



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 84 of 1973**An Act to amend the Marine Act, 1936-1970.***[Assented to 13th December, 1973]*

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

Short titles.

1. (1) This Act may be cited as the "Marine Act Amendment Act, 1973".

(2) The Marine Act, 1936-1970, as amended by this Act, may be cited as the "Marine Act, 1936-1973".

(3) The Marine Act, 1936-1970, is hereinafter referred to as "the principal Act".

Suspending provision and commencement.

2. (1) This Act shall not come into operation until Her Majesty's pleasure therein has been publicly signified in this State.

(2) Subject to subsection (1) of this section, this Act shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 5—
Interpretation.**

3. Section 5 of the principal Act is amended by inserting immediately after the definition of "equipment" the following definition:—

"fishing vessel" means any vessel not propelled solely by oars and used in the taking of fish or oysters for sale (including trawlers, pearling luggers and whale chasers):.

4. Section 11 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "two hundred dollars".

Amendment of principal Act, s. 11—
Penalty for obstructing inspectors in the execution of their duty.

5. Section 12 of the principal Act is amended by striking out the passage "two hundred dollars" and inserting in lieu thereof the passage "three hundred dollars".

Amendment of principal Act, s. 12—
Penalty on persons offering bribes or receiving them.

6. Section 14 of the principal Act is amended—

Amendment of principal Act, s. 14—
Regulations

(a) by striking out from paragraph (xx) the passage "one hundred dollars" and inserting in lieu thereof the passage "five hundred dollars";

and

(b) by striking out from paragraph (xx) the passage "twenty dollars" and inserting in lieu thereof the passage "one hundred dollars".

7. Section 17 of the principal Act is amended by striking out subsection (4) thereof.

Amendment of principal Act, s. 17—
Examinations to be instituted for masters, mates and engineers.

8. Section 22 of the principal Act is amended by striking out from subsection (1) the passage "one hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of principal Act, s. 22—
Penalties on fraudulent use of certificates, etc.

9. Section 26d of the principal Act is amended by striking out from subsection (8) the passage "two hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of principal Act, s. 26d—
Determination by Committee.

10. Section 33 of the principal Act is amended by striking out the passage "of not less than one hundred dollars nor more than two hundred dollars" and inserting in lieu thereof the passage "not exceeding one thousand dollars".

Amendment of principal Act, s. 33—
Ships in an unseaworthy condition.

11. Section 34 of the principal Act is amended by striking out the passage "two hundred dollars" and inserting in lieu thereof the passage "three hundred dollars".

Amendment of principal Act, s. 34—
Penalty for departing from or arriving at any port without hatches on.

Amendment of
principal Act,
s. 36—
Enforcing
detention.

12. Section 36 of the principal Act is amended by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of
principal Act,
s. 47—
Ship's draught
of water and
clear side to
be recorded.

13. Section 47 of the principal Act is amended—

(a) by striking out from subsection (3) the passage “forty dollars” and inserting in lieu thereof the passage “one hundred dollars”;

and

(b) by striking out from subsection (4) the passage “ten dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of
principal Act,
s. 49—
Marking of
load line.

14. Section 49 of the principal Act is amended by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of
principal Act,
s. 52—
Regulations.

15. Section 52 of the principal Act is amended by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of
principal Act,
s. 55—
Penalty for
offences in
relation to
marks on ships.

16. Section 55 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “two hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”;

and

(b) by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of
principal Act,
s. 58—
Penalties on
masters and
owners, etc.,
neglecting to
provide
equipment.

17. Section 58 of the principal Act is amended—

(a) by striking out the passage “two hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”;

and

(b) by striking out the passage “one hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

18. Section 59 of the principal Act is amended—

Amendment of
principal Act,
s. 59—

- (a) by striking out from subsection (3) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”;

Regulations
concerning
lights, fog-
signals and
sailing rules.

and

- (b) by striking out from subsection (4) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

19. Section 60 of the principal Act is amended—

Amendment of
principal Act,
s. 60—

- (a) by striking out from subsection (3) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”;

Enactment of
regulations
concerning
lights, fog-
signals and
sailing rules.

and

- (b) by striking out from subsection (4) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

20. Section 65 of the principal Act is amended by striking out from subsection (2) the passage “one hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of
principal Act,
s. 65—
Method of
giving helm
orders.

21. Section 67 of the principal Act is amended—

Amendment of
principal Act,
s. 67—

- (a) by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”;

Equipment of
steam ships.

and

- (b) by striking out from subsection (2) the passage “one hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

22. Section 67e of the principal Act is amended by striking out the passage “two hundred dollars” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of
principal Act,
s. 67e—
Penalty.

Repeal of s. 67f of principal Act and enactment of section in its place—

23. Section 67f of the principal Act is repealed and the following section is enacted and inserted in its place:—

Application.

67f. This Division shall not apply to any fishing vessel that is used solely on the River Murray or on any tributary, anabranch or lake connected therewith.

Amendment of principal Act, s. 69—
Annual survey of ships.

24. Section 69 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(3) If any ship required by this section to be surveyed traverses any waters within or adjacent to the State, whether with or without passengers, whilst there is no certificate of survey under this Part currently in force in respect of that ship, the owner and the master of that ship shall each be guilty of an offence against this Act and each liable to a penalty not exceeding two thousand dollars.

Amendment of principal Act, s. 71—
Surveyors to have power to inspect.

25. Section 71 of the principal Act is amended by striking out from subsection (2) the passage “ten dollars” and inserting in lieu thereof the passage “two hundred dollars”.

Amendment of principal Act, s. 72—
Penalty on surveyors receiving fees unlawfully.

26. Section 72 of the principal Act is amended by striking out the passage “one hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of principal Act, s. 78a—
Alterations to ship in respect of which a certificate has been issued.

27. Section 78a of the principal Act is amended by striking out the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of principal Act, s. 79—
How long certificates to continue in force.

28. Section 79 of the principal Act is amended by striking out from subsection (2) the passage “twenty dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of principal Act, s. 80—
Certificate to be placed in conspicuous part of ship.

29. Section 80 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “twenty dollars” and inserting in lieu thereof the passage “one hundred dollars”;

and

- (b) by striking out from subsection (3) the passage “the owner thereof shall be guilty of an offence against this Act, and liable to a penalty of not more than two hundred dollars, and the master of the ship shall also be guilty of an offence against this Act, and liable to a penalty of not more than forty dollars” and inserting in lieu thereof the passage “the owner and the master of that ship shall each be guilty of an offence against this Act and each liable to a penalty not exceeding two hundred dollars”.

30. Section 82 of the principal Act is amended—

- (a) by striking out the passage “forty dollars” and inserting in lieu thereof the passage “three hundred dollars”;

and

- (b) by striking out the passage “fifty cents” twice occurring and inserting in lieu thereof in each case the passage “two dollars”.

Amendment of principal Act, s. 82—
Penalty where ship carries passengers in excess of number specified in certificate.

31. Section 83 of the principal Act is amended by striking out from subsection (3) the passage “ten dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of principal Act, s. 83—
Surveyors to make returns of the build and other particulars of ships.

32. Section 85 of the principal Act is amended by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of principal Act, s. 85—
Permit exempting certain ships from survey.

33. Section 85a of the principal Act is amended by striking out from subsection (1) the passage “two hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

Amendment of principal Act, s. 85a—
Stability information to be supplied.

34. Section 88 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “two hundred dollars” and inserting in lieu thereof the passage “five hundred dollars”;

and

- (b) by striking out from subsection (2) the passage “twenty dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of principal Act, s. 88—
Restrictions on carriage of dangerous goods.

Amendment of
principal Act,
s. 89—
Penalty for
misdescription
of dangerous
goods.

35. Section 89 of the principal Act is amended by striking out the passage "one thousand dollars" and inserting in lieu thereof the passage "two thousand dollars".

Amendment of
principal Act,
s. 92—
Power to
prohibit
carriage of
any cargo.

36. Section 92 of the principal Act is amended by striking out from subsection (2) the passage "two hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of
principal Act,
s. 93—
Regulations as
to dangerous
goods.

37. Section 93 of the principal Act is amended by striking out from subsection (2) the passage "six hundred dollars" and inserting in lieu thereof the passage "two thousand dollars".

Amendment of
principal Act,
s. 94—
Explosives on
ships carrying
passengers.

38. Section 94 of the principal Act is amended by striking out from subsection (3) the passage "two hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of
principal Act,
s. 95—
Stowage of
grain cargo.

39. Section 95 of the principal Act is amended by striking out from subsection (2) the passage "six hundred dollars" and inserting in lieu thereof the passage "one thousand dollars".

Amendment of
principal Act,
s. 96—
Description of
deck cargo
that may be
carried.

40. Section 96 of the principal Act is amended by striking out from subsection (3) the passage "one hundred dollars" and inserting in lieu thereof the passage "three hundred dollars".

Amendment of
principal Act,
s. 98—
Penalties on
drunken or
disorderly
persons
persisting in
going on board
ship.

41. Section 98 of the principal Act is amended by striking out the passage "ten dollars" and inserting in lieu thereof the passage "one hundred dollars".

Amendment of
principal Act,
s. 99—
Penalty for
injuring ship
or molesting
crew.

42. Section 99 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "five hundred dollars".

Amendment of
principal Act,
s. 101—
Penalty on
persons
refusing to
give their name
and address.

43. Section 101 of the principal Act is amended by striking out the passage "forty dollars" and inserting in lieu thereof the passage "one hundred dollars".

44. Section 103 of the principal Act is amended by striking out from subsection (2) the passage "one hundred dollars" and inserting in lieu thereof the passage "five hundred dollars".
- Amendment of principal Act, s. 103—
Collisions and casualties on voyages to be reported to Minister.
45. Section 116 of the principal Act is amended by striking out from subsection (2) the passage "one hundred dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 116—
Delivery of certificate.
46. Section 127 of the principal Act is amended by striking out from subsection (3) the passage "and river ships" and inserting in lieu thereof the passage ", river ships and fishing vessels".
- Amendment of principal Act, s. 127—
Application of certain portions of Navigation Act relating to seamen.
47. Section 130 of the principal Act is amended by striking out from subsection (4) the passage "ten dollars" and inserting in lieu thereof the passage "one hundred dollars".
- Amendment of principal Act, s. 130—
Engagement and discharge of seamen.
48. Section 135 of the principal Act is amended by striking out from subsection (3) the passage "twenty dollars" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 135—
Witnesses to be allowed expenses.

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

M. L. OLIPHANT, Governor