

Compare between:

[23 Dec 2005, 01-b0-02] and [10 Feb 2006, 01-c0-02]

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 \(^1\).

2. Commencement

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

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.

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5. Offence of unauthorized endorsement or alteration of infringement notices

- (1) A person who, not being an authorized 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)
 - "authorized person", "designated officer" and "infringement notice" have the respective meanings given to them by section 132(11) of the Act.

First Schedule

First Schedule

Modified Penalties

Item	Navigable Description of offence Waters Regulation Regulations 1958	Waters Regulation Regulations 1958	
1 1A	6A Failing to comply with directions		
1B	14A(a) Navigating vessel so as to endanger safety of vessel or person	14A(a)	
2	14A(b) Navigating vessel so as to obstruct, impede or interfere with other vessel	14A(b)	
3	Permitting person to expose portion of body to risk of injury beyond hull limits of vessel	14B	
4	15(1) Motor boat towing more than one vessel through or under bridge	15(1)	
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	19(2)	
6	19A Vessel exceeding speed of 10 knots between sunset and sunrise — (a) by not more than 10 knots (b) by more than 10 knots	19A	
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	19B	r
8 8A	19C(1) Failing to exhibit on vessel required diving flag 19C(3) Failing to display required lights on vessel from which a person is diving		
8B	19D(1)(a) Failing to display a diving flag at the place where the person is diving	19D(1)(a)	
8C	19D(1)(b) Failing to display required lights when diving at night otherwise than from a vessel	19D(1)(b)	at
9	19E 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	19E	
10	42(a) Anchoring or mooring vessel in fairway or channel when not in distress	` ′	
11	42(c) Placing cable or rope or other obstruction across	42(c)	SS

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Item	Navigable Waters Regulation Regulations 1958	Description of offence	M P
		fairway or channel without written permission of Department	
12	43(a)	Obstructing channel or fairway with net or	
13	45B(1)(a)	buoyed objects Using or having on navigable waters	
14	45B(1)(b)	unregistered registrable vessel Failing to have current boat registration label	
15	45B(7)	properly affixed to vesselFailing to have registrable vessel legibly	
16	45B(8)	marked with registration number	
17	45BA(4)(c)	Use of vessel with incorrectly affixed dealer	
18	45D(1)(a)	Pailing to produce certificate of registration of vessel within specified time	
19	45D(1)(b)	Failing to notify Department of change of registered particulars, or of address of owner, of vessel within 15 days	
20	45E(1)(a)	Failing to furnish purchaser of vessel with registration certificate	
21	45E(1)(b)	Failing to notify Department of sale or disposal of registered vessel within 7 days	
22	45E(2)(a)	Failing to apply for transfer of registration within 15 days of acquisition of registered	
23	45E(3)	vessel Failing to notify Department of loss of registered vessel within 15 days	
<u>23A</u>	<u>47AA(3)</u>	Person between 10 and 16 driving an RST vessel unless under supervision (before 1 April 2007)	<u>200</u>
<u>23B</u>	<u>47AB(3)</u>	Person between 10 and 14 driving an RST vessel unless under supervision (between 1 April 2007 and 1 April 2008)	<u>200</u>
23C	<u>47AB(4)</u>	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)	<u>200</u>

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Item	Navigable Waters Regulation Regulations 1958	Description of offence	M F
<u>23D</u>	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)	<u>200</u>
<u>23E</u>	47A(3)	Person between 10 and 14 driving an RST vessel unless under supervision (on and after 1 April 2008)	<u>200</u>
<u>23F</u>	<u>47A(4)</u>	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)	<u>200</u>
<u>23G</u>	<u>47A(5)</u>	Person over 16 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (on and after 1 April 2008)	<u>200</u>
<u>23H</u>	47AA(4) 47AB(6) 47A(6)	Owner allowing RST vessel to be driven in contravention of regulation 47AA, 47AB or 47A	<u>200</u>
<u>23I</u>	<u>47H</u>	Failing to produce recreational skipper's ticket on request	<u>200</u>
<u>23J</u>	<u>47I</u>	Holder of recreational skipper's ticket failing	400
24	48(a)(i)	to notify change of details	<u>120</u>
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	
24B	48(b)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing in or	
24C	48(c)	through mooring area	
24D	48(d)(i)	15 metres of a vessel under weigh	
24E	48(d)(iii)	Driving a motor boat at a speed exceeding	

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Item	Navigable Description of offence
TCIII	Waters
	Regulation
	<u>Regulations</u> 1958
	8 knots or water ski-ing or para-sailing within
	45 metres of a person in the water
24F	48(d)(iv) Driving a motor boat at a speed exceeding
	8 knots or water ski-ing or para-sailing within
24G	45 metres of a jetty or wharf
240	8 knots or water ski-ing or para-sailing through
	an arch of a bridge
25	48A(2) Driving motor boat towing para-sailor or water
26	skier in area not set aside for purpose
20	observer in towing speed boat
27	49(2) Driver of or observer in speed boat towing
	para-sailor or water skier failing to maintain
[28 deleted]	constant lookout or watch
	Deleted Cells
	Deleted Cells
29	49C Deleted Cells
30	49D Driver of boat about to take off failing to yield
	right of way to speed boat landing water skier
31	49E Trailing ski rope within 30 metres of shore in water ski area
32	49G Failing to keep speed boat towing water skier at
	least 30 metres from shore when not engaged in
33	landing or taking off water skier
33	distance after landing water skier before
	retrieving tow line or thereafter driving speed
	boat at more than 8 knots or so as to interfere
34	with or obstruct other boat towing water skier 49I Driver of speed boat failing to maintain distance
	of 25 metres from shore when landing water
	skier
35	49J Sitting on gunwale or back of driving seat when
36	driving speed boat
37	49M(1)(a) Using navigable waters for purpose of slalom
	or (b) course or ski-jump —
	(a) without prior written permission of Department
	(b) without required marker buoys
	and pennants

First Schedule

Item	Navigable Description of offence	
	Waters Regulation	
	Regulations	
	<u>1958</u>	
38	50 Driving motor boat towing water skies	
	sundown and 8am on Swan River or b sundown and 9am on Canning River .	
38A	50A(2) Freestyle driving, surfing or wave jur	
200	prohibited area	
38B	50A(3) Freestyle driving, surfing or wave jum within —	nping
	30m of another personal watercraft; or	
	50m of any other vessel or person	
38C	50B Failing to wear an appropriate flotatio while on a personal watercraft	
39	51 Using motor boat not fitted with effici	
	silencer approved by Department	
40	Causing or permitting motor boat to e	
	or vapour causing danger, nuisance or annovance	
40A	51D Failing to fit a bilge pump	
41	Failing to equip vessel with approved extinguisher	fire
42	52A Failing to equip vessel with required r	number of
	approved life jackets whilst being nav outside protected waters	
43	52B Failing to equip vessel with required r	
	distress signals whilst being navigated protected waters	
43A	52BAA Failing to equip vessel with an approv	ed and
	licensed marine transceiver	
43B	52BAB Failing to equip vessel with an approv Electronic Position Indicating Radio F	
44	52BA(1)(a) Failing to maintain items of safety equivessel in serviceable condition	uipment of
45	52BA(1)(b) Failing to have safety equipment of ve readily accessible to all persons on bo	essel
46	52BA(3) Failing to produce items of safety equ	ipment to
47	officer of Department on demand 52C Vessel not carrying efficient anchor an	
4/	vessel not carrying efficient anchor al whilst outside protected waters	
48	52G Failing to display navigation lights on motor boat as required	small

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[*48A* 49

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Western Australian Marine Act Section deleted] 13(1)(a)

Uncertificated person acting in a position of command on a commercial vessel

300

	Western Australian Marine Act Section	Description of offence	Modified Penalty \$
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	200
5 2	26(2)	or inexperienced crew	300
53	26(3)	Being underway or plying without, or contrary	300
54	27	to, certificate of survey Beginning a voyage without exhibiting	300
34	21	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	300
50	10(u)	saving appliances	300
57	40(b)	Allowing loss of, or damage to, life saving	200
-	(-)	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	
	10()	operator on board	200
66	48(a)	Beginning a voyage without required equipment	150
<i>(</i> 7	40/L)	Falling to be a second assistance to an all	150
67	48(b)	Failing to keep required equipment in good	100
		repair	100

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	Western Australian Marine Act Section	ustralian Description of offence Modif Iarine Act Penal	
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
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 authorized person in relation to	
	\- / \- /	an area closed to navigation	200
75	66(3)(b)	Navigating a vessel in an area closed to	
	00(5)(6)	navigation	200
76	67(3)	Exceeding speed limit by —	200
-	(-)	(a) more than 3, but less than 5,	
		knots	100
		(b) 5 or more, but less than 10, knots	160
		(c) 10 knots or more	200
77	69	Failing to batten down and secure hatches	100
78	70(1)	Going on board a vessel in port at night without	100
70	70(1)	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
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
90	91(1)	Carrying dangerous goods without proper	

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97(1)	markings	200 200 100
132(8)		
W.A. Marine		
(Hire and	Description of offence	Modified Penalty \$
3.4.1	Failing to fix registration plates to hire and	50
3.4.2	Failing to maintain markings on hire and	50
3.12.1	Failing to notify the CEO of repairs or	50
3.13.2	Failing to report an accident involving hire	
4.2.2	Overloading a hire and drive vessel	50 100
Mooring Regulations 1998		
6(1)	Securing vessel to mooring when mooring site is not licensed, vessel is not authorized	400
6(2)(a)	or vessel is not identifiable	100
6(2)(b)	secured to the mooring Securing vessel to another vessel secured	100 100
	Drive Vessels) Regulations 1983 (provision of Uniform Code) 3.4.1 3.4.2 3.12.1 3.13.2 4.2.2 Mooring Regulations 1998 6(1) 6(2)(a)	Drive Vessels) Regulations 1983 (provision of Uniform Code) 3.4.1 Failing to fix registration plates to hire and drive vessel 3.4.2 Failing to maintain markings on hire and drive vessel 3.12.1 Failing to notify the CEO of repairs or alterations to hire and drive vessel 3.13.2 Failing to report an accident involving hire and drive vessel 4.2.2 Overloading a hire and drive vessel Mooring Regulations 1998 6(1) Securing vessel to mooring when mooring site is not licensed, vessel is not authorized or vessel is not identifiable

[Schedule 1 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.]

Second Schedule

[Regulation 4]

FORMS FORM 1

This space for cash register imprint Western Australia Department of Marine and Harbours **BOATING INFRINGEMENT NOTICE**

Western Australian Marine Act 1982, Section 132

		Issue I	Oate//
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 N	o E	xpiry Date/
Type	Constr	uction	. Colour
Length	Kw/HpEngi	ine: 🗆 Inboard 🗆 Ou	tboard
		ber of persons on board	
It is alleged	that athours on	day of	19
_	of		
in connection	on with the abovemention ereunder.	ed vessel you committe	d the offence
	f inspector or other autho		No
			MODIFIED
			PENALTY
CODE		\$	
CODE		\$	
CODE		\$	
		TOTAL \$	
	••••••	101AL \$	

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Second Schedule

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 authorized person of the identity and address of the person who was in charge of the vessel; or
 - satisfies an authorized 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 Department² G.P.O. Box F317 PERTH WA 6001

(ii) By hand to —

Clerk of Courts —

Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon, Collie, Derby, Esperance, Fremantle, Geraldton, Harvey, Kalgoorlie, Karratha, Katanning, Kununurra, Mandurah, Manjimup, Merredin, Moora, Midland, Narrogin, Northam,

Second Schedule

Pinjarra, Port Hedland, Roebourne, Rockingham and Perth — Court of Petty Sessions, 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 Harbours³ 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 Department² Box F317 G.P.O. PERTH WA 6001

Please debit my credit card account —

Bankcard Mastercard Card Number: Cardholder Name:

Signature: Expiry Date:/....

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Visacard

Form 2

WESTERN AUSTRALIA

WITHDRAWAL OF BOATING INFRINGEMENT NOTICE

Western Australian Marine Act 1982 (Section 132(5))

			Date / /
M			
Surname (Bloc	k Letters)	Other	names in full
Address			
Number and	l street	Town or suburb	Postcode
for the alleged offence specifying modified pe is hereby withdrawn.	(s) of	Date / /	
(b) *It is pro	posed to institut eged offences).	e court proceedings for th	at alleged offence
	TI		
		Au	thorized person arine and Harbours ³
(Complete	and detach this	portion if penalty has bee	en paid).
Accountant Crown Law Departmen Westpac Centre 109 St Georges Terrac PERTH WA 6000		No.	
I hereby apply for a ref modified penalty(ies) p No.	oaid in respect o which was with	unt of \$, being f boating infringement no drawn by notice dated	tice
Receipt No	Dated/.	/ is attached.	
			Signature
Address for		(Pr	int full name)
refund Number and		Town or suburb	Postcode
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Form 3

WESTERN AUSTRALIA

Department of Marine and Harbours ³

NOTICE TO IDENTIFY PERSON IN CHARGE OF VESSEL

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

M Surname (Block Letters) Address
Number and street Town or suburb Postcode Particulars of vessel:
Particulars of vessel:
·
Registration No.
TypeConstructionColour
Length Kw/Hp engine: □ Inboard □ Outboard
Number of persons on board
It is alleged that at hours on day of
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 —
 you inform an authorized person of the identity and address of the person who was in charge of the above-mentioned vessel; or
(b) satisfy an authorized 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
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Form 4

WESTERN AUSTRALIA

Department of Marine and Harbours 3

CERTIFICATE OF AUTHORIZED PERSON OTHER THAN INSPECTOR

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

DEPARTMENT OF MARINE AND HARBOURS ³			
FREMANTLE			
TO WHOM IT MAY CONCERN			
THE BEARER			
not being an inspector, is an authorized person within the meaning of			
section 132 of the Western Australian Marine Act 1982.			
Chief Executive Officer			
Since Encount of Since			
(Bearer's signature)			
Appointment No.			

[Schedule 2 amended in Gazette 24 Apr 1986 p. 1480; 20 Jun 1986 p. 2057; 26 Jul 1991 p. 3934-6; 11 Aug 1992 p. 3978.]

Notes

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.

Compilation table

Citation	Gazettal	Commencement
Western Australian Marine (Infringements) Regulations 1985	4 Oct 1985 p. 3866-70	4 Jan 1985 (see r.2)
Western Australian Marine (Infringements) Regulations 1986	24 Apr 1986 p. 1480-81	24 Apr 1986
Western Australian Marine (Infringements) Regulations (No. 2) 1986	20 Jun 1986 p.2057	20 June 1986
Western Australian Marine (Infringements) Amendment Regulations 1991	26 Jul 1991 p. 3934-36	26 Jul 1991
Western Australian Marine (Infringements) Amendment Regulations 1992	9 Jun 1992 p. 2380-82	1 Jul 1992 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1992	30 Jun 1992 p. 2910	1 Jul 1992 (see r. 2)
W.A. Marine Amendment Regulations 1992	11 Aug 1992 p. 3978	11 Aug 1992
Western Australian Marine (Infringements) Amendment Regulations 1991	7 May 1993 p. 2361-62	7 May 1993
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1993	31 Dec 1993 p. 6911-12	1 Mar 1994 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations 1996	14 Jun 1996 p. 2607	14 Jun 1996
Western Australian Marine (Infringements) Amendment Regulations 1997	30 May 1997 p. 2497-99	30 May 1997

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Citation	Gazettal	Commencement
Western Australian Marine (Infringements) Amendment Regulations 1998	27 Oct 1998 p. 5964-65	27 Oct 1998
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998	11 Dec 1998 p. 6651-52	11 Dec 1998 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations 2003	17 Jun 2003 p. 2220-1	1 Jul 2003 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005	23 Dec 2005 p. 6278-9	23 Dec 2005
Western Australian Marine (Infringements) Amendment Regulations 2005	10 Feb 2006 p. 665-6	10 Feb 2006 (see r. 2 and <i>Gazette</i> 10 Feb 2006 p. 667)

Under section 69 of the Acts Amendment (Ministry of Justice) Act 1993 (No. 31 of 1993) a reference, however expressed, in any law or document, to the former Crown Law Department is to be read as a reference to the Ministry of Justice.

Now Department of Transport. See *Acts Amendment (Department of Transport) Act 1993* (No. 47 of 1993).