

3—(1) Subject to this section, the Treasurer may, on behalf of the State, guarantee the repayment by the company to the bank of a loan proposed to be made by the bank to the company and the payment of the interest payable in respect thereof.

Power of Treasurer to guarantee the repayment of a certain loan.
Ibid., s. 3.

(2) The Treasurer shall not, in pursuance of this section guarantee the repayment of any principal moneys in excess of the sum of ten thousand pounds or the payment of interest on any principal moneys in excess of that sum.

(3) Before a guarantee is given by the Treasurer under this section, the company shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for that purpose.

4—(1) If the Treasurer is called upon to make a payment to the bank in consequence of giving a guarantee under section three the Treasurer shall, upon demand of the bank and without any authority other than this section, make that payment to the bank out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly).

Payments to bank under the guarantee.
Ibid., s. 4.

(2) The company shall, upon demand being made on it by the Treasurer, pay to the Treasurer any amount paid to the bank by the Treasurer under this section, together with interest thereon at the rate of five and one-half per cent per annum calculated from the day of payment by the Treasurer to the bank until repayment to him by the company.

(3) All moneys received by the Treasurer from the company under subsection (2) of this section shall be paid by the Treasurer into the Consolidated Revenue.

MARINE.

No. 64 of 1957.

AN ACT to amend the *Marine Act 1921*.

[20 November 1957.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Marine Act 1957*.

Short title and citation.

(2) The *Marine Act 1921*, as subsequently amended, is in this Act referred to as the Principal Act.

Method of election of master-warden and chairman.

2 Section forty-eight of the Principal Act is amended—

(a) by inserting in paragraph IV of subsection (1), after the word “wardens”, the words “(other than those wardens to whom subsection (1A) of this section applies)”;

(b) by inserting after that subsection the following subsection:—

“(1A) Notwithstanding paragraph IV of subsection (1) of this section, a warden who is not present at a meeting of a board at which a master-warden is to be elected may—

I Nominate a warden for election as the master-warden: and

II Accept nomination for election as the master-warden,

if the nomination or acceptance, as the case may be, is received in writing by the secretary before the time appointed for holding the meeting.”.

Salaries of master-wardens.

3 Section forty-nine of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) Subject to subsection (2) of this section, a board shall, before the election of the master-warden of that board, fix the allowance to be paid to him, at an amount not exceeding—

I One thousand pounds per annum, in the case of the boards of Hobart and Launceston:

II Five hundred pounds per annum, in the case of the boards of Burnie and Devonport: and

III Such sum as the Governor may approve, in the case of each of the other boards.”;

(b) by omitting from subsection (2) the word “salary” and substituting therefor the word “allowance”;

(c) by omitting from subsection (3) the word “salaries” and substituting therefor the word “allowances”.

4 After section one hundred and one of the Principal Act the following section is inserted in Part XI:—

“101 A No pilot shall be personally liable in pecuniary damages for any damage or loss occasioned by his neglect or want of skill.”.

Immunity of pilots. Cf. No. 4 of 1913 (Clth.), s. 350.

Court of inquiry.

5 Section one hundred and twenty-five of the Principal Act is amended by inserting in paragraph III, after the word “report” (last occurring), the words “, and of the evidence on which that report is based,” and by adding at the end of that paragraph the words “, and shall also furnish to the Governor, for the use of the court of inquiry, a copy of that report and evidence:”.

6 Section one hundred and twenty-eight of the Principal Act is amended by adding at the end thereof the words "or to fishing-vessels that are not propelled by steam-driven machinery."

Application
of Part XIV.

7 After section one hundred and sixty-eight of the Principal Act the following section is inserted:—

"169—(1) Where a vehicle has been parked otherwise than in accordance with the by-laws made in pursuance of this Division, the person who at the time when that vehicle is so parked—

Parking of
vehicles.
Cf. 11 Geo.
VI No. 78,
s. 201A.

I Is the hirer thereof under an agreement with the owner, in the case of a motor vehicle in respect of which a licence under section fourteen A of the *Traffic Act 1925* is in force:

II Is the registered owner thereof, in the case of any other motor vehicle: or

III Is the owner thereof, in the case of a vehicle other than a motor vehicle,

shall, subject to subsection (3) of this section, be deemed to be the driver of the vehicle and shall be guilty of an offence in all respects as if he were the actual offender and shall be liable to the penalty imposed by the by-laws in respect of that offence, unless the court hearing the complaint is satisfied that the vehicle was a stolen vehicle or a vehicle illegally taken or used.

"(2) Nothing in the provisions of subsection (1) of this section affects the liability of the actual offender, but where the full amount of a penalty has been paid by the actual offender or the hirer, registered owner, or owner in relation to an offence, no further penalty shall be imposed or recovered in relation thereto.

"(3) Where the hirer or registered owner of a motor vehicle or the owner of a vehicle other than a motor vehicle is charged with an offence against the by-laws under this Division in respect of the parking of a vehicle he shall be entitled, upon complaint laid by him, to have any other person whom he charges as the actual offender brought before the court on the hearing of the charge, and if, after the offence has been proved, the hirer, registered owner, or owner, as the case may be, proves to the satisfaction of the court that—

I He used due diligence to enforce the observance of the provisions of the by-law: and

II The other person contravened those provisions without the knowledge, consent, or connivance, or in contravention of the orders, of the hirer, registered owner, or owner,

the other person shall be convicted of the offence and the hirer, registered owner, or owner, as the case may be, shall be exempt from any penalty, and the other person shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

“(4) Where it is made to appear to the satisfaction of a person (in this subsection referred to as ‘the complainant’) instituting proceedings in respect of an offence against the by-laws under this Division in respect of the parking of a vehicle, at the time of discovering the offence—

- I That the hirer, registered owner, or owner of a vehicle has used all due diligence to enforce the observance of the provisions of the by-law:
- II By what person the offence was committed: and
- III That it has been committed without the knowledge, consent, or connivance of the hirer, registered owner, or owner, or in contravention of his orders,

the complainant shall proceed against the person whom he believes to be the actual offender without first proceeding against the hirer, registered owner, or owner, as the case may be.

“(5) In this section—

- ‘Motor vehicle’ means a motor vehicle as defined in the *Traffic Act 1925*:
- ‘Registered owner’ means the person registered in the record of motor vehicles kept in accordance with section eleven of the *Traffic Act 1925*:
- ‘Vehicle’ means a vehicle as defined in the *Traffic Act 1925*.”.

LOAN FUND APPROPRIATION.

No. 65 of 1957.

AN ACT to authorize the issue and application of moneys from the Loan Fund, and to provide for matters incidental thereto.

[20 November 1957.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as the *Loan Fund Appropriation Act 1957*.