



**MARINE BOARDS (VALIDATION OF ELECTIONS)
ACT 1994**

No. 15 of 1994

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**MARINE BOARDS (VALIDATION OF ELECTIONS)
ACT 1994**

No. 15 of 1994

AN ACT to validate elections of master-wardens, deputy master-wardens and wardens of certain marine boards and to validate actions of those marine boards

[Royal Assent 17 March 1994]

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:—

**PART 1
PRELIMINARY**

Short title

1—This Act may be cited as the *Marine Boards (Validation of Elections) Act 1994*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Interpretation

3—In this Act—

“**Burnie Port Authority**” means the marine board of that name continued under the *Marine Act 1976*;

“**deputy master-warden**”, “**master-warden**” and “**warden**” means a person elected as such under the *Marine Act 1976*;

“**Devonport voting district**” means the district of that name as described in Schedule 3 to the *Marine Act 1976* and in existence in March 1993;

“**marine board**” means a marine board specified in section 10;

“**Marine Board of Circular Head**” means the marine board of that name continued under the *Marine Act 1976*;

“**Marine Board of Flinders**” means the marine board of that name continued under the *Marine Act 1976*;

“**Marine Board of King Island**” means the marine board of that name continued under the *Marine Act 1976*;

“**municipality of Devonport**” means the council of that name as in existence in March 1993;

“**municipality of King Island**” means the council of that name as in existence in July 1993;

“**next election**” means the next election held under the *Marine Act 1976* after the commencement of this Act;

“**Port of Devonport Authority**” means the marine board of that name continued under the *Marine Act 1976*;

“**Port of Launceston Authority**” means the marine board of that name continued under the *Marine Act 1976*;

“**relevant period**” means the period beginning on the date on which an election for wardens should have been held but was not held under the *Marine Act 1976* and ending on the commencement of this Act.

PART 2**VALIDATION OF ELECTIONS****Burnie Port Authority elections**

4—(1) The term of office of any warden of the Burnie Port Authority which expired in 1992 or 1993 is taken to be continued from the date of expiry until the next election as if it had not expired.

(2) The elections of master-warden and deputy master-warden of the Burnie Port Authority purportedly held under the *Marine Act 1976* in 1992 and 1993 are valid notwithstanding that any person purportedly acting as a warden of the Burnie Port Authority had not been duly elected or re-elected under that Act at the time of those elections.

Marine Board of Circular Head elections

5—(1) The term of office of any warden of the Marine Board of Circular Head which expired in 1991, 1992 or 1993 is taken to be continued from the date of expiry until the next election as if it had not expired.

(2) Any casual vacancy purportedly filled by the Marine Board of Circular Head under the *Marine Act 1976* in January 1994 has been validly filled notwithstanding that—

(a) a casual vacancy within the meaning of that Act did not exist; and

(b) any person purportedly acting as a warden of the Marine Board of Circular Head had not been duly elected or re-elected under that Act at the time the vacancy was filled by that Marine Board.

(3) The elections of master-warden and deputy master-warden of the Marine Board of Circular Head purportedly held under the *Marine Act 1976* in 1991, 1992 and 1993 are valid notwithstanding that any person purportedly acting as a warden of the Marine Board of Circular Head had not been duly elected or re-elected under that Act at the time of those elections.

Port of Devonport Authority elections

6—(1) The election under the *Marine Act 1976* of the warden of the Port of Devonport Authority by the electors of the Devonport voting district in 1993 is valid notwithstanding that it was not held in conjunction with the annual election of councillors for the municipality of Devonport.

(2) The elections of master-warden and deputy master-warden of the Port of Devonport Authority purportedly held under the *Marine Act 1976* in 1993 are valid notwithstanding that any person purportedly acting as a warden of the Port of Devonport Authority had not been duly elected or re-elected under that Act at the time of those elections.

Marine Board of Flinders elections

7—(1) The term of office of the warden of the Marine Board of Flinders which expired in 1993 is taken to be continued from the date of expiry until the next election as if it had not expired.

(2) The term of office of the warden of the Marine Board of Flinders filled as a result of a casual vacancy in November 1992 and which expired in 1993 by virtue of section 40 (1) of the *Marine Act 1976* is taken to be continued until the next election as if it had not expired.

(3) The election of master-warden of the Marine Board of Flinders purportedly held under the *Marine Act 1976* in 1993 is valid notwithstanding that any person purportedly acting as a warden of the Marine Board of Flinders had not been duly elected or re-elected under that Act at the time of that election.

Marine Board of King Island elections

8—(1) The election under the *Marine Act 1976* of any warden of the Marine Board of King Island in 1992 or 1993 is valid notwithstanding that it was not held in conjunction with any annual election of councillors for the municipality of King Island.

(2) The elections of master-warden and deputy master-warden of the Marine Board of King Island purportedly held under the *Marine Act 1976* in 1992 and 1993 are valid notwithstanding that any person purportedly acting as a warden of the Marine Board of King Island had not been duly elected or re-elected under that Act at the time of those elections.

Port of Launceston Authority elections

9—(1) The term of office of the warden of the Port of Launceston Authority filled as a result of a casual vacancy in April 1992 and which expired in 1993 by virtue of section 40 (1) of the *Marine Act 1976* is taken to be continued until the next election as if it had not expired.

(2) The terms of office of master-warden and deputy master-warden of the Port of Launceston Authority which expired in 1993 are taken to be continued from the date of expiry until the day appointed for the next ordinary meeting following the next election.

PART 3

VALIDATION OF CERTAIN ACTS AND MATTERS

Applicable marine boards

10—This Part applies to the following marine boards:—

- (a) Burnie Port Authority;
- (b) Marine Board of Circular Head;
- (c) Port of Devonport Authority;
- (d) Marine Board of Flinders;
- (e) Marine Board of King Island;
- (f) Port of Launceston Authority.

Validation of certain acts and matters

11—Notwithstanding that any person purportedly acting as a warden, master-warden or deputy master-warden of a marine board had not been duly elected or re-elected as a warden of that marine board during a relevant period—

- (a) anything done or omitted to be done by the marine board during the relevant period under any power or duty specified in the *Marine Act 1976* or in relation to such a power or duty has been validly done or validly omitted to be done; and
- (b) any meeting held by the marine board under that Act during the relevant period has been validly held; and
- (c) any resolution or decision made by the marine board under that Act during the relevant period is valid; and
- (d) any by-laws or regulations made by the marine board under that Act during the relevant period are valid; and
- (e) any consent, permission or approval given by the marine board under that Act during the relevant period is valid; and
- (f) any contract or agreement made by the marine board under that Act during the relevant period is valid; and
- (g) the application of any money by the marine board under that Act during the relevant period has been validly made.

*[Second reading presentation speech made in:—
House of Assembly on 24 February 1994
Legislative Council on 1 March 1994]*