



ANNO SEXAGESIMO ET SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1897.

No. 691.

An Act to amend the "Marine Board and Navigation Act, 1881," and for other purposes.

[*Assented to, December 11th, 1897.*]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as "The Marine Board and Navigation Act Amendment Act, 1897," and shall be incorporated and read as one with the "Marine Board and Navigation Act, 1881" (hereinafter referred to as the principal Act), and any Act or Acts amending the same.

Short title and incorporation.

Ports and Harbors.

2. The Board, with the consent of the Treasurer, may appoint such harbormasters and assistant harbormasters for such ports as they shall think necessary. All harbormasters and assistant harbormasters heretofore appointed either by the Governor or the Board shall be deemed to have been duly appointed, and may exercise all the powers conferred upon harbormasters by the principal Act or this Act or by any by-laws thereunder. Every assistant harbormaster shall have all the powers of a harbormaster.

Appointment of harbormasters.

3. If the master, owner, or person in charge of any ship in or at any port shall not moor, unmoor, place, or remove such ship according to the directions of the harbormaster, or if there be no person on board such ship to attend to such directions, the harbormaster may cause such ship to be moored, unmoored, placed, or removed as he shall think fit, and for that purpose may unloose

Mooring and removing of vessels.

or

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or cut any rope or unshackle or break any chain by which such ship is moored or fastened, and may obtain such assistance and do all such acts as may be necessary to enable him to carry out his purpose, and all expenses attending the mooring, unmooring, placing, or removing of such ship shall be paid to the Board by the master or owner of such ship, and the Board may recover such expenses from such master or owner by action in any Court of competent jurisdiction. Any such master, owner, or person who shall refuse or neglect to carry out the reasonable directions of the harbormaster shall be liable to a penalty of not exceeding Twenty Pounds.

Powers of harbor-
masters in removing
ships.

4. The harbormaster of any port may, for the purpose of removing any ship from one place to another in such port, cause such ship to be made fast to another ship being at anchor or moored to any buoy, wharf, or pile; and any person who shall offer any resistance or impediment to such harbormaster in the exercise of the power hereby conferred, or who shall cast off or cut any such warp or fastening, shall incur for every such offence a penalty not exceeding Ten Pounds: Provided always that nothing in this section contained shall disentitle the master or owner of any ship to which any warp or fastening shall have been attached, as hereinbefore provided, by the direction of the said harbormaster, from recovering from the master or owner of the ship so being removed damages for any injury which may have been sustained by reason of such warping or unfastening.

By-laws for safety of
ships in ports.

5. In addition to the powers conferred on it by section 37 of the principal Act, the Board, as therein provided, may make by-laws or regulations for all or any of the following purposes, and may from time to time revoke or alter the same:—

For regulating the use, management, and superintendence of ports and moorings:

For regulating the anchoring, mooring, unmooring, or removal of any ship in any port:

For the slacking down or heaving in of anchors, cables, hawsers, or other fastenings, topping or bracing of yards, rigging in of booms, davits, bumpkins, or other projecting gear of ships in ports:

For regulating the admission of ships into ports, and into, near, or alongside any wharves, moorings, or docks, and their removal from the same:

For the good order of shipping whilst within any port:

And generally for regulating and securing the safety of ships in any port.

6. Notwithstanding

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6. Notwithstanding anything contained in section 37 of the “Marine Board and Navigation Act, 1881,” no by-laws or regulations shall take effect until thirty days after they shall have first been published in the *Government Gazette*. Thirty days’ notice to be given of regulations.

7. Section 37 of the “Marine Board and Navigation Act, 1881,” is hereby amended by leaving out the words “fourteen days,” and inserting in lieu thereof the words “thirty days.” Parliament to have thirty days to consider regulations.

Load Lines.

8. Section 4 of the “Marine Board and Navigation Act Amendment Act, 1894,” shall be read as if the following words were inserted therein at the end of sub-section (3), namely, “of Trade aforesaid,” and as if sub-section (4) were struck out. Repeal of portion of section 4 of Act 614 of 1894.

Certificates of Competency.

9. No certificate under the seal of the Board heretofore issued under section 325 of the principal Act shall be deemed to be invalid on the ground that it is not signed by the secretary. Certificates valid.

Explosives.

10. The Board, with the consent of the Treasurer, may appoint an inspector or inspectors of explosives. Any person heretofore appointed inspector of explosives shall be deemed to have been appointed under this Act, and shall have all the powers conferred on an inspector of explosives by this Act or by any by-laws under the principal Act or this Act. Inspector of explosives.

11. If any explosives which, in the opinion of an inspector of explosives, have been damaged, or from their condition are or are likely to become dangerous to life or property during storage, transport, or use, shall be imported into South Australia, such explosives may be seized by an inspector of explosives or any officer of Customs, and shall be forfeited and destroyed or otherwise disposed of as the Board may direct. Landing of damaged or dangerous explosives.

12. If any explosives in any magazine or lighter shall, in the opinion of an inspector of explosives, be in a condition that renders such explosives dangerous to life and property during storage, transport, or use, the Board may order such explosives to be destroyed, and the same shall be destroyed accordingly, and the expense of such destruction shall be borne by the importer or consignee. Dangerous explosives in magazines.

13. If any explosives which have not been defined and classified by the Board under section 364 of the principal Act, or which do not conform in composition, quality, and character to the definition made by the Board under the said section, shall be imported into South Australia, such explosives may be seized by an inspector of explosives or any officer of Customs, and shall be forfeited and destroyed, or otherwise dealt with, as the Board shall direct. Unclassified explosives prohibited.

14. The

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Limit of amount of
explosives allowed in
ports, &c.

14. The words “exceeding twelve pounds in weight” in sections 333, 334, 335, 336, 338, 340, 343, 344, and 345, and the words “not exceeding the amount of twelve pounds weight” in section 352 of the principal Act, shall be deemed to refer to twelve pounds weight of gunpowder and five pounds weight of any other kind of explosive.

By-laws for safety of
explosives.

15. The Board may, subject to the provisions of section 37 of the principal Act, make by-laws and regulations for all or any of the following matters, namely:—

The inspection of explosives before being landed, transhipped, or received into a magazine:

To provide for the inspection from time to time of explosives in magazines:

To prohibit the carriage in or from South Australia in a ship, carriage, or boat carrying passengers of any quantity whatever of any explosive which, in the opinion of an inspector of explosives, is specially dangerous:

To prohibit the carriage by any ship carrying explosives exceeding fifty pounds in weight of any article liable to cause fire, or explosion, or to communicate fire:

To regulate the carriage of explosives from and within South Australia:

To prohibit the manufacture of explosives without a licence:

To provide for the issue of licences to manufacture explosives, and to prescribe the terms and conditions on which such licences will be granted:

To provide for the inspection of explosives factories, and to regulate the method of manufacture in such factories:

The definition of safety cartridges, and the exemption thereof from all or any of the provisions of the principal Act, or this Act, or of any by-laws thereunder:

To provide penalties for breaches of by-laws relating to explosives to an amount not exceeding the sum of Five Hundred Pounds.

Legal Procedure.

Legal procedure.

16. In all legal proceedings parol evidence by any officer of Customs that any ship is a British ship, or the production of any Customs document wherein any such ship is described as a British ship, shall be *prima facie* evidence that such ship is a British ship.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

T. F. BUXTON, Governor.