

1909.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 1 September, 1909.*(Brought from the Senate.)*

A BILL

FOR

AN ACT

Relating to Lighthouses, Lightships, Beacons, and
Buoy.**B**E it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

INTRODUCTORY.

- 5 1. This Act may be cited as the *Lighthouses Act 1909*. Short title.
2. This Act shall commence on a day to be fixed by proclama- Commencement.
tion.
3. In this Act, unless the contrary intention appears— Definitions.
“Collector” means the Chief Officer of Customs at any
10 Port.
“Marine Marks” includes lightships, beacons, and buoys.
4. This Act shall be administered by the Minister for Trade and Administration.
Customs or other the Minister for the time being administering the
Department of Trade and Customs. 5. —(1.) The

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LIGHTHOUSES AND MARINE MARKS.

Acquisition of
lighthouses, &c.

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. 5

(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.

Transfer of
lighthouses,
&c., to be valid
and effectual.

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. 10-15

Power to erect
or alter
lighthouses, &c.
Cl. 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 20
- (c) vary the character of any lighthouse or the mode of exhibiting lights therein.

Powers in
relation to
lights and
marks.

8.—(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— 25

- (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 30
- (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. 35

(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. 40

(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. 45

(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). 50

9.—(1.) Ships

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LIGHT DUES.

- 9.—(1.) Ships passing or deriving benefit from any lighthouse or marine mark, the property of the Commonwealth, on the coast of Australia, shall, in accordance with the regulations, be liable to the prescribed light dues. Light dues to be paid.
- 5 (2.) Light dues shall be payable to the Collector at a prescribed port.
- 10 10. 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 11. 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.
- 20 12.—(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, 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. Enforcement of light dues. Ib. s. 650.
- 25 (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.
- 30 13. 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. Detention of ship. Ib. s. 651.
- 35 14. 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. Rights of agent who has paid light dues. Ib. s. 649 (2).
- OFFENCES.
- 40 15.—(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 ; Injuring light-houses, &c. Ib. s. 666.
- (b) without lawful authority remove, alter, ride by, or make fast to any marine mark the property of the Commonwealth.
- Penalty : One hundred pounds.
- 45 (2.) In addition to the penalty, any offender may be ordered to pay any damage occasioned, or the cost of replacing or reinstating the lighthouse or marine mark. (3.) Where

(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 damage is paid.

REGULATIONS.

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Regulations
fixing light
dues.
Cf. M.S.A. 1894,
s. 64d.

16. 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, and in particular for prescribing the light dues payable in respect of ships passing or deriving benefit from any lighthouse or marine mark the property of the Commonwealth on the coast of Australia. 10

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LIGHTHOUSES BILL.

(Amendment to be proposed in Committee.)

NEW CLAUSE.

By Mr. Wise—

7A. 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.

25th November, 1909.

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