

Western Australia

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

Reprinted as at 27 August 1999

Western Australia

Western Australian Marine (Infringements) Regulations 1985

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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.

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

Modified Penalties

Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
1	6A	Failing to comply with directions.....	100
1A	14	Vessel travelling so as to cause nuisance or damage.....	80
1B	14A(a)	Navigating vessel so as to endanger safety of vessel or person.....	100
2	14A(b)	Navigating vessel so as to obstruct, impede or interfere with other vessel.....	80
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..... (b) by more than 10 knots.....	80 100
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	100
8	19C(1)	Failing to exhibit on vessel required diving flag	100
8A	19C(3)	Failing to display required lights on vessel engaged in diving operations.....	100
8B	19D	Failing to display a diving flag from personal buoy.....	100
9	19E	Failing to maintain distance of 50 metres between vessel and buoy or other vessel displaying diving flag or failing to reduce speed of vessel to slowest navigable speed whilst passing within 50 metres of buoy or other vessel.....	100
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.....	60

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Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
13	45B(1)(a)	Using or having on navigable waters unregistered registrable vessel.....	80
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.....	60
20	45E(1)(a)	Failing to furnish purchaser of vessel with registration certificate.....	60
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	60
23	45E(3)	Failing to notify Department of loss of registered vessel within 15 days.....	60
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.....	80
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....	80
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.....	80
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.....	80
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.....	80
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.....	100

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Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
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.....	80
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	80
25	48A(2)	Driving motor boat towing para-sailor or water skier in area not set aside for purpose.....	100
26	49(1)	Towing para-sailor or water skier without observer in towing speed boat.....	80
27	49(2)	Driver of or observer in speed boat towing para-sailor or water skier failing to maintain constant lookout or watch	60
28	49A(1)(b)	Owner or person in control of speed boat allowing person under 17 to drive or operate speed boat.....	100
29	49C	Failing to drive speed boat at least 45 metres behind water skier or other boat.....	60
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	60
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.....	100

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Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
38A	50A(2)	Freestyle driving, surfing or wave jumping in a prohibited area.....	100
38B	50A(3)	Freestyle driving, surfing or wave jumping within — 30m of another personal watercraft; or 50m of any other vessel or person.....	100
38C	50B	Failing to wear an appropriate flotation device while on a personal watercraft.....	100
39	51	Using motor boat not fitted with efficient silencer approved by Department.....	80
40	51A	Causing or permitting motor boat to emit smoke or vapour causing danger, nuisance or annoyance.....	80
40A	51D	Failing to fit a bilge pump.....	80
41	52	Failing to equip vessel with approved fire extinguisher.....	80
42	52A	Failing to equip vessel with required number of approved life jackets whilst being navigated outside protected waters.....	100
43	52B	Failing to equip vessel with required number of distress signals whilst being navigated outside protected waters.....	80
43A	52BAA	Failing to equip vessel with an approved and licensed marine transceiver.....	100
43B	52BAB	Failing to equip vessel with an approved Electronic Position Indicating Radio Beacon.....	100
44	52BA(1)(a)	Failing to maintain items of safety equipment of vessel in serviceable condition.....	80
45	52BA(1)(b)	Failing to have safety equipment of vessel readily accessible to all persons on board.....	80
46	52BA(3)	Failing to produce items of safety equipment to officer of Department on demand.....	80
47	52C	Vessel not carrying efficient anchor and line whilst outside protected waters.....	80
48	52G	Failing to display navigation lights on small motor boat as required.....	100
	Western Australian Marine Act Section		
[48A	<i>deleted</i>]		
49	13(1)(a)	Uncertificated person acting in a position of command on a commercial vessel.....	200

	Western Australian Marine Act Section	Description of offence	Modified Penalty \$
50	13(1)(b)	Employing an uncertificated person in a position of command.....	200
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.....	200
53	26(3)	Being underway or plying without, or contrary to, certificate of survey.....	200
54	27	Beginning a voyage without exhibiting evidence of compliance with survey requirements.....	200
55	28	Carrying too many people on board ship.....	200
56	40(a)	Beginning a voyage without appropriate life saving appliances.....	200
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.....	200
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.....	200
65	44(b)	Beginning a voyage without a qualified radio operator on board.....	200
66	48(a)	Beginning a voyage without required equipment.....	100
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.....	100
71	64(2)	Failing to render assistance or give details after a collision.....	100

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	Western Australian Marine Act Section	Description of offence	Modified Penalty \$
72	64(4)	Failing to make immediate report of a casualty or injury on, or damage to, a commercial vessel	100
73	64(5)	Failing to confirm report of a casualty or injury on, or damage to, a commercial vessel.....	100
74	66(3)(a)	Obstructing an authorized person in relation to an area closed to navigation.....	100
75	66(3)(b)	Navigating a vessel in an area closed to navigation	100
76	67(3)	Exceeding speed limit by —	
		(a) more than 3, but less than 5, knots.....	50
		(b) 5 or more, but less than 10, knots	80
		(c) 10 knots or more.....	100
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
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 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

W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)		Description of offence	Modified Penalty \$
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
Mooring Regulations 1998			
98	6(1)	Securing vessel to mooring when mooring site is not licensed, vessel is not authorized 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

[Schedule 1 inserted in Gazette 9 June 1992, pp.2381-2; amended in Gazette 30 June 1992, p.2910; 7 May 1993, pp.2361-2; 31 December 1993 pp.6911-2; 14 June 1996 p.2607; 30 May 1997 pp.2497-9; 27 October 1998 p.5965; 11 December 1998 p.6652.]

Second Schedule

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 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 athours onday of19.....

in the area of.....

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

..... No.....
Signature of inspector or other authorized person

MODIFIED PENALTY

CODE	<input type="text"/>	<input type="text"/>	<input type="text"/> \$	<input type="text"/>
CODE	<input type="text"/>	<input type="text"/>	<input type="text"/> \$	<input type="text"/>
CODE	<input type="text"/>	<input type="text"/>	<input type="text"/> \$	<input type="text"/>
				TOTAL \$	<input type="text"/>

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
 - (ii) 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 Department ²
 - 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,

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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 Visacard

Card Number: Amount

Cardholder Name:.....

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

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.

.....
Authorized person
Department of Marine and Harbours 3

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

Accountant
Crown Law Department 2
Westpac Centre No.
109 St Georges Terrace
PERTH WA 6000

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 (Print full name)
Number and street Town or suburb Postcode

Second Schedule

Form 3
WESTERN AUSTRALIA
Department of Marine and Harbours³
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 19.....
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 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.....
Inspector or other authorized person
Department of Marine and Harbours³.

Form 4
WESTERN AUSTRALIA
Department of Marine and Harbours³
**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 <i>Western Australian Marine Act 1982</i> Chief Executive Officer (Bearer's signature) Appointment No.
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*[Schedule 2 amended in Gazette 24 April 1986 p.1480; 20 June 1986
p.2057; 26 July 1991 pp.3934-6; 11 August 1992 p.3978.]*



Notes

- ^{1.} This reprint is a compilation as at 27 August 1999 of the *Western Australian Marine (Infringements) Regulations 1985* and includes the amendments referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Western Australian Marine (Infringements) Regulations 1985</i>	4 October 1985 pp.3866-70	4 January 1985 (see regulation 2)	
<i>Western Australian Marine (Infringements) Regulations 1986</i>	24 April 1986 pp.1480-81	24 April 1986	
<i>Western Australian Marine (Infringements) Regulations (No. 2) 1986</i>	20 June 1986 p.2057	20 June 1986	
<i>Western Australian Marine (Infringements) Amendment Regulations 1991</i>	26 July 1991 pp.3934-36	26 July 1991	
<i>Western Australian Marine (Infringements) Amendment Regulations 1992</i>	9 June 1992 pp.2380-82	1 July 1992 (see regulation 2)	
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1992</i>	30 June 1992 p.2910	1 July 1992 (see regulation 2)	
<i>W.A. Marine Amendment Regulations 1992</i>	11 August 1992 p.3978	11 August 1992	
<i>Western Australian Marine (Infringements) Amendment Regulations 1991</i>	7 May 1993 pp.2361-62	7 May 1993	
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1993</i>	31 December 1993 pp.6911-12	1 March 1994 (see regulation 2)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Western Australian Marine (Infringements) Amendment Regulations 1996</i>	14 June 1996 p.2607	14 June 1996	
<i>Western Australian Marine (Infringements) Amendment Regulations 1997</i>	30 May 1997 pp.2497-99	30 May 1997	
<i>Western Australian Marine (Infringements) Amendment Regulations 1998</i>	27 October 1998 pp.5964-65	27 October 1998	
<i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998</i>	11 December 1998 pp.6651-52	11 December 1998 (see regulation 2)	

² 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.

³ Now Department of Transport. See *Acts Amendment (Department of Transport) Act 1993* (No. 47 of 1993).