



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1873.

No. 6.

See No 50 of 76

An Act to repeal "The Marine Board Amendment Act, 1867," and to amend the "Marine Board Act of 1860," and for other purposes.

[Reserved, 18th December, 1873.]

WHEREAS it is expedient to repeal "The Marine Board Amendment Act, 1867," and to make other provisions in lieu thereof, and also to amend the "Marine Board Act of 1860," and also to provide for the examination of, and grant of certificates of competency to, persons in the Province of South Australia intending to act as masters, mates, or engineers on board British ships—Be it therefore 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.

1. This Act shall be divided into eight parts, namely—

Parts of Act.

PART I.—Repeal and Interpretation:

PART II.—Powers of Marine Board:

PART III.—Certificates of Service:

PART IV.—Examination of Masters, Mates, and Engineers, and grant of Certificates of Competency:

PART V.—Provisions respecting Foreign-going Ships, Intercolonial Ships, and Steam Ships, and Surveys on Steam Ships:

PART VI.—Pilotage exemption:

PART VII.—Steam-hoisting machines and persons in charge of same, and their respective examinations:

PART VIII.—Miscellaneous.

PART

*The Marine Board Amendment Act.—1873.***PART I.****PART I.—Repeal and Interpretation :****Repeal.**

2. "The Marine Board Amendment Act, 1867," and sections 12, 22, 28, 38, 39, 47, 51, 59, 92, 106, 111, 112, 113, 114, 124, 125, 126, 127, 161, 180, 181, and 184 of the "Marine Board Act of 1860," are hereby repealed: Provided always, that no things done, appointments made, penalties incurred, or rights acquired, shall be thereby prejudiced or affected, but the same may be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.

Interpretation.

3. In the construction of this Act the following words shall bear the meaning set opposite to them respectively, unless the context shall be inconsistent with such meaning—

"Intercolonial ship," shall mean any ship trading between the Colonies of Victoria, New South Wales, Queensland, Western Australia, Tasmania, New Zealand, that part of the Province of South Australia commonly called "The Northern Territory," and South Australia, or any of them:

"Foreign-going ship," or "foreign-going steam-ship," shall mean any ship trading without the limits of the said Province not being an intercolonial ship:

"Harbor Master" shall mean the officer of the Marine Board charged with the mooring of ships and the administration of this Act, and of the harbor regulations at any port in the said Province:

"Steam-hoisting engine" shall mean any engine used for the purpose of lading or unlading ships or discharging cargo from ships, whether such engine shall be set up on board ship or on any wharf, pier, or jetty adjacent.

PART II.**PART II.—Powers of Marine Board :****Powers of Marine Board to be exercised within one league to seaward.**

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.

Member of Board not to hold office under Board.

5. No member of the Marine Board shall hold any office under the said Board.

Board may make by-laws and regulations.

6. The Marine Board, with the consent of the Governor in Council, may alter and repeal any by-laws and regulations now in force, and with such consent may make such by-laws and regulations as to them shall seem necessary for the following purposes—

For the management and conduct of its meetings for the dispatch of business:

For the control, supervision, and guidance of its officers, and of all other officers over whom, by virtue of the "Marine Board Act of 1860," or this Act, it has control: For

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- For the receipt or discharge of ballast in any port, harbor, haven, channel, or navigable creek or river in the said Province :
- For providing the necessary forms of all notices, books, records, certificates, returns, accounts, agreements, releases, statements, discharges, declarations, licences, and other documents and forms authorized or required by this Act, or by the "Marine Board Act of 1860:"
- For the shipment and discharge of gunpowder, and for the storage of the same in a magazine or magazines, either afloat or ashore, and for the conveyance to and from, and the receipt at and delivery from, such magazine or magazines of any of such gunpowder :
- For the safe disposal of gunpowder, upon its arrival within the said Province ; for the protection of any such port from damages by reason of any such gunpowder ; for the unloading at, and shipment from, any such port of gunpowder ; for the conveyance to, receipt at, and delivery from Government and other magazines of gunpowder :
- For the management and conduct of the business required to be carried on at the mercantile marine offices and for the government of the officers thereof :
- For the engagement and discharge of seamen :
- For the use by ships and boats of lights and fog signals, for the use of lights and the employment of watchmen on board ships and boats when moored or anchored in any port, harbor, or channel, or at any wharf or landing place, and for providing gangways to vessels :
- For regulating the communication between wharves and vessels by means of gangways, or otherwise :
- For the adjustment of the compasses of seagoing steamships and vessels built wholly or partially of iron :
- For the provision of shelter for deck passengers on board any intercolonial ship :
- For regulating the proceedings and the performance of the duties of shipwright surveyors and engineer surveyors :
- For prescribing the number of passengers to be carried by any steamship or sailing vessel carrying passengers :
- For determining the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character, or otherwise :
- For making regulations as to the approval and licensing of pilot boats and ships :
- For the government of the pilots licensed by them, and for insuring their good conduct and their constant attendance to an effectual

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effectual performance of their duty, either at sea or on shore :

- For fixing the terms and conditions of granting licences to pilots and their apprentices, and of granting such pilotage certificates, as hereinafter mentioned, to masters and mates, and to make regulations for punishing any breach of such regulations, as aforesaid, committed by such pilots or apprentices, or by such masters and mates, by the withdrawal or suspension of their licences, or certificates, as the case may be, in addition to the infliction of penalties :
- For fixing the rates, fees, and prices, or other remuneration to be demanded and received for the time being, by pilots licensed by such authority, or to alter the mode of remunerating such pilots :
- For the registration of pilots' licences, and of pilots' boats or ships :
- For regulating the conditions of granting certificates of exemption from pilotage, and of withdrawing or cancelling the same :
- ✓ For regulating the conduct, management, superintendence, erection, and protection of all lights, buoys, beacons, jetties, sea, and other harbor works, and other sea, river, and harbor marks :
- ✓ For the placing, removing, and protecting of moorings :
- For the granting, and suspension or withdrawal, of licences to watermen, bargees, and others :
- For fixing light, pilotage, jetty, and other dues, and from time to time altering, increasing, or diminishing the same :
- For the conduct and management of light-houses, and light-ships, and of their keepers :
- For the conduct of inquiries into wrecks, or any casualty happening on board any ship :
- For the guidance and conduct of Receivers :
- For the examinations for masters, mates, and engineers, and persons in charge of steam hoisting-machines :
- For the appointment and removal of examiners, and for regulating the examinations to be conducted by them :
- For the granting of certificates of competency or service to masters, mates, and engineers, and of certificates of qualification to persons in charge of steam-hoisting machines; and for the withdrawal, suspension, and cancellation of the same respectively :
- For fixing the fees and charges to be taken in respect of the various matters authorized by this Act and the "Marine Board Act of 1860 :"
- For affixing penalties to any breach of any by-law or regulation by

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by this Act or the "Marine Board Act of 1860," authorized to be made, not exceeding for any such offence the sum of Twenty Pounds, nor being less than Five Pounds, except in those cases where the Acts, or either of them, affix or affixes a special penalty in respect of any specific offence:

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And generally for duly administering and carrying out the powers confided to them by this Act and by the "Marine Board Act of 1860:"

And such by-laws and regulations to alter and repeal, and all such by-laws and regulations shall be published in the *Government Gazette*, and shall take effect from a date to be therein specified; and all such by-laws and regulations shall be laid before both Houses of Parliament within one calendar month after making the same, if Parliament be then sitting, or if Parliament be not then sitting, within one calendar month after the commencement of the then next Session of Parliament; and if either House of Parliament shall, by resolution, passed within fourteen days next after any such by-laws and regulations as aforesaid shall be laid before it, resolve that the whole or any part thereof ought not to continue in force, in that case the whole of such by-laws and regulations, or such part or parts thereof as may be specified in the resolution (as the case may be), shall from and after the passing of such resolution, cease to be binding: Provided always, that the powers of making by-laws, or imposing fees, charges, fines, and penalties respectively hereby given shall not limit or repeal any specific power of making by-laws, given by this Act or the "Marine Board Act of 1860," but in every such case the powers hereby conferred shall be deemed to be auxiliary thereto.

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PART III.—Certificates of Service:

PART III.

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

Certificate of service
to be granted.

- i. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as master in the British Merchant Service, or who has attained or shall attain 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-eight, has 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-eight, 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 any vessel so employed:

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- IV. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as mate within the limits of the said Province of a passenger ship, shall be entitled to a certificate of service as mate of any ship so employed:
- v. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as first-engineer in any foreign-going steamship of one hundred nominal horse-power or upwards, or who has attained or attains the rank of engineer in the Service of Her Majesty, shall be entitled to a certificate of service which shall be called a "First-class Engineer's Certificate of Service":
- VI. Every person who, before the first day of January, one thousand eight hundred and sixty-eight, has served as second engineer in any foreign-going steamship of one hundred nominal horse-power or upwards, or as first or only engineer of any other steamship, or who has attained or attains the rank of first-class assistant engineer in the Service of Her Majesty, shall be entitled to a certificate of service which shall be called a "Second-class Engineer's Certificate of Service":

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.

PART IV.PART IV.—Examinations of Masters, Mates, and Engineers, and Grant of Certificates of Competency:

Examinations may be instituted.

8. Examinations shall be instituted for persons intending to become masters, mates, or engineers, whether of British ships, of foreign-going ships, of intercolonial ships, or of passenger ships trading within the limits of the Province, who may not possess certificates from the Board of Trade or other authorized body, and also for persons who wish to procure certificates of competency as hereinafter mentioned, and subject as herein mentioned, the Marine Board shall provide for such examinations at Port Adelaide, and may appoint, and may from time to time remove and re-appoint, 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.

Persons to be domiciled three years before examination.

9. No person shall be entitled to be examined as hereinbefore mentioned, nor to hold any certificate of service or competency as master, mate, or engineer, unless he shall have been domiciled in the said Province for the period of at least three years.

10. For

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10. For the purpose of obtaining a certificate of service or competency as master, mate, or engineer, any person who may have served for a period of at least three years in ships registered in the said Province shall be deemed to have been domiciled in the said Province for such period.

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Service in ships registered in Province.

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11. The Marine Board, with the consent of the Treasurer, may, from time to time, prescribe rules for 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 granted by the Marine Board, or other duly authorized body, 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.

Powers of Marine Board over examinations.

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 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, or as first-class, or second-class engineer of a foreign-going ship, or as master, or mate, or engineer of an intercolonial ship, or of a passenger ship trading within the limits of the Province, as the case may be: Provided that in every case in which the said 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.

Certificate of competency to be granted to those who pass.

13. If the Marine Board has reason to believe that any master, mate, or engineer, holding a certificate of competency or service, is, from incompetency or misconduct, unfit to discharge his duties, the said Board may institute an investigation at such place as, in the opinion of the Board, it will be most convenient for the parties and witnesses to attend, and thereupon such persons as the said Board may appoint for the purpose, shall, with the assistance of the Stipendiary Magistrate appointed for such place, or if there is no such Magistrate, then with the assistance of a competent legal assistant, to be appointed by the Treasurer, conduct the investigation, and may summon such master, mate, or engineer, 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 sections 18, 19, 20, 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, and shall, on conclusion of such 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

Marine Board may institute investigation as to incompetency or misconduct.

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attend before the Marine Board, the Treasurer may direct the investigation to be instituted before two Justices of the Peace or a Stipendiary Magistrate; and thereupon such investigation shall be conducted in the like manner as formal investigations into wrecks and casualties are directed to be conducted under the provisions of the said Act; and on such investigation such Justices or Stipendiary Magistrate shall have and exercise the like powers, and report the result of such investigation in the same manner, as prescribed by the said Act in reference to such investigations into wrecks and casualties, 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.

Causes of suspension
and cancellation of
certificates.

14. The certificate whether of competency or service of any master, mate, or engineer, may be suspended or cancelled in the following cases, that is to say—

- i. If upon any investigation made in pursuance of the last preceding section, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:
- ii. If upon any investigation conducted under sections 156, 157, 158, and 159 of the "Marine Board Act of 1860," or upon any investigation made by a naval court constituted as required by "The Merchant Shipping Act, 1854," it is reported 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:
- iii. If he is superseded by the order of any such Naval Court or of any Admiralty Court:
- iv. If he is shown to have been convicted of any offence.

Rules for cancellation,
suspension, and re-
issue of certificates.

15. The following rules shall be observed with respect to the cancellation of certificates and the suspension of the same, that is to say—

- i. The power of cancelling or suspending the certificate of any master, mate, or engineer, shall, except in the case provided for by section 16 of this Act, vest in the Justices, Stipendiary Magistrate, Naval Court, Admiralty Court, or other Court or tribunal by which the case is investigated or tried, and shall not, except as aforesaid, vest in the Marine Board:
- ii. Every Court or tribunal 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 Marine Board; and shall also, if such Court or tribunal determine to cancel or suspend any certificate, forward such certificate to the Marine Board with its report:

iii. It

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III. It shall be lawful for the Marine Board, if it think the justice of the case requires it, to re-issue and return any certificate which has been cancelled or suspended, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended:

IV. No certificate shall be cancelled or suspended under this section unless a statement of the case on which the investigation is ordered, and of the report founded thereon (if any) has been furnished to the owner of the certificate before the commencement of the investigation; nor in the case of investigations conducted by Justices or a Stipendiary Magistrate and assessors, unless one assessor at least expresses his concurrence in the report.

16. The Marine Board may suspend or cancel, and, if it think fit, re-issue the certificate, or issue one of a lower grade, of or to any master, mate, or engineer, if such master, mate, or engineer shall be shown to have been convicted of any offence as mentioned in paragraph IV. of section 14 of this Act.

Marine Board may suspend or cancel.

17. Every master, mate, or engineer, whose certificate is, or is to be, suspended, or cancelled in pursuance of this Act shall, upon demand of the Court or tribunal by which the case is investigated or tried, deliver his certificate to them, or, if it be not demanded by the Court or tribunal, shall, upon demand deliver it to the Marine Board, or as it directs, and in default shall for each offence incur a penalty not exceeding Fifty Pounds.

Certificate to be delivered up.

18. Whenever any certificate, whether of competency or service granted to any master, mate, or engineer, and whether granted in the said Province or not, shall be suspended or cancelled, notice of such suspension or cancellation shall be forthwith sent by the Marine Board to the Board of Trade, and also to the local Marine Board which may have granted any such certificate.

Notice of suspension or cancellation to be given.

19. The Board of Trade shall have, possess, and exercise all powers of suspension and cancellation of certificates hereby created and given.

Board of Trade retain concurrent powers.

20. 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

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

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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.

In case of loss a copy to be granted.

21. Whenever any master, mate, or engineer proves to the satisfaction of the Marine Board that he has, without fault on his part, lost 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.

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

22. 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.

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PART V.—Provisions respecting foreign-going ships, intercolonial ships, steamships, and surveys on steamships:

No foreign-going, intercolonial, or passenger ship or steamship employed within the limits of the Province, to proceed on a voyage without certificated masters and mates.

23. No foreign-going ship, or intercolonial ship, or passenger ship, or steamship, trading within the limits of the said Province, shall proceed on any voyage 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 an intercolonial ship, passenger ship, or steamship trading within the limits of the said Province, either by sea or river, the first, or only mate, as the case may be, shall have obtained and shall 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 proceed on any voyage 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 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 of an intercolonial ship, or of any passenger ship or steamship, trading within the limits of the said Province, either by sea or river, proceeds on any voyage 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,

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second, or only mate of any foreign-going ship, or as master, or first, or only mate of an intercolonial ship, or of a passenger ship or steamship, trading within the limits of the said Province, either by sea or river, 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.

24. No foreign-going steamship, nor intercolonial steamship, trading either by sea or river, nor passenger steamship trading within the limits of the said Province, shall obtain a clearance or transire, or proceed on any voyage from any port in the said Province, unless in the case of a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of one hundred nominal horse-power, or upwards, the first and second engineers, and in the case of a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of less than one hundred nominal horse-power, or a passenger steamship trading within the limits of the said Province, the first or only engineer, as the case may be, have obtained and possess valid certificates, either of competency or service, appropriate to their several stations in such steamship, or of a higher grade; and every person who, having been engaged to serve as first or second engineer in a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of one hundred nominal horse power and upwards, or as first, or only engineer in a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of less than one hundred nominal horse power, or in a passenger steamship trading within the limits of the said Province, goes to sea as such first, second, or only engineer, without being at the time entitled to and possessed of such a certificate as this Act requires, or who employs any person as first or second engineer in a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of one hundred horse-power and upwards, or as first and only engineer, in a foreign-going steamship, or steamship engaged in the intercolonial trade, either by sea or river, of one hundred nominal horse power, or of a passenger steamship trading within the limits of the said Province, without ascertaining that he is at the time entitled to and possessed of such certificate, for each offence shall incur a penalty not exceeding Fifty Pounds.

Certain ships required to carry certificated engineers.

Penalty on engineer serving without certificate, and on owners employing engineers without certificates.

25. The following rules shall be observed with respect to the production of certificates of competency for foreign-going ships, intercolonial ships, and steamships, and for passenger ships trading within the limits of the said Province, that is to say—

Clearance not to be given without Superintendent of Mercantile Marine Office's certificate.

- I. The master of every such ship as lastly hereinbefore mentioned, shall, on signing the agreement with his crew, or at such other time as the Marine Board may by any regulation appoint, produce to the Superintendent of Mercantile Marine Office, before whom the same is signed, the certificates of competency or service which the said master and his first and second or only mate, and in case of a steamship, the certificates

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certificates of the engineers, which the said master, and his first and second mate, and engineers, as the case may be, are hereby required to possess, and upon such production being duly made, the said Superintendent of Mercantile Marine Office shall sign and give to the master a certificate to that effect:

- II. The master of every such ship as last aforesaid shall, before proceeding on a voyage, produce the certificate so to be given to him by the Superintendent of Mercantile Marine Office as aforesaid, to the Collector, Comptroller, or any officer of Customs, and no officer of customs shall clear any such ship outwards without such production; and if any such ship attempts to proceed on a voyage without a clearance, any such officers may detain her until such certificate as aforesaid is produced.

Certificate for foreign
going ships available.

26. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate of an intercolonial ship, as specified in the regulations, or of a passenger ship trading within the limits of the said Province, and shall entitle the lawful holder thereof to proceed on a voyage in the corresponding grade in such last-mentioned ship; but no certificate for a passenger ship, trading within the limits of the said Province, shall entitle the holder to proceed on a voyage as master, mate, or engineer of any foreign-going ship.

Survey of steam-
ships.

27. In all cases where it is possible, the surveys of steamships shall be made half-yearly, and notice of the expiration of the certificate shall be forwarded by the master or owners of any steamship to the shipwright-surveyor and engineer-surveyor, at least three days before such expiration; but if the owner or master of any steamship is unable to have the same surveyed, either by reason of such ship being absent from the said Province at the time of the expiration of the certificate, or by reason of such ship or the machinery thereof being under construction or repair, or by reason of such ship being laid up, or for any other reason satisfactory to the Marine Board, then he shall have the same surveyed as soon thereafter as possible, and shall transmit the declarations required by section 90 of the "Marine Board Act of 1860," to be made to the Marine Board, within fourteen days after the receipt thereof, together with a statement of the reasons which have prevented the survey of such ship at the time hereinbefore prescribed, and shall, in case of delay in transmitting the said declarations, or in giving the necessary notice of expiration of certificate, as hereinbefore provided, forfeit a sum not exceeding Ten Shillings for every day that the sending of such declarations or notice as aforesaid shall be delayed, and such sum shall be paid upon the delivery of the certificate issuable, pursuant to section 93 of the said "Marine Board Act of 1860," in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

Marine Board Act
of 1860 applied to
steamers.

28. The provisions of the "Marine Board Act of 1860," applying to passenger steam-ships, shall apply to all steam-ships whether carrying passengers or not.

29. Whenever

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29. Whenever any ship has sustained or caused any accident occasioning loss of life, or any serious injury to any person, or has received any material damage affecting her seaworthiness, or her efficiency either in her hull or in any part of her machinery, or has run aground, or has come into collision with any ship, buoy, or beacon, within the limits of the jurisdiction of the Marine Board, the owner or master shall, within twenty-four hours after the happening of such accident or damage, or as soon thereafter as possible, send to the Marine Board by letter, signed by such owner or master, a report of such accident or damage, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is, and if such owner or master neglect so to do he shall, for such offence, incur a penalty not exceeding Fifty Pounds, and on receipt of such report the Marine Board, or any person appointed by the said Board for the purpose, shall make inquiry respecting such accident, grounding, collision, or casualty, and such person shall for that purpose have all the powers of Inspectors appointed by the said Board.

PART V.

Accidents to ships to be reported to Marine Board.

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PART VI.—Pilotage Exemption :

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30. The master of any coaster above one hundred tons, or of any ship trading regularly between Port Adelaide and any of the Ports in the Colonies of Victoria, New South Wales, Queensland, Western Australia, Tasmania, and New Zealand, may be granted a certificate of exemption from pilotage at Port Adelaide on having made three voyages in command, or five voyages as mate of any ship to such port, and similarly to any other port in the said Province; and on passing an examination before the Marine Board, proving he is competent to navigate his ship in and out of any of the ports of the said Province; and for such certificate a payment shall be made by such master, to the Marine Board, of a sum of Five Pounds sterling, such certificate not to be transferable.

Certificates of exemption to be granted to masters of coasters.

31. The master of any coaster or ship, as in the last preceding section mentioned, having a certificate of exemption, on leaving the regular coasting or intercolonial trade as aforesaid, and being employed in any port not included in the Colonies aforesaid, shall be liable for full pilotage inwards on his return to Port Adelaide, or other port of the said Province where pilotage is made compulsory, but, on application to the Marine Board, it shall be lawful for the said Board to renew such master's certificate of exemption, if such master shall prove to the said Board that he intends to resume the regular coasting or intercolonial trade as aforesaid.

Master leaving coasting trade to pay full pilotage.

32. The master of every ship, having a pilotage exemption certificate from the Marine Board, when within a distance of five miles from all pilot stations, shall hoist at the main of such ship a white flag of not less than two yards square, and shall keep such flag flying until the arrival of such ship in the harbor or port; and any master of any ship having a pilotage exemption certificate from the

Master having certificate of exemption to hoist white flag.

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said Board, not having such flag flying as aforesaid, and not having a pilot on board such ship in charge, shall, on conviction for every such offence, forfeit and pay a penalty of not less than Two Pounds nor more than Five Pounds in addition to an amount equal to the amount of pilotage which would have been payable if a pilot had actually been engaged.

Power to suspend, cancel, and re-issue certificate.

33. If at any time it appears to the Marine Board that any master or mate to whom a pilotage exemption certificate has been granted by such Board, has been guilty of misconduct, or of conduct unfitting him to hold such certificate, or has shown himself incompetent to pilot his ship, such Board may thereupon suspend or cancel his said certificate; and, if such Board shall think fit, may at any time re-issue such certificate.

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PART VII.—Steam-Hoisting Machines and persons in charge of same, and their respective examinations:

Persons in charge of steam-hoisting machines to be certificated.

34. No engineers or persons shall have charge of any steam-hoisting engine used on the wharfs at Port Adelaide, or at any port within the jurisdiction of the Marine Board, or on board any vessel lying alongside any wharf, or moored or anchored alongside any wharf or jetty, or moored or anchored in any part of Port Adelaide, or any port within the jurisdiction of the Marine Board, unless such engineers or persons shall be the holders of a certificate from the Marine Board, or other duly constituted authority, to the effect that such engineers or persons in charge are duly qualified to take charge of such hoisting engine; and any owner of a steam-hoisting engine, owner, master, or officer of any vessel employing any engineer or person to take charge of such engine, unless he be possessed of an uncanceled certificate issued by the Marine Board, or other duly constituted authority, and any engineer or person so taking charge of any such engine without such certificate, shall incur a penalty not exceeding Fifty Pounds.

Marine Board may appoint Engineer-Surveyor.

35. The Marine Board may, from time to time, appoint and remove an officer to inspect engines, to be called the Engineer-Surveyor.

Persons in charge of steam-hoisting engine to pass examination and obtain certificate.

36. All engineers, or persons in charge of steam-hoisting engines used or to be used as aforesaid, shall pass such an examination before such engineer-surveyor to prove their qualifications to take charge of such engines, as the Marine Board may from time to time see fit to determine; and the Marine Board shall, if such engineer-surveyor shall report to them that such engineer or person in charge has duly passed such examination grant to him a certificate that he is duly qualified to take charge of a steam-hoisting machine; and every such certificate may be suspended or cancelled by the Marine Board for incompetency or misconduct on the part of the holder, after due investigation.

Surveys of steam-hoisting machines.

37. The owner of every steam-hoisting engine used on the wharfs at Port Adelaide, or at any port within the jurisdiction of the Marine Board, for the purpose of lading or unlading the cargoes, ballast, or other

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other contents of vessels, or for any purpose whatever, shall cause the same to be surveyed, at the times hereinafter directed, by the engineer-surveyor appointed by the Marine Board, and such surveyor shall thereupon, if satisfied that he can with propriety do so, give to such owner a declaration containing the following statements—

- I. That the machinery is sufficient for the service intended, and in good condition:
- II. The time (if less than six months) for which such machinery will be sufficient:
- III. That the safety-valves are such, and in such condition, as are required by this Act:
- IV. The limits of the weight to be placed on the safety-valves:

And such declaration shall be in such form as the Marine Board directs.

38. The owner of any such engine shall transmit such declaration to the Marine Board within four days after the date of the receipt thereof, and in default shall forfeit a sum, not exceeding Ten Shillings, for every day that the sending of such declaration is delayed, and such sum shall be paid upon the delivery of the certificate hereinafter mentioned, in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

Transmission of declaration to Marine Board.

Penalty for delay.

39. In all cases the surveys shall be made half-yearly, but if the owner of any machinery is unable to have the same surveyed, either by reason of its being under repair, or for any other reason satisfactory to the Marine Board, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such declarations to the Marine Board within four days after the receipt thereof.

Times appointed for surveys and transmission of declaration.

40. Every steam engine, of which a survey is hereby required, shall be provided with a safety valve so constructed as to be out of the control of the person in charge when the steam is up, and if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less, and a pressure not greater, than the area of, and pressure on, that valve: And if any steam engine as aforesaid is used at any port within the limits of the jurisdiction of the Marine Board, without being so provided as hereinbefore required, then, for each default in any of the above requisites, the owner shall incur a penalty not exceeding Fifty Pounds.

Steam-hoisting machine to have safety valve.

41. If any person places an undue weight on the safety-valve of any steam engine, or, in the case of steam engines surveyed as hereinafter mentioned, increases such weight beyond the limits fixed by such engineer-surveyor as hereinafter mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding Fifty Pounds.

Penalty for placing undue weight on safety-valve.

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Engineer-surveyor to
inspect machines.

42. It shall be lawful for the said engineer-surveyor, in the execution of his duties, at all reasonable times, to inspect any steam engine used on the wharfs at Port Adelaide, or at any port within the jurisdiction of the Marine Board, or on board any vessel lying alongside the wharfs or jetties, or in any portion of Port Adelaide, or at any port within the jurisdiction of the Marine Board, for the purpose of lading or unlading the cargoes, ballast, or other contents of vessels, or for any purpose whatever, or any certificates of engines, or of engineers or persons in charge of such engines, to which the provisions of this Act apply; and if, in consequence of any accident to any such engine, or for any other reason, he may consider it necessary so to do, to require such repairs as he may consider necessary to be executed; and any person who hinders any such surveyor, or otherwise impedes him in the execution of his duty under this Act, shall incur a penalty not exceeding Five Pounds.

Marine Board to issue
certificates.

43. The Marine Board shall, if satisfied that the provisions of this Act have been complied with, cause a certificate to be issued to the effect that the provisions of the law, with respect to the survey of the steam engine, and the transmission of declarations in respect thereof, have been complied with.

Fees to be paid for
certificates.

44. The owner of every steam-hoisting engine on the wharfs of Port Adelaide, or any of the ports within the jurisdiction of the Marine Board, for the purposes aforesaid, requiring a certificate under this Act, shall pay for every certificate granted by the Marine Board such fees as the said Board, with the consent of the Governor in Executive Council, may direct.

PART VIII.

Application of certain
provisions of Part III
of the "Merchants
Shipping Act 1854."

PART VIII.—Miscellaneous:

45. So much of the Third Part of an Act of the Imperial Parliament intituled "The Merchants Shipping Act, 1854" as relates to rights to wages and remedies for the recovery thereof, to the shipping and discharge of seamen, to the provisions, health, and accommodation of seamen, to the powers of seamen to make complaints, to the protection of seamen from imposition, to crimes committed abroad, and to discipline, shall be, and the same is, hereby applied to all ships registered in the said Province, and to the owners, masters, and crews of such ships, when such ships are within the jurisdiction of the said Province.

What ships exempt
from charges.

46. The following ships shall be exempt from all charges imposed by this Act, or the "Marine Board Act of 1860," namely—

All Her Majesty's ships of war, troop-ships, and all transports hired by Her Majesty's Government, but not merchant ships freighted wholly or in part by the Government for the voyage to or from Port Adelaide:

All ships of war belonging to Sovereign Powers in alliance with Her Majesty:

All ships belonging to the Royal Yacht Squadron, and yachts or ships used solely for pleasure, and not engaged in trade or the conveyance of passengers for hire: All

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All ships outfitting to or refitting from the whale fisheries.

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47. 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.

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

48. The offices, termed shipping offices, in the "Marine Board Act of 1860," shall be termed "Mercantile Marine Offices," and the officers termed shipping-masters and deputy shipping-masters in the aforesaid Act, shall be termed "Superintendents and Deputy Superintendents" of such offices; but nothing in this section contained shall invalidate or affect any act which may be done at any such office under the title of a shipping office, or any act which may be done by, with, or to any of the said officers under the title of shipping-masters or deputy shipping-masters.

Alteration in title of shipping-masters and shipping offices.

49. In the event of any seaman being found in the said Province without a proper discharge, it shall be lawful for the Superintendents and Deputy-Superintendents of any Mercantile Marine Office to give such seaman into custody, and to prosecute him as a deserter, by information, before any Justice of the Peace; and all constables of Police are hereby required to aid and assist the Superintendents and Deputy-Superintendents of Mercantile Marine Office in carrying out the requirements of this Act: Provided that no conviction for any such offence shall be made under this clause, in any proceeding instituted in the said Province, unless such proceeding is commenced within six months after the commission of the offence.

Superintendent of Mercantile Marine Office to prosecute deserters.

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50. All applicants for any examination, by this Act authorized to be made, shall pay such fees as the Marine Board may fix, and such fees shall be paid to such person as the said Board shall appoint.

Fees on examination.

51. If at any time from and after the passing of this Act the master or any other person in command of or belonging to any boat or vessel, or any other person whosoever shall, without the permission in writing of the Marine Board, discharge, throw out, or unlade, or cause or permit to be discharged, thrown out, or unladen from and out of any boat or vessel whatsoever being within any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province or its dependencies, into any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province or its dependencies, any ballast, rubbish, gravel, earth, stone, wreck, or filth, the master or other person commanding such boat or vessel shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds; and if any

Ballast or rubbish not to be discharged in harbor.

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any person from the shore shall throw into any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province or its dependencies any ballast, rubbish, earth, gravel, stone, wreck, or filth, such person shall forfeit and pay for every such offence a sum of not less than Forty Shillings nor more than Fifty Pounds.

Wharves must be so constructed as to prevent ballast or rubbish washing or leaking into harbor.

52. If at any time, from and after the passing of this Act, any person shall be desirous of erecting any wharf or other structure, for retaining ballast, rubbish, sand, gravel, earth, stone, silt, or mud, on any portion of the water frontage of any port, harbor, haven, roadstead, channel, or navigable creek or river within the said Province, such erection shall be so constructed and maintained as to prevent any ballast, rubbish, sand, gravel, earth, stone, silt, or mud, from leaking or washing into such port, harbor, haven, roadstead, channel, or navigable creek or river; and the owner or lessee of any such erection suffering any such ballast, rubbish, sand, gravel, earth, stone, silt, or mud, to wash or leak into such port, harbor, haven, roadstead, channel, or navigable creek or river, or neglecting to repair such erection, when ordered so to do by the Marine Board, shall incur a penalty not exceeding Fifty Pounds.

Boats carrying gunpowder to be provided with tarpaulins.

53. No boats shall be used for the conveyance of gunpowder unless licensed by the Marine Board and provided with tarpaulins, and properly housed over; and any person who shall convey any gunpowder in any boat not so licensed and provided with tarpaulins and properly housed over, shall forfeit and pay the sum of Ten Pounds for every such offence; and every person in charge of such boat acting without such licence shall forfeit and pay the sum of Ten Pounds for every such offence.

Gunpowder may be landed at the place appointed for that purpose.

54. No gunpowder shall be landed in any part of the harbor of Port Adelaide, or of the ports and harbors appointed by the Governor in Council in the manner before directed, other than at such landing-places as may be appointed for that purpose by the Governor in Council, or at any time other than between the hours of sunrise and twelve o'clock at noon, or between such hours as may be, from time to time, appointed for the purpose by the Governor in Council; and any person or persons who shall land, or attempt to land, any gunpowder contrary to the provisions of this clause, shall forfeit and pay the sum of Two Shillings for every pound of gunpowder so landed or attempted to be landed.

Gunpowder Regulations.

55. The following rules shall be observed with respect to gunpowder: Provided that the said rules may from time to time be altered by the Marine Board, with the consent of the Governor—

1. All ships and boats arriving in the ports of the said Province having gunpowder on board exceeding the quantity necessary as stores for their own use, shall forthwith hoist a union jack at the main, or most conspicuous place; and if any master or

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or commander of a vessel shall fail so to do, he shall forfeit and pay the sum of Twenty Pounds :

- II. Ships and boats, within the limits of Port Adelaide, with gunpowder on board exceeding thirty pounds in weight, shall not pass "Lipson Reach," North Arm, either for landing or transshipping such powder; and any person offending herein shall forfeit and pay for every such offence a penalty of Twenty Pounds:
- III. Twenty-four hours after anchoring any ship or boat carrying gunpowder shall be allowed for landing gunpowder at the appointed magazine; and any person offending herein shall for every such offence forfeit and pay a penalty of Ten Shillings for every pound of gunpowder on board over thirty pounds:
- IV. No ship or boat with gunpowder on board shall go alongside any wharf under a penalty upon the person or persons in charge of such ship or boat, of Twenty Shillings for every pound of powder on board over thirty pounds:
- V. Gunpowder shall be landed or removed only between the hours of sunrise and sunset, or between such hours as the Governor in Council may appoint, at the expense of the proprietor or importer thereof; and any person offending herein shall forfeit and pay a penalty of Twenty Pounds for every such offence:
- VI. Gunpowder embarked from Government magazines shall not be landed except as directed by the preceding regulations, under a penalty of Two Shillings for every pound of powder:
- VII. No ship or boat shall take on board any gunpowder, exceeding thirty pounds in quantity, whilst alongside any wharf, or in any part of the harbor of Port Adelaide above the North Arm, unless by order of the Marine Board, for transshipment of any powder illegally brought above such North Arm, under a penalty upon the person or persons offending herein of Twenty Pounds for every such offence.

56. The production of the *Government Gazette*, purporting to be printed by the Government Printer, in which shall be published any proclamation, regulation, or by-law, under this Act, or under the "Marine Board Act of 1860," shall be taken to be *prima facie* evidence in all Courts of Justice in the said Province, of all such facts and circumstances as were or shall be necessary to authorize the issuing of any such proclamation, or the making of any such regulation or by-law, and every such proclamation, regulation, or by-law, shall be taken in all such Courts respectively, as *prima facie* evidence that such proclamation, regulation, or by-law has been issued in conformity with this Act, or the said Act.

Gazette to be evidence in certain cases.

see sec. 6.

57. This

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PART VIII.**Incorporation.**

57. This Act and the "Marine Board Act of 1860" shall be incorporated, and be read and construed together, as forming one Act accordingly.

Commencement of Act.

58. 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 be not more than three months from the day upon which Her Majesty's pleasure upon the said Act shall be signified in the said *Gazette*.

Short title.

59. This Act may be cited for all purposes as "The Marine Board Amendment Act, 1873."

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

A. MUSGRAVE, Governor.