

JETTIES AMENDMENT ACT

No. 35 of 1986

AN ACT to amend the *Jetties Act 1926*.

[Assented to 1 August 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Jetties Amendment Act 1986*.

Principal Act

2. In this Act the *Jetties Act 1926** is referred to as the principal Act.

[*Reprinted as approved 11 August 1976.]

Section 3 amended

3. Section 3 of the principal Act is amended—

- (a) by inserting after the definition of “Department” the following definition—

“ “General Manager” means the General Manager of the Department of Marine and Harbours of the State. ”; and

- (b) by deleting the definition of “Jetty” and substituting the following definition—

“ “Jetty” includes—

- (a) any jetty, pier, wharf, quay, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the *Western Australian Marine Act 1982*) or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters; and
- (b) any ramp which is or which may be used for the purpose of launching or landing a vessel. ”.

Section 4 amended

4. Section 4 of the principal Act is amended in paragraph (15) by deleting “two hundred dollars” and substituting the following—

“ \$500 ”.

Section 7 amended

5. Section 7 of the principal Act is amended—

- (a) by inserting after the section designation “7.” the subsection designation “(1)”; and

- (b) by inserting the following subsection—

“ (2) The Minister may by instrument in writing signed by him delegate to the General Manager the power conferred on him by subsection (1). ”.

Section 7A inserted

6. After section 7 of the principal Act the following section is inserted—

Appeals

“ 7A. (1) A person whose application for a licence under section 7 has been—

- (a) refused by the General Manager pursuant to the power delegated to him under section 7; or
- (b) granted by the General Manager pursuant to the power delegated to him under section 7 subject to terms or conditions which are unacceptable to the applicant,

may, within 30 days of receiving notice of the refusal, terms or conditions, appeal by notice in writing stating the grounds of his appeal to the Minister.

(2) The Minister, after causing such inquiry, if any, to be made as he thinks fit, may determine an appeal under subsection (1) and may uphold, vary or reverse the decision of the General Manager. ”.

Section 8 amended

7. Section 8 of the principal Act is amended by deleting “Forty dollars, or a daily penalty of two dollars” and substituting the following—

“ \$2 000 ”.

Section 8A inserted

8. After section 8 of the principal Act the following section is inserted—

Removal of unlicensed jetties

“ 8A. (1) The Minister may cause to be served on any person who constructs, uses or maintains a private jetty that is not licensed or the subject of a lease under this Act a notice in writing requiring that jetty to be removed within such period, being not less than 7 days after the date of service, as is specified in that notice.

(2) Where a private jetty that is not licensed or the subject of a lease under this Act belongs to a person whose identity or whereabouts, or both, cannot be ascertained after the making of reasonable enquiries the Minister may, by notice published once in a newspaper circulating throughout the State, require that jetty to be removed within such period, being not less than 7 days after the date of publication, as is specified in that notice.

(3) If a requirement under subsection (1) or (2) is not complied with, the Minister may cause the private jetty to be removed.

(4) The cost of removal under subsection (3) is a debt due to the Crown and the Minister may recover that cost by causing the materials comprising the private jetty to be sold.

(5) The proceeds of a sale referred to in subsection (4) shall be applied—

- (a) first in payment of the cost of that sale; and
- (b) secondly in payment of the costs of removing the jetty,

and the balance, if any, of those proceeds shall be paid to the owner of the jetty or, if the identity or whereabouts, or both, of that owner cannot be ascertained after making reasonable enquiries, into the Consolidated Revenue Fund. ”.

Section 9 amended

9. Section 9 of the principal Act is amended by deleting “two hundred dollars” and substituting the following—

“ \$500 ”.

Section 10 amended

10. Section 10 of the principal Act is amended by deleting “Forty dollars” and substituting the following—

“ \$2 000 ”.

Section 11 amended

11. Section 11 of the principal Act is amended by deleting “Forty dollars” and substituting the following—

“ \$2 000 ”.

Section 12 amended

12. Section 12 of the principal Act is amended in subsection (2) by deleting “two hundred dollars” and substituting the following—

“ \$500 ”.
