

3. Definitions

(1) In this Act, unless the contrary intention appears —

“**board**” means the board of directors of a port authority provided for by section 7;

“**CEO**” means the person holding the office of chief executive officer of a port authority created under section 14(1) and includes an acting chief executive officer under section 14(6);

“**channel**” includes a swinging basin, turning circle, area alongside a jetty, fairway or anchorage;

“**Commissioner for Public Sector Standards**” means the person holding or acting in the office created by section 16(1) of the *Public Sector Management Act 1994*;

“**control**”, when used in the sense of being in control of a vessel, means to be in charge or command of, or to have the management of, the vessel;

“**Crown land**” has the same meaning as it has in the *Land Administration Act 1997*;

“**damage**” includes alter, destroy or remove;

“**dangerous thing**” means —

- (a) a vessel or part of a vessel;
- (b) a wreck and any cargo, fuel or other thing on or in it; or
- (c) any other thing,

that is likely to be a danger to navigation or to port facilities or harmful to the environment;

“**director**” means a director appointed under section 7;

“**executive officer**” means a member of the staff of a port authority designated under section 20(2) as an executive officer;

“**goods**” includes —

- (a) merchandise, wares, chattels and other articles, whether manufactured or of any other kind;
- (b) minerals and mineral products;
- (c) petroleum and hydrocarbon products;
- (d) forestry and agricultural products; and
- (e) livestock;

“**harbour master**” means a person appointed under section 102 as the harbour master or acting harbour master of a port or authorized under that section to perform the harbour master’s functions;

“**jetty**” includes —

- (a) a pier, wharf, quay, grid, slipway, landing place, stage, platform or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on, over or alongside any waters; and
- (b) a ramp that is or may be used for the purpose of launching or landing a vessel,

but does not include a vessel;

“management”, in relation to staff, includes recruitment, selection, appointment, transfer, secondment, performance management, redeployment, discipline and termination of employment;

“maritime structure” means —

- (a) a jetty;
- (b) a breakwater, groyne or seawall;
- (c) a dredged channel;
- (d) a boat pen or vessel mooring;
- (e) a navigational aid; or
- (f) a pipeline in, over, under or discharging into navigable waters (but not a pipeline discharging material from a dredging vessel);

“master” includes a person, other than an approved pilot provided under section 96(5), having control of a vessel for the time being;

“member of staff” means a person engaged under section 16;

“mooring” includes anchoring and berthing;

“movement”, in relation to —

- (a) goods, includes loading and unloading;
- (b) passengers, includes boarding and going ashore;

“navigational aid” means an apparatus, device, mark or structure that —

- (a) is or is intended to be an aid to marine navigation; or
- (b) emits or transmits a light, sound, radio, electronic or other signal that is or is intended to be an aid to marine navigation;

“owner”, in relation to —

- (a) property of any kind, includes a person who is an owner jointly or in common with another person;
- (b) goods, includes a consignor, consignee, shipper or agent for sale or custody, loading or unloading of the goods concerned;
- (c) a vessel, includes a charterer of the vessel;

“port” means a port named in Schedule 1 and **“the port”** or

“its port”, in relation to a port authority, means the port for which the port authority is established;

“port activities” has the meaning given by section 35;

“port authority” means a body established by section 4;

“port charges” has the meaning given by section 115;

“port facilities” means facilities provided for or in relation to port activities or the administration of the port and includes —

- (a) maritime structures and other buildings, structures and enclosures;
- (b) railways; and
- (c) machinery, equipment, vessels, vehicles and aircraft;

“port land” means vested land or land acquired by a port authority;

“port services” has the meaning given by section 35;

“port works” has the meaning given by section 35;

“subsidiary” means —

- (a) a body that would be a subsidiary of a port authority within the meaning of the Corporations Law if the port authority were a body corporate to which the Corporations Law applies; and
- (b) an interest or other rights of a port authority in a unit trust, joint venture or partnership where the interest or other rights of the port authority in connection with the unit trust, joint venture or partnership entitle the port authority to —
 - (i) control the composition of the governing body of the unit trust, joint venture or partnership;
 - (ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the unit trust, joint venture or partnership; or
 - (iii) control the business affairs of the unit trust, joint venture or partnership;

“Treasurer” means the Treasurer of the State;

“vessel” has the meaning given by subsections (2) and (3);

“vested”, in relation to land or other property, means vested in a port authority under this Act.

- (2) A reference in this Act to a vessel is a reference to a thing used, or capable of being used, in navigation by water, and includes a reference to —
 - (a) an air-cushion vehicle, seaplane or other similar craft; or
 - (b) a barge, lighter or other floating structure used for commercial purposes other than a structure of a class or kind prescribed for the purposes of this paragraph.
- (3) A thing can be a vessel for the purposes of this Act —
 - (a) no matter how it is moved or propelled; and
 - (b) even if it is normally stationary.