



MARINE AMENDMENT ACT 1986

No. 47 of 1986

TABLE OF PROVISIONS

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Principal Act. 4. Amendment of section 4 of Principal Act (Interpretation). 5. Amendment of section 14 of Principal Act (Alteration of name of board). 6. Amendment of section 32 of Principal Act (Marine Board of Burnie). 7. Amendment of section 50 of Principal Act (Master-warden and chairman). 8. Amendment of section 51 of Principal Act (Method of election of master-warden and chairman). | <ol style="list-style-type: none"> 9. Insertion in Principal Act of new section 61A.
61A—Disclosure of interests. 10. Amendment of section 64 of Principal Act (General duties of boards). 11. Amendment of section 65 of Principal Act (General powers). 12. Amendment of section 78 of Principal Act (Application of revenues). 13. Amendment of section 89 of Principal Act (Rating powers in respect of certain loans). 14. Transitional provisions. |
|---|--|

AN ACT to amend the Marine Act 1976.

[Royal Assent 20 May 1986]

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—This Act may be cited as the *Marine Amendment Act 1986*. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the Royal assent.

Principal Act.

3—In this Act, the *Marine Act 1976** is referred to as the Principal Act.

Amendment of
section 4 of
Principal Act
(Interpre-
tation).

4—Section 4 of the Principal Act is amended as follows:—

(a) by inserting in subsection (1) after the definition of “seaplane” the following definition:—

“shipping” includes the putting of persons and things aboard a vessel and the transporting of persons and things by vessel;

(b) by omitting from that subsection the definition of “work” and substituting the following definition:—

“work” includes—

(a) any wharf, jetty, pier, or dock and any building, structure, or appliance constructed or set up or maintained; and

(b) the dredging or reclaiming undertaken, by any board for the purposes of and in accordance with the provisions of this Act;

Amendment of
section 14 of
Principal Act
(Alteration
of name of
board).

5—Section 14 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) Where the name of a board is altered pursuant to this section, the name of the board may be altered to that of a port or ports, or a geographical region within the jurisdiction of the board.

Amendment of
section 32 of
Principal Act
(Marine Board
of Burnie).

6—Section 32 of the Principal Act is amended as follows:—

(a) by omitting “9” and substituting “6”;

(b) by omitting “four” from paragraph (a) and substituting “three”;

(c) by omitting “three” from paragraph (b) and substituting “one”.

* No. 18 of 1976. Amended by Nos. 37 and 125 of 1977, Nos. 19 and 33 of 1978, No. 36 of 1980, No. 8 of 1981, No. 89 of 1982, Nos. 29, 33, and 57 of 1984, and No. 31 of 1985.

7—Section 50 of the Principal Act is amended by omitting “ may ” and substituting “ shall ”.

Amendment of section 50 of Principal Act (Master-warden and chairman).

8—Section 51 of the Principal Act is amended as follows:—

Amendment of section 51 of Principal Act (Method of election of master-warden and chairman).

(a) by adding after “ voting ” in paragraph (e) of subsection (1) “ or until the election has been determined by lot in the manner prescribed by by-law ”;

(b) by omitting from paragraph (g) of that subsection “ the number of votes cast for each of such candidates exceeds the number of votes cast for any other candidate ” and substituting “ that equality prevents the determination of the ballot ”;

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

(2) The election of a deputy master-warden shall be conducted in the same manner as an election of master-warden.

(d) by inserting in subsection (3) “ or deputy master-warden ” after “ master-warden ” wherever occurring.

9—After section 61 of the Principal Act the following section is inserted:—

Insertion in Principal Act of new section 61A.

61A—(1) A warden of a board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by that board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of that board.

Disclosure of interests.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the board and the warden shall not, unless the board otherwise determines—

(a) be present during any deliberation of the board with respect to that matter; or

(b) take part in any decision of the board with respect to that matter.

(3) For the purpose of making a determination by the board under subsection (2) in relation to a warden who has made a disclosure under subsection (1), a warden who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not take part in the making by the board of the determination.

Amendment of section 64 of Principal Act (General duties of boards).

10—Section 64 of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:—

- (c) construct and maintain all such works, and do all such things as may be found desirable for ships, shippers, stevedores, and cargo handling and for the improvement of navigation and cargo handling and the accommodation or convenience of shipping, cargo handling, shippers, and stevedores, and all other persons resorting to any port or using any works belonging to the board.

Amendment of section 65 of Principal Act (General powers).

11—Section 65 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (ze) of subsection (1) “them; and” and substituting “them;”;
- (b) by omitting from paragraph (zf) of that subsection “requirements.” and substituting “requirements; and”;
- (c) by adding after that paragraph the following paragraph:—
 (zg) to do all things necessary or desirable for the improvement of navigation and cargo handling and the convenience of shipping, cargo handling, shippers, and stevedores, and all other persons resorting to any port or using any works belonging to the board.

Amendment of section 78 of Principal Act (Application of revenues).

12—Section 78 of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (e) of subsection (1) all the words following “present” and substituting “at a meeting.”;
- (b) by omitting subsection (2) and substituting the following subsection:—
 (2) A board may invest any of its revenue or loan funds not immediately required for the purposes of the board in any of the ways trustees are authorized under the *Trustee Act* 1898 to invest trust funds.

Amendment of section 89 of Principal Act (Rating powers in respect of certain loans).

13—Section 89 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (2) “general rate” and substituting “municipal rate”;
- (b) by omitting from subsection (3) “general rate”, where twice occurring, and substituting “municipal rate”.

14—Notwithstanding section 38 (2) of the Principal Act, the wardens of the Marine Board of Burnie elected—

Transitional provisions.

(a) by the electors of the Burnie voting district in 1982; and

(b) by the electors of the Wynyard voting district in 1981 and 1982,

ceased to hold office as wardens of that Board at the expiration of the period of 3 years from the date on which they were elected as wardens and the offices held by them shall be deemed to have been terminated at the expiration of that period.

