

T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 27.

Amended by 60 Vict. No. 33  
62 " " 36 Strahan  
63 " " 14 "  
2 Law VII No. 12  
3 Law VII No. 2

AN ACT to further amend "The Marine Boards Act, 1889." [24 October, 1895.] A.D. 1895.

WHEREAS it is desirable to further amend the Law relating to Marine Boards, and other matters pertaining to Navigation and Shipping: PREAMBLE.

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 may be cited as "The Marine Boards Amendment Act, 1895." Short title.

2 This Act shall come into operation and take effect on and after the First day of December, One thousand eight hundred and ninety-five. Operation.

3 In this Act, unless the context otherwise determines— Interpretation.  
The words "the said Act" shall mean "The Marine Boards Act, 1889:" 53 Vict. No. 34.

The word "Owner," as used in Sections One hundred and forty-two and One hundred and forty-five of the said Act, shall include any agent of any ship acting for the owner thereof.

4 The definition of the word "Port" in Section Four of "The Marine Boards Act, 1889," is hereby repealed, and the following is substituted in lieu thereof:— Definition of "Port" re-enacted.

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“Port” shall extend to and include any port, harbour, or haven within the jurisdiction of the Board, and any navigable river or creek in which the tide ebbs and flows, and which is within the jurisdiction of the Board.

Marine Boards.

**5** Every Marine Board at any time created by Proclamation issued under the authority of the said Act is hereby declared to be a Marine Board under the said Act, and shall be known by the name assigned to it in such Proclamation and shall have jurisdiction within all ports, harbours, and islands within the localities or limits respectively set forth in such Proclamation until such localities or limits are redefined or altered by any Proclamation issued under the authority of the said Act.

Repeal and re-enactment with amendment of Sub-section II. Section 17 of 53 Vict. No. 34.

**6** Sub-Section II. Section Seventeen of the said Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof:—

“II. A Roll of the names of all persons whose names appear in the books of the said Collector as having imported into any Port or Ports within the jurisdiction of the Board during the year immediately preceding the First day of *December* in the same year goods of the value of Two hundred Pounds or more, and shall place opposite to the name of each such person on the said Roll the number of votes which, as an Importer, such person is entitled under the provisions of this Act to give at the next election of Wardens of the Marine Board of *Hobart*.”

Repeal and re-enactment with amendment of Sub-section II. Section 19 of 53 Vict. No. 34.

**7** Sub-Section II. Section Nineteen of the said Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof:—

“II. A Roll of the names of all persons whose names appear in the books of the said Collector as having imported into any Port or Ports within the jurisdiction of the Board during the year immediately preceding the First day of *December* in the same year goods of the value of Two hundred Pounds or more, and shall place opposite to the name of each such person on the said Roll the number of votes which, as an Importer, such person is entitled under the provisions of this Act to give at the next election of Wardens of the Marine Board of *Launceston*.”

Scale of votes in respect of imported goods.

**8** So much of Section Twenty-two of the said Act as refers to the Scale of Votes for Importers is hereby repealed, and the following is hereby enacted in lieu thereof:—

- “I. In respect of goods imported as hereinbefore mentioned of the value of Two hundred Pounds and of a value less than Two thousand Pounds, One vote for each Warden:
- II. In respect of goods imported as aforesaid of the value of Two thousand Pounds and of a value less than Five thousand Pounds, Two votes for each Warden:
- III. In respect of goods imported as aforesaid of the value of Five thousand Pounds and upwards, Three votes for each Warden.”

And all the provisions of Section Twenty-two of the said Act which refer to the votes to be given in respect of goods exported in the

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name of any firm or partnership consisting of Two or more persons shall apply to the votes to be given in respect of goods imported in the name of any such firm or partnership as aforesaid. A.D. 1895.  
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**9** Section Forty of the said Act is hereby repealed, and the following is substituted in lieu thereof, and may be cited as Section Forty of the said Act :—

“**40** Before proceeding to the election of the Master Warden, the Wardens present shall by a majority of their voices appoint one of those present to preside at such election, and Two others to be Scrutineers at the same; and in case of equality of voices as to the Warden to preside or as to the Scrutineers, the appointment shall be determined by lot between those who have such equality of voices; and thereafter each Warden shall receive from the Secretary a printed ballot-paper, endorsed by the Secretary with his signature and containing the names of all the Wardens, with the name of the Warden receiving the paper struck out by the Secretary, and the Warden so chosen to preside shall strike out on his voting paper the names of all the Wardens, excepting the name of the Warden for whom he votes, and then shall deposit his voting paper in a box provided for that purpose; and thereafter each of the other Wardens shall strike out on his voting paper the names of all the Wardens, excepting the name of the Warden for whom he votes, and then shall deposit his voting paper in the said box, and at the expiration of One hour from the time when the presiding Warden so deposited such voting paper, or sooner if the whole of the Wardens have sooner delivered their voting papers, the presiding Warden and the Scrutineers shall examine the said voting papers, and declare the name of the Warden who has the majority of votes to be duly elected to be Master Warden, and such Warden shall be Master Warden; and in the event of there being an equality of votes for any two or more Wardens, the presiding Warden shall decide which of such Wardens shall be Master Warden, who shall thereafter be declared to be duly elected. And from time to time as often as any vacancy occurs in the office of Master Warden in any Board, the Wardens of such Board shall, so soon as may be after their number is complete, in like manner elect a Master Warden to supply such vacancy.” Mode of election  
of Master  
Warden.

**10** Notwithstanding anything contained in Section Ninety-two of the said Act, any less penalties than those named therein may be imposed for any of the offences therein mentioned. Penalties.

**11** In every case in which a Pilot shall conduct a vessel into any Port, or to sea out of any Port, the Master shall be reponsible for the fee payable for such Pilotage, and the same shall be collected and shall be recoverable by the Collector of Customs. Pilots.

**12** Section One hundred and ten of the said Act is hereby repealed, and the following Section is hereby enacted in lieu thereof and may be cited as Section One hundred and ten of the said Act :—

“**110** If any vessel bound to any Port or place beyond *Tasmania*, and not having on board a Master possessing a Certificate exempting him from Pilotage, proceeds to sea from any Port except the Port of *Hobart* for which a Pilot is so appointed as aforesaid, or quits her station or anchorage in such Port in order to proceed to sea without receiving on board some Pilot so appointed for the purpose of conducting Outward-bound  
vessels to take a  
Pilot.

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her to sea, the Master of such vessel shall, over and above the amount which would have been payable for Pilotage if a Pilot's services had actually been engaged, forfeit a penalty not exceeding Fifty Pounds."

Excision of words from Section 13.

**13** The words "or not employed in coasting only" are hereby expunged from the fourth and fifth lines of Section Thirteen of "The Marine Boards Amendment Act, 1892," and that Section shall hereafter be read and construed as if the words hereby expunged had never been inserted therein.

Misconduct by Pilots.

**14** Section One hundred and thirteen of the said Act is hereby repealed, and the following Section is hereby enacted in lieu thereof and may be cited as Section One hundred and thirteen of the said Act:—

"**113** Any Pilot who refuses, neglects, or delays to take charge of a vessel without good and sufficient cause in that behalf, or quits any vessel while the same is in pilot waters, or who by drunkenness renders himself incapable of conducting the vessel, or by ignorance or from want of due care does or occasions any injury to the vessel, or to the tackle or furniture thereof, or makes use of any threatening or abusive language to the Master, shall forfeit a penalty not exceeding Fifty Pounds."

Certain vessels exempted from all Port Charges.

**15** Section One hundred and twenty-two of the said Act is hereby repealed, and the following Section is hereby enacted in lieu thereof and may be cited as Section One hundred and twenty-two of the said Act:—

"**122** In order to encourage the resort of vessels of all nations engaged in the Whale Fishery, or in obtaining Seals or Bird Oil, and vessels arriving under the circumstances hereinafter mentioned, to the Ports of this Island, all vessels of all nations outfitting for or refitting from the Whale Fisheries, and all vessels arriving and sailing in ballast, or which do not break bulk, or only to such an extent as may be necessary to provide funds for the repairs, refittings, or refreshments required by such vessels to allow such repairs to be effected, and all vessels belonging to any Foreign Power with which a Treaty of Commerce declared by any Royal Order in Council to be subsisting has been made, which arrive at any Port for the purpose of landing any oil or whalebone the produce of fish caught or taken by the crews of such vessels, and land such oil and whalebone at any wharf appointed by the Board for that special purpose, shall be and the same are hereby wholly exempted from the payment of all Port Charges, Light-house Dues, and all Port Dues whatsoever, except only those of Pilotage in cases where the service of a Pilot has been actually required and received; and any such oil or whalebone so landed at any such wharf as last aforesaid shall be and the same is hereby exempted from the payment of any charge for wharfage imposed or payable under this Act: Provided, that any vessel arriving for the purpose of being exhibited, or containing anything on board to be exhibited, for which the master or owner of such vessel is to receive payment, shall not be exempt from any Port charges under this Section." X

Repeal and re-enactment, with amendment, of portion of

**16** So much of Section One hundred and thirty of the said Act as relates to Boatmen's Licences is hereby repealed, and the following provision is hereby enacted in lieu thereof:—

see 60 V No 33

see added words  
62 Vic no 36

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“To license Boatmen plying for hire in any Port, and fix the fees to be paid for such Licences, and also the penalties on persons plying for hire with boats, or keeping boats for the purpose of plying for hire without being licensed; to regulate the fares to be charged by licensed Boatmen plying for hire within the Ports in their jurisdiction; to fix places at which licensed Boatmen, or persons employed by them, shall ply, and otherwise regulate their conduct and proceedings; and to regulate and control steam or other ferry boats plying for hire at wharves or public thoroughfares. And the Board may issue Boat Licences and Boatmen’s Licences on such fixed days or otherwise as may be deemed desirable by the Board.”

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Sect. 130 of  
53 Vict. No. 34  
relating to Boat-  
men’s Licences.

**17** Section One hundred and sixty of the said Act is hereby repealed, and the following Section is hereby enacted in lieu thereof and may be cited as Section One hundred and sixty of the said Act:—

“**160**—(1.) The hulls of all steamers trading to or from any Port in *Tasmania* shall be surveyed once in every year by a shipwright surveyor appointed by a Marine Board, and the machinery of every such steamer having non-condensing engines shall be surveyed twice at least in every year by an engineer surveyor appointed for the purposes of carrying into execution the provisions of “The Inspection of Machinery Act, 1889;” and every other steamship and all machinery thereof shall be surveyed once at the least in every year by a shipwright surveyor appointed by a Marine Board and by such an engineer surveyor as aforesaid, such shipwright surveyor, in case of an iron steamship, being a person properly qualified to survey iron steamships.

Steamships to be  
surveyed, and  
owners to transmit  
declaration to  
Board.

(2.) The owner of every such steamship 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) which such ship is constructed to carry, and that the Master and Mate respectively of such steamship are at the time of making such declaration entitled to and possessed of the certificates required by law, 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 engineer of such steamship is at the time of making such declaration entitled to and possessed of the certificates required by law.

(3.) 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.

(4.) 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.)”

**18** Whenever a Master, or Mate, or Engineer shall be appointed to a position on any sailing ship or steamship trading within the limits of any port, or harbour, or river, within the jurisdiction of any Board in

Appointment of  
Master or Mate,  
&c. to be notified  
to Board.

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the place of any Master, or Mate, or Engineer previously occupying the same position, such appointment shall be notified to the Board by the owner or agent of such ship within Fourteen days thereafter; and in the event of any owner or agent failing to notify any such appointment as herein required he shall forfeit and pay a penalty not exceeding Five Pounds.

Marine Boards  
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**19** In addition to the powers conferred upon the Boards respectively by Section One hundred and thirty of the said Act, every Board shall have power to remit all or any portion of the wharfage rates payable on goods entered to be landed at any port for transhipment or transport overland to any port or place within *Tasmania*; and in every such case wharfage rates shall be payable upon such goods at the port to which they are transhipped or transported: Provided, that notice shall be given at the time the entry is made that such goods are to be landed for transhipment or transport only.

Provisions  
relating to  
casualties and  
collisions to apply  
to officers holding  
certificates.

**20** The provisions of the said Act which relate to casualties and collisions occurring within the jurisdiction of any Marine Board shall apply to casualties happening to any steamship or sailing vessel, and to collisions occurring between any two or more steamships or sailing vessels, or between any steamship and any sailing vessel within the jurisdiction of any Marine Board, notwithstanding such steamship or sailing vessel may not be commanded by a Master or carry any officer or engineer or other person in charge of the machinery thereof who holds a certificate granted by any Board under the authority of the said Act; and in every case in which the Master or Engineer or other officer of any steamship or sailing vessel which has suffered any casualty or has been in any collision in any port within the jurisdiction of any Marine Board holds a certificate which might be suspended or cancelled if such casualty or collision had been made the subject of an enquiry under "The Enquiry into Wrecks Act, 1874," such certificate may be suspended or cancelled by the Court of Enquiry appointed to enquire into such casualty or collision upon the recommendation of the Marine Board within whose jurisdiction the same has occurred, upon the same terms and conditions, and subject to the same power of the Governor to reissue any certificate or to shorten the time for which the same is suspended, as if the enquiry into such casualty or collision had been made under the provisions of "The Enquiry into Wrecks Act, 1874."

Powers of  
Master Warden  
in enquiries into  
wrecks.

**21** For the purposes of making the preliminary inquiry into any casualty or collision happening within the jurisdiction of any Marine Board as directed by Section One hundred and seventy-six of the said Act, the Master Warden of such Marine Board shall have all the powers conferred upon an Officer of Customs by Section Five of "The Wrecks Enquiry Act, 1874."

Proceedings to be  
transmitted to  
Board of Trade.

**22** In every case in which a Court of Enquiry shall be appointed under the provisions of the said Act to enquire into the cause of any casualty or collision happening to any steamship or sailing vessel the master, or any officer, or any engineer of which shall hold a certificate which might be suspended or cancelled if such casualty or collision had been made the subject of an enquiry under "The Enquiry into Wrecks Act, 1874," all proceedings taken in the course of the enquiry shall be trans-

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mitted by the Governor, as soon as possible after the conclusion of such enquiry, to the Lords of the Committee of the Privy Council for Trade in *England*. A.D. 1895. —

**23** Every Board is hereby empowered from time to time to make By-laws. By-laws prescribing and regulating the limits within which ships may be employed without being deemed "coast trade-ships;" and all ships which shall proceed beyond the prescribed limits shall be deemed to be "trading by sea."

**24** This Act and the said Act, and every other Act amending the said Act, shall be read together as one Act. Acts to be read together.

