

Modes of
borrowing.

2 Section 84 of the Principal Act is amended by omitting, from paragraphs (a) and (c), the word "Governor" (wherever occurring) and substituting therefor, in each case, the word "Treasurer".

3 Section 129 of the Principal Act is repealed and the following section is substituted therefor:—

Survey; how
made.

"129—(1) The hull, equipment, and machinery of a vessel shall be surveyed once in every year or more frequently as the Authority may require by a surveyor who is authorized for the purpose by the Authority.

"(2) When he has completed a survey referred to in subsection (1), a surveyor shall furnish the Authority with a declaration in writing in which he shall state his opinion as to—

(a) the condition of the hull, equipment, or machinery surveyed; and

(b) the service whether seagoing, restricted seagoing or port, and the number of passengers (if any) and crew members for which the vessel surveyed is suitable, regard being had to matters appearing in the course of the survey.

"(3) In a declaration referred to in subsection (2) the surveyor making it may make recommendations to the Authority as to any conditions and limitations, whether as to the use of the vessel surveyed or to the limits as to which it may or may not safely ply, or both as to such use and limits, that ought to be imposed in a certificate issued under this Division in relation to the vessel."

Certificates for
vessels.

4 Section 130 of the Principal Act is amended—

(a) by omitting from subsection (1) the words "and sufficiency" (first occurring) and substituting therefor the words "of the hull";

(b) by omitting from that subsection the word "equipment" and substituting therefor the words "machinery and equipment";

(c) by omitting from that subsection the words "and sufficiency and of fitness";

(d) by omitting subsection (2) and substituting therefor the following subsection:—

"(2) The Authority shall specify in a certificate of survey—

(a) the condition of the vessel to which the certificate relates including the hull, machinery, and

equipment or either the hull or the machinery or the equipment of that vessel as appearing from the declaration furnished under this Division as a precedent to the issue of the certificate of survey;

(b) the conditions and limitations, whether as to the use of the vessel or to the limits where it may or may not ply, or both as to such use and limits, and as to the number of passengers (if any) and crew members, imposed by the Authority subject to which the vessel may or may not be used; and

(c) the day, being not more than one year from the day of the survey to which it relates, after which it shall cease to be of any effect.”;

(e) by omitting from the end of subsection (3), the words “one month” and substituting therefor the figure and word “3 months”; and

(f) by adding at the end thereof the following subsection:—

“(4) Notwithstanding any other provision of this Act, the Authority may decline to issue a certificate of survey in relation to a vessel to which this Division applies unless there is furnished to the Authority by the owner of the vessel a certificate of a duly qualified naval architect as to the stability of the vessel in all operating conditions that it is likely to be subjected to while being operated in accordance with the terms and conditions of the certificate of survey if one is issued in relation to the vessel.”.

5 Section 131 (1) of the Principal Act is amended—

Kinds of
certificates.

(a) by omitting from paragraph (c) the word “generally.” and substituting therefor the word “generally,”; and

(b) by inserting at the end thereof, commencing at the margin, the words “subject in every case (except as provided in subsection (2)) to such conditions and limitations as are set out in the certificate.”.

Fishing vessels.

6 Section 133 of the Principal Act is amended—

- (a) by omitting, from subsection (1), the words “ of an overall length of one hundred feet or less,”;
- (b) by omitting subsection (2) and substituting therefor the following subsection:—

“(2) The owner of a vessel to which this section applies shall cause the hull, equipment, and machinery of the vessel to be surveyed at intervals not exceeding one year by a surveyor who is authorized in that behalf by the Authority.”;

- (c) by omitting, from subsection (3), the words “ one month ” and substituting therefor the figure and word “ 3 months ”;
- (d) by omitting paragraphs (a) and (b) of subsection (4);
- (e) by omitting, from paragraph (c) of that subsection, the words “ and sufficiency ”;
- (f) by omitting subsection (5) and substituting therefor the following subsections:—

“(5) When he has completed a survey referred to in subsection (2), a surveyor shall furnish the Authority with a declaration in writing in which he shall state his opinion as to—

- (a) the condition of the hull, equipment, or machinery surveyed; and
- (b) the service whether seagoing, restricted seagoing, or non-seagoing for which the vessel surveyed is suitable, regard being had to matters appearing in the course of the survey.

“(5A) In a declaration referred to in subsection (5) the surveyor making it may make recommendations to the Authority as to any conditions and limitations, whether as to the use of the vessel surveyed or to the limits in which it may or may not safely ply or both as to such use and limits, that ought to be imposed in a certificate issued under this Division in relation to the vessel.

“(5B) There shall be stated in a certificate of survey issued under this Division—

- (a) the condition of the hull, equipment, or machinery referred to in the declaration precedent to the issue of the certificate;

- (b) the use whether seagoing, restricted seagoing or non-seagoing for which the vessel is permitted to ply in accordance with the certificate;
- (c) any other conditions or limitations subject to which the vessel may or may not ply in accordance with the certificate; and
- (d) the day, being not more than one year from the day of the survey to which it relates, after which it will cease to be of any effect.

“(5C) Notwithstanding any other provision of this Act, the Authority may decline to issue a certificate of survey in relation to a vessel to which this Division applies unless there is furnished to the Authority by the owner of the vessel a certificate of a duly qualified naval architect as to the stability of the vessel in all operating conditions that it is likely to be subjected to while being operated in accordance with the terms and conditions of the certificate of survey if one is issued in relation to the vessel.

“(5D) Notwithstanding any of the foregoing provisions of this Division, a vessel to which this Division applies may subject to subsection (5E) ply beyond the limits specified in the certificate of survey issued under this Division if such a course is authorized by a permit issued in that behalf by the Authority (which permit the Authority is hereby authorized to issue).

“(5E) In issuing a permit for the purpose of subsection (5D) the Authority may specify conditions subject to which it is issued and, if the vessel plies purportedly in pursuance of the permit but in breach of any condition so imposed, the person in charge of the vessel shall be liable to the same extent as if no permit under subsection (5D) had been issued in respect of that plying of the vessel.

“(5F) Upon receipt of a declaration under this section the Authority shall consider it and, if satisfied as to the condition of the hull of the vessel and its machinery and equipment, shall issue to the owner thereof within 14 days of such receipt a certificate of survey.”;

- (g) by omitting the word “ply—” from subsection (6) and substituting therefor the word “ply”; and
- (h) by omitting paragraphs (a) and (b) of that subsection.

Launches.

7 Section 134 of the Principal Act is amended by inserting, after subsection (2), the following subsection:—

“(2AA) Notwithstanding any other provision of this Act, the Authority may decline to issue a licence in relation to a vessel to which this Division applies unless there is furnished to the Authority by the owner of the vessel a certificate of a duly qualified naval architect as to the stability of the vessel in all operating conditions that it is likely to be subjected to while being operated in accordance with the terms and conditions of the licence if one is issued in relation to the vessel.”.

Vessels not to be employed without certificate.

8 Section 136 of the Principal Act is amended—

(a) by omitting from subsections (1) (a) and (4) the words “and sufficiency”; and

(b) by adding at the end thereof the following subsection:—

“(5) A person who employs a vessel, in respect of which a subsisting certificate of survey has been issued, in contravention of any condition or limitation specified in the certificate, or while employing the vessel fails to observe any condition or limitation so specified, is liable to the same penalty as if no subsisting certificate of survey had been issued in respect of the vessel so employed.”.

Exemptions.

9 Section 142 of the Principal Act is amended by adding the following subsections at the end thereof:—

“(4) Notwithstanding any of the foregoing provisions of this Part, for the purposes of this Part the Authority may accept a current certificate of survey issued in relation to any vessel by any classification society approved by the Governor.

“(5) The Governor may approve classification societies for the purpose of subsection (4).”.

10 The Principal Act is amended by inserting in Division V of Part XVII, after section 167, the following section:—

“167AA—(1) No civil action, claim, or demand lies, or shall be commenced or allowed, by or in favour of any person against—

(a) the State or the Attorney-General;

(b) a board;

(c) any officer of the department of the State administering this Act or of a board; or

(d) any other person acting for the purposes of this Act,

Indemnity from suit.

by reason of any act, matter, or thing done or omitted to be done, in good faith but whether negligently or otherwise, in relation to, or by reason of any defect in, a marine navigational aid established and maintained or deemed to have been established and maintained under this Act.

“(2) For the purpose of subsection (1), ‘ marine navigational aid ’ means—

- (a) a lighthouse, lightship, beacon, or buoy; or
- (b) any other structure, mark, device, or apparatus that is an aid to marine navigation including the radio beacon or any electronic aid but not including any device or apparatus used or for use on a ship not being a lightship.”.

11—(1) A surveyor authorized under the Principal Act for the purposes of that Act shall be deemed to have been so authorized under that Act as amended by this Act. Transition provisions.

(2) A subsisting certificate of survey issued under the Principal Act shall be deemed to have been issued under that Act as amended by this Act.

(3) Any approval, guarantee, or appointment that, prior to the commencement of this Act, was given or made under any of the Acts contained in the Schedule, shall be as effective and binding as if it had been given or made under the appropriate Act contained in the Schedule as amended by this Act.

12 The Acts that are set out in the first column of the Schedule are amended to the extent set out in the second column of that Schedule. Consequential amendments.

SCHEDULE

(Section 12)

FIRST COLUMN Act amended	SECOND COLUMN How amended
<i>Burnie Marine Board Loan Act 1936</i>	By omitting from— section 3 (1); section 4 (1) and (2); and section 5 (1), the word “ Governor ” and substituting there- for in each case the word “ Treasurer ”.

FIRST COLUMN Act amended	SECOND COLUMN How amended
<i>Devonport Marine Board Loan Act 1946</i>	By omitting from— the long title; section 3; section 6 (1) and (2); and section 7 (1), the word “ Governor ” and substituting there- for in each case the word “ Treasurer ”.
<i>Hobart Marine Board Loan Act 1947</i>	1. By omitting from— the long title; section 3 (1); section 5 (1) and (2); and section 6 (1), the word “ Governor ” and substituting therefor in each case the word “ Treasurer ”. 2. By omitting from section 7 (1) the word “ five ” and substituting therefor the word “ six ”.
<i>Circular Head Marine Board Loan Act 1950</i>	By omitting from— the long title; section 3; section 6 (1) and (2); and section 7 (1), the word “ Governor ” and substituting there- for in each case the word “ Treasurer ”.
<i>Launceston Marine Board Loan Act 1951</i>	By omitting from— the long title; section 3 (1); section 5 (1) and (2); and section 6 (1), the word “ Governor ” and substituting there- for in each case the word “ Treasurer ”.
<i>Flinders Marine Board Loan Act 1952</i>	By omitting from— the long title; section 3 (1); section 5 (1); and section 6 (1), the word “ Governor ” and substituting there- for in each case the word “ Treasurer ”.

FIRST COLUMN Act amended	SECOND COLUMN How amended
<i>Devonport Marine Board Loan Act 1953</i>	By omitting from— the long title; section 3; section 5; section 6 (1) and (2); and section 7 (1), the word "Governor" and substituting there- for in each case the word "Treasurer".
<i>King Island Marine Board Loan Act 1971</i>	By omitting from— the long title; section 3 (1); section 5; and section 6 (1), the word "Governor" and substituting there- for in each case the word "Treasurer".