

Navigable Waters Amendment Regulations 2022

SL 2022/137

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Navigable Waters Amendment Regulations 2022*.

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 *Navigable Waters Regulations 1958*.

4. Regulation 45A amended

In regulation 45A(2) in the definition of *hull identification number* delete paragraph (b) and insert:

- (b) affixed to the hull of the vessel —
 - (i) by a person approved by the chief executive officer or accredited to do so under regulation 45AA or 45AB; and
 - (ii) in a form and manner approved by the chief executive officer;

5. Regulations 45AA to 45AD inserted

After regulation 45A insert:

45AA. Accreditation of persons as hull identification number providers

- (1) The chief executive officer may accredit a person as a hull identification number provider.
- (2) A hull identification number provider accredited under subregulation (1) is accredited to —
 - (a) affix hull identification numbers to vessels; and
 - (b) examine vessels for the purpose of verifying that they have hull identification numbers; and
 - (c) issue certificates verifying the hull identification numbers of vessels.
- (3) The fee for accreditation of a person as a hull identification number provider is \$403.45.

45AB. Accreditation of persons as hull identification number examiners

- (1) The chief executive officer may accredit as a hull identification number examiner a person who is employed by, or otherwise works for or on behalf of, a person accredited as a hull identification number provider under regulation 45AA(1).
- (2) A hull identification number examiner accredited under subregulation (1) is accredited to do the following in the course of their employment with, or otherwise for or on behalf of, the relevant hull identification number provider —
 - (a) affix hull identification numbers to vessels;
 - (b) examine vessels for the purpose of verifying that they have hull identification numbers;
 - (c) issue certificates verifying the hull identification numbers of vessels.
- (3) The fee for accreditation of a person as a hull identification number examiner is \$111.95.

45AC. Provisions relating to accreditation of hull identification number providers and examiners

- (1) The chief executive officer may impose conditions on an accreditation under regulation 45AA(1) or 45AB(1) and may revoke or vary those conditions.
- (2) The chief executive officer may extend the accreditation of a person under regulation 45AA(1) or 45AB(1) by notice given to the person.
- (3) The chief executive officer may revoke the accreditation of a person under regulation 45AA(1) or

45AB(1) if the chief executive officer is satisfied that —

- (a) the person has not complied with a condition of the accreditation; or
 - (b) the accreditation is no longer appropriate.
- (4) Subject to subregulation (3), an accreditation under regulation 45AA(1) or 45AB(1) has effect for the period specified in the accreditation or, if the accreditation is extended under subregulation (2), in the notice of extension.

45AD. Transitional provisions regarding accreditation of hull identification number providers and examiners

(1) In this regulation —

commencement day means the day on which the *Navigable Waters Amendment Regulations 2022* regulation 5 comes into operation;

former Regulations means the *Navigable Waters Regulations 1958* as in force immediately before commencement day.

(2) On and from commencement day —

- (a) a person who is approved by the chief executive officer under paragraph (b) of the definition of *hull identification number* in regulation 45A(2) of the former Regulations, and described as a provider in relation to hull identification numbers, is taken to be accredited as a hull identification number provider under regulation 45AA(1); and
- (b) a person who is approved by the chief executive officer under paragraph (b) of the definition of *hull identification number* in regulation 45A(2) of the former Regulations, and described as an examiner in relation to hull identification numbers, is taken to be accredited as a hull identification number examiner under regulation 45AB(1); and
- (c) a certificate issued before commencement day by a person to whom paragraph (a) or (b) applies for the purpose of verifying the hull identification number of a vessel is taken to be a certificate issued by a person accredited to do so under regulation 45AA or 45AB verifying the hull identification number of the vessel.

- (3) A person taken to be accredited under subregulation (2)(a) or (b) is taken to be accredited for the period specified in the approval referred to in that paragraph, subject to any extension or revocation of the accreditation under regulation 45AC(2) or (3).

6. Regulation 45B amended

Before regulation 45B(3a)(a) insert:

- (aa) a certificate issued by a person accredited to do so under regulation 45AA or 45AB verifying the hull identification number of the vessel; and

7. Regulation 45BAB inserted

After regulation 45BAA insert:

45BAB. Chief executive officer may issue registration stickers

- (1) The chief executive officer may issue to the owner of a registered vessel, or to a person authorised in writing by the owner, an adhesive sticker that displays the registration number allotted to the vessel.
- (2) The fee for issuing a sticker under subregulation (1) is \$1.85.

8. Regulation 45E amended

- (1) In regulation 45E(2)(a) delete “his” and insert:

the

- (2) In regulation 45E(2)(b)(iii) delete “require.” and insert:

require; and

- (3) After 45E(2)(b)(iii) insert:

- (iv) a certificate issued by a person accredited to do so under regulation 45AA or 45AB verifying the hull identification number of the vessel.

- (4) In regulation 45E(3) delete “his” and insert:

the owner

9. Regulation 45EA amended

- (1) In regulation 45EA delete “A person” and insert:

(1) A person

- (2) At the end of regulation 45EA insert:

(2) Subregulation (1) does not apply to a person accredited under regulation 45AA(1) or 45AB(1) acting in accordance with their accreditation.

Note: The heading to amended regulation 45EA is to read:

Altering hull identification number prohibited

10. Regulation 45EB replaced

Delete regulation 45EB and insert:

45EB. Duty of owner to reaffix hull identification number

Where a hull identification number of a registered vessel has, without the approval of the chief executive officer, been altered, removed or rendered illegible (whether accidentally or deliberately), the owner of the vessel commits an offence if the owner does not, as soon as practicable after becoming aware that the number has been altered, removed or rendered illegible, ensure that the number approved by the chief executive officer is reaffixed to the hull of the vessel —

- (a) by a person approved by the chief executive officer or accredited to do so under regulation 45AA or 45AB; and
- (b) in a form and manner approved by the chief executive officer.

11. Part VII deleted

Delete Part VII.