



Western Australia

## **Marine Navigational Aids Act 1973**

Compare between:

[31 May 2002, 01-a0-11] and [29 Nov 2016, 01-b0-01]



## Marine Navigational Aids Act 1973

**An Act relating to the establishment, maintenance and use of marine navigational aids.**

### 1. Short title

This Act may be cited as the *Marine Navigational Aids Act 1973*<sup>1</sup>.

### 2. Interpretation

In this Act —

***department*** means the department of the Public Service principally assisting the Minister in the administration of this Act;

***marine navigational aid*** means a lighthouse, light ship, port light, buoy, beacon, signal, or other structure, mark, device or apparatus that is or is intended to be an aid to marine navigation, and includes a radio beacon or an electronic aid;

***port authority*** means the body established under an Act of the Parliament of the State as the port authority in relation to a port or the approaches to that port.

*[Section 2 amended by: No. 47 of 1993 s. 25.]*

### 3. Marine navigational aids

- (1) The department, and a port authority in relation to the port under its control and the approaches thereto —
  - (a) may establish any marine navigational aid;
  - (aa) may enter into an agreement with any person who has established or who proposes to establish a marine

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- navigational aid providing for the transfer from that person of the control of that aid;
- (b) may add to, alter or remove any such aid;
  - (c) may alter the character of any such aid; and
  - (d) shall maintain every such aid under its control.
- (2) Any marine navigational aid established by the department or a port authority before the commencement of this Act shall be deemed to have been established under this Act.
- (3) Where the department or a port authority enters into an agreement pursuant to paragraph (aa) of subsection (1) —
- (a) any marine navigational aid to which the agreement applies shall be deemed to have been or to be established under this Act; and
  - (b) provision shall be made in the agreement for the payment from time to time of the expense incurred in the exercise of the powers conferred by paragraphs (b), (c) and (d) of that subsection.

*[Section 3 amended ~~by~~ No. 66 of 1977 s. 2; No. 31 of 1980 s. 3.]*

**3A. Fees payable in respect of fishing boats**

- (1) Subject to subsection (2), there are payable to the department in respect of every fishing boat fees at such rates as are prescribed in respect of the provision of marine navigational aids outside any port under the control of a port authority and the approaches to that port.
- (2) Regulations prescribing fees payable under subsection (1) may provide that fishing boats of a specified class, or of specified classes, are exempt from the payment of those fees.
- (3) In this section —

***fishing boat*** means a vessel licensed, or required to be licensed, by or under the *Fish Resources Management Act 1994* or the *Pearling Act 1990*.

[Section 3A inserted ~~by~~: No. 83 of 1978 s. 3; amended ~~by~~: No. 53 of 1994 s. 264.]

#### 4. **Protection from actions**

No civil action, claim or demand lies, or shall be commenced or allowed, by or in favour of any person against —

- (a) the State;
- (b) the Minister or the department;
- (c) a port authority;
- (d) any officer of the department or a port authority or other person acting in good faith for the purposes of this Act; or
- (e) where the control of the marine navigational aid is transferred to the department or a port authority under an agreement entered into pursuant to section 3(1)(aa), a person who is or was the owner, lessee or bailee of the marine navigational aid,

by reason of any act, matter or thing done or omitted to be done in good faith, but whether negligently or otherwise, in relation to, or by reason of any defect in, a marine navigational aid established or deemed to have been established under this Act or maintained under this Act.

[Section 4 amended ~~by~~: No. 30 of 1980 s. 2.]

#### 5. **Offence**

- (1) A person who wilfully or negligently does anything which interferes with the operation of, or the use by a person of, a marine navigational aid established or deemed to have been established under this Act so as to hinder the effective operation, or use, of the aid commits an offence.

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Penalty: \$200.

- (2) In addition to the penalty, a person convicted of an offence against subsection (1) may be ordered to pay the amount of the damage to the marine navigational aid caused by the commission of the offence, or the cost of repairing, replacing or reinstating the aid.

*[Section 5 amended ~~by~~ No. 30 of 1980 s. 3.]*

## Notes

<sup>1</sup> This is a compilation of the *Marine Navigational Aids Act 1973* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Marine Navigational Aids Act 1973</i>	27 of 1973	6 Jun 1973	6 Jun 1973
<i>Marine Navigational Aids Act Amendment Act 1977</i>	66 of 1977	28 Nov 1977	28 Nov 1977
<i>Marine Navigational Aids Act Amendment Act 1978</i>	83 of 1978	27 Oct 1978	1 Jul 1985 (see s. 2 and <i>Gazette</i> 28 Jun 1985 p. 2292)
<i>Marine Navigational Aids Amendment Act 1980</i>	31 of 1980	28 Oct 1980	28 Oct 1980
<i>Acts Amendment (Department of Transport) Act 1993 Pt. 10</i>	47 of 1993	20 Dec 1993	1 Jan 1994 (see s. 2 and <i>Gazette</i> 31 Dec 1993 p. 6861)
<i>Fish Resources Management Act 1994</i> s. 264	53 of 1994	2 Nov 1994	1 Oct 1995 (see s. 2 and <i>Gazette</i> 29 Sep 1995 p. 4649)
<b>Reprint of the <i>Marine Navigational Aids Act 1973</i> as at 31 May 2002</b> (includes amendments listed above)			

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

### Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<a href="#">Aquatic Resources Management Act 2016</a> s. 368 <sup>2</sup>	<a href="#">53 of 2016</a>	<a href="#">29 Nov 2016</a>	<a href="#">To be proclaimed (see s. 2(b))</a>

<sup>2</sup> On the date as at which this compilation was prepared, the *Aquatic Resources Management Act 2016* s. 368 had not come into operation. It reads as follows:

**368. Marine Navigational Aids Act 1973 amended**

(1) This section amends the *Marine Navigational Aids Act 1973*.

(2) In section 3A(3) in the definition of **fishing boat** delete “*Fish Resources Management Act 1994* or the *Pearling Act 1990*.” and insert:

*Aquatic Resources Management Act 2016*.