

Western Australia

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

As at 23 Dec 2005

Version 01-b0-02

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Western Australian Marine (Infringements) Regulations 1985

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Modified penalties	1
4.	Forms	1
5.	Offence of unauthorized endorsement or alteration of infringement notices	2
	First Schedule	
	Second Schedule	
	Notes	
	Compilation table	16

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	200
1A	14	Vessel travelling so as to cause nuisance or damage	160
1B	14A(a)	Navigating vessel so as to endanger safety of vessel or person	200
2	14A(b)	Navigating vessel so as to obstruct, impede or interfere with other vessel	160
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	160
		(b) by more than 10 knots	200
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 from which a person is diving	100
8B	19D(1)(a)	Failing to display a diving flag at the place where the person is diving	100
8C	19D(1)(b)	Failing to display required lights when diving at night otherwise than from a vessel	100
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	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	

Western Australian Marine (Infringements) Regulations 1985

First Schedule

Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
		buoyed objects	120
13	45B(1)(a)	Using or having on navigable waters unregistered registrable vessel	160
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	120
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	120
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	160
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	160
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	160
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	160
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	160
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	200

Western Australian Marine (Infringements) Regulations 1985

First Schedule

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	160
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	160
25	48A(2)	Driving motor boat towing para-sailor or water skier in area not set aside for purpose	200
26	49(1)	Towing para-sailor or water skier without observer in towing speed boat	160
27	49(2)	Driver of or observer in speed boat towing para-sailor or water skier failing to maintain constant lookout or watch	120
28	49A(1)(b)	Owner or person in control of speed boat allowing person under 17 to drive or operate speed boat	200
29	49C	Failing to drive speed boat at least 45 metres behind water skier or other boat	120
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	120
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	100
		(b) without required marker buoys and pennants	60
38	50	Driving motor boat towing water skier between sundown and 8am on Swan River or between sundown and 9am on Canning River	200
38A	50A(2)	Freestyle driving, surfing or wave jumping in a	

Western Australian Marine (Infringements) Regulations 1985

First Schedule

Item	Navigable Waters Regulation	Description of offence	Modified Penalty \$
		prohibited area	200
38B	50A(3)	Freestyle driving, surfing or wave jumping within — 30m of another personal watercraft; or 50m of any other vessel or person	200
38C	50B	Failing to wear an appropriate flotation device while on a personal watercraft	200
39	51	Using motor boat not fitted with efficient silencer approved by Department	160
40	51A	Causing or permitting motor boat to emit smoke or vapour causing danger, nuisance or annoyance	160
40A	51D	Failing to fit a bilge pump	160
41	52	Failing to equip vessel with approved fire extinguisher	160
42	52A	Failing to equip vessel with required number of approved life jackets whilst being navigated outside protected waters	200
43	52B	Failing to equip vessel with required number of distress signals whilst being navigated outside protected waters	160
43A	52BAA	Failing to equip vessel with an approved and licensed marine transceiver	200
43B	52BAB	Failing to equip vessel with an approved Electronic Position Indicating Radio Beacon	200
44	52BA(1)(a)	Failing to maintain items of safety equipment of vessel in serviceable condition	160
45	52BA(1)(b)	Failing to have safety equipment of vessel readily accessible to all persons on board	160
46	52BA(3)	Failing to produce items of safety equipment to officer of Department on demand	160
47	52C	Vessel not carrying efficient anchor and line whilst outside protected waters	160
48	52G	Failing to display navigation lights on small motor boat as required	200
	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	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 or inexperienced crew	300
53	26(3)	Being underway or plying without, or contrary to, certificate of survey	300
54	27	Beginning a voyage without exhibiting 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 saving appliances	300
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	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 operator on board	200
66	48(a)	Beginning a voyage without required equipment	150
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	150
71	64(2)	Failing to render assistance or give details after a collision	150

Western Australian Marine (Infringements) Regulations 1985

First Schedule

	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	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 navigation	200
76	67(3)	Exceeding speed limit by —	
		(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 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

First Schedule

<i>W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)</i>		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
<i>Mooring Regulations 1998</i>			
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 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.]

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 at.....hours on.....day of.....19.....

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 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,
 - Pinjarra, Port Hedland, Roebourne, Rockingham and Perth —

Second Schedule

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 Harbours³

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

Accountant
Crown Law Department²
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.
--

*[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

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

Western Australian Marine (Infringements) Regulations 1985

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

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).