

LIGHTHOUSES.

No. 14 of 1911.

An Act relating to Lighthouses, Lightships, Beacons, and Buoys.

[Assented to 22nd December, 1911.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

INTRODUCTORY.

1. This Act may be cited as the *Lighthouses Act* 1911. Short title.
2. This Act shall commence on a day to be fixed by proclamation. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
 - “Collector” means the Chief Officer of Customs at any Port.
 - “Marine Marks” includes lightships, beacons, buoys, and submarine signal stations.
4. This Act shall be administered by the Minister for Trade and Customs or the Minister for the time being administering the Department of Trade and Customs. Administration.

LIGHTHOUSES AND MARINE MARKS.

- 5.—(1.) The Commonwealth may enter into an agreement with the Governor of any State, or with any person, for the acquisition by the Commonwealth of any lighthouse or marine mark the property of that State or person. Acquisition of lighthouses, &c.
- (2.) For the purposes of this Act, any lighthouse or marine mark vested in any authority of a State shall be deemed to be the property of the State.
- (3.) The Commonwealth may purchase from any State or person any lighthouse tender, store vessel, stores or equipment or other property used by it or him in connexion with any lighthouse or marine mark.
6. Where the Governor-General has entered into an agreement with the Governor of a State, or with any person, for the acquisition by the Commonwealth of any lighthouse or marine mark, any instrument or assurance for granting or transferring the lighthouse or marine mark to the Commonwealth accordingly shall, by virtue of this Act, and notwithstanding anything in the law of the State, be valid and effectual to vest the lighthouse or marine mark in the Commonwealth according to the tenor thereof. Transfer of lighthouses, &c., to be valid and effectual.

Power to erect
or alter
lighthouses, &c.
Cf. M.S.A. 1894,
s. 641.

7. The Minister may—

- (a) erect or place lighthouses or marine marks ;
- (b) add to, alter, or remove lighthouses or marine marks the property of the Commonwealth ; and
- (c) vary the character of any lighthouse or the mode of exhibiting lights therein.

Powers of
inspection.

8.—(1.) The Minister or any authorized officer may at any reasonable time in the day or night inspect any marine mark or any lamp or light which in his opinion may affect the safety or convenience of navigation and whether such lamp or light is the property of a State, or of any authority of a State, or of any private person, and for that purpose may enter any property whether of a public or private nature.

(2.) No person shall hinder or obstruct the Minister or any authorized officer in exercising his powers under this section.

Penalty : Fifty pounds.

(3.) In this section "authorized officer" means any person having a general or particular authority in writing from the Minister to inspect marine marks or any lamps or lights.

Telegraphs to
lighthouses.

9. When any lighthouse has been acquired or erected by the Commonwealth, it shall as soon as practicable be connected by telegraph or telephone with a convenient telegraph or telephone office, and the expense incurred shall be charged to the Department administering this Act.

Powers in
relation to
lights and
marks.

10.—(1.) The Minister may, by notice in writing, whenever in his opinion it is desirable for the safety or convenience of navigation so to do, require the owner of any marine mark or of any lamp or light—

- (a) to remove it entirely or to some other position ; or
- (b) to modify it or to alter its character to such an extent and in such manner as he directs ; or
- (c) to refrain from lighting the lamp either entirely or for such period as he directs ; or
- (d) to cease from exhibiting the light either entirely or for such period as he directs.

(2.) It shall be the duty of the owner to comply with any notice served upon him in pursuance of this section.

(3.) If the notice is not complied with, the Minister may take possession of the marine mark or of the lamp or light referred to in the notice, and may order it to be forfeited, or may do in regard to it, at the expense of the owner, anything which the owner was required by the notice to do.

(4.) Any expense incurred by the Minister under this section may be recovered by the Commonwealth from the owner, as a debt due by the owner to the Commonwealth.

(5.) No person shall without reasonable cause (proof whereof shall lie upon him) fail to comply with a notice under this section.

Penalty : Fifty pounds.

(6.) In this section "owner" includes a State Government and any authority of a State having the control or management of any marine mark or of any lamp or light:

Provided that nothing in this section shall render a State Government or any authority of a State liable to a pecuniary penalty under sub-section (5.).

11. Every harbor authority or other local authority having control of any harbor lights or the lighting or marking of any navigable waters shall, as prescribed, make returns to the Minister in relation to the following matters:—

Returns of harbor light and marks.

- (a) the description and situation of each light under its control; and
- (b) the description and situation of each marine mark under its control.

12. An action or other civil proceeding shall not be maintainable against the Commonwealth, or the Minister, or any officer of the Commonwealth, by reason of any act, default, error, or omission, whether negligent or otherwise in relation to any lighthouse or marine mark.

Protection from actions.

LIGHT DUES.

13.—(1.) Light dues, in accordance with the prescribed rates or scales, shall be levied and shall be payable with respect to the voyages made by ships or vessels or by way of periodical payment as the regulations prescribe.

Light dues.

(2.) The regulations may prescribe the rates or scales of light dues to be payable by ships or vessels and all matters necessary or convenient to be prescribed to carry this section into effect.

(3.) When rates or scales of light dues have been prescribed under this Act, light dues prescribed by or under any State Act (other than dues solely in respect of lights maintained by the State) shall cease to have any effect;

Provided that nothing in this sub-section shall release any ship or vessel or any person from any liability in respect of any light dues prescribed by or under any State Act which became due before the rates or scales of light dues under this Act came into force.

14. The following persons shall be jointly and severally liable to pay the light dues payable in respect of a ship:—

Persons liable to light dues.
Cf. M.S.A. 1894,
s. 649.

- (a) the owner or master of the ship; and
- (b) any consignee or agent of the ship who has paid or made himself liable to pay any charge on account of the ship.

15. The light dues payable in respect of a ship may be recovered in any court of summary jurisdiction by proceedings in the name of the Collector.

Recovery of light dues.
Ib. s. 649.

16.—(1.) If the owner or master of any ship fails, on demand of the Collector, to pay the light dues payable in respect of the ship,

Enforcement of light dues.
Ib. s. 650.

the Collector may, in addition to any other remedy, enter upon the ship and distrain the goods or equipment belonging to or on board the ship, and detain them until the light dues are paid.

(2.) If payment of the light dues is not made within the period of three days next following the distress, the Collector may, at any time during the continuance of the non-payment, sell the goods distrained, and apply the proceeds in payment of the light dues payable, together with all reasonable expenses incurred by him under this section, and shall on demand pay the surplus (if any) to the owner or master of the ship.

Detention of
ship.
Cf. M.S.A. 1894,
s. 651.

17. Any ship in respect of which light dues are payable may be detained by any officer of Customs at any port in Australia until the light dues so payable are paid.

Rights of agent
who has paid
light dues.
Ib. s. 649 (2).

18. The consignee or agent of a ship may, out of any moneys received by him on account of the ship, or belonging to the owner thereof, retain the amount of all light dues paid by him in respect of the ship.

OFFENCES.

Injuring light-
houses, &c.
Ib. s. 666.

19.—(1.) A person shall not—

- (a) wilfully or negligently injure, damage, destroy, or run foul of any lighthouse or marine mark the property of the Commonwealth, or any light exhibited on any such lighthouse or marine mark or any ship, vessel, stores, equipment, or other property used by the Commonwealth in connexion with the lighthouse or marine marks service ;
- (b) wilfully or negligently do anything which causes the view of any lighthouse or marine mark to be obstructed in such a manner as to lessen its efficiency ;
- (c) without lawful authority remove, alter, ride by, or make fast to any marine mark the property of the Commonwealth ;
or
- (d) trespass on or without lawful authority enter or go upon any lighthouse or marine mark, or any ship, vessel, or property used by the Commonwealth in the lighthouse or marine marks service.

Penalty : One hundred pounds.

(2.) In addition to the penalty, any offender may be ordered to pay the amount of the damage caused by the commission of the offence, or the cost of repairing, replacing, or reinstating the lighthouse or marine mark.

(3.) Where any damage to any lighthouse or marine mark is caused by any ship, the damage shall be charged on the ship, and the ship may be detained by any officer of Customs until the amount of the damage is paid.

REGULATIONS.

20. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

Regulations
fixing light
dues.
Ib. s. 644.