

South Australia

Harbors and Navigation (Miscellaneous) Amendment Act 2009

An Act to amend the *Harbors and Navigation Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Harbors and Navigation (Miscellaneous) Amendment Act 2009*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of section 55—Registration

Section 55(2), penalty provision and expiation fee provisions—delete the penalty and expiation fee provisions and substitute:

Maximum penalty: \$2 500.

Expiation fee:

- (a) if the vessel is registered but not marked in accordance with the regulations—\$210;
- (b) if the vessel is neither registered nor marked in accordance with the regulations—\$315.

5—Amendment of section 90—Recreational boating fees and charges

Section 90(2)—delete "this Act insofar as it relates to recreational vessels and may only be applied for that purpose" and substitute:

and enforcing this Act

6—Insertion of section 90A

After section 90 insert:

90A—Facilities Fund

- (1) The *Facilities Fund* is established.
- (2) The Fund must be kept as directed by the Treasurer.
- (3) The Fund is to consist of—
 - (a) facilities levies payable under the regulations on the registration, inspection or survey of vessels; and
 - (b) income from investment of money belonging to the Fund.
- (4) A certificate of registration, inspection or survey will not be issued for a vessel until any levy payable on the registration, inspection or survey is paid.
- (5) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the Fund that is not immediately required for the purposes of the Fund in such manner as is approved by the Treasurer.
- (6) The Fund may be applied by the Minister towards—
 - (a) establishing, maintaining and improving facilities for use in connection with vessels; and
 - (b) the payment of expenses of administering the Fund.

7—Amendment of section 91—Regulations

- (1) Section 91(2)(ad) and (ae)—delete paragraphs (ad) and (ae)

- (2) Section 91(2)(af)—delete "levies imposed under paragraphs (ad) and (ae) and the application of the special funds established under those paragraphs" and substitute:
facilities levies, and the application of the Facilities Fund, under section 90A

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

Facilities Fund means the Fund established under section 90A of the *Harbors and Navigation Act 1993* as inserted by this Act;

Recreational Boating Facilities Fund means the Fund established under Part 15 of the *Harbors and Navigation Regulations 2009* as in force immediately before the commencement of this Act.

2—Funds

On the commencement of this Act, all money in the Recreational Boating Facilities Fund must be transferred into the Facilities Fund.