



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1864.

## No. 17.

*An Act to amend the Marine Board Act of 1860.*

[Assented to, 9th December, 1864.]

**W**HEREAS it is desirable to amend the Marine Board Act of 1860, in manner hereinafter provided—Be it therefore Enacted, by the Governor-in-Chief 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:

1. It shall not be lawful to present to the Governor, for confirmation or approval, or for the Governor to confirm or approve any by-law or regulation made by the Marine Board constituted under the provisions of the Marine Board Act of 1860, until such by-law or regulation shall have been laid before both Houses of Parliament for the space of fourteen days at least. By-laws and regulations not to be confirmed until after the same have been laid before Parliament.
2. No member of the Marine Board shall be capable of holding, or shall hold, any office under the said Board. Member of Board not to hold office under Board.
3. Clauses 12, 28, 125, 126, and 127, of the said Act are hereby repealed, except as to anything heretofore lawfully done under the authority of the same. Clauses repealed.
4. The powers, authorities, and jurisdiction of the Marine Board shall extend and be exercised in and over the limits of the said Province, and one nautical league to seaward, from high water mark, along the coast line of the said Province, instead of two leagues, as heretofore. Powers of Marine Board to be exercised within one league to seaward.

*Marine Board Act Amendment Act.—1864.*

Ships shall anchor and moor in place appointed by Harbor Master.

5. All ships shall, on arrival at any port in the said Province, anchor or moor in the place appointed by the Harbor Master or his assistant, and all removals shall take place under his direction; and ships requiring to discharge or load at any private wharf must be berthed or removed at the request of the Wharfinger, but under the direction and approval of the Harbor Master or officer appointed for that purpose, and the time of removal from such wharf shall be subject to the by-laws then in force.

Pilotage to be paid.

6. Harbor pilotage shall be paid for each removal, in amount not exceeding the sums specified in the Schedule hereto; except in cases of ships registered in the said Province, and employed in the coasting trade thereof.

Board may make by-laws for regulating lay-days for shipping.

7. The Marine Board, with the consent of the Governor, with the advice of the Executive Council, may make, alter, and repeal such by-laws and regulations as to them shall seem meet for regulating the lay-days to be allowed for shipping at wharfs and legal landing places within the said Province.

Schedule of pilotage dues altered.

8. The Schedule of harbor pilotage dues authorized by the said Act, is hereby repealed and the rates specified in the Schedule hereto are hereby substituted in lieu thereof.

Examinations to be instituted for masters and mates.

9. Examinations shall be instituted for such persons who intend to become masters or mates of foreign going ships, or of home trade passenger ships as may not possess certificates from the Board of Trade or other authorized body, and also for persons who wish to procure certificates of competency hereinafter mentioned, and subject as herein mentioned, the Marine Board shall provide for the examinations at Port Adelaide, and may appoint and may from time to time remove and reappoint examiners to conduct the same, and may regulate the same, and any members of the Marine Board may be present and assist at any such examination.

Powers of Marine Board over examinations.

10. The Marine Board, with the consent of the Treasurer, may, from time to time, lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners, and no examiner shall be appointed unless he possesses a certificate of qualification to be from time to time granted or renewed by the Marine Board, and the sanction of the Treasurer shall be necessary, so far as regards the number of examiners to be appointed and the amount of their remuneration.

Fees to be paid by applicants for examination.

11. All applicants for examination shall pay such fees as the Marine Board shall direct, not exceeding Three Pounds, and such fees shall be paid to such person as the Marine Board shall appoint.

Certificate of competency to be granted to those who pass.

12. Subject to the proviso hereinafter contained, the Marine Board shall deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory

*Marine Board Act Amendment Act.—1864.*

satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, a certificate (hereinafter called a "Certificate of Competency") to the effect that he is competent to act as master, or as first, second, or only mate of a foreign going ship, or as master or mate of a home trade passenger ship, as the case may be: Provided that in every case in which the Marine Board has reason to believe such report to have been unduly made, such Board may remit the case either to the same or any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials or character before granting him a certificate.

13. Certificates of service, differing in form from certificates of competency shall be granted as follows, that is to say—

- I. Every person who before the first day of January, one thousand eight hundred and sixty-five, served as master in the British Merchant Service, or who has attained or attains the rank of lieutenant, master, passed mate, or second master, or any higher rank in the Service of Her Majesty, shall be entitled to a certificate of service, as master for foreign going ships.
- II. Every person who before the first day of January, one thousand eight hundred and sixty-five, served as mate in the British Merchant Service, shall be entitled to a certificate of service as mate for foreign going ships.
- III. Every person who before the first day of January, one thousand eight hundred and sixty-five, has served as master within the limits of the said Province of a passenger ship, shall be entitled to a certificate of service as master of such vessel so employed.
- IV. Every person who has before the first day of January, one thousand eight hundred and sixty-five, served as mate within the limits of the said Province, of a ship, shall be entitled to certificate of service as mate of vessels so employed.

Certificate of service to be delivered to persons who served as master or mates before 1865, and certificates of service for passenger ships within the limits of the Province, to be delivered to persons who have served as master or mate in such ships before 1865.

And each of such certificates of service shall contain particulars of the name, place and time of birth, and of the length and nature of previous service, of the person to whom the same is delivered; and the Marine Board shall deliver such certificate of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

14. No foreign going ship or passenger ship, trading within the limits of the said Province, shall proceed to sea from any port in the said Province, unless the master thereof, and in the case of a foreign going ship, the first and second mates, or only mate (as the case may be), and in the case of a passenger ship trading within the limits of the said Province, the first, or only mate (as the case may be) shall have obtained

No foreign ship or passenger ship employed within the limits of this Province, to proceed to sea without certificates of masters and mates.

*Marine Board Act Amendment Act.—1864.*

obtained and possess valid certificates of competency or service, either from the Board of Trade, Marine Board, or other authorized body, appropriate to their several stations in such ship, or of a higher grade, and no such ship, if of one hundred tons burthen or upwards shall go to sea as aforesaid, unless at least one officer besides the master, has obtained and possesses a valid certificate, appropriate to the grade of only mate therein, or to a higher grade, and every person who, having been engaged to serve as master, or as first or second, or only mate, of any foreign going ship, or as master or first or only mate, trading within the limits of the said Province, of any passenger ship, goes to sea as aforesaid as such master or mate, without being at the time entitled to and possessed of such a certificate as hereinbefore required, or who employs any person as master, or first, second, or only mate of any foreign going ship, or as master, or first, or only mate, trading within the limits of the said Province, of a passenger ship, without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding Fifty Pounds.

Certificates for foreign-going ships available.

15. Every certificate of competency for a foreign going ship, shall be deemed to be of a higher grade than the corresponding certificate of a passenger ship, trading within the limits of the said Province, and shall entitle the lawful holder thereof, to go to sea in the corresponding grade in such last mentioned ship; but no certificate for a home trade passenger ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Marine Board may institute investigation as to incompetency or misconduct.

16. If the Marine Board has reason to believe that any master or mate, holding a certificate under the Marine Board, is, from incompetency or misconduct unfit to discharge his duties, the Marine Board may institute an investigation at or nearest to the place at which it may be convenient for the parties and witnesses to attend to institute the same, and thereupon such persons as the Marine Board may appoint for the purpose, shall, with the assistance of a local Stipendiary Magistrate, if any, and if there is no such Magistrate, of a competent legal assistant, to be appointed by the Treasurer, conduct the investigation, and may summon the master 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 given by the first part of this Act to Inspectors appointed by the said Act, and may make such orders with respect to costs of such investigation as they may deem just, and shall, on conclusion of the investigation, make a report upon the case to the Treasurer; and in cases where it would be inconvenient for the parties or witnesses to attend before the Marine Board, the Treasurer may direct the same to be instituted before two Justices of the Peace or a Stipendiary Magistrate; and thereupon such investigation shall be conducted, and the results thereof reported in the same manner and with the same powers in and with which formal investigations into wrecks and casualties are directed to be conducted, and the results thereof reported, under the provisions

*Marine Board Act Amendment Act.—1864.*

sions contained in 156th to 161st clauses of the said Act, save only that if the Treasurer so directs the person bringing the charge of incompetency or misconduct to the notice of the Board shall be deemed the party having the conduct of the case.

17. All certificates, whether of competency or service, shall be made in duplicate; one part shall be delivered to the person entitled to such certificate, and the other part shall be kept and recorded by the Secretary of the Marine Board, or by such other person as the Board shall appoint for that purpose; and the Board shall give to such Secretary, or such other person, immediate notice of all orders made by it of cancelling, suspending, altering, or otherwise affecting, any certificate, in pursuance of the powers herein contained; and the Secretary, or such other person as aforesaid, shall thereupon make a corresponding entry in the record of certificates, and a copy purporting to be certified by such Secretary, or by such person as aforesaid, of any certificate, shall be *prima facie* evidence of such certificate; and a copy purporting to be so certified as aforesaid, of any entry made as aforesaid, in respect of any certificate, shall be *prima facie* evidence of the truth of the matters stated in such entry.

The Secretary to record grants, cancellations, &c., of certificates.  
Duplicates and entries to be evidence.

18. Whenever any master or mate proves to the satisfaction of the Marine Board, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board shall upon payment of such fee (if any), as it directs, cause a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, to be made out, and to be certified as aforesaid, and to be delivered to him, and any copy which purports to be so made and certified as aforesaid, shall have all the effect of the original.

In case of loss a copy to be granted.

19. Every person who makes, or procures to be made, or assists in making, any false representation, for the purpose of obtaining for himself or any other person, a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate, or any official copy of any such certificate, or who fraudulently makes use of any such certificate, or any copy of any such certificate, which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to, or allows the same to be used by, any other person, shall for each offence be deemed guilty of a misdemeanor.

Penalties for false representations: for forging or altering or fraudulently using or lending any certificate.

20. This Act and the Marine Board Act of 1860, shall be read as one Act.

This Act and Marine Board Act to be read as one Act.

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.

SCHEDULE

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*Marine Board Act Amendment Act.—1864.*


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SCHEDULE REFERRED TO.

HARBOR PILOTAGE DUES.

*A table of the charges payable to the Marine Board for the services of the Harbor Masters at the respective ports in the Province. The following amounts will include mooring and unmooring; each removal to be paid for separately when the distance a ship is removed exceeds the length of the vessel moved, or when a ship is removed from the limits of one wharf to another. In all cases the first removal to be charged whatever distance the ship may be moved. Vessels registered in the Province and employed in the coasting trade thereof excepted.*

	£	s.	d.
For every vessel under 100 tons .....	0	10	0
“ above 100 tons and under 200 tons .....	0	15	0
“ “ 200 tons “ 300 tons .....	1	5	0
“ “ 300 tons “ 400 tons .....	1	15	0
“ “ 400 tons “ 500 tons .....	2	5	0
“ of 500 tons and upwards .....	3	0	0