



ANNO VICESIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1976

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**No. 55 of 1976**

An Act to amend the Marine Act, 1936-1975.

[Assented to 4th November, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Marine Act Amendment Act, 1976".
- (2) The Marine Act, 1936-1975, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Marine Act, 1936-1976".

Commence-  
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation.
- (2) This Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in this State.

Amendment of  
principal Act,  
s. 63—  
Duties of  
masters in  
case of  
collision.

3. Section 63 of the principal Act is amended by striking out from subsection (2) the passage "and, if he is a certificated officer an inquiry into his conduct may be held and his certificate may be cancelled or suspended".

Repeal of  
s. 67f of  
principal Act.

4. Section 67f of the principal Act is repealed.

Amendment of  
principal Act,  
s. 67g—  
Fishing vessels.

5. Section 67g of the principal Act is amended by inserting in paragraph (c) of subsection (1) after the passage "skippers and" the word "other".

Amendment of  
principal Act,  
s. 67h—  
Inquiries and  
investigations  
relating to  
fishing vessels.

6. Section 67h of the principal Act is amended by inserting after the passage "fishing vessels" the passage "and the officers and crews of fishing vessels".

7. Section 110 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 110—  
Powers and duties of court of marine inquiry.

(3) The court of marine inquiry may suspend or cancel, or order to be suspended or cancelled, the certificate of any master, mate or engineer whom it finds to be incompetent or guilty of misconduct.

(3a) For the purposes of this section a person is guilty of misconduct if—

(a) he is guilty of careless navigation, drunkenness, tyranny, or a failure of duty (other than a failure of duty for which there is a reasonable cause or excuse);

(b) he has occasioned by his default or wrongful act the loss or abandonment of, or serious damage to, any ship, or loss of life.

(3b) The court of marine inquiry may exercise its powers in relation to misconduct whether or not the misconduct constitutes an offence against this or any other Act and, where it does constitute an offence, whether or not the person guilty of the misconduct has been prosecuted for, or convicted of, the offence constituted by his misconduct.

8. The following section is enacted and inserted in the principal Act immediately after section 144 thereof:—

Enactment of s. 145 of principal Act—

145. No civil liability attaches to the Minister, or any other person acting in the administration of this Act, in respect of any certificate, permit or other instrument issued under this Act.

Immunity of Minister and persons acting in the administration of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill which is reserved for the signification of Her Majesty the Queen's pleasure thereon.

W. R. CROCKER, Governor's Deputy