
TRANSPORT

TN301

Jetties Act 1926
Shipping and Pilotage Act 1967
Western Australian Marine Act 1982

Transport Regulations Amendment (Lifejackets) Regulations 2017

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Transport Regulations Amendment (Lifejackets) Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

Part 2 — *Navigable Waters Regulations 1958* amended**3. Regulations amended**

This Part amends the *Navigable Waters Regulations 1958*.

4. Regulation 3B inserted

At the end of Part I insert:

3B. International Organization for Standardization

The International Organization for Standardization is specified as a like body for the purposes of the *Western Australian Marine Act 1982* section 115(1)(a).

5. Regulation 46 amended

- (1) In regulation 46(2) delete the definitions of:

Level 50

Level 50S (Special)

Level 100

Level 150

Level 275

SOLAS jacket

- (2) In regulation 46(2) insert in alphabetical order:

AS, followed by a designation, means the Australian Standard having that designation published by Standards Australia;

AS/NZS, followed by a designation, means the Australian/New Zealand Standard having that designation jointly published by Standards Australia and the Standards Council of New Zealand;

ISO, followed by a designation, means the standard having that designation published by the International Organization for Standardization;

Level 50 lifejacket means —

- (a) a lifejacket classified as Level 50 by AS 4758;
or

- (b) a buoyancy aid classified as performance level 50 by ISO 12402;

Level 50S lifejacket means —

- (a) a lifejacket classified as Level 50S by AS 4758;
or

- (b) a special purpose buoyancy aid classified as performance level 50 by ISO 12402;

Level 100 lifejacket means —

- (a) a lifejacket classified as Level 100 by AS 4758;
or
- (b) a lifejacket classified as performance level 100
by ISO 12402;

Level 150 lifejacket means —

- (a) a lifejacket classified as Level 150 by AS 4758;
or
- (b) a lifejacket classified as performance level 150
by ISO 12402;

Level 275 lifejacket means —

- (a) a lifejacket classified as Level 275 by AS 4758;
or
- (b) a lifejacket classified as performance level 275
by ISO 12402;

SOLAS lifejacket means a lifejacket that meets the standards of the current International Convention for the Safety of Life at Sea;

6. Regulation 46A deleted

Delete regulation 46A.

7. Regulation 48 amended

In regulation 48:

- (a) delete paragraph (a)(ii) and insert:
 - (ii) within 50 m of a river bank or water's
edge;
- (b) in paragraph (d) delete “45 m” and insert:

50 m

Note: The heading to amended regulation 48 is to read:

Limitation of speed, water ski-ing and para-sailing

8. Regulation 49C amended

In regulation 49C delete “45 m” and insert:

50 m

9. Regulation 49F amended

In regulation 49F delete “90 m” and insert:

100 m

10. Regulation 49M amended

Delete regulation 49M(c) and insert:

- (c) slalom ski-ing unless that person is wearing any of the following appropriate in terms of the buoyancy and size to the body mass of that person —
 - (i) a Level 50 lifejacket;
 - (ii) a Level 50S lifejacket;
 - (iii) a Level 100 lifejacket;
 - (iv) a Level 150 lifejacket;
 - (v) a Level 275 lifejacket;
 - (vi) a SOLAS lifejacket;
 - (vii) a PFD Type 1;
 - (viii) a PFD Type 2;
 - (ix) a PFD Type 3;and

11. Regulation 50B replaced

Delete regulation 50B and insert:

50B. Lifejacket to be worn by driver and passenger of personal watercraft

- (1) In this regulation —

appropriate lifejacket, for a person, means —

- (a) if a personal watercraft is being used outside of protected waters and more than 400 m from any shore, any of the following appropriate in terms of buoyancy and size of the body mass of the person —
 - (i) a Level 100 lifejacket;
 - (ii) a Level 150 lifejacket;
 - (iii) a Level 275 lifejacket;
 - (iv) a SOLAS lifejacket;
 - (v) a PFD Type 1;or
- (b) in any other case, any of the following appropriate in terms of buoyancy and size of the body mass of the person —
 - (i) a Level 50 lifejacket;
 - (ii) a Level 50S lifejacket;
 - (iii) a Level 100 lifejacket;

- (iv) a Level 150 lifejacket;
 - (v) a Level 275 lifejacket;
 - (vi) a SOLAS lifejacket;
 - (vii) a PFD Type 1;
 - (viii) a PFD Type 2;
 - (ix) a PFD Type 3.
- (2) A person must not, in any navigable waters, drive a personal watercraft unless the person and any passenger on the personal watercraft who has reached 12 months of age is wearing an appropriate lifejacket for that person.
- (3) A person who has reached 12 months of age must not, in any navigable waters, travel on a personal watercraft as a passenger unless the person is wearing an appropriate lifejacket for that person.

12. Regulation 52A amended

- (1) Delete regulation 52A(1) and insert:

- (1) The owner of a vessel must ensure that the vessel, while being navigated outside protected waters, is equipped with at least 1 of the following for each person on board who has reached 12 months of age, appropriate in terms of the buoyancy and size of the body mass of every such person —
- (a) a Level 100 lifejacket;
 - (b) a Level 150 lifejacket;
 - (c) a Level 275 lifejacket;
 - (d) a SOLAS lifejacket;
 - (e) a PFD Type 1.

- (2) Delete regulation 52A(2)(a) and insert:

- (a) a personal watercraft; or

- (3) After regulation 52A(3) insert:

- (4) This regulation does not affect a person's obligation to comply with regulation 50B with respect to a personal watercraft.

Note: The heading to amended regulation 52A is to read:

Vessels to be equipped with lifejackets

13. Regulation 52B amended

- (1) Delete regulation 52B(2).
- (2) In regulation 52B(2AA) delete “other”.

14. Regulation 52BAB amended

In regulation 52BAB(1A) delete the definition of *AS/NZS*.

15. Regulation 52BAC amended

- (1) Delete regulation 52BAC(2) and insert:
 - (a) a person who is sailboard riding outside protected waters and more than 400 m from any shore must wear any of the following appropriate in terms of the buoyancy and size of the body mass of the person —
 - (a) a Level 50 lifejacket;
 - (b) a Level 50S lifejacket;
 - (c) a Level 100 lifejacket;
 - (d) a Level 150 lifejacket;
 - (e) a Level 275 lifejacket;
 - (f) a SOLAS lifejacket;
 - (g) a PFD Type 1;
 - (h) a PFD Type 2;
 - (i) a PFD Type 3.

Note: The heading to amended regulation 52BAC is to read:

Sailboard riders to carry lifejackets, distress signals and emergency beacons

- (2) Delete regulation 52BAC(6).
- (3) In regulation 52BAC(7) delete “other distress signals required by subregulations (3)(b) and (5)(c)” and insert:

distress signals required by subregulations (3)(b) and (5)(b) and (c)

16. Regulation 52BAD amended

- (1) Delete regulation 52BAD(3)(a) and insert:
 - (a) at least 1 of the following for each person on board who has reached 12 months of age, appropriate in terms of the buoyancy and size of the body mass of every such person —
 - (i) a Level 50 lifejacket;

- (ii) a Level 50S lifejacket;
 - (iii) a Level 100 lifejacket;
 - (iv) a Level 150 lifejacket;
 - (v) a Level 275 lifejacket;
 - (vi) a SOLAS lifejacket;
 - (vii) a PFD Type 1;
 - (viii) a PFD Type 2;
 - (ix) a PFD Type 3;
- and

Note: The heading to amended regulation 52BAD is to read:

Owners to ensure recreational paddle craft are equipped with lifejackets, distress signals and emergency beacons

- (2) Delete regulation 52BAD(8).
- (3) In regulation 52BAD(9) delete “other distress signals required by subregulations (4)(b) and (6)(d)” and insert:

distress signals required by subregulations (4)(b) and (6)(c) and (d)

Part 3 — *Western Australian Marine (Infringements) Regulations 1985* amended

17. Regulations amended

This Part amends the *Western Australian Marine (Infringements) Regulations 1985*.

18. Schedule 1 amended

- (1) In the provisions listed in the Table delete “45 m” and insert:

50 m

Table

Sch. 1 it. 24A	Sch. 1 it. 24D
Sch. 1 it. 24E	Sch. 1 it. 24F
Sch. 1 it. 29	

- (2) In Schedule 1 item 38C delete “flotation device” and insert:

lifejacket

- (3) In Schedule 1 item 42 delete “approved life jackets” and insert:

lifejackets

R. KENNEDY, Clerk of the Executive Council.
