

Western Australian Marine (Infringements) Regulations 1985

Compare between:

[10 Feb 2006, 01-c0-02] and [26 May 2006, 01-d0-04]

Western Australia

Western Australian Marine Act 1982

Western Australian Marine (Infringements) Regulations 1985

1. Citation

These regulations may be cited as the Western Australian Marine (Infringements) Regulations 1985 ¹.

2. Commencement

These regulations shall come into operation 3 months after the day on which they are published in the *Gazette* ¹.

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 unauthorized endorsement or alteration of infringement notices

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

Modified Penalties

Item	Navigable Waters Regulations 1958	Description of offence	Modified Penalty \$
1	6A	Failing to comply with directions	200
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 metres 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 —	4.40
		(a) by not more than 10 knots	160
_	4.075	(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	
	100(1)	permission of Department	100
8	19C(1)	Failing to exhibit on vessel required diving flag	100
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	100
0.0	105(1)(1)	where the person is diving	100
8C	19D(1)(b)	Failing to display required lights when diving at	100
0	105	night otherwise than from a vessel	100
9	19E	Failing to maintain distance of 50 metres	
		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	100
		speed whilst passing within 50 metres of that	100
4.0	404.	place or other vessel	
10	42(a)	Anchoring or mooring vessel in fairway or	
	404.	channel when not in distress	60
11	42(c)	Placing cable or rope or other obstruction across	
		fairway or channel without written permission	

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Item	Navigable Waters Regulations 1958	Description of offence	Modified Penalty \$
		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	
16	45B(8)	marked with registration number	80
17	45BA(4)(c)	of Geraldton Use of vessel with incorrectly affixed dealer	60
18	45D(1)(a)	plates Failing to produce certificate of registration of	60
19	45D(1)(b)	vessel within specified time	40
20	45E(1)(a)	vessel within 15 daysFailing to furnish purchaser of vessel with	120
21		registration certificate	60
	45E(1)(b)	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	60
23A	47AA(3)	registered vessel within 15 days Person between 10 and 16 driving an RST vessel unless under supervision (before	
23B	47AB(3)	1 April 2007) Person between 10 and 14 driving an RST vessel unless under supervision (between	200
23C	47AB(4)	1 April 2007 and 1 April 2008) Person between 14 and 16 driving an RST vessel unless —	200
23D	47AB(5)	 (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) 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

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Item	Navigable Waters Regulations 1958	Description of offence	Modified Penalty \$	
23E	47A(3)	Person between 10 and 14 driving an RST vessel unless under supervision	200	
23F	47A(4)	(on and after 1 April 2008)	200	
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)	Owner allowing RST vessel to be driven in contravention of regulation 47AA, 47AB or		
23I	47A(6) 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 metres	160	
24A	48(a)(ii)	Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within 45 metres 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		
24D	48(d)(i)	15 metres of a vessel under weigh Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within	160	
24E	48(d)(iii)	45 metres of a moored vessel Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within	160	
24F	48(d)(iv)	45 metres of a person in the water Driving a motor boat at a speed exceeding 8 knots or water ski-ing or para-sailing within	200	
24G	48(e)	45 metres of a jetty or wharf	160	
25	48A(2)	an arch of a bridge Driving motor boat towing para-sailor or water	160	

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

Item	Navigable Waters Regulations 1958	Description of offence	Modified Penalty \$
26	49(1)	skier in area not set aside for purpose Towing para-sailor or water skier without	200
27	49(2)	Observer in towing speed boat Driver of or observer in speed boat towing para-sailor or water skier failing to maintain	160
[28	deleted]	constant lookout or watch	120
29	49C	Failing to drive speed boat at least 45 metres 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 metres of shore in water ski area	60
32	49G	Failing to keep speed boat towing water skier at least 30 metres from shore when not engaged in	60
33	49H	landing or taking off water skier Driver of speed boat failing to maintain correct distance after landing water skier before	60
34	49I	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 Driver of speed boat failing to maintain distance	120
		of 25 metres 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(1)(a) or (b)	Using navigable waters for purpose of slalom course or ski-jump —	00
		(a) without prior written permission of Department	100
38	50	and pennants Driving motor boat towing water skier between sundown and 8am on Swan River or between	60
20 1	504(2)	sundown and 9am on Canning River	200
38A	50A(2)	Freestyle driving, surfing or wave jumping in a prohibited area	200
38B	50A(3)	Freestyle driving, surfing or wave jumping within — 30m of another personal watercraft; or	
38C	50B	50m of any other vessel or person Failing to wear an appropriate flotation device	200
39	51	while on a personal watercraft	200

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

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Item	Navigable Waters Regulations 1958	Description of offence	Modified Penalty \$
40	51A	silencer approved by Department	160
40.4	***	annoyance	160
40A 41	51D 52	Failing to fit a bilge pump Failing to equip vessel with approved fire	160
42	52A	extinguisherFailing to equip vessel with required number of approved life jackets whilst being navigated	160
43	52B	outside protected waters	200
43A	52BAA	Failing to equip vessel with an approved and	160
43B	52BAB	licensed marine transceiver Failing to equip vessel with an approved Electronic Position Indicating Radio Beacon	200 200
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
Γ Λ Ω Λ	Western Australian Marine Act Section		
[<i>48A</i> 49	deleted] 13(1)(a)	Uncertificated person acting in a position of command on a commercial vessel	300
	Western Australian Marine Act Section	Description of offence	Modified Penalty \$

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

	Western Australian Marine Act Section	Description of offence	Modified Penalty \$
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	300
		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 63	42(c) 42(d)	Failing to repair or replace fire appliances Failing to keep fire appliances fit and ready for	200
64	44(a)	useBeginning a voyage without appropriate radio	200
65	44(b)	equipment Beginning a voyage without a qualified radio	300
66	48(a)	operator on board Beginning a voyage without required equipment	200
67	48(b)	Failing to keep required equipment in good	150
		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 71	63(5) 64(2)	Navigating vessel in breach of order Failing to render assistance or give details after	150
		a collision	150

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04] Published on www.legislation.wa.gov.au

	Western Australian Marine Act Section	Description of offence	Modified Penalty \$
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 authorized person in relation to	
		an area closed to navigation	200
75	66(3)(b)	Navigating a vessel in an area closed to	•••
	(7(0)	navigation	200
76	67(3)	Exceeding speed limit by —	
		(a) more than 3, but less than 5,	100
		knots	100
		(b) 5 or more, but less than 10, knots	160
77	69	(c) 10 knots or more	200
78	70(1)	Failing to batten down and secure hatches Going on board a vessel in port at night without	100
10	70(1)	authority	100
79	72(1)(a)	Being drunk or disorderly and attempting to	100
)	12(1)(a)	board a passenger ship without authority	100
30	72(1)(b)	Being drunk or disorderly on board a passenger	100
30	72(1)(0)	ship and refusing to leave when requested	100
31	72(1)(c)	Molesting a passenger on a passenger ship after	100
,1	72(1)(0)	being warned	100
32	72(1)(d)	Being on board a passenger ship without	100
	, =(1)(0)	authority and refusing to leave when requested	100
33	72(1)(e)	Attempting to enter a passenger ship after entry	
	. ()(-)	has been refused	100
34	72(1)(f)	Refusing to leave a passenger ship when	
	()()	requested	100
35	72(1)(g)	Attempting to travel on a passenger ship	
		without paying the fare	100
36	72(1)(h)	Attempting to travel on a passenger ship beyond	
		the place to which the fare has been paid	
			100
37	72(1)(i)	Refusing to leave a passenger ship at place to	
		which fare has been paid	100
38	72(1)(j)	On a passenger ship failing to produce ticket or	
		pay fare when requested	100
39	73	Damaging equipment, or obstructing the crew,	
		on a passenger ship	100
90	91(1)	Carrying dangerous goods without proper	
	0=44:	markings	200
91	97(1)	Carrying explosives on a passenger ship	***
	100(0)	without proper protection	200
92	132(8)	Removing an infringement notice from a vessel	100

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

	W.A. Marine (Hire and Drive Vessels) Regulations 1983 (provision of Uniform Code)	Description of offence	Modified Penalty \$
93	3.4.1	Failing to fix registration plates to hire and	
94	3.4.2	drive vesselFailing to maintain markings on hire and	50
		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	30
70	3.13.2	and drive vessel	50
97	4.2.2	Overloading a hire and drive vessel	100
	Mooring Regulations 1998		
98	6(1)	Securing vessel to mooring when mooring site is not licensed, vessel is not authorized	
99	6(2)(a)	or vessel is not identifiable Securing vessel to mooring on licensed mooring site when another vessel is	100
		secured to the mooring	100
100	6(2)(b)	Securing vessel to another vessel secured	100
101	6 1	to a mooring on a licensed mooring site	100
<u>101</u>	<u>6A</u>	Securing vessel in a mooring control area for more than 6 hours	<u>100</u>

[Schedule 1 inserted in Gazette 9 Jun 1992 p. 2381-2; amended in 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.]

Second Schedule

[Regulation 4]

FORMS FORM 1

This space for cash register imprint

Western Australia

Department of Marine and Harbours

BOATING INFRINGEMENT NOTICE

Western Australian Marine Act 1982, Section 132

		Issue I	Date/
Sex: □	Date of Birth: □□/□		
M	•••••		
		ers) Other Names in	
Address			
	Number of Street	Town or Suburb	Post Code
Particulars	s of Vessel: Registration 1	No E	Expiry Date/
Туре	Cons	struction	Colour
Length	Kw/HpEn	ngine: 🗆 Inboard 🗆 Ou	ıtboard
	Nu	imber of persons on board	1
_		onday of	
in the area	ı of		
	tion with the abovemention hereunder.	oned vessel you committe	ed the offence
			No
	of inspector or other auth		
			MODIFIED
			PENALTY
CODE		\$	
CODE		\$	
CODE		\$	
		TOTAL \$	

Second Schedule

Take notice that —

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay to an officer specified on the reverse side of this notice, within 28 days, the total amount specified.

If that amount is not paid within 28 days, further action will be taken in respect of the alleged offence(s) under the Inrep system or by a prosecution. Procedures under the Inrep system will incur charges payable by you additional to the penalty amount.

Note: Unless within a period of 21 days after the date of service of this notice —

- (a) the modified penalty(ies) shown above is(are) paid; or
- (b) the owner of the vessel described above
 - (i) informs an authorized person of the identity and address of the person who was in charge of the vessel; or
 - (ii) satisfies an authorized person that the vessel had been stolen or unlawfully taken, or was being unlawfully used,

at the time when the offence(s) described in this notice is (are) believed to have been committed,

the owner of the vessel is, in the absence of proof to the contrary, deemed to be the person who was in charge of the vessel at the time when the offence(s) described in this notice is(are) believed to have been committed.

A person, other than the owner or person in charge of the vessel, who removes this notice from the vessel commits an offence and is liable to a penalty not exceeding \$200.

Payment may be made —

(i) By post to —

Accountant Crown Law Department ² G.P.O. Box F317 PERTH WA 6001

(ii) By hand to —

Clerk of Courts —

Albany, Armadale, Broome, Bunbury, Busselton, Carnarvon, Collie, Derby, Esperance, Fremantle, Geraldton, Harvey, Kalgoorlie, Karratha, Katanning, Kununurra, Mandurah, Manjimup, Merredin, Moora, Midland, Narrogin, Northam,

2	co	nd	Sch	ıh۵	مار
JE	υ	ııu	JULI	eu	JIE.

Pinjarra, Port Hedland, Roebourne, Rockingham and Perth — Court of Petty Sessions, Level 2, Central Law Courts, 30 St George's Terrace.

Any inquiry you may have in this matter is to be made in writing and forwarded by post to —

The Executive Director

Department of Marine and Harbours³

P.O. Box 402

FREMANTLE WA 6160

A receipt will not be mailed unless requested.

Payments will not be accepted at any Marine and Harbours Offices.

BOATING INFRINGEMENT NOTICE

CREDIT CARD SLIP

Do not detach — Return complete document with payment to —

Accountant

Crown Law Department²

Box F317 G.P.O.

PERTH WA 6001

Please debit my credit card account —

Bankcard Mastercard Visacard

Card Number: Amount

Cardholder Name:

Signature: Expiry Date: // // //

Form 2

WESTERN AUSTRALIA

WITHDRAWAL OF BOATING INFRINGEMENT NOTICE

Western Australian Marine Act 1982 (Section 132(5))

			No.
			Date / /
M			
Surr	name (Block Letters)	Other	names in full
Address			
N	Number and street	Town or suburb	Postcode
for the alleg	ingement notice Noed offence(s) ofnodified penalty(ies) of \$thdrawn.		
(a)	*No further action will be	taken	
(b)	*It is proposed to institute (those alleged offences).	court proceedings for the	at alleged offence
*Strike out t	that which is not applicable.		
		Aut	chorized person arine and Harbours
	(Complete and detach this p	ortion if penalty has bee	n paid).
Accountant			• '
Crown Law	Department ²		
Westpac Ce	ntre	No.	
109 St Geor			
PERTH WA			
modified pe No.	oly for a refund of the amount nalty(ies) paid in respect of which was withdram	boating infringement not awn by notice dated	tice
_			
			Signature
Address for			int full name)
	Number and street	Town or suburb	Postcode

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04] Published on www.legislation.wa.gov.au

Form 3

WESTERN AUSTRALIA

Department of Marine and Harbours³

NOTICE TO IDENTIFY PERSON IN CHARGE OF VESSEL

Western Australian Marine Act 1982 (Section 133(2))

M				
Surname (Block Letters)	Other names in full			
Address Number and street	Town or suburb			
Particulars of vessel:	Town or suburb	1 osteode		
Registration No	engine: Inboard day of cross (X) were comm	lour Outboard19 itted while the		
known and cannot immediately be asce You, being the owner of the above- identify the person who was in charge offence (those offences) is(are) alleged NOTE:	ertained. mentioned vessel, are of that vessel at the tin	hereby required to ne when that		
Unless within 21 days of the day of	service of this notice -			
(a) you inform an authorized person who was in charge				
(b) satisfy an authorized perso been stolen or unlawfully				
at the time when the above-mentioned offence(s) is(are) alleged to have been committed, you are, in the absence of proof to the contrary, deemed to be the person who was in charge of that vessel at the time when that offence(those offences) is(are) alleged to have been committed.				
Date/	Inspector or othe	er authorized person rine and Harbours ³ .		

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

Form 4

WESTERN AUSTRALIA

Department of Marine and Harbours³

CERTIFICATE OF AUTHORIZED PERSON OTHER THAN INSPECTOR

Western Australian Marine Act 1982 (Section 134(1))

DEPARTMENT OF MARINE AND HARBOURS ³ FREMANTLE TO WHOM IT MAY CONCERN THE BEARER		
not being an inspector, is an authorized person within the meaning of		
section 132 of the Western Australian Marine Act 1982.		
Chief Executive Officer		
(Bearer's signature)		
Appointment No.		

[Schedule 2 amended in Gazette 24 Apr 1986 p. 1480; 20 Jun 1986 p. 2057; 26 Jul 1991 p. 3934-6; 11 Aug 1992 p. 3978.]

Notes

This is a compilation of the *Western Australian Marine (Infringements)*Regulations 1985 and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
Western Australian Marine (Infringements) Regulations 1985	4 Oct 1985 p. 3866-70	4 Jan 1985 (see r.2)
Western Australian Marine (Infringements) Regulations 1986	24 Apr 1986 p. 1480-81	24 Apr 1986
Western Australian Marine (Infringements) Regulations (No. 2) 1986	20 Jun 1986 p.2057	20 June 1986
Western Australian Marine (Infringements) Amendment Regulations 1991	26 Jul 1991 p. 3934-36	26 Jul 1991
Western Australian Marine (Infringements) Amendment Regulations 1992	9 Jun 1992 p. 2380-82	1 Jul 1992 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1992	30 Jun 1992 p. 2910	1 Jul 1992 (see r. 2)
W.A. Marine Amendment Regulations 1992	11 Aug 1992 p. 3978	11 Aug 1992
Western Australian Marine (Infringements) Amendment Regulations 1991	7 May 1993 p. 2361-62	7 May 1993
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1993	31 Dec 1993 p. 6911-12	1 Mar 1994 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations 1996	14 Jun 1996 p. 2607	14 Jun 1996
Western Australian Marine (Infringements) Amendment Regulations 1997	30 May 1997 p. 2497-99	30 May 1997

Compare 10 Feb 2006 [01-c0-02] / 26 May 2006 [01-d0-04]

Citation	Gazettal	Commencement
Western Australian Marine (Infringements) Amendment Regulations 1998	27 Oct 1998 p. 5964-65	27 Oct 1998
Western Australian Marine (Infringements) Amendment Regulations (No. 2) 1998	11 Dec 1998 p. 6651-52	11 Dec 1998 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations 2003	17 Jun 2003 p. 2220-1	1 Jul 2003 (see r. 2)
Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005	23 Dec 2005 p. 6278-9	23 Dec 2005
Western Australian Marine (Infringements) Amendment Regulations 2005	10 Feb 2006 p. 665-6	10 Feb 2006 (see r. 2 and <i>Gazette</i> 10 Feb 2006 p. 667)
Western Australian Marine (Infringements) Amendment Regulations 2006	26 May 2006 p. 1880	<u>26 May 2006</u>

Under section 69 of the *Acts Amendment (Ministry of Justice) Act 1993* (No. 31 of 1993) a reference, however expressed, in any law or document, to the former Crown Law Department is to be read as a reference to the Ministry of Justice.

Now Department of Transport. See *Acts Amendment (Department of Transport) Act 1993* (No. 47 of 1993).