



ANNO TRICESIMO NONO ET QUADRAGESIMO

VICTORIÆ REGINÆ.

A.D. 1876.

No. 50.

An Act to amend the Marine Board Acts of South Australia.

[Reserved, 27th October, 1876.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

PRELIMINARY.

1. This Act may be cited as the "Marine Board Act, 1876." Short Title.

2. This Act shall be construed as one with the "Marine Board Act of 1860," and "The Marine Board Amendment Act, 1873," and the said Acts and this Act may be cited collectively as the Marine Board Acts, 1860 to 1876. Construction.

WRECKS AND CASUALTIES.

3. Whenever any ship is lost or abandoned, or has sustained material damage affecting her seaworthiness or her efficiency, either in her hull or in any part of her machinery, on or near the coast of the Province of South Australia, or by collision with any ship or otherwise causes loss or material damage to any other ship on or near such coast, or by reason of any casualty or accident happening to or on board of any ship on or near such coast, loss of life, or any serious injury to any person ensues, or whenever any ship has run aground on or near such coast, the owner or master shall, within twenty-four Accidents to ships to be reported to Marine Board.

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four hours after the happening of any one of the above events, or as soon thereafter as possible, send to the Marine Board, by letter, signed by such owner or master, a report containing full particulars of such loss, abandonment, accident, casualty, damage, or grounding, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is, if practicable; and if such owner or master neglect so to do, he shall, for such offence, incur a penalty not exceeding Fifty Pounds.

Inquiry to be instituted by Marine Board.

4. It shall be lawful for the Marine Board, or for any person appointed for the purpose by the Marine Board, to make inquiry respecting such loss, abandonment, accident, casualty, damage, or grounding, and also whenever the same shall happen outside the limits of the said Province and any competent witnesses thereof arrive or are found at any place in the said Province, and the Marine Board, or such person so appointed, shall, for the purpose, have all the powers and remedies given by sections 19, 20, and 21 of the "Marine Board Act of 1860" to Inspectors under the said Act.

OFFICIAL COURTS OF INQUIRY.

Board may order investigation.

5. If the Marine Board has reason to believe that any master, engineer, or mate, is, from incompetency or misconduct, unfit to discharge his duties, or at any time complaint is made to the Board with reference to any certificated officer, that is to say any master, engineer, or mate, possessing a certificate of competency or of service, whether such certificate shall have been issued by the Marine Board, the Board of Trade, or other authorized body, that such officer is by reason of incompetency, drunkenness, tyranny, or misconduct, unfit to discharge his duties, the Marine Board may cause an inquiry to be made into the conduct of such officer.

Marine Board to furnish copy statement.

6. The Marine Board shall, before the commencement of the inquiry, furnish to every officer whose conduct is in question a statement of the case on which the inquiry is instituted.

Court before which inquiry to be held.

7. The inquiry shall be held before a Special Magistrate and two Justices of the Peace (hereafter called the Court), sitting as a Court of Summary Jurisdiction; and every Court so constituted is hereby authorized and empowered to exercise all the powers conferred in the two hundred and forty-first and two hundred and forty-second sections of "The Merchant Shipping Act, 1854," and in the twenty-third section of "The Merchant Shipping Amendment Act, 1862," both of the Imperial Parliament, relative to investigating cases of alleged incompetency or misconduct, and as to shipwrecks or other casualties affecting ships, and as to the cancelling or suspending of certificates.

Powers and duties of Court.

8. The Court may summon such master, engineer, or mate, to appear, and shall give him a full opportunity of making a defence, either in person or otherwise, and shall for the purpose of such investigation have all the powers and remedies given by sections 19, 20, and

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and 21 of the “Marine Board Act of 1860” to Inspectors appointed under the said Act, and may make such orders with respect to costs of the investigation, as they may deem just—

The Court shall have power to cancel or suspend the certificate of any master, engineer, or mate, if they find that he is incompetent or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of or serious damage to any ship, or loss of life has been caused by his wrongful act or default:

The Court shall, at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade; and shall also, if they determine to, cancel or suspend any certificate (other than Colonial certificates), forward such certificate to the Board of Trade, with their report:

Every master, engineer, or mate whose certificate is or is to be suspended or cancelled in pursuance of this Act, or of the said “The Merchant Shipping Act, 1854,” or “The Merchant Shipping Amendment Act, 1862,” shall, upon demand of the Court by which the case is investigated or tried, deliver his certificate to them, or, if it is not demanded by such Court, shall, upon demand, deliver it to the Board of Trade, or as it directs, and, in default, shall for each offence incur a penalty not exceeding Fifty Pounds.

9. So much of the third part of an Act of the Imperial Parliament intituled “The Merchant Shipping Act, 1854,” and of any Act amending the same, as relates to rights to wages, and remedies for the recovery thereof, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall, so far as applicable and not inconsistent herewith, be deemed to form part of the law of this Province, and shall be adopted and applied in the administration of justice therein in like manner and as fully as any other laws and Statutes of England are adopted and applied in this Province, and shall also apply to all British ships wherever registered, and to all ships registered in the said Province, and to the owners, masters, and crews of such ships, as well when such ships are within as out of the jurisdiction of the said Province.

Adoption of third part of “The Merchant Shipping Act, 1854.”

10. The Governor may, by Proclamation to be published in the *Government Gazette*, place any Government Reserve situate within or abutting upon the boundaries of any port, haven, harbor, or navigable river or creek under the care, management, and control of the said Marine Board, and may at any time thereafter resume possession of any such reserve.

Reserves may be placed under control of Marine Board.

11. Sections

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Repeal.

11. Sections 33, 156, 157, 158, 159, and 160, of the "Marine Board Act of 1860," and sections 9, 10, 13, 14, 15, 16, 17, 18, 20, 29, 45, and 49, of "The Marine Board Amendment Act, 1873," are hereby repealed: Provided always that no things done, appointments made, penalties incurred, or rights acquired, shall be thereby prejudiced or affected, but the same may be respectively supported and enforced as if no such repeal had been made.

Commencement of Act.

12. This Act shall come into operation from and after a day to be fixed by the Governor by Proclamation in the *Government Gazette*, and such day shall not be more three months from the day upon which Her Majesty's pleasure upon the said Act shall be notified in the said *Gazette*.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

A. MUSGRAVE, Governor,