



ANNO SEXTO

EDWARDI VII REGIS.

A.D. 1906.

No. 917.

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

[*Reserved, December 21st, 1906.*
Royal Assent proclaimed, May 8th, 1907.]

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

1. This Act may be cited as "The Marine Board and Navigation Act Further Amendment Act, 1906," and shall be incorporated and read with the "Marine Board and Navigation Act, 1881" (herein called the principal Act), and the Acts amending the same. Short title and incorporation.
2. This Act shall not come into operation until His Majesty's pleasure thereto has been signified, and after such signification the Governor may, by Proclamation in the *Government Gazette*, appoint a day on which the Act shall come into force. Coming into operation.
3. Section 92 of the "Marine Board and Navigation Act, 1881," is hereby repealed. Repeal of sec. 92 of Act 237 of 1881.
4. The words "twelve pounds in weight," wherever they occur in Part VIII. of the principal Act, are hereby repealed, and the words "twenty-five pounds in weight" substituted therefor. Amendment of Part VIII. of Act 237 of 1881.
5. The word— Interpretation.

"Goods" includes all kinds of movable personal property:

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Section 49 of the principal Act is hereby amended by inserting after the word “ships” in the second line of the section the words “whether of British registry or not”:

Sub-section 1., of section 50 of the principal Act, is hereby amended by inserting between the words “any” and “ship” in the fifth line of the sub-section the word “such”:

A ship shall be deemed to “ply” within the meaning of section 327 of the principal Act whether such ship plies, travels, or carries for hire or otherwise, and whether for any consideration in money or otherwise:

The word “steamship” in Part II. of the principal Act shall extend to and include ships driven or propelled by oil or any other kind of engine, in addition to or in place of steam.

Remedies of master for wages, disbursements, &c.

Imp. Statute 57, 58, Vic., cap. 60, sec. 167.

6. (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under the principal Act or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any Admiralty proceeding in any Court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements or liabilities as aforesaid, any right of set-off or counter-claim is set up, the Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

No shipment or unshipment of goods on Sunday.

7. No person shall at any time during Sunday ship or unship, or cause or permit to be shipped or unshipped, or water-borne to be shipped or unshipped, any goods: Provided that it shall be lawful for the master of any coast-trade ship to unship any cattle, fresh meat, fresh fish, fruit, vegetables, and other perishable articles, and personal baggage of passengers on a Sunday; and provided also that it shall be lawful for the Commissioner, in cases of emergency, to grant a permit to the master of any ship to ship or unship goods on a Sunday subject to such terms and conditions as the Commissioner may think fit

Penalty

8. Any person committing a breach of the next preceding section shall be liable to a penalty not exceeding Two Hundred and Fifty Pounds.

Vessels in an unseaworthy condition.

9. Any person who arrives at any port or place within the said State from any other port or place in the said State in charge of any ship

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ship in such an unseaworthy condition that the life of any person might, had the ship been at sea in such condition, thereby be endangered, shall be guilty of a misdemeanor, unless he proves—

- (a) That he used all reasonable means to ensure her being sent to sea in a seaworthy state; or
- (b) That her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; or
- (c) That she became unseaworthy whilst at sea after leaving the last port of call, in consequence of circumstances over which he had no control:

and, on conviction as the owner or representative of the owner of such ship, shall be liable to a penalty of not less than Fifty Pounds nor more than One Hundred Pounds.

10. Any person who sends or takes, or attempts to send or take, or who departs from or arrives at any port or place in the said State in charge of any ship without the hatches of such ship being properly battened down and secured, or in such a position and condition that they can be so battened down and secured without delay, shall be liable to a penalty of not exceeding One Hundred Pounds.

Penalty for departing from or arriving at any port without hatches on.

11. Every Municipal Corporation or District Council having the care, control, and management of any jetty, pier, wharf, or breakwater, the approaches thereto, or other works in connection therewith within its boundaries or district, whether heretofore or hereafter constructed, shall thoroughly cleanse, repair, and maintain the same in a proper state and condition to the satisfaction of the Commissioner; and if any Municipal Corporation or District Council shall fail to cleanse or repair any such jetty, wharf, pier, breakwater, or approach thereto, or works in connection therewith, within a reasonable time after being required by the Commissioner to do so the Commissioner may cause the same to be cleansed, or repaired, or put into a proper state and condition, and the cost thereof shall be paid by the Municipal Corporation or District Council to the Commissioner, or may be deducted from any money subsidy payable by the Government to the Municipal Corporation or District Council, as the case may be. A certificate signed by the President of the Marine Board shall be conclusive evidence of the cost of cleansing or repairing such jetty, pier, wharf, breakwater, or approach thereto, or works in connection therewith. Notwithstanding anything in this clause contained, no Municipal Corporation or District Council shall be liable to expend in any year in so cleansing, repairing, or maintaining any such jetty, pier, wharf, or breakwater, or any approaches thereto, any larger sum in the aggregate than the revenue derived by such Municipal Corporation or District Council from such jetty, pier, wharf, or breakwater during the year immediately preceding such expenditure.

Control and management of jetties and wharves by Corporations or District Councils.

12. The

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Lighting of wharves.

12. The owner, lessee, occupier, or person having the control or management of any wharf which the Governor shall by Proclamation direct to be lighted under this section, shall keep alight on such wharf at such times as shall be specified in such Proclamation such a number of good and efficient lamps or other lights as shall be sufficient to properly light every part of such wharf: Provided that when the portion of the wharf forming a street end is the property of a Corporation, or District Council, such portion of the wharf shall be lighted at the expense of such Corporation or District Council during the currency of the present lease.

Penalty for default.

13. Any person failing to comply with the provisions of the last preceding section shall be liable to a penalty not exceeding Two Pounds for every night on which he so fails.

By-laws.

14. In addition to the powers conferred upon it by the principal Act, the Board may make by-laws and regulations for prescribing on what nights such lamps or other lights shall be kept alight, and for regulating—

- (a) The mode of examination of engineers, and
- (b) The number and qualification of engineers for
 - (1) Foreign-going ships,
 - (2) Intercolonial ships,
 - (3) Coast-trade ships, and
 - (4) Ships plying within restricted limits:

and such other by-laws or regulations as may be necessary for carrying out the objects of this Act. Such by-laws and regulations shall be made and dealt with, and penalties may be affixed for the breach thereof, in manner prescribed by the principal Act.

I reserve this Act for the signification of His Majesty's pleasure.

GEORGE R. LE HUNTE, Governor.