

T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 4.



AN ACT to further amend *The Marine Board Act* A.D. 1874.
[18 September, 1874.]

WHEREAS it is desirable and expedient to further amend *The Marine Board Act*: PREAMBLE.
21 Vict. No. 16.

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 shall come into force and take effect on the First day of Commencement
of Act. December, 1874.

2 Sections Three to Twelve, both inclusive, and Section Twenty-seven of *The Marine Board Act* are hereby repealed ; but such repeal shall not affect anything duly done before the commencement of this Act. Repeal.

3 After the appointment of Wardens as hereinafter provided, "The *Hobart Town Marine Board*" and "The *Launceston Marine Board*" shall respectively consist of Five Wardens, who shall be appointed in manner following. Boards to consist
of Five persons.

4 The Wardens of the said Boards in office when this Act takes effect shall continue in office until their successors are appointed, and upon such appointment being notified in the *Gazette* such Wardens shall cease to hold office. Present Wardens
to remain in office
until their suc-
cessors are
appointed.

5 The Wardens of each of the said Boards shall be appointed in manner following :— Appointment of
Wardens.

The Governor in Council shall in the month of *December*, 1874, appoint Two fit and proper persons as he sees fit to be Wardens of

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“The *Hobart Town* Marine Board ;” and a like number of fit and proper persons to be Wardens of “The *Launceston* Marine Board.”

Upon the nomination of the Chambers of Commerce at *Hobart Town* and *Launceston* respectively, as hereinafter provided, the Governor in Council shall appoint the persons nominated by each such Chamber, not exceeding Three, to be Wardens of the said Boards respectively.

Nomination of Wardens by Chambers of Commerce.

6 The Chamber of Commerce at *Hobart Town* may, if such Society consists of Thirty members whose subscriptions are fully paid up, nominate in manner hereinafter provided to the Governor in Council, fit and proper persons to be appointed Wardens of “The *Hobart Town* Marine Board.”

The Chamber of Commerce at *Launceston* may, if such Society consists of Twenty members whose subscriptions are fully paid up, nominate in manner hereinafter provided to the Governor in Council, fit and proper persons to be appointed Wardens of “The *Launceston* Marine Board.”

Chamber of Commerce at *Hobart Town* to hold meetings for the purpose of nominating persons as Wardens.

7 The Secretary of the Chamber of Commerce at *Hobart Town* shall in the month of *December*, 1874, and afterwards from time to time, upon being thereunto required by writing under the hand of the Colonial Secretary, convene a meeting of the members of the said Society by advertisement in one or more newspapers published in *Hobart Town*, for the purpose of nominating fit persons resident in or near *Hobart Town* for appointment as Wardens at *Hobart Town* ; at which meeting the chairman or deputy chairman of the Society shall preside, or in their absence a member elected as chairman by the members present ; and the chairman at such meeting shall have a casting and not a deliberative vote : provided that such advertisement shall be published not less than Six days before the day fixed for the meeting, and shall specify the purpose for which, and the time and place at which, such meeting is to be held.

Chamber of Commerce to nominate persons as Wardens.

8 At every such meeting so many fit persons resident in or near *Hobart Town* as there are Wardens then to be appointed shall be nominated by a majority of the members of the said Society present at the meeting for appointment as Wardens at *Hobart Town* ; and the Secretary of the said Society shall forthwith transmit to the Colonial Secretary the names of the persons so nominated ; and it shall be lawful for the Governor in Council to appoint the persons so nominated, or any of them, to be Wardens at *Hobart Town* ; and in the event of the Governor in Council not appointing the persons so nominated or any of them, a fresh nomination to supply the place of any person not appointed shall in like manner be made by the said Society.

Wardens at *Launceston* to be nominated and appointed in like manner.

9 The like proceedings shall be had for the purpose of nominating and appointing fit persons resident in or near *Launceston* to be Wardens at *Launceston* as are hereinbefore directed in respect of the nomination and appointment of Wardens at *Hobart Town*, the Chamber of Commerce at *Launceston*, and one or more newspapers published in *Launceston*, being respectively substituted for the Chamber of Commerce at *Hobart Town*, and one or more newspapers published in *Hobart Town*.

Retirement of Wardens.

10 Every person appointed a Warden by the Governor in Council without nomination shall remain in office for one year from the date of his appointment, but may be re-appointed.

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The persons first appointed Wardens by the Governor in Council upon the nomination of the *Hobart Town* Chamber of Commerce and the *Launceston* Chamber of Commerce, respectively, shall retire from office in manner following:—In the month of *December* in the year 1875 one of such Wardens shall retire from each of the said Boards, and such nominated Wardens shall determine by lot amongst themselves which Warden shall so retire, and in the month of *December* in every subsequent year the nominated Warden who has been longest in office without appointment shall retire; and in case more than one of such Wardens has been an equal period in office without appointment, then such Wardens shall determine by lot amongst themselves which shall retire.

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The Warden who retires from office in manner aforesaid shall not be again nominated for appointment in the year in which he retires, but shall be eligible to be nominated in any subsequent year.

11 In default of nomination, in manner aforesaid, by the Chamber of Commerce, within Fourteen days after being thereunto required by the Colonial Secretary as aforesaid, the Governor in Council may proceed to appoint Wardens without nomination; and the persons so appointed shall remain in office for One year, and may be re-appointed to such office.

Provides for default of nomination.

12 Every appointment by the Governor in Council of a Warden shall be made by notice published in the *Gazette*.

Appointments to be notified in *Gazette*.

13 If any Warden is declared bankrupt, or if the affairs of such Warden are liquidated by arrangement, or if he makes any composition with his creditors, or ceases or neglects to attend the sittings of the Board for a period of Three months at one time, except in case of illness certified by a duly qualified medical practitioner, or of absence by permission of the Board, it shall be lawful for the Board to declare such Warden's seat vacant, and it shall thereupon be vacant accordingly.

Wardens how disqualified.

14 The Governor in Council is hereby empowered at any time to remove from his office any Warden, and thereupon such Warden's seat shall be vacant.

Governor in Council may remove Wardens.

15 Upon every vacancy among the Wardens, a new Warden shall be appointed or nominated and appointed in manner aforesaid, as the case may require, to supply such vacancy.

Governor in Council to supply vacancies among Wardens.

16 The Wardens of each of the said Boards shall, at their first meeting, elect One of their number as and to be the Master Warden of the Board; and from time to time as any vacancy occurs in the office of Master Warden the Wardens shall, so soon as may be after their number is complete, in like manner elect a Master Warden to supply such vacancy.

Boards to elect a Master Warden.

17 Subject to such Regulations as may from time to time be established by the Board, the Master Warden of each of the said Boards shall be entitled to receive, as a compensation for his services in the execution of the said Act and this Act, such sum not exceeding Two hundred Pounds per annum as the Board may from time to time recommend to be paid to such Master Warden and as the Governor approves; and each of the other Wardens shall be entitled to receive as compensation such sum not exceeding Thirty Pounds per annum as the Board may from time to time fix and determine: the same, however, not

Salaries to Master Wardens.

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to exceed the sum of One Guinea to each Warden for attending each meeting of the Board; and such sums shall be paid to such Master Wardens and Wardens out of the funds at the disposal of the said respective Boards.

Number of Wardens of Marine Boards appointed under 31 Vict. No. 30.

18 Every Marine Board created under "The Marine Board Amendment Act, No. 3," shall consist of not less than Five nor more than Nine Wardens, four of whom shall form a quorum.

Powers of Harbour Master extended.

19 The powers conferred upon any Harbour Master by the Sixty-fourth Section of *The Marine Board Act* are hereby extended to the extent that such officer may appoint the places for berthing vessels upon their arrival in port, anything contained in *The Customs Act* to the contrary notwithstanding.

Queen's transports exempted from port charges.

20 All vessels arriving in this Colony in the employment of Her Majesty for the conveyance of troops or warlike stores, and other things connected with the defence of the Empire, shall be and the same are hereby wholly exempted from the payment of all port charges, lighthouse dues, and all port dues whatsoever, except only those of pilotage where the service of a pilot has been actually required and received.

Steam ferry boat defined.

21 The term "steam ferry boat," hereinafter used, means any boat propelled by means of steam machinery, and which conveys passengers, animals, or vehicles, for hire within the limits of any river or port.

Steam ferry boats not to ply for hire until inspected and certified.

22 No steam ferry boat shall ply for hire, or convey passengers, animals, or vehicles for hire or otherwise within the jurisdiction of the Marine Boards of *Hobart Town* and *Launceston* until the same and the machinery used in and upon such ferry boat have been inspected and certified in manner hereinafter provided.

Boards may send inspectors on board steam ferry boats whenever necessary.

23 The Boards respectively may from time to time, whenever it seems expedient to them so to do, appoint some competent person to go on board any steam ferry boat to report whether the hull and machinery of such ferry boat are sufficient and in good condition, or to report upon the nature and causes of any accident or damage which such ferry boat has sustained or caused or is said to have sustained or caused.

Inspectors may go on board at all reasonable times.

24 Every person appointed as aforesaid may go upon any steam ferry boat at all reasonable times and inspect the same or any part thereof, or any machinery on board thereof; and whosoever wilfully impedes or obstructs any such person in the execution of his duty shall, upon conviction, be liable to a penalty not exceeding Five Pounds.

Inspector may certify sufficiency of machinery, &c.

25 If such person shall upon examination be of opinion that the machinery used in any such boat, and all things connected therewith, are good and sufficient, he shall by writing under his hand certify the same to the Board.

Steam ferry boat to carry safety valve out of control of engineer.

26 It shall not be lawful for any steam ferry boat to steam within any port without having a safety valve upon each boiler (when there are more than one,) free from the care of the engineer and out of his control and interference; and such safety valve shall be deemed to be a necessary part of the machinery, upon the sufficiency of which the person appointed as aforesaid is to report as herein provided.

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27 No person shall have charge of the machinery used in any steam ferry boat unless he has been examined in such mode as the Board appoints and has been approved by the Board; and every person who offends against this Section, and every person employing or permitting any person to have charge of the machinery used as aforesaid who has not been examined and approved as herein provided, shall be liable to a penalty not exceeding One hundred Pounds and not less than Twenty-five Pounds.

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No person to have charge of machinery unless examined and approved.

28 This Act and *The Marine Board Act*, and every Act altering or amending the same, shall, save so far as the same may be altered or amended by this Act, be read and construed together as one Act.

Acts to be read together.

29 This Act may be cited as "The Marine Board Amendment Act, No. 4."

Short title.

