

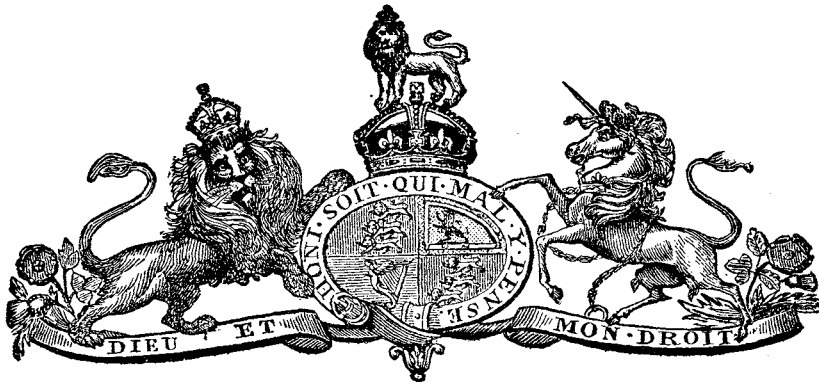
THE MARINE BOARDS ACT AMENDMENT ACT, 1910.

ANALYSIS.

1. Short title and incorporation.
 2. Division of Act.
- PART I.—POWER TO CONSTRUCT LIGHTHOUSE AT LONG ISLAND.**
3. Interpretation.
 4. Marine Board of Hobart may construct lighthouse at Long Island.
 5. Lighthouse to be under control of Marine Board of Hobart.
 6. Cost may be defrayed out of Lighthouse Fund.
Board may borrow, and Governor may grant loan for construction of lighthouse.
 7. Appropriation where loan granted by Governor.
- PART II.—RECONSTRUCTION OF MARINE BOARD OF TABLE CAPE.**
8. Interpretation.
“District.”
“Elector.”
 9. Amendment Schedules (2.) and (3.) of Principal Act.
 10. Definition of district.
 11. Division of district into Two wards.
 12. Constitution of Marine Board of Burnie and Table Cape.
 13. Separate elections.
 14. Division 1, “Electors,” of Part V. of “Local Government Act, 1906,” to apply to ward elections.
 15. First elections to be held in January.
 16. Proclamation to First election.
Period within which election to be held.
Expenses of First election to be paid by board.
 17. Retirement of wardens.—Certain wardens to retire annually on fixed date.
In 1912 and every Third year thereafter Two to retire.
- In 1913 and every Third year thereafter Two to retire.
In 1914 and every Third year thereafter Three to retire.
Order of retirement.
In case of equality of votes, or election without poll, rotation to be determined by lot.
18. Elections after First election.
 19. Election of master-warden.
 20. Election of successor of warden.
 21. Regulations.
 22. Extraordinary vacancies.
- PART III.—AMENDMENTS.**
23. Repeal of Section 17 of 4 Edw. VII. No. 18, and substitution of new section therefor.
 24. Repeal of Section 72 of Principal Act, and substitution of new section therefor.
 25. Repeal of Section 99 of Principal Act, and substitution of new section therefor.
 26. Amendment of Section 101 of Principal Act.
 27. Repeal of Section 125 of Principal Act, and substitution of new section therefor.
 28. Amendment of Section 130 of Principal Act.
Loading and overcrowding.
 29. Repeal of Section 159 of the Principal Act (as re-enacted by Section 16 of 4 Edw. VII. No. 18), and substitution of new section therefor.
 30. Repeal of Subsection (7.) of Section 160 (as enacted by Section 8 of 8 Ed. VII. No. 31), and substitution of new subsection therefor.
 31. Loose grain and produce on wharf may be collected, and destroyed or sold.
 32. Board may, out of its funds, provide and form insurance fund.
 33. Amendment of Section 160 of Principal Act by addition of new subsection.

34. Application of certain sections to sailing vessels which are subject to Subsection (8.) of Section 160 of Principal Act.
35. Amendment of Section 167 of Principal Act.
36. Repeal of Section 5 of 60 Vict. No. 33, as re-enacted by 4 Edw. VII. No. 18, and substitution of fresh section.
Distribution of wharfage rates.
37. Amendment of Section 103 of Principal Act, and substitution of new section.
38. Marine boards and harbour trusts to collect statistics when required by the Governor.
39. Repeal of Sections 17, 18, and 21 of Principal Act.
Saving.
Modification.
40. Board to cause roll to be prepared.
- PART IV.—MARINE BOARD OF LAUNCESTON.**
41. Repeal of Section 7 of 2 Ed. VII. No. 16, Section 18 of 4 Ed. VII. No. 18, Section 11 of 8 Ed. VII. No. 31.
42. Who may vote at elections for the Marine Board of Launceston.
43. In extraordinary vacancies warden may be appointed by the Board in certain cases.

T A S M A N I A.

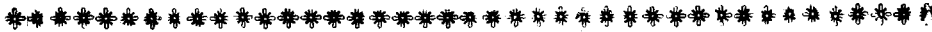


1910.

ANNO PRIMO

GEORGII V. REGIS.

No. 24.



AN ACT to further amend "The Marine Boards Act, 1889." [7 December, 1910.] A.D. 1910.

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 Act Amendment Act, 1910," and shall be construed as one with "The Marine Boards Act, 1889" (hereinafter called "the Principal Act"), and every amendment thereof. Short title and incorporation. 53 Vict. No. 34.

2 This Act is divided into Three parts, as follows:— Division of Act, Part I.—Power to Construct Lighthouse at *Long Island*. Part II.—Reconstruction of Marine Board of *Table Cape*. Part III.—Amendments. Part IV.—Marine Board of *Launceston*.

Marine Board Amendment.

A.D. 1910.

PART I.POWER TO CONSTRUCT LIGHTHOUSE AT *LONG ISLAND*.

Interpretation.

3 In this part the word "lighthouse" includes, in addition to the ordinary meaning of the word, any light exhibited for the guidance of ships.

Marine Board of Hobart may construct lighthouse at Long Island.

4 It shall be lawful for the Marine Board of *Hobart* to construct, erect, and place a lighthouse, in such manner as the said Board deems fit, at *Long Island*, in the *Furneaux* Group, and also to subsequently add to or alter any such lighthouse.

Lighthouse to be under control of Marine Board of Hobart.

5 The said lighthouse shall be under the management and control of the Marine Board of *Hobart*, who shall maintain and repair the same, and the said lighthouse shall be subject to all the provisions of the Principal Act in the same manner in all respects as other lighthouses now erected in *Tasmania*.

Cost, &c., may be defrayed out of Lighthouse Fund. 53 Vict. No. 34.

6--(1.) The cost of such lighthouse, and of any subsequent addition thereto or alteration thereof, may be defrayed out of the moneys to the credit of the fund formed under the provisions of the Principal Act for the maintenance and repair of lighthouses.

Board may borrow, and Governor may grant loan for construction of the lighthouse.

(2.) It shall be lawful for the Marine Board of *Hobart*, instead of in the first instance so defraying the cost thereof out of the said fund, to borrow, and for the Governor to grant as a loan to the Board, out of moneys to be provided by Parliament for the purpose, such sum of money not exceeding One hundred and fifty Pounds as shall be required by the Board for the construction of the said lighthouse, for such period, at such rate of interest, and upon such terms and conditions as to repayment and generally, as the Governor may approve.

Appropriation where loan granted by Governor.

7 Principal moneys repaid to the State Treasurer in respect of any loan granted under this part shall be paid into and form part of the Public Debts Sinking Fund.

PART II.RECONSTRUCTION OF MARINE BOARD OF *TABLE CAPE*.

Interpretation.
"District."
"Elector."

8 In this part--

"District" means the district as defined by this Act:

"Elector" means and includes every person, being a natural-born or naturalised subject of His Majesty, whether male or female, of the age of Twenty-one years, whose name as the owner or occupier of any property within the ward appears on an assessment roll in force for the time being under "The Assessment Act, 1900."

Marine Board Amendment.

9 Schedule (2.) to the Principal Act is hereby amended by omitting the words "The Marine Board of *Table Cape*," and substituting therefor the words "The Marine Board of *Burnie* and *Table Cape*."

The Tenth to the Thirteenth lines, both inclusive, of Schedule (3.) to the Principal Act are hereby repealed.

A.D. 1910.

Amendment of Schedules (2.) and (3.) of Principal Act.

10 The district, for the purposes of the election of the Marine Board of *Burnie* and *Table Cape*, shall comprise all that area within the boundaries starting at the mouth of *Sulphur* Creek, thence along the western bank of such creek to its source, thence by a straight westerly line to the River *Blythe*, thence by the boundaries of the municipalities of *Emu Bay* and *Table Cape* to the south-west corner of the Municipality of *Table Cape*, thence by a line running due north to its intersection with the *Detention* River, thence by the eastern bank of such river to its mouth, and thence easterly along the coast to the point of starting.

Definition of district.

11 The district is hereby divided into Two wards, namely:—"The *Emu Bay* Ward" and "The *Table Cape* Ward."

The *Emu Bay* Ward shall consist of the whole of the Municipality of *Emu Bay*, and of that portion of the Municipality of *Penguin* included in the district, and the electors thereof shall return Four wardens.

The *Table Cape* Ward shall consist of the whole of the Municipality of *Table Cape*, and of that portion of the Municipality of *Circular Head* included in the district, and the electors thereof shall return Three wardens.

Division of district into Two wards.

12 From and after a date to be fixed by Proclamation the members of the Marine Board of *Burnie* and *Table Cape* shall cease to hold office, and thereafter the Marine Board of *Burnie* and *Table Cape* (hereinafter in this Act referred to as the said Marine Board) shall consist of Seven wardens, Four of whom shall form a quorum. Such wardens shall be elected as follows, namely:—The electors of the *Emu Bay* Ward shall elect Four wardens, and the electors of the *Table Cape* Ward shall elect Three wardens.

Constitution of Marine Board of *Burnie* and *Table Cape*.

Such wardens shall be elected as hereinafter provided, and the wardens so elected shall respectively hold office, subject to the provisions of this Act, for a period of Three years.

13 There shall be a separate election of wardens for each ward.

Separate elections.

14 Division 1, intituled "Electors," of Part V. of "The Local Government Act, 1906," as applicable to the case of a subdivided municipality, shall, with the necessary alterations, apply for the purposes of all elections under this part, and be read and construed with this part.

6 Ed. VII. No. 31
Division 1,
"Electors," of
Part V. of "Local
Government Act,
1906," to apply to
ward elections.

15 The First elections of wardens of the said Marine Board under the provisions of this Act shall take place on or before the Third

First elections to be held in January.

Marine Board Amendment.

A.D. 1910.

Thursday in the month of *January*, in the year One thousand nine hundred and eleven, and the subsequent annual elections of persons to fill the vacancies caused by the annual retirement of wardens from the said Marine Board shall take place on or before the Fourth *Thursday* in the month of *April* in every year.

The members elected at the First elections to be held under this Act shall not enter upon their duties as members of the said Marine Board until after the date to be fixed by proclamation under Section Twelve of this Act.

Proclamation to First election.

16—(1.) The Governor shall, by proclamation, direct that on a date to be fixed thereby, which date shall be on or before the Third *Thursday* in the month of *January*, in the year One thousand nine hundred and eleven, at the times and places therein named, the electors of the *Emu Bay* Ward shall elect Four members as wardens of the said Marine Board, and the electors of the *Table Cape* Ward shall elect Three members as wardens of the said board.

(2.) Any election to be held thereunder shall be held before such person as shall be appointed by the Treasurer for the purpose; and nominations of persons for election as such wardens shall be forwarded to and be received by such person Seven clear days before the day appointed for holding the election pursuant to the proclamation, and such person shall thereupon provide and do all things necessary for holding the election pursuant to the Act.

(3.) Such person may appoint all necessary polling-places, and also any officers requisite for the purposes of the election.

Period within which election to be held.

(4.) The date fixed by the proclamation for holding any election therein directed to be held shall not be less than Fifteen nor more than Thirty days after the date of the first publication of the proclamation, but the date so fixed may be varied by a subsequent proclamation if the Governor thinks necessary.

Expenses of First election to be paid by board.

(5.) All expenses of and incidental to any First election of wardens shall be certified under the hand of the person before whom the election was held, and shall be paid by the said Marine Board out of the moneys at their disposal.

Retirement of wardens. Certain wardens to retire annually on fixed date.

17—(1.) On the Fourth *Thursday* in the month of *April* in every year, commencing with the year One thousand nine hundred and twelve, certain of the wardens of the said Marine Board shall go out of office as hereinafter provided.

In 1912 and every Third year thereafter Two to retire.

(2.) In the year One thousand nine hundred and twelve, and in every Third year thereafter, Two wardens shall go out of office, namely, One of the wardens for each Ward.

In 1913 and every Third year thereafter Two to retire.

In the year One thousand nine hundred and thirteen, and in every Third year thereafter, Two wardens shall go out of office, namely, One of the wardens for each ward.

In 1914 and every Third year thereafter Three to retire.

For the year One thousand nine hundred and fourteen, and in every Third year thereafter, Three wardens shall go out of office, namely, Two of the wardens for the *Emu Bay* Ward, and One of the wardens for the *Table Cape* Ward.



Marine Board Amendment.

(3.) Wardens shall go out of office in the following order, that is to say:— The warden who had the smallest number of votes at the First Election for the *Emu Bay* Ward, and the warden who had the smallest number of votes at the First election for the *Table Cape* Ward shall be the First Two to go out of office; and in the next year the warden who was Third on the poll for the *Emu Bay* Ward at the First election for that Ward, and the warden who was Second on the poll for the *Table Cape* Ward at the First election for that ward, shall go out of office; and in the next year the Two wardens who had the largest number of votes at the First election for the *Emu Bay* Ward at the First election for that ward, and the warden who had the largest number of votes at the First election for the *Table Cape* Ward at the First election for that ward, shall go out of office; and in every subsequent year thereafter the wardens who have been longest in office without re-election shall go out of office.

A.D. 1910.

Order of retirement.

Every warden going out of office shall be eligible for re-election.

(4.) In case at the first elections of wardens—

i. Any Two or more wardens are elected by an equality of votes: or

ii. The election is had without a poll—

the order of retirement shall be determined by lot within One week and gazetted within One month after the election, and in any such case the wardens shall retire according to the order so determined.

In case of equality of votes, or election without poll, rotation to be determined by lot.

18 The vacancies created by the retirement of wardens from the said Marine Board at the expiration of the periods for which they were respectively elected, shall be filled up by the election, in accordance with the provisions of this Act and the regulations to be made thereunder, of fit and proper persons.

Elections after First election.

19 All the provisions of the Principal Act relating to the election of master-warden of any marine board, the master-wardens whereof are elected, shall apply to the election of the Master-Warden of the said Marine Board.

Election of master-warden.

20 In the event of any delay occurring in the election of the successor of any warden who would otherwise retire from office in consequence of the expiration of the period for which he was elected as aforesaid, such warden shall continue in office until his successor has been duly elected.

Election of successor of warden.

21 The Governor may from time to time make regulations for regulating generally the mode, manner, and time of election of wardens of the said Marine Board, and the appointment of all necessary officers for carrying out any election, and the mode in which, and the time within which, nominations of persons for election shall be made and received, and for providing for the payment out of the funds of the said Marine Board of the expenses of or connected with any such election, and generally for the management and conduct of such elections.

Regulations.

Marine Board Amendment.

A.D. 1910.

Extraordinary
vacancies.

22 In the event of a vacancy occurring through death or resignation of a warden, or from any other cause, the remaining wardens are hereby empowered to fill up such vacancy, and the person so chosen as warden shall hold office until the next annual election, when he shall submit himself for election.

Any person chosen or elected to fill any vacancy shall retain his office so long only as the vacating warden would have retained the same if no vacancy had occurred.

PART III.

AMENDMENTS.

Repeal of Section
17 of 4 Edw. VII.
No. 18, and
substitution of
new section
therefor.

23 Section Seventeen of "The Marine Boards Amendment Act, 1904," is hereby repealed, and the following section is hereby substituted therefor:—

"**17**—(1.) To facilitate the ascertaining of the quantities and values of goods landed or shipped at any port in *Tasmania*, or for effectuating any of the provisions of 'The Marine Boards Act, 1889,' or the amendments thereof, the master or agent of any ship, shall at the request of any officer appointed by a board or by a harbour trust—

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

ii. Deliver to such officer a certified copy of the ship's manifest, cargo book, or other proper account of the cargo of such ship landed or shipped at any such port.

"(2.) Every master or agent of a ship who commits a breach of any of the provisions of this section, or refuses or neglects to comply with any of such provisions, shall on summary conviction be liable to a penalty not exceeding Ten Pounds."

Repeal of Section
72 of Principal
Act, and substi-
tution of new
section therefor.

24 Section Seventy-two of the Principal Act is hereby repealed, and the following section is hereby substituted therefor:—

"**72** It shall be lawful for any board from time to time to make a lease of any wharf, or portion thereof, or any shed or building, or portion of any shed or building, on any wharf, for any term not exceeding Three years, or of any land belonging to or under the control of the board, for any term not exceeding Twenty-five years, at such rent and on such conditions as the Board may deem proper." Provided that no lease for any term exceeding One year shall be made without the consent of the Governor.

Repeal of Section
99 of Principal
Act, and substi-
tution of
new section
therefor.

25 Section Ninety-nine of the Principal Act is hereby repealed, and the following section is hereby substituted therefor:—

"**99**—(1.) On the arrival of a vessel at or off any port, the harbourmaster of such port is authorised and empowered either to appoint the place where she is to cast anchor or be moored, or him-

Marine Board Amendment.

self to take charge of her (whether any pilot theretofore has been in charge or not), and to give directions for the anchoring or mooring of such vessel. A.D. 1910.

“(2.) The harbourmaster is also authorised and empowered to take charge of any vessel which is about to proceed to sea or to some other place within the port (whether any pilot has been engaged to take charge of her or not), and to conduct her to such point within, or at the approach to, the port as he deems proper.

“(3.) The harbourmaster is also authorised and empowered to take charge of any vessel removing from one berth, mooring, or anchorage to another berth, mooring, or anchorage within the port, and to conduct such removal as he deems proper.

“(4.) Such lastmentioned removal shall be effected at the written request of the master of such vessel, unless the harbourmaster sees sufficient reason to the contrary, and may be effected whenever such removal is in the opinion of the harbourmaster desirable and proper for the general accommodation of the shipping.

“(5.) A deputy-harbourmaster may exercise all the authorities and powers conferred upon the harbourmaster by this section.

“(6.) For every service to be performed under this section by any harbourmaster such sum as may from time to time be fixed by the board, not exceeding the sum specified in Schedule (5.), shall be paid by the owner, master, or agent of the vessel in respect of which such service is performed.”

26 The words “Ten years” are hereby substituted for the words “One year” in the Eighth line of Section One hundred and one of the Principal Act. Amendment of Section 101 of Principal Act.

27 Section One hundred and twenty-five of “The Marine Boards Act, 1889,” is hereby repealed, and the following section is hereby substituted therefor:— Repeal of Section 125 of Principal Act, and substitution of new section therefor.

“**125** All vessels arriving at any port in *Tasmania* in the employment of His Majesty for the conveyance of troops or warlike stores or other things connected with the defence of the Empire, and not landing or loading any other cargo, nor disembarking or embarking passengers not engaged in His Majesty’s service, shall be, and the same are hereby, wholly exempted from the payment of lighthouse dues and all port and harbour dues whatsoever, except only those of pilotage where the services of a pilot have been actually required and received.”

28 Section One hundred and thirty of the Principal Act (as re-enacted by Section Eleven of “The Marine Boards Act, 1903”) is hereby amended by repealing the following words, of which the marginal note is “Steamers overloading,” namely, “To prevent the overloading of either steam or sailing ships, other than steam or sailing ships engaged in whale-fishing, and of overcrowding of steam or sailing ships and steam ferry-boats with passengers, and for regulating Amendment of Section 130 of Principal Act. 3 Ed. VII. No. 20, s. 11. Loading and overcrowding.

Marine Board Amendment.

A.D. 1910.

the carrying of gunpowder and other explosives," and substituting therefor the following words, namely—"to prescribe and regulate the loading of all vessels (other than fishing-boats) in any waters within the jurisdiction of the board, and to prevent the overcrowding of any vessels carrying passengers in such waters, and generally to provide for the safety and protection of all persons on any vessel other than a pleasure yacht."

Repeal of Section 159 of the Principal Act (as re-enacted by Section 16 of 4 Edw. VII. No. 18), and substitution of new section therefor.

29 Section One hundred and fifty-nine of the Principal Act is hereby repealed, and the following section is hereby substituted therefor:—

"**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 on or in any river or port or to or between any port or ports in *Tasmania*, unless he holds a certificate of competency or service granted by a marine board under this Act or under some repealed enactment.

"(2.) No certificate of service shall be granted after the commencement of this Act.

"(3.) Every certificate to be hereafter granted by a marine board shall authorise the engineer to whom the same is granted to have charge of machinery of the class therein specified, used in any steamship trading—

- i. Within some river or harbour : or
- ii. In some coast trade within defined limits : or
- iii. Engaged in trading upon the coasts of *Tasmania* generally.

"(4.) For the purpose of giving effect to this section, and notwithstanding any of the provisions of 'The Merchant Ships Officers' Examination Act, 1898,' 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.

"(5.) 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 does not hold a certificate applicable to the machinery used and trade in which engaged, shall, on summary conviction, be liable to a penalty not exceeding One hundred Pounds.

"(6.) A marine board may, subject to such conditions (if any) as may be determined by the Governor, permit, without any examination, any person to have charge of the machinery used in any steamship trading on or in any river or port, or to or between any port or ports within the jurisdiction of the board : Provided that—

- i. Such person is the holder of a valid certificate of competency as an engineer duly issued to him pursuant to the law of the *United Kingdom* or of any of the *Australian States* or of the *Dominion of New Zealand* : and
- ii. The board is satisfied that the qualifications of the holder of the certificate (as appearing thereby) are such as would

Marine Board Amendment.

enable him to apply for and obtain a certificate from the board which would entitle him to have charge of such machinery." A.D. 1910.

30 Subsection (7.) of Section One hundred and sixty of the Principal Act (as enacted by Section Eight of "The Marine Boards Act Amendment Act, 1908") is hereby repealed, and the following subsection is hereby substituted therefor:—

Repeal of Subsection (7.) of Section 160 (as enacted by Section 8 of 8 Edw. VII. No. 31), and substitution of new subsection therefor.

"(7.) The machinery but not the hull of every steamship engaged in fishing in or out of any port in *Tasmania* shall be subject to the provisions of this section, but it shall not be necessary to have any such machinery surveyed more than Once in every year."

31 All loose grain and produce, or leakages from bulk parcels of grain or produce, on any wharf within the jurisdiction of any board shall be deemed to be the property of the board, if not claimed and removed forthwith by the owners or the agent for the owners, and it shall be lawful for any officer of the board, or any other person duly authorised by the board—

Loose grain and produce on wharf may be collected and destroyed or sold.

- i. To collect and destroy the same : or
- ii. To sell the same—

in such manner as the master-warden or secretary of the board may direct ; and the proceeds of any such sale shall be added to and form part of the funds at the disposal of the board.

32 It shall be lawful for any board to make such provision as may be deemed proper, out of its funds, for the renewal or replacing or reinstatement of any property of the board which may be destroyed or damaged by fire, tempest, or any casualty, and to provide a fund, in the nature of an insurance fund, for any such purpose ; and, in particular, it shall be lawful for the Marine Board of *Hobart* to form such a fund, and to insure therewith the property, not only of that board, but also of the Consolidated Board, and to make a reasonable charge against the funds of the Consolidated Board in respect of such latter insurance.

Board may, out of its funds, provide and form insurance fund.

Notwithstanding Section Sixty-one of the Principal Act, every such insurance fund shall be invested in the names of Three persons, of whom One shall be the master-warden for the time being, and the other Two shall be appointed annually by the board ; and no such insurance fund shall be applied towards any other of the purposes of the board.

33 The following subsection is hereby added to Section One hundred and sixty of the Principal Act as part of such section, and may be cited as Subsection (8.) of such section :—

Amendment of Section 160 of Principal Act by addition of new subsection.

"(8.) The hulls of all sailing vessels of Fifteen tons burthen and upwards registered at any port in *Tasmania*, or employed solely in any river, harbour, bay, or coastal trade in *Tasmania*, shall be surveyed

See 59 Vict. No. 27, s. 17.

Marine Board Amendment

A.D. 1910.

Once in every year by a shipwright surveyor appointed by a marine board, and the owner of every such vessel shall obtain and transmit as hereinbefore provided with regard to steamships a declaration under the hand of such shipwright surveyor of the sufficiency and good condition of the hull of such vessel, and of the boats and other equipments thereof, and also a statement of the number of passengers, if any, which such vessel is constructed to carry, and of the fitness of such vessel (as the case may be) for sea service or for limited coastal service or for river or harbour service (as defined by or pursuant to Section One hundred and sixty-four of this Act)."

Application of certain sections to sailing vessels which are subject to Subsection (8.) of Section 160 of Principal Act.

34 The provisions of Sections One hundred and sixty-two, One hundred and sixty-four, One hundred and sixty-five, One hundred and sixty-six, and One hundred and sixty-nine of the Principal Act shall extend and apply, *mutatis mutandis*, to all sailing vessels which are subject to the provisions of Subsection (8.) of Section One hundred and sixty of the said Act.

Amendment of Section 167 of Principal Act.

35 Section One hundred and sixty-seven of the Principal Act is hereby amended by inserting the following words after the words "Four Pounds" in the Eleventh line thereof, namely:—

"The owner of every sailing vessel requiring a certificate under this Act shall pay therefor the sum of One Pound in the case of vessels fit for sea service, and the sum of Five Shillings in other cases."

See 4 Ed. VII. No. 18, s. 5.

Repeal of Section 5 of 60 Vict.

No. 33, as re-enacted by 4 Edw. VII. No. 18, and substitution of fresh section.

Distribution of wharfage rates.

36 Section Five of "The Marine Boards Act, 1896," is hereby repealed, and the following section is hereby substituted therefor, namely:—

"**5** In every case where goods are landed at any port of entry in this State for transshipment to any other port in *Tasmania* as the port of final destination, and notice is then given that the goods are landed for transshipment only, and whether such goods are taken to such port of final destination without any intermediate landing and transshipment or not, wharfage rates in respect of such goods shall be payable and paid only at the port at which such goods are finally landed, but the board having jurisdiction at such lastmentioned port shall divide and pay the amount of such rates so paid equally between and amongst all boards (including the lastmentioned board) which, in the absence of any such provision as is contained in this section, would be entitled to charge wharfage rates in respect of the said goods; and every board so entitled shall be entitled to recover from the board to which such wharfage rates are paid its fair and proper proportion thereof in any court of competent jurisdiction."

Amendment of Section 103 of Principal Act, and substitution of new section.

37 Section One hundred and three of the Principal Act is hereby repealed, and the following section is hereby substituted therefor:—

"**103** The Board may make by-laws fixing the charges to be paid for the use of any wharf by any vessel, punt, or boat employed in con-

Marine Board Amendment.

veying passengers or goods or both across any ferry which has been, or hereafter may be, proclaimed under Section One hundred and one, and may, with the approval of the Governor, make by-laws prescribing the times when and points between which any such vessel, punt, or boat is to ply, and the maximum fares and rates to be paid by passengers, and for the conveyance of goods across such ferry." But any by-law made under this power shall not affect any contract or arrangement already entered into between the Government and any person. Every by-law under this section shall be subject to all the provisions in this Act contained relating to the making and publication of by-laws.

A.D. 1910.

38—(1.) It shall be the duty of every marine board and harbour trust, whenever directed by the Governor, to collect in such manner, from such persons or classes of persons, and at such times as may be prescribed, such statistics as the Governor may prescribe.

Marine boards and harbour trusts to collect statistics when required by the Governor.

(2.) For the purpose of enabling any such prescribed statistics to be collected, all prescribed persons or classes of persons shall, to the best of their knowledge, when required by a marine board or harbour trust so to do, fill up and supply, in accordance with the instructions contained in or accompanying the prescribed form, the particulars specified in that form.

Penalty: Ten Pounds.

(3.) Every person shall to the best of his knowledge, information, and belief truly answer all questions that an officer of a marine board or harbour trust shall ask him relating to any information required for the purposes of any statistics prescribed to be collected.

Penalty: Ten Pounds.

(4.) The Governor may make regulations prescribing all matters and things which by this section are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this section.

39—(1.) Sections Seventeen, Eighteen, and Twenty-one of the Principal Act are hereby repealed.

Repeal of Sections 17, 18, and 21 of Principal Act.

(2.) Notwithstanding such repeal, the said sections shall, subject to the modifications contained in Subsection (3.), remain in force for the purposes of and apply to —

I. The election of wardens of the Marine Board of *Hobart* to be held in the month of *December*, One thousand nine hundred and ten :

Saving.

II. Every other election of wardens of the said Board until a new roll is prepared under Section Forty.

(3.) The names of importers and exporters to be placed on the roll to be prepared under the Principal Act on or before the Seventh day of *December*, One thousand nine hundred and ten, shall be those of persons entitled to vote in respect of all goods imported or exported by them during the period between the First day of *December*, One thousand nine hundred and nine, and the Fourteenth day of *September*, One thousand nine hundred and ten.

Modification.

Marine Board Amendment.

A.D. 1910.

Board to cause
roll to be
prepared.

40—(1.) Subject to the provisions of the immediately preceding section, the roll of electors of the Marine Board of *Hobart*, after the year One thousand nine hundred and ten, shall be made up on the First day of *November* in each year, and shall contain the names of all shipowners entitled on that date to vote, and of all persons entitled to vote in respect of goods imported or exported by them during the Twelve months up to the Thirtieth day of *September* preceding: Provided that with respect to the roll to be made up on the First day of *November*, One thousand nine hundred and eleven, the names of the importers and exporters to be contained therein shall be those of persons entitled to vote in respect of goods imported or exported by them during the period between the date when regulations under Section Thirty-eight come into force and the Thirtieth day of *September*, One thousand nine hundred and eleven.

(2.) The Board shall, after the year One thousand nine hundred and ten, cause such roll to be prepared and a copy thereof, certified as correct by an officer of the Board appointed for that purpose, to be delivered to the Treasurer on the First day of *November* in each year, or as soon thereafter as may be; and such roll shall be the roll of electors entitled to vote at the next election of wardens and at any subsequent election for filling casual vacancies until a new roll shall be prepared.

(3.) The Board may make by-laws—

- i. For prescribing the form of the roll, the mode of revision of the roll, and the manner in which corrections may be made in the roll for the time being in force:
- ii. The places where any poll is to be taken, and the mode in which corporations, firms, partners, and co-owners, and also electors who do not live near to any polling-place, may record their votes:
- iii. And generally for regulating the conduct of elections of wardens.

But no such by-law shall be in force until it shall have been approved by the Governor.

PART IV.**MARINE BOARD OF LAUNCESTON.**

Repeal of s. 7 of
2 Ed. VII. No. 16,
s. 18 of 4 Ed. VII.
No. 18, s. 11 of
8 Ed. VII. No. 31.

41 Section Seven of "The Marine Boards Amendment Act, 1902," Section Eighteen of "The Marine Boards Amendment Act, 1904," and Section Eleven of "The Marine Boards Amendment Act, 1908," are hereby repealed.

Who may vote at
elections for the
Marine Board of
Launceston.

42 Any person who has resided in the City of *Launceston*, or the Municipality of *Beaconsfield*, or the Municipality of *George Town*, or the Municipality of *Lilydale*, or the Municipality of *St. Leonards*, for a period of not less than Six months immediately prior to the holding

Marine Board Amendment.

of any election of wardens of the Marine Board under "The Marine Boards Act, 1889, or any amendment thereof, and who is entitled to vote at any election held to return members or a member of the House of Assembly of the Parliament of *Tasmania* for such city or municipality, or any part thereof, or a district of which such city or municipality, or any part thereof, forms part, shall be entitled to vote at any election of wardens of the Marine Board of *Launceston*, and to give One vote thereat and no more. A.D. 1910.

43 Notwithstanding anything contained in Section Thirty-one of "The Marine Boards Act, 1889," whenever any vacancy shall be caused in the Marine Board of *Launceston* by the death, resignation, removal, or disqualification of any warden whose term of office would otherwise not have expired within a period of Three months after the occurrence of such vacancy, it shall be lawful for, but not obligatory on, the said Board, within One month after the occurrence of such vacancy, to fill such vacancy until the Third *Thursday* in the month of *December* after the occurrence of such vacancy, by appointing some person to be a warden of the said Board until such Third *Thursday*, and thereupon no election shall take place to fill such vacancy until the annual elections following the occurrence of such vacancy; when, if the period for which such warden whose place has become vacant, and has been filled as aforesaid, would have remained in office, does not expire on such Third *Thursday*, such vacancy shall be refilled by the election of a warden in the same manner as if such vacancy had been occasioned by the retirement of the warden whose place has become vacant at the expiration of the period for which he was elected; and such new warden shall hold office as long as the person in whose place he was elected would have held office had he continued in office and no longer.

In extraordinary vacancies warden may be appointed by the board in certain cases.

100