



Western Australia

Marine and Harbours Act 1981

**Marine and Harbours (Departmental Areas)
Regulations 1998**

Marine and Harbours (Departmental Areas) Regulations 1998

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Defined terms

Marine and Harbours (Departmental Areas) Regulations 1998

1. Citation

These regulations may be cited as the *Marine and Harbours (Departmental Areas) Regulations 1998*¹.

2. Interpretation

(1) In these regulations —

ACROD sticker means a parking sticker issued by ACROD Limited (Western Australian Division), a company limited by guarantee and incorporated in the Australian Capital Territory;

carriageway has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

dual use path means a footpath, or a length of a footpath, at both ends of which it is indicated publicly that a person may ride or use a non-motorized vehicle on the footpath or length of a footpath;

indicated publicly, in relation to a departmental area, or portion of a departmental area, means indicated publicly by notices or signs of the kind referred to in section 5B of the Act that are erected, placed or marked at or near the departmental area, or portion of a departmental area, to which the notices or signs apply;

jetty has the same meaning as it has in the *Jetties Act 1926*;

non-motorized vehicle means —

- (a) a vehicle that is propelled by means other than a motor;
or
- (b) a wheelchair, whether or not propelled by means of a motor;

park has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4 but does not include a motorised wheelchair as defined in the *Road Traffic Code 2000* regulation 3(1).

- (2) These regulations are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

[Regulation 2 amended: Gazette 8 Jan 2015 p. 53-4.]

3. Parking vehicles on departmental land

- (1) A person must not, without the written permission of the chief executive officer, park a vehicle on departmental land anywhere other than where it is indicated publicly that the parking of vehicles is permitted.
Penalty: \$250.
- (2) If the maximum period that a vehicle is permitted to be parked on departmental land is indicated publicly, a person must not park a vehicle on the departmental land for a period greater than that maximum period.
Penalty: \$100.
- (3) A person must not park a vehicle on departmental land where it is indicated publicly that the departmental land is reserved for the parking of vehicles of disabled persons unless —
 - (a) a disabled person is the driver of or a passenger in the vehicle; and

- (b) the vehicle displays a current ACROD sticker in a prominent position.

Penalty: \$250.

- (4) A person must not park a vehicle on departmental land in a manner that obstructs —
 - (a) a footpath;
 - (b) a pedestrian crossing;
 - (c) a vehicle loading zone; or
 - (d) an entrance to or exit from a place on the departmental land.

Penalty: \$250.

3A. Parking charges for boat trailers: Hillarys Boat Harbour

The following charges are payable for parking a boat trailer on departmental land at Hillarys Boat Harbour where it is indicated publicly that the parking of boat trailers is permitted —

- (a) a daily charge of \$9.00;
- (b) an annual charge of \$140.00.

[Regulation 3A inserted: Gazette 23 Jun 2017 p. 3258; amended: Gazette 22 Jun 2018 p. 2184.]

4. Driving and riding vehicles on departmental land

- (1) Subject to subregulation (2), a person must not, without the written permission of the chief executive officer, drive or ride a vehicle on departmental land anywhere other than —
 - (a) on a carriageway; or
 - (b) where it is indicated publicly that the parking of vehicles is permitted.

Penalty: \$250.

- (2) A person may drive or ride a non-motorized vehicle on departmental land —
 - (a) on a dual use path; or
 - (b) where the person has the permission of an officer of the Department to drive or ride such a vehicle.
- (3) A person must not drive or ride a vehicle on departmental land at a speed —
 - (a) greater than the speed indicated publicly as the maximum speed applicable to the departmental land; or
 - (b) if no maximum speed is so indicated, greater than 40 kilometres per hour.

Penalty: \$250.

5. Departmental land leased to local governments

Regulations 3 and 4 do not apply to departmental land that is leased to a local government within the meaning of the *Local Government Act 1995*.

6. Using waters in departmental areas

- (1) A person in charge of a vessel in a departmental area must not cause or permit the vessel to enter or remain in any waters indicated publicly as waters —
 - (a) that are reserved for swimming; or
 - (b) that vessels are prohibited to enter.

Penalty: \$500.

- (2) A person must not dive into any waters from a jetty in a departmental area.

Penalty: \$400.

- (3) A person must not, without the written permission of the chief executive officer, swim in or dive into any waters in a departmental area other than waters indicated publicly as waters —

- (a) that are reserved for swimming; or
- (b) that vessels are prohibited to enter.

Penalty: \$100.

7. Permitting animals on jetties in departmental areas

- (1) A person who has an animal in his or her possession or under his or her control must not, without the permission of an officer of the Department, cause or permit the animal to be on a jetty in a departmental area.

Penalty: \$100.

[(2) Deleted]

[Regulation 7 amended: Gazette 8 Jan 2015 p. 54.]

8. Giving false or misleading information

A person must not give to an officer of the Department in relation to an offence committed, or alleged to have been committed, under these regulations any information, whether in documentary or any other form, that the person knows —

- (a) to be false or misleading in a material particular; or
- (b) to have omitted from it a matter or thing the omission of which renders the information misleading in a material particular.

Penalty: \$500.

9. Infringement notices and modified penalties

- (1) An offence that is —
- (a) created under a provision of these regulations mentioned in column 1 of Schedule 1; and

- (b) described in column 2 of Schedule 1,
is an offence for the purposes of the service of an infringement notice under section 18A(2) of the Act.
- (2) The amount mentioned in column 3 of Schedule 1 corresponding to an offence referred to in subregulation (1) is the modified penalty for that offence for the purposes of section 18A(4) of the Act.
- (3) The form of an infringement notice for the purposes of section 18A(3)(a) of the Act is the form set out in Form 1 of Schedule 2.
- (4) The form of a notice for the purposes of the withdrawal of an infringement notice under section 18A(7) of the Act is the form set out in Form 2 of Schedule 2.

10. Offences that place onus on vehicle owner

An offence that is created under a provision of these regulations mentioned in the Table to this regulation is an offence for which an infringement notice may be served under section 18A(2) of the Act as read with section 18B(1) of the Act.

Table

regulation 3(1)	regulation 3(4)
regulation 3(2)	regulation 4(1)
regulation 3(3)	regulation 4(3)

Schedule 1 — Infringement notice offences and modified penalties

[Reg. 9(1) and (2)]

Item No.	Column 1 Regulation	Column 2 Brief description of offence	Column 3 Modified Penalty \$
1.	3(1)	Parking vehicle on departmental land outside indicated parking area	50.00
2.	3(2)	Parking vehicle on departmental land for longer than maximum period	20.00
3.	3(3)	Parking vehicle on departmental land where reserved for disabled persons	50.00
4.	3(4)	Parking vehicle on departmental land in manner that obstructs footpath, etc.	50.00
5.	4(1)	Driving or riding vehicle in departmental area outside areas where driving or riding is permitted	50.00
6.	4(3)	Driving or riding vehicle on departmental land over maximum speed limit	50.00
7.	6(1)	Causing or permitting vessel in departmental area to enter or remain in waters reserved for swimming	100.00
8.	6(2)	Diving into waters from jetty in departmental area	80.00
9.	6(3)	Swimming or diving in waters in departmental area outside areas reserved for swimming	20.00
10.	7(1)	Causing or permitting animal to be on jetty in departmental area	20.00

Schedule 2 — Forms

[Reg. 9(3) and (4)]

FORM 1

MARINE AND HARBOURS ACT 1981

**MARINE AND HARBOURS (DEPARTMENTAL AREAS)
REGULATIONS 1998**

INFRINGEMENT NOTICE

Parking offence

Other offence

DOB ⁽¹⁾/...../.....

Date of this notice/...../.....

To: ⁽²⁾

of: ⁽³⁾

Details of vehicle (if applicable):

It is alleged that on/...../..... at ⁽⁴⁾

at ⁽⁵⁾

you committed the following offence —

.....
.....
.....

contrary to regulation of the *Marine and Harbours (Departmental Areas) Regulations 1998*.

The modified penalty for the alleged offence is \$

If you do not wish to have the alleged offence heard and determined by a court, you may pay the amount of the modified penalty specified above to an authorised officer at ⁽⁶⁾ a period of 28 days after the giving of this notice.

If you do not do so, you may receive a summons for this matter to be heard and determined by a court, and you may become liable to pay additional amounts.

Name and title of authorised officer giving this notice.....

Signature

- (1) Date of birth of alleged offender (not required to be given).
- (2) Name of alleged offender [“owner of (*vehicle identification*)” is sufficient if notice is given under section 18B(1) of the Act].
- (3) Address of alleged offender [not required if notice given under section 18B(1) of the Act].
- (4) Time at which offence was allegedly committed.
- (5) Place at which offence was allegedly committed.
- (6) Place where modified penalty may be paid.

[Form 1 amended: Gazette 8 Jan 2015 p. 54-5.]

FORM 2

MARINE AND HARBOURS ACT 1981

**MARINE AND HARBOURS (DEPARTMENTAL AREAS)
REGULATIONS 1998**

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Date of this notice/...../.....

To: ⁽¹⁾

of: ⁽²⁾

Infringement Notice No. dated/...../..... issued for the
alleged offence of

.....
.....

has been withdrawn.

The modified penalty of \$

* was paid and a refund is enclosed.

* was not paid and should not be paid.

* Delete as appropriate.

Name and title of authorised officer giving this notice

Signature

(1) Name of alleged offender to whom infringement notice was given.

(2) Address of alleged offender.

Notes

¹ This is a compilation of the *Marine and Harbours (Departmental Areas) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Marine and Harbours (Departmental Areas) Regulations 1998</i>	17 Jul 1998 p. 3800-3	17 Jul 1998
Reprint 1: The <i>Marine and Harbours (Departmental Areas) Regulations 1998</i> as at 7 May 2004		
<i>Marine and Harbours (Departmental Areas) Amendment Regulations 2014</i>	8 Jan 2015 p. 53-5	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2017 Pt. 2</i>	23 Jun 2017 p. 3253-78	1 Jul 2017 (see r. 2(b))
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2018 Pt. 2</i>	22 Jun 2018 p. 2184-93	1 Jul 2018 (see r. 2(b))

^{1a} 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

Citation	Gazettal	Commencement
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2019 Pt. 2</i> ³	31 May 2019 p. 1721-8	1 Jul 2019 (see r. 2(b))

² Repealed by the *Road Traffic Code 2000*.

³ On the date at which this compilation was prepared, the *Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2019 Pt. 2* had not come into operation. It reads as follows:

Part 2 — *Marine and Harbours (Departmental Areas) Regulations 1998* amended

3. Regulations amended

This Part amends the *Marine and Harbours (Departmental Areas) Regulations 1998*.

4. Regulation 3A amended

In regulation 3A:

- (a) in paragraph (a) delete “\$9.00;” and insert:

\$9.10;

- (b) in paragraph (b) delete “\$140.00.” and insert:

\$142.45.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
ACROD sticker	2(1)
carriageway	2(1)
dual use path	2(1)
indicated publicly	2(1)
jetty	2(1)
non-motorized vehicle	2(1)
park	2(1)
vehicle	2(1)