ANNO TRICESIMO PRIMO

VICTORIAE REGINÆ.

A.D. 1867.

No. 5.

An Act to amend the Marine Board Act of 1860.

[Assented to, 19th December, 1867.]

WHEREAS it is expedient 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. This Act may be cited for all purposes as "The Marine Board Amendment Act, 1867."

2. Sections 12, 28, 39, 125, 126, and 127 of the "Marine Board Act of 1860," are hereby repealed, except so far as may be necessary for supporting the validity of any acts or proceedings heretofore done or taken under the authority of the same.

3. This Act and the said "Marine Board Act of 1860" shall be read and construed together as forming one Act.

4. 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 said 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.

5. No
The Marine Board Amendment Act.—1867.

5. No member of the Marine Board shall be capable of holding, or shall hold, any office under the said Board.

6. 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.

7. 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.

8. 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.

9. Examinations shall be instituted for persons intending to become masters or mates of foreign going ships, or of home trade passenger ships 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 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.

10. 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 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.

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 said Board shall appoint.

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
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 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.

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

1. Every person who before the first day of January, one
thousand eight hundred and sixty-eight, 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.

11. Every person who before the first day of January, one
thousand eight hundred and sixty-eight, served as mate in
the British Merchant Service, shall be entitled to a certi-
ficate of service as mate for foreign going ships.

111. 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 pas-
senger ship, shall be entitled to a certificate of service as master
of any vessel so employed.

IV. Every person who has before the first day of January, one
thousand eight hundred and sixty-eight, served as mate
within the limits of the said Province, of a ship, shall be
entitled to a certificate of service as mate of vessels so
employed.

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 afore-
said, 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
the said Province, the first, or only mate (as the case may be) shall have 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.

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.

16. If the Marine Board has reason to believe that any master or mate, holding a certificate from such Board, 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 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 the said 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 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 casualities are directed to be conducted.
ducted under the provisions of the said Act; and on such investi-
gation, 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.

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 con-
tained; 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.

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.

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.

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

D. DALY, Governor.