

## TASMANIA.

## THE MARINE ACT, 1921.

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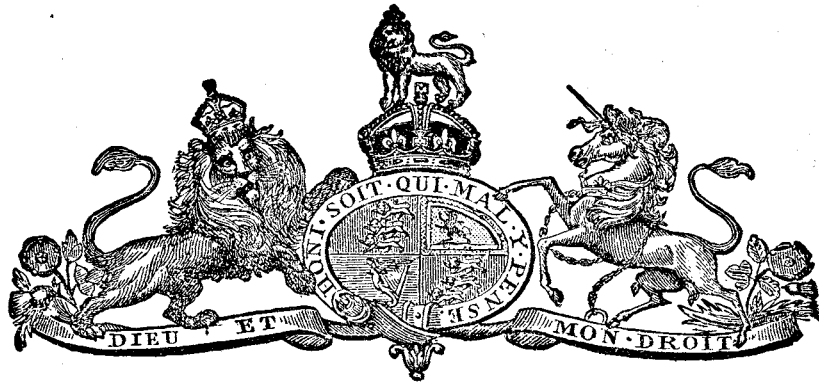
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TASMANIA.



1921.

ANNO DUODECIMO

GEORGII V. REGIS.

No. 60.



AN ACT as to the Constitution and for the Regulation of Marine Boards and Harbour Trusts. A.D. 1921.  
[14 February, 1922.]

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:—

PART I.

PRELIMINARY.

- 1 This Act may be cited as “The Marine Act, 1921.” Short title.
- 2 This Act shall come into operation on the First day of March, One thousand nine hundred and twenty-two. Commencement.
- 3 The Acts set forth in Schedule (1) are hereby repealed to the extent specified in the Third column of that schedule. Repeal.

*Marine.*

A.D. 1921.

**Part I.**Loans under  
repealed Acts.

**4** Such repeal shall not affect the borrowing powers conferred by any repealed Act nor any loan made thereunder and now unpaid. The unrepealed Acts as to loans, and the unrepealed provisions as to loans and rating powers and matters incidental thereto, and as to some miscellaneous matters, of the Acts in part repealed are (for convenience of reference only) enumerated in Schedule (2).

Interpretation.

**5** In this Act, where the context permits—

“Board” means a marine board continued by or constituted under this Act :

“Breaking bulk” means the unloading of any cargo :

“Burthen” means net tonnage according to the register of shipping, or in the case of fishing boats not registered, as ascertained by a shipwright surveyor :

“Cargo” means all goods and things, including ballast, which may be loaded or unloaded, or intended so to be, into or from any vessel in any port :

“Casual vacancy” means any vacancy occurring in any office otherwise than by effluxion of time :

“Chairman” includes any trustee acting as chairman during the absence or incapacity of the chairman, or a vacancy in the office :

“Collector” means every person appointed by a board or trust to receive any moneys payable to it under this Act :

“Court” means the Supreme Court of Tasmania, and includes a single judge exercising the powers of the court :

“Dangerous goods” means and includes explosives (within the meaning of “The Explosives Act, 1916”), inflammable liquid (within the meaning of “The Inflammable Liquid Act, 1920”), carbide of calcium, lucifer matches, and all goods which may cause damage to persons or to other cargo, whether because of their explosive or combustible character, or for any other reason :

“Detaining officer” includes (besides harbourmaster) any person authorised by a board or trust to detain unsafe vessels :

“Harbourmaster” includes a deputy or assistant-harbourmaster, or any person acting as such :

“Justice” means a justice of the peace :

“Master” includes the person (not being a pilot or harbourmaster) for the time in charge or having control of any vessel :

“Master-warden” includes any warden acting as master-warden during the absence or incapacity of the master-warden or a vacancy in the office :

“Owner,” with respect to any cargo, includes the consignee and any person having or having had within the jurisdiction of a board or trust the possession, control, or custody of such cargo :

7 Geo. V. No. 9

11 Geo. V. No.  
57.

*Marine.*

- “Owner,” with respect to any vessel, includes the charterer and any person having the possession of such vessel and any agent for a vessel, which is or has come within the jurisdiction of a board or trust, if such agent is the public or recognised agent for the owner of such vessel : A.D. 1921  
Part I.
- “Passenger” includes every person carried in any trading vessel other than the owner, master, and crew of such vessel :
- “Port” includes any harbour, haven, roadstead, or place of resort for shipping, and any navigable river :
- “Property” includes rights and interests cognisable in any court :
- “Steamship” includes every vessel propelled wholly or in part by any motive-power other than sails or oars :
- “Tamar Rate” means and includes any Tamar Rate within the meaning of “The Tamar Improvement Act, 1912 :” 3 Geo. V. No. 52.
- “Tonnage” means net registered tonnage :
- “Treasurer” means the Treasurer of the State of Tasmania :
- “Trust” means a harbour trust continued by or constituted under this Act :
- “Vessel” includes every kind of vessel used in navigation, and every hulk or lighter used for the storage or transport of goods :
- “Voting district” means a district (as described or defined in or by Sections Twenty-nine and Thirty-eight or Schedule (4) or by any Proclamation of an altered jurisdiction or district) the municipal electors of which have the right to vote for the election of wardens or trustees of some board or trust :
- “Warden” includes Master-warden :
- “Wharf” includes any landing place, pier, jetty, or dock appointed by a board or trust, or a harbourmaster, for the landing or shipping of cargo, and also the approaches to and all sheds on a wharf, and all spaces under a wharf, and all places which have been defined by proclamation as being within the boundaries of a wharf under the control of a board or trust, but does not include any wharf under the control of any public authority other than a board or trust or any portion thereof :
- “Work” includes any wharf, jetty, pier, or dock, and any building, structure, or appliance constructed, or set up, or maintained by any board or trust for the purposes of and in accordance with the provisions of this Act :
- “Written” includes words and figures reproduced by any mechanical process.

*Marine.*

A.D. 1921.

## Part II.

## PART II.

## EXISTING BOARDS AND TRUSTS CONTINUED—THEIR INCORPORATION, JURISDICTION, PROPERTY AND OFFICERS—ALTERATIONS IN JURISDICTION.

*Constitution and Jurisdiction.*Existing boards  
continuation.

**6**—(1) The marine boards constituted by or under “The Marine Board Act, 1889,” and now existing (excepting the Marine Board of Leven) shall continue to exist, notwithstanding the repeal of any Acts by or under which the same have been constituted, and shall have jurisdiction in and over all ports, harbours, and waters comprised within the limits of coast line respectively set forth in Schedule (3) and within all islands adjacent or opposite to such coast line, and also in and over all navigable rivers and waters which find an outlet to the sea within those limits of coast line and islands respectively. The Governor, in case of dispute, may by proclamation determine to which of the boards any island is assigned by this Act.

(2) The jurisdiction conferred upon a board is to be exercised subject to the powers conferred upon any harbour trust by or under this Act, or by any Act not hereby repealed in respect of any port or waters.

(3) The following are the marine boards, the existence whereof is continued by this Act :—

The Marine Board of Hobart.  
The Marine Board of Launceston.  
The Marine Board of Mersey.  
The Marine Board of Burnie and Table Cape.  
The Marine Board of Circular Head.  
The Marine Board of King Island.  
The Marine Board of Strahan.

(4) The Marine Board of Burnie and Table Cape shall hereafter for all purposes be known as the Marine Board of Burnie.

(5) The existence of the Marine Board of Leven is terminated by this Act.

Existing trusts  
continuation.

**7**—(1) The harbour trusts constituted by the Three several Harbour Trust Acts hereby in part repealed, which said Acts are specified in Schedule (1), shall continue to exist, and their authority shall extend to the harbours and navigable waters which are within the respective limits set forth in Schedule (3).

(2) The said harbour trusts are known by the following names :—

The Leven Harbour Trustees.  
The North-Eastern Harbour Trustees.  
The Smithton Harbour Trustees.

Jurisdiction of  
boards and trusts  
seaward.

**8** The jurisdiction of each board and the special authority of each trust shall extend One nautical league to the seaward from low water mark along the coast line which is within the jurisdiction or authority of the board or trust.



*Marine.*

**9** Every board and trust shall continue to be or be a body corporate, having perpetual succession and a common seal, and shall be capable of holding and alienating land. And all property which at the commencement of this Act belongs to any board or trust shall remain vested in the same board or trust as continued by this Act, and for the purposes of that board or trust under the provisions hereof.

A.D. 1921.

**Part II.**

Incorporation.

Vesting of property.

**10**—(1) All wardens and trustees holding office at the commencement of this Act shall continue in the same office under this Act, and (except in the case of the Marine Boards of Hobart and Launceston) where the term of office of any such warden or trustee would, if this Act had not been passed, expire in any month, other than the month of April in any year, such warden or trustee shall continue in office until the Fourth Thursday in the month of April next following the month in which his term of office would, but for this provision, have so expired.

Existing wardens and trustees.

(2) The order of individual retirement of wardens shall, in every case be the same as it would have been if this Act had not been passed.

(3) The order of retirement of trustees shall be as hereinafter set forth.

**11** Notwithstanding any repeal all boards and trusts, the existence whereof is continued by this Act, shall respectively take the place of the boards and trusts constituted by or under any repealed Act, and in particular—

Continuance of existing obligations and rights.

- i. All contracts and obligations shall be enforceable by and against the continued board or trust :
- ii. All penalties incurred prior to the passing of this Act shall be recoverable and enforceable :
- iii. All suits and proceedings pending may be continued :
- iv. All works may be completed, and all pending matters may be carried into effect :
- v. All certificates and licences shall remain in force for the periods and under the conditions for and under which the same respectively were granted :
- vi. All by-laws and regulations shall remain in force until repealed or altered.

*Altering Jurisdiction of Boards or Trusts.*

**12** The Governor may, by proclamation, from time to time alter and re-define the limits of the jurisdiction of any board or trust.

Re-definition of jurisdiction of boards.

**13** By the same or a later proclamation the Governor may fix and determine the boundaries of any voting district, and may also determine (as between boards or trusts) any question as to property, arising upon an alteration of limits, and any such property shall belong to a board or trust in accordance with the terms of such proclamation, and when necessary shall be conveyed or transferred accordingly.

Proclamation settling questions as to property.

*Marine.*

A.D. 1921.

**Part II.**

Defining boundaries of wharves.

**14** The Governor may, by proclamation, from time to time define the boundaries for the purposes of this Act, of any wharf, and alter and re-define any such boundary, and the boards and trusts respectively shall have jurisdiction over any wharf so defined from the landward side to the water's edge.

**Part III.**

**PART III.**

**CONSTITUTION OF THE SEVERAL BOARDS AND TRUSTS—QUALIFICATION OF ELECTORS—CONDUCT OF ELECTIONS.**

*Hobart.*

Hobart—  
Number of  
wardens, &c.

**15**—(1) The Marine Board of Hobart shall consist of Nine wardens, elected for a term of Three years by the shipowners of the Port of Hobart and the importers and exporters of goods into or from any port or waters within the jurisdiction of the Board.

(2) No person shall be eligible for election as a warden who is not a qualified elector.

Retirement of  
wardens.

**16** Three wardens shall retire each year, and the vacancies shall be filled on the Third Thursday in December.

Qualifications of  
electors.

**17** The electors shall be shipowners, importers, and exporters, qualified under one of the following scales, and each elector shall have a vote or votes in accordance with the scale applicable to his qualification :—

**SHIPOWNERS.**

Qualification.	Number of Votes.
Ownership of a vessel—	
Of Ten tons and not exceeding Fifty tons burthen, and registered at the said port . . . . .	1
Of Five tons and not exceeding Fifty tons burthen, registered or licensed at the said port, and in respect of which wharfage or quayage rates or charges are paid . . . . .	1
Of Five tons burthen or over, ordinarily engaged in fishing, and having its headquarters at the said port	1
Exceeding Fifty tons and not exceeding One hundred tons burthen, and registered at the said port . . . .	2
Exceeding One hundred tons burthen, and registered at the said port . . . . .	3

*Marine*

IMPORTERS OR EXPORTERS.	Number of Votes.	A.D. 1921. <hr/> Part III.
Qualification.		
Importation into, or exportation from, any port or waters within the jurisdiction of the Board during the Twelve months ending the Thirtieth day of June preceding the date of election, of goods to the value of—		
£200 and under £2,000 .....	1	
£2,000 and under £5,000 .....	2	
£5,000 or more .....	3	

**18** Each elector shall have One, Two, or Three votes according to his qualification in respect of every vacancy to be filled; but no elector shall have more than Three votes in all for each vacancy. Votes for each vacancy.

**19**—(1) Co-owners and joint owners of vessels shall have the value of their interests apportioned so as to secure to each of them (where practicable) a vote or votes according to the qualification of each. Co-owners and joint interests.

(2) Persons importing or exporting on joint account shall not be entitled to have any such apportionment made, but only One of them shall have a vote or votes in respect of the joint interest.

**20** The board shall fix and notify, at least Fourteen days beforehand, by advertisement in the "Gazette," and some public newspaper, the date and place of holding any ordinary or extraordinary election. Notice of election.

**21**—(1) The board, with the approval of the Governor, may make by-laws prescribing or regulating— By-laws as to conduct of elections.

- i. The mode of preparing and revising the roll of electors and the form thereof:
- ii. The places and hours for taking the poll:
- iii. The mode of voting by electors qualified in respect of joint or common interests, and by corporations:
- iv. Generally the conduct of elections.

(2) Any such by-law may afterwards be rescinded by the Governor, and upon notification thereof in the "Gazette" shall cease to have effect.

*Launceston.*

**22**—(1) The Marine Board of Launceston shall consist of Five wardens to be elected for the City of Launceston. Launceston—  
Number of  
Wardens.

(2) Every warden shall be a male citizen of the said city, qualified to vote at an election of aldermen for the city. Qualification.

(3) Subject as otherwise expressly provided in this and the next following section, wardens shall hold office for the term of Three years. Term of office.

*Marine.*

A D. 1921

**Part III.**

Wardens representing the municipalities to cease to hold office, and vacancies to be filled in the same manner as casual vacancies.

Retirement of wardens in the years 1922-1926 inclusive.

Retirement after 1926.

Qualifications of electors.  
Number of votes.

58 Vic. No. 30.

Returning or presiding officer not to be capable of election under this section.

(4) Upon the day following the commencement of this Act, the warden then representing the Two municipalities of Beaconsfield and George Town, and the warden then representing the Two municipalities of Lilydale and St. Leonards, shall cease to be wardens of the Marine Board of Launceston, and the vacancies so caused shall be filled by the appointment of Two wardens by the remaining members of the Board. The wardens appointed to fill such vacancies shall be qualified as provided in Subsection (2), and shall hold office until the Second Friday in December, One thousand nine hundred and twenty-two, when they shall retire from office.

**23**—(1) On the Second Friday in December in each of the years in this subsection mentioned, wardens shall retire as follows:—

- i. In the year One thousand nine hundred and twenty-two Warden *Alexander Thomson Cruikshank* shall retire, in addition to the Two wardens to retire on the Second Friday in December in that year, in accordance with the provisions of Subsection (4) of Section Twenty-two:
- ii. In the year One thousand nine hundred and twenty-three Warden *Ernest Henry Ritchie* shall retire:
- iii. In the year One thousand nine hundred and twenty-four Warden *Laurence John Abra*, and the warden elected by the smallest number of votes at the election in the year One thousand nine hundred and twenty-two, shall retire:
- iv. In the year One thousand nine hundred and twenty-five the Two remaining wardens elected in the year One thousand nine hundred and twenty-two shall retire:
- v. In the year One thousand nine hundred and twenty-six the warden who was elected in the year One thousand nine hundred and twenty-three shall retire.

(2) After the year One thousand nine hundred and twenty-six Two wardens shall retire in each of Two succeeding years, and One in each Third year, so that there shall always be in Two consecutive years a retirement of Two wardens, and in the Third year a retirement of One warden.

**24**—(1) The electors of the wardens shall be the citizens qualified to vote at an election of aldermen for the said city.

(2) Each elector shall have the same number of votes as he has at elections of aldermen for the said city, and shall have a vote or votes in respect of any vacancy to be filled.

(3) In the year One thousand nine hundred and twenty-two, and in every succeeding year, an election of a warden or wardens, as the case may require, shall be held by the municipal council of the said city in December, at the same time as the election of aldermen, and the provisions of "The Launceston Corporation Act, 1894," so far as the same are applicable, shall, *mutatis mutandis*, apply to the election of wardens.

(4) No person who acts as a returning officer or presiding officer at any election under this section or "The Launceston Corporation Act, 1894," shall be capable of being elected as a warden at an election held under this section, on the day on which he so acts.

*Marine.*

**25**—The Board shall pay to the Municipal Council of the City of Launceston such sum as shall be necessary to recoup the Council for the extra expense incurred by reason of the holding of the election under this Act at the same time with the election of aldermen, and in case of dispute as to the amount to be so paid the matter shall be referred to the Auditor-General whose decision shall be final and conclusive.

A.D. 1921.  
—  
Part III.  
Costs of election.

**26**—(1) The Board, with the approval of the Governor, may make by-laws:—

By-laws as to elections.

- i. Securing that any elector liable to pay a Tamar rate may vote: and
- ii. Generally regulating the conduct of the elections where or in matters not otherwise provided for.

(2) Any such by-law may afterwards be rescinded by the Governor and upon notification thereof in the "Gazette" shall cease to have effect.

*Mersey.*

**27** The Marine Board of Mersey shall consist of Nine wardens, elected for a term of Three years. Three wardens shall retire each year.

Mersey—  
Number of  
wardens, &c

*Burnie.*

**28** The Marine Board of Burnie shall consist of Seven wardens, elected for a term of Three years.

Burnie—  
Number of  
wardens, &c.

**29** Four of the wardens shall be elected by electors of the Emu Bay voting district, and Three by electors of the Table Cape voting district, as such districts are defined in Schedule (4).

Separate elections  
—Emu Bay and  
Table Cape.

**30** Wardens shall retire in the following order:—In the year One thousand nine hundred and twenty-two, Two wardens shall retire, viz., One warden for each of the Two voting districts; and so also in the next year, but, in the following year, Three wardens shall retire, viz., Two wardens for the Emu Bay district, and One warden for the Table Cape district, and thenceforth in succeeding years, so that there shall always be, in Two consecutive years, a retirement of Two wardens, and in the Third year a retirement of Three wardens, and in the manner before set forth.

Retirement of  
wardens.

*Circular Head.*

**31** The Marine Board of Circular Head shall consist of Five wardens elected for a term of Three years.

Circular Head—  
Number of  
Wardens.

*King Island.*

**32** The Marine Board of King Island shall consist of Five wardens elected for a term of Three years.

King Island—  
Number of  
Wardens.

*Marine.*

A.D. 1921.

**Part III.**Circular Head  
and King  
Island—number  
of wardens to  
retire yearly.Strahan—  
Number and  
appointment of  
wardens.Existing harbour  
trusts—Number  
of trustees, &c.Retirement of  
trustees.Qualification of  
wardens and  
trustees.Continuance in  
office.Qualification of  
electors.6 Ed. VII.  
No 31.Voting power of  
electors.

**33** In the case of the Marine Boards of Circular Head and King Island, Two wardens shall retire in each of Two succeeding years, and One in each Third year, the number to retire in each year being the same as it would have been if this Act had not been passed.

*Strahan.*

**34** The Marine Board of Strahan shall consist of a Master-warden and Two other wardens appointed by the Governor from time to time, and holding office during pleasure.

*Harbour Trusts.*

**35** Each of the Three trusts continued by Section Seven shall consist of Five trustees, elected for a term of Three years.

**36** The following shall be the manner and order of retirement of the trustees of the Three harbour trusts respectively:—

- i. Two shall retire in each of Two succeeding years, and One in each Third year :
- ii. Those who have been longest in office (without having been again elected at an ordinary election shall be the First to retire :
- iii. For the purpose of determining the time of his retirement as by rotation every warden elected to fill a casual vacancy shall be deemed to have been elected at the same time and in the same manner, and to have received the same number of votes (if any) as the last holder of the seat he was elected to fill was elected, otherwise than to fill a casual vacancy :
- iv. Any question of difficulty as to the order of retirement shall be determined by lot.

*Qualification of Wardens and Trustees—Continuance in Office.*

**37**—(1) No person shall be elected as a warden or trustee who is not a natural-born or naturalised male subject of His Majesty, of the age of at least Twenty-one years, and a qualified voter.

(2) Every retiring warden and trustee shall continue in office until his successor is elected (whether or not the time for holding the election has been altered by this Act).

*Qualification and Voting Power of Electors (except Hobart and Launceston)—Elections.*

**38**—(1) The electors for each board (other than those of Hobart and Launceston) and for each trust shall be the persons who are qualified (within the appropriate voting district) to vote at an election of councillors under "The Local Government Act, 1906."

(2) Each elector shall have the same number of votes which he has altogether as a municipal elector in respect of all his properties within the voting district (whether in One municipality or more) but not exceeding Six votes in all.

*Marine.*

**39**—(1) The election in each case shall be held in April of each year at the same time as and in conjunction with the annual election of councillors but subject to the provisions in this section hereinafter contained.

A. D. 1921.

**Part III.**

Elections.

(2) Each board and trust shall, at least One month before the election, appoint one of its officers or some other person to be the returning officer for the election.

Boards and trusts to appoint returning officers.

(3) Where an election is to be held under this Act in respect of a voting district comprising or including the whole or portions of Two or more municipalities, the municipal councils of such municipalities shall go through their rolls and shall each mark thereon those electors who are entitled to vote in each municipality in respect of the voting district for which such election is to be held and the number or aggregate number of votes to which electors are so entitled in such voting district, and those electors shall be entitled to such number or aggregate number of votes (but in no case exceeding Six) and shall vote at One place in the voting district.

Municipal councils to go through and mark rolls.

(4) All presiding officers under "The Local Government Act, 1906," presiding at the election of councillors at any polling-place in a voting district comprising or including the whole or portion of any municipality shall act as presiding officers for the purposes of the election under this Act in respect of such voting district: Provided that if there shall in any ward of a municipality be no election of councillors held at the same time as the election under this Act, and that ward or any portion thereof is included in such voting district, the returning officer appointed under Subsection (2) of this section shall appoint a sufficient number of persons in that ward, or in such portion thereof as is so included (as the case may require), to act as presiding officers for the lastmentioned election.

Presiding officers.

(5) Each presiding officer shall, immediately on the close of the poll, collect and seal up all the ballot-papers taken at the polling place at which he has presided, and with the least possible delay forward the same to the returning officer appointed as aforesaid, who shall then do all necessary acts as returning officer.

Ballot-papers to be collected and sent to returning officer.

(6) No person who acts as a returning officer or a presiding officer at any election held under this Act, or under "The Local Government Act, 1906," shall be capable of being elected as a warden or trustee under this Act on the day on which he so acts in any municipality in respect of which, or portion of which, such election is held.

Returning or presiding officer not to be capable of election under this Act.

(7) Each board and trust shall pay to the municipal council or councils of the municipality or municipalities in respect of which any election to such board or trust has been held under this Act such sum as shall be necessary to recoup the council or councils for the extra expense incurred by reason of the holding of such election at the same time as the election of councillors, and, in case of dispute as to the amount to be so paid, the matter shall be referred to the Auditor-General whose decision shall be final and conclusive.

Costs of elections.

*Marine.*

A.D. 1921.

**Part III.***Restrictions on Voting.*Rates and charges  
to be paid.

**40** Except as provided by any by-law made under Section Twenty-six no elector shall vote unless he has paid all rates and charges owing by him to the board or trust concerned, and payable on or before the First day of July preceding the election.

Aliens not to vote.

**41** No elector shall vote who is not a natural-born or naturalised subject of His Majesty.

*Casual Vacancies.*

Casual vacancies.

**42**—(1) Casual vacancies shall be filled by the remaining members of the board or trust for the period until the next annual election at which ordinary vacancies are to be filled. Such vacancies shall then be filled by election, and a person then elected to fill a casual vacancy shall hold office only for the unexpired period of the term for which his predecessor was elected.

(2) When a casual vacancy or vacancies is or are to be filled at the time of an annual election, then the candidate or candidates who, if there is a poll, is or are elected by the fewest votes shall be deemed elected to fill such vacancy or vacancies. If there is no poll the person or persons to be deemed to fill such vacancy or vacancies shall be determined by lot.

(3) When at any election casual vacancies are to be filled for unexpired periods of different duration, then, as between Two or more of such last mentioned candidates, the candidate or candidates elected by the smallest number of votes shall be deemed to be elected for the shorter period.

(4) In any case of equality of votes the matter in question shall be determined by lot.

(5) If a vacancy in the office of warden continues after the time prescribed for election thereto or from any other cause cannot be filled the Governor may appoint any qualified person to the vacant office.

*By-Laws.*By-laws as to  
elections.

**43** Generally each board and trust, with the approval of the Governor, may make by-laws prescribing the notices to be given of, and the forms to be used at any election, and generally regulating the conduct of elections in matters not otherwise provided for. Any such approval may be withdrawn at any time, and the by-laws rescinded wholly or in part on notification in the "Gazette."



*Marine.*

A.D. 1921.

## Part IV.

## PART IV.

## DISPUTED ELECTION AND DISQUALIFICATIONS.

- 44** The office of a warden or trustee shall become vacant, if—
- i. He does not attend the ordinary meetings of the board or trust for Four times in succession, unless he has leave of absence from the board or trust, or is prevented from attending by illness : Grounds of disqualification.
  - ii. He becomes bankrupt, or becomes subject to, or takes the benefit of, any Act relating to bankruptcy or insolvency, or makes any composition with his creditors generally : Insolvency.
  - iii. He accepts any place of profit under the board or trust : Acceptance of office.
  - iv. He or any firm, or any company of less than Twenty persons, of which he is a member, is concerned in any contract with, or any work done or to be done, by or for his board or trust, or does or may derive any benefit, directly or indirectly, from such contract or work ; but not if the contract is made with or the work done by or for a company of at least Twenty persons ; nor when goods are supplied, or services are rendered by him or his firm, or any company of which he is a member, in the ordinary course of business, and not knowingly, for the purposes of the board or trust ; nor when he is acting as agent only in the supplying of such goods, or the rendering of such services, and without any such knowledge : Benefiting by contract.
- The renting of land or offices shall not bring a warden or trustee within the provisions of this section :
- v. He ceases to hold such a qualification as would make him eligible as warden or trustee either generally or in respect of the voting district for which he was elected. Ceasing to hold qualification.

**45** Any question as to the validity of any election, or as to the disqualification of any warden or trustee, may be determined by the court upon motion made by or on behalf of an elector, to be heard upon affidavit according to the practice of the court. Before any motion for a rule *nisi* is made, or any notice is given of motion for a rule absolute in the First instance, the person intending to apply shall deposit with the registrar of the court the sum of Twenty Pounds by way of security for costs. Questions as to election or disqualification, how determined.

**46** Upon the hearing of any such motion the Court may direct an inquiry to be held as to any facts in such manner as the Court thinks proper, and may compel the attendance of witnesses and the production of documents, and may cause evidence to be procured in like manner and to the same extent as could be done in any action or suit, and by any order may declare by whom and in what manner any costs are to be paid. Powers of court.

*Marine.*

A.D. 1921.

**Part V.**Master-warden  
and chairman.**PART V.**

MASTER-WARDENS, &amp;c.

*Master-Warden and Chairman.*

**47** Every board (other than that of Strahan) shall appoint One of its members to be master-warden, and may appoint another member to act in place of the master-warden in case of his absence or incapacity, or of his office becoming vacant. And in like manner every trust shall appoint a chairman and may appoint an acting-chairman.

Method of election  
of master-warden  
and chairman.

**48**—(1) The master-warden shall be elected annually in the following manner :—

- i. On any day following the filling up of the ordinary vacancies, but not later than the day appointed for the next ordinary meeting, a meeting shall be held at a time appointed by the secretary :
- ii. A warden shall be chosen out of those present to be chairman, and Two others to be scrutineers :
- iii. The voting shall be by ballot, each warden striking out from a written form the name of all wardens except that of the warden for whom he votes, and depositing his paper in a proper box :
- iv. If all the wardens are not present at the time appointed for holding the meeting, the balloting shall not proceed until the expiration of Twenty minutes from such time, when the doors shall be closed, and no warden not then present shall be allowed to enter the board-room or take part in the election :
- v. Successive ballots shall be taken if necessary, and in manner prescribed by by-law, until some one warden has obtained an absolute majority of the votes of the wardens present and voting :
- vi. The votes shall be counted by the scrutineers, and the chairman shall declare the result of each successive ballot and of the election :
- vii. In case of an equality of votes at any stage the determination shall be by lot :
- viii. Casual vacancies in the office of master-warden shall be filled in like manner on a day and at a time to be appointed by the secretary, but if there is then any vacancy on the board, not until after such vacancy has been filled :
- ix. If any board desires to appoint an acting master-warden and an election becomes necessary, it shall be conducted in like manner with the election of the master-warden, but shall be held at the close of the meeting at which an appointment is resolved upon.

(2) The election of chairman of a trust shall be conducted in the same manner as is provided in this section for election of a master-warden, and so also with an acting-chairman.

*Marine.**Salaries and Expenses of Wardens and Trustees.*

A D. 1921.

**49**—(1) The salary to be paid to the master-warden of each board (except that of Strahan) shall be fixed by the board before his election, but such salary shall not exceed Two hundred Pounds per annum in the case of the Boards of Hobart and Launceston, and One hundred and fifty Pounds in the case of each of the other boards.

**Part V.**  
Salary of master-warden.

(2) The salary of the Master-warden of the Board of Strahan shall be fixed by the Governor.

(3) The salaries of the chairman and treasurer of a trust shall be as fixed by the trust and approved by the Governor.

Salary of chairman and treasurer.  
Reimbursement of expenses.

(4) Wardens and trustees shall be reimbursed any expenses actually incurred by them when engaged on the affairs of the board or trust, and in particular wardens (other than those of Hobart and wardens of Launceston resident in the city) and trustees shall be reimbursed travelling and other expenses necessarily incurred by them in attending meetings.

**PART VI.****Part VI.****MEETINGS.***Meetings of Boards and Trusts.*

**50** In this Part of the Act the word "board" includes "harbour trust," "warden" includes "trustee," and "master-warden" includes "chairman."

Interpretation—  
"board" to include "trust," &c.

**51** Every board shall—

Meetings of boards.

i. Hold meetings as often as necessary and at regular intervals fixing, as occasion requires, the day, time, and place for such meetings, and also hold extraordinary meetings for special or urgent business :

ii. Cause a list of the day and time for ordinary meetings to be kept posted up at its meeting-place and in the office of its secretary.

**52** No further notice shall be required of any ordinary meeting than the posting of the above list, but Two days' written notice of any extraordinary meeting shall be given to each warden by delivery thereof at his usual place of abode or business by post or otherwise.

Notice of meeting.

**53** An emergency meeting may be called at any time without notice, but nothing done at such meeting shall be binding on the board unless at its next meeting the board determines that the emergency existed.

Emergency meeting.

**54** A resolution or decision of the board shall only be revoked by a majority of Two-thirds of the wardens present at a meeting held after Three days' written notice of a proposed revocation or alteration of such resolution or decision, given in like manner with the notice of extraordinary meetings.

Rescinding resolution.

*Marine.*

A.D. 1921.

**Part VI.**

Notice of business.

**55** Notice of intention to propose at any meeting a by-law or regulation, or to make any alteration in those existing, or to fill a casual vacancy shall be given at the prior meeting, and Two days' written notice of such intention shall also be given by the secretary to each warden in the same way as notice of an extraordinary meeting is to be given.

Extraordinary or emergency meeting.

**56** An extraordinary or emergency meeting may be called by the Master-warden or any Three other wardens.

Meetings to be open.

**57** All meetings shall be held with open doors, except when sitting in committee of the whole, but with power to remove disorderly persons.

Quorum.

**58** No business shall be transacted at any meeting unless a quorum is present. A quorum shall be a majority of all the wardens.

Adjournment if no quorum present.

**59** If no quorum is present within Fifteen minutes after the time appointed for holding the meeting, the majority of the wardens present, or a single warden, or if none present, then the secretary, may adjourn the meeting to another day.

Committees.

**60** A board may appoint such committees as may be deemed proper, for general or special purposes, and to act in accordance with its directions. A committee of the whole shall report to the board as soon as conveniently may be after the board resumes.

Minutes, &amp;c.

**61** Every board shall cause a proper record to be kept in books (open to inspection by the wardens) of the proceedings of the board and of any committee, and of all appointments made and contracts entered into by the board, and of the attendance of wardens at meetings. Minutes of the proceedings at meetings shall be signed by the chairman of the next ordinary meeting of the board or committee as the case may be.

**Part VII.****PART VII.****GENERAL DUTIES AND POWERS.****SUB-PART I.***Duties of Boards.*

General duties.

**62** Every board shall, within its own jurisdiction—

- I. Maintain and repair the wharves within its jurisdiction not vested in any other authority or belonging to any private person :
- II. Make such new wharves as may be found necessary :
- III. Construct and maintain all such works, and do all such things as may be found desirable for the improvement of navigation and the accommodation or convenience of shipping and of all persons resorting to any port or using any works belonging to the board.

*Marine.**Duties of Harbour Trusts.*

A.D. 1921.

**63** The duties of harbour trusts shall be the same as those of marine boards set out in the preceding section, but shall be limited in each case to the particular harbour in or over which the trust has authority.

**Part VII.**  
General duties.

*General Powers of Boards.*

**64** Every board shall have power—

- i. To construct any works upon the water frontage of lands of the Crown, the approval of the Governor being first obtained : General powers of boards.
- ii. To acquire any land either by agreement, or in accordance with the provisions of "The Lands Clauses Act," and without making the deposit required by that Act; or to acquire a lease of any land : 21 Vict. No. 11.
- iii. To take timber, stone, or any material from any unoccupied Crown land, the consent of the Governor being first obtained :
- iv. In addition to powers conferred, or subject to restrictions imposed by any Act not repealed, to sell any land, or exchange the same for any other land, the consent of the Governor being first obtained :
- v. To acquire or erect any offices for the use of the board, or for letting to other persons :
- vi. To maintain and repair any works of utility for navigation whether vested in the board or not :
- vii. To regulate navigation :
- viii. To keep every port and wharf clear and unencumbered and fit for use by shipping, and to deal with and dispose of any goods or any articles which may encumber or render unfit for use any port or wharf :
- ix. To control and regulate the use by shipping of any port or wharf :
- x. To regulate the conduct of persons in charge of any shipping, or being upon or about, or resorting to any shipping or wharf :
- xi. To grant certificates in respect of and issue licences to any vessel or person for any special use or purpose of shipping or navigation, and to fix fares and charges :
- xii. To enter into any contracts for services or for supply of goods, or for execution of works :
- xiii. To acquire and use a tug or tugs :
- xiv. To let any wharf, building, or land for a term not exceeding Three years, or, with the consent of the Governor, for a term not exceeding Ten years, or any land on a building lease, with the like consent, for a term not exceeding Ninety-nine years :
- xv. To use any mechanical force in any place under its control, with right to employ any method of traction on any roadway, railway, or tramway :
- xvi. To appoint and remove harbour-masters, pilots, managers, secretaries, collectors, surveyors, engineers, superintendents, and other officers, to define their duties and powers, and to fix their remuneration :

*Marine.*

A.D. 1921.

**Part VII.**

xvii. To employ foremen, overseers, workmen, and others at or on salaries or wages :

xviii. To set up and maintain signal stations :

xix. To construct and maintain beacons and lights :

xx. To carry out any work for any government, corporation, or persons, at its or his request and expense.

*General Powers of Harbour Trusts.*

General powers of trusts.

**65** The powers of harbour trusts shall be the same as those of marine boards set out in the preceding section, but shall be limited in each case to the particular harbour in or over which the trust has authority, and to navigation therein and to works in connection therewith.

**SUB-PART II.***Tugs.*

Licences to tugs.

**66** A board or trust may grant licences to tugs for the towing of vessels in, or resorting to any port, and may fix the charges for such towage.

*New Works.*

New works.

**67** No new work and no alteration or addition to a work intended to be constructed or made out of borrowed money shall be commenced by any board or trust when the estimated cost thereof exceeds Five hundred Pounds in the case of a board, or Two hundred Pounds in the case of a trust, unless proper plans and specifications thereof are first submitted to the Governor, and the work approved by him.

*Ferries.*

Setting up ferries.

**68** A board or trust may, with the approval of the Governor—

i. Set up a ferry in any river or harbour :

ii. Define the limits of such ferry :

Leasing.

iii. Lease by tender for not more than Ten years the right to carry passengers and goods for hire across such ferry :

Boats and appliances.

iv. Provide such boats, machinery, and appliances, and construct such conveniences as may be required for use on such ferry, and thereafter maintain the same, and let the same by tender to any person :

Charges.

v. Fix by resolution the charges to be paid for the conveyance of goods and passengers across such ferry and the points between which the boats are to apply.

Notice of setting up ferry.

**69** The approval of the Governor shall not be given to the setting up of any new ferry until Twenty-eight days after notice of intention to apply for such approval has been published Once in the "Gazette" and Twice in a public newspaper circulating in the district affected, and such approval may be withdrawn at any time.

*Marine.*

**70** All moneys received by a board or trust from any ferry shall be carried to a separate account and shall be applied in the maintenance or improvement of such ferry or towards the reduction of charges.

A.D. 1921.

**Part VII.**  
Separate account.

**PART VIII.****REVENUES, APPLICATION, EXEMPTIONS, TRANSHIPMENT, ACCOUNTS.****Part VIII.***Revenues of Boards and Trusts and Application thereof.***I.—Nature and Collection of Revenues.**

**71** The revenue of each board or trust shall consist of—

- i. Such wharfage rates as it may fix, with the approval of the Governor, upon inward or outward cargo or both, at any port within its jurisdiction :
- ii. Such wharfage rates as it may fix with the like approval upon cargo conveyed from one place to another within the same port :
- iii. Such port, harbour, quayage, pilotage, and other dues and charges as it may impose for accommodation afforded, appliances provided, or services rendered in respect of any vessel or cargo, or in connection with the recording of any entry as to cargo :
- iv. All rates which it may collect under any statute :
- v. Rents of any of its property and interest upon investments :
- vi. In the case of a board, fees payable in respect of any examination held or certificate issued by it or payable to a shipping master duly appointed by it :
- vii. Fines and penalties for offences against, and damages and expenses recovered under this Act :
- viii. Any other moneys payable to it under this Act.

Revenues.

Wharfage rates to be approved by Governor.

Port and other charges.

Rents.

Fees.

Fines.

**72** Any wharfage rate approved by the Governor may afterwards be disallowed by him, and upon notification thereof in the "Gazette" shall thenceforth cease to be payable.

Disallowance of wharfage rate

**73** All moneys receivable by a board or trust shall be paid to a collector appointed by it.

Collector of charges.

**74** All such moneys shall be placed in some bank to the credit of an account in the name of the board or trust.

Bank account.

**II.—Application of Revenues.**

**75** The revenue of a board or trust shall be applied or expended at its discretion—

Application.

- i. In payment of salaries, wages, interest, insurance, and other necessary disbursements :
- ii. In doing all or any such things as the board or trust may deem proper for the performance of its duties as set forth in this Act, or in the exercise of any of its powers :

Salaries, &amp;c.

General expenses of carrying out duties.

*Marine.*

A.D. 1921.

Part, VIII.  
Reserve funds.

iii. In the formation of such reserve funds as may be deemed proper to provide—

- (a) For repair and renewal of any property or works or for the construction of new works (including a fund for repair or renewal of property or works destroyed or damaged by fire, tempest, or accident);
- (b) For superannuation, retiring, accident, and sickness allowances to, and pensions for, officers and servants;
- (c) For any other accidental and unforeseen losses and contingencies:

Extraordinary  
outlay.

iv. On any extraordinary outlay, directly or indirectly connected with its work, if approved by Two-thirds of those present at a meeting, and not exceeding in each financial year the sums following in the case of the several boards and trusts:—Hobart, Two hundred Pounds; Launceston Two hundred Pounds; other boards, Fifty Pounds; trusts, Twenty-five Pounds.

## III.—Exemptions.

His Majesty's  
ships.

**76** His Majesty's ships of war and ships engaged in His Majesty's service (otherwise than in the ordinary course of the shipping trade) shall be exempt from all dues and charges except that—

- i. Pilotage shall be paid where a pilot is employed;
- ii. Wharfage rates shall be paid;
- iii. When any other definite service is rendered for which a fee or charge is fixed by or under this Act, such fee or charge shall be payable.

Government  
cargo.

**77** One half only of the ordinary wharfage rates shall be payable on cargo the property of the Tasmanian Government.

Other exemptions.

**78** A board or trust (with the approval of the Governor) may provide—

- i. That only one-half of the ordinary dues and charges shall be payable by—
  - (a) Vessels in ballast;
  - (b) Vessels which do not break bulk;
  - (c) Vessels only breaking bulk to enable repairs to be effected or to provide funds to pay for necessary repairs, refitting, and revictualling; but vessels which arrive in any port for the purpose of being exhibited or carrying any articles to be exhibited for private gain, shall not be entitled to any exemption;
  - (d) Vessels engaged in the fisheries;
- ii. For the exemption (wholly or in part) from any due or charge of—
  - (a) Any vessel landing or embarking passengers only;
  - (b) Any vessel engaged upon a voyage of scientific research with a public object and not for private gain.



*Marine.*

## IV.—Transshipment Cargo.

A.D. 1921.

**79** Cargo landed at any port for transshipment to any other port in Tasmania (whereof notice is then given) shall pay the wharfage rate at the port of final destination only, and such rate shall be divided equally between all boards and trusts whose wharves have been used for the accommodation of such cargo in the course of the handling thereof, and if any question shall arise between any boards or trusts under this section it shall be determined by the Governor.

**Part VIII.**  
Wharfage on transshipment cargo.  
Apportionment of rate.

## V.—Accounts.

**80** Every board and trust shall—

Proper accounts to be kept.

- i. Cause proper accounts to be kept of all moneys received and expended by it :
- ii. In the month of July in each year cause an account to be prepared, showing under appropriate headings the receipts and disbursements of the year ended on the Thirtieth day of June preceding :
- iii. Forthwith submit such account signed by the Master-warden or chairman and secretary to the Auditor-General, for audit and publication in the "Gazette" :
- iv. Cause copies of such account, forthwith upon being gazetted, to be laid on the table of both Houses of Parliament, if then in session, and if not, within Fourteen days after the opening of the next session :
- v. Supply the Treasurer, from time to time, with all information required by him as to the expenditure of its revenues.

**81** Failure to supply any information required by the Treasurer, shall justify him in causing the payment of any moneys at any time in his hands for payment to the board or trust in default; to be withheld until proper information has been supplied.

Treasurer may withhold moneys.

**82** The accounts of every board and trust shall be subject to "The Audit Act, 1918," and every board and trust shall be deemed to be a local authority within the meaning of that Act.

Accounts to be subject to "The Audit Act, 1918." 9 Geo. V. No 3.

## PART IX.

## Part IX.

## BORROWING POWERS.

**83**—(1) A board or trust may borrow money on security of its revenues within the limits and in the manner hereby authorised.

Security for loans.

(2) No such borrowing shall affect any security now existing and given under any Act hereby repealed, or under any Act or portion of an Act hereby declared to remain in force.

Existing securities not affected.

(3) No security given under this Act shall take priority over or rank *pari passu* with any security heretofore given, without the written consent of the holder of such former security.

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(4) Priorities between existing securities shall not be affected by this Act, and when money is borrowed to pay off an existing loan and a new security is given, the new security (unless otherwise agreed) shall have the same priority as the security for the loan paid off.

(5) Trustees and savings banks may lend to a board or trust, upon mortgage of its revenues or debentures secured thereon, whether the same is, or are, a First charge or not.

Modes of borrowing.

Temporary overdraft.

12 Geo. V. No. 23.

Approval of Governor.

Resolution of both Houses.

Appointment of receiver.

12 Geo. V. No. 23.

**84** A board or trust may borrow in the following ways:—

i. By obtaining a temporary overdraft from a bank not exceeding in the case of—

(a) A board, Five thousand Pounds;

(b) A trust, One thousand five hundred Pounds.

ii. Under the provisions of "The State Loans to Local Bodies Act, 1921":

iii. With the approval of the Governor, where the interest on the amount to be borrowed does not exceed one-third of the ordinary net revenue of the board or trust (taking an average of Three years preceding, as certified to by the Auditor-General and published in the "Gazette"), such net revenue being arrived at after deducting any existing charge of interest, and all maintenance and administration expenses. Such last mentioned borrowing may be effected by the issue of debentures or in such other manner as the Governor may approve:

iv. With the sanction of a resolution of both Houses of Parliament, and in accordance with the terms of such resolution.

**85** The power of appointing a receiver in respect of any loan raised under this or any former Act may be exercised either by the Governor or the Court, and every such receiver shall have the powers and be subject to all the obligations of a receiver appointed by the Court in its equity jurisdiction in addition to the further powers and obligations (if any) of a receiver appointed under "The State Loans to Local Bodies Act, 1921."

## Part X.

## PART X.

## INTRODUCTORY TO THE THREE PARTS NEXT FOLLOWING.

Introductory.

**86** The powers conferred upon boards by this Part and by Part XI., and by Part XII., Sub-Part III., shall be exercisable by trusts as to the harbours in and over which they have authority, and wherever in those parts the word "board" is used the same shall include "trust" (if the context so permits). But the board within whose portion of the coast-line the harbour is comprised in and over which any trust has authority, may also exercise in respect of that harbour the powers conferred by Part XII., Sub-Part III., and shall in that case and to that extent be deemed to be a board having jurisdiction over such harbour.

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## RESTRICTIONS AS TO WHARVES, CLEARING WHARVES AND PORTS—HARBOUR-MASTERS. A.D. 1921.

*Use of Wharves.*

## Part X.

- 87** A board, with regard to any port within its jurisdiction, may—
- i. Prohibit the use of any wharf by any persons or class of persons, either generally or at special times: Prohibiting use.
  - ii. Fence in or otherwise enclose a wharf: Enclosing wharves.
  - iii. Fix the charge to be paid by any persons or class of persons, landing from or embarking on any vessel in any port or entering upon any wharf therein, either generally or at any specified time: Passenger toll.
  - iv. Impose the duty on the owner or master of any vessel of collecting such charge and accounting therefor. Collection thereof

*Articles Left on Wharves—Sunken Vessels.*

- 88** A board may deal with any article left on a wharf in the following manner—
- i. After such article has been so left for Forty-eight hours cause notice to be given to the owner to remove it: Articles left on wharves.
  - ii. On non-compliance with the notice, cause it to be removed to some convenient place at the expense of the owner, such expense to be a lien on the article:
  - iii. If the owner cannot be found or is not known or does not claim it, give a public notification of intention to sell such article by auction, and after the expiration of Fourteen days sell the same:
  - iv. The proceeds of sale, after deducting expenses, shall be paid to the owner, and, if not claimed by him within One month after the day of sale, shall be deemed to be moneys subject to the provisions of "The Unclaimed Moneys Act, 9 Geo. V. No. 13. 1918:"
  - v. In the case of any litter or perishable articles, direct the same to be removed forthwith, and if not so removed, may either sell or destroy the same, and the proceeds of any sale shall belong to the board.

- 89** A board may deal with any vessel sunk, stranded, or on shore in any port, and with any article in the water in any port in the following manner—

- i. Cause notice to be given to the owner or master of such vessel, or to the owner of such article, or the person responsible for its being in the water, to clear the port by removing such vessel or article within a reasonable time to be mentioned in such notice:
- ii. Upon non-compliance with such notice a justice may make an order for the removal of such vessel or article or for the disposal thereof in any manner at the expense of the owner:
- iii. The proceeds of any sale of such vessel or article shall be dealt with in manner set forth in Sub-paragraph iv. of the preceding section.

Sunken vessels, &amp;c.

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*Harbour-master's Duties and Powers.*

**Part X.**  
May take charge  
of vessel in port.

**90**—(1) A harbour-master may (whether a pilot is on board or not) take charge of any vessel in a port when—

- i. It is approaching from the seaward any wharf or place :
- ii. It is proceeding seaward from any wharf or place :
- iii. It is proceeding from one wharf or place to another.

(2) All persons employed on such vessel shall give assistance to a harbour-master when acting under this section, and he may employ other persons to assist at the expense of the owner or master.

To deliver copy  
of by-laws.

**91** A copy of the by-laws and of all material regulations of the board shall be supplied on demand to the master on the first occasion of his vessel arriving at any port within the jurisdiction, and the harbour-master on boarding any vessel which arrives from any place beyond the Commonwealth shall deliver to the master (who shall give a receipt therefor) a copy of such by-laws and regulations.

May detain cer-  
tain vessels.

**92** A harbour-master may detain, until payment, any vessel about to proceed to sea in respect of which any wharfage rate or other due or charge owing and payable to a board has not been paid.

**Part XI.****PART XI.****PILOTAGE.**

Application.

**93** This Part shall take effect as to any places or matters with regard to which no provision is made by or under any Commonwealth Act.

Appointment of  
pilots.

**94** Every board may—

- i. Appoint or license pilots for any port within its jurisdiction, and set up and maintain pilot establishments :
- ii. Fix the remuneration and charges of pilots :
- iii. Fix the rates payable in respect of pilotage services, both inward and outward, not exceeding the rates specified in Schedule (5) :
- iv. Fix the pilotage rates to be paid (not exceeding the above) in cases where a pilot is not required or employed :
- v. Grant certificates of exemption from pilotage to masters found to be qualified by examination or otherwise.

Remuneration and  
charges.  
Pilotage rates.

Exemption  
certificates.

Inward bound  
vessels to  
receive pilot.

**95** Upon arrival of a vessel by sea at or off any port, the master shall immediately receive on board the duly appointed or licensed pilot who first offers himself for its conduct into port, and upon production by the pilot of his appointment or license shall give the vessel in charge to such pilot. Penalty : Fifty Pounds, in addition to pilotage charge.

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**96** A master of a vessel otherwise bound to take a pilot shall (if possessed of an exemption certificate), on approaching within Six nautical miles of the shore, display, and keep displayed, at its only or main masthead the distinguishing flag appointed by the board, and unless such vessel shall actually employ a pilot, it shall be exempt from payment of any pilotage rate or charge. Such master shall produce on demand his exemption certificate to any pilot or officer of the board.

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**Part XI.**

Exemption, distinguishing flag.

**97** The master of any vessel (if not possessed of an exemption certificate), when proceeding to sea or to some other place within the same port, shall employ a pilot for its conduct to sea or to such other place, and shall notify the board at a reasonable time beforehand that a pilot is required.

Outward-bound vessels to employ pilot.

Penalty : Fifty Pounds, in addition to pilotage charge.

**98** As to any port or portion of a port, a board may exempt by by-law vessels, either generally or if of some particular class, from the obligation to take a pilot, and relieve, either wholly or in part, from payment of the pilotage charge.

Exemption by by-law from pilotage.

**99** If a pilot in charge of a vessel is—

i. Detained on board by any cause other than stress of weather : Detention of pilot.  
or

ii. Is delayed in performing his duty by the master—  
such daily amount shall be payable (in addition to the ordinary pilotage charge) as may be fixed by by-law.

**100** The owner as well as the master shall be liable for all pilotage charges.

Who liable for charges.

**101** A pilot shall not, without good and sufficient cause—

Duties of pilot.

i. Refuse, or neglect, or delay to take charge of a vessel :

ii. Quit a vessel while in his charge, and in pilotage waters.

Nor shall a pilot—

iii. Render himself incapable of conducting the vessel :

iv. By ignorance or want of care injure the vessel or its tackle :

v. Use threatening or offensive language.

Penalty : Fifty Pounds.

**PART XII.****PROVISIONS AS TO SAFETY.****SUB-PART I.***Equipment—Life-Saving Appliances.***Part XII.****Sub-Part I.**

**102** The owner of every vessel shall cause it to be properly equipped and its equipment to be properly maintained at all times.

Duty of owner.

**103** Equipment includes the provision of—

Meaning of equipment.

i. Proper charts and compasses. All vessels shall have the compasses adjusted from time to time to the satisfaction of the shipwright surveyor or some adjuster approved by a board ;

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Part XII.—  
Sub-Part I.

- ii. Efficient boats, rafts and other appliances for saving or protecting life, all to be fit for immediate use and supplied with articles necessary in case of disaster :
- iii. A sufficient number of life buoys and life jackets for use on an emergency :
- iv. In every case such life boats, rafts, life jackets, and other buoyant apparatus shall be provided as shall be best adapted (according to the construction of the vessel and the nature of her trade) for securing the safety of the crew and passengers in case of disaster.

Sufficiency thereof how determined.

**104**—(1) The Governor may make regulations prescribing what equipment is sufficient to comply with the provisions of Paragraph iv. of the preceding section.

(2) Subject to such regulations every board may make by-laws determining what equipment is sufficient for the purposes aforesaid.

(3) In making any such regulations or by-laws, regard shall be had to the rules of the Board of Trade of the United Kingdom for the time being in force, which said rules shall, failing any regulation or by-law made under this section and applicable, be used to ascertain what equipment is sufficient.

Damaged or lost equipment.

**105** All equipment damaged or lost shall be repaired or replaced so soon as is practicable.

Employment of vessel not properly equipped.

**106** No vessel shall be employed in navigation unless provided with proper equipment in accordance with the provisions of this Act.

Penalty payable by owner in default: One hundred Pounds; by master in default: Fifty Pounds.

## Sub-Part II.

## SUB-PART II.

*Load and Deck Lines.*

Application.

**107** This Part shall only apply to such vessels engaged in navigation in Tasmanian waters, or from or to any port in Tasmania to or from some other place, as are not already required to be and are marked with load and deck lines under some Act of the United Kingdom or of the Commonwealth or of some Australian State or of some other British dominion or possession or of some foreign State (but as to any such last-mentioned State, subject to the approval of the Governor).

Interpretation.

**108** In this Part—

- i. "Load line" means the line which indicates the depth to which a vessel may be loaded in salt water, and is a horizontal line of eighteen inches drawn through the centre of a circular disc painted on each side of a vessel amidships (or near thereto) with a diameter of Twelve inches;

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- ii. "Deck line" is a line of Twelve inches long and One inch broad, painted lengthwise (level with the upper side of the deck plank) amidships or near thereto on each side of the vessel.

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Part XII.—  
Sub-Part II.

**109** No vessel shall be employed for any purpose of navigation or shipping unless she is marked with load and deck lines in accordance with this Act, all such lines to be painted white or yellow on a dark ground, or black on a light ground.

How marked.

Penalty (to which both owner and master liable): One hundred Pounds.

**110** Until other provision is made, each board may give directions to its officer for the fixing of load and deck lines.

Fixing of lines.

**111** The Governor may make regulations prescribing how load and deck lines are to be fixed.

Regulations as to fixing.

**112** In making such regulations regard shall be had to the regulations, rules, and tables of the Board of Trade of the United Kingdom for the time being in force, but subject always to modification for the requirements of any particular trade.

Board of Trade Regulations.

**113** A statement of the load and deck lines of every vessel shall be delivered to the shipping master at any port where any person is engaged as a member of the crew of such vessel, and shall be entered by the shipping master in the official log book.

Statement of lines to be delivered.

Penalty: Ten Pounds.

**114** Load and deck lines, when once duly affixed, shall not be rendered useless or altered in any way without lawful authority, by or by permission of any person.

Alteration of lines.

Penalty: One hundred Pounds.

## SUB-PART III

## Sub-Part III.

*Unseaworthy Ships.*

**115** This Sub-Part shall apply to any vessel being at any place in Tasmania.

Application.

**116**—(1) A vessel is unseaworthy if—

- i. It is employed or intended to be employed for any purpose of navigation in respect of which its owner does not possess a valid certificate for such vessel: or
- ii. It is defective in hull equipment or machinery: or
- iii. It is not properly manned or supplied with provisions: or
- iv. It is overloaded or improperly loaded: and
- v. If such defect or improper loading, manning, or provision renders it unfit for the intended navigation.

What vessels are unseaworthy

(2) If any vessel comes within the provisions of Subsection (1), it shall be regarded as unsafe, and shall be detained.

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Part XII.—  
Sub-Part III.  
Detention

**117** The following provisions shall apply to the detention of unsafe vessels—

(1) A vessel may be detained by any detaining officer.

(2) If detention is for want of a certificate, it shall continue until a proper certificate is obtained.

(3) If detention is for any other reason, it shall continue until a survey has been made.

Survey.

(4) Such survey shall be made forthwith by a shipwright surveyor or an engineer surveyor (as the case may require), and a report of such survey shall be made forthwith to the board by whose officer the vessel has been detained.

(5) The officer detaining a vessel shall have power to inspect every part of it and may order it to be docked or slipped and cargo to be discharged or re-stowed.

(6) On receipt of the report of the survey, the board may either release the vessel or may order it to be detained absolutely or until the performance of such conditions as to repair or otherwise as may be determined by the board

Notice to master.

(7) Notice shall be given of any order for or relating to detention, and a copy of any survey report shall be supplied, to the master forthwith.

Penalty for resisting detention or obstructing inspection or survey :  
One hundred Pounds.

Court of survey :  
appeals to.

**118**—(1) The owner or master may appeal to a court of survey against any order either for provisional or final detention or any direction given with regard to inspection, survey, or repairs.

Notice of appeal.

(2) Notice of appeal against an order for provisional detention or any direction as to inspection, survey, or repairs shall be given to the board within Seven days after notice to the master of the order or direction.

Court of survey :  
in the case of a  
trust.

(3) Where the appeal is against an order or direction of a trust, it shall be heard by a court of survey appointed in respect of the board within whose portion of the coast line the harbour is comprised in and over which such trust has authority.

Taking of vessel  
to sea.

**119** If, while an order for provisional detention is in force or after an order for final detention has been made, the vessel is taken to sea every person concerned in such taking to sea shall be liable to a penalty of One hundred Pounds.

Taking of officer  
to sea: complaint.

**120** If any officer or servant of a board while on a detained vessel in the execution of his duty is taken to sea, the owner and the master shall be liable to pay all expenses incurred in consequence thereof and also a penalty of One hundred Pounds, or the board at its election may claim from the owner and master (in lieu of expenses and penalty) a sum not exceeding Ten Pounds for every day until the officer or servant returns or until such time as he might conveniently have returned.

Security for costs.

**121**—(1) If complaint is made by any person that a vessel is unsafe, the board, before ordering it to be detained, may (unless it



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appears to the board that the complaint is made *bonâ fide* by or on behalf of some one or more of the crew) require the complainant to give security up to the estimated amount of costs and compensation which may eventually become payable.

(2) A complaint made by one or more of the crew (if appearing to a detaining officer to be made *bonâ fide*) shall be inquired into forthwith and the board shall be summoned (if necessary) for the purpose of considering the complaint and the vessel shall not proceed to sea pending the inquiry.

Penalty for taking the vessel to sea : One hundred Pounds.

**122**—(1) If a court of survey determines that there was not reasonable cause for the making of any provisional order, the board making the order shall pay to the owner of the vessel his costs and expenses, and also all damages suffered by him by reason of the detention.

(2) The taxing officer of the Supreme Court shall, at the request of either party, ascertain and certify the proper amount of such costs and expenses.

(3) The amount of damages suffered and of costs and expenses (as so certified) may be recovered from the board by action at law.

(4) If the detention has been made on the complaint of any person, he shall make good to the board all damages, costs and expenses which the board has become liable to pay. This provision shall not apply to seamen whose complaint shall appear to a board to have been made *bonâ fide*.

(5) If a final order is made and not reversed by a court of survey, or if any provisional order made is found by such court to have been rightly made, the owner shall pay to the board all costs and expenses incurred by it in or about the detention and survey and the subsequent proceedings; such costs and expenses may be recovered either in a summary manner or by action at law.

**123**—(1) It shall be a misdemeanour to send or take, or attempt to send or take, an unseaworthy vessel to sea — or to be concerned in such taking—to the danger of the life of any person.

(2) No information shall be filed in respect of such a misdemeanour without the consent of the board within whose jurisdiction such vessel was before such sending, or taking, or attempt thereat.

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Part XII.—  
Sub-Part III.

Complaint by  
crew.

Damages, costs,  
and expenses.

Taking to sea a  
misdemeanour.

Consent of board  
before informa-  
tion filed.

## PART XIII.

## CASUALTIES AND COLLISIONS.

## Part XIII.

**124** This Part shall apply to—

- i. Any casualty happening to any vessel, and any collision occurring between any vessels, the master or mate or engineer of which, or of either or any of which, holds a certificate granted by a board : and
- ii. Any casualty or collision occurring within the jurisdiction of a board, whether any officer of a vessel concerned holds such a certificate or not.

Application.

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**Part XIII.**How inquired  
into.Preliminary  
inquiry.

Report.

Court of inquiry.

Certificate, how  
dealt with.Transmission of  
proceedings of  
court.

**125** Any such casualty or collision shall be inquired into in the following manner :—

- i. The master shall report the casualty or collision forthwith to the board :
- ii. The master-warden shall direct a harbourmaster to hold a preliminary inquiry, and to furnish a report to the board :
- iii. On receipt of such report, the board shall decide whether any further inquiry is necessary, and if it is deemed necessary, shall request the Governor to direct it, and shall at the same time furnish a copy of the harbourmaster's report to the officer affected :
- iv. The Governor shall thereupon direct a court of inquiry to be held under Part XV. of this Act.

**126** The certificate of any person whose conduct is to be inquired into under the preceding section shall be dealt with as follows :—

- i. If required, it shall be deposited with the board until the court is held :
- ii. If not so required, it shall be deposited with the court at the commencement of the sitting :
- iii. If the court reports that it ought to be cancelled or suspended, it shall be forwarded to the Governor :
- iv. The Governor may accept the report wholly or in part or may reject it, and may deal with any certificate by shortening a period of suspension or by issuing a certificate of a lower grade in its place.

**127** If at any court of inquiry there is called in question the conduct of an officer holding a certificate not granted by a board, a statement of the proceedings of the court shall be forwarded forthwith to the public authority by which such certificate was granted.

**Part XIV.****PART XIV.****SURVEY OF VESSELS : CERTIFICATES FOR VESSELS AND OFFICERS.**

Application.

**128** The provisions of this Part shall apply to vessels trading, in, to or from any port or between any ports in Tasmania—whether such vessels carry passengers only, or cargo only, or both, and whether for pecuniary or other reward or not, and shall also apply to the machinery of steamships engaged in fishing, but shall not apply to sailing vessels of less than Fifteen tons, or to vessels used as pleasure yachts only.

Survey, how  
made.

**129** Surveys of vessels shall be made as follows :—

- i. The hull shall be surveyed once in every year :
- ii. The machinery of a steamship shall be surveyed once (or if the engine is non-condensing, twice) in every year :

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Part XIV.
- iii. The survey of the hull shall be made by a shipwright surveyor in the case of wooden vessels, and in the case of other vessels either by a specially qualified shipwright surveyor, or by an engineer surveyor :
- iv. The survey of the engine shall be made by an engineer surveyor :
- v. After survey of the hull the surveyor shall forward to the board a declaration under his hand as to—
- (a) The condition of the hull and the boats and equipment ;
  - (b) The number of passengers, if any (deck or others), which the vessel is fit to carry ;
  - (c) The certificate possessed by the master thereof and by the mate (if any) :
- vi. After survey of the machinery the surveyor shall forward to the board a declaration under his hand as to—
- (a) The condition of the machinery, and specially the sufficiency of the safety valve of every boiler ;
  - (b) The certificate possessed by the engineer :
- vii. Every declaration shall state for what service (sea, bay, or river) the vessel is suitable by its construction and equipment, and, also (if not sea-going), the limits within which it is fit to ply :
- viii. If the vessel is sea-going the declaration shall state whether or not the compasses have been properly adjusted within the preceding month.

**130**—(1) Upon receipt of any such declaration the board shall consider the same, and if satisfied as to the condition and sufficiency of the vessel and its equipment and of the machinery (if any), shall issue to the owner thereof, within Fourteen days, a certificate of survey and sufficiency and of fitness for the trade in which it is proper that such vessel should be engaged. Certificates, when granted.

(2) Every certificate shall state the period for which (computed from the date of survey, the same is to be in force.

**131**—(1) Every certificate shall authorise the employment of the vessel either— Kinds of certificates.

- i. Within some river, harbour, or bay, or some part thereof : or
- ii. In some coast trade within defined limits : or
- iii. In going to sea generally.

(2) Notwithstanding anything contained in this Act, where the owner of any vessel holds a valid certificate in respect of such vessel authorising the employment of such vessel only Permits may be granted.

- i. Within some river, harbour, or bay, or some part thereof :  
or

ii. In some coast trade within defined limits—  
and it is desired by the owner that such vessel should proceed on a voyage which would be beyond the authority given by such certificate, and ordinarily require the owner to have in either of the cases above-

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## Part XIV.

mentioned a certificate authorising the employment of such vessel in going to sea generally, or in the first case abovementioned a certificate authorising the employment of such vessel in some coast trade within defined limits, it shall be lawful for the board to issue to the owner of such vessel, if the board thinks fit, a permit which will authorise the employment of such vessel on such voyage subject to such conditions and restrictions, if any, as the board shall impose, but without such permit the owner shall not employ such vessel on such voyage. Such permit shall be taken to be a valid certificate for such voyage (but for such voyage only), provided such conditions and restrictions, if any, are duly carried out and complied with.

Number of passengers.

**132** Every certificate authorising a vessel to carry passengers shall state the number of passengers (deck or other) which it is fitted to carry within the limits (if any) specified therein

Live animals

**133** Such certificates may also specify the number of live animals of different classes which may be carried, and in what spaces and under what conditions.

Limits of port, &amp;c., how defined.

**134** Each board may define the limits of any port, river, harbour, or bay, or any part thereof, or of any coast trade, for the purposes of Section One hundred and thirty-one, or for any other of the purposes of this Act.

Appeal to court of survey.

**135** The owner of any vessel may appeal to a court of survey—

- i. If a surveyor refuses to forward a declaration :
- ii. If he is dissatisfied with any declaration of a surveyor :
- iii. If a board refuses to issue a certificate :
- iv. If a board cancels, suspends, revokes, or alters any certificate.

Fees payable.

**136** The fee payable for a certificate shall be :—

- i. For a steamship—
  - (a) Not exceeding Fifty tons, One Pound ;
  - (b) Exceeding Fifty tons, and not exceeding One hundred tons, Two Pounds ;
  - (c) Exceeding One hundred tons, and not exceeding Three hundred tons, Three Pounds ;
  - (d) Exceeding Three hundred tons, Four Pounds :
- ii. For a sailing vessel—
  - (a) Sea-going, One Pound ;
  - (b) Any other, Five Shillings.

To whom paid.

**137** Such fees shall be paid by the board into the Treasury as part of the consolidated revenue, except that—

- i. The board shall retain the fee if the survey has been made wholly at its expense :
- ii. The board shall retain half the fee if the survey has been made partly at its expense and partly by an engineer surveyor.

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**138**—(1) A board, with regard to any certificate granted by it, may— A.D. 1921.

- I. Cancel on ground of fraud, falsity, or error :
- II. Cancel, or suspend, upon ground of injury suffered or insufficiency apparent after receipt of any declaration :
- III. Revoke any certificate as to the number of passengers to be carried for the purpose of altering the same and issuing (but without payment of further fee) a new and correct certificate.

**Part XIV.**  
Cancellation, &c.,  
of certificate.

*Open Launches.*

**139** This section shall apply to launches (undecked or partly undecked) propelled by engines of any kind. Licences, fees, and offences.

(1) A board may in manner prescribed by by-law—

- I. Grant a licence to any launch to apply for hire :
- II. Grant a licence to any person to have charge of such launch, or of her engines, or of both, or of a similar launch :
- III. Provide for the examination of persons applying for licences :
- IV. Provide for fixing by such licence the number of passengers to be carried, and in what waters.

(2) No vessel shall receive a licence unless it has been surveyed. No person shall receive a licence unless he has passed an examination. The fees for survey and examination shall be fixed by the board.

The nature of the survey and the examination shall be determined by the board from time to time.

The board may, at any time, cancel or suspend such a licence.

(3) No launch shall ply for hire unless licensed: Penalty : Twenty Pounds.

No person shall have charge of a launch plying for hire, or of its engines, or of both, unless he holds a valid licence granted by a board, and appropriate to such launch. Penalty : Twenty Pounds.

No launch plying for hire shall carry more passengers than its licence authorises it to carry. If any greater number is found on such launch, the owner and person in charge shall both be liable to a penalty of Twenty Pounds, with Five Shillings added for every passenger over the authorised number.

*General Provisions as to Inspection, &c.*

**140** For the purposes of this part an engineer surveyor, as well as any surveyor appointed by the board, shall act under the direction of the board. Every surveyor may, in the execution of his duty, at all reasonable times, go on board any vessel and inspect the same and every part thereof. No person shall impede a surveyor in the execution of his duty. Penalty : Ten Pounds. Powers of engineer surveyor.

**141** All certificates and licences under this part shall be signed by the master-warden and secretary. Signature of certificates, &c.

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**Part XIV.**

Exemptions.

**142** The possession by any vessel of a valid and unexpired certificate, issued by a competent authority of the United Kingdom, or the Commonwealth, or any Australian State, or any British Dominion or possession or any foreign State (but as to foreign States subject to the approval of the Governor), shall excuse such vessel from compliance with this part.

Safety valves.

**143** No steamship shall be employed in navigation unless the safety-valve of every boiler thereof is so affixed as to comply with the directions of the engineer surveyor and to be out of the control of the engineer and of every person on board the vessel.

Penalty payable by any person employing or permitting employment of any steamship contrary to this section, or interfering or attempting to interfere with any safety-valve: One hundred Pounds.

*Certificates of Competency—Masters and Engineers.*

Grant of certificates.

**144** Each board may grant certificates of competency in respect of vessels trading on any river or in to or from any port or between any ports in Tasmania to—

- i. Masters :
- ii. Mates:
- iii. Engineers :

And may—

Examinations.

- i. Prescribe the examinations of applicants for such certificates:
- ii. Appoint the times for such examinations and fix the fees payable by applicants:

Cancellation, &amp;c.

- iii. Cancel or suspend any such certificate, but with right to the officer affected to ask for a court of enquiry.

Regulations.

**145** The powers conferred by the preceding section shall only be exercised in accordance with regulations made by the Governor.

Qualification of examiner.

**146** No examination of any applicant shall be conducted by any person who is not the holder of a valid certificate of a value equal to or higher than that applied for.

*Necessity for Certificates—Exhibition Thereof.*

Vessel not to be employed without certificate.

**147—(1)** No vessel requiring a certificate shall be employed for any purpose of navigation or shipping unless the owner thereof holds a valid certificate in respect of the same applicable to the trade or purpose in or for which the same is engaged or employed.

Penalty (to which both owner and master liable): One hundred Pounds.

Exhibition thereof.

(2) No such vessel shall be so employed unless the certificate issued in respect thereof, or else a true and plain copy of the certificate, be kept exhibited in some conspicuous place on the vessel.

Penalty (to which both owner and master liable): Twenty-five Pounds.

In any prosecution under this or the last subsection, the burden shall be on the defendant of proving the possession or exhibition (as the case may be of the certificate).

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(3) No vessel shall carry more passengers (deck or other) than its certificate authorises it to carry. If any greater number is found on such vessel, the owner and master shall both be liable to a penalty of Twenty Pounds with Five Shillings added for every passenger over the authorised number.

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**Part XIV.**  
Carrying too many passengers.

*Necessity for Officers' Certificates.*

**148**—(1) A person holding a valid certificate issued by any such competent authority as is mentioned in Section One hundred and forty-two, and qualifying him to act as master or mate or engineer of a seagoing vessel, may act in the like capacity on any vessel engaged in navigation solely within Tasmanian waters.

Seagoing certificate holders may navigate in Tasmanian waters.

(2) No other person shall act as master or mate or engineer of any vessel (other than a fishing boat) engaged in navigation on any river, or in, to, or from, any port in Tasmania unless he holds a valid certificate or licence (appropriate to such vessel and its trade or employment) granted by a board.

Penalty: One hundred Pounds. Minimum penalty if passengers are carried, Twenty-five Pounds; but if not, Five Pounds.

(3) Any person who employs or permits the employment of any other person as such master, or mate, or engineer as aforesaid, who does not hold a proper certificate or licence, shall be liable to the same penalty as the person employed.

## PART XV.

## Part XV.

## COURTS OF INQUIRY AND SURVEY.

**149**—(1) A court of inquiry shall be constituted from time to time for enquiring into casualties or collisions.

Court of inquiry.

(2) A court of survey shall be similarly constituted for determining questions as to the grant, revocation, or suspension of certificates or the detention of vessels.

Court of survey.

(3) Any such court shall be constituted, and shall, or may, proceed as follows:—

Constitution and procedure of courts.

- i. A police magistrate appointed by the Governor shall preside:
- ii. There shall be Two skilled assessors appointed by the Governor:
- iii. The police magistrate shall, at the request of the board or any person concerned, direct a sitting of the court to be held:
- iv. The court shall be open to the public:
- v. Members of the court may survey any vessel affected and shall have full power of inspection:
- vi. The court shall permit the attendance at any survey or inspection of any person interested:
- vii. A court of survey may direct a further survey to be made by any person:

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**Part XV.**

10 Geo. V. No. 55.

- viii. In a court of survey any order as to detention or release of a vessel may be made by the court, or the magistrate and One assessor :
- ix. Subject to Paragraph viii., the determination of the majority shall be the determination of the court, and shall be in writing, and be signed by the members concurring :  
Any member not concurring in the determination shall append and sign the reason for his dissent :
- x. The police magistrate, as president, shall have the same powers with regard to parties, witnesses, and others, and the conduct of the proceedings generally, as he has on a proceeding under "The Justices' Procedure Act, 1919" :
- xi. The court shall forward a full report of the case, with the evidence and the determination, to the Treasurer, who shall, where the determination is that of a court of inquiry, forthwith publish the determination in the "Gazette."

**Part XVI.**Duties of  
passengers.**PART XVI.****CONDUCT OF PASSENGERS.**

**150** As to passenger vessels within the jurisdiction of a board or trust the following provisions shall apply—

- i. No person shall attempt to board any vessel as a passenger without the permission of the master or proper officer :
- ii. No passenger shall be drunk or disorderly :
- iii. No passenger shall molest any other person on board :
- iv. No person shall travel or attempt to travel as a passenger without paying his fare when demanded, or shall proceed beyond the place to which his fare has been paid without paying the additional fare when demanded :
- v. No person shall refuse or neglect to quit the vessel on arriving at the place to which his fare has been paid :
- vi. Every person having paid his fare, shall when required by the master or proper officer, exhibit his ticket or other receipt for his fare or pay his fare again.

Penalty : Ten Pounds.

Not to injure  
machinery, &c.

**151** Any person who injures or obstructs the machinery or tackle of a passenger vessel, or impedes or molests any of the crew in the management of such vessel, or otherwise in the execution of their duty, or causes any of such things to be done, shall be liable to a penalty of One hundred Pounds.

To give name and  
address when  
required.

**152**—(1) No passenger charged by the master or proper officer with any offence under Sections One hundred and fifty and One hundred and fifty-one, shall refuse to give his name and address, or give a false name or address.

(2) If either the name or address of any person who has committed any offence under Sections One hundred and fifty and One hundred



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and fifty-one, is unknown to the master or officers of a passenger vessel, the master or other officer in charge and all persons called on by him to assist, may detain such person, and shall convey him as soon as may be, before some justice without any warrant being required, and such justice shall forthwith hear and determine the complaint against such person.

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## Part XVI.

## PART XVII.

## Part XVII.

## MISCELLANEOUS.

*Statistics.*

**153**—(1) Every board and trust shall collect statistics as prescribed by the Governor of all exports from and imports into any place within its jurisdiction to and from any place beyond Tasmania. Collection of statistics.

(2) All persons shall give such information as prescribed and shall answer such questions as may be asked on behalf of any board or trust for the purpose of enabling such statistics to be compiled. Exports and imports.

Penalty: Ten Pounds.

*Special Provisions.*

**154** If any vessel enters any port with a dead body on board, or if any person dies on board of any vessel, the master shall, as soon as decently may be, cause the body to be brought ashore and interred. Dead bodies.

**155** The master of any vessel carrying passengers shall not carry, or permit to be carried, in such vessel live animals of any kind, unless the vessel is authorised by its certificate so to do, or unless a harbour-master has authorised such carrying (either generally or for some specific voyage), or under the conditions upon which the authority was given. Passenger vessel not to carry live animals.

**156** The tonnage of a vessel (whether gross or net registered tonnage) shall be taken to be— Meaning of registered tonnage.

- (a) If registered in the United Kingdom or any British possession the tonnage as shown by its certificate of registry:
- (b) If not so registered the tonnage as calculated by a shipwright surveyor and certified by him to have been computed in accordance with the rules in force in the United Kingdom.

*Dismissal of Officers, &c.—Cancellation, &c., of Licences—Fees.*

**157**—(1) Where under this Act a board or trust is empowered— Dismissal, &c., of servants.

- (a) To appoint or employ officers or servants, the board or trust shall have power to remove or dismiss or suspend for any period such officers and servants:

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**Part XVII.**Cancellation of  
licences, &c.  
Fixing of fees.

(b) To grant or issue licences or certificates, the board or trust shall have power to cancel or suspend for any period such licences and certificates.

(2) Where the fee for the grant or issue of any certificate or licence is not specified a board or trust may fix the fee with the approval of the Governor.

*Offences.*

Special offences.

Injury to lights,  
&c.

Other injuries.

Interference with  
beacons, &c.Failure to report  
accident to  
beacon, &c.Non-compliance  
with harbour-  
master's direction.Offences  
generally.Continuing  
offences.

**158** The following shall be offences under this Act :—

- i. Wilful injury to, removal, or destruction of any light, beacon, buoy, or mark used in navigation and under the care of a board or trust. An offender shall be indicted for felony, and on conviction may be sentenced to penal servitude for Four years :
- ii. Destruction of or injury to any wharf or work. Penalty : Fifty Pounds, in addition to payment of damages for injury done :
- iii. Destruction of or injury to any appliance for the lighting of any wharf or the extinguishing of any light. Penalty : Twenty Pounds, in addition to payment of damages :
- iv. Making fast any vessel, timber, or other article to any beacon, buoy, or mark. Penalty : Twenty Pounds :
- v. Failure by the master of any vessel to report forthwith to the harbourmaster any accidental injury caused by such vessel to any beacon, buoy, or mark (unless such vessel has a pilot on board), or to pay to the board or trust, on demand, the expense of making good the damage caused. Penalty : One hundred Pounds :
- vi. Failure to comply with any direction of a harbourmaster as to the navigation of a vessel within a port, or the berthing, mooring, or unmooring of any such vessel. Penalty : One hundred Pounds.

**159** The following also shall be offences under this Act :—

- i. Failure, refusal, or neglect to do anything enjoined :
- ii. Impeding or interfering with anything, enjoined or authorised, or with any person doing any such thing :
- iii. The wilful doing of anything prohibited :
- iv. Using threatening or offensive language to any warden, or trustee, or officer, or servant of a board or trust while in the performance of his duty :
- v. Any other offence against any provision of this Act. Penalty (unless specially provided) : Fifty Pounds.

**160** In the case of any continuing offence the penalty (in addition to the penalty for the original offence) shall be a sum (unless otherwise prescribed) not exceeding Five Pounds for every day during which such offence is continued, or such larger sum not exceeding Twenty Pounds for every day of such continuance as may be prescribed.

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**161** Where more than one person offends against any provision of this Act the persons so offending (unless otherwise enacted) shall be deemed to be joint and several offenders, and all or any of them may be prosecuted and convicted either jointly or severally.

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**Part XVII.**

Joint and several offenders.

**162** All fines, penalties, damages and expenses imposed or recovered under this Act shall be paid over to the board or trust within whose jurisdiction the offence was committed, or whose property has been damaged.

Appropriation of fines and penalties.

*Procedure.*

**163** All prosecutions for offences under this Act shall be in accordance with the provisions of "The Justices' Procedure Act, 1919," and all damages payable, and expenses incurred, under this Act may be recovered either under the said Act or in some other competent court.

Prosecution for offences.

10 Geo. V. No. 55.

**164** If the fine or penalty recoverable, or the amount of damages or expenses payable, does or may exceed Ten Pounds, the case shall be heard either by a police magistrate or by Two justices at least.

Where penalty over £10.

**165** Service of any process or notice upon a board or trust shall be effected at its office upon the person then in charge thereof.

Service of process.

**166** All the provisions of Part III. of "The Evidence Act, 1910," as to means of proof and admissibility of evidence shall be applied (so far as relevant or applicable) by all courts and justices with regard to all transactions of any board or trust, and in any proceedings under this Act, and in all civil causes in which a board or trust is concerned, and in no case shall it be necessary to prove the signature to any written document of any warden or trustee or officer of any board or trust. Copies of minutes, kept under Section Sixty-one, shall be receivable in evidence if certified by either the master-warden, chairman, or secretary.

Application of "Evidence Act, 1910."

1 Geo. V. No. 20.

**167** No judgment against a board or trust shall be enforced by taking in execution any of its property unless by leave of the Court granted on application by summons.

Execution against board or trust.

*By-laws.*

**168**—(1) Each board and trust may make by-laws (not repugnant to this Act or to the intendment of any other Act) for prescribing the mode in which the duties imposed upon, and the authorities and powers conferred upon or exercisable by such board or trust, shall or may be performed and exercised, and for fixing all rates dues and charges, and for fixing a penalty (not exceeding Fifty Pounds) for every offence, and generally for the management and regulation of ports, wharves, and shipping, and of all persons in or about, or resorting to the same, and of all matters connected therewith, and for giving full and complete effect to the provisions of this Act.

Making by-laws.

(2) A by-law may be amended or altered from time to time, or may be repealed (upon due notice in accordance with Section Fifty-five) by a majority of those present at a meeting.

Amendment and repeal.

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## SCHEDULES.

(1)

## ACTS REPEALED.

Section 3.

Date and Number of Act.	Title of Act.	Extent of Repeal.
53 Vict. No. 34, 1889.....	"The Marine Boards Act, 1889"	The whole Act, except Sections, 134-139 inclusive
54 Vict. No. 7, 1890.....	"The Marine Boards Act, 1890"	The whole Act
55 Vict. No. 9, 1891.....	"An Act to vest certain properties in the Marine Board of Leven"	The whole Act
55 Vict. No. 44, 1891.....	"The Marine Boards Amendment Act, 1891"	The whole Act
56 Vict. No. 57, 1892.....	"The Marine Boards Amendment Act, 1892"	The whole Act
57 Vict. No. 15, 1893.....	"The Marine Boards Amendment Act, 1893"	The whole Act
59 Vict. No. 27, 1895.....	"The Marine Boards Amendment Act, 1895"	The whole Act
60 Vict. No. 33, 1896.....	"The Marine Boards Act, 1896"	The whole Act
62 Vict. No. 36, 1898.....	"The Marine Boards Amendment Act, 1898"	The whole Act, except Sec. 25
2 Ed. VII. No. 16, 1902	"The Marine Boards Amendment Act, 1902"	The whole Act
3 Ed. VII. No. 12, 1903	"The Mersey Marine Board Amendment Act, 1903"	The whole Act
3 Ed. VII. No. 20, 1903	"The Marine Boards Act, 1903"	The whole Act
4 Ed. VII. No. 18, 1904	"The Marine Boards Amendment Act, 1904"	The whole Act
5 Ed. VII. No. 36, 1905	"The Marine Boards Amendment Act, 1905"	The whole Act
6 Ed. VII. No. 34, 1906	"The Marine Boards Amendment Act, 1906"	The whole Act
8 Ed. VII. No. 31, 1908	"The Marine Boards Act Amendment Act, 1908"	The whole Act, except Secs. 2 and 3
1 Geo. V. No. 24, 1910	"The Marine Boards Act Amendment Act, 1910"	The whole Act
2 Geo. V. No. 34, 1911	"The Marine Boards Act Amendment Act, 1911"	The whole Act, except Sec. 6
4 Geo. V. No. 42, 1913	"The Marine Boards Act Amendment Act, 1913"	The whole Act
5 Geo. V. No. 16, 1914	"The Marine Boards Act Amendment Act, 1914"	The whole Act
6 Geo. V. No. 44, 1915	"The Marine Boards Act Amendment Act, 1915"	The whole Act
8 Geo. V. No. 37, 1917	"The Marine Boards Act Amendment Act, 1917"	The whole Act
11 Geo. V. No. 12, 1920	"The Marine Boards Act Amendment Act, 1920"	The whole Act
1 Ed. VII. No. 54, 1901	"The Leven Harbour Trust Act"	The whole Act, except Secs. 26-38 inclusive

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Date and Number of Act.	Title of Act.	Extent of Repeal.	A.D. 1921
2 Ed. VII. No. 17, 1902	"The Leven Harbour Trust Act, 1902"	The whole Act, except Secs. 3 and 4	
4 Geo. V. No. 25, 1913	"The North-Eastern Harbour Trust Act, 1913"	The whole Act, except Secs. 21-33 inclusive	
6 Geo. V. No. 42, 1916	"The North-Eastern Harbour Trust Act, 1915"	The whole Act	
7 Geo. V. No. 53, 1917	"An Act to amend 'The North-Eastern Harbour Trust Act, 1913'"	The whole Act	
4 Geo. V. No. 29, 1913	"The Smithton Harbour Trust Act, 1913"	The whole Act, except Secs. 22-34 inclusive	
1 Ed. VII. No. 55, 1901	"The Emu Bay Lighthouse Construction Act, 1901"	The whole Act	
5 Ed. VII. No. 20, 1905	"The Butts Rock Lighthouse Act, 1905"	The whole Act	
7 Ed. VII. No. 35, 1907	"The Lighthouse Construction Act, 1907"	The whole Act	

2)

Section 4.

Date and Number of Act.	Title of Act.	Extent of Continuance.
<b>MARINE BOARDS.</b>		
<i>General (except Hobart and Launceston)</i>		
53 Vict. No. 34, 1889	"The Marine Boards Act, 1889"	Sections 137-139, inclusive
<i>Hobart.</i>		
53 Vict. No. 34, 1889	"The Marine Boards Act, 1889"	Sections 134 and 136
8 Ed. VII. No. 9, 1908	"The Marine Board of Hobart Loan Act, 1908"	The whole Act
1 Geo. V. No. 32, 1910	"The Port of Hobart Improvement Act, 1910"	The whole Act
2 Geo. V. No. 40, 1911	"The Hobart Marine Board Loan Act, 1911"	The whole Act
2 Geo. V. No. 44, 1911	"The Port of Hobart Improvement Act, 1911"	The whole Act
3 Geo. V. No. 47, 1912	"The Port of Hobart Improvement Act, 1912"	The whole Act
4 Geo. V. No. 53, 1913	"The Port of Hobart Improvement Act, 1913"	The whole Act
6 Geo. V. No. 50, 1916	"The Leading Lights Maintenance Act, 1915"	The whole Act
<i>Launceston.</i>		
50 Vict. No. 6, 1886	"The Land Reclamation Act, 1886"	The whole Act

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A.D. 1921.	Date and Number of Act.	Title of Act.	Extent of Continuance.
	<i>Launceston (continued)</i>		
	53 Vict. No. 34, 1889	"The Marine Boards Act, 1889"	Sections 135 and 136
	61 Vict. No. 20, 1897	"An Act to authorise a Loan of £5000 to the Marine Board of Launceston, in accordance with the provisions of 'The Local Public Works Loans Act, 1890'"	The whole Act
	62 Vict. No. 22, 1898	"An Act to authorise a Loan of £4000 to the Marine Board of Launceston, in accordance with the provisions of 'The Local Public Works Loans Act, 1890'"	The whole Act
	2 Ed. VII. No. 22, 1902	"An Act to authorise a Loan of £3500 to the Marine Board of Launceston, in accordance with the provisions of 'The Local Public Works Loans Act, 1890'"	The whole Act
	4 Ed. VII. No. 2, 1904	"The Land Reclamation Act, 1904"	The whole Act
	8 Ed. VII. No. 31, 1908	"The Marine Boards Amendment Act, 1908"	Sections 2 and 3
	2 Geo. V. No. 34, 1911	"The Marine Boards Act Amendment Act, 1911"	Section 6
	3 Geo. V. No. 52, 1912	"The Tamar Improvement Act, 1912"	The whole Act
	4 Geo. V. No. 56, 1913	"The Tamar Improvement Act (No. 2)"	The whole Act
	6 Geo. V. No. 55, 1915	"The Tamar Improvement (Grant-in-Aid) Act, 1915"	The whole Act
	9 Geo. V. No. 46, 1918	"The Tamar Improvement Act (No. 4)"	The whole Act
	9 Geo. V. No. 48, 1918	"The Marine Board of Launceston Sub-letting Act, 1918"	The whole Act
	<i>Burnie &amp; Table Cape.</i>		
	1 Geo. V. No. 68, 1910	"The Marine Board of Burnie and Table Cape Loan Act, 1910"	The whole Act
	7 Geo. V. No. 17, 1916	"The Marine Board of Burnie and Table Cape Loan Act, 1916"	The whole Act
	10 Geo. V. No. 31, 1919	"The Marine Board of Burnie and Table Cape Loan Act, 1919"	The whole Act
	<i>Circular Head.</i>		
	7 Geo. V. No. 36, 1916	"The Circular Head Marine Board Loan Act, 1916"	The whole Act
	11 Geo. V. No. 22, 1920	"The Circular Head Marine Board Loan Act, 1920"	The whole Act
	<i>King Island.</i>		
	7 Geo. V. No. 23, 1916	"The King Island Marine Board Loan Act, 1916"	The whole Act
	10 Geo. V. No. 41, 1919	"The King Island Marine Board, Loan Act, 1919"	The whole Act
	<i>Strahan.</i>		
	62 Vict. No. 36, 1898	"The Marine Boards Amendment Act, 1898"	Section 25
	7 Ed. VII. No. 10, 1907	"The Marine Board of Strahan Loan Act, 1907"	The whole Act

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Date and Number of Act.	Title of Act.	Extent of Continuance. A.D. 1921.
<i>Strahan—(continued).</i>		
8 Ed. VII. No. 11, 1908	" The Marine Board of Strahan Loan Act, 1908 "	The whole Act
11 Geo. V. No. 28, 1920	" The Strahan Marine Board Loan Act, 1920 "	The whole Act
<i>Mersey.</i>		
60 Vict. No. 19, 1896	" An Act to authorise a Loan of £5000 to the Marine Board of Mersey, in accordance with the provisions of ' The Local Public Works Loans Act, 1890 ' "	The whole Act
4 Ed. VII. No. 34, 1904	" An Act to authorise a Loan of £10,000 to the Marine Board of Mersey, in accordance with the provisions of ' The Local Public Works Loans Act, 1890 ' "	The whole Act
5 Ed. VII. No. 11, 1905	" An Act to amend an Act to authorise a Loan of £10,000, to the Marine Board of Mersey, in accordance with the provisions of ' The Local Public Works Loans Act, 1890 ' "	The whole Act
1 Geo. V. No. 26, 1910	" The Mersey Marine Board Reclamation of Lands Act, 1910 "	The whole Act.
1 Geo. V. No. 42, 1910	" The Mersey Marine Board Loan and Grant-in-Aid Act, 1910 "	The whole Act
5 Geo. V. No. 38, 1914	" The Mersey Marine Board Loan Act, 1914 "	The whole Act
6 Geo. V. No. 49, 1918	" The Mersey Marine Board Loan Act, 1915 "	The whole Act
11 Geo. V. No. 24, 1920	" The Mersey Marine Board Loan Act, 1920 "	The whole Act
<b>HARBOUR TRUSTS.</b>		
<i>Leven.</i>		
1 Ed. VII. No. 54, 1901	" The Leven Harbour Trust Act "	Sections 26-38, inclusive
2 Ed. VII. No. 17, 1902	" The Leven Harbour Trust Act, 1902 "	Sections 3 and 4
1 Geo. V. No. 34, 1910	" The Leven Harbour Trust Act, 1910 "	The whole Act
<i>North-Eastern.</i>		
4 Geo. V. No. 25, 1913	" The North-Eastern Harbour Trust Act, 1913 "	Sections 21-33, inclusive
9 Geo. V. No. 27, 1918	" The Loans Reappropriation Act, 1918 "	The whole Act
9 Geo. V. No. 33, 1918	" The North-Eastern Harbour Trust Act, 1918 "	The whole Act
<i>Smithton.</i>		
4 Geo. V. No. 29, 1913	" The Smithton Harbour Trust Act, 1913 "	Sections 22-34, inclusive
9 Geo. V. No. 19, 1918	" The Smithton Harbour Trust Proceedings Validating Act, 1918 "	The whole Act

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(3)

Section 6.

## JURISDICTION OF THE SEVERAL BOARDS.

*Hobart.*—From South-West Cape round the southern and eastern coasts to Cape Portland.

*Launceston.*—From Cape Portland along the north coast to Badger Head.

*Mersey.*—From Badger Head to the western side of the mouth of the River Leven.

*Burnie.*—From the western side of the mouth of the River Leven to the eastern side of the mouth of Sister's Creek.

*Circular Head.*—From the eastern side of the mouth of Sister's Creek to the parallel of  $41\frac{1}{2}^{\circ}$  of south latitude on the West Coast.

*Strahan.*—From the parallel of  $41\frac{1}{4}^{\circ}$  of south latitude on the West Coast to the South-West Cape.

*King Island.*—The coast of King Island.

Section 7.

## JURISDICTION OF THE SEVERAL TRUSTS.

*Leven.*—One mile on each side of the mouth of the River Leven, measured along the coast from the eastern and western banks respectively.

*North-Eastern.*—One mile on each side of the outlet into Anderson's Bay of the Great Forester and Brid Rivers, measured along the coast from the eastern and western bank respectively of such outlet.

*Smithton.*—One mile on each of the entrances to Duck Bay, measured along the coast from the eastern and western bank respectively of such entrances.

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Section 29.

## VOTING DISTRICTS.

*Mersey.*—The Municipalities of Devonport, Latrobe, and Kentish.

*Burnie.*—The Municipalities of Penguin, Emu Bay, and Table Cape, excluding that portion of the Municipality of Penguin which is included in the Leven Harbour Trust Voting District.

The Emu Bay Voting District comprises the Municipalities of Emu Bay and Penguin, excluding that portion of the Municipality of Penguin which is included in the Leven Harbour Trust Voting District.

The Table Cape Voting District comprises the Municipality of Table Cape.

*Circular Head.*—The Municipality of Circular Head, excluding the Smithton Harbour Trust Voting District as hereinafter defined.

*King Island.*—The Municipality of King Island.

*Leven Harbour Trust.*—So much of the Municipalities of Leven and Penguin as is shown on the subjoined plan marked "A," and therein surrounded by black boundary-lines.

*North-Eastern Harbour Trust.*—So much of the Municipalities of Scottsdale and Ringarooma as is shown on the subjoined plan marked "B," and therein surrounded by black boundary-lines.

*Smithton Harbour Trust.*—So much of the Municipality of Circular Head as is shown on the subjoined plan marked "C," and therein surrounded by black boundary-lines.



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## PILOTAGE RATES.

For every sailing vessel a sum not exceeding One Shilling per ton inwards, Section 94.  
and the same sum outwards.

For every steam vessel a sum not exceeding Eightpence per ton inwards, and  
the same sum outwards.

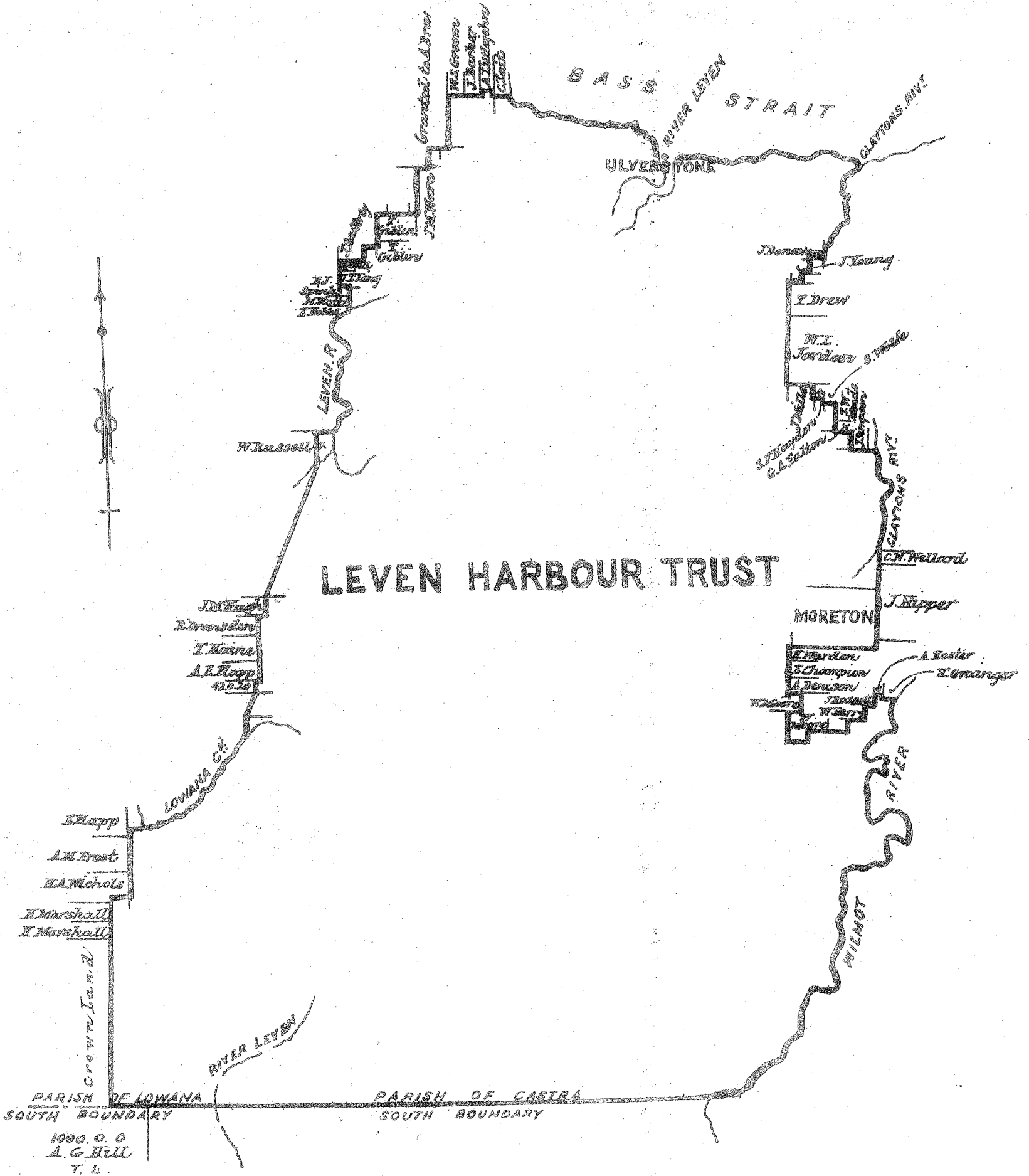
The rate for vessels proceeding from one place to another within a port shall  
not exceed the sum of One Shilling per ton for sailing vessels, nor the sum of  
Eightpence per ton for steam vessels.



A.

# SCHEDULE 4

LEVEN HARBOUR TRUST.



SCHEDULE .4

B.

NORTHEASTERN HARBOUR TRUST

