



TASMANIA

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**MARINE AMENDMENT (AMALGAMATION  
OF BOARDS) ACT 1996**

**No. 39 of 1996**

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## **MARINE AMENDMENT (AMALGAMATION OF BOARDS) ACT 1996**

**No. 39 of 1996**

**An Act to amend the *Marine Act 1976***

**[Royal Assent 16 December 1996]**

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:

### **Short title**

1. This Act may be cited as the *Marine Amendment (Amalgamation of Boards) Act 1996*.

### **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

**Principal Act**

3. In this Act, the *Marine Act 1976\** is referred to as the Principal Act.

**Section 4 amended (Interpretation)**

4. Section 4(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of "board" and substituting the following definition:

**"board"** means a board or authority specified in section 13;

- (b) by omitting the definition of "constituent board" and substituting the following definition:

**"constituent board"** means –

- (a) the Marine Board of Hobart and Circular Head; and
- (b) the Port of Launceston Authority; and
- (c) the Burnie Port Authority; and
- (d) the Port of Devonport Authority;

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\* No. 18 of 1976. For this Act, as amended to 1 July 1987, see the continuing Reprint of Statutes. Subsequently amended by No. 44 of 1987, No. 20 of 1989, Nos. 32, 43 and 46 of 1991, Nos. 24 and 36 of 1993, Nos. 16, 38, 67 and 68 of 1994 and Nos. 14, 18, 30, 52, 71 and 101 of 1995.

**Section 5 amended (Constitution and incorporation of Authority)**

5. Section 5(2)(a) of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Part III: Heading substituted**

6. The heading to Part III of the Principal Act is omitted and the following heading is substituted:

**PART III - JURISDICTION OF BOARDS****Section 13 substituted**

7. Section 13 of the Principal Act is repealed and the following section is substituted:

**Boards and jurisdiction**

13. (1) The following are boards for the purposes of this Act:

- (a) the Marine Board of Hobart and Circular Head;
- (b) the Port of Launceston Authority;
- (c) the Port of Devonport Authority;
- (d) the Burnie Port Authority;
- (e) the Marine Board of King Island;
- (f) the Marine Board of Flinders.

(2) A board has jurisdiction –

- (a) in and over ports, harbours and waters within the limits of coastline specified in Schedule 2; and
- (b) within all islands adjacent or opposite to the coastline within those limits; and
- (c) in and over all navigable rivers and waters which find an outlet to the sea within those limits or on the coastline of those islands.

(3) If there is any dispute in relation to jurisdiction of an island, the Governor, by proclamation, may determine which board has jurisdiction in and over that island.

**Part IV, Division 1: Heading substituted**

8. The heading to Division 1 of Part IV of the Principal Act is omitted and the following heading is substituted:

***Division 1 – Marine Board of Hobart and Circular Head***

**Sections 20 and 21 substituted**

9. Sections 20 and 21 of the Principal Act are repealed and the following sections are substituted:

**Number of wardens**

20. (1) The Marine Board of Hobart and Circular Head as at the commencement day consists of –

- (a) 9 persons who were wardens of the former Marine Board of Hobart immediately before that day; and
- (b) 2 persons who were wardens of the former Marine Board of Circular Head immediately before that day as selected by the former Marine Board of Circular Head.

(2) The wardens referred to in subsection (1)(a) continue to hold office as wardens of the Marine Board of Hobart and Circular Head until the end of their terms of office that existed as wardens of the former Marine Board of Hobart immediately before the commencement day.

(3) The wardens referred to in subsection (1)(b) continue to hold office as wardens of the Marine Board of Hobart and Circular Head until the election to be held in 1999.

(4) Until the election to be held in 1999, wardens to be elected to fill vacancies are to be elected –

- (a) in the case of vacancies in the office of wardens referred to in subsection (1)(a) and subject to section 21(1), by electors referred to in section 22 within the part of the jurisdiction of the Marine Board of Hobart and Circular Head that was previously within the jurisdiction of the former Marine Board of Hobart; and
- (b) in the case of vacancies in the office of wardens referred to in subsection (1)(b), by electors referred to in section 22 within the part of the jurisdiction of the Marine Board of Hobart and Circular

Head that was previously within the jurisdiction of the former Marine Board of Circular Head.

(5) At the election to be held in 1999 and subsequent elections, wardens of the Marine Board of Hobart and Circular Head are to be elected by all the electors referred to in section 22.

(6) If, at the elections to be held in 1999 and subsequent elections, no representative residing in the voting district of Circular Head is elected to the Marine Board of Hobart and Circular Head –

- (a) the warden position to be filled by the person with the ninth highest number of votes is not to be filled as a consequence of those elections; and
- (b) that warden position is to be filled for a 3 year term by a person residing in the voting district of Circular Head nominated by the Circular Head Port Advisory Committee as constituted under the By-laws of the Marine Board of Hobart and Circular Head.

(7) In this section –

**"commencement day"** means the day on which the *Marine Amendment (Amalgamation of Boards) Act 1996* commences;

**"former Marine Board of Circular Head"** means the Marine Board of Circular Head as constituted immediately before the commencement day;

**"former Marine Board of Hobart"** means the Marine Board of Hobart as constituted immediately before the commencement day.

### **Reduction of number of wardens**

**21. (1)** If any warden referred to in section 20(1)(a) does not seek re-election up to and including the election to be held in 1999, the vacancy in that warden's office is not to be filled if the filling of the vacancy would result in the number of wardens of the Marine Board of Hobart and Circular Head totalling more than 9.

**(2)** If the total number of wardens of the Marine Board of Hobart and Circular Head is not reduced to 9 at the election to be held in 1999, the office of any warden who does not seek re-election is not to be filled until the number of wardens of the Marine Board of Hobart and Circular Head total 9.

### **Section 22 amended (Qualifications of electors)**

**10.** Section 22 of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

### **Section 23 amended (Power of corporation to appoint an elector)**

**11.** Section 23(1) of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Section 24 substituted**

12. Section 24 of the Principal Act is repealed and the following section is substituted:

**Maximum votes**

24. An elector of the Marine Board of Hobart and Circular Head has not more than 3 votes according to the qualifications specified in section 22 in respect of any vacancy.

**Section 26 amended (Notice of election)**

13. Section 26 of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Section 27 amended (By-laws as to conduct of elections)**

14. Section 27(1) of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Section 31 repealed**

15. Section 31 of the Principal Act is repealed.

**Section 37 amended (Eligibility for nomination as warden)**

16. Section 37(1)(a)(i) of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Section 43 amended (Voting districts)**

17. Section 43(1) of the Principal Act is amended by omitting paragraph (j).

**Section 45B amended (Non-application to Marine Board of Hobart and Circular Head)**

18. Section 45B of the Principal Act is amended by inserting "and Circular Head" after "Hobart".

**Section 73A amended (Duty to appoint chief executive officer)**

19. Section 73A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) ", other than the Marine Board of Circular Head,";
- (b) by omitting subsection (2).

**Section 86 amended (Financial statements)**

20. Section 86 of the Principal Act is amended by inserting after subsection (6) the following subsection:

(7) The financial statements for the financial year ending on 30 June 1997 of the Marine Board of Hobart and Circular Head are to incorporate the effect of the separate operations of the Marine Board of Hobart, and the Marine Board of Circular Head, as constituted immediately before the day on which the *Marine Amendment (Amalgamation of Boards) Act 1996* commences, from 1 July 1996 to that day.

**Section 89 amended (Rating powers in respect of certain loans)**

**21.** Section 89 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

(4) This section does not apply to the following boards:

- (a) the Burnie Port Authority;
- (b) the Port of Devonport Authority.

**Section 197A inserted**

**22.** After section 197 of the Principal Act, the following section is inserted in Division 7 of Part XIX:

**Liabilities, assets and by-laws of former boards**

**197A.** (1) Any liabilities of the former boards existing immediately before the commencement day are, on that day, liabilities of the Marine Board of Hobart and Circular Head.

(2) Any property or assets vested in the former boards immediately before the commencement day are, on that day, vested in the Marine Board of Hobart and Circular Head.

(3) The provisions of the Loan Acts apply to the Marine Board of Hobart and Circular Head as if references in those Acts to the former boards were references to the Marine Board of Hobart and Circular Head.

(4) All by-laws made under this Act by the Marine Board of Circular Head and in force

immediately before the commencement day are revoked on that day.

(5) All by-laws made under this Act by the Marine Board of Hobart and in force immediately before the commencement day extend, on and after that day, to the jurisdiction of the Marine Board of Hobart and Circular Head and become the by-laws of that marine board.

(6) In this section –

**"commencement day"** means the day on which the *Marine Amendment (Amalgamation of Boards) Act 1996* commences;

**"former boards"** means the Marine Board of Hobart and the Marine Board of Circular Head as they were constituted immediately before the commencement day;

**"Loan Acts"** means –

- (a) *Hobart Marine Board Loan Act 1947*; and
- (b) *Circular Head Marine Board Loan Act 1950*.

### **Schedule 2 amended (Jurisdiction of the several boards)**

23. Schedule 2 to the Principal Act is amended by omitting the items relating to Hobart and Circular Head and substituting the following item before the item relating to Launceston:

s. 23    No. 39    *Marine Amendment (Amalgamation of*    1996  
*Boards)*

*Hobart and Circular Head* – From the eastern side  
of the mouth of Sisters Creek round the western,  
southern and eastern coasts to Cape Portland.

*[Second reading presentation speech made in:-  
House of Assembly on 2 October 1996  
Legislative Council on 5 November 1996]*