### 4755

# MARINE/MARITIME

MA301\*

Western Australian Marine Act 1982

# Western Australian Marine (Infringements) Amendment Regulations 2012

Made by the Governor in Executive Council.

## 1. Citation

These regulations are the Western Australian Marine (Infringements) Amendment Regulations 2012.

### 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations on 1 November 2012.

## **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.

# 9 October 2012

# 5. Schedule 2 replaced

Delete Schedule 2 and insert:

# Schedule 2 — Forms

[r. 4]

# 1. Infringement notice

			Part 1				
Western Australian Marine Act 1982, s. 132(1)				1) I	Infringement notice no.:		
Infringement notice				Ι	Date of service:		
TO:		Surname/ Company name and ACN					
		Other names					
		Address					
		Date of birth		Ν	Male/Fe	emale	
0.11			notice is addres f the vessel des				
or TO:		The owner of the vessel described below (whose identity not known and cannot immediately be ascertained).					
Vessel		Vessel name:	Reg. no.:	Reg. no.:		Reg. expiry date:	
		Vessel type:	Length (metres):	-		persons onboard:	
		Construction ma	aterial:		Colo	ur:	
		Engine type: □ Inboard □ Outboard	Engine ma	ake:	Kw/I	Hp:	
Allege	ed	Date		Tim	e		
offenc		Place			-		
		Legislation					
		Provision					
		Details of					
Authorised person issuing notice		Name					
		Authorised person no.					
		Signature					

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Modified penalty	\$			
TAKE	It is alleged that you have committed the above offence.			
NOTICE	If you do not want to be prosecuted in court for the offence, pay the modified penalty in accordance with Part 2 of this 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 <i>Fines, Penalties and Infringement Notices</i> <i>Enforcement Act 1994.</i> 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 <i>Western Australian Marine Act 1982</i> 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 <i>Western</i> <i>Australian Marine Act 1982</i> section 132 by completing the <b>Election to have matter dealt with by a Court</b> 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:				
Election to have matter dealt with	I decline to be dealt with under the <i>Western Australian</i> <i>Marine Act 1982</i> section 132 and elect to be prosecuted in Court for the alleged offence.				
by a Court	(Name)	/ /			
	(Signature)	(Date)			
	<b>Detach this Part and send to:</b> [Insert details of designated officer]				

How to pay	By post	<ul> <li>Tick the relevant box below:</li> <li>I want to pay the modified penalty. A cheque or money order (payable to [insert name of designated officer]) for the modified penalty is enclosed.</li> </ul>		
		I want to pay the modified penalty by credit card. Please debit my credit card account.		
		Card type		
		Cardholder name		
		Card number		
		Expiry date of card/		
		Amount \$		
		Signature		
		Detach this Part and send to:		
		[Insert details of designated officer]		
	In person	Pay the cashier at:		
		[Insert details of designated officer]		

## 2. Withdrawal of infringement notice

## Part 1

Western Austra	lian Marine Act 19	982, s. 132(5)	Withdrawal no.:		
Withdrawa	l of infringem	ent notice	Date:		
то:	Surname/ company name and ACN				
	Other names				
Address					
Infringement Infringement notice no.					
	Date of service				
Vessel	Vessel name:	Reg. no.:	Reg. expiry date:		
	Vessel type:	Length (metres)	No. persons onboard:		
	Construction ma	aterial:	Colour:		
	Engine type:	Engine make:	Kw/Hp:		
	□ Inboard				
	□ Outboard				

Alleged	Date		Time		
offence	Place				
	Legislation				
	Provision				
	Details of offence				
Authorised	Name				
person withdrawing notice	Authorised person no.				
houce	Signature				
Withdrawal of	The above infringement notice issued against you for the above alleged offence has been withdrawn.				
infringement notice	If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.				
[*Delete whichever is not applicable]	* Your refund is enclosed.				
	* If you hav is not enc	ve paid the moo losed, you may ng Part 2 of this ss below.	y claim your	refund by	

## Part 2 (detachable)

	Withdrawal no:	
Claim for refund	I claim a refund for the modified pena accordance with the infringement not withdrawn by this notice of withdraw	ice that was
	(Name)	
	(Signature)	(Date)
	<b>Detach this Part and send to:</b> [Insert details of designated officer]	

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

Part 1

Western Austral	Notice no:		
Notice requi			
charge of vessel			Date:
то:	Name		
Address			

		2		r		
Vessel	Vessel name:	Reg. no.:		Reg. expiry date:		
	Vessel type:	Length (metres):		No. persons onboard:		
	Construction mat	erial:		Colour:		
	Engine type: □ Inboard	Engine ma	ake:	Kw/Hp:		
	$\Box$ Outboard					
Alleged	Date		Time			
offence	Place		Time			
	Legislation					
	Provision					
	Details of					
	offence					
TAKE NOTICE	You are the regist above.	tered owner	of the ve	ssel	described	
	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.					
	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.					
	If, within 21 days after the date of service of this notice, you do not —					
	this notice, of who was in the time the	• 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				
	• 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,					
	deemed to be the	he absence of proof to the contrary, be the person who was in charge of the vessel hen the offence described above is believed committed.				
Authorised	Name					
person issuing notice	Authorised person no.					
	Signature					

#### Part 2 (detachable)

		Notice no.	
Identity of person in charge of vessel	notice. At the tir	d owner of the vessel desc ne the offence described in peen committed, the follow of the vessel.	n this notice is
	Name     Address		
	[Insert details]	ered owner) tion and send to: o infringement notice no.	// (Date)

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

Certificate as to authorised person other than inspector

Western Australian Marine Act 1982, s. 134(1)

TO WHOM IT MAY CONCERN

(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. \_

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.