



Western Australia

Western Australian Marine Act 1982

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

Western Australia

Western Australian Marine (Infringements) Regulations 1985

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Defined terms

Western Australian Marine (Infringements) Regulations 1985

1. Citation

These regulations may be cited as the *Western Australian Marine (Infringements) Regulations 1985*.

2. Commencement

These regulations shall come into operation 3 months after the day on which they are published in the *Gazette*.

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.

[Regulation 3A inserted: Gazette 9 Oct 2012 p. 4755.]

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 unauthorised endorsement or alteration of infringement notices

- (1) A person who, not being an authorised 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) —
authorised person, *designated officer* and *infringement notice* have the respective meanings given to them by section 132(11) of the Act.

Schedule 1 — Modified penalties

[r. 3]

[Heading inserted: Gazette 13 Nov 2009 p. 4538.]

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|------|--|---|------------------------|
| 1 | 6A | Failing to comply with directions | 200 |
| 1AA | 10(a) | Obstructing, impeding or interfering with passage of vessel approaching or leaving public jetty or bridge..... | 100 |
| 1AB | 10(b) | Causing a nuisance to any person on, in or about vessel, public jetty or bridge | 100 |
| 1AC | 10A(b) (as read with r. 20) | Swimming from or near public jetty or bridge specified in notice or within area of navigable waters defined in notice | 100 |
| 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 m 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 | 200 |
| 8 | 19C(1) | Failing to exhibit on vessel required diving flag..... | 100 |

Western Australian Marine (Infringements) Regulations 1985
Schedule 1 Modified penalties

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|---|----------------------------|
| 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(1) | Failing to maintain distance of 50 m 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 m of that place or other vessel | 200 |
| 10A | 19E(4A) | Failing to proceed at a safe speed or maintain a proper look out while in the vicinity of a place or vessel displaying a diving flag or appropriate signal, but at least 50 m clear of that place or vessel..... | 200 |
| 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..... | 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 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|--|----------------------------|
| 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 |
| 23A | 47AA(3) | Person between 10 and 16 driving an RST vessel unless under supervision (before 1 April 2007) | 200 |
| 23B | 47AB(3) | Person between 10 and 14 driving an RST vessel unless under supervision (between 1 April 2007 and 1 April 2008)..... | 200 |
| 23C | 47AB(4) | Person between 14 and 16 driving an RST vessel unless — (a) driving at not more than 8 knots and during the day time; or (b) under supervision (between 1 April 2007 and 1 April 2008) | 200 |
| 23D | 47AB(5) | Person between 16 and 25 driving an RST vessel unless holding a recreational skipper’s ticket or under supervision (between 1 April 2007 and 1 April 2008) .. | 200 |
| 23E | 47A(3) | Person between 10 and 14 driving an RST vessel unless under supervision (on and after 1 April 2008) .. | 200 |
| 23F | 47A(4) | Person between 14 and 16 driving an RST vessel unless — (a) holding a recreational skipper’s ticket and driving at not more than 8 knots and during the day time; or (b) under supervision (on and after 1 April 2008) | 200 |

Western Australian Marine (Infringements) Regulations 1985

Schedule 1

Modified penalties

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|---|----------------------------|
| 23G | 47A(5) | Person over 16 driving an RST vessel unless holding a recreational skipper's ticket or under supervision (on and after 1 April 2008)..... | 200 |
| 23H | 47AA(4) 47AB(6) 47A(6) | Owner allowing RST vessel to be driven in contravention of regulation 47AA, 47AB or 47A..... | 200 |
| 23I | 47H | Failing to produce recreational skipper's ticket on request..... | 200 |
| 23J | 47I | Holder of recreational skipper's ticket failing to notify change of details | 120 |
| 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 m | 160 |
| 24A | 48(a)(ii) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 50 m 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 m 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 50 m 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 50 m of a person in the water | 200 |
| 24F | 48(d)(iv) | Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 50 m 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 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | Navigable Waters Regulations 1958 | Description of offence | Modified penalty \$ |
|-------------|--|---|----------------------------|
| 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 | <i>deleted]</i> | | |
| 29 | 49C | Failing to drive speed boat at least 50 m 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 m of shore in water ski area. | 60 |
| 32 | 49G | Failing to keep speed boat towing water skier at least 30 m 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 m 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(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 prohibited area | 200 |

Western Australian Marine (Infringements) Regulations 1985
Schedule 1 Modified penalties

| Item | <i>Navigable Waters Regulations 1958</i> | Description of offence | Modified penalty \$ |
|-------------|---|--|----------------------------|
| 38B | 50A(3) | Freestyle driving, surfing or wave jumping within — (a) 30 m of another personal watercraft; or (b) 50 m of any other vessel or person | 200 |
| 38C | 50B | Failing to wear an appropriate lifejacket 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 lifejackets 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 |

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|-------------|--|--|----------------------------|
| 49 | 13(1)(a) | Uncertificated person acting in a position of command on a commercial vessel | 300 |
| 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
Schedule 1 Modified penalties

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|-------------|--|---|----------------------------|
| 72A | 64(3) | Failing to — (a) render assistance; or (b) give details to certain persons; or (c) report to the Department within 7 days, after a collision, accident or other casualty involving a pleasure vessel | 150 |
| 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 authorised 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 |

Western Australian Marine (Infringements) Regulations 1985

Modified penalties

Schedule 1

| Item | Western Australian Marine Act Section | Description of offence | Modified penalty \$ |
|---|--|--|----------------------------|
| 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 |
| 90A | 79(2) | Failure of the master or person in charge of a vessel to comply with the <i>Prevention of Collisions at Sea Regulations 1983</i> | 300 |
| 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 |
| <i>W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)</i> | | | |
| 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 |

[Schedule 1 inserted: Gazette 9 Jun 1992 p. 2381-2; amended: 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; 10 Feb 2006 p. 666; 26 May 2006 p. 1880; 13 Nov 2009 p. 4538; 17 Nov 2009 p. 4631-2; 4 Jan 2013 p. 9; 3 Mar 2017 p. 1490-1; SL 2021/147 r. 38.]

Form 1

Schedule 2 — Forms

[r. 4]

[Heading inserted: Gazette 9 Oct 2012 p. 4756.]

1. Infringement notice

Part 1

| | | | |
|--|---|---|----------------------|
| <i>Western Australian Marine Act 1982, s. 132(1)</i> Infringement notice | | Infringement notice no.: | |
| | | Date of service: | |
| TO: | <input type="checkbox"/> | Surname/ Company name and ACN | |
| | | Other names | |
| | | Address | |
| | | Date of birth | Male/Female |
| | | <input type="checkbox"/> Tick if this notice is addressed to the above person as the owner of the vessel described below. | |
| <i>or</i> | <input type="checkbox"/> | The owner of the vessel described below (whose identity is not known and cannot immediately be ascertained). | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: |
| | Vessel type: | Length (metres): | No. persons onboard: |
| | Construction material: | | Colour: |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: |

| | | | | |
|---|---|--|------|--|
| Alleged offence | Date | | Time | |
| | Place | | | |
| | Legislation | | | |
| | Provision | | | |
| | Details of offence | | | |
| Authorised person issuing notice | Name | | | |
| | Authorised person no. | | | |
| | Signature | | | |
| Modified penalty | \$ _____ | | | |
| TAKE NOTICE | <p>It is alleged that you have committed the above offence.</p> <p>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.</p> <p>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 Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p>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</p> | | | |

Form 2

2. Withdrawal of infringement notice

Part 1

| | | | |
|--|---|------------------|-------------------------|
| <i>Western Australian Marine Act 1982, s. 132(5)</i> Withdrawal of infringement notice | | Withdrawal no.: | |
| | | Date: | |
| TO: | Surname/ company name and ACN | | |
| | Other names | | |
| | Address | | |
| Infringement notice | Infringement notice no. | | |
| | Date of service | | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: |
| | Vessel type: | Length (metres): | No. persons onboard: |
| | Construction material: | | Colour: |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: |

| | | | | |
|--|--|--|------|--|
| Alleged offence | Date | | Time | |
| | Place | | | |
| | Legislation | | | |
| | Provision | | | |
| | Details of offence | | | |
| Authorised person withdrawing notice | Name | | | |
| | Authorised person no. | | | |
| | Signature | | | |
| Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i> | <p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by completing Part 2 of this notice and sending it to the address below.</p> | | | |

Form 2

Part 2 (detachable)

| | |
|-------------------------|---|
| Withdrawal no: _____ | |
| Claim for refund | <p>I claim a refund for the modified penalty paid in accordance with the infringement notice that was withdrawn by this notice of withdrawal.</p> <p>_____</p> <p>(Name)</p> <p>_____</p> <p>(Signature) ____/____/____</p> <p>Detach this Part and send to:</p> <p><i>[Insert details of designated officer]</i></p> |

[Form 2 inserted: Gazette 9 Oct 2012 p. 4758-9.]

3. Notice requiring identification of person in charge of vessel

Part 1

| | | | |
|--|---|------------------|----------------------|
| <i>Western Australian Marine Act 1982, s. 133(2)</i> | | Notice no: | |
| Notice requiring identification of person in charge of vessel | | Date: | |
| TO: | Name | | |
| | Address | | |
| Vessel | Vessel name: | Reg. no.: | Reg. expiry date: |
| | Vessel type: | Length (metres): | No. persons onboard: |
| | Construction material: | | Colour: |
| | Engine type: <input type="checkbox"/> Inboard <input type="checkbox"/> Outboard | Engine make: | Kw/Hp: |
| Alleged offence | Date | | Time |
| | Place | | |
| | Legislation | | |
| | Provision | | |
| | Details of offence | | |

Form 3

| | | |
|--|---|--|
| <p>TAKE NOTICE</p> | <p>You are the registered owner of the vessel described above.</p> <p>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.</p> <p>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.</p> <p>If, within 21 days after the date of service of this notice, you do not —</p> <ul style="list-style-type: none"> ● 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, <p>you will, in the absence of proof to the contrary, be deemed to be the person who was in charge of the vessel at the time when the offence described above is believed to have been committed.</p> | |
| <p>Authorised person issuing notice</p> | <p>Name</p> | |
| | <p>Authorised person no.</p> | |
| | <p>Signature</p> | |

Part 2 (detachable)

| | | | | | |
|---|--|----------------|--|---------------|----------------|
| Notice no. _____ | | | | | |
| Identity of person in charge of vessel | I, _____ <i>(Name)</i> | | | | |
| | am the registered owner of the vessel described in this notice. At the time the offence described in this notice is alleged to have been committed, the following person was in charge of the vessel. | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">Name</td> <td style="padding: 2px;">_____</td> </tr> <tr> <td style="padding: 2px;">Address</td> <td style="padding: 2px;">_____ _____</td> </tr> </table> | Name | _____ | Address | _____ _____ |
| | Name | _____ | | | |
| | Address | _____ _____ | | | |
| <table style="width: 100%;"> <tr> <td style="width: 70%; padding: 2px;">_____</td> <td style="width: 30%; padding: 2px;">____/____/____</td> </tr> <tr> <td style="padding: 2px;"><i>(Signature of registered owner)</i></td> <td style="padding: 2px;"><i>(Date)</i></td> </tr> </table> | _____ | ____/____/____ | <i>(Signature of registered owner)</i> | <i>(Date)</i> | |
| _____ | ____/____/____ | | | | |
| <i>(Signature of registered owner)</i> | <i>(Date)</i> | | | | |
| <p>Detach this section and send to: <i>[Insert details]</i></p> | | | | | |
| Refer to infringement notice no. _____ | | | | | |

[Form 3 inserted: Gazette 9 Oct 2012 p. 4759-61.]

Form 4

4. Certificate as to authorised person other than inspector

| |
|--|
| <p>Certificate as to authorised person other than inspector</p> <p><i>Western Australian Marine Act 1982, s. 134(1)</i></p> <p>TO WHOM IT MAY CONCERN</p> <p>_____</p> <p><i>(Name)</i></p> <p>not being an inspector, is an authorised person for the purposes of the <i>Western Australian Marine Act 1982</i> sections 132 and 133.</p> <p>_____</p> <p>Chief Executive Officer</p> <p>_____</p> <p><i>(Signature of authorised person)</i></p> <p>Appointment no. _____</p> |
|--|

[Form 4 inserted: Gazette 9 Oct 2012 p. 4761.]



Notes

This is a compilation of the *Western Australian Marine (Infringements) Regulations 1985* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

| Citation | Published | Commencement |
|---|---------------------------|-----------------------|
| <i>Western Australian Marine (Infringements) Regulations 1985</i> | 4 Oct 1985 p. 3866-70 | 4 Jan 1986 (see r. 2) |
| <i>Western Australian Marine (Infringements) Regulations 1986</i> | 24 Apr 1986 p. 1480-1 | 24 Apr 1986 |
| <i>Western Australian Marine (Infringements) Regulations (No. 2) 1986</i> | 20 Jun 1986 p. 2057 | 20 Jun 1986 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1991</i> | 26 Jul 1991 p. 3934-6 | 26 Jul 1991 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1992</i> | 9 Jun 1992 p. 2380-2 | 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 Pt. 7</i> | 11 Aug 1992 p. 3976-80 | 11 Aug 1992 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 1991</i> | 7 May 1993 p. 2361-2 | 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. 2497-9 | 30 May 1997 |

Western Australian Marine (Infringements) Regulations 1985

Notes Compilation table

| Citation | Published | Commencement |
|---|--------------------------|--|
| <i>Western Australian Marine (Infringements) Amendment Regulations 1998</i> | 27 Oct 1998 p. 5964-5 | 27 Oct 1998 |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998</i> | 11 Dec 1998 p. 6651-2 | 11 Dec 1998 (see r. 2) |
| Reprint of the Western Australian Marine (Infringements) Regulations 1985 as at 27 Aug 1999 (includes amendments listed above) | | |
| <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 |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2005</i> | 10 Feb 2006 p. 665-6 | 10 Feb 2006 (see r. 2 and <i>Gazette</i> 10 Feb 2006 p. 667) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2006</i> | 26 May 2006 p. 1880 | 26 May 2006 |
| Reprint 2: The Western Australian Marine (Infringements) Regulations 1985 as at 13 Feb 2009 (includes amendments listed above) | | |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2009</i> | 13 Nov 2009 p. 4537-8 | r. 1 and 2: 13 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Nov 2009 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2009</i> | 17 Nov 2009 p. 4631-2 | r. 1 and 2: 17 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2009 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations 2012</i> | 9 Oct 2012 p. 4755-61 | r. 1 and 2: 9 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2012 (see r. 2(b)) |
| <i>Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2012</i> | 4 Jan 2013 p. 9 | r. 1 and 2: 4 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Jan 2013 (see r. 2(b)) |

| Citation | Published | Commencement |
|--|----------------------------|--|
| <i>Western Australian Marine (Infringements) Amendment Regulations 2013</i> | 20 Aug 2013 p. 3849 | r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815) |
| Reprint 3: The Western Australian Marine (Infringements) Regulations 1985 as at 6 Dec 2013 (includes amendments listed above) | | |
| <i>Transport Regulations Amendment (Lifejackets) Regulations 2017 Pt. 3</i> | 3 Mar 2017 p. 1484-91 | 4 Mar 2017 (see r. 2(b)) |
| <i>Transport Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 5</i> | SL 2020/172 25 Sep 2020 | 29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a)) |
| <i>Transport Regulations Amendment (Mooring Management) Regulations 2021 Pt. 4</i> | SL 2021/147 13 Aug 2021 | 28 Sep 2021 (see r. 2(b)) |

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

| Citation | Published | Commencement |
|---|---------------------------|--------------------------|
| <i>Transport Regulations Amendment (Marine Safety Equipment) Regulations 2023 Pt. 3</i> | SL 2023/135 9 Aug 2023 | 1 Sep 2023 (see r. 2(b)) |

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|---------------------------|---------------------|
| Act..... | 3A |
| authorised person | 5(2) |
| Department..... | 3A |
| designated officer..... | 5(2) |
| infringement notice | 5(2) |

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