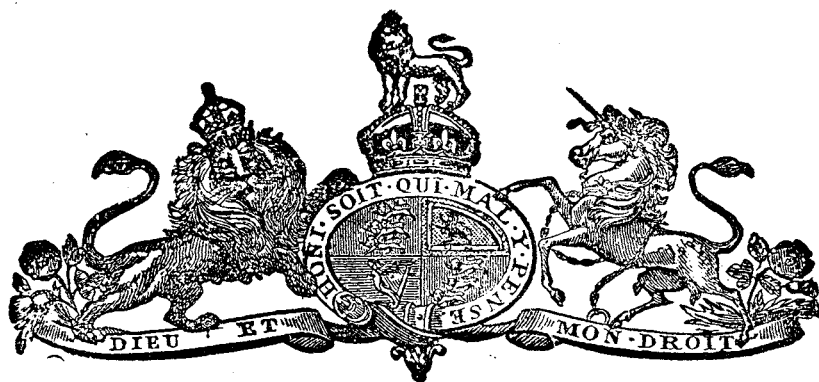


TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 17.

ANALYSIS.

1. Short title.
2. Repeal.
3. Amendment of 12 Geo. V. No. 60.
 - New section 85A.
 - Rating powers in certain cases.
 - Part XVII.
 - Subheadings.
 - New section 156A.
 - Maintenance of leading-lights.
 - New fifth schedule.
4. Further amendment of 12 Geo. V. No. 60.
5. Validation of certain proceedings.

AN ACT to amend the *Marine Act 1921*.

[27 August, 1935.]

A.D.
1935.

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

- 1 This Act may be cited as the *Marine Act 1935*.
- 2—(1) The enactments set forth in the first schedule are hereby repealed to the extent therein indicated.

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(2) The repeal by this Act of the enactments set forth in the fourth column of the first schedule shall not affect the operation of the amendments inserted or effected in the Principal Act by such repealed enactments, and the Principal Act shall continue to be read and construed as altered by such repealed enactments as if the same had not been repealed, subject, however, to any amendments or alterations therein made by any subsequent enactments.

Amend-
ment of
12 Geo. V. No. 60. New section 85A.
Rating
powers in
certain
cases.

3 The Principal Act is hereby amended—

I. By substituting for repealed section eighty-five A the following new section eighty-five A:—

85A—(1) Every board or trust—

I. In respect of which a voting district is defined in the fourth schedule: and

II. Which has obtained from the State a loan to which the provisions of the *State Loans to Local Bodies Act 1929* (hereinafter called “the Loans Act”) are applicable—

shall have power to levy rates in respect of every part of such voting district for the purposes of the Loans Act, and this Act, and all such voting districts shall be deemed for that purpose to constitute the rating areas of the respective boards or trusts in respect of which they are defined as aforesaid respectively.

“(2) Every such board or trust may make and levy a rate not exceeding in any case a rate of two shillings in the pound on the ratable value of all property within its rating area, and the same shall be made, levied, and collected by such board or trust in manner provided by the *Local Government Act 1906*, in respect of a general rate, as if such board or trust were a council under that Act.

“(3) Every such rate shall be payable by the persons by whom such general rate as aforesaid would be payable, and shall be paid to the board or trust as provided by the Act last aforesaid in respect of such general rate.”:

II. By inserting in Part XVII. the words and numerals—

(a) “Division I.” (before “statistics”):

(b) “Division II.” (before “Special Provisions”):

(c) “Division III.” (before “Dismissal of Officers, &c.”):

Part
XVII.
Subhead-
ings.

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- (d) "Division IV." (before "Offences"):
- (e) "Division V." (before "Procedure"): and
- (f) "Division VI." (before "By-laws")—

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in the several subheadings thereto; and by substituting for repealed section one hundred and fifty-six A in Division II. the following new section one hundred and fifty-six A:—

New section 156A.

"156A Each of the harbour authorities mentioned in the first column of the fifth schedule shall have the management and control of the leading and other lights, the names of which are set out in the second column of that schedule, opposite to the name of such harbour authority"

Maintenance of leading lights.

III. By inserting after the fourth schedule thereto the following new schedule:—

New fifth schedule.

"THE FIFTH SCHEDULE.

Name of Harbour Authority.	Name of Leading or other Light.
The Marine Board of Hobart	One Tree Point Light Long Bay Light Hope Island Light Huon Light Garden Island Light (substituted for Butts Rock Light)
The Marine Board of Launceston	Tamar Leading Lights
The Marine Board of Mersey	Mersey Leading Lights
The Marine Board of Burnie	Wynyard Leading Lights
The Marine Board of Strahan	Macquarie Leading Lights
The Leven Harbour Trustees	Ulverstone Leading Lights"

4 The Principal Act is hereby further amended in the manner and to the extent set forth in the second schedule.

5—(1) Where any board or trust has made and levied, or purported to make and levy—

- I. Since the date of the commencement of the *State Loans to Local Bodies Act 1929*, any rate or charge which would have been valid if section eighty-five A of the Principal Act as hereby enacted had then been in operation: or
- II. Prior to the date aforesaid, any rate or charge—

every such rate and charge shall be deemed to have been validly and lawfully made and levied although the same may have exceeded the maximum rating power of such board or trust;

Further amendment of 12 Geo. V. No. 60. Validation of certain proceedings.

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and the application by such board or trust of the proceeds of every such rate and charge is hereby declared to have been valid and lawful.

(2) Any such board or trust may make and levy any such rate as aforesaid at any time during the half-year ending on the thirtieth day of June, one thousand nine hundred and thirty-six, in respect of that half-year.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

Regnal Year and Number.	Title of Act.	Extent of Repeal.	Enactments the Effect of which is Preserved notwithstanding Repeal.
12 Geo. V. No. 60	<i>The Marine Act 1921</i>	Sections 3, 4, 10, and 156A	—
15 Geo. V. No. 44	<i>The Leading Lights Maintenance Act 1924</i>	The whole Act	—
15 Geo. V. No. 71	<i>The Marine Act 1925</i>	The whole Act	Sections 2 to 7
17 Geo. V. No. 29	<i>The Marine Act 1926</i>	The whole Act	Section 2
17 Geo. V. No. 32	<i>The Marine Act (No. 2) 1926</i>	The whole Act	Section 2
19 Geo. V. No. 58	<i>The Marine Act 1928</i>	The whole Act	Section 2
21 Geo. V. No. 65	<i>The Marine Act 1930</i>	The whole Act	Section 2
25 Geo V. No. 56	<i>The Marine Act 1934</i>	The whole Act	—

THE SECOND SCHEDULE.

AMENDMENTS OF PRINCIPAL ACT, THE MARINE ACT, 1921 (12 Geo. V. No. 60).

Part or Section Amended.	How Amended—
In—	By expunging or by deleting the words or figures as the case may be—
Section 5	“Where” to “permits” and substituting “unless the contrary intention appears” “Liquid” to “1920” and substituting “ <i>Liquids Act 1929</i> ”; and the definitions of “Justice,” “Treasurer,” and “written”

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Part or Section Amended.	How Amended—
In—	By expunging or by deleting the words or figures as the case may be—
Section 6	“ Board ” and substituting “ Boards ”; “ notwithstanding ” to “ constituted ”; and “ or by any ” to “ waters ”
Section 20	“ Some public ” and substituting “ in a ”
Section 22	“ After ” to “ twenty-six ”; and subsection (2) and substituting the provisions of section 24 (as amended below).
Section 24	“ 24 ” to “ twenty-six ” and substituting “ (2) ” (and transposing the provision and inserting it as (2) of section 22)
Section 26a	“ 26a ” and substituting “ (3) ”; “ as ” to “ in ” and substituting “ to the provisions of ” (and transposing the provision and inserting it as (3) of section 22)
Section 26b	“ 26b ” and substituting “ 23 ”; “ In ” to “ succeeding year ”; “ Municipal ”
Section 26d	“ 26d (1) ” and substituting “ (3) ”; “ (2) ” and substituting “ (4) ”; “ (3) ” and substituting “ (5) ” (and transposing the section and inserting it as (3), (4), and (5) of section 23)
Section 26e	“ 26e ” and substituting “ 24 (1) ”; “ 26b ” and substituting “ twenty-three ”
Section 26f	“ 26f ” and substituting “ (2) ” (and transposing the subsection so formed down to “ returning officer ” in line 11 and inserting it as (2) of section 24); “ Municipal ” and inserting “ (3) ” (before “ The ” in same line) and transposing the subsection so formed and inserting it as (3) of section 24
Section 26g	“ 26g ” and substituting “ 25 ”
Section 26h	“ 26h ” and substituting “ 26 ”; “ The first ” to “ hereinafter provided ”; “ Municipal ” and inserting “ (2) ” (before “ The ” at the beginning of the next line); “ 26f ” and substituting “ twenty-four ”; “ the ” to “ aforesaid ” and substituting “ (3) Every such election ” and inserting “ (4) ” (before “ The provisions ”); “ (2) ” and substituting “ (5) ”
Section 26j	“ 26j ” and substituting “ (6) ”; “ Municipal ” (twice occurring); (and transposing the section and inserting it as subsection (6) of section 26)
Section 26l	“ 26 l ” and substituting “ 26A ”
Section 39	“ in ” (in line three) and substituting “ of ”; and “ hereinafter contained ”
Section 43	“ Generally ”
Section 46	“ or suit ”
Section 50	“ of the Act ”
Section 69	“ public ”; and “ circulating ” to “ affected ”
Parts VII. and XII.	“ Sub-part ” (wherever occurring) and substituting “ Division ”
Sections 84 and 85	“ 1921 ” and substituting “ 1929 ”
Section 85	“ in its equity jurisdiction ”

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Part or Section Amended.	How Amended—
In—	By expunging or by deleting the words or figures as the case may be—
Section 86	“Sub-Part III.” (twice occurring) and inserting “Division III. of” (before “Part XII.” in each case)
Section 89	“subparagraph” to “section” and substituting “paragraph IV. of section eighty-eight”
Section 138.....	“III.” and substituting “and may” and transposing those words and the rest of the section in alignment with beginning of section
Section 163.....	“All” to “of The”; “and”; and transposing “Justices” to “1919” in substitution for “said Act” (in last line)
Schedules	“Schedules” and “(1)” and substituting “First Schedule”; the whole of Schedule (2); “(3),” “(4),” and “(5)” and substituting “Third Schedule,” “Fourth Schedule,” and “Fifth Schedule” respectively and correcting citation of schedules accordingly throughout the Act.
	And by inserting in—
Part VIII.	“Division” (before each of the numerals I. to V. in the subheadings)
Section 149.....	“and for determining, as prescribed, appeals under section one hundred and thirty-five” (at the end of subsection (2))