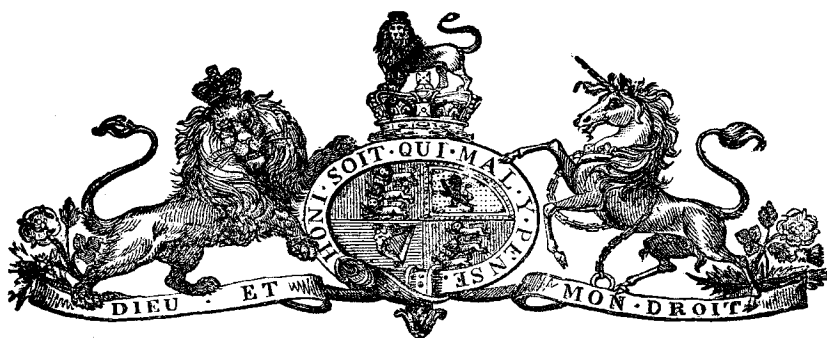


T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 11.

AN ACT to further amend *The Marine Board Act.* A.D. 1885.
[30 November, 1885.] —

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 December, 1885. Commencement of Act.

2 After the appointment of Six Wardens, as hereinafter provided, "The *Hobart* Marine Board" shall be constituted in accordance with the provisions of this Act, and shall consist of Nine Wardens. *Hobart* Marine Board to consist of Nine persons.

3 The Wardens of the said Board in office when this Act takes effect shall continue in office until their successors (not being Wardens *ex officio*) are appointed, and upon such appointment being notified in the *Gazette* such first-mentioned Wardens shall cease to hold office. Present Wardens to remain in office until successors appointed.

4 The Governor in Council shall in the month of *December*, 1885, appoint Two fit and proper persons as he sees fit to be Wardens of the said Board. Appointment of Wardens.

Upon the nomination of the Municipal Council of the City of

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Hobart, as hereinafter provided, the Governor in Council shall appoint the persons nominated by such Council, not exceeding Two, to be Wardens of the said Board.

Upon the nomination of the Chamber of Commerce at *Hobart*, as hereinafter provided, the Governor in Council shall appoint the persons nominated by such Chamber, not exceeding Two, to be Wardens of the said Board.

Mayor of *Hobart*
and Collector of
Customs and
Chairman of
Chamber of
Commerce thereat
to be Wardens *ex*
officio.

5 Upon the appointment of Wardens of the said Board, as provided by the last preceding Section, being notified in the *Hobart Gazette*, the following enactment shall take effect:—

The Mayor of the City of *Hobart*, the Collector of Customs, and the Chairman of the Chamber of Commerce at *Hobart*, for the time being, shall, *ex officio*, be Three of the Wardens of the said Board.

Municipal Coun-
cil of *Hobart*
to nominate
persons as
Wardens.

6 The Municipal Council of the City of *Hobart* shall in the month of *December*, 1885, and afterwards from time to time upon being thereunto required by writing under the hand of the Chief Secretary, nominate for appointment as Wardens of the said Board so many fit persons, resident in or near *Hobart*, as there are Wardens then to be appointed upon the nomination of the said Council; and the Town Clerk of the said City shall forthwith transmit to the Chief 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 of the said Board; and in the event of the Governor in Council not appointing the persons so nominated, or any of them, the said Council shall make a fresh nomination to supply the place of any person not appointed.

Nomination of
Wardens by
Chamber of
Commerce.

7 The Chamber of Commerce at *Hobart* 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 said Board.

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

8 The Secretary of the Chamber of Commerce at *Hobart* shall in the month of *December*, 1885, and afterwards from time to time, upon being thereunto required by writing under the hand of the Chief Secretary, convene a meeting of the members of the said Society by advertisement in one or more newspapers published in *Hobart*, for the purpose of nominating fit persons resident in or near *Hobart* for appointment as Wardens of the said Board; 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.

9 At every such meeting so many fit persons resident in or near *Hobart* as there are Wardens then to be appointed upon the nomination of the said Society shall be nominated by a majority of the members of the said Society present at the meeting for appointment as Wardens of the said Board; and the Secretary of the said Society shall forthwith transmit to the Chief Secretary the names of the persons so nominated;

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and it shall be lawful for the Governor in Council to appoint the persons so nominated, or any of them, to be Wardens of the said Board; 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. A.D. 1885.

10 The persons first appointed Wardens by the Governor in Council shall retire from office in manner following:—In the month of *December* in the year 1886 one of such Wardens appointed by the Governor in Council without nomination, one appointed upon the nomination of the Municipal Council, and one appointed upon the nomination of the Chamber of Commerce, shall retire from the said Board, and such Wardens shall determine by lot amongst themselves which Three Wardens shall so retire, and in the month of *December* in every subsequent year the Three Wardens who have been longest in office without appointment shall retire; so that no person after the first retirements in the month of *December*, 1886, shall continue a Warden of the said Board for more than Two years unless re-appointed. Retirement of Wardens.

11 In default of nomination, in manner aforesaid, by the Municipal Council or the Chamber of Commerce, within Fourteen days after being thereunto required by the Chief Secretary as aforesaid, the Governor in Council may proceed to appoint Wardens of the said Board without nomination; and the persons so appointed shall remain in office for One year. Provides for default of nomination.

12 Subject to such Regulations as may from time to time be established by the Board, the Master Warden of the said Board shall be entitled to receive, as a compensation for his services in the execution of *The Marine Board 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 the sum of One Half Guinea for attending each meeting of the Board at which he is present when the first Minutes are read, but the amount paid to any such Warden, in any one year, shall not exceed Twenty-six Guineas; and such sums shall be paid to such Master Warden and Wardens out of the funds at the disposal of the said Board. Salaries to Wardens.

13 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*.

14 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.

15 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

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Governor in
Council to supply
vacancies among
Wardens.

16 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; and every Warden of the Board appointed, or nominated and appointed, to fill any such vacancy shall retain his office so long only as the vacating Warden would have retained the same if no vacancy had occurred.

Board to elect a
Master Warden.

17 The Wardens of the *Hobart* Marine Board 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 Board shall, so soon as may be after the number of Wardens is complete, in like manner elect a Master Warden to supply such vacancy.

Mayor and
Chairman of
Chamber of
Commerce not
disqualified from
being Members of
Parliament.

18 No person holding the office of Warden of the Board by virtue of his being the Mayor of the City of *Hobart* or of the Town of *Launceston*, or the Chairman of the Chamber of Commerce at such City or Town, shall be disqualified from being elected a Member either of the Legislative Council or the House of Assembly of the Parliament of *Tasmania*, nor shall the seat of any Member of the said Legislative Council or of the said House of Assembly be rendered vacant by reason of such Member holding the said office of Warden as hereinbefore mentioned, anything contained in any former Act to the contrary notwithstanding.

Application of
certain provisions
to *Launceston*
Marine Board.

19 The provisions contained in the six next preceding Sections of this Act shall apply as well to the *Launceston* Marine Board as to the *Hobart* Marine Board, and the term "the Board" used therein respectively shall mean and include each such Board.

Consolidated
Board.

20 The Consolidated Board which is now formed by "The *Hobart* Marine Board" and Five Wardens of "The *Launceston* Marine Board" appointed by the last-mentioned Board, for the purpose of erecting any new Lighthouse, shall, from and after the commencement of this Act, be formed by Five Wardens of "The *Hobart* Marine Board" and by Five Wardens of "The *Launceston* Marine Board," to be respectively appointed by the said Boards for the purpose.

Steamships to be
surveyed, and
owners transmit
declaration to
Board twice a
year.

21 The owner of every steamship trading to or from any port in *Tasmania* (except steam vessels in respect of which a sea-going certificate or a river-going certificate which remains unexpired and uncanceled, and which has not been suspended, has been or shall hereafter be granted under the provisions of any law now or hereafter in force in the Colonies of *Victoria*, *New South Wales*, *Queensland*, *New Zealand*, or *South Australia*), shall cause such steamship and all machinery thereof to be surveyed twice at least in every year by a shipwright surveyor appointed by the *Hobart* Marine Board or the *Launceston* Marine Board, as the case may be, and by an engineer surveyor appointed for the purposes of carrying into execution the provisions of "The Inspection of Machinery Act, 1884," such shipwright surveyor, in case of an iron steamship, being a person properly qualified to survey iron steamships; and such owner shall obtain a declaration under the hand of such shipwright surveyor of the sufficiency and good condition of the hull of such steamship and of the boats and other equipments thereof, and also a statement of the number of passengers (whether deck passengers or other passengers)

48 Vict. No. 18.

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which such ship is constructed to carry ; and a declaration under the hand of such engineer surveyor of the sufficiency and good condition of the machinery of such steamship, and that the master, mate, and engineer respectively of such steamship are, at the time of making such declaration, entitled to and possessed of the certificates required by law ; and in every such declaration it shall be distinguished whether such ship is in construction and equipments adapted for sea service as well as for river service, or for river service only ; and such declaration shall also state the limits within which such ship is, in the judgment of the Surveyor, adapted for plying ; and in the case of sea-going ships the declaration of the Surveyor shall contain a statement that he is satisfied the compasses have been properly examined and adjusted within one month prior to the date of such declaration ; and such owner shall transmit every such declaration within fourteen days after the date thereof to the Marine Board within the jurisdiction of which such steamship and the machinery thereof shall have been surveyed as aforesaid (hereinafter referred to as the said Board) : Provided always that in the case of iron steamships it shall be lawful for the engineer surveyor to survey the hull of such ship as well as the machinery thereof, and to furnish the declaration hereinbefore required to be obtained by the owner of such ship from a shipwright surveyor.

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22 Upon the receipt of every such declaration the said Board shall register the same ; and if they are satisfied that the provisions of this Act have been complied with, shall cause to be transmitted to the master or owner of the steamship to which every such declaration refers a certificate, signed by some one or more of the members thereof, that the provisions of the law with respect to the transmission of declarations in respect of such ship have been complied with ; and such certificate shall be called a " sea-going certificate," where, according to the declaration of the shipwright surveyor or engineer surveyor, as the case may be, such ship is adapted for sea service as well as river service ; and such certificate shall be called a " river certificate," where, according to such declaration, such ship is adapted for river service only, and shall set out the local limits within which such last-mentioned ship is to ply. And where any such ship is constructed to carry passengers the said Board may insert in every such certificate the number of passengers, whether deck passengers or other passengers, which every such sea-going ship is constructed to carry, not exceeding the number authorised by any By-laws made under " The Marine Board Amendment Act, 1882," and also the number which every such river-going ship is constructed to carry ; and the said Board shall from time to time transmit lists of the vessels in respect of which such certificates have been issued to the officers of Customs in all ports in *Tasmania*, and such officers shall cause such lists to be put up in a conspicuous place in the Custom House at each port.

Board to grant
Certificates, and
transmit lists to be
put up at Custom-
houses.

23 The said Board may revoke and cancel such certificates in any case where they have reason to believe that the declarations of the sufficiency and good condition of the hull and machinery of any ship, or either of them, have been fraudulently or erroneously made, or that such certificate has otherwise been issued upon false or erroneous information, or where they have reason to believe that since the making of such declarations, or either of them, the hull or machinery of such ship has sustained any injury or is otherwise insufficient ; and in every such case the said Board may, if they think fit, require the owner to

The Board may
cancel Certificates
and require fresh
declarations.

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have the hull or machinery of such ship again surveyed, and to transmit a further declaration of the sufficiency and good condition thereof before re-issuing any certificate, or granting a fresh one in lieu thereof; and the said Board may at any time revoke any certificate for the purpose of inserting in any certificate, or licence to be issued in lieu thereof, the number of passengers which the ship to which such certificate or licence relates is constructed to carry.

Surveyors acting under direction of the Board to be allowed to go on board steamships to inspect, &c.

24 The said shipwright surveyor and engineer surveyor shall execute their duties under the direction of the said Board; and in the execution of such duties it shall be lawful for them to go on board any such steamship as aforesaid at all reasonable times and to inspect the same or any part thereof or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not necessarily detaining or delaying the ship from proceeding on any voyage. And any person who hinders any such surveyor from going on board any such steamship, or otherwise impedes him in the execution of his duty under this Act, shall be liable to a penalty not exceeding Ten Pounds.

Fees to be paid for certificates.

25 The owner of every steamship requiring a certificate under this Act shall pay for every certificate granted by the said Board such sum as the said Board shall appoint, not exceeding the sums following; that is to say:

Where the tonnage of such steamship does not exceed Fifty tons, the sum of One Pound:

Where such tonnage exceeds Fifty tons, and does not exceed One hundred tons, the sum of Two Pounds:

Where such tonnage exceeds One hundred tons, and does not exceed Three hundred tons, the sum of Three Pounds:

And where such tonnage exceeds Three hundred tons, the sum of Four Pounds.

All sums of money payable under this Section shall be paid to such persons as the said Board shall appoint for that purpose, and shall be by them paid into the Treasury, and shall form part of the Consolidated Revenue Fund.

Copy of certificate to be placed in conspicuous part of steamship.

26 The owner or master of any steamship shall forthwith, on receipt of any such certificate as aforesaid from the said Board, cause the same, or a true copy thereof, in distinct and legible characters, to be exhibited in some conspicuous part of the said steamship as long as such certificate shall be in force, under a penalty not exceeding Ten Pounds.

Steamship not to proceed on her voyage without certificate.

Penalty on steamships going to sea, &c. without certificates.

27 It shall not be lawful for any steamship to proceed to sea upon any voyage or excursion with any passengers on board the owner or master of which has not received from the said Board a valid and unexpired certificate as hereinbefore provided. And if any such steamship shall proceed to sea, or on any such voyage or excursion, without having such certificate or true copy thereof so exhibited as aforesaid, the owner or master shall, for every such offence, incur the following penalties, namely,—the owner a penalty not exceeding One hundred Pounds, and the master a penalty not exceeding Twenty Pounds.

Penalty on owner, &c. for carrying more passengers than specified in certificate.

28 It shall not be lawful to carry on board any steamship a greater number of passengers, whether deck or other passengers, than the number respectively stated in the certificate; and the owner or master of any steamship on board which there shall be found a greater number

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of such passengers than the number thereof respectively specified in such certificate, shall incur a penalty not exceeding Twenty Pounds, and a further penalty of Five Shillings for every passenger over and above such specified number. A.D. 1885.

29 The following offenders (that is to say)—

- i. Any person who, being drunk or disorderly, has been on that account refused admission into any duly surveyed passenger steamship by the owner or any person in his employ, and who, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamship : Penalties on drunken and disorderly passengers.
- ii. Any person who, being drunk or disorderly on board any such steamship, is requested by the owner or any person in his employ to leave the same at any place in the Colony which such steamship shall visit, and who, having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request :
- iii. Any person on board any such steamship who, after warning by the master or any other officer of the steamship, molests or continues to molest any passenger, or who, having got on board such steamship without the permission of the master or other officer in authority, shall refuse to leave such steamship after being requested to do so by such master or officer : On persons molesting passengers.
- iv. Any person who, after having been refused admission into any such steamship by the owner or any person in his employ on account of such steamship being full, and who, after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same : On persons forcing their way on board ship when full.
- v. Any person having got on board any such steamship, who, upon being requested on the like account by the owner or any person in his employ to leave such steamship before she has quitted the place at which such person got on board, and who, upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request : On persons refusing to quit the ship when full.
- vi. Any person who travels or attempts to travel in any such steamship without having previously paid his fare when demanded, and with intent to avoid payment thereof : For avoiding payment of fares.
- vii. Any person who having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamship beyond such distance, without previously paying the additional fare for the additional distance when demanded, and with intent to avoid payment thereof :
- viii. Any person who knowingly and wilfully refuses or neglects, on arriving at the place or point to which he has paid his fare, to quit any such steamship : and
- ix. Any person on board any such steamship who does not, when required by the master or other officer of such steam-

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ship, either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamship :

shall for every such offence incur a penalty not exceeding Twenty Pounds : Provided always, that such liability in respect of the said penalty shall not affect the right to recover any fare lawfully payable by him.

Penalty for
injuring steam-
ship, or molesting
crew.

30 Any person on board any such steamship who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamship, or to obstruct, impede, or molest the crew or any of them in the navigation or management of such steamship, or otherwise in the execution of their duty upon or about such steamship, shall for every such offence incur a penalty not exceeding One hundred Pounds.

Penalty on
offenders refusing
to give their name
and address.

31 Every person who, having committed any of the offences mentioned in the last two preceding Sections, or either of them, refuses on application of the master to give his name and address, or who, on such application, gives a false name or address, shall incur a penalty not exceeding Twenty Pounds.

Apprehension of
offenders.

32 It shall be lawful for the master or other officer of any duly surveyed passenger steamship, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of the three last preceding Sections hereof, and whose name and address are unknown to such officer, and to convey such offender with all convenient dispatch before some Justice without any warrant or other authority than this Act, and such Justice shall have jurisdiction to try the case, and proceed with all convenient dispatch to the hearing and determining of the complaint against such offender.

Steamship to
include steam
ferry-boats.

33 The term "steamship" hereinbefore used shall extend to and include 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.

Repeal.

34 The Acts set forth in the Schedule are hereby repealed to the extent specified in the said Schedule, but such repeal shall not affect anything duly done before the commencement of this Act.

Acts to be read
together.

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

Short title.

36 This Act may be cited as "The Marine Board Amendment Act, 1885."

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SCHEDULE.

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ACTS TO BE REPEALED.

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
38 Vict. No. 4.	"The Marine Board Amendment Act, No. 4."	The whole Act, except Sections 1, 2, 18, 19, 20, 21, 26, 27, 28, and 29.
48 Vict. No. 18.	"The Inspection of Machinery Act, 1884."	Part III.; viz., Sections 30, 31, 32, 33, 34, and 35.
48 Vict. No. 19.	"The Marine Board Amendment Act, 1884."	Sections 14 and 16.

