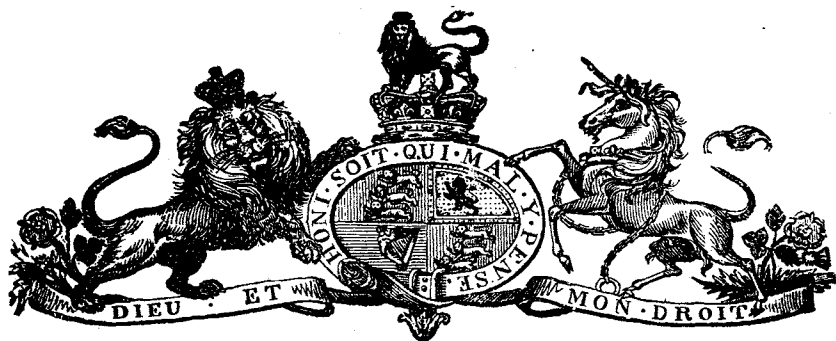


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 36.



AN ACT to further amend "The Marine Boards Act, 1889," and to make provision for the Reconstitution of the Marine Board of *Strahan*. A.D. 1898.  
[29 October, 1898.]

WHEREAS it is desirable to further amend the Law relating to Marine Boards and other matters pertaining to Navigation and Shipping, and to give further power to the Marine Board of *Strahan*: PREAMBLE.

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

1 This Act may be cited as "The Marine Boards Amendment Act, 1898." Short title.

2 In this Act—

"The said Act" shall mean "The Marine Boards Act, 1889":

"Elector" means and includes every person, whether male or female, of the age of Twenty-one years, whose name is on the Valuation Roll as the owner or occupier of any property situate within any District defined by Proclamation under the provisions of this Act, and every such Elector shall for the purposes of this Act have a number of votes proportioned to the annual value of the property

Interpretation.  
53 Vict. No. 34.  
"Elector."

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within the district owned or occupied by such Elector as ascertained by the Valuation Roll according to the scale set forth in "The Rural Voting Act, 1884," and the word "Elector" as used in that Act shall hereafter include an Elector under this Act.

Saving Clause.

**3** The repeal by this Act of any portion of the said Act shall not affect any obligation, liability, or penalty heretofore incurred under the said Act, nor the past operation of such portions of the said Act, nor anything duly authorised, done, or suffered thereunder.

Amendment of Sect. 14, 56 Vict. No. 57.

**4** The words "not being a vessel whose port of registry is within the Colony of *Tasmania*" are hereby inserted after the words "every vessel" in the second line of Section Fourteen of "The Marine Boards Amendment Act, 1892," and that Section shall henceforth be read and construed as if the said first-mentioned words were contained therein.

Amendment of Sect. 118 of 53 Vict. No. 34.

**5** The words "by the Marine Board of *Hobart* for use in connection with the lighting apparatus and maintenance of any of the several Lighthouses in this Colony" in the second, third, and fourth lines of Section One hundred and eighteen of the said Act are hereby repealed, and in lieu thereof the words "by any Marine Board for use in connection with the lighting apparatus and maintenance of any Lighthouse or River or Harbour Light under the management and control of such Board" are hereby inserted in the said Section, and that Section shall henceforth be read and construed as if the said last-mentioned words were contained therein instead of the words hereby repealed.

Amendment of Sect. 122, *ib.*

**6** The following words are hereby added to Section One hundred and twenty-two of the said Act, and that Section shall be read and construed as if such words followed at the end thereof:—

"Provided also, that any vessel arriving for the purpose of landing or embarking, or which actually lands or shall embark, any passenger for whose passage the Master or Owner has received or is to receive any pecuniary or other payment, shall not be exempt under this Section from any Lighthouse Dues."

Amendment of Sect. 130, *ib.*

**7** So much of Section One hundred and thirty of the said Act as relates to Certificates of Masters is hereby repealed, and the following provision is hereby enacted in lieu thereof and may be cited as the portion of Section One hundred and thirty of the said Act relating to Certificates of Masters:—

"To grant Certificates of Competency to Masters of steamships or of sailing ships trading on any river or to, in, or between any port or ports in *Tasmania*, and not required by any other Act of the Parliament of *Tasmania* to be commanded by a Master having a Certificate of Competency or Service granted by any other authority, and also to suspend or cancel any such Certificate: Provided, however, that every such grant, suspension, or cancellation of any such Certificate shall be in accordance with regulations made by the Governor in Council."

Power for Governor in

**8** The Governor in Council may make regulations providing for the mode of application for, and the form of, Certificates of Competency

*Ref. by 3rd ed. 7th 20*

*To Regulations  
See Gazette 28/3/99*

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of Masters of steamships or of sailing ships to be granted by any Marine Board under the provisions of Section One hundred and thirty of the said Act, the qualifications of applicants for such Certificates, the examination to be passed by such applicants, and the fees to be paid to the Board by such applicants, and generally providing for all such matters which shall be expedient in connection with the application for, and the granting, suspension, or cancellation of, such Certificates: Provided always, that no person shall be qualified to conduct the examination of any applicant for any such Certificate unless such person is the holder of a valid Certificate similar to that applied for by such applicant, or of equal or higher value.

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Council to make Regulations for Certificates of Competency of Masters of steamships.

9 It shall be lawful for any Marine Board, if such Board shall think fit so to do, to grant to any person a licence to ply for hire with any undecked or partly decked steam, oil engine, or electric launch within such limits within the jurisdiction of such Board as such Board shall think fit; and also from time to time to suspend or cancel any such licence. Every such licence shall be signed by the Master Warden for the time being of the Board granting the same, and shall specify the particular launch which is to be thereby licensed, the limits within which such launch is authorised to ply, the number of passengers which may be carried on board such launch, the person who is to have charge of or act as Master of such launch, and the person who is to have charge of or act as Driver of the machinery used in such launch; and such licence shall, unless suspended or cancelled by the said Board, continue in force from the date of granting the same until the Thirty-first day of *December* then next, and no longer. No such licence shall be granted by any Board for any launch until such launch and the machinery used in such launch have respectively been inspected by a shipwright surveyor and engineer surveyor respectively appointed by such Board to make such inspection, and until the person who is to have charge of or act as Master of such launch, and the person who is to have charge of or act as Driver of the machinery used in such launch, have respectively passed an examination as to Master's duties and Driver's duties respectively, and until a fee of Ten Shillings and Sixpence for each and every inspection, and a fee of Ten Shillings and Sixpence for each and every examination, have been paid to such Board. Provided that such Board may, if such Board shall think fit, authorise one person to have charge of or act as Master of any such launch and also at the same time to have charge of and act as Driver of the machinery used in such launch.

Power for any Marine Board to grant licences to ply for hire.

Sections One hundred and fifty-seven, One hundred and fifty-nine, One hundred and sixty, and One hundred and sixty-nine of the said Act shall not apply to any launch for or in respect of which a licence as aforesaid shall have been granted, nor to any person in reference to such launch, so long as such licence continues in force and has not been suspended or cancelled, and such launch is plying for hire within the limits specified in such licence as the limits within which such launch is authorised to ply; and during that time such licence shall, for the purpose of Section One hundred and seventy of the said Act, be deemed to be the Certificate mentioned in such Section, and such launch shall be deemed to be a duly surveyed passenger steamship within the meaning of Sections One hundred and seventy-one, One hundred and seventy-two, One hundred and seventy-three, and One hundred and seventy-four of the said Act.

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Owner of steam  
pleasure yacht to  
pay half fee for  
Certificate.

Addition to  
Section 160 of  
53 Vict. No. 34.

**10** The sums to be paid by the Owner of every steam pleasure yacht requiring a Certificate under the said Act shall be one half only of the sums mentioned in Section One hundred and sixty-seven of the said Act.

**11** The following Sub-sections are hereby added to Section One hundred and sixty of the said Act, and may be cited as Sub-sections (5.) and (6.) of such Section :—

“(5.) All steamships trading to or from or within any port in *Tasmania* shall be subject to the provisions of this Section, whether such steamships carry both passengers and cargo or passengers only, or cargo only, and whether such passengers or cargo are carried for any pecuniary or other payment or not.”

“(6.) Sub-sections (2.), (3.); and (4.) of this Section shall not apply to steam pleasure yachts.”

Amendments of  
Sections 30 and  
159, *ib.*

**12** The word “Two” in the third line of Sub-section (3.) of Section Thirty of the said Act is hereby expunged, and the word “Five” is hereby inserted in lieu thereof; and the words “and not less than Twenty-five Pounds” in the last line of Section One hundred and fifty-nine of the said Act are hereby expunged.

Amendment of  
Section 30 and  
Schedule (3.), *ib.*

**13** After the word “*Mersey*” in the first line of Sub-section (1.) of Section Thirty of the said Act the following words are hereby inserted :—“and the Marine Board of *Table Cape*”; the words “*Table Cape*” in the first line of Sub-section (2.) of the said Section Thirty are hereby expunged; and in Schedule (3.) of the said Act in the eleventh line the word “Two” is hereby expunged, and the word “Four” is hereby inserted in lieu thereof.

Districts may be  
defined by  
Governor.

**14** The Governor may by Proclamation divide the Electoral Districts of *Zeehan* and *Lyell* as defined by “An Act to amend ‘The Electoral Act, 1896,’” passed during the present Session, into three Districts, to be called the Districts of *Strahan*, *Zeehan*, and *Queenstown*, respectively, for the purpose of electing Wardens of the Marine Board of *Strahan* as hereinafter provided.

*Repl. by 3<sup>d</sup> Edw. 7 No 20*

Constitution of  
Marine Board of  
*Strahan*.

**15** From and after a date to be fixed by Proclamation made by the Governor in Council, the present Members of the Marine Board of *Strahan* shall cease to hold office, and thereafter the Marine Board of *Strahan* shall consist of Ten Wardens, Five of whom shall form a quorum, and such Wardens shall be elected and appointed as follows :—

Two Wardens to be elected by the Electors of the District of *Strahan* ;

Two Wardens to be elected by the Electors of the District of *Zeehan* ;

Two Wardens to be elected by the Electors of the District of *Queenstown* ; and

Four Wardens to be appointed by the Governor in Council.

Such Wardens shall be elected and appointed as hereinafter provided, and the Wardens so elected shall respectively hold office subject to the provisions of this Act for a period of Two years.

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**16** The Governor in Council shall, subject to the provisions of this Act, from time to time appoint during pleasure such and so many persons as he sees fit as and to be Wardens of the Marine Board of *Strahan*; but the number of Wardens so appointed shall not at any time exceed Four.

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Governor in Council to appoint certain Wardens.

**17** The First elections of Wardens of the Marine Board of *Strahan* under the provisions of this Act shall take place on or before the Third *Thursday* in the month of *December* in the present year; and the subsequent annual elections of persons to fill the vacancies created by the annual retirement of Wardens from the Marine Board of *Strahan* shall take place on or before the Third *Thursday* in the month of *December* in every year.

First elections. Annual elections to be held in *December*.

The Members elected at the First elections held under this Act shall not enter upon their duties as Members of the Marine Board of *Strahan* until the present Members of the Board cease to hold office in accordance with the provisions hereinbefore contained.

**18**—(1.) The Governor in Council shall by Proclamation direct that on or before the Third *Thursday* in the month of *December* next, and at the times and places therein named, the Electors of each of the Districts of *Strahan*, *Zeehan*, and *Queenstown* shall respectively elect Two persons as Wardens of the Marine Board of *Strahan*.

Proclamation as to First election.

(2.) Every such Proclamation shall be published in Three consecutive numbers of the *Gazette*, and shall direct that the elections to be held thereunder shall be held respectively before such persons as shall be appointed therein and thereby; and nominations of persons for election as such Wardens shall be forwarded to and be received by such persons Seven clear days before the day appointed for holding the elections pursuant to such Proclamation, and such persons shall thereupon provide and do all things necessary for holding such elections pursuant to this Act.

Election to be before person appointed.

(3.) The date fixed by such Proclamation for holding the elections therein directed to be held shall not be less than Fifteen nor more than Thirty days after the date of the first publication of the Proclamation.

Period within which election to be held.

(4.) All expenses of and incidental to the First election of the Wardens of the Marine Board of *Strahan* shall be certified under the hand of the respective persons before whom such First elections were respectively held, and shall be paid by such Marine Board out of the moneys at their disposal.

Expenses of First election to be paid by Board.

**19** On the Third *Thursday* in the month of *December* in each year, Three of the Wardens of the Marine Board of *Strahan* shall retire from office, and the vacancies caused by such retirement of Wardens from the said Board shall be filled in the manner hereinafter provided.

Retirement of Wardens.

**20** The Wardens of the Marine Board of *Strahan* who are elected at the First elections of Wardens held under this Act shall retire from office in rotation in the manner hereinafter provided; that is to say:—The Wardens elected by the electors of the respective Districts of *Strahan*, *Zeehan*, and *Queenstown*, who respectively receive the smallest number of votes at such election shall, on the Third *Thursday* in the month of *December* in the year One thousand eight hundred and ninety-nine, retire from office; and on the Third *Thursday* in the month of

How Wardens to retire after First elections.

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*December* in the year One thousand nine hundred the remaining Three Wardens of such Board who were elected at such First elections shall retire from office; and in the event of any Two of the Wardens elected at such First elections as aforesaid receiving an equal number of votes, the rotation in which such Wardens shall retire shall be determined by lot between such Wardens.

Elections after First election.

**21** The vacancies created by the retirement of Wardens from the Marine Board of *Strahan* at the expiration of the periods for which such Wardens were respectively elected or appointed as provided in Section Thirty-six of the said Act shall be filled up by the election in the manner hereinbefore provided of fit and proper persons to fill such vacancies, and the persons so elected or appointed to fill such vacancies shall hold office subject to the provisions of this Act until the Third *Thursday* in the month of *December* in the Second year after their election or appointment, and shall then retire from office; and every retiring Warden shall be eligible to be re-elected or re-appointed, as the case may be.

Election of Master Warden.

**22** All the provisions of the said Act relating to the election of Master Warden of any Marine Board, the Wardens whereof are elected, shall apply to the election of Master Warden of the Marine Board of *Strahan*.

Salary to Master Warden of *Strahan*.

**23** The Master Warden of the Marine Board of *Strahan* shall, subject to such Regulations as may from time to time be established by such Board, be entitled to receive, as a compensation for his service in the execution of this Act, such sum not exceeding Two hundred Pounds per annum as such Board may from time to time recommend to be paid to such Master Warden and as the Governor approves; and such sum shall be paid to such Master Warden out of the funds at the disposal of such Board.

Wardens remain in office until successors elected or appointed.

**24** In the event of any delay occurring in the election or appointment, as provided in Section Thirty-six of the said Act, of the successor of any Warden who would otherwise retire from office in consequence of the expiration of the period for which he was elected or appointed as aforesaid, such Warden shall continue in office until his successor has been duly elected or appointed.

Power to *Strahan* Marine Board to borrow money.

**25** It shall be lawful for the Marine Board of *Strahan*, with the approval of the Governor in Council, to borrow, on security of the rates, funds, and property at the disposal of the said Marine Board, any sum of money not exceeding Sixty thousand Pounds for the purpose of constructing any works within the jurisdiction of the Board; and if, after having borrowed the said sum or any part thereof, the said Marine Board pays off the same, it shall be lawful for the said Marine Board again to borrow, with the approval of the Governor in Council, the amount so paid off, and so from time to time.

Travelling expenses of Wardens.

**26** Each of the Wardens, including the Master Warden, of any Board shall be entitled to be paid out of the funds at the disposal of the said Board such sum of money as the Board may from time to time fix for the travelling expenses incurred by him in attending the meetings of the Board.

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- 27** It shall be lawful for the Wardens of any Board, and they are hereby authorised and empowered, for the purpose of maintaining and improving the navigation of any port within their jurisdiction, from time to time, as occasion may require, to construct and maintain any breakwater, training-walls, or other works, and to remove, scour, or deepen any bar or make any improvements at the entrance of any port. The powers conferred by this Section shall be in addition to and not in derogation of any of the powers conferred by the said Act.
- 28** It shall be lawful for any Board, subject to the approval of the Governor in Council, to enter upon and use any unoccupied Crown land for the purposes of this Act, and to dig, quarry, cut down, and carry away all such material or timber therefrom as may be required for any such purpose.
- 29** Any Board may from time to time by any By-law fix and regulate the wharfage rates, not exceeding Sixpence per ton, to be paid on goods shipped at any port for export beyond the Colony.
- 30** Such wharfage rates on goods shipped at any port as may from time to time be fixed by the Board by any By-law made under the authority of this Act shall be payable and paid to the Collector of Customs at such port for the purposes of this Act.
- 31** This Act and the said Act, and every other Act amending the said Act, shall be read together as one Act.

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Board may  
construct break-  
waters, &c.Crown Land may  
be taken for  
purposes of Act.Wharfage Rates  
on goods shipped.*New sec. subst. by  
2 Edw. 7 No 16.*Wharfage Rates  
payable to  
Collector of  
Customs.*New sec. subst. by  
3 Edw. 7 No 20.*Acts to be read  
together.

