

Repeal of certain provisions of the *Merchant Shipping Act 1894*.

5 The provisions of Part V of the Imperial Act intituled the *Merchant Shipping Act 1894*, as amended or affected by any other Imperial Act, are repealed so far as those provisions apply to or in relation to—

- (a) Tasmanian vessels within the meaning of Division IIA of Part XII of the Principal Act;
- (b) the owners, masters, officers, or crews of those vessels; or
- (c) any casualty or collision occurring to or in relation to any such vessel or in any waters within the jurisdiction of the Authority.

MARINE.

No. 67 of 1966.

AN ACT to amend the *Marine Act 1921*.

[22 December 1966.]

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:—

Short title and citation.

1—(1) This Act may be cited as the *Marine Act 1966*.

(2) The *Marine Act 1921*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section thirty-four of the Principal Act is repealed and the following section is substituted therefor:—

Strahan: Number and appointment of wardens.

“34—(1) The Marine Board of Strahan (in this section referred to as ‘the Board’) shall consist of—

- (a) a master-warden appointed by the Governor;
- (b) two other wardens appointed by the Governor; and
- (c) a warden (in this section referred to as ‘the elected warden’) elected as provided in this section.

“(2) The master-warden and the wardens referred to in paragraph (b) of subsection (1) of this section shall hold office during the Governor’s pleasure.

“(3) The elected warden—

- (a) shall be a person who is qualified under the *Local Government Act 1962* to vote at elections of councillors of the municipality of Strahan;

(b) shall be elected by persons who are qualified to vote at those elections; and

(c) shall, subject to this Act, hold office for a term of three years from the date of his election.

“(4) The first election of a person as the elected warden of the Board shall be held by the municipality of Strahan at the same time as, and in conjunction with, the election of councillors of that municipality to be held in the year 1967, and subsequent elections shall be held in each third year thereafter.

“(5) The provisions of subsection (2) of section thirty-eight, and of sections thirty-nine, forty, forty-one, forty-two, and forty-three, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of the elected member of the Board and the filling of vacancies in the office of the elected member of the Board.”.

3 Section forty-nine of the Principal Act is amended—

Salaries, &c.,
of wardens
and trustees.

(a) by omitting from paragraph (a) of subsection (1) thereof the words “two thousand dollars” and substituting therefor the words “three thousand dollars”; and

(b) by omitting from paragraph (b) of that subsection the words “one thousand dollars” and substituting therefor the words “two thousand dollars”.

4 After section sixty-five A of the Principal Act the following section is inserted in Division I of Part VII:—

“65AB—(1) Where an overseas terminal is, or overseas terminals are, situated in a port within the jurisdiction of a board—

Disposal of
refuse from
overseas
vessels.

(a) that board shall, if so directed by the Minister, install approved equipment—

(i) at that terminal or at all or any of those terminals, as the case may be; or

(ii) at such other place in the vicinity of that terminal or such other places in the vicinity of all or any of those terminals, as the case may be, as may be agreed upon between the Minister and the board; and

(b) the master of an overseas vessel that is berthed in any waters within that port shall take all such steps as may be necessary to ensure that all refuse on board that vessel is, as soon as is reasonably practicable after the production or accumulation of the refuse, removed from the vessel in conformity with such directions as to the disposal thereof as may be given by the Minister or an authorized officer either generally or in any particular case.

“(2) If the master of an overseas vessel fails to comply with the provisions of paragraph (b) of subsection (1) of this section, he is guilty of an offence.

Penalty: Four hundred dollars.

“(3) It is the duty of a board by which approved equipment is installed pursuant to this section to ensure that all refuse that is removed from an overseas vessel while it is berthed in any waters in a port where the equipment is installed is destroyed in approved equipment so installed in conformity with such directions as to the destruction thereof as may be given by the Minister or an authorized officer either generally or in any particular case.

“(4) For the purpose of giving effect to a direction under subsection (1) of this section a board may install approved equipment on any wharf in a port within its jurisdiction or on any land in the vicinity of such a wharf notwithstanding that the wharf or land is not vested in the board.

“(5) Where approved equipment is installed, or is proposed to be installed, on any wharf or land not vested in the board, the board may give notice in writing to the occupier of that wharf or land requiring him to allow such access to that equipment as is specified in the notice.

“(6) No person shall obstruct, or interfere with any person making use of, any access to approved equipment specified in a notice given under subsection (5) of this section.

Penalty: Two hundred dollars.

“(7) A person having an estate or interest in any land on which approved equipment is installed pursuant to subsection (4) of this section, being—

(a) land on which a wharf not vested in the board is constructed; or

(b) land in the vicinity of such a wharf,

is entitled to compensation for loss or damage arising from the installation of that equipment and the making of any requirement in relation thereto under subsection (5) of this section.

“(8) The compensation referred to in subsection (7) of this section shall be determined and is recoverable in like manner as if it were compensation payable in respect of the acquisition of an interest in land under the *Public Authorities' Land Acquisition Act 1949*.

“(9) An authorized officer may at any time—

(a) enter on any part of an overseas terminal or any other place where approved equipment is installed pursuant to this section; and

(b) board any overseas vessel that is berthed in any waters in a port within the jurisdiction of a board by which any such equipment has been so installed,

for the purpose of securing compliance with the provisions of this section or with any directions given under this section or of ascertaining whether the provisions of this section or of any such directions are being complied with in relation to the removal and disposal of refuse from such a vessel.

“(10) Where an overseas vessel is berthed or is under way in any waters within the jurisdiction of a board by which approved equipment has been installed pursuant to this section and any refuse—

- (a) is discharged from that vessel into any such waters;
- (b) is removed from that vessel except in conformity with such directions given under this section by the Minister or by an authorized officer as may be applicable, either generally or in relation to that vessel; or
- (c) is disposed of otherwise than in or by means of approved equipment so installed,

the master of that vessel, and any person causing or permitting that refuse so to be discharged, removed, or disposed of, is guilty of an offence.

Penalty: Four hundred dollars.

“(11) In giving any directions under this section, the Minister or the authorized officer by whom the directions are given shall have regard to the requirements of the law of the Commonwealth relating to quarantine.

“(12) In this section—

- ‘approved equipment’ means equipment for the destruction of refuse by burning, being equipment of a kind and design approved by the Minister;
- ‘authorized officer’ means an officer of the Public Service of this State or of the Commonwealth or of a board who is authorized by the Minister, in writing, to exercise the powers conferred on authorized officers by this section;
- ‘overseas terminal’ means a wharf (whether owned by, vested in, within the jurisdiction of, or under the control of, a board or any other person) that is declared by the Minister, by order, to be an overseas terminal for the purposes of this section;
- ‘overseas vessel’ means any vessel other than a vessel that plies only between places within Australia.”.

5 Section seventy-five of the Principal Act is amended by adding at the end thereof the following subsection:— Application
of revenues.

“(2) A board or trust may invest any of its revenue not immediately required for the purposes of the board or trust by way of deposit at interest with any person approved by the Reserve Bank of Australia as a dealer in the short term money market on such security as is approved, in writing, by the Treasurer.”.

Sunken
vessels.

6 Section eighty-nine of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) A board may authorize the master-warden or its harbourmaster to exercise the power conferred on the board by paragraph (a) of subsection (1) of this section, and where the master-warden or harbourmaster is so authorized any notice given by him under that paragraph shall be deemed to be a notice given by the board.”.

Manning
require-
ments.

7 Section one hundred and fourteen B of the Principal Act is amended—

(a) by omitting from subsection (1) thereof all the words after the word “master” to the end of the subsection and substituting therefor the words “and the prescribed complement of officers and crew”; and

(b) by inserting after that subsection the following subsection:—

“(1A) For the purposes of subsection (1) of this section, the prescribed complement of officers and crew of a vessel is such number of officers and crew—

(a) as may be prescribed in the regulations; or

(b) as may be determined, in accordance with the regulations, by the Authority or some other prescribed body, either generally or in relation to the particular vessel,

being officers and crew holding such certificates or possessed of such experience and qualifications, if any, as may be prescribed in the regulations.”.

Application
of Part.

8 Section one hundred and twenty-four of the Principal Act is amended—

(a) by omitting subsection (1) thereof and substituting therefor the following subsection:—

“(1) This Part applies to—

(a) a casualty occurring to or in relation to any vessel over which the Authority has jurisdiction, being a vessel any officer of which holds—

(i) a licence granted under section one hundred and thirty-four;

(ii) such a certificate as is mentioned in section one hundred and forty-eight; or

(iii) a certificate granted under section one hundred and forty-four; and

(b) a casualty occurring within the jurisdiction of the Authority, whether any officer of a vessel to or in relation to which the casualty occurs is the holder of such a licence or certificate or not.”; and

(b) by adding at the end thereof the following subsection:—

“(4) In this section, ‘officer’, in relation to a vessel, means the master, mate, coxswain, or skipper of the vessel or a person carried on the vessel as an engineer, marine engine driver, marine motor driver, or engine driver.”.

9 Section one hundred and twenty-four A of the Principal Act is amended—

Cases where a casualty is deemed to occur.

(a) by omitting from paragraph (a) thereof the words “within the jurisdiction of the Authority,”; and

(b) by omitting from paragraph (b) thereof the words “at any place within the jurisdiction of the Authority”.

10 Section one hundred and twenty-five of the Principal Act is amended by inserting after subsection (1) thereof the following subsection:—

Inquiries into casualties.

“(1A) The Authority may, in its discretion, direct an officer of the Authority or of a board to conduct a preliminary inquiry into any casualty whether or not the Authority has received such a report as is referred to in paragraph (a) of subsection (1) of this section, and in such a case the inquiry may be conducted, and the Authority may proceed, as nearly as possible as if such a report had been received by the Authority.”.

11 Section one hundred and twenty-six of the Principal Act is amended—

Certificate: How dealt with.

(a) by omitting therefrom the words “The certificate of” and substituting therefor the words “A certificate or licence held by”;

(b) by inserting after paragraph (c) thereof the word “and”; and

(c) by omitting paragraph (d) thereof and substituting therefor the following paragraph:—

“(d) The Governor may—

(i) accept the report wholly or in part or reject it; and

- (ii) deal with any certificate or licence by shortening a period of suspension or, in the case of a certificate, by issuing a certificate of a lower grade in its place.”.

Fishing
vessels.

12 Section one hundred and thirty-three of the Principal Act is amended—

- (a) by inserting at the commencement of paragraph (d) of subsection (4) thereof the words “on and after the appointed day,”; and
(b) by adding at the end thereof the following subsection:—

“(8) In paragraph (d) of subsection (4) of this section, ‘appointed day’ means the day following the expiration of a period of six months after the date of commencement of the *Marine Act 1963*.”.

Launches.

13 Section one hundred and thirty-four of the Principal Act is amended—

- (a) by inserting after subsection (2) thereof the following subsection:—

“(2A) A licence for a launch granted under this section, unless sooner cancelled or suspended, continues in force for such period, computed from the date of the grant of the licence, as may be specified therein but may, from time to time, be renewed for further periods.”;

- (b) by omitting subsection (3) thereof and substituting therefor the following subsections:—

“(3) The Authority shall not—

- (a) grant or renew a licence for a launch under this section unless the launch has been surveyed as prescribed; or

- (b) grant a licence to a person to have charge of a launch licensed under this section unless that person has passed an examination conducted by or on behalf of the Authority for the purposes of this section.

“(3A) The owner of a launch to which this section applies shall cause it to be surveyed at least once in each year.

“(3B) If it is satisfied that the survey at any time of a launch to which this section applies would occasion unreasonable or undue expense or inconvenience to the owner and that no danger to the launch, or to its crew, or to any passengers carried on the launch would be

caused by an extension of time for the survey, the Authority may extend the time within which, but for this subsection, the launch would have been required to be surveyed for such period (not exceeding one month) as the Authority may think fit.”; and

- (c) by inserting in subsection (6) thereof, after the word “may”, the words “, within the time and in the manner prescribed in the regulations,”.

14 Section one hundred and thirty-five of the Principal Act is amended by inserting therein, after the word “may”, the words “, within the time and in the manner prescribed in the regulations,”. Appeal to court of survey.

15 Section one hundred and forty-four of the Principal Act is amended by inserting after subsection (3) thereof the following subsection:— Grant of certificates.

“(3A) An appeal under subsection (3) of this section shall be instituted within the time and in the manner prescribed in the regulations.”.

16 Section one hundred and fifty-seven A of the Principal Act is amended— Power to inspect vessels, &c., and to demand information.

- (a) by inserting in subsection (1) thereof, after the word “are” (first occurring), the words “, or were at any particular time,”; and
- (b) by inserting in that subsection, after the words “complied with”, the words “or whether any contravention of the provisions of this Act is occurring or has at any particular time occurred”.

17 Section one hundred and seventy of the Principal Act is amended— Regulations.

- (a) by adding at the end of paragraph (a) of subsection (1) thereof the words “, or the determination, in the prescribed manner, by the Authority or some other prescribed body of the respective numbers thereof, either generally or in relation to any particular vessel”;
- (b) by inserting in paragraph (g) of subsection (1) thereof, after the word “accidents”, the words “, or of damage to other vessels or to property or to the bed or banks of any river or lake,”;
- (c) by omitting from that paragraph the words “of prescribed kinds or classes” and substituting therefor the words “(other than rowing boats that are used solely for pleasure)”;
- (d) by inserting in that paragraph, after the word “suspended”, the words “and the duration and renewal of those licences”;

(e) by adding at the end of that paragraph the words “; prescribing or limiting the number of persons to be carried in vessels so required to be licensed; and generally regulating and controlling the use of those vessels”;

(f) by inserting after that paragraph the following paragraphs:—

“(ga) the prevention of accidents resulting from the use, in any waters within the jurisdiction of the Authority, of rowing boats plying for hire or held or let for hire or reward; the licensing of those rowing boats (whether they are let for hire or reward with or without a person in charge thereof); the cases in which and grounds upon which licences in respect of those rowing boats may be suspended or cancelled; and the prohibition of the use, either generally or in a particular manner or in particular cases, of rowing boats so required to be licensed unless they are in the charge of persons licensed as prescribed; prescribing or limiting the number of persons to be carried in rowing boats so required to be licensed; and generally regulating and controlling the use of those boats;

“(gb) the granting of licences to persons to take charge of rowing boats plying for hire or held or let for hire or reward, and the duration, cancellation, suspension, and renewal of, those licences, and the qualifications or experience necessary to render persons eligible for the grant of those licences;” and

(g) by omitting paragraph (d) of subsection (3) thereof and substituting therefor the following paragraph:—

“(d) may exempt, or authorize the Authority to exempt, from the operation of the regulations (either wholly or to a specified extent or subject to the observance of prescribed conditions) any particular vessel or vessels of prescribed kinds or classes or vessels used for specified purposes or in specified circumstances.”.

19—(1) Section forty of the *Marine Act 1963* is amended by inserting in paragraph (b) of subsection (1) thereof, before the word “of”, the words “, or a licence under section one hundred and thirty-nine,”. Amendments
of the *Marine*
Act 1963.

(2) The schedule to the *Marine Act 1963* is amended by omitting therefrom the item relating to the amendment of section five of the Principal Act and substituting therefor the following item:—

“ 5 | By inserting in each definition of ‘owner’, before the words ‘a board or trust’, in each case, the words ‘the Authority or’ ”.

THE SCHEDULE.

(Section 18.)

Formal amendments of the Principal Act.

FIRST COLUMN. Section amended.	SECOND COLUMN. How amended.
9	By omitting subsection (3).
87A	By omitting from subsection (4) the words “ <i>Justices Procedure Act 1919</i> ” and substituting therefor the words “ <i>Justices Act 1959</i> ”.
148	By omitting from subsection (2) the word “by” (occurring after the word “granted”).
149	By omitting from paragraphs (j) and (k) of subsection (3) the words “ <i>Justices Procedure Act 1919</i> ” (wherever occurring) and substituting therefor, in each case, the words “ <i>Justices Act 1959</i> ”.

LOCAL GOVERNMENT (MUNICIPAL COMMISSION).

No. 68 of 1966.

AN ACT to make provision with respect to the proceedings of the Municipal Commission, and for that purpose to amend the *Local Government Act 1962*. [22 December 1966.]

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:—