



ANNO DECIMO SEPTIMO

**ELIZABETHAE II REGINAE**

A.D. 1968

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**No. 63 of 1968**

An Act to amend the Harbors Act, 1936-1967.

[Assented to 23rd January, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Harbors Act Amendment Act, 1968". Short titles.
- (2) The Harbors Act, 1936-1967, as amended by this Act may be cited as the "Harbors Act, 1936-1968".
- (3) The Harbors Act, 1936-1967, is hereinafter referred to as "the principal Act".
2. Subsection (6) of section 9 of the principal Act is amended by striking out the word "board" and inserting in lieu thereof the word "Minister". Amendment of principal Act, s. 9—  
Power to acquire wharves, etc.
3. Subsection (2) of section 12 of the principal Act is amended by striking out the passage "His Majesty" and inserting in lieu thereof the passage "the Crown". Amendment of principal Act, s. 12—  
Acquisition by compulsory process.
4. Section 36 of the principal Act is amended—
  - (a) by striking out the passage "with the consent in writing of the board" ;
  - and
  - (b) by striking out the passage "vested in the board" and inserting in lieu thereof the passage "vested in the Minister". Amendment of principal Act, s. 36—  
Acquired lands may be leased when not required.

Amendment of principal Act, s. 42—  
Money for purposes of Part.  
Amendment of principal Act, s. 45—  
Control over waters and jetties, etc.

5. Section 42 of the principal Act is amended by striking out the proviso.

6. Section 45 of the principal Act is amended—

(a) by striking out the word “Subject” being the first word of subsection (1) and inserting in lieu thereof the passage “Subject to subsection (3) of this section and”;

(b) by striking out the word “All” being the first word of subsection (2) and inserting in lieu thereof the passage “Subject to subsection (3) of this section, all”;

and

(c) by inserting after subsection (2) the following subsection :—

(3) The Minister may, by notice published in the *Gazette*, declare that any such water or other reserve, jetty, pier, wharf or breakwater shall be vested in a council and thereupon it shall become and be vested in the council, and shall be under the care, control and management of the council and shall cease to be under the care, control and management of the Minister.

Amendment of principal Act, s. 64—  
Property vested in Minister.

7. Subsection (4) of section 64 of the principal Act is amended by striking out the passage “His Majesty” and inserting in lieu thereof the passage “the Crown”.

Amendment of principal Act, s. 69—  
Harbors work to be carried out by the Minister.

8. Section 69 of the principal Act is amended by striking out the word “board” and inserting in lieu thereof the word “Minister”.

Amendment of principal Act, s. 71—  
Acquisition of lands and easements.

9. Section 71 of the principal Act is amended by inserting after the word “Minister” being the second word of that section the word “may”.

Repeal and re-enactment of s. 72 of principal Act—  
Lighting of wharves.

10. Section 72 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

72. (1) The Minister shall cause all wharves, docks, platforms, depots and sheds vested in him to be kept well and sufficiently lighted.

(2) No by-law of any municipal or district council shall apply to, or in relation to, the lighting of any wharf, dock, platform, depot, or shed vested in the Minister.

- 11.** Section 75 of the principal Act is amended by inserting after the word "Minister" being the second word of that section the word "may".
- 12.** Section 77 of the principal Act is amended by striking out the passage "with the approval of the Minister".
- 13.** Subsection (2) of section 81 of the principal Act is amended by striking out the word "board" and inserting in lieu thereof the word "Minister".
- 14.** Subsection (1) of section 83 of the principal Act is amended by striking out the passage "Minister, by its corporate name" and inserting in lieu thereof the passage "Minister may, in his corporate name".
- 15.** Subsection (1) of section 84 of the principal Act is amended by striking out the passage "in its corporate name and under its" in paragraph I and inserting in lieu thereof the passage "in his corporate name and under his".
- 16.** Subsection (1) of section 88 of the principal Act is amended by inserting after the word "Minister" being the second word of that subsection the word "may".
- 17.** Section 110 of the principal Act is amended by striking out the word "board" being the last word of that section and inserting in lieu thereof the word "Minister".
- 18.** Section 114 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:—
114. (1) The duty of a pilot shall be to pilot the ship subject to the authority of the master, but the master shall not be relieved, by reason of the ship being under pilotage, from responsibility for the conduct and navigation of the ship.
- (2) The owner or master of a ship being navigated in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship, or any fault in the navigation of the ship in all respects and in the same manner as if pilotage were not compulsory.
- 19.** Section 116 of the principal Act is amended—
- (a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—
- (1) The Minister may grant a certificate of exemption from pilotage at any port to which

Amendment of principal Act, s. 75—

Power to dredge, cleanse and scow harbours, etc.

Amendment of principal Act, s. 77—

Power to lease lands.

Amendment of principal Act, s. 81—

Licences for use of wharves by ferry boats.

Amendment of principal Act, s. 83—

Power to make contracts, etc.

Amendment of principal Act, s. 84—

Contracts made by the Minister.

Amendment of principal Act, s. 88—

General powers of board.

Amendment of principal Act, s. 110—

Penalty on pilot endangering ship, life, or limb.

Repeal and re-enactment of s. 114 of principal Act—

Liability of owner and master.

Amendment principal Act, s. 116—

Pilotage exemption certificates.

this Part applies to the master of any ship, registered at any place within the British Commonwealth, that trades solely between ports in the Commonwealth of Australia or between ports in the Commonwealth of Australia and ports in New Zealand;

and

(b) by striking out subsection (3).

Repeal of  
s. 117 of  
principal Act  
and enact-  
ment of new  
s. 117—  
Duty of  
master.

**20.** Section 117 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:—

117. (1) The master of a ship, to whom a pilotage exemption certificate has been granted under this Act, shall, as soon as the ship is within a distance of five miles from the port, or the pilot station of the port, in respect of which the certificate was granted, hoist at the main of the ship a white flag of not less than two yards square, and shall keep that flag flying until the arrival of the ship in the port.

(2) If the master of a ship, to whom a pilotage exemption certificate has been granted under this Act fails to comply with subsection (1) of this section, and the ship is not being navigated at the direction of a pilot on board the ship, the master shall be guilty of an offence and liable to a penalty being the amount of pilotage that would have been payable if a pilot had been engaged and, in addition, a fine of not less than four dollars nor more than ten dollars.

Amendment of  
principal Act,  
s. 121—  
Powers of  
Governor.

**21.** Section 121 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) The Governor may by proclamation revoke any proclamation made under subsection (1) of this section.

Amendment of  
principal Act,  
s. 126—  
Harbor dues,  
etc.

**22.** Section 126 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) The Minister shall keep exhibited at his office a board having painted or affixed thereon lists of all dues, charges and rates payable from time to time, but his omission to do so shall not affect any liability to pay any such dues, charges or rates.

Amendment of  
principal Act,  
s. 144—  
Regulations.

**23.** Subsection (1) of section 144 of the principal Act is amended—

(a) by striking out paragraph (53) ;

and

(b) by striking out the passage "or officers or servants of the Minister" in paragraph (65) and inserting in lieu thereof the passage "or officers of the Department of Marine and Harbors".

**24.** Section 157 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection :—

Amendment of principal Act, s. 157—

Power of harbormaster to remove vessels.

(1) The master, owner, or person in charge of any vessel within any harbor shall moor, unmoor, place or remove the vessel according to the directions of the harbormaster, and if there is no person on board the vessel to attend to, and carry out those directions, the harbormaster may cause the vessel to be moored, unmoored, placed or removed as he thinks fit.

**25.** Section 158 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections :—

Amendment of principal Act, s. 158—

Slackening of ropes.

(1) If the master, or any other person on board and in charge, of any vessel within any harbor does not, upon demand of the harbormaster, unloose or slacken a rope or chain by which the vessel is moored or fastened, he shall be guilty of an offence against this Act, and liable to a penalty not exceeding one hundred dollars.

(2) If there is no such person on board a vessel so moored or fastened, the harbormaster, or any person employed or authorized by him, may unloose or slacken any rope or chain by which the vessel is moored or fastened, and, if necessary, may cause a sufficient number of persons to be put on board the vessel for its protection.

**26.** Section 166 of the principal Act is repealed.

Repeal of s. 166 of principal Act.

**27.** Subsection (3) of section 193 of the principal Act is amended by striking out the passage "officer of the board" and inserting in lieu thereof the passage "officer of the Department of Marine and Harbors".

Amendment of principal Act, s. 193—

Space occupied by deck cargo.

**Amendment of  
principal Act,  
Decimal  
Currency.**

**28.** The provisions of the principal Act mentioned in the first column of the schedule to this Act are respectively amended as shown in the second column of that schedule.

In the name and on behalf of Her Majesty, I hereby  
assent to this Bill.

J. W. HARRISON, Governor.

## SCHEDULE

First Column Provision amended	Second Column How amended
Section 35 .....	By striking out the word "pounds".
Section 39—	
Subsection (1)—	
Paragraph (i) .....	By striking out the passage "four thousand pounds" and inserting in lieu thereof the passage "eight thousand dollars".
Paragraph (ii) .....	By striking out the passage "one thousand five hundred pounds" and inserting in lieu thereof the passage "three thousand dollars".
Subsection (2) .....	By striking out the passage "four thousand pounds" and inserting in lieu thereof the passage "eight thousand dollars".
Subsection (3) .....	By striking out the passage "one thousand five hundred pounds" and inserting in lieu thereof the passage "three thousand dollars".
Section 85, subsection (2) ...	By striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".
Section 89, subsection (3) ...	By striking out the passage "five pounds nor more than thirty pounds" and inserting in lieu thereof the passage "ten dollars nor more than sixty dollars".
Section 90, subsection (3) ...	By striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".
Section 91, subsection (2) ...	By striking out the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".
Section 93, subsection (2) ...	By striking out the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".
Section 94, subsection (2) ...	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 95 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 97, subsection (2) ...	By striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".
Section 98, subsection (2) ...	By striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".
Section 99, subsection (3) ...	By striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".
Section 100 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 102, subsection (2) ..	By striking out the passage "two pounds two shillings" and inserting in lieu thereof the passage "four dollars and twenty cents".
Section 103, subsection (2) ..	By striking out the passage "two pounds two shillings" and inserting in lieu thereof the passage "four dollars and twenty cents".
Section 104 .....	By striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".
Section 105, subsection (2) ..	By striking out the passage "five hundred pounds" and inserting in lieu thereof the passage "one thousand dollars".
Section 107 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 109—	
Subsection (1) .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Subsection (2) .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 110 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

SCHEDULE—*continued*

First Column Provision amended	Second Column How amended
Section 111 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 115 .....	By striking out the passage "two pounds two shillings" and inserting in lieu thereof the passage "four dollars and twenty cents".
Section 116, subsection (2) ..	By striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".
Section 120 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 123, subsection (2) ..	By striking out the passage "five pounds and not more than twenty pounds" and inserting in lieu thereof the passage "ten dollars and not more than forty dollars".
Section 136 .....	By striking out the passage "five pounds nor more than fifty pounds" and inserting in lieu thereof the passage "ten dollars nor more than one hundred dollars".
Section 147, paragraph (a) ..	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars" and by striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".
Section 156 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 157, subsection (4) ..	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 158, subsection (4) ..	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 159, subsection (2) ..	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 160 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 161 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 162 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 163 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 164 .....	By striking out the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".
Section 165, subsection (1) ..	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 167, subsection (2) ..	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 168 .....	By striking out the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".
Section 169, subsection (2) ..	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 170 .....	By striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".
Section 171 .....	By striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".
Section 184 .....	By striking out the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars".
Section 206, subsection (1) ..	By striking out the passage "eighteen hundred and twenty pounds" and inserting in lieu thereof the passage "three thousand six hundred and forty dollars".