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**ROTTNEST ISLAND AUTHORITY**

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RX301\*

Rottnest Island Authority Act 1987

**Rottnest Island Amendment  
Regulations (No. 2) 2009**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Rottnest Island Amendment Regulations (No. 2) 2009*.

**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 the day after that day.

**3. Regulations amended**

These regulations amend the *Rottnest Island Regulations 1988*.

**4. Regulation 19 amended**

- (1) In regulation 19 delete the definitions of:

*authorised user*

*authorised user's vessel*

- (2) In regulation 19 insert in alphabetical order:

*authorised user*, in relation to a mooring site, means a person who is recorded in the register under regulation 31B(5) or 31C(4) as an authorised user of the mooring site;

*authorised vessel*, in relation to a mooring site, means a vessel recorded in the register under regulation 31B(5) or 31C(4) as the authorised vessel for an authorised user of the mooring site;

**5. Regulation 31 replaced**

Delete regulation 31 and insert:

**31A. Authorised user may use mooring site**

- (1) A person other than a mooring site licensee may occupy a mooring site at a particular time if the person —
- (a) is an authorised user of that mooring site; and
  - (b) has obtained the consent of the mooring site licensee to occupy the site at that time.
- (2) A vessel is authorised to be secured to a mooring on a mooring site if it is an authorised vessel for that mooring site.

**31B. Authorisation of users by mooring site licensee**

- (1) A mooring site licensee may, in the approved form, authorise a person to be an authorised user of the licensee's mooring site.
- (2) The authorisation must specify a vessel that is to be the authorised user's authorised vessel for the mooring site (the *nominated vessel*), which vessel must comply with subregulation (4).

- (3) The authorised person must give the completed authorisation form, signed by the licensee and authorised user, to the Authority together with —
- (a) payment of —
    - (i) the annual admission payment; and
    - (ii) the annual authorised user payment set out in Schedule 7,in respect of the nominated vessel for the year in which the authorisation is to take effect; and
  - (b) if the nominated vessel has a length that is more than that of the longest vessel specified in the last mooring inspection report for the mooring — a mooring inspection report certifying that the mooring is suitable for the use of a vessel up to and including the specifications of the nominated vessel.
- (4) A vessel complies with this subregulation if —
- (a) the authorised person —
    - (i) is named on the certificate of registration of the vessel as the owner of that vessel; or
    - (ii) produces other evidence of ownership of the vessel satisfactory to the Authority;and
  - (b) the vessel has adequate insurance cover.
- (5) On receipt of an authorisation form from a person in accordance with this regulation the Authority may record in the register —
- (a) the person as an authorised user of the mooring site; and
  - (b) the nominated vessel as the person's authorised vessel for the mooring site,

and if it does so must issue to the person an adhesive sticker identifying the vessel as the person's authorised vessel for that site.

### **31C. Authorisation of users by Authority**

- (1) The Authority may, by written notice, authorise a person to be an authorised user of a mooring site.
- (2) The Authority must give a copy of the notice to the mooring site licensee.
- (3) The Authority must not authorise a person under subregulation (1) unless the person —
  - (a) has nominated a vessel that is to be the person's authorised vessel for the mooring site (the

- nominated vessel*), which vessel must comply with regulation 31B(4); and
- (b) has given to the Authority the payments and any documents required by regulation 31B(3) to be given with an authorisation form under that regulation.
- (4) When it authorises a person under subregulation (1) the Authority must —
- (a) record in the register —
    - (i) the person as an authorised user of the mooring site; and
    - (ii) the nominated vessel as the person's authorised vessel for the mooring site;
  - and
  - (b) issue to the person an adhesive sticker identifying the vessel as the person's authorised vessel for that site.

**31D. Change of authorised vessel**

- (1) The Authority may, at the request of an authorised user of a mooring site, amend the register to change the person's authorised vessel for that site to another vessel that complies with regulation 31B(4).
- (2) The Authority must issue to the person an adhesive sticker identifying the replacement vessel as the person's authorised vessel for that site.

**31E. Annual payments for authorised users**

- (1) An authorised user must pay to the Authority in respect of the person's authorised vessel —
  - (a) the annual admission payment; and
  - (b) the annual authorised user payment set out in Schedule 7.
- (2) The fees payable under subregulation (1) —
  - (a) are payable for each year commencing on 1 September; and
  - (b) must be paid before the commencement of that year.

**31F. Cessation of authorisation**

- (1) An authorisation given by a mooring site licensee under regulation 31B —
  - (a) may be revoked by the licensee by written notice given to the Authority;

- (b) may be cancelled by the Authority if the authorised user —
    - (i) fails to make a payment required by regulation 31E; or
    - (ii) fails to comply with a direction under regulation 34(4);
  - (c) expires if the mooring site licence for the site ceases to have effect.
- (2) An authorisation given by the Authority under regulation 31C —
- (a) may be revoked by the Authority by written notice to the authorised user;
  - (b) expires if the licensee's mooring site licence ceases to have effect.
- (3) If an authorised user's authorisation is revoked, cancelled or expires the Authority —
- (a) must give written notice of that fact to the authorised user and mooring site licensee; and
  - (b) delete the authorised user from the register.
- (4) If an authorised person is deleted from the register, the Authority is not required to refund any annual admission payment or authorised user payment made by the person.

## 6. Various regulations amended

Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
r. 19 def. of <i>mooring inspection report</i> par. (b)(ii), 29(2)	user's	
r. 25(2)(e)	users, and their vessels, as given to the Authority under regulation 31.	users and authorised vessels for the site.
r. 34(4)	authorised user's vessel complies with regulation 31(3).	person's authorised vessel complies with regulation 31B(4).
r. 35	receiving an authorisation under regulation 31,	registering an authorised user,

Provision	Delete	Insert
r. 35B(b)	authorised user's nominated vessel.	person's authorised vessel.
Sch. 7 it. 7	(r. 31(4)(ab))	(r. 31B(3)(a)(ii) and 31E(1)(b))

**7. Regulation 38B replaced**

Delete regulation 38B and insert:

**38BA. Certain vessels may be restricted to specified areas**

- (1) The Authority may, by notice published in the *Gazette*, define and set aside any area of the waters of the Island as an area in which vessels of a specified class may be used.
- (2) The Authority may, in the notice, impose conditions on the use of vessels of that class in that area.
- (3) If a notice has been made under this regulation in respect of a class of vessels, a person must not use a vessel of that class in the waters of the Island unless the person does so —
  - (a) in the area set aside by the notice; and
  - (b) in accordance with any conditions specified in the notice.

Penalty: \$1 000.

**38B. Areas may be set aside for specified vessels**

- (1) The Authority may, by notice published in the *Gazette*, define and set aside any area of the waters of the Island as an area in which vessels other than those of a specified class cannot be used.
- (2) The Authority may, in the notice, impose conditions on the use of vessels of the specified class in that area.
- (3) If a notice has been made under this regulation in respect of an area, a person must not use a vessel in that area unless —
  - (a) the vessel is of the class specified in the notice; and
  - (b) the person does so in accordance with any conditions specified in the notice.

Penalty: \$1 000.

**8. Schedule 4 amended**

Delete Schedule 4 item 22 and insert:

22.	38BA(3)	Using vessel of specified class outside specified area or in breach of conditions	100
23A.	38B(3)	Using vessel in specified area if vessel not of specified class or in breach of conditions	100

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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