfactory completion of a subsequent survey, may then issue to the owner the copies referred to in subregulation (1).

(3) If the General Manager so requires upon the satisfactory completion of a cycle of an approved survey programme for a vessel and the receipt of the Report of each surveyor, the General Manager may then issue for display on the vessel either—

- (a) a new copy of the evidence required to be carried on board under Section 27 of the Act; or
- (b) a statement of revalidation in a suitable form, that the evidence carried on the vessel under Section 27 of the Act shall remain valid until the new expiry date indicated (which date shall usually be the due date of the completion of the following cycle of the approved survey programme).

(4) The General Manager on satisfactory completion of a cycle of a survey programme may then issue to the owner the copies referred to in subregulation (3).

Extension of certificate of survey.

14. (1) The owner of a vessel to which these regulations apply may apply in writing to the General Manager for an extension of the certificate of survey issued to the vessel under these regulations.

(2) An application under subregulation (1) shall be accompanied by the appropriate fee set out in Schedule 1.

(3) In any case in which the General Manager is satisfied that the immediate survey of a vessel is impracticable or would occasion unreasonable or unnecessary expense or inconvenience, the General Manager may extend the time for re-survey for any period not exceeding 3 months. An extension may be granted notwithstanding that the certificate of survey has expired.

(4) The General Manager may require an inspection and report on the condition of a vessel to be made before granting the extension of a certificate of survey.

(5) Where the General Manager grants an extension of a certificate of survey it shall issue to the owner of the vessel a notice of extension.

Suspension or
cancellation
of certificate
of survey.

15. (1) Where the General Manager is satisfied, by reason of a report, that a vessel under his survey fails to comply, for any reason, with the appropriate survey requirements, the General Manager may suspend or cancel the certificate of survey and the owner shall be advised accordingly.

(2) Where the certificate of survey has been suspended or cancelled under subregulation (1) the General Manager may require it and the evidence of survey to be delivered up as directed.

Owners to
notify General
Manager of
various
occurrences.

16. The owner of a vessel in respect of which a certificate of survey has been issued and is in force under these regulations shall, not later than 14 days after the relevant occurrence, inform the General Manager in writing of—

- (a) the sale of the vessel and the name and address of the new owner;
- (b) a decision to withdraw the vessel from commercial operations;
- (c) the transfer of the vessel into the jurisdiction of another marine authority for an extended period; or
- (d) any significant alteration of the vessel or its manner of operation.

Penalty: \$250.

Acceptance of
other
certificates
of survey.

17. The General Manager may accept a certificate of survey issued by another marine authority and dispense with the survey of that vessel during the validity of that certificate.

Continuation
of approved
survey
programme.

18. Where a vessel which is carrying out a survey programme approved by another marine authority proceeds to the jurisdiction of the State, that survey programme may be continued in the State subject to the approval of the General Manager.

PART IV—SINGLE VOYAGE TOWAGE PERMITS.

Application of
Part IV.

19. This Part of these regulations applies to all vessels that are engaged in towing or being towed on a seagoing voyage, but this Part does not apply to—

- (a) regular towage of cargo on a commercial basis;
- (b) the harbour towage of vessels;
- (c) the towage or assistance of oil-exploration structures, semi-submersible oil platforms, and the like, which are self-propelled; and
- (d) a vessel in distress at sea or stranded in a position where immediate action by the towing vessel is vital to the saving of life or property.

Application
for towage
permit.

20. (1) The owner of a vessel intended to be towed shall forward to the General Manager an application in the specified form for a towage permit together with the appropriate fee set out in Schedule 1.

(2) An "Application for Towage Permit" shall be accompanied by the following information regarding the vessel to be towed—

- (a) nature of tow (e.g. ferry, cargo ship, unloaded barge, etc.);

- (b) name, official number and port of registry;
- (c) details of any current certificates relating to the tow;
- (d) point of departure and destination of tow;
- (e) details of towing operation i.e. manning (if any) estimated departure date, estimated towing speed, duration of operation, estimated arrival date,

and such other information as the General Manager may require.

(3) The owner of the vessel to be towed, or the owner, master or agent of the towing vessel shall be required to forward the following information to the General Manager regarding the towing vessel—

- (a) name, official number and port of registry;
- (b) type of vessel;
- (c) details of any current certificates relating to the towing vessel;
- (d) propulsion power and or bollard pull; and
- (e) any such other information as the General Manager may require.

Issue of
towage
permit.

21. (1) Upon receiving an application for a towage permit, the General Manager shall arrange for the vessel that is intended to be towed to be inspected to determine whether it is fit to be towed on the proposed voyage.

(2) The inspection of a vessel under subregulation (1) shall have regard to—

- (a) the structural condition of the hull, taking into account the intended voyage;
- (b) the prevention of water entering the hull by the provision of adequate means of closing all openings;
- (c) the stability of the vessel in the towed condition;
- (d) the proposed towing arrangements; and
- (e) the necessity to ensure compliance with the regulations as to collisions.

(3) Subject to a satisfactory inspection under this regulation, the General Manager may issue a towage permit in the specified form and a towage permit may be issued subject to such conditions as are set out in the permit.

Offence for
vessel to be
towed without
towage permit.

22. (1) Subject to regulation 19, no vessel to which this Part applies shall be towed on a seagoing voyage unless a valid towage permit, appropriate to the circumstances, has been issued under regulation 21 and is in force in respect of the vessel on that voyage.

(2) If a vessel is being towed on a seagoing voyage contrary to this regulation or contrary to the terms of a towage permit issued under regulation 21, the owner and the master of the towing vessel and the owner of the vessel being towed shall each be guilty of an offence.

Penalty: \$500.

(3) It shall not be a defence to a prosecution under this regulation to show want of knowledge on the part of the person prosecuted.

Repeal.

23. (1) The Western Australian Marine Act 1948 (Survey and Equipment) Regulations are repealed.

(2) The Limited Coast-trade Vessels Regulations are repealed.

(3) The Commercial Houseboat (Licensing) Regulations 1974 are repealed.

SCHEDULE 1.
FEES.

- (1) (a) For a survey carried out during the construction of a vessel—

| <i>Length of Vessel</i> | <i>Survey Fee</i> \$ |
|--|-------------------------|
| Not exceeding 5 metres | 40 |
| Over 5 metres but not exceeding 7 metres | 110 |
| Over 7 metres but not exceeding 10 metres | 160 |
| Over 10 metres but not exceeding 15 metres | 220 |
| Over 15 metres but not exceeding 25 metres | 320 |
| Over 25 metres but not exceeding 50 metres | 430 |
| Over 50 metres | 540 |

Where the vessel is a trawler necessitating the survey of winches and trawling equipment an additional fee of \$100 shall apply.

- (b) For any annual or subsequent survey carried out in respect of a vessel—

| <i>Length of Vessel</i> | <i>Survey Fee</i> \$ |
|--|-------------------------|
| Not exceeding 5 metres | 33 |
| Over 5 metres but not exceeding 7 metres | 45 |
| Over 7 metres but not exceeding 10 metres | 50 |
| Over 10 metres but not exceeding 15 metres | 70 |
| Over 15 metres but not exceeding 25 metres | 100 |
| Over 25 metres but not exceeding 50 metres | 135 |
| Over 50 metres | 170 |

- (c) For the issue of a Certificate of Survey for a vessel which has been surveyed by an authority recognized by the Department—\$17.00.

- (d) for the extension of a Certificate of Survey—\$17.00.

- (2) Fee for—

- (a) the examination of plans of any vessel

| <i>Length of Vessel</i> | <i>Fee</i> \$ |
|--|------------------|
| Not exceeding 5 metres | 23 |
| Over 5 metres but not exceeding 7 metres | 45 |
| Over 7 metres but not exceeding 10 metres | 68 |
| Over 10 metres but not exceeding 15 metres | 90 |
| Over 15 metres but not exceeding 25 metres | 112 |
| Over 25 metres but not exceeding 50 metres | 160 |
| Over 50 metres | 225 |

For examination of plans of trawlers an additional charge of \$90.00 shall apply.

| <i>Length of Vessel</i> | <i>Fee</i> \$ |
|--|------------------|
| (b) Survey of vessel, subsequent to initial survey, for purpose of checking that outstanding work required to be carried out for completion of initial survey has been completed—per visit | 17 |
| (c) Survey of refrigeration equipment | 17 |
| (d) Examination of plans of pressure vessel | 68 |
| (e) Initial survey and test of pressure vessel | 50 |
| (f) Survey of air pressure vessel other than initial survey | 26 |

| | <i>Fee</i> \$ |
|---|------------------|
| (g) Survey of boiler other than initial survey | 50 |
| (h) Check of design and stability of crane of vessel | 225 |
| (i) Survey of crane and fixing of to vessel per crane | 90 |
| (j) witnessing of inclining test of vessel | 55 |
| (k) Check of stability data of vessel | 225 |
| (l) Issue of single voyage towing permit | 40 |
| (m) survey specially required subsequent to repairs following damage or accident— | |

fees in accordance with scale set out in paragraph (1) (b) of this Schedule, plus cost of air fare when air travel required.

(3) In addition to the fees payable under paragraph (1) of this Schedule, fees are payable with respect to the survey of safety equipment of passenger carrying vessels in accordance with the following scale—

| <i>Passenger Capacity</i> | <i>Fee</i> \$ |
|-----------------------------|------------------|
| Up to 10 passengers | 20 |
| 11 to 50 passengers | 30 |
| 51 to 100 passengers | 40 |
| 101 to 200 passengers | 50 |
| 201 to 400 passengers | 100 |
| Over 400 passengers | 200 |

(4) The survey fee payable for vessels licensed under the Hire and Drive Regulations shall be in accordance with the following scale—

| <i>Type of Vessel</i> | <i>Fee</i> \$ |
|--|------------------|
| (a) Power boats under 6.1 metres in length | 17 |
| (b) Sailing boats | 17 |
| (c) Boats propelled exclusively by oars or paddles | 10 |
| (d) Houseboats— | |

(i) on an application for the grant of a licence in respect of a vessel—

not exceeding 10 metres in length is \$55.00, plus a further \$4.50 for each whole month of the period for which the licence is granted; or

exceeding 10 metres in length is \$65.00, plus a further \$5.00 for each whole month of the period for which the licence is granted;

(ii) for the renewal of a licence in respect of a vessel—

not exceeding 10 metres in length is \$109.00;
exceeding 10 metres in length is \$125.00.

(5) In addition to the fees specified in this Schedule a fee of \$20.00 per hour and \$10.00 per part of an hour shall be payable for any survey or service performed during overtime hours, Sundays or public holidays.

(6) Annual exemption fee—

| <i>Length of Vessel</i> | <i>Fee</i> \$ |
|---|------------------|
| Less than 5 metres | 12 |
| Over 5 metres but not exceeding 10 metres | 23 |
| Over 10 metres | 30. |

SCHEDULE 2.
SURVEY REQUIREMENTS AND INTERVALS.

[r. 61]

Appendix II.

In this Appendix items listed shall be subjected to a survey unless otherwise indicated.

PART I—VESSELS LESS THAN 35 METRES IN LENGTH.

Annual Surveys.

1. Equipment.
2. Running trial of each main engine and associated gear box.
3. Operational test of bilge pumps, bilge alarms and bilge valves.
4. Operational test of all valves in the fire main systems.
5. Operational test of all sea injections and overboard discharge valves and cocks.
6. Operational test of main and emergency means of steering.
7. Running trial of all machinery essential to the safe operation of the vessel.
8. Inspection of all pipe arrangements.
9. General examination of machinery installation and electrical installation.
10. All safety and relief valves associated with the safe operation of the vessel to be set at the required working pressure.
11. Pressure vessels, and associated mountings used for the generation of steam under pressure or the heating of water to a temperature exceeding 99° C.
12. Inspection of the liquified petroleum gas installation.
13. Inspection of cargo handling, fishing and trawling gear.
14. Inspection of escapes from engine room and accommodation spaces.
15. Inspection of personnel protection arrangements in machinery spaces.
16. Inspection of casings, superstructures, skylights, hatchways, companionways, bulwarks and guard rails, ventilators and air pipes, together with all closing devices.
17. Inspection of ground tackle.

Two Yearly Surveys.

18. Hull externally and internally except in way of tanks forming part of the structure.
19. Sea injection and overboard discharge valves and cocks.
20. Inspection of propellers, rudders and underwater fittings.
21. Pressure vessel and associated mountings, of an air pressure/salt water system having a working pressure of more than 275 kPa.

Four Yearly Surveys.

22. Each screw and tube shaft.
23. Anchors and cables to range.
24. Chain locker internally.
25. Tanks forming part of the hull, other than oil tanks, internally.
26. Void spaces internally.

27. Compressed air pressure vessels having a working pressure of more than 275 kPa and associated mountings.
28. Pressure vessel and associated mountings of an air pressure/fresh water system having a working pressure of more than 275 kPa.
29. Cargo handling, fishing and trawling gear.
30. Insulation tests of all electrical installations above 32V A.C. or D.C.

Eight Yearly Surveys.

31. Each rudder stock and rudder stock bearing.
32. Steering gear.
33. Hull in way of removable ballast.
34. Selected sections of internal structure in way of refrigerated space.

Twelve Yearly Surveys.

35. Fuel oil tanks internally.

Other Survey Periods.

36. The survey period for an item not specified in this Part shall be that period determined by the Authority.

PART II—VESSELS OF 35 METRES IN LENGTH AND OVER.

Annual Surveys.

1. Equipment.
2. Running trial of each main engine and associated gear box.
3. Operation test of all valves in the fire main system.
4. Operational test of all sea injection and overboard discharge valves and cocks.
5. Operational test of main and emergency means of steering.
6. Running trial of all machinery essential to the safe operation of the vessel.
7. Inspection of all pipe arrangements.
8. General inspection of machinery installation and electrical installation.
9. All safety and relief valves associated with the safe operation of the vessel to be set at the required working pressure.
10. Pressure vessels used for the generation of steam at a pressure not exceeding 345 kPa or for heating water to a temperature exceeding 99° C together with their associated mountings (not being a boiler referred to in items 16 and 23).
11. Inspection of the liquified petroleum gas installation.
12. Inspection of cargo handling, fishing and trawling gear.
13. Inspection of escapes from engine room and accommodation spaces.
14. Inspection of personnel protection arrangements in machinery spaces.
15. Inspection of casings, superstructures, skylights, hatchways, companionways, bulwarks and guard rails, ventilators and air pipes, together with all closing devices.
16. A boiler and its mountings where the boiler has been in service for more than eight years (not being a pressure vessel referred to in item 10).
17. An evaporator and its mountings which has been in service for more than eight years, and in which the operating pressure is above atmospheric.

Two Year Surveys.

18. Hull externally and internally except in way of tanks forming part of the structure.
19. Sea cocks and valves, bilge injection valves and overboard discharge valves, of ferrous construction.
20. Inspection of propellers, rudders and under water fittings.
21. Operational test of bilge pumps, bilge valves and bilge alarms.
22. Pressure vessel and associate mountings of an air pressure/salt system having a working pressure of more than 275 kPa.
23. A boiler and its mountings where the boiler has been in service for less than eight years (not being a pressure vessel referred to in item 10).
24. An evaporator and its mountings, which has been in service for less than eight years, and in which the operating pressure is above atmospheric.

Four Yearly Surveys.

25. Sea cocks and valves, bilge injection valves and overboard discharge valves, of non ferrous construction.
26. Bilge pumps.
27. Independent pumps used for pumping sea water, fresh water, fuel oil, condensate and boiler feed.
28. Air receivers and mountings, selected sections of air piping and explosion protection devices.
29. Main propulsion intermediate shafting.
30. Evaporators and mountings in which the operating pressure is at or below atmospheric pressure.
31. Anchors and cables and all links and joining shackles.
32. Windlass.
33. Condensers, lubricating oil coolers, jacket water coolers, drain coolers, distillers and air ejectors.
34. Boiler feed water heaters.
35. Oil fuel heaters.
36. Gear boxes to such extent necessary to ensure satisfactory condition.
37. Screw and tube shafts.
38. Internal combustion engined auxiliary generators other than emergency generators.
39. Turbo-generators.
40. Main engine, steam turbines.
41. Main engine, internal combustion engines.
42. Selected lengths of steel steam pipes having bolted joints and carrying steam at a temperature exceeding 455° C. Also hydraulic test of those lengths.
43. Steel pipes having welded joints carrying steam at a temperature exceeding 455° C. Also hydraulic test of those lengths.
44. Pressure vessel and associated mountings of an air pressure/fresh water system having a working pressure of more than 275 kPa.

45. After the twelfth year in service all solid drawn copper steam pipes having an internal diameter exceeding 75 mm are to be annealed and hydraulically tested.
46. After the twelfth year in service selected lengths of steel steam pipes having an internal diameter exceeding 75 mm and carrying steam not exceeding 455° C are to be hydraulically tested.

Five Yearly Surveys.

47. Peak tanks internally. Peak tanks are to be tested to a head sufficient to give the maximum pressure than can be experienced in service.
48. Deep tanks (except those tanks used exclusively for oil fuel) internally. All deep tanks are to be tested to a head sufficient to give the maximum pressure that can be experienced in service. Deep tanks used exclusively for oil fuel need not be examined internally subject to satisfactory external survey and hydraulic test.
49. Double bottom tanks (except those tanks used exclusively for oil fuel) internally. All double bottom tanks are to be tested to a head sufficient to give the maximum pressure that can be experienced in service. Double bottom tanks used exclusively for oil fuel need not be examined internally subject to satisfactory external survey and hydraulic test.
50. Ballast tanks and tanks forming part of the ship's main structure internally. Ballast tanks and tanks forming part of the ship's structure are to be hydraulically tested to a head sufficient to give the maximum pressure that can be experienced in service.

Six Yearly Survey.

51. Independent pumps used solely for pumping lubricating oil (except those pumps used for the supply of oil under pressure to hydraulically operated machinery).

Eight Yearly Surveys.

52. Independent pumps used for the supply of lubricating oil under pressure to hydraulically operated machinery.
53. Electrically operated or hydraulically operated steering gear.
54. All solid drawn copper steam pipes having an internal diameter exceeding 75 mm are to be annealed and hydraulically tested.
55. Selected lengths of steel steam pipes having an internal diameter exceeding 75 mm and carrying steam at a temperature not exceeding 455° C are to be hydraulically tested.

Other Survey Periods.

56. Emergency generator i.e. generator used normally for emergency purposes shall be surveyed once in the first 12 years and thereafter once in every subsequent period of eight years.
57. One deep tank that is used exclusively for fuel oil to be surveyed internally every five years starting when the ship is 10 years old and all such deep tanks to be surveyed by the time the ship is 25 years old.
58. At least one double bottom tank that is used exclusively for fuel oil to be surveyed internally every five years starting when the ship is 10 years old and all such double bottom tanks to be surveyed by the time the ship is 25 years old.
59. The survey period for an item not specified in this Part shall be that period determined by the Authority.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.
INTERPRETATION ACT 1918-1981.
W.A. MARINE (CERTIFICATES OF COMPETENCY AND
SAFETY MANNING) REGULATIONS 1983.

ARRANGEMENT.

Regulation

PART I—PRELIMINARY.

1. Citation.
2. Commencement.
3. Interpretation.
4. Smooth and partially smooth waters.
5. Classification of vessels.

PART II—CERTIFICATES OF COMPETENCY.

6. Classification of certificate of competency.
7. Functions of certificates of competency.
8. Grant of certificate of competency.
9. Endorsement of certificates of competency.
10. Revalidation of certificates of competency.
11. Refusal to grant, endorse or revalidate certificates of competency.
12. Grant of certificates of satisfactory service.
13. Mutual recognition between Australian marine authorities.
14. Replacement of lost or damaged certificates.
15. Cancellation and suspension of certificates.
16. Right of appeal.

PART III—EXAMINATIONS.

17. Application for examination.
18. Proof of qualifying service, etc.
19. Equivalent service and qualifications.
20. Inadequate proof of satisfactory service.
21. Discovery after examination of insufficient service.
22. Conduct of examinations.
23. Times and places of examinations.
24. Examination results.
25. Partial passes granted elsewhere.
26. Right of appeal.
27. Exemptions from examinations.

PART IV—SAFETY MANNING.

- 28. Manning of vessels.
- 29. Temporary dispensations.

PART V—CRANE DRIVERS AND BOILER ATTENDANTS.

- 30. Crane drivers.
- 31. Boiler Attendants.

PART VI—MISCELLANEOUS.

- 32. Repeals.
- 33. Transitional.

SCHEDULE 1 [r. 4]—

GEOGRAPHICAL LIMITS OF SMOOTH WATERS AND
PARTIALLY SMOOTH WATERS.

SCHEDULE 2 [r. 7]—

FUNCTIONS OF CERTIFICATES OF COMPETENCY.

SCHEDULE 3 [regs. 14, 17]—

FEEES.

SCHEDULE 4 [r. 18]—

PREREQUISITES FOR APPLICANTS FOR
CERTIFICATES OF COMPETENCY.

SCHEDULE 5 [r. 28]—

SAFETY MANNING.

SCHEDULE 6 [r. 33]—

TABLE OF EQUIVALENT CERTIFICATES OF COMPETENCY.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918-1981.

W.A. MARINE (CERTIFICATES OF COMPETENCY AND SAFETY
MANNING) REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

PART I—PRELIMINARY.

- Citation. 1. These regulations may be cited as the W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983.
- Commencement. 2. These regulations shall come into operation on 1 July 1983.
- Interpretation. 3. In these regulations unless the contrary intention appears—
- “applicant” means a person who applies to be examined for a certificate of competency;
- “certificate of competency” means a document granted or recognized by the General Manager which certifies that the holder is duly qualified to fulfil the duties of a position on a vessel appropriate to the class of certificate and includes a certificate of satisfactory service and a temporary permit to serve in a designated capacity on a designated vessel in a particular operating area;
- “chief engineer” means the senior engineer officer who is permanently responsible for the mechanical propulsion of the vessel;
- “chief mate” means an officer next in rank to the master and upon whom the command of the vessel will fall in the event of death or disability of the master;
- “Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981;
- “endorsement” means any record made by the General Manager on a certificate of competency that acknowledges the General Manager’s recognition of any limitation or extension of the validity of the document for a special operating area or special type of vessel or equipment;
- “marine authority” means the statutory marine authority of the Commonwealth or of a State or Territory of the Commonwealth;
- “measured length” or “length” means the distance from the fore part of the hull to the after part of the hull taken at the upperside of the uppermost weathertight deck or, in the case of open vessels, at the height of the gunwale and measured in accordance with Appendix A to Section 1 of the Code;
- “propulsion power”—
- (a) in the case of a multi screw vessel of less than 35 metres in length for use in sheltered waters, inshore, restricted offshore or offshore operations where the propulsion engines of which are similar and designed for a continuous rotational speed of more than 1 200 revolutions per minute, means the maximum continuous rated power in kilowatts of the machinery provided for the propulsion of the vessel by one screw; and

- (b) in the case of any other vessel, means the total maximum continuous rated power in kilowatts of all the machinery provided for propulsion of the vessel;

“qualifying numeral” for the purpose of engineer qualification and safety manning means—

- (a) measured length in metres; or

- (b) propulsion power divided by 15,

whichever is the greater;

“regulation” means a regulation of these regulations;

“revalidation” means extension of the period of validity of a certificate of competency granted by the General Manager and implies recognition by the General Manager of the continued standard of competency of the holder of the certificate;

“schedule” means schedule to these regulations;

“seagoing vessel” means a vessel other than a vessel that plies exclusively in inland waters or in waters within or closely adjacent to sheltered waters or areas where port regulations apply; and terms such as “seaward”, “sea service” and “at sea” shall be construed accordingly;

“second engineer” means the engineer officer next in rank to the chief engineer;

“subregulation” means a subregulation of the regulation in which the term is used;

“watchkeeping service” means sea service in a watchkeeping capacity.

Smooth and partially smooth waters. 4. The geographical limits prescribed for the purposes of the definitions of “smooth waters” and “partially smooth waters” in Section 3 (1) of the Act are those set out in Schedule 1.

Classification of vessels. 5. For the purposes of these regulations, vessels shall be classified in the manner provided by clause 6 of Section 1 of the Code.

PART II—CERTIFICATES OF COMPETENCY.

Classification of certificates of competency. 6.(1) The General Manager may conduct, or approve the conduct of, examinations leading to qualifications for the following certificates of competency—

Master Class III

Master Class III (limited to sail as chief mate)

Master Class IV

Mate Class IV

Master Class V

Coxswain

Coxswain Instructor of commercial ski-boat

Marine Engineer Class III

Marine Engine Driver Grade I

Marine Engine Driver Grade II.

(2) Specified versions of Master Class IV, Master Class V and Coxswain certificates of competency may be granted for vessels which are not operating beyond sheltered water areas and endorsed accordingly.

(3) Master Class IV, Mate Class IV and Master Class V certificates of competency may be endorsed for inshore and sheltered water operations only.

Functions of certificates of competency. 7. The function to which a certificate of competency relates shall be endorsed on the certificate and shall be in accordance with Schedule 2.

Grant of
certificate of
competency.

8. (1) Every applicant for a certificate of competency must have passed the appropriate examination to the satisfaction of the General Manager.

(2) Where, by virtue of being granted a certificate of competency by the General Manager, a person is deemed to be the holder of a certificate of a lower class, he may be required by the General Manager to deliver up any certificate of a lower class that he may possess and if any such certificate so delivered up to the General Manager was granted by another marine authority it shall be returned to that authority.

Endorsement
of certificates
of competency.

9. (1) Any certificate of competency which is acceptable to the General Manager for manning purposes may be endorsed by or on behalf of the General Manager with such limitations or extensions as the General Manager may approve for use within the jurisdiction.

(2) The General Manager may accept, wholly or partially, an endorsement by another marine authority with which it operates a system of mutual recognition of certificates.

Revalidation
of certificates
of competency.

10. (1) Every master and every deck and engineer officer of a Class 1 or a Class 2 vessel holding a certificate of competency granted or recognized by the General Manager who is serving on a trading ship at sea or is proposing to return to sea on a trading ship after a period ashore shall, in order to qualify for seagoing service, be required to revalidate the certificate at intervals not exceeding 5 years.

(2) Before revalidation, the General Manager—

(a) shall require the holder of a certificate of competency to satisfy him as to—

(i) medical fitness (particularly regarding eyesight and hearing in the case of masters and deck officers) by submitting a medical certificate in relation to the matters set out in Schedule 6 to Section 2 of the Code; and

(ii) professional competency—

(A) by approved seagoing service of at least 1 year during the preceding 5 years;

(B) by virtue of having performed functions relating to the duties appropriate to the grade of certificate held which is at least equivalent to the seagoing service required above;

(C) by having completed approved seagoing service for a substantially continuous period of at least 3 months prior to taking up the rank to which he is entitled by virtue of the certificate either in a supernumary capacity or, in the case of an engineer officer, in a lower rank than that for which he holds the certificate;

(D) by passing an approved test; or

(E) by successfully completing an approved course or courses which shall include changes in marine technology and relevant international regulations and recommendations concerning safety of life at sea and protection of the marine environment;

(b) may require the holder of a certificate of competency to satisfactorily complete a short course of the type referred to in paragraph (a) (ii) (E) of this regulation; and

(c) shall, for continuing seagoing service on board vessels for which special training requirements or recommendations have been agreed upon internationally, require the holder of a certificate of competency to complete relevant training to the satisfaction of the General Manager.

Refusal to grant, endorse or revalidate certificates of competency.

1. (1) Where the General Manager is satisfied that an applicant for a certificate of competency, or for the endorsement or revalidation of a certificate of competency, is not a fit and proper person to have the responsibilities and to exercise and perform the functions and duties appropriate to the certificate, the General Manager may refuse to grant the certificate or to endorse or revalidate an existing certificate, as the case may require.

(2) Where under subregulation (1) the General Manager refuses to endorse or revalidate a certificate of competency, he shall advise the other marine authorities within whose jurisdiction the certificate is normally accepted for manning purposes.

Grant of certificates of satisfactory service.

12. (1) In circumstances where immediately before these regulations came into operation there was no requirement for certificates of competency, the General Manager may grant certificates of satisfactory service to persons engaged in vessels licensed under the Pearling Act 1912 who may not meet the requirement in a position not lower than the one normally requiring possession of a certificate of competency of the same class but whose experience is in the opinion of the General Manager otherwise commensurate with the position for which the certificate of satisfactory service is to be granted.

(2) The General Manager may limit the use of a certificate of satisfactory service to vessels of a class in which the qualifying service has been performed.

(3) A certificate of satisfactory service may not be granted under this regulation after the expiration of 2 years from the coming into operation of these regulations.

(4) For safety manning purposes the holder of a certificate of satisfactory service shall, subject to any limitation imposed under subregulation (2), be deemed to be the holder of the corresponding certificate of competency and regulations 9 and 11 shall apply in respect of any such certificate as if it were a certificate of competency.

Mutual recognition between Australian marine authorities.

13. Certificates of competency issued by other marine authorities may be accepted by the General Manager, except that if the General Manager considers it necessary to require a specific test of local knowledge as a prerequisite to qualification for operating within a limited area, he may require the holder of the certificate to pass such a test before accepting his certificate for manning purposes within the particular operating area.

Replacement of lost or damaged certificates.

14. An applicant for a certified copy of a lost certificate of competency or certificate of service shall make and submit to the Department a written application giving the particulars required and pay the fee specified in Schedule 3.

Cancellation and suspension of certificates.

15. (1) The General Manager may cancel, or suspend for a period, any certificate of competency or certificate of satisfactory service (in so far as its validity within the limits of jurisdiction of the General Manager is concerned) held by a person who, in the opinion of the General Manager, is incapable of discharging his duties by reason of incompetency or misconduct, or has been seriously negligent in the discharge of his duties, or is unfit by reason of some physical or mental defect or infirmity, or is for any other reason not a fit and proper person to hold the certificate of competency or certificate of satisfactory service as the case may be.

(2) Before a decision to cancel or suspend a certificate of competency or certificate of satisfactory service is taken there shall be an obligation on the General Manager to—

- (a) give notice in writing to the person of the intention to consider the cancellation or suspension of the certificate and of—
 - (i) the findings of an investigation into the material questions of fact;
 - (ii) the reason why it appears to the General Manager that the certificate should be cancelled or suspended; and
 - (iii) the period during which he may make written or oral representations to the General Manager; and

- (b) advise the issuing marine authority and other marine authorities within whose jurisdiction the certificate is normally accepted for manning purposes of the general details and circumstances attached to the cancellation, suspension, etc. in order that they may then take appropriate parallel action.

(3) Where the General Manager decides to cancel or suspend a certificate of competency or a certificate of satisfactory service, the General Manager shall give notice in writing to the holder of the certificate of—

- (a) the decision to cancel or suspend, as the case may be;
- (b) the date from which cancellation or suspension is to take effect; and
- (c) the right of appeal available to him.

Right of
appeal.

16. A person aggrieved by a decision of the General Manager in respect of the grant, endorsement, revalidation, cancellation or suspension of a certificate may appeal against the decision to the Appeal Authority.

PART III—EXAMINATIONS.

Application
for
examination.

17. (1) An application for examination shall be made in writing at an office of the Department where examinations are conducted not less than 10 days before the date on which the examination is to be conducted and shall be accompanied by—

- (a) proof of age, if required;
- (b) proof of qualifying service and any other relevant prerequisites specified in Schedule 4;
- (c) proof of medical fitness, if required;
- (d) any other documents required in relation to the examination; and
- (e) the registration and examination fees specified in Schedule 3.

(2) An applicant for examination for a Certificate of Competency as Master, Mate or Coxswain shall be required to pass an eyesight test and to pay the fee for such a test specified in Schedule 3.

(3) The eyesight test shall consist of—

- (a) a form vision test conducted on the Snellen's principle using 6 metre cards; and
- (b) a colour vision test by means of—
 - (i) a lantern of the type developed for the United Kingdom Department of Trade and used by the Australian Department of Transport; or
 - (ii) except where the application is for a Certificate of Competency as Master Class IV or higher class, or where lantern tests are conducted at an office of the Department at which the application is made, the series of plates designed as a test for colour blindness by Dr. S. Ishihara.

(4) In order to pass the eyesight test for the issue of a certificate of competency and for continued employment including revalidation and dispensation, a candidate shall attain the following standards—

(a) Form Vision—

with or without aids to vision—

6/6 in the better eye;

6/9 in the other eye; and

if aids to vision are used, then without using aids to vision—

6/12 in the better eye;

6/24 in the other eye (however, in the case of revalidation and continued employment when this standard cannot be obtained, but not less than 6/36 in the other eye can be achieved, and the General Manager is satisfied with evidence that the candidate can perform duties satisfactorily, continued service may be accepted); and

with or without aids to vision an ability to read an N5 card at a distance selected by him in the range 30 to 50 centimetres.

(b) Colour Vision—

with or without aids to vision, an ability to identify correctly all the lights shown by large and small apertures in the lantern test, or, where applicable, identify correctly the Ishihara plates in a manner which records no deficiencies in colour vision.

(5) The result of a form vision test shall be valid for a period of 6 months and no longer.

(6) Where the tests in subregulation (4) have the effect of preventing the continuation of employment of persons with one eye only, such persons may be permitted to demonstrate their ability to keep a navigational watch without binocular vision and upon doing so shall be deemed for the purposes of this regulation to have passed the eyesight tests in subregulation (4).

Proof of
qualifying
service, etc.

18. (1) Applicants for examination for a certificate of competency or for issue of a certificate of satisfactory service are required to produce, to the satisfaction of the General Manager, proof of qualifying service and testimonials as to character, experience and ability during such service and, in addition, testimonials as to character during any significant gap in the period of service prior to the application.

(2) Service at sea shall be proved for the purposes of subregulation (1) by producing a record of service and the master or owner of every vessel on which a person has served shall, upon presentation by the person of his record of service, certify the correctness of any entry by endorsement of his name, position, signature and date of signing.

Equivalent
service and
qualifications.

19. Where the General Manager is satisfied that a candidate's service or qualifications (including relevant service and qualifications obtained in the Defence Forces, educational institutions or other organisations) substantially comply with those required by these regulations, the General Manager may, either unconditionally or subject to such conditions and additional requirements as he may specify, accept such service or qualifications for the purpose of admitting a candidate to the examinations for a certificate of competency.

Inadequate
proof of
satisfactory
service.

20. An application for examination for a certificate of competency or temporary permit or for the issue of a certificate of satisfactory service who is unable to produce satisfactory testimonials for the whole of the requisite period prior to the application may be required by the General Manager to submit proof of satisfactory subsequent service for such additional period as the General Manager may determine.

Discovery after
examination
of insufficient
service.

21. Where after a candidate has successfully passed an examination evidence of a deficiency in his qualifying service is found, the General Manager may, except in the case of wilful misrepresentation, exempt the candidate from the necessity of re-examination, but, if not already issued, the certificate of competency shall not be issued until the deficiency in service has been made good.

Conduct of
examinations.

22. (1) Examinations conducted by or on behalf of the General Manager shall be in accordance with the relevant syllabuses set out in Schedules 1 and 2 to Section 2 on the Code and according to procedural rules determined or approved by the General Manager.

(2) Examinations conducted on behalf of the General Manager shall be conducted in a manner satisfactory to the General Manager.

(3) Candidates whose first language is not English may be required to pass an additional test, including a written paper, to demonstrate their ability to communicate in the English language.

Times and
places of
examinations.

23. (1) The times and places of examinations conducted by the General Manager shall be determined by the General Manager.

(2) The times and places of examinations conducted on behalf of the General Manager shall be approved by the General Manager.

Examination
results.

24. (1) The results of examinations conducted by or on behalf of the General Manager shall be communicated to candidates.

(2) A pass in any of the theoretical subjects shall remain valid for a period of 5 years from the date of the examination.

(3) A pass in a group of practical subjects shall remain valid for a period of 12 months from the date of the examination.

(4) A candidate who fails in a theoretical subject may be re-examined at any subsequent examination. A candidate who fails in a practical subject, at a first attempt, may be re-examined at the next available examination. Failure in a practical subject at a second or subsequent attempt, or a serious deficiency in practical knowledge at any attempt will, however, result in a further time penalty which may include satisfactory completion of a further period of qualifying service.

(5) Where it is necessary for a candidate to pass a group of subjects at the same time, a candidate who fails in one subject may at the discretion of the General Manager, be re-examined in that subject within 12 months from the date of the original examination. If the candidate then passes the subject he shall be deemed to have passed in the written examination; if, however, he does not present himself for re-examination or if he is again unsuccessful in that subject he shall be deemed to have failed in the written part of the examination.

Partial passes
granted
elsewhere.

25. Candidates who hold partial passes granted by or on behalf of another marine authority shall be credited in full with such passes.

Right of
appeal.

26. (1) A candidate who has been failed in any written paper in an examination conducted by or on behalf of the General Manager may appeal to the General Manager for a re-assessment of that paper.

(2) An appeal under subregulation (1) must be lodged with the General Manager, in writing, within 7 days after notification of the results of the examination and shall include the reasons for the appeal.

(3) Upon consideration of an appeal, the General Manager may re-assess a written paper.

Exemptions
from
examinations.

27. (1) The General Manager may grant full or partial exemption from the parts of the written examination to an applicant whose qualifications, including qualifications obtained from an accredited training or education establishment, comply, in whole or in part, with the requirements of the General Manager.

(2) Where an exemption is requested, the General Manager may accept a course offered by an educational institution provided the General Manager is satisfied that the syllabus is equivalent to the relevant syllabus in Schedule 1 or 2 to Section 2 of the Code and the method of assessment is considered to be satisfactory.

(3) An exemption under subregulation (1) may only be granted with respect to deck certificates if the examination by which the exemption is claimed was passed within a period of 5 years, or such lesser period as the General Manager may determine, before the date when a first attempt at the remaining parts of the examination is made.

PART IV—SAFETY MANNING.

Manning of
vessels.

28. (1) The safety manning of trading ships shall be determined by the Manning Committee which shall be guided (but not bound) by Schedule 5.

(2) The safety manning of fishing vessels shall be determined by the General Manager in accordance with Schedule 5.

(3) This regulation does not apply to Class 2E vessels of less than 6 metres in length nor to Class 3E vessels of less than 6 metres in length.

Temporary
dispensations.

29. (1) Subject to subregulation (2), in circumstances of exceptional necessity, the General Manager may issue a dispensation permitting a specified seafarer to serve in a specified vessel for a specified period not exceeding 6 months in a capacity for which he does not hold the appropriate certificate.

(2) The power conferred on the General Manager by subregulation (1) is subject to the following conditions—

- (a) the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner;
- (b) a dispensation for a post may be issued only to a person properly qualified to fill the post immediately below except that where certification of the post below is not required, a dispensation may be issued to a person whose qualification and experience are adequate provided that, if such person holds no appropriate certificate, he shall be required to pass a suitable test and the post shall be filled by the holder of an appropriate certificate as soon as possible; and
- (c) dispensations shall not be granted to a master or chief engineer except in circumstances of *force majeure* and then only for the shortest possible period.

PART V—CRANE DRIVERS AND BOILER ATTENDANTS.

Crane
Drivers.

30. A person who uses, operates, or acts as the driver or operator in charge of a crane on a vessel used for the construction, repair or maintenance of a port or offshore structure commits an offence unless he holds, or is deemed to hold a Crane Driver's Certificate issued under the Machinery Safety Act 1974.

Penalty: \$1 000.

Boiler
Attendants.

31. A person who uses, operates, or acts as the operator in charge of a boiler on board a vessel, other than a boiler used to supply steam for the main propulsion or auxiliary machinery of the vessel commits an offence unless he holds or is deemed to hold a Boiler Attendant's Certificate issued under the Machinery Safety Act 1974.

Penalty: \$1 000.

PART VI—MISCELLANEOUS.

Repeals.

32. (1) The Western Australian Marine Act (Examinations) Regulations are repealed.

(2) The Regulations Governing the Manning of Fishing Vessels, Western Australia are repealed.

(3) The Regulations as to Scale of Crew and Scale of Provisions are repealed.

Transitional.

33. (1) Before the expiry of one year from the coming into operation of these regulations, the holder of a certificate of competency issued prior to the coming into operation of these regulations may apply to the General Manager for and may be granted an endorsement of his certificate as the equivalent of a certificate granted under these regulations in accordance with the table set out in Schedule 6.

(2) A certificate of competency that is in force immediately before the coming into operation of these regulations shall, until endorsement under subregulation (1) or the expiry of a period of one year after the coming into operation of these regulations, whichever first occurs, be recognized and accepted by the General Manager as if it were a valid certificate of competency granted under these regulations of the kind deemed to be the equivalent of that certificate in the table of equivalents in Schedule 6.

(3) In order that serving officers who are in the process of acquiring certificates at the time when these regulations come into operation and have passed part of the necessary examinations are not unduly disadvantaged, the General Manager may for a period of 1 year after the coming into operation of these regulations permit such a person to complete the examinations stipulated under the law previously in force and, if the candidate is successful, may grant to him a certificate of competency endorsed under and in accordance with subregulation (1).

SCHEDULE 1.

[r. 4]

GEOGRAPHICAL LIMITS OF SMOOTH WATERS
AND PARTIALLY SMOOTH WATERS.

| <i>Port.</i> | <i>Smooth Water Limits.</i> |
|---|--|
| Western Australian Inland Waters. | All rivers and inland waterways with the exception of Lake Argyle. |
| Albany. | Princess Royal Harbour, west of a line joining Possession Point and King Point. Oyster Harbour, north of the parallel of Emu Point. |
| Bunbury. | South and west of a line joining Bunbury Breakwater Light and No. 1 Groyne. |
| Carnarvon. | Carnarvon fishing boat harbour and the water of Teggs Channel east of the Meridian of 113°38'. |
| Esperance. | South and west of a line joining the outer breakwater light and the town jetty. |
| Fremantle. | Fremantle Inner Harbour. Fremantle fishing boat harbour. |
| Geraldton. | South of the West Breakwater and south of the parallel of the East Breakwater Light. |
| Port Hedland. | Port Hedland Harbour, south and west of a line joining Hunt Point and Airey Point. |
| <i>Port.</i> | <i>Partially Smooth Water Limits.</i> |
| Albany. | King George Sound, north and west of a line joining Limestone Head and Herald Point. |
| Broome-Roeback Bay. | The waters of Roeback Bay north of the parallel of Entrance Point. |
| Dampier. | The waters enclosed by a line running due west from Phillip Point, then south and east along the shore of east Lewis Island and due south from King Point to the mainland. |
| Derby. | South of the parallel of Point Torment. |
| Fremantle-Cockburn Sound-Rottneet Island. | All the waters within the Port of Fremantle limits, except the inner harbour and the fishing boat harbour, and the waters enclosed by a line joining Entrance Point and Parker Point, the eastern shoreline of Rottneet Island between Parker Point and Bathurst Point and a line joining Bathurst Point and the north western extremity of the Port boundary. |
| Koolan Island-Yampi Sound. | The waters enclosed by a line running due north from the mainland to the eastern end of Koolan Island, west along the southern shore of Koolan Island, from the west end of Koolan Island to the east end of Cockatoo Island, along the southern shore of Cockatoo Island and from the west end of Cockatoo Island due south to the mainland. |
| Kuri Bay. | The waters enclosed by the meridian of 124°30' east, the parallel of 15°26' south, the southern shore of Augustus Island, the meridian of 124°38' and the mainland shore. |
| Lake Argyle. | All the waters of Lake Argyle. |
| Port Walcott. | The waters enclosed by the meridian of Jarman Island, the parallel of the north end of Bezout Island, the meridian 117°10' east and the mainland shore. |
| Wyndham-Cambridge Gulf. | The waters of Cambridge Gulf south of the parallel of Pender Point and including the Forrest River. |

SCHEDULE 2.

[r. 71]

FUNCTIONS OF CERTIFICATES OF COMPETENCY.

MASTER CLASS III—Acceptable basic qualification for—

- (a) Master of seagoing vessels of less than 80 metres in length engaged in operations up to Australian Coastal and Middle-Water limits; and
- (b) Officers in charge of a navigation watch on seagoing vessels of less than 80 metres in length in any operating area, or as a fourth watchkeeping officer (if carried) on seagoing vessels of any size in any operating area.

Notes: An engineering endorsement of a Master Class III certificate of competency may be granted. An engineering endorsement is an acceptable basic qualification for taking charge of the machinery on vessels of less than 15 QN engaged in operations up to offshore limits out to 100 miles and on vessels of less than 20 QN engaged in operations up to inshore limits.

MASTER CLASS III (limited to sail as chief mate)—Acceptable basic qualification for—

- (a) Chief mate of seagoing vessels of less than 80 metres in length engaged in operations up to Australian Coastal and Middle-Water limits; and
- (b) Officer in charge of a navigation watch on seagoing vessels of less than 80 metres in length in any operating area, or as a fourth watchkeeping officer (if carried) on seagoing vessels of any size in any operating area.

Notes: An engineering endorsement of a Master Class III (limited to sail as chief mate) certificate of competency may be granted. An engineering endorsement is an acceptable basic qualification for taking charge of the machinery on vessels of less than 15 QN engaged in operations up to offshore limits out to 100 miles and on vessels of less than 20 QN engaged in operations up to inshore limits.

MASTER CLASS IV—Acceptable basic qualification for—

- (a) Master, of vessels of less than 80 metres in length engaged in operations up to Inshore limits, or of vessels of less than 35 metres in length engaged in operations up to Australian Coastal and Middle-Water limits; and
- (b) Chief Mate, of vessels of less than 35 metres in length in any operating area.

Notes:

1. Master Class IV certificates of competency endorsed for use in Sheltered Water operations only may be granted. Certain of the requirements for the unendorsed certificate of competency may be omitted. The certificate of competency may be endorsed for a particular Sheltered Water Area (estuary, harbour or inland water) as appropriate.
2. Master Class IV certificates of competency endorsed for use in Inshore operations only may be granted. Certain of the requirements for the unendorsed certificate of competency may be omitted (see note to Offshore Navigation syllabus) and the certificate of competency should be endorsed "for Inshore operations only".
3. In the case of a candidate who has met the requirement for the issue of both an "Inshore Operation" certificate of competency and the knowledge for all the "Sheltered Water Operations" certificates of competency embraced by that Inshore Area, a combined certificate of competency covering Inshore (and Sheltered Water) Operations may be granted.
4. Master Class IV certificates of competency endorsed for use in Offshore operations up to 100 miles to seaward only may be granted. Certain requirements for the unendorsed certificate of competency may be omitted (see note to Offshore Navigation syllabus) and the certificates of competency should be endorsed for Offshore operations up to 100 miles to seaward.
5. An engineering endorsement of a Master Class IV certificate of competency may be granted. An engineering endorsement is an acceptable basic qualification for taking charge of the machinery on vessels of less than 15 QN engaged in operations up to offshore limits out to 100 miles and on vessels of less than 20 QN engaged in operations up to inshore limits.

MATE CLASS IV—Acceptable basic qualification for—

- (a) Chief mate of vessels of less than 80 metres in length engaged in operations up to Offshore limits;
- (b) Officer in charge of a navigation watch (if carried in addition to a chief mate) on vessels of less than 80 metres in length engaged in operations up to Australian Coastal and Middle-Water limits; and
- (c) Officers in charge of a navigation watch (if carried in addition to a chief mate) on vessels of less than 35 metres in length in any operating area.

Notes:

- 1. Mate Class IV certificates of competency endorsed for use in Sheltered Water Operations only may be granted. Certain of the requirements for the unendorsed certificate of competency may be omitted. The certificate of competency may be endorsed for a particular Sheltered Water Area (estuary, harbour or inland water) as appropriate.
- 2. Mate Class IV certificates of competency endorsed for use in Inshore operations only may be granted. Certain of the requirements for the unendorsed certificate may be omitted (see note to Offshore Navigation syllabus) and the certificate should be endorsed "for Inshore Operations only".
- 3. In the case of a candidate who has met the requirements for the issue of both an "Inshore Operation" certificate of competency and the knowledge for all the "Sheltered Water Operations" certificates of competency embraced by that Inshore Area, a combined certificate of competency covering Inshore (and Sheltered Water) Operations may be granted.
- 4. Mate Class IV certificates of competency endorsed for use in Offshore operations up to 100 miles to seaward only may be granted. Certain requirements for the unendorsed certificate of competency may be omitted (see Note to Offshore Navigation syllabus) and the certificate of competency should be endorsed for Offshore operations up to 100 miles to seaward.
- 5. An engineering endorsement of a Mate Class IV certificate of competency may be granted. An engineering endorsement is an acceptable basic qualification for taking charge of the machinery on vessels of less than 15 QN engaged in operations up to offshore limits out to 100 miles and on vessels of less than 20 QN engaged in operations up to inshore limits.

MASTER CLASS V—Acceptable basic qualification for—

- (a) Command of seagoing vessels of less than 20 metres in length engaged in operations up to Offshore limits;
- (b) Second-in-command and officer in charge of a navigation watch, of seagoing vessels of less than 80 metres in length engaged in operations up to the Inshore limits, or of seagoing vessels of less than 35 metres in length engaged in operations up to Australian Coastal and Middle-Water limits.

Notes:

- 1. Master Class V certificate of competency endorsed for use in Sheltered Water operations only may be granted. Certain of the requirements for the unendorsed certificate may be omitted. The certificate may be endorsed for a particular Sheltered Water Area (estuary, harbour or inland water) as appropriate.
- 2. Master Class V certificates of competency endorsed for use in Inshore operations only may be granted. Certain of the requirements for the unendorsed certificate may be omitted and the certificate should be endorsed "for Inshore Operations only".
- 3. In the case of a candidate who has met the requirements for the issue of both an "Inshore Operation" certificate of competency and the knowledge for all the "Sheltered Water Operations" certificates of competency embraced by that Inshore Area, a combined certificate of competency covering "Inshore (and Sheltered Water) Operations" may be granted.

4. For operations extending beyond a range of 100 miles to seaward, the General Manager shall be satisfied as to the competency of the Master Class V for the nature of the voyage. The examination will include elements of the offshore navigation for Master Class IV.
5. An engineering endorsement of a Master Class V certificate of competency may be granted. An engineering endorsement is an acceptable basic qualification for taking charge of the machinery on vessels of less than 15 QN engaged in operations up to offshore limits out to 100 miles and on vessels of less than 20 QN engaged in operations up to inshore limits.

COXSWAIN—Acceptable basic qualification for command of vessels of less than 10 metres in length engaged in operations up to inshore limits; and

- (a) The Coxswain certificate of competency is a dual role (i.e. deck and engineer) qualification.
- (b) Coxswain certificates of competency endorsed for use in Sheltered Water operations only may be granted. Certain of the requirements for the unendorsed certificate of competency may be omitted. The Certificate may be endorsed for a particular Sheltered Water Area (estuary, harbour or inland water) as appropriate.

COXSWAIN—INSTRUCTOR OF COMMERCIAL SKI BOAT—Acceptable basic qualification for command of a speed boat used commercially for the towing or training of water skiers when the speed boat is licensed for that purpose.

MARINE ENGINEER CLASS III—Acceptable basic qualification for—

- (a) Chief engineer on vessels of less than 50 QN engaged in any operating area, or on vessels of less than 3 000 kW propulsion power engaged in operations up to Offshore limits, or on fishing vessels of 50 QN and over but less than 1 500 kW propulsion power engaged in operations up to Australian Coastal and Middle-Water limits;
- (b) Second engineer on vessels of less than 6 000 kW propulsion power engaged in operations up to Offshore limits; and
- (c) Third engineer on any vessel in operating areas up to Offshore limits.

MARINE ENGINE DRIVER GRADE I—Acceptable basic qualification for—

- (a) Taking charge of the machinery on vessels of less than 35 QN engaged in operations in any area, or on vessels of less than 50 QN engaged in operations up to Australian Coastal and Middle Water limits, or on vessels of less than 1 500 kW propulsion power engaged in operations up to inshore limits;
- (b) Second-in-charge of the machinery on vessels of less than 35 QN engaged in operations in any area or on vessels of less than 50 QN engaged in operations up to Australian Coastal and Middle Water limits, or (if carried) on vessels of less than 1 500 kW propulsion power engaged in operations up to Offshore limits; and
- (c) Watchkeeping engineer (if carried in addition to a second-in-charge) on vessels of less than 1 500 kW propulsion power engaged in operations up to Australian Coastal and Middle-Water limits.

Note: A refrigeration endorsement of a Marine Engine Driver Grade I certificate of competency may be granted. A refrigeration endorsement is an acceptable basic qualification for taking charge of the refrigeration equipment on those vessels in which the holder of the certificate may take charge of the propulsion machinery and on fishing vessels which carry a refrigerated commercial catch.

MARINE ENGINE DRIVER GRADE II—Acceptable basic qualification for—

- (a) Taking charge of the machinery on vessels of less than 20 QN engaged in operations up to Australian Coastal and Middle-Water limits, or on vessels of less than 35 QN engaged in operations up to Offshore limits; and
- (b) Second-in-charge of the machinery on vessels of less than 35 QN engaged in operations up to Australian Coastal and Middle-Water limits, or (if carried) on vessels of less than 50 QN engaged in operations up to Offshore limits.

Note: A refrigeration endorsement of a Marine Engine Driver Grade II certificate of competency may be granted. A refrigeration endorsement is an acceptable basic qualification for taking charge of the refrigeration equipment on those vessels in which the holder of the certificate may take charge of the propulsion machinery and on fishing vessels which carry a refrigerated commercial catch.

SCHEDULE 3.

[regs. 14, 17]

FEES.

REGISTRATION FEE TO BE PAID ON APPLICATION TO BE
EXAMINED FOR ANY CERTIFICATE OF
COMPETENCY OR PART THEREOF \$20
EXAMINATION FEES.

| GRADE OF CERTIFICATE | SUBJECT | FEE |
|--|---------------------------------------|------|
| MASTER CLASS III | 1 | \$15 |
| | 2 or 2 F | \$15 |
| | 3 or 3 F | \$15 |
| | 4 | \$15 |
| | 5 | \$15 |
| | 6 | \$15 |
| | 7 or 7 F | \$15 |
| MASTER CLASS IV OR MATE CLASS IV | 1 | \$12 |
| | 2 | \$12 |
| | 3 or 3 F | \$12 |
| | 4 | \$12 |
| | 5 | \$12 |
| | 6 | \$12 |
| | 7 or 7 F | \$12 |
| MASTER CLASS V | 1 | \$12 |
| | 2 or 2 F | \$12 |
| | 3 | \$12 |
| | 4 or 4 F | \$12 |
| MASTER CLASS IV (SHELTERED WATER OPERATIONS) | 1 and 3 | \$12 |
| | 2 and 5 | \$12 |
| | 6 | \$12 |
| | 7 | \$12 |
| MASTER CLASS V (SHELTERED WATER OPERATIONS) | 1 and 3 | \$12 |
| | 4 | \$12 |
| MARINE ENGINEER CLASS III STEAM OR MOTOR | PRACTICAL MATHEMATICS | \$25 |
| | ENGINEERING KNOWLEDGE (MECHANICAL) | \$25 |
| | (ELECTRICAL) | \$25 |

| GRADE OF CERTIFICATE | SUBJECT | FEE |
|---|--|------------------------------|
| MARINE ENGINEER CLASS III COMBINED STEAM AND MOTOR | PRACTICAL MATHEMATICS ENGINEERING KNOWLEDGE (STEAM) (MOTOR) (ELECTRICAL) | \$25 \$25 \$25 \$25 |
| MARINE ENGINE DRIVER GRADE I STEAM OR MOTOR | PRACTICAL MATHEMATICS ENGINEERING KNOWLEDGE (MECHANICAL) (ELECTRICAL) | \$18 \$18 \$18 |
| MARINE ENGINE DRIVER GRADE I COMBINED STEAM AND MOTOR | PRACTICAL MATHEMATICS ENGINEERING KNOWLEDGE (STEAM) (MOTOR) (ELECTRICAL) | \$18 \$18 \$18 \$18 |
| MARINE ENGINE DRIVER GRADE II | ENGINEERING KNOWLEDGE ORALS | \$15 \$15 |
| COXSWAIN | | \$25 |
| REFRIGERATION ENDORSEMENT | | \$12 |
| ENGINEERING ENDORSEMENT MASTER CLASS 1 to 5 | | \$12 |
| STEAM/MOTOR ENDORSEMENT ENGINEER CLASS III | | \$25 |
| STEAM/MOTOR ENDORSEMENT MARINE ENGINE DRIVER GRADE I | | \$18 |
| COXSWAIN—INSTRUCTOR OF A COMMERCIAL SKI BOAT | | \$12 |
| EYESIGHT TEST | | \$7 |
| FEE FOR ISSUE OF CERTIFICATE | | \$10 |
| FEE FOR CERTIFIED COPY OF CERTIFICATE | | \$10 |

SCHEDULE 4.

[r. 181]

PREREQUISITES FOR APPLICANTS FOR CERTIFICATES OF COMPETENCY.

The following prerequisites are specified for applicants for examination for certificates of competency—

MASTER CLASS III—

- (a) Qualifying service (in trading or fishing vessels as appropriate) required for the basic certificate of competency.
 - (i) Holder of a Master Class IV certificate of competency
1½ years of approved watchkeeping service since obtaining the Master Class IV certificate.
 - (ii) Holder of a Second Mate certificate of competency
3 years of approved watchkeeping service since obtaining the Second Mate certificate.
 - (iii) Holder of another acceptable qualification
a period of service appropriate to the qualification, based on the above requirements.
- (b) Qualifying service for endorsement of basic certificate of competency for “Trading” or “Fishing” endorsement
12 months of approved sea service in the industry (i.e. trading or fishing) appropriate to the endorsement, including 6 months of approved service in vessels of not less than 20 metres in length since obtaining the Master Class III certificate.

Notes: Candidates may take Parts B-1 and B-2 of the examination after completing one-half of the qualifying service. However Part C may be attempted only after all the qualifying service is acquired.

(c) Minimum Age: 21 years.

(d) Compulsory Training and Qualifications—

- (i) to be eligible for admission to the examination—
 - A certificate of competency as Second Mate, Master Class IV or other qualifications deemed to be equivalent to the foregoing.
- (ii) To qualify for issue of the certificate of competency
 - In addition to obtaining a satisfactory pass at all parts of the examination candidates must satisfy the following requirements—
successfully complete approved courses in—
 - (a) For the Master Class III certificate of competency which is restricted for use within State jurisdiction;
 - elements of personnel and shipboard safety, firefighting training and accident prevention—
 - radiotelephony;
 - proficiency in administering first aid to the injured;
 - radar training including collision avoidance work;
 - (b) For the Master Class III certificate of competency which is not restricted by the General Manager
 - radiotelephony;
 - first aid at sea;
 - prevention and control of fires on board ship;
 - proficiency in survival craft;
 - simulated radar navigation and anticollision exercises
 - produce an acceptable certificate indicating a specified minimum standard of physical fitness.

Examination Subjects.

The examination for a certificate of competency as Master Class III shall be in accordance with the syllabuses set out in Schedule 1 to Section 2 of the Code and shall consist of—

| | Subject No. | Pass Mark |
|--------------------------|-------------|-----------|
| PART B-1 | | % |
| Meteorology | 1 | 50 |
| Ship Administration— | | |
| Trading | 2 | 50 |
| Fishing | 2F | 50 |
| Ship Knowledge— | | |
| Trading | 3 | 60 |
| Fishing | 3F | 60 |
| PART B-2 | | |
| Offshore Navigation | 4 | 70 |
| Coastal Navigation | 5 | 70 |
| PART C | | |
| Signals | 6 | |
| Nautical Knowledge | | |
| Trading | 7 | |
| Fishing | 7F | |

Notes:

1. Holders of a valid Second Mate certificate of competency may be exempted from examination in subjects No. 1, 4 and 5.
2. In Part B-1 subjects may be taken separately, that is on a single subject basis. In Part B-2 the subjects must be attempted and passed as a group.

MASTER CLASS III (limited to sail as chief mate)—Prerequisites are as for Master Class III except that only 50% of approved watchkeeping service is needed.

Examination subjects are as for Master Class III except that the examination in Nautical Knowledge may be varied so as to take into consideration that the holder will not be permitted to take command of a vessel.

MASTER CLASS IV—Prerequisites—

- (a) Qualifying service (in trading or fishing vessels as appropriate) required for the basic certificate of competency.
 - (i) Holder of a Master Class V certificate of competency
1½ years of approved watchkeeping service since obtaining the Master Class V certificate of competency.
 - (ii) Holder of a Second Mate certificate of competency or a Mate Class IV certificate of competency
1 year of approved watchkeeping service and appropriate experience in vessels of less than 80 metres length.
 - (iii) Holder of another acceptable qualification—
a period of service appropriate to the qualification based on the above requirements.
- (b) Qualifying service for endorsement of basic certificate of competency for “Trading” and “Fishing” endorsements—
6 months of approved service in the industry (i.e. trading or fishing) appropriate to the endorsement, including 3 months (within the last 5 years) of approved service since obtaining the Master Class IV certificate of competency.

Notes: Candidates may take Parts B-1 and B-2 of the examination after completing one-half of the qualifying service. However, Part C may be attempted only after all the qualifying service is acquired.

(c) Minimum Age 20 years.

(d) Compulsory Training and Qualifications:

(i) To be eligible for admission to the examination:

—certificate of competency as Second Mate, Mate Class IV, Master Class V or other qualification deemed to be equivalent to the foregoing.

(ii) To qualify for issue of the certificate of competency—

—In addition to obtaining a satisfactory pass at all parts of the examination, candidates must satisfy the following requirements—

successfully complete approved courses in—

—elements of personnel and shipboard safety, firefighting training and accident prevention;

—radiotelephony;

—proficiency in administering first aid to the injured;

produce an acceptable certificate indicating a specified minimum standard of physical fitness.

Examination Subjects.

The examination for a certificate of competency as Master Class IV shall be in accordance with the syllabuses set out in Schedule 1 to Section 2 of the Code and shall consist of—

| | Subject No. | Pass Mark |
|---------------------|-------------|-----------|
| PART B-1 | | % |
| Bridge Equipment | 1 | 60 |
| Radar | 2 | 60 |
| Ship Knowledge— | | |
| Trading | 3 | 60 |
| Fishing | 3F | 60 |
| PART B-2 | | |
| Offshore Navigation | 4 | 70 |
| Coastal Navigation | 5 | 70 |
| PART C | | |
| Signals | 6 | |
| Nautical Knowledge— | | |
| Trading | 7 | |
| Fishing | 7F | |

Notes:

1. Holders of a valid Second Mate certificate of competency may be exempted from examination in subjects No. 1, 2, 3, 4 and 5. (N.B. not 3F).
2. Candidates who hold a valid Mate Class IV certificate of competency may be exempted from examination in subjects No. 1, 2, 3 or 3F, as appropriate, 4 and 5.
3. Candidates for Master Class IV certificates of competency endorsed for Offshore operations up to 100 miles to seaward, Inshore and/or Sheltered Water operations only shall not be required to take the Offshore Navigation paper.
4. In Part B-1 subjects may be taken separately, that is on a single subject basis. In Part B-2 the subjects must be attempted and passed as a group.

MATE CLASS IV—Prerequisites—

- (a) Qualifying service (in trading and/or fishing vessels as appropriate) required for the basic certificate of competency—
—3 years of approved seagoing service.

- (b) Qualifying service for endorsement of basic certificate of competency for "Trading" or "Fishing" endorsements—

—6 months of approved service in the industry (i.e. trading or fishing) in vessels of less than 80 metres in length engaged in operations appropriate to the endorsement, including 3 months obtained within the preceding 5 years.

Notes: Candidates may take Parts B-1 and B-2 of the examination after completing one half of the qualifying service. However Part C may be attempted only after all the qualifying service is acquired.

- (c) Minimum Age: 19 years.

- (d) Compulsory Training and Qualifications—

- (i) To be eligible for admission to the examination—

—Nil.

- (ii) To qualify for issue of the certificate of competency—

In addition to obtaining a satisfactory pass at all parts of the examination, candidates must satisfy the following requirements—
successfully complete approved courses in—

—elements of personnel and shipboard safety, firefighting training and accident prevention;

—radiotelephony;

—proficiency in administering first aid to the injured;

produce an acceptable certificate indicating a specified minimum standard of physical fitness.

Examination Subjects.

The examination for a certificate of competency as Mate Class IV shall be the same as that for a certificate of competency as Master Class IV except that the examination in Nautical Knowledge may be varied so as to take into consideration that the holder will not be permitted to take command of a vessel. The examination shall be in accordance with the syllabuses set out in Schedule 1 to Section 2 of the Code and shall consist of—

| | Subject No. | Pass Mark |
|---------------------|-------------|-----------|
| PART B-1 | | % |
| Bridge Equipment | 1 | 60 |
| Radar | 2 | 60 |
| Ship Knowledge— | | |
| Trading | 3 | 60 |
| Fishing | 3F | 60 |
| PART B-2 | | |
| Offshore Navigation | 4 | 60 |
| Coastal Navigation | 5 | 60 |
| PART C | | |
| Signals | 6 | |
| Nautical Knowledge— | | |
| Trading | 7 | |
| Fishing | 7F | |

Notes: Candidates for Mate Class IV certificates of competency endorsed for offshore operations up to 100 miles to seaward, Inshore and/or Sheltered Water operations only shall not be required to take the Offshore Navigation paper.

MASTER CLASS V—Prerequisites—

- (a) Qualifying service (in trading and/or fishing vessels as appropriate) required for the basic certificate of competency.

- (i) Candidate not holding any certificate of competency—

2½ years of approved sea service, including 1 year of service obtained within the previous 5 years in vessels of less than 35 metres in length engaged in operations (i.e. trading or fishing) appropriate to the certificate of competency required.

- (ii) Holder of a Second Mate's certificate of competency—
3 months of appropriate service obtained within the previous 5 years in vessels of less than 35 metres in length engaged in operations (i.e. trading or fishing) appropriate to the certificate of competency required.
- (iii) Holder of another acceptable qualification—
a period of service appropriate to the qualification, based on the above requirements.
- (b) Qualifying service for endorsement of basic certificate of competency for "Trading" or "Fishing" endorsements—
3 months of approved sea service in the industry (i.e. trading or fishing) in vessels of less than 35 metres in length engaged in operations appropriate to the endorsement and obtained within the preceding 5 years.

Notes: Candidates may take Parts B-1 and B-2 of the examination after completing one-half of the qualifying service. However Part C may be attempted only after all the qualifying service is acquired.

- (c) Minimum Age: 19 years.
- (d) Compulsory Training and Qualifications—
 - (i) To be eligible for admission to the examination—
—Nil.
 - (iii) To qualify for issue of the certificate of competency—
—In addition to obtaining a satisfactory pass at all parts of the examination candidates must satisfy the following requirements—
satisfactorily complete approved courses in—
—elements of personnel and shipboard safety, firefighting training and accident prevention;
—radiotelephony; and
produce an acceptable certificate indicating a specified minimum standard of physical fitness.

Examination Subjects.

The examination for a certificate of competency as Master Class V shall be in accordance with the syllabuses set out in Schedule 1 to Section 2 of the Code and shall consist of—

| | Subject No. | Pass Mark |
|--------------------------|-------------|-----------|
| PART B-1 | | % |
| Radar | 1 | 60 |
| Ship Knowledge— | | |
| Trading | 2 | 60 |
| Fishing | 2F | 60 |
| PART B-2 | | |
| Coastal Navigation | 3 | 70 |
| PART C | | |
| Nautical Knowledge— | | |
| Trading | 4 | |
| Fishing | 4F | |

Notes:

- Holders of a valid Second Mate certificate of competency may be exempted from examination in subjects 1, 2, 3 and 4. (N.B. Not 2F and 4F).
- Holders of a valid Mate Class IV (Trading) certificate of competency may be exempt from examination in subjects 1, 2 and 3 and holders of a valid Mate Class IV (Fishing) certificate of competency may be exempted from examination in subjects 1, 2F and 3.

ENGINEERING ENDORSEMENT OF MASTER'S OR MATE'S CERTIFICATE—
Prerequisites—

- (a) During qualifying service for Master's Certificate or Mate's Certificate must have assisted to service and operate the machinery of a vessel for a period of not less than 6 months; or
- (b) Must be a journeyman fitter or a mechanic or have 9 months approved service as an apprentice or as an assistant to a journeyman fitter or mechanic engaged in work on engines and have 3 months qualifying service assisting to service and operate the machinery on vessels of 5 QN or more; or
- (c) completion of an acceptable training course and 4 month's approved qualifying service assisting to service and operate the machinery on vessels of 5 QN or more.

Examinations—

An applicant shall be required to pass a 1 hour written paper and oral examination in engineering knowledge demonstrating a practical knowledge of the operation of the mechanical equipment in the engine room of a small vessel, with particular reference to:

- (a) marine motor engines and their fittings, shafting and propellers, preparing for use;
- (b) precautions necessary for the prevention of fire or explosion associated with the use of petrol, LP gas and distillate and with the charging of batteries;
- (c) the action that should be taken in the event of fire or explosion, including the use of fire fighting appliances;
- (d) cooling water and fuel systems, bilge pumping arrangements including precautions against back-flooding;
- (e) care of low-voltage electrical systems, including batteries and accumulators; and
- (f) fuel consumption: estimation and calculation.

COXSWAIN—Prerequisites—

- (a) Qualifying service—
 - (i) Candidate not holding any certificate of competency—
1 year of approved service in small vessels.
 - (ii) Holder of other acceptable qualifications—
a period of service appropriate to the qualification based on the above requirements.
- (b) Minimum Age: 18 years.
- (c) Compulsory Training and Qualifications—
 - (i) To be eligible for admission to the examination—
—Nil.
 - (ii) To qualify for issue of the certificate of competency—
—In addition to obtaining a satisfactory pass in the oral and/or practical examination, candidates must satisfy the following requirements—

Examination Subjects.

The examination for a certificate of competency as Coxswain shall be in accordance with the syllabuses set out in Schedule 1 to Section 2 of the Code and shall consist of—

| | Subject No. |
|--------------------------------|-------------|
| Boat Handling | 1 |
| Emergency and Safety | 2 |
| Safety Equipment | 3 |
| Weather Reports | 4 |
| Engineering | 5 |
| Collision and Port Regulations | 6 |
| Local Knowledge | 7 |

Note: Holders of a valid Second Mate and Mate Class IV certificate of competency may be exempted from examination in all the above subjects, except Engineering and Local Knowledge.

COXSWAIN-INSTRUCTOR OF COMMERCIAL SKI BOAT—Candidates—

- (a) shall be not less than 19 years of age;
- (b) shall have had at least one year's experience in a speedboat;
- (c) shall hold the Commercial Ski Operators rating as Ski Instructor issued by the Western Australian Water Ski Association;
- (d) shall hold a First Aid Certificate issued by the St. John Ambulance Association; and
- (e) shall be required to pass an examination in—
 - (i) the rule of the road;
 - (ii) practical boat handling;
 - (iii) ski-ing regulations as applicable to private pleasure craft; and
 - (iv) the appropriate sight test.

MARINE ENGINEER CLASS III—Prerequisites—

(a) Qualifying Services

- (i) 12 months of qualifying sea service on vessels of 20 QN or over;
- and

3 years as an apprentice or journeyman mechanical fitter, or motor mechanic, engaged in work on marine craft or marine machinery or other work suitable for the training of a marine engineer; or 3 years as a trainee in such other form of training as may be approved;

OR

- (ii) 18 months of qualifying sea service while holding an Engine-Driver Grade I certificate and while serving in a capacity normally requiring possession of an Engine-Driver Grade I certificate;

OR

- (iii) hold a valid Engineer Watchkeeper certificate.

Note: Qualifying sea service shall be counted as follows—

if the service is on vessels engaged in Inshore operations, the service shall count at two-thirds rate; or

if the service is on vessels engaged in Harbour operations, the service shall count at half rate; and

not less than 6 months' qualifying service has been performed on vessels propelled by machinery of the type for which the certificate is valid.

- (b) Compulsory Training and Qualifications. Before issue of the certificate an applicant shall have—

passed the requisite examinations—holders of a valid engineer watchkeeper certificate are only required to pass the Engineering Knowledge written and oral examinations.
successfully completed approved courses in—

—elements of personnel safety and shipboard safety, firefighting training and accident prevention;
—first aid at sea;

produced evidence of a satisfactory minimum standard of medical fitness.
Attained the age of 20 years.

Note: Before the certificate may be used on vessels of 3 000 kW propulsion power, or over, it shall be endorsed for completion of an approved course in prevention and control of fires in ships.

Examination Subjects—

The examination for Marine Engineer Class III set out in Schedule 2 to Section 2 of the Code except that Engineering Knowledge shall be divided into 2 subjects so that the examination shall consist of:

Practical Mathematics (1 three-hour paper).

Engineering Knowledge—Mechanical (1 two-hour paper and an oral examination).

Engineering Knowledge—Electrical (1 one-hour paper and an oral examination).

MARINE ENGINE DRIVER GRADE I—Prerequisites—

(a) Qualifying service—

- (i) 6 months qualifying sea service on vessels of 15 QN or over; and
2 years as an apprentice or journeyman mechanical fitter, or motor mechanic, or as an assistant to a journeyman mechanical fitter, or motor mechanic, engaged in work on engines or motors; or
2 years as a trainee in such other form of training as may be approved;
- (ii) 3 years' qualifying service afloat on vessels of 15 QN or over; or
- (iii) 1 year's qualifying service afloat on vessels of 15 QN or over while holding a Marine Engine Driver Grade II certificate of competency.

Note: Qualifying sea service shall be counted as follows—

not less than 6 months' qualifying service has been performed on vessels propelled by machinery of the type applicable to the certificate.

(b) Compulsory Training and Qualifications.

Before issue of the certificate of competency an applicant shall have—

- passed the requisite examination;
- completed an approved shipboard safety course;
- attained the age of 19 years;

(c) Refrigeration Endorsement.

Before endorsement of the certificate an applicant shall have—

- passed the requisite examination; and
- hold, or be eligible for the granting of a certificate as Marine Engine-Driver Grade I.

Note: Applicants who hold a refrigeration endorsement of a certificate as Marine Engine-Driver Grade II may be exempted from the examination.

Examination Subjects—

- (a) The examination for Marine Engine-Driver Grade I set out in Schedule 2 to Section 2 of the Code except that Engineering Knowledge shall be divided into two subjects so that the examination shall consist of:

Practical Mathematics (1 three hour paper).

Engineering Knowledge—Mechanical (1 two-hour paper and an oral examination).

Engineering Knowledge—Electrical—(1 one-hour paper and an oral examination).

- (b) the examination for the motor or steam endorsement to the limited certificate of competency shall be in accordance with the syllabus set out in Schedule 2 to Section 2 of the Code and shall consist of—

Engineering Knowledge (1 two-hour paper).

Engineering Knowledge (Oral).

- (c) The examination for the full certificate of competency as Marine Engine-Driver Grade I shall consist of all the examinations listed in subparagraphs (a) and (b) above.
- (d) the examination for refrigeration endorsement of a certificate as Marine Engine-Driver Grade I shall be in accordance with the syllabus set out in Schedule 2 to Section 2 of the Code.

MARINE ENGINE-DRIVER GRADE II—Prerequisites—

- (a) Qualifying Service—

- (i) 9 months as apprentice, or journeyman mechanical fitter, or motor mechanic, or as assistant to a journeyman mechanical fitter, or motor mechanic, engaged in work on engines or motors, and 3 months' qualifying service afloat in vessels of 10 QN or over; or
- (ii) 9 months' qualifying service afloat while holding a Master Class V certificate of competency; or
- (iii) completion of an approved training course and 3 months' qualifying service afloat on vessels of 10 QN or over; or
- (iv) 12 months' qualifying service afloat on vessels of 10 QN or over.

- (b) Compulsory Training and Qualifications.

Before issue of the certificate of competency an applicant shall have—
 passed the requisite examination;
 completed an approved shipboard safety course;
 attained the age of 18 years; and

- (c) Refrigeration Endorsement

Before endorsement of the certificate an applicant shall have—
 passed the requisite examination; and
 hold, or be eligible for the granting of, a certificate as Marine Engine-Driver Grade II.

Examination Subjects—

- (a) The examination for a certificate of competency as Marine Engine-Driver Grade II shall be in accordance with the syllabuses set out in Schedule 2 to Section 2 of the Code and shall consist of—

Engineering Knowledge (1 three-hour paper)

Engineering Knowledge (Oral)

- (b) The examination for refrigeration endorsement of a certificate as Marine Engine-Driver Grade II shall be in accordance with the syllabuses set out in Schedule 2 to Section 2 of the Code.

SCHEDULE 5
[r. 28]

SAFETY MANNING

SCHEDULE 5—PART I

TOTAL SAFETY MANNING FOR SHELTERED WATERS (SEE NOTE 7) AND INSHORE OPERATIONAL AREAS

| Measured length | Total Safety manning | Deck manning | | | Engine room manning | | | |
|--|------------------------------------|-------------------------------------|-----------------------------------|------------------------------------|---------------------------------------|-------------------------------------|---|-------------------------|
| | | Certificated personnel (see Note 1) | | Other personnel (see Note 4) | Qualifying numeral (see Note 2) | Certificated personnel (see Note 1) | | Other per- sonnel |
| | | Duty | Qualification | | | Duty | Qualification (see Note 3) | |
| Over 80 metres | As determined by Manning Committee | | | | Over 80 | As determined by Manning Committee | | |
| 35 metres and over but less than 80 metres | 4 | Master Mate | Master Class IV Master Class V | 1 GP | 35 and over but less than 80 | Engineer | Marine Engine Driver Grade I | |
| 25 metres and over but less than 35 metres | 3 | Master | Master Class IV | 1 GP | 25 and over but less than 35 | Engineer | Marine Engine Driver Grade II | |
| 20 metres and over but less than 25 metres | 2 | Master | Master Class IV | | 10 and over but less than 20 | Engineer | Master's certi- cate with En- gineer Endorsement (see note 9) | |
| 15 metres and over but less than 20 metres | 2 | Master | Master Class V | 1 GP | | | | |
| 10 metres and over but less than 15 metres | 1 | Master | Master Class V | | | | | |
| Less than 10 metres | 1 | Master | Coxswain | | | | | |

PART II
SECTION I
TOTAL SAFETY MANNING FOR OFFSHORE OPERATIONAL AREAS OUT TO 100 MILES

| Measured length | Total Safety manning | Deck manning | | | Engine room manning | | | | |
|--|------------------------------------|--|---------------|---|---|-------------------------------------|--------------------------------|---|--|
| | | Certificated personnel (see Note 1) | | Other personnel (see Note 4) | Qualifying numeral (see Note 2) | Certificated personnel (see Note 1) | | Other per- sonnel | |
| | | Duty | Qualification | | | Duty | Qualification (see Note 3) | | |
| Over 80 metres | As determined by Manning Committee | | | | Over 80 | As determined by Manning Committee | | | |
| 35 metres and over but less than 80 metres | 5 | Master Mate 2nd Mate 3rd Mate | if carried | Master Class III Mate Class IV Mate Class IV Mate Class IV | 1 GP | 50 and over but less than 80 | Chief Engineer 2nd Engineer | Engineer Class III Marine Engine Drive Grade I | |
| | | | | | | 35 and over but less than 50 | Chief Engineer 2nd Engineer | Marine Engine Driver Grade I Marine Engine Driver Grade II | |
| 25 metres and over but less than 35 metres | 4 | Master | | Master Class IV | 2 GP | | | | |
| 20 metres and over but less than 25 metres | 3 | Master | | Master Class IV | 1 GP | 25 and over but less than 35 | Engineer | Marine Engine Driver Grade II | |
| 15 metres and over but less than 20 metres | 3 (see note 6) | Master | | Master Class V | 1 GP | 20 and over but less than 25 | Engineer | Marine Engine Driver Grade II (see Note 5) | |
| 10 metres and over but less than 15 metres | 2 | Master | | Master Class V | 1 GP | 15 and over but less than 20 | Engineer | Marine Engine Driver Grade II (see Note 5) | |
| Less than 10 metres | 1/2 | Master | | Master Class V | 1 GP (where out in ex- cess of 12 hrs) | Less than 15 | Engineer | Master's certi- cate with En- gineer En- dorsement (see Note 9) | |

PART II
SECTION II
TOTAL SAFETY MANNING FOR OFFSHORE OPERATIONAL AREAS OUT TO 200 MILES

| Measured length | Total Safety manning | Deck manning | | | Engine room manning | | | |
|--|------------------------------------|--|---|------------------------------------|--|-------------------------------------|---|-------------------------|
| | | Certificated personnel (see Note 1) | | Other personnel (see Note 4) | Qualifying numeral (see Note 2) | Certificated personnel (see Note 1) | | Other per- sonnel |
| | | Duty | Qualification | | | Duty | Qualification (see Note 3) | |
| Over 80 metres | As determined by Manning Committee | | | | Over 80 | As determined by Manning Committee | | |
| 35 metres and over but less than 80 metres | 5 | Master Mate 2nd Mate 3rd Mate | Master Class III Mate Class IV Mate Class IV Mate Class IV | 1 GP | 50 and over but less than 80 35 and over but less than 50 25 and over but less than 35 20 and over but less than 25 Less than 20 | Chief Engineer 2nd Engineer | Engineer Class III Marine Engine Driver Grade I | |
| 25 metres and over but less than 35 metres | 5 | Master Mate | Master Class IV Master Class V | 2 GP | | Chief Engineer 2nd Engineer | Marine Engine Driver Grade I Marine Engine Driver Grade II | |
| 20 metres and over but less than 25 metres | 4 | Master Mate | Master Class IV Master Class V | 1 GP | | Engineer | Marine Engine Driver Grade II | |
| Less than 20 metres | 3 | Master | Master Class V endorsed to go beyond 100 miles to seaward | 1 GP | | Engineer | Marine Engine Driver Grade II (see Note 5) | |

PART III
TOTAL SAFETY MANNING FOR AUSTRALIAN COASTAL AND MIDDLE WATER OPERATIONAL AREAS

| Measured length | Total safety manning | Deck manning | | | Engine room manning | | | |
|--|------------------------------------|--|--|------------------------------|---------------------------------|-------------------------------------|--|--|
| | | Certificated personnel (see Note 1) | | Other personnel (see Note 4) | Qualifying numeral (see Note 2) | Certificated personnel (see Note 1) | | Other personnel |
| | | Duty | Qualification | | | Duty | Qualification (see Note 3) | |
| Over 80 metres | As determined by Manning Committee | | | | Over 80 | As determined by Manning Committee | | |
| 50 metres and over but less than 80 metres | 7 | Master Mate 2nd Mate 3rd Mate | Master Class III Master Class III Mate Class IV Mate Class IV | 2 GP | 50 and over but less than 80 | Chief Engineer 2nd Engineer | Engineer Class II Engineer Class III or Engineer Watch-keeper (see Note 8) | 1 En- gine- room As- sistant |
| 35 metres and over but less than 50 metres | 6 | Master Mate 2nd Mate 3rd Mate | Master Class III Master Class III Mate Class IV Mate Class IV | 2 GP | | | | |
| 25 metres and over but less than 35 metres | 5 | Master Mate | Master Class IV Master Class V | 1 GP | | | | |
| 20 metres and over but less than 25 metres | 4 | Master Mate | Master Class IV Master Class V | 1 GP | 20 and over but less than 25 | Engineer | Marine Engine Driver Grade I | |
| Less than 20 metres | 3 | Master Mate | Master Class IV Master Class V | | Less than 20 | Engineer | Marine Engine Driver Grade II | |

PART IV
TOTAL SAFETY MANNING FOR UNLIMITED OPERATIONAL AREAS

| Measured length | Total safety manning | Deck manning | | | Engine room manning | | | | |
|--|--|--|--|------------------------------|---------------------------------|--|--|---------------------------|--|
| | | Certificated personnel (see Note 1) | | Other personnel (see Note 4) | Qualifying numeral (see Note 2) | Certificated personnel (see Note 1) | | Other personnel | |
| | | Duty | Qualification | | | Duty | Qualification (see Note 3) | | |
| Over 80 metres | As determined by Manning Committee | | | | Over 80 | As determined by Manning Committee | | | |
| 50 metres and over but less than 80 metres | 10 (manned engine room) or 9 (un-manned engine room) | Master Mate 2nd Mate 3rd Mate } if carried | Master Class II Master Class II Master Class III Master Class III | 3 GP | 50 and over but less than 80 | Chief Engineer 2nd Engineer 3rd Engineer | Engineer Class II Engineer Watch-keeper Engineer Watch-keeper (Not required where engine-room un-manned) | 1 En-gine-room As-sistant | |
| 35 metres and over but less than 50 metres | 8 | Master Mate 2nd Mate 3rd Mate } if carried | Master Class II Master Class II Master Class III Master Class III | 3 GP | | 35 and over but less than 50 | Chief Engineer 2nd Engineer | | Engineer Class III Engineer Class III |
| 25 metres and over but less than 35 metres | 5 | Master Mate | Master Class II Master Class IV | 1 GP | | 20 and over but less than 35 | Chief Engineer | | Marine Engine Driver Grade I |
| 20 metres and over but less than 25 metres | 4 | Master Mate | Master Class II Master Class IV | | | 2nd Engineer | Marine Engine Driver Grade II | | |
| Less than 20 metres | 3 | Master Mate | Master Class II Master Class IV | | Less than 20 | Engineer | Marine Engine Driver Grade I | | |

- NOTE 1 (a) Holding a valid certificate of competency of at least the level prescribed in the Schedule. The certificate to be in accordance with the Examinations and Certificates of Competency Section.
- 1 (b) Where for the Chief Mate position a command qualification of Master Class I, II or III is required the Authority may permit the use of a Master Class I, II, or III (limited to sale as Chief Mate) Certificate.
- 1 (c) Where a Second Mate Class I or II or a Mate Class IV certificate is deemed to be a superior watchkeeper certificate to a command qualification, the superior watchkeeper certificate may not be used for the command qualification required in the Chief Mate position.
- NOTE 2 means—
- (a) measured length; or
- (b) propulsion power (as defined in the Examinations and Certificates of Competency Section) divided by 15; whichever is the greater.
- NOTE 3—In the case of a vessel fitted with refrigeration equipment associated with the carriage of refrigerated commercial cargo, or the refrigerated commercial catch on a fishing vessel the holder of a required Marine Engine Driver Certificate shall have a certificate with a Refrigeration Endorsement.
- NOTE 4—G.P. means—Persons available for any duties associated with the operation and maintenance of the vessel.
- NOTE 5—Provided that if the Master holds a valid Marine Engine Driver Grade II Certificate the General Manager may permit an additional G.P. to be carried in place of an engineer.
- NOTE 6—For fishing vessels the Total Safety Manning shall be 2 persons consisting of a Master Class V and a G.P. However, where neither of those persons holds the Marine Engine Driver Grade II qualification an Engineer holding that qualification shall be carried in addition. In the case of fishing vessels that remain at sea for extended periods the Authority may increase the total Safety Manning to 3.
- NOTE 7—The requirements may be amended by the Authority to meet local conditions in which case the Certificate titles (Master Class IV, Master Class V and Coxswain) shall be qualified accordingly (e.g. by the addition of Harbours or Inland Waters); and the exemption from the requirements of the standard certificates may be listed at the back of the certificate.
- NOTE 8—For vessels of 50QN and over but less than 1 500KW propulsion power in Australian Coastal and Middle Water Operations the Chief Engineer and Second Engineer on Fishing Vessels is to be an Engineer Class III.
- NOTE 9—In the case of a vessel fitted with refrigerated equipment associated with the carriage of refrigerated commercial cargo or the refrigerated commercial catch on a commercial vessel, the person in charge of the machinery shall hold a Marine Engine-Driver Grade II certificate with refrigeration endorsement and be a person other than the Master.

SCHEDULE 6.

[r. 33]

TABLE OF EQUIVALENT CERTIFICATES OF COMPETENCY.

A Certificate of Competency listed in Column 1 shall be deemed equivalent to the Certificate of Competency listed opposite to it in Column 2.

| Column 1 | Column 2 |
|--|---|
| Master of a coast trade ship over 300 tons | Master Class III (Trading) |
| Master of a coast trade ship under 300 tons | Master Class IV (Trading) |
| Mate of a coast trade ship over 300 tons | Mate Class IV (Trading) |
| Mate of a coast trade ship under 300 tons | Master Class V (Trading) restricted for service as Mate only |
| Master of a limited coast trade ship | Master Class V (Trading) |
| Master of a Harbour and River ship | Master Class IV (restricted) |
| Coxswain of a Harbour and River ship | Certificates of Competency as Coxswain (restricted) |
| Skipper Grade I of a fishing vessel | Master Class IV (Fishing) |
| Skipper Grade II of a fishing vessel | Master Class V (Fishing) |
| Coxswain of a fishing vessel | Master Class V (Fishing) endorsed for vessels of less than 15 tons gross only |
| Third Class Engineer | Marine Engineer Class III |
| Fourth Class Engineer | Marine Engine Driver Grade I |
| Marine Motor Engineer and Marine Motor Engine Driver | Marine Engine Driver Grade II. |

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918.

PREVENTION OF COLLISIONS AT SEA REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- Citation. 1. These regulations may be cited as the Prevention of Collisions at Sea Regulations 1983.
- Commence-
ment. 2. These regulations shall come into operation on 1 July 1983.
- Repeal. 3. The Prevention of Collisions at Sea Regulations 1977 published in the *Government Gazette* on 6 July 1977 and all amendments thereto are repealed.
- Construction. 4. These regulations shall comprise the Rules set out in the International Regulations for Preventing Collisions at Sea, 1972 which Rules are set out in Schedule 3 to the Western Australian Marine Act 1982, amended pursuant to Part IV of that Act and set out as so amended in these regulations and shall have effect in relation to vessels, while they are in the area constituted by—
- (a) the territorial sea adjacent to the State;
 - (b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State; and
 - (c) waters within the limits of the State.
5. The person charged with the responsibility to comply with these regulations in relation to a vessel is the master, officer or person in charge of the navigation, management or working of the vessel and the master, officer or person in charge of the vessel shall not delegate that responsibility to an unqualified person.

PART A—GENERAL.

Rule 1—Application:

- (a) These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by sea-going vessels.
- (b) Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by sea-going vessels. Such special rules shall conform as closely as possible to these Rules.
- (c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any State with respect to additional station or signal lights, shapes or whistle signals for ships of war and vessels proceeding under convoy, or with respect to additional station or signal lights or shapes for fishing vessels engaged in fishing as a fleet. These additional station or signal lights, shapes or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light, shape or signal authorized elsewhere under these Rules.
- (d) Traffic separation schemes may be adopted by the Organisation for the purpose of these Rules.
- (e) Whenever the Government concerned shall have determined that a vessel of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel, such vessel shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as well as to the disposition and characteristics of sound-signalling appliances, as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel.

Rule 2—Responsibility:

- (a) Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
- (b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

Rule 3—General Definitions:

For the purpose of these Rules, except where the context otherwise requires:—

- (a) The word “vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.
- (b) The term “power-driven vessel” means any vessel propelled by machinery.
- (c) The term “sailing vessel” means any vessel under sail provided that propelling machinery, if fitted, is not being used.
- (d) The term “vessel engaged in fishing” means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict the manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.
- (e) The word “seaplane” includes any aircraft designed to manoeuvre on the water.
- (f) The term “vessel not under command” means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel.
- (g) The term “vessel restricted in her ability to manoeuvre” means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and is therefore unable to keep out of the way of another vessel. The term shall include but not be limited to:—
 - (i) a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;
 - (ii) a vessel engaged in dredging, surveying or underwater operations;
 - (iii) a vessel engaged in replenishment or transferring persons, provisions or cargo while underway;
 - (iv) a vessel engaged in the launching or recovery of aircraft;
 - (v) a vessel engaged in mine clearance operations;
 - (vi) a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.
- (h) The term “vessel constrained by her draught” means a power-driven vessel which because of her draught in relation to the available depth of water is severely restricted in her ability to deviate from the course she is following.
- (i) The word “underway” means that a vessel is not at anchor, or made fast to the shore, or aground.
- (j) The words “length” and “breadth” of a vessel means her length overall and greatest breadth.
- (k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.
- (l) The term “restricted visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

PART B—STEERING AND SAILING RULES.

SECTION I—CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY.

Rule 4—Application:

Rules in this section apply in any condition of visibility.

Rule 5—Look-out:

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

Rule 6—Safe Speed:

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

- (a) By all vessels:
 - (i) the state of visibility;
 - (ii) the traffic density including concentrations of fishing vessels or any other vessels;
 - (iii) the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
 - (iv) at night the presence of background light such as from shore lights or from back scatter of her own lights;
 - (v) the state of wind, sea and current, and the proximity of navigational hazards;
 - (vi) the draught in relation to the available depth of water.
- (b) Additionally by vessels with operational radar:
 - (i) the characteristics, efficiency and limitations of the radar equipment;
 - (ii) any constraints imposed by the radar range scale in use;
 - (iii) the effect on radar detection of the sea state, weather and other sources of interference;
 - (iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;
 - (v) the number, location and movement of vessels detected by radar;
 - (vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

Rule 7—Risk of Collision:

- (a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.
- (b) Proper use shall be made of radar equipment if fitted and operational including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.
- (c) Assumptions shall not be made on the basis of scanty information especially scanty radar information.
- (d) In determining if risk of collision exists the following considerations shall be among those taken into account:
 - (i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;
 - (ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

Rule 8—Action to Avoid Collision:

- (a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.
- (b) Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.
- (c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.
- (d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.
- (e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

Rule 9—Narrow Channels:

- (a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.
- (b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.
- (c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.
- (d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Rule 34 (d) if in doubt as to the intention of the crossing vessel.
- (e) (i) In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34 (c) (i). The vessel to be overtaken shall, if in agreement, sound the appropriate signal prescribed in Rule 34 (c) (ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Rule 34 (d).
- (ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.
- (f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34 (e).
- (g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

Rule 10—Traffic Separation Schemes:

- (a) This Rule applies to traffic separation schemes adopted by the Organisation.
- (b) A vessel using a traffic separation scheme shall:
 - (i) proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;
 - (ii) so far as practicable keep clear of a traffic separation line or separation zone;
 - (iii) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

- (c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross as nearly as practicable at right angles to the general direction of traffic flow.
- (d) Inshore traffic zones shall not normally be used by through traffic which can safely use the appropriate traffic lane within the adjacent traffic separation scheme, however, vessels of less than 20 metres in length and sailing vessels may under all circumstances use inshore traffic zones.
- (e) A vessel other than a crossing vessel or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:
 - (i) in cases of emergency to avoid immediate danger;
 - (ii) to engage in fishing within a separation zone.
- (f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.
- (g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.
- (h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.
- (i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.
- (j) A vessel of less than 20 metres in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.
- (k) A vessel restricted in her ability to manoeuvre when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this Rule to the extent necessary to carry out the operation.
- (l) A vessel restricted in her ability to manoeuvre when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Rule to the extent necessary to carry out the operation.

SECTION II—CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER.

Rule 11—Application:

Rules in this Section apply to vessels in sight of one another.

Rule 12—Sailing Vessels:

- (a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:
 - (i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;
 - (ii) when both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;
 - (iii) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.
- (b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

Rule 13—Overtaking:

- (a) Notwithstanding anything contained in the Rules of Part B, Sections I and II, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.
- (b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.
- (c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.
- (d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

Rule 14—Head-on Situation:

- (a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.
- (b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.
- (c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

Rule 15—Crossing Situation:

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

Rule 16—Action by Give-way Vessel:

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

Rule 17—Action by Stand-on Vessel:

- (a) (i) Where one of two vessels is to keep out of the way the other shall keep her course and speed;
- (ii) The latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.
- (b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.
- (c) A power-driven vessel which takes action in a crossing situation in accordance with subparagraph (a) (ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.
- (d) This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

Rule 18—Responsibilities between Vessels:

Except where Rules 9, 10 and 13 otherwise require:

- (a) A power-driven vessel underway shall keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre;
 - (iii) a vessel engaged in fishing;
 - (iv) a sailing vessel.
- (b) A sailing vessel underway shall keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre;
 - (iii) a vessel engaged in fishing.
- (c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:
 - (i) a vessel not under command;
 - (ii) a vessel restricted in her ability to manoeuvre.
- (d) (i) Any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Rule 28.
- (ii) A vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.
- (e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.

SECTION III—CONDUCT OF VESSELS IN RESTRICTED VISIBILITY.

Rule 19—Conduct of Vessels in Restricted Visibility:

- (a) This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.
- (b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate manoeuvre.
- (c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Rules of Section I of this Part.
- (d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing and/or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:
 - (i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;
 - (ii) an alteration of course towards a vessel abeam or abaft the beam.
- (e) Except where it had been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

PART C—LIGHTS AND SHAPES.

Rule 20—Application:

- (a) Rules in this Part shall be complied with in all weathers.
- (b) The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.
- (c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.
- (d) The Rules concerning shapes shall be complied with by day.
- (e) The lights and shapes specified in these Rules shall comply with the provisions of Annex 1 to these regulations.

Rule 21—Definitions:

- (a) "Masthead light" means a white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 22.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.
- (b) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 metres in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.
- (c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees right aft on each side of the vessel.
- (d) "Towing light" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this Rule.
- (e) "All-round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.
- (f) "Flashing light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Rule 22—Visibility of Lights:

The lights prescribed in these Rules shall have an intensity as specified in Section 8 of Annex 1 to these regulations so as to be visible at the following minimum ranges:

- (a) in vessels of 50 metres or more in length:
 - a masthead light, 6 miles;
 - a sidelight, 2 miles;
 - a sternlight, 3 miles;
 - a towing light, 3 miles;
 - a white, red, green or yellow all-round light, 3 miles.
- (b) In vessels of 12 metres or more in length but less than 50 metres in length:
 - a masthead light, 5 miles; except that where the length of the vessel is less than 20 metres, 3 miles;
 - a sidelight, 2 miles;
 - a sternlight, 2 miles;
 - a towing light, 2 miles;
 - a white, red, green or yellow all-round light, 2 miles.
- (c) In vessels of less than 12 metres in length:
 - a masthead light, 2 miles;
 - a sidelight, 1 mile;
 - a sternlight, 2 miles;
 - a towing light, 2 miles;
 - a white, red, green or yellow all-round light, 2 miles.
- (d) In inconspicuous, partly submerged vessels or objects being towed:
 - a white all-round light, 3 miles.

Rule 23—Power-driven Vessels Underway:

- (a) A power-driven vessel underway shall exhibit:
 - (i) a masthead light forward;
 - (ii) a second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 metres in length shall not be obliged to exhibit such light but may do so;
 - (iii) sidelights;
 - (iv) a sternlight.
- (b) An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light.
- (c) (i) A power-driven vessel of less than 12 metres in length may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light and sidelights;
- (ii) A power-driven vessel of less than 7 metres in length the maximum speed of which does not exceed 7 knots may in lieu of the lights prescribed in paragraph (a) of this Rule exhibit an all-round white light and shall, if practicable, also exhibit sidelights;
- (iii) The masthead light or all-round white light on a power-driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if centreline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centreline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

Rule 24—Towing and Pushing:

- (a) A power-driven vessel when towing shall exhibit:
 - (i) instead of the light prescribed in Rule 23 (a) (i) or (a) (ii), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;
 - (ii) sidelights;
 - (iii) a sternlight;
 - (iv) a towing light in a vertical line above the sternlight;
 - (v) when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.
- (b) When a pushing vessel and a vessel being pushed are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Rule 23.
- (c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:
 - (i) instead of the light prescribed in Rule 23 (a) (i) or (a) (ii), two masthead lights in a vertical line;
 - (ii) sidelights;
 - (iii) a sternlight.
- (d) A power-driven vessel to which paragraph (a) or (c) of this Rule applies shall also comply with Rule 23 (a) (ii).
- (e) A vessel or object being towed other than those referred to in paragraph (g) of this Rule shall exhibit:
 - (i) sidelights;
 - (ii) a sternlight;
 - (iii) when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

- (f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:
 - (i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;
 - (ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.
- (g) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:
 - (i) where less than 25 metres in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;
 - (ii) where 25 metres or more in breadth, two additional all-round white lights at or near the extremities of its breadth;
 - (iii) where it exceeds 100 metres in length, additional all-round white lights between the lights prescribed in subparagraphs (i) and (ii) of this paragraph so that the distance between the lights shall not exceed 100 metres;
 - (iv) a diamond shape at or near the aftermost extremity of the last vessel or object being towed and if the length of the tow exceeds 200 metres an additional diamond shape where it can best be seen and located as far forward as is practicable.
- (h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.
- (i) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this Rule, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by Rule 36, in particular by illuminating the tow line.

Rule 25—Sailing Vessels Underway and Vessels under Oars:

- (a) A sailing vessel underway shall exhibit:
 - (i) sidelights;
 - (ii) a sternlight.
- (b) In a sailing vessel of less than 20 metres in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.
- (c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.
- (d) (i) A sailing vessel of less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- (ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- (e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

Rule 26—Fishing Vessels:

- (a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule.
- (b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:
 - (i) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;
 - (ii) a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length shall not be obliged to exhibit such a light but may do so;
 - (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.
- (c) A vessel engaged in fishing, other than trawling, shall exhibit:
 - (i) two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;
 - (ii) when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;
 - (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.
- (d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals described in Annex II to these regulations.
- (e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

Rule 27—Vessels not under Command or Restricted in their Ability to Manoeuvre:

- (a) A vessel not under command shall exhibit:
 - (i) two all-round red lights in a vertical line where they can best be seen;
 - (ii) two balls or similar shapes in a vertical line where they can best be seen;
 - (iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.
- (b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in mine clearance operations, shall exhibit:
 - (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;
 - (ii) three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;
 - (iii) when making way through the water, a masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in subparagraph (i);
 - (iv) when at anchor, in addition to the lights or shapes prescribed in subparagraphs (i) and (ii), the light, or lights or shape prescribed in Rule 30.

- (c) A power-driven vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in Rule (24) (a), exhibit the lights or shapes prescribed in subparagraphs (b) (i) and (ii) of this Rule.
- (d) A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in subparagraphs (b) (i), (ii) and (iii) of this Rule and shall in addition, when an obstruction exists, exhibit:
 - (i) two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;
 - (ii) two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;
 - (iii) when at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in Rule 30.
- (e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall be exhibited:
 - (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;
 - (ii) a rigid replica of the International Code flag "A" not less than 1 metre in height. Measures shall be taken to ensure its all-round visibility.
- (f) A vessel engaged in mine clearance operations shall in addition to the lights prescribed for a power-driven vessel in Rule 23 or to the lights or shape prescribed for a vessel at anchor in Rule 30 as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1 000 metres of the mine clearance vessel.
- (g) Vessels of less than 12 metres in length, except those engaged in diving operations, shall not be required to exhibit the lights and shapes prescribed in this Rule.
- (h) The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these regulations.

Rule 28—Vessels constrained by their Draught:

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Rule 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

Rule 29—Pilot Vessels:

- (a) A vessel engaged on pilotage duty shall exhibit:
 - (i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;
 - (ii) when underway, in addition, sidelights and a sternlight;
 - (iii) when at anchor, in addition to the lights prescribed in subparagraph (i), the light, lights or shape prescribed in Rule 30 for vessels at anchor.
- (b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

Rule 30—Anchored Vessels and Vessels aground:

- (a) A vessel at anchor shall exhibit where it can best be seen:
 - (i) in the forepart, an all-round white light or one ball;
 - (ii) at or near the stern and at a lower level than the light prescribed in subparagraph (i), an all-round white light.

- (b) A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.
- (c) A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.
- (d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, where they can best be seen;
 - (i) two all-round red lights in a vertical line;
 - (ii) three balls in a vertical line.
- (e) A vessel of less than 7 metres in length, when at anchor, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this Rule.
- (f) A vessel of less than 12 metres in length, when aground, shall not be required to exhibit the lights or shapes prescribed in subparagraphs (d) (i) and (ii) of this Rule.

Rule 31—Seaplanes:

Where it is unpracticable for a seaplane to exhibit the lights and shapes of the characteristics or in the position prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

PART D—SOUND AND SIGHT SIGNALS.

Rule 32—Definitions:

- (a) The word “whistle” means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to these regulations.
- (b) The term “short blast” means a blast of about one second’s duration.
- (c) The term “prolonged blast” means a blast from four to six seconds’ duration.

Rule 33—Equipment for Sound Signals:

- (a) A vessel of 12 metres or more in length shall be provided with a whistle and a bell and a vessel of 100 metres or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these regulations. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.
- (b) A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

Rule 34—Manoeuvring and Warning Signals:

- (a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Rules, shall indicate that manoeuvre by the following signals on her whistle:
 - one short blast to mean “I am altering my course to starboard”;
 - two short blasts to mean “I am altering my course to port”;
 - three short blasts to mean “I am operating astern propulsion”.
- (b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

- (i) these light signals shall have the following significance:
 - one flash to mean "I am altering my course to starboard";
 - two flashes to mean "I am altering my course to port";
 - three flashes to mean "I am operating astern propulsion";
 - (ii) the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall not be less than ten seconds;
 - (iii) the light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I to these regulations.
- (c) When in sight of one another in a narrow channel or fairway:
- (i) a vessel intending to overtake another shall in compliance with Rule 9 (e) (i) indicate her intention by the following signals on her whistle:
 - two prolonged blasts followed by one short blast to mean "I intend to overtake you on your starboard side";
 - two prolonged blasts followed by two short blasts to mean "I intend to overtake you on your port side";
 - (ii) the vessel about to be overtaken when acting in accordance with Rule 9 (e) (i) shall indicate her agreement by the following signal on her whistle:
 - one prolonged, one short, one prolonged and one short blast, in that order.
- (d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.
- (e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.
- (f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

Rule 35—Sound Signals in restricted Visibility:

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

- (a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.
- (b) A power-driven vessel under way but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.
- (c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.
- (d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to manoeuvre when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (g) of this Rule sound the signal prescribed in paragraph (c) of this Rule.
- (e) A vessel towed or if more than one vessel is towed the last vessel of the two, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

- (f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.
- (g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.
- (h) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (g) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.
- (i) A vessel of less than 12 metres in length shall not be obliged to give the abovementioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.
- (j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (g) of this Rule sound an identity signal consisting of four short blasts.

Rule 36—Signals to Attract Attention:

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this Rule the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

Rule 37—Distress Signals:

When a vessel is in distress and requires assistance she shall use or exhibit the signals described in Annex IV to these regulations.

PART E—EXEMPTIONS.

Rule 38—Exemptions:

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the coming into operation of these regulations may be exempted from compliance therewith as follows:

- (a) The repositioning of lights as a result of conversion from imperial to metric units and rounding off measurement figures, permanent exemption.
- (b) (i) The repositioning of masthead lights on vessels of less than 150 metres in length, resulting from the prescriptions of Section 3 (a) of Annex I to these regulations permanent exemption;
- (ii) The repositioning of masthead lights on vessels of 150 metres or more in length, resulting from the prescriptions of Section 3 (a) of Annex I to these regulations; until 15 July 1986.
- (c) The repositioning of masthead lights resulting from the prescriptions of Section 2 (b) of Annex I to these regulations until 15 July 1986.
- (d) The repositioning of sidelights resulting from the prescriptions of Section 2 (g) and 3 (b) of Annex I to these regulations until 15 July 1986.
- (e) The requirements for sound signal appliances prescribed in Annex III to these regulations, until 9 years after the date of the coming into operation of these regulations.
- (f) The repositioning of all-round lights resulting from the prescription of Section 9 (b) of Annex I to these regulations, permanent exemption.

ANNEX I

POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES.

1. Definition:

The term "height above the hull" means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

2. Vertical positioning and spacing of lights:

- (a) On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:
 - (i) the forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 metres, and if the breadth of the vessel exceeds 6 metres, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;
 - (ii) when two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.
- (b) The vertical separation of masthead lights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1 000 metres from the stem when viewed from sea level.
- (c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.
- (d) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of not less than 2.5 metres above the gunwale. When however a masthead light is carried in addition to sidelights and a sternlight, then such masthead light shall be carried at least 1 metre higher than the sidelights.
- (e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light, and if carried on the aftermast, the lowest after masthead light shall be at least 4.5 metres vertically higher than the forward masthead light.
- (f) The masthead light or lights prescribed in Rule 23 (a) shall be so placed as to be above and clear of all other lights and obstructions except as described in paragraph (fa) of this section.
- (fa) When it is impracticable to carry the all-round lights prescribed by Rule 27 (b) (i) or Rule 28 below the masthead lights, they may be carried above the after masthead lights or vertically in between the forward masthead lights and after masthead lights, and in the latter case the requirement of Section 3 (c) of this Annex shall be complied with.
- (g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than the three-quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.
- (h) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.
- (i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows—
 - (i) on a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 metres above the hull;

- (ii) on a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 metres above the hull;
- (iii) when three lights are carried they shall be equally spaced.
- (j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.
- (k) The forward anchor light prescribed in Rule 30 (a) (i), when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length this forward anchor light shall be placed at a height of not less than 6 metres above the hull.

3. Horizontal positioning and spacing of lights:

- (a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 metres. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.
- (b) On a power-driven vessel of 20 metres or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.
- (c) When the lights prescribed in Rule 27 (b) (i) or Rule 28 are placed vertically between the forward masthead lights and the after masthead lights, these all-round lights shall be placed at a horizontal distance of not less than 2 metres from the fore and aft centreline of the vessel in the athwartship direction.

4. Details of location of direction—indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations:

- (a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Rule 26 (c) (ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Rule 26 (b) (i) and (ii).
- (b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Rule 27 (d) (i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Rule 27 (b) (i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Rule 27 (b) (i) and (ii).

5. Screens for sidelights:

The sidelights of vessels of 20 metres or more in length shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. On vessels of less than 20 metres in length the sidelights, if necessary to meet the requirements of Section 9 of this Annex, shall be fitted with inboard matt black screens. With a combined lantern, using a single, vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. Shapes:

- (a) Shapes shall be black and of the following sizes:
 - (i) a ball shall have a diameter of not less than 0.6 metre;
 - (ii) a cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;
 - (iii) a cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;
 - (iv) a diamond shape shall consist of two cones as defined in (ii) above having a common base.

- (b) The vertical distance between shapes shall be at least 1.5 metres.
- (c) In a vessel of less than 20 metres in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7. Colour specification of lights:

The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE). The boundaries of the area for each colour are given by indicating the corner co-ordinates, which are as follows:

| | | | | | | |
|--------------|-------|-------|-------|-------|-------|-------|
| (i) White— | | | | | | |
| x | 0.525 | 0.525 | 0.452 | 0.310 | 0.310 | 0.443 |
| y | 0.382 | 0.440 | 0.440 | 0.348 | 0.283 | 0.382 |
| (ii) Green— | | | | | | |
| x | 0.028 | 0.009 | 0.300 | 0.203 | | |
| y | 0.385 | 0.723 | 0.511 | 0.356 | | |
| (iii) Red— | | | | | | |
| x | 0.680 | 0.660 | 0.735 | 0.721 | | |
| y | 0.320 | 0.320 | 0.265 | 0.259 | | |
| (iv) Yellow— | | | | | | |
| x | 0.612 | 0.618 | 0.575 | 0.575 | | |
| y | 0.382 | 0.382 | 0.425 | 0.406 | | |

8. Intensity of lights:

- (a) The minimum luminous intensity of lights shall be calculated by using the formula;

$$I = 3.43 \times 10^6 \times T \times D^2 \times K_D$$

where I is luminous intensity in candelas under service conditions,

T is threshold factor 2×10^{-7} lux,

D is range of visibility (luminous range) of the light in nautical miles,

K is atmospheric transmissivity.

For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

- (b) A selection of figures derived from the formula is given in the following table:

| Range of visibility (luminous range) of light in nautical miles | Luminous intensity of light in candelas for K=0.8 |
|---|---|
| D | I |
| 1 | 0.9 |
| 2 | 4.3 |
| 3 | 12 |
| 4 | 27 |
| 5 | 52 |
| 6 | 94 |

Note: The maximum luminous intensity of navigation lights should be limited to avoid undue glare. This shall not be achieved by a variable control of the luminous intensity.

9. Horizontal sectors:

- (a) (i) In the forward direction, sidelights as fitted in the vessel shall show the minimum required intensities. The intensities shall decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors;
- (ii) For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Rule 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 per cent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.
- (b) All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees, except anchor lights prescribed in Rule 30, which need not be placed at an impractical height above the hull.

10. Vertical sectors:

- (a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels shall ensure that:
 - (i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;
 - (ii) at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.
- (b) In the case of sailing vessels the vertical sectors of electric lights as fitted, shall ensure that—
 - (i) at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal.
 - (ii) at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.
- (c) In the case of lights other than electric these specifications shall be met as closely as possible.

11. Intensity of non-electric lights:

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8 of this Annex.

12. Manoeuvring light:

Notwithstanding the provisions of paragraphs 2 (f) and 2 (fa) of this Annex the manoeuvring light described in Rule 34 (b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the forward masthead light, provided that it shall be carried not less than 2 metres vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13. Approval:

The construction of lights and shapes and the installation of lights on board the vessel shall be to the satisfaction of the appropriate authority of the State the flag of which the vessel is entitled to fly.

ANNEX II

ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY.

1. General:

The lights mentioned herein shall, if exhibited in pursuance of Rule 26 (d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Rule 26 (b) (i) and (c) (i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Rules for fishing vessels.

2. Signals for Trawlers:

- (a) Vessels when engaged in trawling, whether using demersal or pelagic gear, may exhibit:
 - (i) when shooting their nets: two white lights in a vertical line;
 - (ii) when hauling their nets: one white light over one red light in a vertical line;
 - (iii) when the net has come fast upon an obstruction: two red lights in a vertical line.
- (b) Each vessel engaged in pair trawling may exhibit:
 - (i) by night, a searchlight directed forward and in the direction of the other vessel of the pair;
 - (ii) when shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2 (a) above.

3. Signals for purse seiners:

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternatively every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

ANNEX III

TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES.

1. Whistles:

- (a) Frequencies and range of audibility—

The fundamental frequency of the signal shall lie within the range 70-700 Hz.

The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or once or more higher frequencies which lie within the range 180-700 Hz (± 1 per cent) and which provide the sound pressure levels specified in paragraph 1 (c) below.

- (b) Limits of fundamental frequencies—

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

- (i) 70-200 Hz, for a vessel 200 metres or more in length;
- (ii) 130-350 Hz, for a vessel 75 metres but less than 200 metres in length;
- (iii) 250-700 Hz, for a vessel less than 75 metres in length.

(c) Sound signal intensity and range of audibility—

A whistle fitted in a vessel shall provide, in the direction of maximum intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700 Hz (± 1 per cent) of not less than the appropriate figure given in the table below.

| Length of vessel in metres. | 1/3rd-octave band level at 1 metre in dB referred to 2×10^{-5} N/m ² | Audibility range in nautical miles |
|--------------------------------|---|--|
| 200 or more | 143 | 2 |
| 75 but less than 200 | 138 | 1.5 |
| 20 but less than 75 | 130 | 1 |
| Less than 20 | 120 | 0.5 |

The range of audibility in the table above is for information and is approximately the range at which a whistle may be heard on its forward axis with 90 per cent probability in conditions of still air on board a vessel having average background noise level at the listening posts (taken to be 68 dB in the octave band centred on 250 Hz and 63 dB in the octave band centred on 500 Hz).

In practice the range at which a whistle may be heard is extremely variable and depends critically on weather conditions; the values given can be regarded as typical but under conditions of strong wind or high ambient noise level at the listening post the range may be much reduced.

(d) Directional properties—

The sound pressure level of a directional whistle shall be not more than 4 dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ± 45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that 1/3rd-octave band which determines the audibility range.

(e) Positioning of whistles—

When a directional whistle is to be used as the only whistle on a vessel it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

(f) Fitting of more than one whistle—

If whistles are fitted at a distance apart of more than 100 metres, it shall be so arranged that they are not sounded simultaneously.

(g) Combined whistle systems—

If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1 (f) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the Rules a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100 metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10 Hz.

2. Bell or gong:

(a) Intensity of signal—

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at a distance of 1 metre from it.

(b) Construction—

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of 20 metres or more in length, and shall be not less than 200 mm for vessels of 12 metres or more but of less than 20 metres in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 per cent of the mass of the bell.

3. Approval:

The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State the flag of which the vessel is entitled to fly.

ANNEX IV

DISTRESS SIGNALS.

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:

- (a) a gun or other explosive signal fired at intervals of about a minute;
- (b) a continuous sounding with any fog-signalling apparatus;
- (c) rockets or shells, throwing red stars fired one at a time at short intervals;
- (d) a signal made by radiotelegraphy or by any other signalling method consisting of the group ... — — — ... (SOS) in the Morse Code;
- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (f) the International Code Signal of distress indicated by N. C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
- (i) a rocket parachute flare or a hand flare showing a red light;
- (j) a smoke signal giving off orange-coloured smoke;
- (k) slowly and repeatedly raising and lowering arms outstretched to each side;
- (l) the radiotelegraph alarm signal;
- (m) the radiotelephone alarm signal;
- (n) signals transmitted by emergency position-indicating radio beacons.

2. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

- (a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);
- (b) a dye marker.

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

SHIPPING AND PILOTAGE ACT 1967.

JETTIES ACT 1926.

WESTERN AUSTRALIAN MARINE ACT 1982.

INTERPRETATION ACT 1918.

NAVIGABLE WATERS AMENDMENT REGULATIONS 1983.

MADE by His Excellency the Governor in Executive Council.

- | | |
|---|--|
| Citation. | 1. These regulations may be cited as the Navigable Waters Amendment Regulations 1983. |
| Commence- ment. | 2. These regulations shall come into operation on 1 July 1983. |
| Principal regulations. | 3. In these regulations, the Navigable Waters Regulations*, as amended, are referred to as the principal regulations. |
| Regulation 2 amended. | 4. Regulation 2 of the principal regulations is amended— (a) by deleting the definition of department and substituting the following— “ “department” means the Department of Marine and Harbours of the State; ”; (b) in the definition of “navigable waters” by deleting “includes all water below high water mark within three nautical miles of the coastline of the State” and substituting the following— “ also means the territorial sea adjacent to the State and the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State ”; and (c) in the definition of “the Act”, by deleting “1948” and substituting the following— “ 1982 ”. |
| Regulation 4 amended. | 5. Regulation 4 of the principal regulations is amended by deleting paragraph (a) and substituting the following paragraph— “ (a) commercial vessels and pleasure vessels to which Parts II and VI of the Western Australian Marine Act 1982 apply, in or upon navigable waters; and ”. |
| Regulation 13 amended. | 6. Regulation 13 of the principal regulations is amended by deleting “1977 made under section 89 of the Western Australian Marine Act 1948” and substituting the following— “ 1983 made under the Western Australian Marine Act 1982 ”. |
| Regulation 19G amended. | 7. Regulation 19G of the principal regulations is amended by deleting “183A and 205A of the Western Australian Marine Act 1948-1980” and substituting the following— “ 117 and 118 of the Western Australian Marine Act 1982 ”. |
| Regulation 45A amended. | 8. Regulation 45A of the principal regulations is amended in the definition of “registrable vessel” in subregulation (2) by deleting “vessel, within the meaning of section 205 of the Western Australian Marine Act 1948” and substituting the following— “ pleasure vessel, within the meaning of section 98 of the Western Australian Marine Act 1982 ”. |
| Regulation 47 repealed. | 9. Regulation 47 of the principal regulations and the heading “Closure of Areas.” above that regulation are repealed. |
| Regulations 49B and 49L repealed. | 10. Regulations 49B and 49L of the principal regulations are repealed. |

By His Excellency's Command,

J. E. A. PRITCHARD,
Clerk of the Council.

* Reprinted in the *Government Gazette* on 21 December 1981 at pp. 5285-5306.

