



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1416.

An Act to further amend the Marine Board and Navigation Act, 1881, the Marine Board and Navigation Act Amendment Act, 1897, the Marine Board and Navigation Act Amendment Act, 1902, and the Marine Board and Navigation Act Further Amendment Act, 1906, and for other purposes.

[*Reserved, November 20th, 1919.*
[*Royal Assent Proclaimed, June 16th, 1920.*]

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

1. (1) This Act may be cited alone as the "Marine Board and Navigation Act Further Amendment Act, 1919." Short titles.

(2) The Marine Board and Navigation Act, 1881 (hereinafter called "the principal Act"), the Marine Board and Navigation Act Amendment Act, 1894, the Act No. 681 of 1897, the Marine Board and Navigation Act Amendment Act, 1897, the Marine Board and Navigation Act Amendment Act, 1902, the Marine Board and Navigation Act Further Amendment Act, 1906, and this Act, may be cited together as the "Marine Board and Navigation Acts, 1881 to 1919."

2. This Act is incorporated with the Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

*Marine Board and Navigation Act Further Amendment Act.—1919.**Miscellaneous Amendments.*

Amendment of principal Act, s. 3—
Definition of “Coast-trade ship.”

3. Section 3 of the principal Act is amended by substituting for the definition of “Coast-trade ship” therein the following definition:—

“Coast-trade ship” shall mean and include any ship employed in trading or going between any port or place in South Australia and any port or place on the mainland of Australia or any island on the coast thereof (not beyond Fremantle in Western Australia on the one hand, nor beyond Melbourne in Victoria on the other hand) or any port or place in Tasmania.

Amendment of *ibid.*, s. 52—
Agreements with seamen.

4. Section 52 of the principal Act is amended by substituting the word “fifteen” for the word “eighty” in the second line thereof.

Amendment of *ibid.*, s. 63, 1.—
Rules as to production of agreements.

5. Section 63 of the principal Act is amended by substituting the word “fifteen” for the word “eighty” in the first line of subdivision 1. thereof.

Further amendment of *ibid.*, s. 327, 1v.

6. (1) Subdivision 1v. of section 327 of the principal Act (as substituted by the Marine Board and Navigation Act Amendment Act, 1894, and as amended by the Marine Board and Navigation Act Amendment Act, 1902), is hereby further amended so as to read as follows:—

1v. Every intercolonial or other steamship trading by river, and every steamship of fifty nominal horse power or under employed in trading or going between ports or places in South Australia, and every steamship of fifty nominal horse power or under plying within any port in South Australia, shall have as her engineer an engineer possessing a third class engineer’s certificate or a certificate of a higher grade.

Consequential amendment of *ibid.*, 111.

(2) Subdivision 111. of section 327 of the principal Act is amended by inserting after the word “; shall” in the third line thereof the passage “subject to subdivision 1v. of this section (as enacted by the Marine Board and Navigation Act Further Amendment Act, 1919).”

Amendment of Act 917, 1906, s. 5—
Interpretation.

7. Section 5 of the Marine Board and Navigation Act Further Amendment Act, 1906, is amended by striking out “11.” in the first line of the last paragraph thereof and substituting “111.” therefor.

Amendments and New Provisions relating to Explosives.

Amendment of principal Act, s. 37.

8. Section 37 of the principal Act is amended—

(a) by striking out the words “and carriages” in the third and fourth lines of the fourth paragraph of the said section:

(b) by striking out the words “either” and “or ashore” in the fifth line of the said paragraph:

(c) by

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- (c) by inserting the words "By the Board" after the word "issued" in the ninth line of the said paragraph; and
- (d) by striking out the words "or other magazines, either afloat or ashore" in the third and fourth lines of the sixth paragraph of the said section and substituting therefor the words "magazine or magazines afloat."

9. Section 333 of the principal Act is further amended—

- (a) by striking out the words "a Pilot Jack" in the fourth line thereof, and substituting the words "flag B of the International Code or a red flag at least three feet in length by two feet in width"; and
- (b) by substituting the word "flag" for the words "Pilot Jack" in the fifth line thereof.

Amendment of *ibid.*, s. 333—

Vessels arriving with explosives to hoist flag.

10. Section 352 of the principal Act is amended—

- (a) by substituting for paragraph II. thereof the following paragraph:—

"II. Or in a magazine duly licensed by the Chief Inspector of Explosives"; and

- (b) by striking out the words "the Board or the inspector of magazines appointed by the Board" in the seventh and eighth lines of the proviso to the said section and substituting therefor the words "the Chief Inspector of Explosives or any Inspector of Explosives, or any Superintendent of Explosives appointed by the Board."

Amendment of *ibid.*, s. 352—

Explosives only to be kept in authorised places.

11. Section 353 of the principal Act is amended—

- (a) by striking out the words "certified by an inspector of magazines or an officer duly appointed by the Board for the purpose to be" in the fourth and fifth lines thereof and substituting therefor the words "approved by him as";
- (b) by striking out the words "and upon any such building being so certified" in the seventh and eighth lines of the said section; and
- (c) by substituting the words "Chief Inspector of Explosives" for the word "Board" in the first, eighth, and eleventh lines of the said section.

Amendment of *ibid.*, s. 353—

Magazines may be licensed by Chief Inspector of Explosives.

12. Section 354 of the principal Act is amended so as to read as follows:—

"354. A licence may be granted by the Chief Inspector of Explosives to any person for premises for storing explosives subject to the provisions of this Act and the Acts incorporated therewith."

Amendment of *ibid.*, s. 354—

Premises may be licensed.

13. Section

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Amendment of
ibid., s. 355—
Licences to be granted
by Chief Inspector of
Explosives.

13. Section 355 of the principal Act is amended by striking out the words “All licences and certificates granted under this Act and the regulations made thereunder shall be issued by the Board and” in the first and second lines thereof and substituting therefor the words “Licences issued by the Chief Inspector of Explosives under sections 353 and 354”.

Amendment of
ibid., s. 356—
Passenger steamships
prohibited from
carrying explosives.

14. Section 356 of the principal Act is amended—

- (a) by striking out the words “an inspector of magazines appointed by” in the fourth and fifth lines thereof; and
(b) by adding at the end of the said section the following paragraph:—

This section shall not apply to any explosives not exceeding five hundred pounds in weight carried on any steamship carrying passengers if such explosives are kept in properly-constructed magazines, or are otherwise protected to the satisfaction of the Board.

Amendment of ibid.,
s. 357.

Explosives found on
board ships may be
seized.

15. Section 357 of the principal Act is amended by striking out the words “or any inspector of magazines appointed by the Board” in the first and second lines thereof.

Amendment of
ibid., s. 364—

Chief Inspector may
classify and define
explosives.

16. Section 364 of the principal Act is amended by substituting the words “the Chief Inspector of Explosives” for the words “the Board” in the first line thereof.

Repeal of ibid., s.
366.

17. Section 366 of the principal Act is hereby repealed.

Repeal of ss. 10, 11,
12, and 13 of Act No.
691 of 1897.

18. Sections 10, 11, 12, and 13 of the Marine Board and Navigation Act Amendment Act, 1897, are hereby repealed.

Amendment of ibid.,
s. 15—

By-laws for safety of
explosives.

19. Section 15 of the Marine Board and Navigation Act Amendment Act, 1897, is amended—

- (a) by striking out the second, sixth, seventh, eighth, and ninth paragraphs thereof, and the word “carriage” in the second line of the third paragraph thereof;
(b) by substituting the words “the Board” for the words “an inspector of explosives” in the third and fourth lines of the third paragraph thereof; and
(c) by inserting the words “in any ship or boat” after the word “carriage” in the fifth paragraph thereof.

Amendment of Act No.
814 of 1902, s. 27—

Magazine licences
may be issued for
building, not being
within one hundred
yards of any building
or public road.

20. Section 27 of the Marine Board and Navigation Act Amendment Act, 1902, is amended by substituting the words “Chief Inspector of Explosives” for the word “Board” wherever it appears in the said section.

Licences for carriage
of explosives.

21. A licence may be granted by the Chief Inspector of Explosives to any person for the carriage of explosives by land, subject to the provisions of this Act and the Acts incorporated therewith.

22. (1) The

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22. (1) The Governor may appoint a Chief Inspector of Explosives and such other Inspectors of Explosives as may be necessary for the purpose of carrying out the provisions of the principal Act and the Acts incorporated therewith.

Inspectors may be appointed.

(2) Any person heretofore appointed Chief Inspector or an Inspector of Explosives shall be deemed to have been appointed under this Act.

23. (1) Any Inspector of Explosives may—

Powers of Inspectors.
Cf. 958, 1908, s. 24.

- (a) at any time enter, inspect, and examine any magazine or premises licensed by the Chief Inspector of Explosives or any place where he believes any explosives may be found, except Government magazines or magazines afloat :
- (b) make any general or particular inquiries as to the observance of, or which are necessary for the purposes of, sections 352, 353, 354, 355, and 364 of the principal Act or any of them, or of this Act :
- (c) take without payment such samples of any substance which he believes to be an explosive as are necessary for the examination and testing thereof whether such substance is in a Government magazine or not :
- (d) seize, detain, and remove any explosive and any package or carriage in which the same is contained (except where such explosive is under the control of the Board) if he has reasonable cause to believe that there has been a contravention of this Act in respect of such explosive, and
- (e) where he believes it necessary in the public interest, with the consent of the Minister of Industry destroy or otherwise dispose of any explosive, except where such explosive is under the control of the Board: Provided that in cases of imminent danger he may so act without such consent.

(2) The expense of destruction or disposal of any explosive under paragraph (e) of subsection (1) of this section shall be borne by the owner of such explosive.

24. Every person on or about the place inspected who—

Inspector may be assisted.

- (a) does not, upon being requested so to do by an Inspector of Explosives, facilitate the entry, inspection, and examination authorised by this Act by the Inspector ; or
- (b) does not, upon being so requested, facilitate the taking of samples, or the seizure, detention, or removal of any explosive, packages, or carriage, or the destruction or disposal of any explosive authorised by this Act,

Cf. *ibid.*, s. 25.

shall be liable to a penalty not exceeding One Hundred Pounds.

25. Any

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Obstructing
Inspectors.

25. Any person who—

- (a) obstructs or hinders any Inspector of Explosives : or
- (b) in any way interferes with or prevents the exercise of any of the powers conferred by this Act upon Inspectors of Explosives ; or
- (c) disobeys any lawful order or direction of an Inspector of Explosives ; or
- (d) refuses or neglects to truly answer any inquiry made by an Inspector of Explosives under the authority of this Act,

shall be liable to a penalty not exceeding One Hundred Pounds.

Protection to
Inspector.

Ibid., s. 26.

26. No Inspector of Explosives shall be liable, except in respect of any wilful neglect or default, to any legal proceedings for anything done in pursuance of this Act.

Chief Inspector of
Explosives to notify
Minister when
explosives
dangerous, &c.

27. (1) If in the opinion of the Chief Inspector of Explosives any explosive under the control of the Board—

- (a) has been damaged or from its condition is, or is likely to become, dangerous to life or property during storage, transport or use, or
- (b) has not been defined and classified as provided in section 364 of the principal Act or does not conform in composition, quality, and character to the definition made in accordance with such section,

the said Chief Inspector shall in writing notify the Minister of Industry of such opinion.

(2) Upon receipt of such notification the Minister of Industry shall transmit the same to the Board.

(3) The Board may on receipt of such notification destroy such explosive or may order the same to be destroyed or otherwise disposed of.

(4) The expense of such destruction or disposal shall be borne by the owner of such explosive.

When explosives
deemed to be under
the control of the
Board.

28. For the purposes of sections 23 and 27 of this Act an explosive shall be deemed to be under the control of the Board—

- (a) if it is in a Government magazine ;
- (b) if it is in a magazine afloat ;
- (c) if it is on board ship in any port in South Australia ;
- (d) if it is in course of being landed from any such ship ;
- (e) if it is in course of being shipped in any such port ;
- (f) if it is on board any boat licensed by the Board under section 342 of the principal Act ; or
- (g) if

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(g) if it is in course of removal from or to any Government magazine to or from any ship in any such port.

29. (1) No person shall remove any explosive from any Government magazine unless the prescribed fees for inspecting or testing such explosive have first been paid to the Chief Inspector of Explosives.

Explosives not to be removed from Government magazine without payment of the prescribed fees.

(2) Explosives shall not be delivered from a Government magazine until the Chief Inspector of Explosives has certified in writing to the said Board's Superintendent of Explosives that all fees due to the Chief Inspector of Explosives with respect to the explosives which it is desired to remove have been paid, and that such explosives are in a satisfactory condition.

(3) Any person offending against subsection (1) of this section shall be liable to a penalty not exceeding One Hundred Pounds.

30. Notwithstanding anything contained in the principal Act or any Act incorporated therewith or in the Harbors Act, 1913, the Governor may make regulations for all or any of the following purposes:—

Regulations.

- i. The licensing by the Chief Inspector of Explosives of premises and of magazines ashore other than Government magazines, and prescribing the terms and conditions on which licences will be granted;
- ii. The conveyance to, receipt at, delivery from, or storage in, magazines ashore, other than Government magazines, of any explosives;
- iii. The inspection, examination and testing from time to time of explosives in premises or in magazines ashore other than Government magazines by Inspectors of Explosives, and prescribing the fees therefor;
- iv. Regulating the carriage of explosives by land within South Australia, except the carriage to or from Government magazines from or to any ship;
- v. Prohibiting the manufacture of explosives without a licence from the Chief Inspector of Explosives;
- vi. The issuing of licences by the Chief Inspector of Explosives to manufacture explosives and prescribing the terms and conditions on which such licences will be granted;
- vii. The inspection of explosive factories by Inspectors of Explosives and the regulation of the method of manufacture in such factories;
- viii. The definition of safety cartridges and safety fuses, and the exemption of such or any other explosives from all or any of the provisions of the principal Act or the Acts incorporated therewith, and the conditions (if any) of such exemption;
- ix. Prescribing

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- ix. Prescribing the fees to be paid for any licence or certificate issued by the Chief Inspector of Explosives and the method of recovery thereof ;
- x. Providing penalties for breaches of any such regulations to an amount not exceeding the sum of One Hundred Pounds.

Regulations made by Governor to prevail in case of conflict with regulations made by the Board.

31. Notwithstanding anything contained in the principal Act, when any regulation made by the Governor under this Act is inconsistent with any by-law or regulation made by the Board, the former shall prevail, and the latter shall, to the extent of the inconsistency, be void.

Amendments and New Provisions relating to Safety of Foreign Ships in South Australian Ports.

Application of South Australian load-line provisions to foreign ships.

Cf. U.K. Merchant Shipping Act, 1906, s. 1.

32. The provisions of sections 3 to 10 inclusive of the Marine Board and Navigation Act Amendment Act, 1894 (except subsections (3) and (4) of section 6), shall apply to all foreign ships while they are within any port in South Australia as they now apply to British ships, without prejudice to any direction by the Governor given under section 12 of the said Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the said Act and of the principal Act.

Amendment of s. 184 of principal Act—

Detention of foreign ships.

Cf. *ibid.*, s. 2.

33. Section 184 of the principal Act—

(a) is amended by inserting the words “by reason of the defective condition of her hull, equipments, or machinery, or” before the words “by reason of overloading or improper loading ;” and

(b) as so amended shall apply with respect to any foreign ship being at any port in South Australia, whether such ship takes on board any cargo at that port or not.

Loading of grain cargoes on foreign ships

Cf. *ibid.*, s. 3.

34. (1) Section 230 of the principal Act shall apply to a foreign ship which loads a grain cargo in South Australia so long as the ship is within a port in South Australia.

(2) If a foreign ship laden with grain cargo arrives at any port in South Australia having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of section 230 of the principal Act, the master of that foreign ship shall be liable to a penalty not exceeding Three Hundred Pounds.

Reserved for the signification of His Majesty the King's pleasure thereon.

H. L. GALWAY, Governor.