

**MARINE (No. 2).**

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**No. 64 of 1970.**AN ACT to amend the *Marine Act* 1921.

[23 December 1970.]

**B**E 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**—(1) This Act may be cited as the *Marine Act* (No. 2) 1970.

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

**2**—(1) Section six of the Principal Act is repealed and the following sections are substituted therefor:—

Short title  
and citation.

“6—(1) The Marine Boards constituted by or under the *Marine Boards Act* 1889 and existing at the commencement of this Act, namely:—

Existing  
Boards  
continued.

- (a) The Marine Board of Hobart;
- (b) The Marine Board of Launceston;
- (c) The Marine Board of Mersey;
- (d) The Marine Board of Burnie and Table Cape;
- (e) The Marine Board of Circular Head;
- (f) The Marine Board of King Island;
- (g) The Marine Board of Strahan; and
- (h) The Marine Board of Leven,

shall, subject to section six A and except for the Marine Board of Leven, continue to exist and have jurisdiction in and over all ports, harbours, and waters comprised within the limits of coastline respectively set forth in the second schedule and within all islands adjacent or opposite to the coastline within those limits and also in and over all navigable rivers and waters which find an outlet to the sea within those limits or on the coasts of those islands respectively.

“(2) The Governor in case of dispute may by proclamation determine to which of the boards any island is assigned by this Act.

“(3) The jurisdiction conferred upon a board is to be exercised subject to the powers conferred upon any harbour trust by or under this Act.

Provisions  
relating  
to certain  
bodies.

“6A—(1) The Marine Board of Burnie and Table Cape shall, after the commencement of this Act, be known for all purposes as the Marine Board of Burnie.

“(2) The Marine Board of Mersey shall, after the commencement of this Act, be known for all purposes as the Marine Board of Devonport.

“(3) As on the first day of October 1970, the Marine Board of Strahan is dissolved and its jurisdiction, property, rights, duties, and obligations are by force of this subsection transferred to the Marine Board of Hobart.”.

(2) This section shall be deemed to have commenced at the commencement of the Principal Act.

Hobart:  
Number of  
wardens, &c.

**3** Section fifteen of the Principal Act is amended by omitting from subsection (1) the words “Port of Hobart” and substituting therefor the words “Ports of Hobart and Strahan”.

Strahan:  
Number and  
appointment  
of wardens.

**4** Section thirty-four of the Principal Act is repealed.

Master-warden  
and chairman.

**5** Section forty-seven of the Principal Act is amended by omitting the words “, other than that of Strahan,”.

Salaries, &c.,  
of wardens  
and trustees.

**6** Section forty-nine of the Principal Act is amended by omitting from subsection (2) the words “allowance of the master-warden of the Board of Strahan and the”.

Damage to  
wharf or  
works of  
board.

**7** Section eighty-seven A of the Principal Act is amended by omitting from subsection (1) the words “such vessel, at the time when the damage is caused, is in charge of a pilot or of a harbour-master” and substituting therefor the words “no person or some other person is liable at common law or under any other enactment to the board in respect of the damage”.

Power of  
board to  
appoint pilots,  
fix remunera-  
tion, &c.

**8** Section ninety-four of the Principal Act is amended by omitting paragraph (c) and substituting therefor the following paragraph:—

“(c) fix the rates payable in respect of pilotage services, inward, outward, and within a port which—

(i) shall not, except as provided in sub-paragraph (ii) of this paragraph, exceed the rates specified in the fourth schedule, calculated as the board may determine on the gross or the net registered tonnage; and

(ii) may include an additional sum for the purpose of defraying the cost of transport and sustenance necessarily incurred by the pilot in proceeding to and from the port where the vessel is;”.

**9** The second schedule to the Principal Act is amended—The second  
schedule.

- (a) by omitting from the paragraph relating to Hobart the words “South-West Cape round the southern”, and substituting therefor the words “the parallel of  $41\frac{1}{2}^{\circ}$  of south latitude on the West Coast round the western, southern”; and
- (b) by omitting the paragraph relating to Strahan.

**10** The fourth schedule to the Principal Act is amended by omitting from the second paragraph thereof the word “seven” and substituting therefor the word “twelve”.

The fourth  
schedule.**11** The fifth schedule to the Principal Act is amended—The fifth  
schedule.

- (a) by inserting after “Garden Island Light (substituted for Butts Rock Light)” the words “Macquarie Leading Lights”; and
- (b) by omitting the words “The Marine Board of Strahan” and the words “Macquarie Leading Lights” opposite to them.

**12**—(1) By virtue of subsection (3) of section six A of the Principal Act, as inserted by this Act, all persons employed by the Marine Board of Strahan at the date mentioned in that subsection became employees of the Marine Board of Hobart without any change of terms or conditions of employment and with all existing and accruing rights.

Transitory  
provisions.

(2) All by-laws of the Marine Board of Strahan in force on the date mentioned in that paragraph continue in force to the same extent as immediately before that date and may be amended, altered, or rescinded by the Marine Board of Hobart.

(3) All actions, suits, claims, and proceedings by or against the Marine Board of Strahan between that date and the commencement of this Act shall not be affected by anything contained in this Act, and on the commencement of this Act may be continued by or against the Marine Board of Hobart by virtue of subsection (3) of section six A of the Principal Act, as inserted by this Act.

(4) On the commencement of this Act anything which would have been validly done or suffered by the Marine Board of Strahan if this Act had not been passed shall be deemed to have been validly done or suffered by the Marine Board of Hobart.

(5) The effect of subsection (3) of section six A of the Principal Act, as inserted by this Act, on rights and obligations under the *Strahan Marine Board Loan Act 1963* is that—

- (a) the rights of lenders thereunder are enforceable against the Marine Board of Hobart and in its default against the Crown where a guarantee has been given under section five thereof; and
- (b) sections six and seven thereof can have effect as if the Board therein mentioned were the Marine Board of Hobart.