



Western Australia

## **Western Australian Marine (Infringements) Regulations 1985**

Compare between:

[18 Nov 2009, 02-c0-03] and [09 Oct 2012, 02-d0-01]



Western Australia

Western Australian Marine Act 1982

## **Western Australian Marine (Infringements) Regulations 1985**

### **1. Citation**

These regulations may be cited as the *Western Australian Marine (Infringements) Regulations 1985*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation 3 months after the day on which they are published in the *Gazette*<sup>1</sup>.

### **3. Modified penalties**

The amount specified in the fourth column of Schedule 1 opposite the description set out in the third column of that Schedule of an offence created by the provision specified opposite thereto in the second column of that Schedule is the modified penalty in respect of that offence for the purposes of section 132(1) of the Act.

### **4. Forms**

The several forms specified in Schedule 2 are prescribed for the respective purposes for which forms are required by sections 132(1), 132(5), 133(2) and 134(1) of the Act.

**5. Offence of unauthorised endorsement or alteration of infringement notices**

- (1) A person who, not being an authorised person or a designated officer, makes any endorsement on, or alteration to, an infringement notice commits an offence and is liable to a penalty not exceeding \$200.
- (2) In subregulation (1) —  
*authorised person*, *designated officer* and *infringement notice* have the respective meanings given to them by section 132(11) of the Act.

## Schedule 1 — Modified penalties

[r. 3]

*[Heading inserted in Gazette 13 Nov 2009 p. 4538.]*

Item	Navigable Waters Regulations 1958	Description of offence	Modified penalty \$
1	6A	Failing to comply with directions .....	200
1A	14	Vessel travelling so as to cause nuisance or damage .....	160
1B	14A(a)	Navigating vessel so as to endanger safety of vessel or person .....	200
2	14A(b)	Navigating vessel so as to obstruct, impede or interfere with other vessel .....	160
3	14B	Permitting person to expose portion of body to risk of injury beyond hull limits of vessel .....	60
4	15(1)	Motor boat towing more than one vessel through or under bridge .....	60
5	19(2)	Navigating vessel less than 3.75 metres long more than 5 nautical miles from nearest point at low water mark on mainland shore .....	100
6	19A	Vessel exceeding speed of 10 knots between sunset and sunrise — (a) by not more than 10 knots .....	160
		(b) by more than 10 knots .....	200
7	19B	Using or setting off signal, flare, rocket or other distress signals, except in case of emergency or vessel in distress, without prior written permission of Department .....	200
8	19C(1)	Failing to exhibit on vessel required diving flag	100
8A	19C(3)	Failing to display required lights on vessel from which a person is diving .....	100
8B	19D(1)(a)	Failing to display a diving flag at the place where the person is diving .....	100
8C	19D(1)(b)	Failing to display required lights when diving at night otherwise than from a vessel .....	100

**Western Australian Marine (Infringements) Regulations 1985****Schedule 1** Modified penalties

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<b>Item</b>	<b><i>Navigable Waters Regulations 1958</i></b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
9	19E(1)	Failing to maintain distance of 50 metres between vessel and place or other vessel displaying diving flag or, during the hours of darkness, the appropriate signal, or failing to reduce speed of vessel to slowest navigable speed whilst passing within 50 metres of that place or other vessel .....	200
10A	19E(4A)	Failing to proceed at a safe speed or maintain a proper look out while in the vicinity of a place or vessel displaying a diving flag or appropriate signal, but at least 50 metres clear of that place or vessel .....	200
10	42(a)	Anchoring or mooring vessel in fairway or channel when not in distress .....	60
11	42(c)	Placing cable or rope or other obstruction across fairway or channel without written permission of Department .....	100
12	43(a)	Obstructing channel or fairway with net or buoyed objects .....	120
13	45B(1)(a)	Using or having on navigable waters unregistered registrable vessel .....	160
14	45B(1)(b)	Failing to have current boat registration label properly affixed to vessel .....	80
15	45B(7)	Failing to have registrable vessel legibly marked with registration number .....	80
16	45B(8)	Registrable vessel failing to have required identification marking when proceeding north of Geraldton .....	60
17	45BA(4)(c)	Use of vessel with incorrectly affixed dealer plates .....	60
18	45D(1)(a)	Failing to produce certificate of registration of vessel within specified time .....	40
19	45D(1)(b)	Failing to notify Department of change of registered particulars, or of address of owner, of vessel within 15 days .....	120
20	45E(1)(a)	Failing to furnish purchaser of vessel with registration certificate .....	60

**Western Australian Marine (Infringements) Regulations 1985**

Modified penalties

Schedule 1

<b>Item</b>	<b><i>Navigable Waters Regulations 1958</i></b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
21	45E(1)(b)	Failing to notify Department of sale or disposal of registered vessel within 7 days .....	60
22	45E(2)(a)	Failing to apply for transfer of registration within 15 days of acquisition of registered vessel .....	120
23	45E(3)	Failing to notify Department of loss of registered vessel within 15 days .....	60
23A	47AA(3)	Person between 10 and 16 driving an RST vessel unless under supervision (before 1 April 2007) .....	200
23B	47AB(3)	Person between 10 and 14 driving an RST vessel unless under supervision (between 1 April 2007 and 1 April 2008) .....	200
23C	47AB(4)	Person between 14 and 16 driving an RST vessel unless — (a) driving at not more than 8 knots and during the day time; or (b) under supervision (between 1 April 2007 and 1 April 2008)	200
23D	47AB(5)	Person between 16 and 25 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (between 1 April 2007 and 1 April 2008) .....	200
23E	47A(3)	Person between 10 and 14 driving an RST vessel unless under supervision (on and after 1 April 2008) .....	200
23F	47A(4)	Person between 14 and 16 driving an RST vessel unless — (a) holding a recreational skipper's ticket and driving at not more than 8 knots and during the day time; or (b) under supervision (on and after 1 April 2008) .....	200
23G	47A(5)	Person over 16 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (on and after 1 April 2008) .....	200
23H	47AA(4) 47AB(6) 47A(6)	Owner allowing RST vessel to be driven in contravention of regulation 47AA, 47AB or 47A .....	200

**Western Australian Marine (Infringements) Regulations 1985**

**Schedule 1**                      Modified penalties

<b>Item</b>	<b><i>Navigable Waters Regulations 1958</i></b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
23I	47H	Failing to produce recreational skipper's ticket on request .....	200
23J	47I	Holder of recreational skipper's ticket failing to notify change of details .....	120
24	48(a)(i)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing in water with a depth of less than 3 metres .....	160
24A	48(a)(ii)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 metres of a river bank or low water mark .....	160
24B	48(b)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing in or through mooring area .....	160
24C	48(c)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 15 metres of a vessel under weigh .....	160
24D	48(d)(i)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 metres of a moored vessel .....	160
24E	48(d)(iii)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 metres of a person in the water .....	200
24F	48(d)(iv)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 metres of a jetty or wharf .....	160
24G	48(e)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing through an arch of a bridge .....	160
25	48A(2)	Driving motor boat towing para-sailor or water skier in area not set aside for purpose .....	200
26	49(1)	Towing para-sailor or water skier without observer in towing speed boat .....	160
27	49(2)	Driver of or observer in speed boat towing para-sailor or water skier failing to maintain constant lookout or watch .....	120
	<i>[28 deleted]</i>		



**Western Australian Marine (Infringements) Regulations 1985**

Modified penalties

**Schedule 1**

<b>Item</b>	<b><i>Navigable Waters Regulations 1958</i></b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
29	49C	Failing to drive speed boat at least 45 metres behind water skier or other boat .....	120
30	49D	Driver of boat about to take off failing to yield right of way to speed boat landing water skier	60
31	49E	Trailing ski rope within 30 metres of shore in water ski area .....	60
32	49G	Failing to keep speed boat towing water skier at least 30 metres from shore when not engaged in landing or taking off water skier .....	60
33	49H	Driver of speed boat failing to maintain correct distance after landing water skier before retrieving tow line or thereafter driving speed boat at more than 8 knots or so as to interfere with or obstruct other boat towing water skier ..	120
34	49I	Driver of speed boat failing to maintain distance of 25 metres from shore when landing water skier .....	60
35	49J	Sitting on gunwale or back of driving seat when driving speed boat .....	60
36	49K	Water skier failing to retrieve water ski.....	60
37	49M(1)(a) or (b)	Using navigable waters for purpose of slalom course or ski-jump — (a) without prior written permission of Department..... (b) without required marker buoys and pennants .....	100 60
38	50	Driving motor boat towing water skier between sundown and 8am on Swan River or between sundown and 9am on Canning River .....	200
38A	50A(2)	Freestyle driving, surfing or wave jumping in a prohibited area .....	200
38B	50A(3)	Freestyle driving, surfing or wave jumping within — 30m of another personal watercraft; or 50m of any other vessel or person .....	200

**Western Australian Marine (Infringements) Regulations 1985**

**Schedule 1**                      Modified penalties

<b>Item</b>	<b><i>Navigable Waters Regulations 1958</i></b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
38C	50B	Failing to wear an appropriate flotation device while on a personal watercraft .....	200
39	51	Using motor boat not fitted with efficient silencer approved by Department .....	160
40	51A	Causing or permitting motor boat to emit smoke or vapour causing danger, nuisance or annoyance .....	160
40A	51D	Failing to fit a bilge pump .....	160
41	52	Failing to equip vessel with approved fire extinguisher .....	160
42	52A	Failing to equip vessel with required number of approved life jackets whilst being navigated outside protected waters .....	200
43	52B	Failing to equip vessel with required number of distress signals whilst being navigated outside protected waters .....	160
43A	52BAA	Failing to equip vessel with an approved and licensed marine transceiver .....	200
43B	52BAB	Failing to equip vessel with an approved Electronic Position Indicating Radio Beacon ....	200
44	52BA(1)(a)	Failing to maintain items of safety equipment of vessel in serviceable condition .....	160
45	52BA(1)(b)	Failing to have safety equipment of vessel readily accessible to all persons on board .....	160
46	52BA(3)	Failing to produce items of safety equipment to officer of Department on demand .....	160
47	52C	Vessel not carrying efficient anchor and line whilst outside protected waters .....	160
48	52G	Failing to display navigation lights on small motor boat as required .....	200

<b>Item</b>	<b>Western Australian Marine Act Section</b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
49	13(1)(a)	Uncertificated person acting in a position of command on a commercial vessel .....	300

**Western Australian Marine (Infringements) Regulations 1985**

Modified penalties

Schedule 1

<b>Item</b>	<b>Western Australian Marine Act Section</b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
50	13(1)(b)	Employing an uncertificated person in a position of command .....	300
51	13(2)	Failing to ascertain whether an employee on a commercial vessel is duly certificated .....	200
52	14	Beginning a voyage on a commercial vessel without sufficient crew, or with under qualified or inexperienced crew .....	300
53	26(3)	Being underway or plying without, or contrary to, certificate of survey .....	300
54	27	Beginning a voyage without exhibiting evidence of compliance with survey requirements .....	200
55	28	Carrying too many people on board ship.....	300
56	40(a)	Beginning a voyage without appropriate life saving appliances .....	300
57	40(b)	Allowing loss of, or damage to, life saving appliances .....	200
58	40(c)	Failing to repair or replace life saving appliances .....	200
59	40(d)	Failing to keep life saving appliances fit and ready for use .....	200
60	42(a)	Beginning a voyage without appropriate fire appliances .....	300
61	42(b)	Allowing loss of, or damage to, fire appliances	200
62	42(c)	Failing to repair or replace fire appliances .....	200
63	42(d)	Failing to keep fire appliances fit and ready for use .....	200
64	44(a)	Beginning a voyage without appropriate radio equipment .....	300
65	44(b)	Beginning a voyage without a qualified radio operator on board .....	200
66	48(a)	Beginning a voyage without required equipment .....	150
67	48(b)	Failing to keep required equipment in good repair .....	100
68	58(2)(a)	Failing to produce logbook or other documents	100
69	63(2)	Failing to take vessel to nearest port .....	100
70	63(5)	Navigating vessel in breach of order .....	150
71	64(2)	Failing to render assistance or give details after a collision .....	150

**Western Australian Marine (Infringements) Regulations 1985**

**Schedule 1 Modified penalties**

<b>Item</b>	<b>Western Australian Marine Act Section</b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
72A	64(3)	Failing to — (a) render assistance; or (b) give details to certain persons; or report to the Department within 7 days, after a collision, accident or other casualty involving a pleasure vessel .....	150
72	64(4)	Failing to make immediate report of a casualty or injury on, or damage to, a commercial vessel	150
73	64(5)	Failing to confirm report of a casualty or injury on, or damage to, a commercial vessel .....	150
74	66(3)(a)	Obstructing an authorised person in relation to an area closed to navigation .....	200
75	66(3)(b)	Navigating a vessel in an area closed to navigation .....	200
76	67(3)	Exceeding speed limit by — (a) more than 3, but less than 5, knots ..... (b) 5 or more, but less than 10, knots ..... (c) 10 knots or more .....	100 160 200
77	69	Failing to batten down and secure hatches .....	100
78	70(1)	Going on board a vessel in port at night without authority .....	100
79	72(1)(a)	Being drunk or disorderly and attempting to board a passenger ship without authority .....	100
80	72(1)(b)	Being drunk or disorderly on board a passenger ship and refusing to leave when requested .....	100
81	72(1)(c)	Molesting a passenger on a passenger ship after being warned .....	100
82	72(1)(d)	Being on board a passenger ship without authority and refusing to leave when requested..	100
83	72(1)(e)	Attempting to enter a passenger ship after entry has been refused .....	100
84	72(1)(f)	Refusing to leave a passenger ship when requested .....	100
85	72(1)(g)	Attempting to travel on a passenger ship without paying the fare .....	100

<b>Item</b>	<b>Western Australian Marine Act Section</b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
86	72(1)(h)	Attempting to travel on a passenger ship beyond the place to which the fare has been paid .....	100
87	72(1)(i)	Refusing to leave a passenger ship at place to which fare has been paid .....	100
88	72(1)(j)	On a passenger ship failing to produce ticket or pay fare when requested .....	100
89	73	Damaging equipment, or obstructing the crew, on a passenger ship .....	100
90A	79(2)	Failure of the master or person in charge of a vessel to comply with the <i>Prevention of Collisions at Sea Regulations 1983</i> .....	300
90	91(1)	Carrying dangerous goods without proper markings .....	200
91	97(1)	Carrying explosives on a passenger ship without proper protection .....	200
92	132(8)	Removing an infringement notice from a vessel	100
<p align="center"><b>W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)</b></p>			
93	3.4.1	Failing to fix registration plates to hire and drive vessel .....	50
94	3.4.2	Failing to maintain markings on hire and drive vessel .....	50
95	3.12.1	Failing to notify the CEO of repairs or alterations to hire and drive vessel .....	50
96	3.13.2	Failing to report an accident involving hire and drive vessel .....	50
97	4.2.2	Overloading a hire and drive vessel .....	100

**Western Australian Marine (Infringements) Regulations 1985****Schedule 1**                      Modified penalties

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<b>Item</b>	<b>Mooring Regulations 1998</b>	<b>Description of offence</b>	<b>Modified penalty \$</b>
98	6(1)	Securing vessel to mooring when mooring site is not licensed, vessel is not authorised or vessel is not identifiable .....	100
99	6(2)(a)	Securing vessel to mooring on licensed mooring site when another vessel is secured to the mooring .....	100
100	6(2)(b)	Securing vessel to another vessel secured to a mooring on a licensed mooring site ....	100
101	6A	Securing vessel in a mooring control area for more than 6 hours .....	100

*[First Schedule inserted in Gazette 9 Jun 1992 p. 2381-2; amended in Gazette 30 Jun 1992 p. 2910; 7 May 1993 p. 2361-2; 31 Dec 1993 p. 6911-2; 14 Jun 1996 p. 2607; 30 May 1997 p. 2497-9; 27 Oct 1998 p. 5965; 11 Dec 1998 p. 6652; 17 Jun 2003 p. 2221; 23 Dec 2005 p. 6278-9; 10 Feb 2006 p. 666; 26 May 2006 p. 1880; 13 Nov 2009 p. 4538; 17 Nov 2009 p. 4631-2.]*

**Schedule 2 — Forms**

[r. 4]

*[Heading inserted in Gazette 13 Nov 2009 p. 4538.]*

**FORM 1**

This space for cash register imprint

Western Australia

Department of Marine and Harbours <sup>2</sup>

**BOATING INFRINGEMENT NOTICE**

*Western Australian Marine Act 1982, Section 132*

Issue Date...../...../.....

Sex:       Date of Birth:

M.....

Surname (Block Letters)      Other Names in Full

Address.....

Number of Street      Town or Suburb      Post Code

Particulars of Vessel: Registration No..... Expiry Date...../...../.....

Type..... Construction..... Colour.....

Length.....Kw/Hp.....Engine:  Inboard  Outboard

Number of persons on board.....

It is alleged that at.....hours on.....day of.....20.....

in the area of.....

in connection with the abovementioned vessel you committed the offence indicated hereunder.

..... No.....

Signature of inspector or other authorised person

					MODIFIED PENALTY			
CODE	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>				.....	\$	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 40px; height: 20px;"></td></tr></table>	
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		..... TOTAL	\$	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 40px; height: 20px;"></td></tr></table>				

Take notice that —

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay to an officer specified on the reverse side of this notice, within 28 days, the total amount specified.

If that amount is not paid within 28 days, further action will be taken in respect of the alleged offence(s) under the Inrep system or by a prosecution. Procedures under the Inrep system will incur charges payable by you additional to the penalty amount.

Note: Unless within a period of 21 days after the date of service of this notice —

- (a) the modified penalty(ies) shown above is (are) paid; or
- (b) the owner of the vessel described above —
  - (i) informs an authorised person of the identity and address of the person who was in charge of the vessel; or
  - (ii) satisfies an authorised person that the vessel had been stolen or unlawfully taken, or was being unlawfully used,  
at the time when the offence(s) described in this notice is (are) believed to have been committed,

the owner of the vessel is, in the absence of proof to the contrary, deemed to be the person who was in charge of the vessel at the time when the offence(s) described in this notice is(are) believed to have been committed.

A person, other than the owner or person in charge of the vessel, who removes this notice from the vessel commits an offence and is liable to a penalty not exceeding \$200.

Payment may be made —

- (i) By post to —
  - Accountant
  - Crown Law Department<sup>3</sup>
  - G.P.O. Box F317
  - PERTH WA 6001
- (ii) By hand to —
  - Clerk of Courts<sup>4</sup> —
  - Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon,
  - Collie, Derby, Esperance, Fremantle, Geraldton, Harvey,
  - Kalgoorlie, Karratha, Katanning, Kununurra, Mandurah,



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Manjimup, Merredin, Moora, Midland, Narrogin, Northam,  
Pinjarra, Port Hedland, Roebourne, Rockingham and Perth —  
Magistrates Court<sup>5</sup>, Level 2, Central Law Courts, 30 St George's  
Terrace.

Any inquiry you may have in this matter is to be made in writing and forwarded  
by post to —

The Executive Director  
Department of Marine and Harbours<sup>2</sup>  
P.O. Box 402  
FREMANTLE WA 6160

A receipt will not be mailed unless requested.

Payments will not be accepted at any Marine and Harbours Offices.

BOATING INFRINGEMENT NOTICE                      CREDIT CARD SLIP

Do not detach — Return complete document with payment to —

Accountant  
Crown Law Department<sup>3</sup>  
Box F317 G.P.O.  
PERTH WA 6001

Please debit my credit card account —

Bankcard    Mastercard    Visacard

Card Number:    Amount

Cardholder Name:.....

Signature:.....Expiry Date: ...../...../.....

*[Form 1 inserted in Gazette 26 Jul 1991 p. 3934-6.]*

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**Form 2**  
WESTERN AUSTRALIA  
**WITHDRAWAL OF BOATING INFRINGEMENT NOTICE**  
*Western Australian Marine Act 1982 (Section 132(5))*

No.  
Date / /

M.....  
Surname (Block Letters) Other names in full  
Address.....  
Number and street Town or suburb Postcode  
Boating infringement notice No.....Date / /  
for the alleged offence(s) of.....  
specifying modified penalty(ies) of \$.....  
is hereby withdrawn.

- (a) \*No further action will be taken
- (b) \*It is proposed to institute court proceedings for that alleged offence (those alleged offences).

\*Strike out that which is not applicable.

.....  
Authorised person  
Department of Marine and Harbours<sup>2</sup>

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(Complete and detach this portion if penalty has been paid).

Accountant  
Crown Law Department<sup>3</sup>  
Westpac Centre  
109 St Georges Terrace  
PERTH WA 6000

No.

I hereby apply for a refund of the amount of \$ ....., being the amount of the modified penalty(ies) paid in respect of boating infringement notice No. .... which was withdrawn by notice dated ...../...../.....  
Receipt No.....Dated ...../...../..... is attached.

.....  
Signature

Address for refund .....  
Number and street Town or suburb Postcode  
.....  
(Print full name)

**Form 3**

WESTERN AUSTRALIA

Department of Marine and Harbours <sup>2</sup>

**NOTICE TO IDENTIFY PERSON IN CHARGE OF VESSEL**

*Western Australian Marine Act 1982 (Section 133(2))*

M.....

Surname (Block Letters)

Other names in full

Address.....

Number and street

Town or suburb

Postcode

*Particulars of vessel:*

Registration No. .... Expiry date ...../...../.....

Type.....Construction.....Colour.....

Length ..... Kw/Hp..... engine:  Inboard  Outboard

Number of persons on board .....

It is alleged that at ..... hours on ..... day of .....20 ..... in the area of .....

the offence(s) indicated hereunder by a cross (X) were committed while the above-mentioned vessel was in the charge of a person whose identity is not known and cannot immediately be ascertained.

You, being the owner of the above-mentioned vessel, are hereby required to identify the person who was in charge of that vessel at the time when that offence (those offences) is(are) alleged to have been committed.

**NOTE:**

Unless within 21 days of the day of service of this notice —

- (a) you inform an authorised person of the identity and address of the person who was in charge of the above-mentioned vessel; or
- (b) satisfy an authorised person that the above-mentioned vessel had been stolen or unlawfully taken, or was being unlawfully used,

at the time when the above-mentioned offence(s) is(are) alleged to have been committed, you are, in the absence of proof to the contrary, deemed to be the person who was in charge of that vessel at the time when that offence(those offences) is(are) alleged to have been committed.

Date ...../...../.....

Signature.....

Inspector or other authorised person  
Department of Marine and Harbours <sup>2</sup>.

**Form 4**  
WESTERN AUSTRALIA  
Department of Marine and Harbours <sup>2</sup>  
**CERTIFICATE OF AUTHORISED PERSON OTHER  
THAN INSPECTOR**

*Western Australian Marine Act 1982 (Section 134(1))*

DEPARTMENT OF MARINE AND HARBOURS <sup>2</sup>

FREMANTLE

TO WHOM IT MAY CONCERN

THE BEARER .....

not being an inspector, is an authorised person within the meaning of  
section 132 of the *Western Australian Marine Act 1982*.

.....

Chief Executive Officer

(Bearer's signature) .....

Appointment No. ....

*[Form 4 amended in Gazette 11 Aug 1992 p. 3978.]*

### Notes

- <sup>1</sup> This is a compilation of the *Western Australian Marine (Infringements) Regulations 1985* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Western Australian Marine (Infringements) Regulations 1985</i>	4 Oct 1985 p. 3866-70	4 Jan 1986 (see r. 2)
<i>Western Australian Marine (Infringements) Regulations 1986</i>	24 Apr 1986 p. 1480-1	24 Apr 1986
<i>Western Australian Marine (Infringements) Regulations (No. 2) 1986</i>	20 Jun 1986 p. 2057	20 Jun 1986
<i>Western Australian Marine (Infringements) Amendment Regulations 1991</i>	26 Jul 1991 p. 3934-6	26 Jul 1991
<i>Western Australian Marine (Infringements) Amendment Regulations 1992</i>	9 Jun 1992 p. 2380-2	1 Jul 1992 (see r. 2)
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1992</i>	30 Jun 1992 p. 2910	1 Jul 1992 (see r. 2)
<i>W.A. Marine Amendment Regulations 1992 Pt. 7</i>	11 Aug 1992 p. 3976-80	11 Aug 1992
<i>Western Australian Marine (Infringements) Amendment Regulations 1991</i>	7 May 1993 p. 2361-2	7 May 1993
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1993</i>	31 Dec 1993 p. 6911-12	1 Mar 1994 (see r. 2)
<i>Western Australian Marine (Infringements) Amendment Regulations 1996</i>	14 Jun 1996 p. 2607	14 Jun 1996
<i>Western Australian Marine (Infringements) Amendment Regulations 1997</i>	30 May 1997 p. 2497-9	30 May 1997

## Western Australian Marine (Infringements) Regulations 1985

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Citation	Gazettal	Commencement
<i>Western Australian Marine (Infringements) Amendment Regulations 1998</i>	27 Oct 1998 p. 5964-5	27 Oct 1998
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998</i>	11 Dec 1998 p. 6651-2	11 Dec 1998 (see r. 2)
<b>Reprint of the Western Australian Marine (Infringements) Regulations 1985 as at 27 Aug 1999</b> (includes amendments listed above)		
<i>Western Australian Marine (Infringements) Amendment Regulations 2003</i>	17 Jun 2003 p. 2220-1	1 Jul 2003 (see r. 2)
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005</i>	23 Dec 2005 p. 6278-9	23 Dec 2005
<i>Western Australian Marine (Infringements) Amendment Regulations 2005</i>	10 Feb 2006 p. 665-6	10 Feb 2006 (see r. 2 and <i>Gazette</i> 10 Feb 2006 p. 667)
<i>Western Australian Marine (Infringements) Amendment Regulations 2006</i>	26 May 2006 p. 1880	26 May 2006
<b>Reprint 2: The Western Australian Marine (Infringements) Regulations 1985 as at 13 Feb 2009</b> (includes amendments listed above)		
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2009</i>	13 Nov 2009 p. 4537-8	r. 1 and 2: 13 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Nov 2009 (see r. 2(b))
<i>Western Australian Marine (Infringements) Amendment Regulations 2009</i>	17 Nov 2009 p. 4631-2	r. 1 and 2: 17 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2009 (see r. 2(b))
<a href="#">Western Australian Marine (Infringements) Amendment Regulations 2012 r. 1 and 2</a>	<a href="#">9 Oct 2012 p. 4755-61</a>	<a href="#">9 Oct 2012 (see r. 2(a))</a>

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

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**Provisions that have not come into operation**

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
<u>Western Australian Marine (Infringements) Amendment Regulations 2012 r. 3-5</u> <sup>6</sup>	<u>9 Oct 2012</u> <u>p. 4755-61</u>	<u>1 Nov 2012 (see r. 2(b))</u>

<sup>2</sup> Under the *Marine and Harbours Act 1981* s. 20, a reference in a written law to the former Department of Marine and Harbours is, unless the contrary intention appears, to be read and construed as a reference to the department principally assisting the Minister in the administration of that Act. As at the date of this compilation, the department principally assisting the Minister in the administration of that Act (and of the *Western Australian Marine Act 1982*) is the Department of Planning and Infrastructure.

<sup>3</sup> Under the *Alteration of Statutory Designations Order (No. 3) 2001* clause 2(1), subject to clause 2(2), a reference in a law to the Crown Law Department is to be read and construed as a reference to the Department of Justice.

Under the *Public Sector Management Act 1994* s. 35(2), notice was given (see *Gazette* 10 Jan 2006 p. 39) that the designation of the department known as “Department of Justice” was altered to “Department of the Attorney General” effective from 1 Feb 2006.

<sup>4</sup> Under the *Courts Legislation Amendment and Repeal Act 2004* s. 54(2) a reference in a written law to a clerk of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to a registrar of the Magistrates Court.

If immediately before commencement of the *Courts Legislation Amendment and Repeal Act 2004* Pt. 2 Div. 2 a person held office under the *Local Courts Act 1904* s. 13 as a clerk then on commencement the person is taken under the *Courts Legislation Amendment and Repeal Act 2004* s. 6(1) to have been appointed as a registrar of the Magistrates Court.

<sup>5</sup> Under the *Courts Legislation Amendment and Repeal Act 2004* s. 58 a reference in a written law to a court of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to the Magistrates Court. The reference was changed under the *Reprints Act 1984* s. 7(5)(a).

<sup>6</sup> On the date as at which this compilation was prepared, the *Western Australian Marine (Infringements) Amendment Regulations 2012* r. 3-5 had not come into operation. They read as follows:

**3. Regulations amended**

These regulations amend the *Western Australian Marine (Infringements) Regulations 1985*.

**4. Regulation 3A inserted**

After regulation 2 insert:

**3A. Terms used**

In these regulations, unless the contrary intention appears —  
*Act* means the *Western Australian Marine Act 1982*;  
*Department* means the Department principally assisting the Minister in the administration of the Act.

**5. Schedule 2 replaced**

Delete Schedule 2 and insert:

**Schedule 2 — Forms**

[r. 4]

**1. Infringement notice**

**Part 1**

<i>Western Australian Marine Act 1982, s. 132(1)</i>		<u>Infringement notice no.:</u>	
<b><u>Infringement notice</u></b>		<u>Date of service:</u>	
<b><u>TO:</u></b>	<input type="checkbox"/>	<u>Surname/ Company name and ACN</u>	
		<u>Other names</u>	
		<u>Address</u>	
		<u>Date of birth</u>	<u>Male/Female</u>



<u>or</u> <u>TO:</u>	<input type="checkbox"/>	<u>Tick if this notice is addressed to the above person as the owner of the vessel described below.</u>		
	<input type="checkbox"/>	<u>The owner of the vessel described below (whose identity is not known and cannot immediately be ascertained).</u>		
<u>Vessel</u>	<u>Vessel name:</u>	<u>Reg. no.:</u>	<u>Reg. expiry date:</u>	
	<u>Vessel type:</u>	<u>Length (metres):</u>	<u>No. persons onboard:</u>	
	<u>Construction material:</u>		<u>Colour:</u>	
	<u>Engine type:</u> <input type="checkbox"/> <u>Inboard</u> <input type="checkbox"/> <u>Outboard</u>	<u>Engine make:</u>	<u>Kw/Hp:</u>	
<u>Alleged offence</u>	<u>Date</u>		<u>Time</u>	
	<u>Place</u>			
	<u>Legislation</u>			
	<u>Provision</u>			
	<u>Details of offence</u>			
<u>Authorised person issuing notice</u>	<u>Name</u>			
	<u>Authorised person no.</u>			
	<u>Signature</u>			
<u>Modified penalty</u>	\$ _____			
<b><u>TAKE NOTICE</u></b>	<u>It is alleged that you have committed the above offence.</u> <u>If you do not want to be prosecuted in court for the offence, pay the modified penalty in accordance with Part 2 of this</u>			

notice within 28 days after the date of service of this notice.

If you do not pay the modified penalty within that period, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act your driver's licence or vehicle licence may be suspended.

If this notice is addressed to you as the owner of the vessel described above (whether or not your identity is known), the *Western Australian Marine Act 1982* section 132(3) says, in effect, that you are, in the absence of proof to the contrary, deemed to be the person who was in charge of the vessel at the time the above alleged offence is believed to have been committed. This does not apply if within 21 days after the date of service of this notice —

• the modified penalty for the alleged offence is paid;  
or

• you —

• inform an authorised person of the identity and address of the person who was in charge of the vessel at the time of the alleged offence; or

• satisfy an authorised person that the vessel had been stolen or unlawfully taken, or was being unlawfully used at that time.

Any inquiry you have in relation to this matter is to be made in writing and sent by post to:

[Insert details]

If you want this matter to be dealt with by prosecution in court, you may decline to be dealt with under the *Western Australian Marine Act 1982* section 132 by completing the **Election to have matter dealt with by a Court** section in Part 2 of this notice and posting Part 2 to the designated officer at the address below.

**Part 2 (detachable)**

Infringement notice no: \_\_\_\_\_



2. Withdrawal of infringement notice

Part 1

<u>Western Australian Marine Act 1982, s. 132(5)</u>		<u>Withdrawal no.:</u>	
<b><u>Withdrawal of infringement notice</u></b>		<u>Date:</u>	
<b><u>TO:</u></b>	<u>Surname/ company name and ACN</u>		
	<u>Other names</u>		
	<u>Address</u>		
<b><u>Infringement notice</u></b>	<u>Infringement notice no.</u>		
	<u>Date of service</u>		
<b><u>Vessel</u></b>	<u>Vessel name:</u>	<u>Reg. no.:</u>	<u>Reg. expiry date:</u>
	<u>Vessel type:</u>	<u>Length (metres):</u>	<u>No. persons onboard:</u>
	<u>Construction material:</u>		<u>Colour:</u>
	<u>Engine type:</u> <input type="checkbox"/> <u>Inboard</u> <input type="checkbox"/> <u>Outboard</u>	<u>Engine make:</u>	<u>Kw/Hp:</u>
<b><u>Alleged</u></b>	<u>Date</u>		<u>Time</u>

	<a href="#">Place</a>	
	<a href="#">Legislation</a>	
	<a href="#">Provision</a>	
	<a href="#">Details of offence</a>	
<b><a href="#">Authorised person withdrawing notice</a></b>	<a href="#">Name</a>	
	<a href="#">Authorised person no.</a>	
	<a href="#">Signature</a>	
<b><a href="#">Withdrawal of infringement notice</a></b> <i>[*Delete whichever is not applicable]</i>	<p><a href="#">The above infringement notice issued against you for the above alleged offence has been withdrawn.</a></p> <p><a href="#">If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</a></p> <p>* <a href="#">Your refund is enclosed.</a></p> <p><i>or</i></p> <p>* <a href="#">If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by completing Part 2 of this notice and sending it to the address below.</a></p>	

**Part 2 (detachable)**

<u>Withdrawal no:</u> _____	
<b><u>Claim for refund</u></b>	<p>I claim a refund for the modified penalty paid in accordance with the infringement notice that was withdrawn by this notice of withdrawal.</p> <p>_____</p> <p>(Name)</p> <p>_____ / /</p> <p>(Signature) (Date)</p> <p><b><u>Detach this Part and send to:</u></b>  <u>[Insert details of designated officer]</u></p>

**3. Notice requiring identification of person in charge of vessel**

**Part 1**

<u>Western Australian Marine Act 1982, s. 133(2)</u>		<u>Notice no:</u>	
<b><u>Notice requiring identification of person in charge of vessel</u></b>		<u>Date:</u>	
<b><u>TO:</u></b>	<u>Name</u>		
	<u>Address</u>		
<b><u>Vessel</u></b>	<u>Vessel name:</u>	<u>Reg. no.:</u>	<u>Reg. expiry date:</u>
	<u>Vessel type:</u>	<u>Length (metres):</u>	<u>No. persons onboard:</u>
	<u>Construction material:</u>		<u>Colour:</u>
	<u>Engine type:</u> <input type="checkbox"/> <u>Inboard</u> <input type="checkbox"/> <u>Outboard</u>	<u>Engine make:</u>	<u>Kw/Hp:</u>

<u>Alleged offence</u>	<u>Date</u>		<u>Time</u>	
	<u>Place</u>			
	<u>Legislation</u>			
	<u>Provision</u>			
	<u>Details of offence</u>			
<b><u>TAKE NOTICE</u></b>	<p><u>You are the registered owner of the vessel described above.</u></p> <p><u>It is alleged that the offence described above was committed while the vessel described above was in charge of a person whose identity is not known and cannot immediately be ascertained.</u></p> <p><u>You, as the registered owner, are required to identify the person who was in charge of the vessel at the time when the offence described above is alleged to have been committed.</u></p> <p><u>If, within 21 days after the date of service of this notice, you do not —</u></p> <ul style="list-style-type: none"> <li><u>• inform the Department, by completing Part 2 of this notice, of the identity and address of the person who was in charge of the vessel described above at the time the offence described above is alleged to have been committed; or</u></li> <li><u>• satisfy the Department that the vessel described above had been stolen or unlawfully taken, or was being unlawfully used, at the time when the offence described above is alleged to have been committed,</u></li> </ul> <p><u>you will, in the absence of proof to the contrary, be deemed to be the person who was in charge of the vessel at the time when the offence described above is believed to have been committed.</u></p>			

<b><u>Authorised person issuing notice</u></b>	<u>Name</u>	
	<u>Authorised person no.</u>	
	<u>Signature</u>	

**Part 2 (detachable)**

<u>Notice no.</u> _____	
<b><u>Identity of person in charge of vessel</u></b>	<u>I,</u> _____ <i>(Name)</i> <u>am the registered owner of the vessel described in this notice. At the time the offence described in this notice is alleged to have been committed, the following person was in charge of the vessel.</u>
	<u>Name</u> _____
	<u>Address</u> _____
	_____ <i>(Signature of registered owner)</i> _____ <i>(Date)</i> _____
	<b><u>Detach this section and send to:</u></b> <u>[Insert details]</u>
<u>Refer to infringement notice no.</u> _____	

**4. Certificate as to authorised person other than inspector**

<p><b><u>Certificate as to authorised person other than inspector</u></b></p> <p style="text-align: center;"><i>Western Australian Marine Act 1982, s. 134(1)</i></p> <p><b><u>TO WHOM IT MAY CONCERN</u></b></p>
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\_\_\_\_\_  
*(Name)*

not being an inspector, is an authorised person for the purposes of the  
Western Australian Marine Act 1982 sections 132 and 133.

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
*(Signature of authorised person)*

Appointment no. \_\_\_\_\_