ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

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No. 55 of 1976


[Assented to 4th November, 1976]

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 as the “Marine Act Amendment Act, 1976”.
   (2) The Marine Act, 1936-1975, is hereinafter referred to as “the principal Act”.
   (3) The principal Act, as amended by this Act, may be cited as the “Marine Act, 1936-1976”.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a day to be fixed by proclamation.
   (2) This Act shall not come into operation until Her Majesty’s pleasure thereon has been publicly signified in this State.

3. Section 63 of the principal Act is amended by striking out from subsection (2) the passage “, and, if he is a certificated officer an inquiry into his conduct may be held and his certificate may be cancelled or suspended”.

4. Section 67f of the principal Act is repealed.

5. Section 67g of the principal Act is amended by inserting in paragraph (c) of subsection (1) after the passage “skippers and” the word “other”.

6. Section 67h of the principal Act is amended by inserting after the passage “fishing vessels” the passage “and the officers and crews of fishing vessels”.
7. Section 110 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) The court of marine inquiry may suspend or cancel, or order to be suspended or cancelled, the certificate of any master, mate or engineer whom it finds to be incompetent or guilty of misconduct.

(3a) For the purposes of this section a person is guilty of misconduct if—

(a) he is guilty of careless navigation, drunkenness, tyranny, or a failure of duty (other than a failure of duty for which there is a reasonable cause or excuse);

(b) he has occasioned by his default or wrongful act the loss or abandonment of, or serious damage to, any ship, or loss of life.

(3b) The court of marine inquiry may exercise its powers in relation to misconduct whether or not the misconduct constitutes an offence against this or any other Act and, where it does constitute an offence, whether or not the person guilty of the misconduct has been prosecuted for, or convicted of, the offence constituted by his misconduct.

8. The following section is enacted and inserted in the principal Act immediately after section 144 thereof:—

145. No civil liability attaches to the Minister, or any other person acting in the administration of this Act, in respect of any certificate, permit or other instrument issued under this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill which is reserved for the signification of Her Majesty the Queen's pleasure thereon.

W. R. CROCKER, Governor's Deputy