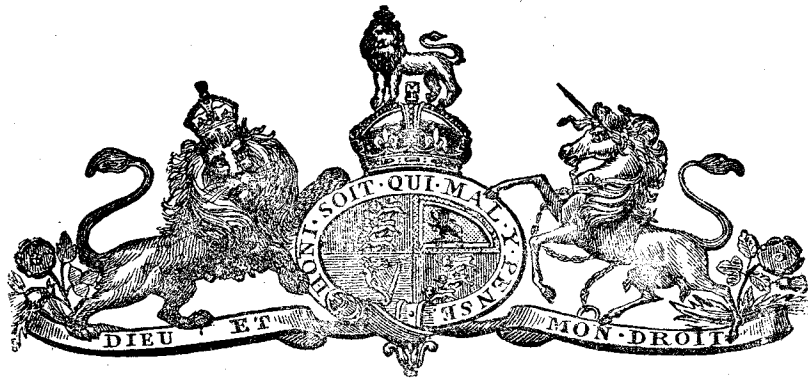


TASMANIA.

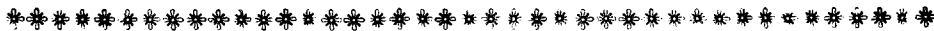


1904.

ANNO QUARTO

EDWARDI VII. REGIS.

No. 18.



AN ACT to further amend "The Marine Boards Act, 1889," and for other purposes. A.D. 1904.  
[1 November, 1904.]

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 :—

1 This Act may be cited as "The Marine Boards Amendment Act, Short title, 1904."

2 In this Act "the said Act" shall mean "The Marine Boards Act, Interpretation, 1889." 53 Vict. No. 34.

3—(1.) Sections Fifty-eight, Fifty-nine, Sixty, One hundred and twenty-two, and One hundred and twenty-six of the said Act are hereby repealed. This Repeal shall be deemed to be also a Repeal in "The *Leven* Harbour Trust Act" of any of the said Sections incorporated therewith. Repeal of Sections 58, 59, 60, 122, and 126, part of Section 130 of 53 Vict. No. 34.

(2.) The words "To fix and regulate the Wharfage Rates to be paid on goods landed at any Port, not exceeding those specified in the

6d.]

*Marine Boards Amendment.*

A.D. 1904.

Schedule." in the fourth, fifth and sixth lines of Section One hundred and thirty of the said Act, and also Schedule (4.) to the said Act are hereby expunged from the said Act and also from "The *Leven* Harbour Trust Act," and the provisions of Section Seven of this Act shall be substituted for such repealed provisions.

Repeal of part of  
Section 130 of  
53 Vict. No. 34.

(3.) The words "To fix and regulate the fees or charges to be paid by any vessel not landing or loading any cargo liable to pay Wharfage Rates which embarks or disembarks passengers, or loads or lands any goods within the jurisdiction of the Board," in the seventh, eighth, ninth, and tenth lines of Section One hundred and thirty of the said Act are hereby expunged from the said Act, and also from "The *Leven* Harbour Trust Act ;"

And in lieu of the words so expunged, the following words are hereby inserted in the said Section, immediately after the part of the said Section entitled "Wharfage Rates," namely, "To fix and regulate the Harbour Dues to be paid by any vessel, whether in substitution for 'Wharfage Rates' or otherwise."

Other charges.

The following words, namely, "To fix and regulate all other rates, dues, charges, fees, and sums of money to be paid by any vessel, the fixing and regulating whereof are not in this Section expressly provided for, and to regulate and determine the nature of the service or consideration for which the same shall be payable" are hereby inserted in Section One hundred and thirty of the said Act, and shall follow immediately after the part of the said Section entitled "Pilotage Rates," and shall be deemed to be part of the said Section.

Amendment of  
Section 130 of  
53 Vict. No. 34.

(4.) Section One hundred and thirty of the said Act, incorporated with "The *Leven* Harbour Trust Act," is hereby altered and amended in the like manner.

Amendment of  
Section 122.

**4** In lieu of Section One hundred and twenty-two of the said Act, hereby repealed, the following shall be and shall be deemed to be and may be cited as Section One hundred and twenty-two of the said Act ; that is to say :—

"**122** In order to encourage the resort of vessels arriving under the circumstances hereinafter mentioned to the ports of *Tasmania*, 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, re-fittings, or refreshments required by such vessels to allow such repairs to be effected, shall be and the same are hereby wholly exempted from the payment of all port charges, lighthouse 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 : 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 : Provided also, that any vessel arriving for the purpose of landing or embarking, or which actually lands or embarks, any passenger for whose passage the master or owner has received or is to receive any pecuniary or other payment, shall not be exempt under this Section from any lighthouse dues."

*Marine Boards Amendment.*

**5** Section Five of "The Marine Boards Act, 1896," is hereby repealed and in lieu thereof the following shall be and be deemed to be and may be cited as Section Five to such Act; that is to say:—

"**5** In every case in which goods are landed at any port of entry for transshipment to any other port in *Tasmania*, the Wharfage Rates payable in respect of such goods shall be paid at the port to which such goods are transhipped, and one-half of such Wharfage Rates shall be paid by the Treasurer to the Board having jurisdiction at the port of entry at which such goods are landed as aforesaid, and the other half of such Wharfage Rates shall be paid by the Treasurer to the Board having jurisdiction at the port to which such goods are transhipped as aforesaid: Provided that notice shall be given at the time of landing that such goods are to be landed for transshipment only"

**6** Sections Twenty-nine and Thirty of "The Marine Boards Amendment Act, 1898," are hereby repealed.

**7—(1.)** For the purposes of this and the next Section, the Governor may by Proclamation published in the *Gazette* from time to time establish Ports and fix their limits.

(2.) The Boards respectively are hereby empowered to fix from time to time, by By-law, the rates of wharfage to be paid upon goods landed at any such port within the jurisdiction of the Board, whether from within or from without *Tasmania*, and upon goods shipped at any such port within the jurisdiction of the Board, whether for a place within or without *Tasmania*; and every such By-law shall be subject to the approval of the Governor in Council, and shall be subject to all the provisions contained in the said Act relating to the making and publication of By-laws made by the Boards respectively, under the authority of the said Act; and every such By-law so made may be, from time to time, disallowed by the Governor in Council, and upon a notice of such disallowance being published in the *Government Gazette*, shall cease to operate.

(3) Until the provisions of this Section become operative and other By-laws are made under the authority of this Section:—

- i. All Laws, By-laws, and Regulations in force in *Tasmania* on the day preceding the date upon which this Act comes into operation and relating to the fixing, regulating, collecting, or otherwise affecting Port, Pilotage, Wharfage, and other dues, rates, and charges, shall continue in force, notwithstanding the repeal of any such Law, By-law, or Regulation by virtue of this Act.
- ii. All Port, Pilotage, Wharfage, and other dues, rates, and charges payable by Law within any port of *Tasmania* on the day preceding the date upon which this Act comes into operation, shall continue to be levied, and shall be paid to the officer appointed by the Board having charge of such port, as Collector at such port for the purposes of the said Act.

A.D. 1904.

—  
Amendment of  
Sect. 5 of  
60 Vict. No. 33.  
Distribution of  
Wharfage Rates.

Repeal of Sec-  
tions 29 and 30 of  
62 Vict. No. 36.

Governor may  
proclaim ports  
and fix limits.

Boards may  
charge wharfage  
upon all inward  
and outward  
goods.

Existing Laws,  
By-laws, &c.,  
continued, not-  
withstanding  
repeal, until  
Section operative.

*Marine Boards Amendment.*

A.D. 1904.

Rates to be uniform as to all *Australian* Trade.

How collected.

**8** Each such wharfage rate upon goods landed or shipped at any such proclaimed port in *Tasmania* from or to any port or place within the Commonwealth of *Australia*, shall be uniform.

**9** All such Port, Wharfage, Pilotage, Harbour Dues, and other rates, dues, charges, fees, and payments whatsoever as may from time to time be fixed and regulated by a Board by virtue of the said Act or any Amendment thereof, or any By-law made thereunder respectively, shall be payable and paid by such person or vessel, and in such manner and at such time and place as such Board shall by By-law direct, and to such officer or officers or person or persons as shall be appointed by resolution of such Board to be Collector thereof, for the purposes of the said Act, unless the same are otherwise specifically appropriated by the said Act.

Amendment of Section 61 of 53 Vict. No. 34.

**10** The words "the Collector of Customs," in the second line of Section Sixty-one of the said Act, are hereby expunged, and the words "An Officer Appointed as Collector, by a Board," inserted in lieu thereof, and the words "Collector of Customs," in the third line of the said Section are hereby expunged, and the word "Officer," inserted in lieu thereof. Section Sixty-one of the said Act, incorporated with "The *Leven* Harbour Trust Act," is hereby altered and amended in the like manner.

Amendment of Section 116 of 53 Vict. No. 34.

**11** The words "the Collector of Customs," in the fourth line of Section One hundred and sixteen of the said Act, are hereby expunged, and the words, "Any Officer appointed as Collector, by a Board," inserted in lieu thereof. Section One hundred and sixteen of the said Act, incorporated with "The *Leven* Harbour Trust Act," is hereby altered and amended in the like manner.

Repeal of Sect. 58 of "The *Leven* Harbour Trust Act."

**12** Section Fifty-eight of "The *Leven* Harbour Trust Act" is hereby repealed.

Amendment of Sections 99 and 100 of 53 Vict. No. 34.

**13** The words "not employed in coasting only" in the first line of Section Ninety-nine of the said Act are hereby expunged.

The words "the Collector of Customs" in the fifteenth line of the said Section, and also in the fifteenth line of Section One hundred of the said Act are hereby expunged, and the words "An officer appointed as Collector by a Board" inserted in lieu thereof.

Sections Ninety-nine and One hundred of the said Act, incorporated with "The *Leven* Harbour Trust Act," are hereby altered and amended in the like manner.

Incorporation of Sects. 7, 8, and 9 of this Act with "The *Leven* Harbour Trust Act."

**14** Sections Seven, Eight, and Nine of this Act shall be, and the same are, hereby incorporated with "The *Leven* Harbour Trust Act." Whenever in the said Sections so incorporated the "Boards" or the "Board" are or is referred to, such reference shall be deemed to extend to and mean "The *Leven* Harbour Trust."

*Marine Board Amendment.*

**15** Schedule (5.) to the said Act, and Schedule (5.) to "The *Leven* Harbour Trust Act" are hereby repealed, and the following Schedule shall, in lieu thereof, be deemed to be and may be cited as the Schedule (5.) to each of the said Acts:—

A.D. 1904.

Repeal of  
Schedule (5.) and  
substitution of  
new Schedule.

## SCHEDULE.

(5.)

## HARBOUR MASTERS' FEES.

"For every service performed by a Harbour Master under this Act a sum not exceeding Threepence per Ton of the Vessel in respect of which the service is performed."

**16** Section One hundred and fifty-nine of the said Act is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as Section One hundred and fifty-nine of the said Act; that is to say:—

Amendment of  
Section 159 of 53  
Vict. No. 34.

"**159**—(1.) No person not holding a valid Certificate of Competency or Service as an Engineer shall have charge of the machinery used in any steamship trading within the limits of any port, harbour, or river within the jurisdiction of any Marine Board, unless he holds a Certificate of Competency or Service granted by a Marine Board under this Act.

No person to  
have charge of  
machinery, unless  
examined and  
approved.

"(2.) No such Certificate of Service shall be granted after the commencement of this Act.

"(3.) For the purpose of giving effect to this Section, the Governor is hereby empowered to make all necessary Regulations for the examination of persons having charge of the machinery of any such steamship, and for granting Certificates of Competency to such persons.

"(4.) Every person who offends against this Section, and every person employing or permitting any person to have charge of the machinery of any such steamship who has not been examined and approved as herein provided, shall be liable to a penalty not exceeding One hundred Pounds."

**17**—(1.) To facilitate the collection of Wharfage Rates payable upon goods landed or shipped at any Port in *Tasmania* the Master of any ship shall, at the request of any Officer appointed as Collector by a Board, or by a Harbour Trust—

Master of ship to  
answer questions  
and produce  
documents.

i. To the best of his knowledge, information, and belief, truly answer all questions relating to the cargo of such ship that such Collector shall ask:

ii. Deliver to such Collector a certified copy of the ship's manifest, cargo book, or other proper account of the cargo of such ship.

(2.) Every Master of a ship who commits a breach of any of the provisions of this Section, or refuses or neglects to comply with any

*Marine Boards Amendment.*

A.D. 1904.

of such provisions, shall be liable to a penalty not exceeding Ten Pounds.

Repeal of part  
of Section 7 of 2  
Edw. VII. No.  
16.

**18** The words "the Legislative Council or" in the Seventh line of Section Seven of "The Marine Boards Amendment Act, 1902" are hereby expunged.

Certain vessels  
entering *Strahan*  
to pay pilotage  
once in every  
year.  
See 56 Vict.  
No. 57. s. 14.

**19** Notwithstanding anything to the contrary contained in Section One hundred and nine of the said Act, every vessel the Master whereof holds a Certificate of Exemption granted by the Marine Board of *Strahan*, shall, on entering the Port of *Strahan*, whether a pilot be employed or not, pay the amount which would have been payable for pilotage if a pilot had been employed, unless such vessel shall already, during the year then current, have entered the said Port and paid a pilotage fee in respect of such entrance.

Acts to be read  
together.

**20** This Act and the said Act, and every Act amending the same, shall, save as amended by this Act, be read and construed together as one and the same Act.