



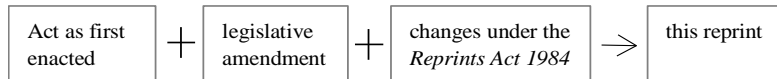
Western Australia

Marine Navigational Aids Act 1973

Reprinted as at 31 May 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

Marine Navigational Aids Act 1973

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 31 May 2002

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*¹.

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 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.

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

- ¹ This reprint is a compilation as at 31 May 2002 of the *Marine Navigational Aids Act 1973* and includes the amendments made by the other written laws referred to in the following table.

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 s. 264</i>	53 of 1994	2 Nov 1994	1 Oct 1995 (see s. 2 and <i>Gazette</i> 29 Sep 1995 p. 4649)