



ANNO TRICESIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1989

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No. 19 of 1989

An Act to amend the Marine Act, 1936.

[Assented to 20 April 1989]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Marine Act Amendment Act, 1989*.
- (2) The *Marine Act, 1936*, is referred to in this Act as “the principal Act”.

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Interpretation

3. Section 5 of the principal Act is amended by inserting after the definition of “fishing vessel” the following definition:

“floating establishment” means a vessel or structure not used in navigation that—

(a) is designed to float in or on water;

and

(b) is used while anchored or moored at sea or in a port for dredging, mining, industrial, scientific or commercial operations or purposes:.

## Regulations

4. Section 14 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

(2) Any regulations under this Act may adopt, wholly or partially and with or without modification—

(a) a code relating to matters in respect of which regulations may be made under this Act or otherwise relating to vessels, floating structures or navigation, either as in force at the time the regulations are made, or as in force from time to time;

or

(b) an amendment to such a code.

(3) Any regulations adopting a code, or an amendment to a code, may contain such incidental, supplementary and transitional provisions as appear to the Governor to be necessary.

(4) Any regulations under this Act or a code adopted by the regulations may—

- (a) refer to or incorporate, wholly or partially and with or without modification, a code, either as in force at the time the regulations are made, or as in force from time to time;
- (b) be of general or limited application;
- (c) make different provision according to the persons, things or circumstances to which they are expressed to apply;

and

- (d) provide that any matter or thing under the regulations or code is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Director of Marine and Harbors or any specified officer or person performing functions pursuant to this Act.

(5) Where—

- (a) a code is adopted by the regulations;

or

- (b) the regulations, or a code adopted by the regulations, refers to a code,

then—

- (c) a copy of the code, as adopted or referred to, must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices specified in the regulations;
- (d) in any legal proceedings, evidence of the contents of the code, as adopted or referred to, may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the code;

and

- (e) the code, as adopted or referred to, has effect as if it were a regulation made under this Act.

(6) In this section—

“code” means any code, rules, standard or other document prepared or published by a standards organization or other body specified in the regulations in which the code, rules, standard or other document is referred to or adopted.

#### **Insertion of new Division XC of Part IV**

5. The following Division is inserted after Division XB of Part IV of the principal Act:

#### **DIVISION XC—FLOATING ESTABLISHMENTS**

##### **Floating establishments**

67i. The Governor may make regulations for or with respect to—

- (a) defining the floating establishments to which any regulations made under this section apply;
- (b) the manning of floating establishments;

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- (c) the examinations to be passed and the qualifications to be possessed by the person in charge of and others working on any floating establishment;
  - (ca) requiring any person who proposes to build a floating establishment that will, when built, be subject to the requirements of this Act relating to survey to submit plans, drawings and specifications of the floating establishment to the Director of Marine and Harbors for approval, and restricting or prohibiting the building of floating establishments otherwise than in conformity with plans, drawings and specifications approved by the Director of Marine and Harbors;
  - (d) the survey and inspection of floating establishments;
  - (e) the construction and equipment of floating establishments;
  - (f) prohibiting floating establishments from being used while in an unseaworthy or defective condition;
  - (g) generally to ensure the safety of floating establishments, and of the persons working or admitted on board them;
  - (h) prescribing or empowering the grant of exemptions, absolute or conditional, from any regulations made under this section;
  - (i) prescribing fines not exceeding \$2 000 for breach of any regulation made under this section;
  - (j) prescribing any matters necessary or convenient to be prescribed for the administration and enforcement of any regulations relating to floating establishments.

**Inquiries and investigations relating to floating establishments**

67j. The provisions of Part V apply in relation to floating establishments and the persons working on them with such adaptations as are necessary for that purpose.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor