

## ***SHIRE OF EXMOUTH***

### **EXMOUTH MARINA VILLAGE LOCAL LAW 2025**

***LOCAL GOVERNMENT ACT 1995***

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Local Government Act 1995

Shire of Exmouth

Exmouth Marina Village Local Law 2025

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Exmouth resolved on the (DAY, MONTH, YEAR) to make the following Local Law.

**PART 1 – PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Exmouth Marina Village Local Law 2025*.

**1.2 Definitions**

In this local law unless the context otherwise requires –

**Act** means the *Local Government Act 1995*;

**authorised person** means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

**AS/NZS 3004** means Australian/New Zealand Standard AS/NZS 3004:2002 Electrical Installations – Marinas and pleasure craft at low-voltage published by Standards Australia as amended from time to time;

**AS/NZS 3191** means Australian/New Zealand Standard AS/NZS 3191:2008 Electric flexible cords<sup>“</sup> published by the Standards Australia as amended from time to time;

**Cyclone Advice** means a warning/alert issued for a cyclone by the Bureau of Meteorology, the Department of Fire and Emergency Services or other authorised government agency;

**canal** means an area of water under the care, control and management of the local government or a person authorised by the local government to undertake such care, control or management, that is intended to allow boating access to allotments on subdivided land;

**Canal Arm 1** means the canal waterway as depicted in Schedule 1 which is positioned between Madaffari Drive and Corella Court and runs generally east west;

**Canal Arm 4** means the canal depicted in Schedule 1 which is positioned immediately south of Gnulli Court and runs generally east west;

**canal wall** means any revetment wall separating the land filled part of a lot adjoining a canal from the submerged part of such a lot together with any associated retaining wall or stabilized surface;

**CEO** means the Chief Executive Officer of the local government;

**commercial vessel** has the meaning given to it by the *Western Australian Marine Act 1982*;

**cost** of the local government includes its administrative costs;

**cyclonic mooring pen** means a mooring pen that is engineered to withstand cyclone conditions with a vessel moored adjacent to them;

**cyclone season** means the period between 1 November in any year and 30 April of the following year;

**Cyclone Security Points.**

Trailer boats that will be stored on dry land during the cyclone season will require "Cyclone Security Points" for the trailer and boat on the property where it is to be stored.

**district** means the district of the local government;

**fish** has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

**fishing** has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

**fuel** means any petroleum or oil based product for use in an internal combustion engine;

**jetty** has the meaning given to it by the *Jetties Act 1926*;

**local government** means the Shire of Exmouth;

**litter** has the same meaning given to it by the *Litter Act 1979*;

**Main Canal** means the canal depicted in Schedule 1 which is positioned immediately west of Madaffari Drive and runs generally north south;

**major repairs** means the carrying out of any works on a vessel which involve the use of any vessel lifting device or the replacement of any major mechanical components;

**moor** means to secure a vessel to a mooring;

**mooring** means something to which a vessel may be moored and includes an anchor, stake, mooring pile or mooring pen;

**mooring envelope** means the area designated by the local government for the purpose of mooring a vessel;

**mooring pile** means any pile used or capable of being used to secure a vessel;

**mooring pen** means a structure to which a vessel is moored comprising of 2 or 4 piles and a jetty structure licensed under the *Jetties Act 1926*;

**owner** means the person who is the lawful owner or the person entitled to the possession of any vessel, vehicle, cargo, property or chattel;

**pollutant** means any noxious, polluting or offensive material whether solid or liquid including but not limited to non-biodegradable chemicals or cleaning agents, rubbish, dirt, black water, sewage, oil, oily bilge water, sullage, fuel or the content of brine tanks, fish products including fish carcasses (but excluding bait), shells, offal or litter;

**private jetty** means any jetty other than a public jetty;

**public jetty** means any jetty under the care, control or management of the local government;

**reasonable notice** means notice of not less than 24 hours in accordance with section 3.32 of the Act;

**Regulations** mean the *Local Government (Functions and General) Regulations 1996*;

**sign** includes any notice, mark, structure or device on which may be shown words, numbers, expressions, colours or symbols;

**small watercraft** means paddle craft such as canoes, kayaks, surf skis, and Personal Watercraft known as jet skis

**vessel** means any kind of vessel, whether licensed or unlicensed, used or capable of being used in navigation by water, however propelled or moved, and without limiting the generality of the foregoing includes-

- (a) a barge, lighter, floating restaurant, dinghy, commercial vessel, tender vessel or other floating structure; and
- (b) an air-cushion vehicle, or other similar craft, used wholly primarily in navigation by water,

but does not include structures used only for the purposes of walkways or storage.

**vessel lifting device** means any mechanical or electrical device used to raise and lower a vessel from the water; and

**vessel mooring hardware** means any cleat, bollard or any other device fixed to a vessel used to secure a mooring line to a vessel.

### **1.3 Application**

This local law applies throughout the district.

### **1.4 Commencement**

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

## **PART 2 – USE OF CANALS**

## **2.1 Swimming in canals**

- (1) Subject to subclause (2), a person shall not swim in a canal unless prior written approval has been granted by the local government.
- (2) A person may swim in a ~~canal for~~<sup>canal for</sup> the purpose only of -
  - (a) inspecting the hull of a vessel, or a section of a canal wall, or a jetty; or
  - (b) carrying out routine or minor maintenance on a jetty or vessel, not including cleaning the hull of a vessel<sup>;</sup>

## **2.2 Fishing in canals**

- (1) A person shall not undertake fishing in a canal from a -
  - (a) pedestrian bridge;
  - (b) vessel<sup>;</sup> unless:
    - (i) the vessel is moored within a private mooring envelope; and
    - (ii) the fishing is undertaken with the vessel owner's consent;
  - (c) from a private jetty without the consent of the owner; or
  - (d) mooring or jetty in such a manner so as to obstruct the canal or cause a nuisance to other users of a canal.
- (2) A person shall not use a net for the purpose of fishing in a canal.
- (3) A person shall not use a gidgee or speargun for the purpose of fishing in a canal.

## **2.3 Towing in canals**

- (1) Subject to subclause (2), a person shall not tow a vessel, person or object in a canal.
- (2) A person shall be permitted to tow another vessel if the vessel being towed is in distress or needs to be towed due to a mechanical or other fault making it unsafe to be transported through the canal without assistance.

## **2.4 Person not to cause a nuisance in canals**

- (1) A person shall not moor their vessel or otherwise use a canal in such a manner as to cause a nuisance to other users of the canal<sup>;</sup>
- (2) A person shall not navigate a vessel in such a manner as to -
  - (a) cause a nuisance or damage to any person, vessel, property or canal wall; or

- (b) endanger the safety of that or any other vessel or any person.
- (3) A person suspected of contravening subclause (1) or (2), shall, upon verbal or written direction from an ~~authorised person~~ cease that suspected activity immediately.

## **2.5 Fuelling of vessels**

~~A person shall not fuel a vessel in a canal.~~

## **2.6 Storage of fuels**

- (1) A person shall not store fuel:
  - (a) on a jetty; or
  - (b) on or in any other structure built on or over the water that is attached to the land.
- (2) Any fuel stored on land shall be stored at least 500mm above the 1:100 year ARI flood event for the property.

## **2.7 Occupying a vessel overnight**

A person shall not live on board or otherwise occupy a vessel moored in a canal, whether at a private jetty or not, for one or more consecutive nights without the approval of the local government.

## **2.8 Maintenance of vessels**

- (1) A person shall not carry out major repairs on a vessel in a canal.
- (2) A person shall not clean, repair or maintain a vessel moored in a canal, mooring pen, jetty or mooring envelope in such a manner so as to cause a nuisance to other users of the canal.

## **2.9 Maximum number of vessels to be moored**

The maximum number of vessels that may be moored to a property, mooring or jetty on the canal side is one (1). Small watercraft may be moored on the wall side of the mooring or jetty, provided that any vessel or small craft is at all times contained within the mooring envelope.

## **2.10 Pollution of canal**

- (1) A person shall not deposit or release, or permit to be deposited or released, any pollutant into a canal whether from a vessel, jetty, bridge, mooring pen, private land or any other land.
- (2) For the purpose of this clause, an authorised officer may issue a notice requiring a person found committing or reasonably suspected to be committing or to have committed an offence under this clause requiring them

to take action to prevent, minimize, remove, disperse, destroy or mitigate any pollution.

## **PART 3 – PRIVATE JETTIES**

### **3.1 Jetty structures**

- (1) All jetties shall be licensed under the *Jetties Act 1926*.
- (2) A jetty compliance plate shall be fixed to a place on the jetty which can be seen from the canal.
- (3) The compliance plate required by subclause (2) shall be in the form set out in Schedule 1.

### **3.2 Use of private jetties**

- (1) A person shall not, without the prior written consent of the local government, from a private jetty -
  - (a) offer for sale, or sell, goods or services;
  - (b) moor a commercial vessel;
  - (c) display any sign or advertisement;
  - (d) jump or dive;
  - (e) use any loud speaking or sound amplifying device; or
  - (f) use a fire hose, except in case of an emergency.
- (2) A person shall not undertake fishing from a private jetty or mooring, whether or not from a vessel, in such a manner so as to obstruct a canal or cause a nuisance to other users of the canal.
- (3) A person suspected of contravening sub-clauses (1) or (2) shall, upon verbal or written direction from an *authorised officer* cease that suspected activity immediately.

### **3.3 Electrical power supply to vessels**

Where the owner of a vessel connects the vessel to the mains power supply of a dwelling the -

- (a) power supply of the vessel must comply with AS/NZS 3004; and
- (b) the power cords used to connect the power supply of the vessel to the main dwelling must comply with AS/NZS 3191 and AS/NZS 3004.

### **3.4 Dry storage of vessels**

- (1) For the purpose of this clause –

**“dry storage of a vessel”** means the storage of a vessel out of water whether on a jetty or on land.

- (2) Any person using a vessel lifting device must -
  - (a) ensure the mooring lines used to moor the vessel lifting device are in accordance with clause 4.6 for the length of the vessel lifting device and the vessel; and
  - (b) ensure the vessel is secured to the vessel lifting device and to the mooring in accordance with Schedule 4.
- (3) Vessel lifting devices must be contained within the mooring envelope during use and during a cyclonic event.
- (4) The dry storage of a vessel is not permitted on a private jetty without the approval of the local government.

## **PART 4 – MOORING OF VESSELS**

### ***Division 1 – Mooring Generally***

#### **4.1 Mooring direction**

The mooring direction to reduce or prevent the detrimental effects of flood waters

- (1) A vessel moored in Canal Arm 1 or Canal Arm 4 must be moored bow pointing westward.
- (2) A vessel moored in the Main Canal must be moored bow pointing northward.

#### **4.2 Application of Signs**

- (1) Where the mooring or movement of a vessel in a canal is regulated by a sign, then the sign shall for the purposes of this local law apply to that part of the canal which –
  - (a) lies beyond the sign;
  - (b) lies between the sign and the next sign beyond that sign; and
  - (c) is on that side of the canal nearest to the sign.
- (2) No person shall moor a vessel contrary to a sign.
- (3) No person shall pilot a vessel contrary to a sign.

#### **4.3 Vessels Moored Within Mooring Envelope**

A vessel must be moored wholly within a mooring envelope.

#### **4.4 Mooring of Vessels**

(1) A person shall not moor or permit the mooring of –

- (a) a vessel against a jetty where the vessel exceeds the maximum engineered load as indicated on the jetty compliance plate for the jetty against which it is moored;
- (b) a vessel which exceeds the maximum size of a vessel indicated on jetty compliance plate relating to that jetty;
- (c) a vessel at a private jetty without the consent of the owner of the jetty; or
- (d) a vessel that is not registered.

#### **4.5 Use of Mooring Pens**

A person shall not use a mooring pen or jetty for any purpose other than its designated use.

### ***Division 2 – Mooring Lines***

#### **4.6 Mooring Lines**

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(1) The owner of a vessel must –

- (a) provide, use and maintain mooring lines sufficient to ensure the safe mooring of a vessel of Plasma type or equivalent and shall not be less than the sizes listed below –

<u>Length of vessel</u>	<u>Mooring Line Diameter</u>
Up to 8m	Not less than 6mm
8m to 10m	Not less than 8mm
10m to 13m	Not less than 9mm
13m to 15m	Not less than 12mm

- (b) annually inspect the mooring lines so as to ensure compliance with the requirements set out in subclause (2).

(2) Mooring lines must –

- (a) be replaced every two (2) years; or
- (b) be inspected and tested by a marine engineer, Master Class 5 Skipper or other suitably qualified person every two (2) years and be certified by that person as still being suitable to withstand the load forces placed on those lines in the event of a cyclone or a flood;

and

- (c) be replaced or re-inspected in accordance with clause 4.6(2)(b) after a Category 3, 4 or 5 cyclone as declared by the Bureau of Meteorology has impacted the district; and
- (d) be used and stored in accordance with the manufacturer's recommendations.

#### **4.7 Request for Proof by authorised person of Inspection of mooring lines**

- (1) An owner of a vessel shall provide on written request by an authorised person –
  - (a) a copy of a receipt verifying the age of any mooring line; or
  - (b) a copy of a report certifying any mooring line complies with the requirements of clause 4.6(2).
- (2) Where an authorised person considers the mooring line of a vessel may be faulty or not comply with the requirements of clause 4.6(2) the authorised person may give a notice to the owner of the vessel requiring within a specified timeframe –
  - (a) the replacement of any mooring line; or
  - (b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government.

### ***Division 3 – Vessel Mooring Equipment***

#### **4.8 Vessel mooring hardware**

- (1) All vessels moored within a canal during cyclone season must be fitted with vessel mooring hardware suitable to withstand cyclonic and flood loading.
- (2) All vessel mooring hardware must be annually inspected and certified by a marine engineer, Master Class 5 skipper or equivalent after a cyclone has impacted the district or where the hardware is beyond its design life.
- (3) Vessel mooring hardware shall comply with the table listed below where the breaking load specified is the minimum standard for compliance –

<i>Vessel Length</i>	<i>Breaking Load</i>
8 metres	36.5kN
10 metres	50.0kN
13 metres	77.8kN
15 metres	139.2kN

- (4) The owner of a vessel shall produce evidence of certification as required by subclause (2) when requested by an authorised officer to do so.
- (5) Where an authorised person considers the vessel mooring hardware of a vessel may be faulty or not comply with the requirements of subclause (3)

the authorised person may give a notice to the owner of the boat requiring within a specified timeframe –

- (a) the replacement of any vessel mooring hardware;
- (b) the testing and certification of any vessel mooring hardware as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government; or
- (c) the provision of a receipt verifying the age of any vessel mooring hardware.

## **PART 5 – CYCLONE SEASON**

### **5.1 Application**

This Part only applies during the cyclone season.

#### ***Subdivision 1 – Vessels 8 metres or less in length***

### **5.2 Vessels to be removed**

- (1) Subject to clause 5.3, any vessel equal to or less than 8 metres in length and not contained within a cyclone mooring pen must be removed from a canal when a Cyclone Alert applicable to the district has been issued.
- (2) Upon the removal of a vessel in accordance with subclause (1), the vessel must be adequately secured to Cyclone Security Points.

### **5.3 Vessels that may remain**

- (1) Any vessel equal to or less than 8 metres in length may remain in a canal if -
  - (a) the vessel is not moored contrary to any provisions of this local law;
  - (b) the mooring to which the vessel is moored has been certified by an engineer or equivalent and received the appropriate licence or approval under any written law, to withstand the load placed on the mooring by the vessel during a flood or cyclone;
  - (c) the mooring lines used to moor the vessel comply with clause 4.6 and have been certified by a marine engineer, master class 5 skipper or equivalent as being able to withstand the load on the mooring lines placed on them by a flood or cyclone;
  - (d) the vessel mooring hardware on the vessel are in accordance with clause 4.8 and have been certified by a marine engineer, master class 5 skipper or equivalent as being able to withstand the load placed on the vessel by a cyclone;
  - (e) the vessel is moored within a mooring pen; and
  - (f) the vessel is moored in accordance with Part 5 of this Local Law.

### **5.4 Failure to remove vessel**

Where the owner of a vessel has not complied with the requirements of this Part, an authorised person may issue a written notice to the owner requiring him or her to remove the vessel from a canal within a reasonable period of time.

### **5.5 Authorised person may remove vessel**

(1) If a person fails to comply with a written notice given under clause 5.4 and an authorised officer considers there to be a risk that the vessel may break free and endanger public safety or damage other property, the authorised officer may at any reasonable time on reasonable notice, remove or direct the removal of the vessel or secure the vessel by:

- (a) entering onto the vessel at any time with such workmen, contractors or servants as may be required to remove the vessel;
- (b) attach any device or thing to the vessel required to remove the vessel including any tow line;
- (c) cause the vessel to be removed by either -
  - (i) starting the vessel by any means necessary; or
  - (ii) towing the vessel with another vessel or any other means necessary;
- (d) running the vessel aground and securing it to the ground by any means necessary; or
- (e) removing and impounding the vessel in accordance with the provisions of Part 3 of the Act.

(2) Any costs incurred by the local government in removing or securing a vessel under subclause (1) may be recovered by the local government from the owner of the vessel as a debt due to the local government in a court of competent jurisdiction.

### ***Subdivision 2 – Vessels over 8 (eight) metres***

#### **5.6 Vessels to be properly moored**

Vessels greater than 8 metres remaining in the canal after a Cyclone Advice applicable to the district has been issued must be secured using mooring lines in accordance with:

- (a) clause 4.6; and
- (b) the diagram set out in Schedule 4.

### **5.7 Authorised person may direct vessel to be secured**

An authorised person may give a written notice requiring the owner of a vessel to secure the vessel in accordance with clause 5.6 within a reasonable period of time.

### **5.8 Authorised person may secure a vessel**

Where the owner of a vessel fails to comply with a notice given under clause 5.7 an authorised person may, at any reasonable time on reasonable notice, secure the vessel using the vessel's mooring lines.

### **5.9 Authorised person may remove vessel**

Where an authorised person is not satisfied a vessel is secured in accordance with clause 5.6 and the authorised officer considers there is a risk that the vessel may break free and endanger public safety or property, the authorised officer may, at any reasonable time on reasonable notice, remove or otherwise secure the vessel and the provisions of clause 5.5 shall apply to such removal or securing of the vessel.

## **PART 6 – ENFORCEMENT**

### *Division 1 - Notices given under this local law*

#### **6.1 Offences relating to failure to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

#### **6.2 Local government may undertake requirements of notice**

Where a person fails to comply with a notice referred to in clause 6.1, the local government may do the thing specified in the notice and recover from that person, as a debt due in a court of competent jurisdiction, the costs incurred in so doing.

### *Division 2 - Offences and penalties*

#### *Subdivision 1 - General*

##### **6.3 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.
- (3) Any person who fails to comply with a direction issued by an authorized officer under this local law commits an offence.

(4) Any person who obstructs an authorised officer in the course of his duties under this local law commits an offence.

***Subdivision 2 - Infringement notices and modified penalties***

**6.4 Prescribed offences**

(1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 3.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**6.5 Forms**

Unless otherwise specified, for the purposes of this local law -

- (a) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Draft

**SCHEDULE 1**  
(Clause 3.1)

**Jetty Compliance Plate**

**THIS PLATE MUST BE VISIBLE FROM THE WATERWAY**

**Jetty Mooring Compliance Plate**

Jetty Licence Number:

Building Licence Number:

**Property Details**

Lot No :

House No:

Street Name:

**Vessel Details**

Maximum Permissible Length:

Maximum Permissible Weight:

**Mooring Details**

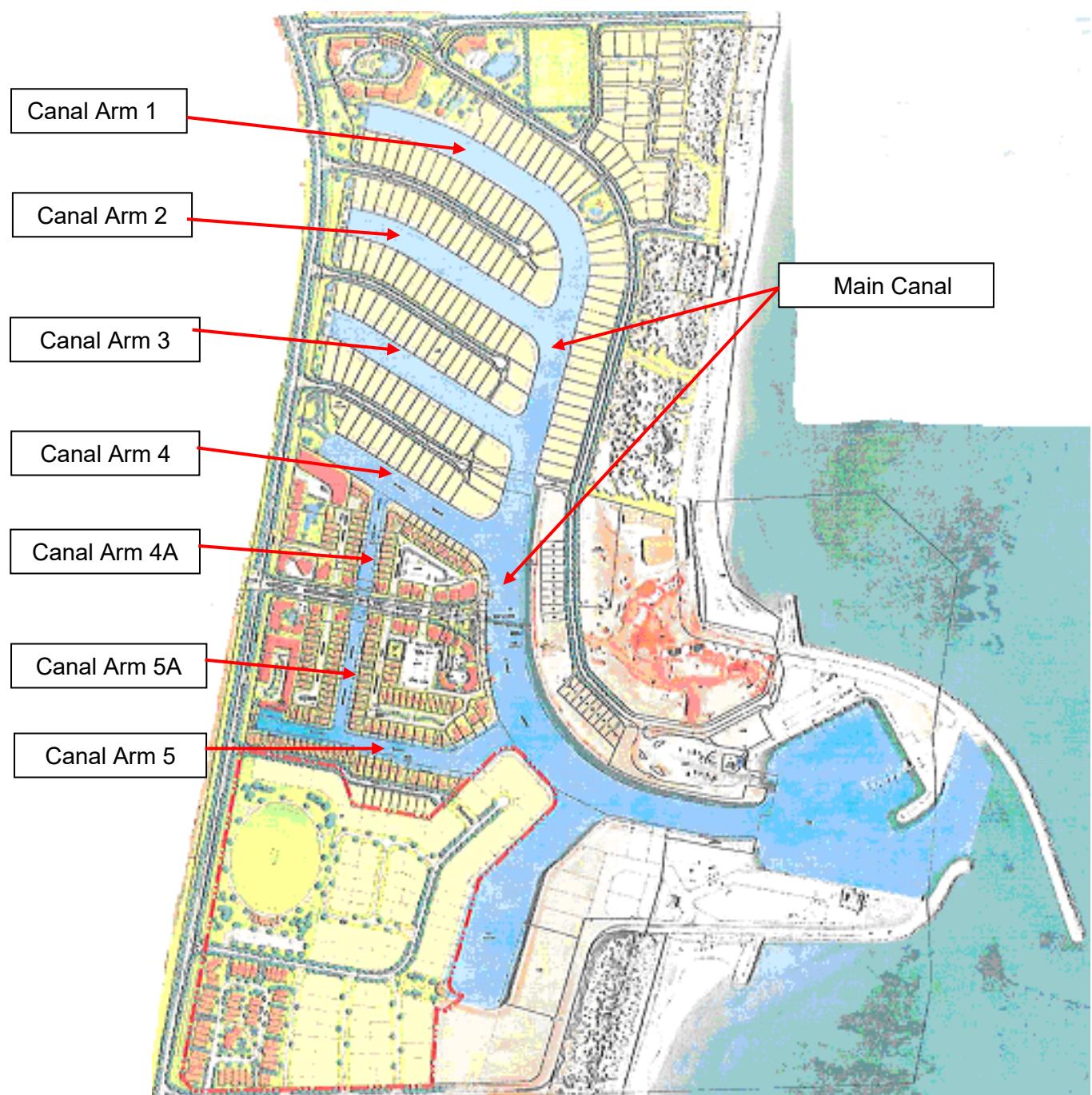
Mooring Direction (arrow):

3  
0  
C  
M

20 CM

**SCHEDULE 2**  
(Clause 4.1)

**Exmouth Marina Village Canals**



### SCHEDULE 3

(Clause 6.4)

#### *Prescribed Offences*

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1	2.1(1)	Swimming in a canal	\$200
2	2.2(1)(a)	Fishing from a pedestrian bridge	\$200
3	2.2(1)(b)	Fishing in a canal from a vessel	\$200
4	2.2(1)(c)	Fishing from a private jetty without owner permission	\$200
5	2.2(1)(d)	Fishing from a mooring or jetty so as to cause an obstruction or nuisance	\$200
6	2.2(2)	Fishing in a canal using a net	\$200
7	2.2(3)	Fishing in a canal using a gidgee or speargun	\$200
8	2.3(1)	Tow a vessel, person or object in a canal.	\$200
9	2.4(1)	Using a canal so as to cause a nuisance	\$2500
10	2.4(2)	Navigate a vessel so as to cause nuisance, damage or endanger the safety of any person, vessel, property or canal wall	\$500200
11	2.5	<del>Fuelling a vessel in canal</del>	\$300
12	2.6(1)	Storing fuel on a jetty or other structure	\$5300
13	2.6(2)	Storing fuel less than 500mm above 1:100 year ARI event	\$5300
14	2.7	Occupying a vessel for one or more consecutive nights without approval	\$5200
15	2.8(1)	Conducting major repairs to a vessel in a canal	\$5300
16	2.8(2)	Maintaining a vessel so as to cause a nuisance	\$5200
17	2.9	Mooring more than 1 vessel against a mooring without approval	\$5300
18	2.10(1)	Deposit or release pollutant into waterway	\$5400
19	3.1(2)	Failing to fix a jetty compliance plate	\$300
20	3.2(1)(a)	Offering or selling goods or services from private jetty without approval	\$200
21	3.2(1)(b)	Moor a commercial vessel at a private jetty without approval	\$200
22	3.2(1)(c)	Display a sign or advertisement on private jetty without approval	\$200
23	3.2(1)(d)	Jump or dive from a private jetty	\$200
24	3.2(1)(e)	Using a loud speaking or sound amplifying device from a private jetty	\$200
25	3.2(1)(f)	Use a fire hose where no emergency exists	\$500
26	3.2(2)	Fishing from a private jetty so as to cause an obstruction or nuisance	\$200
27	3.3	Connecting a power supply contrary to Australian Standards	\$300
28	3.4(2)	Use a vessel lifting device contrary to requirements	\$200
29	3.4(3)	Fail to contain vessel lifting device within mooring envelope	\$300
30	3.4(4)	Dry store a vessel on a private jetty without approval	\$200

31	4.1	Mooring a vessel contrary to approved direction	\$5200
32	4.2(2)	Mooring contrary to a sign	\$5200
33	4.2(3)	Piloting a vessel contrary to a sign	\$5200
34	4.3	Mooring a vessel other than wholly within a mooring envelope	\$5200
35	4.4(1)(a)(b)	Mooring an oversized vessel to a jetty	\$5200
36	4.4(1)(c)	Moor a vessel at a private jetty without the consent of the owner of the jetty	\$200
37	4.4(1)(d)	Moor an unregistered vessel	\$5200
38	4.5	Use a mooring pen or jetty other than for its designated use	\$5200
39	4.6(1)(a)	Mooring a vessel with faulty or inadequate mooring lines	\$5200
40	4.6(1)(b)	Failure to inspect mooring lines	\$5200
41	4.6(2)(a)	Failure to replace mooring lines	\$5200
42	4.6(2)(b)	Failing to have mooring lines inspected and tested by a suitably qualified person	\$5200
43	4.6(2)(c)	Failing to have mooring lines replaced or re inspected after a Category 3,4 or 5 cyclone	\$5200
44	4.7(1)	Failing to provide document on request	\$5200
45	4.7(2)	Failing to comply with notice in relation to mooring line	\$5200
46	4.8(1)	Failure to install vessel mooring hardware suitable to withstand cyclonic conditions and floods	\$5300
47	4.8(2)	Failure to have vessel mooring hardware inspected and certified by a marine engineer or equivalent	\$5300
48	4.8(4)	Failing to provide certification on request	\$5200
49	4.8(5)	Failure to comply with notice in relation to vessel mooring hardware	\$5200
50	5.2(1)	Failure to remove a vessel	\$500
51	5.2(2)	Failure to secure a vessel	\$500
52	5.4	Failure to comply with a notice to remove vessel	\$500
53	5.6	Failure to secure a vessel in accordance with requirements after a Cyclone Advice	\$500
54	5.7	Failure to comply with notice to secure vessel	\$500

**SCHEDULE 4**  
(Clause 5.6(2))

