



MARINE AMENDMENT ACT (No. 3) 1986

No. 106 of 1986

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AN ACT to amend the Marine Act 1976 and the Marine Amendment Act 1986.

[Royal Assent 17 December 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 (No. 3)* Short title. 1986.

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

4—Section 89 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

(4) Notwithstanding anything in the foregoing provisions of this section, rates shall not be levied under this section by—

(a) the Burnie Port Authority;

(b) the Marine Board of Circular Head; or

(c) the Port of Devonport Authority.

Amendment of
section 189 of
Principal Act
(Offences).

5—Section 189 of the Principal Act is amended by adding the following subsections after subsection (4):—

(5) A person shall not use, fire, or otherwise operate a rocket, flare, or pyrotechnic distress signal or other pyrotechnic device which may be confused with a distress signal except—

(a) when in distress or in need of assistance; or

(b) under the authority of, and in accordance with any conditions specified in, a permit issued under subsection (7).

(6) Any person who contravenes subsection (5) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(7) A board or the Authority may issue a permit to a person authorizing the person to use, fire, or otherwise operate a rocket, flare, or pyrotechnic distress signal for any purpose.

(8) A permit issued under subsection (7) may be made subject to such conditions, if any, as the board or Authority may determine and specify in the permit.

Amendment of
Schedule III to
Principal Act
(Voting
districts).

6—Schedule III to the Principal Act is amended by omitting from the item relating to the West Coast voting district “Queens- town,” and substituting “Lyell.”

* 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, No. 31 of 1985, and Nos. 47, 78, and 103 of 1986.

7—After section 14 of the *Marine Amendment Act 1986*, the following section is inserted:—

Insertion in
*Marine
Amendment
Act 1986*
of new
section 15.

15—(1) Of the candidates elected to the Burnie Port Authority by the electors of the Burnie voting district at the election of wardens to be held in 1987—

Further
transitional
provisions.

- (a) the first warden elected shall retire on the date of the election of wardens to be held in 1990; and
- (b) the second warden elected shall retire on the date of the election of wardens to be held in 1988.

(2) For the purposes of subsection (1)—

- (a) a reference to the first warden elected is a reference to the warden who, at the relevant election, receives the most votes; and
- (b) a reference to the second warden elected is a reference to the warden who, at the relevant election, receives the second highest number of votes.

(3) If, at the election of wardens to be held in 1987, there is no poll, the first and second wardens elected shall be determined by lot conducted by the returning officer of the Burnie Port Authority.

