

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 April, 1974, A.M.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to reconstitute The Maritime Services Board of New South Wales and to bring it under the control and direction of the Minister; to re-arrange the finances of that Board; for these and other purposes to amend the Maritime Services Act, 1935; and for purposes connected therewith.

BE

Maritime Services (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows:—

1. This Act may be cited as the "Maritime Services Short title.
(Amendment) Act, 1974".

2. The Maritime Services Act, 1935, is in this Act Principal
Act.
referred to as the Principal Act.

10 3. (1) This Act, sections 6 and 7 excepted, commences Commence-
ment.
on the date of assent to this Act.

(2) For the purposes only of the appointment of a
person as a commissioner of The Maritime Services Board
of New South Wales as reconstituted under section 5, and
15 of any matters necessary for or incidental to that appointment,
section 6 commences on the day of assent to this Act.

(3) Section 6 commences for all purposes on such
day (in this Act referred to as "the appointed day") as may
be appointed by the Governor in respect thereof and as may
20 be notified by proclamation published in the Gazette.

(4) Section 7 commences on such day as may be
appointed by the Governor in respect thereof and as may
be notified by proclamation published in the Gazette.

4. The Principal Act is amended—

25 (a) (i) by inserting after section 3 (1) the following Amendment
of Act No.
47, 1935.
Sec. 3.
(Constitu-
tion of
Board.)
subsection :—
(1A) Except in relation to the content of
a report or recommendation made by it, the
Board is, in the exercise and performance of
its

Maritime Services (Amendment).

its powers, authorities, duties and functions, under the direction and control of the Minister.

5 (ii) by omitting section 3 (9) (a) (ii) and by inserting instead the following subparagraph :—

10 (ii) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances, as a commissioner, for their benefit;

15 (iii) by omitting section 3 (9) (a) (v) and by inserting instead the following subparagraph :—

20 (v) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

25 (b) by omitting from section 13z (2) the word "Treasurer" and by inserting instead the word "Minister".

Sec. 13z.
(Leases and licenses under Mining Act, 1973, Coal Mining Act, 1973, and Petroleum Act, 1955.)

5. (1) On the appointed day, The Maritime Services Board of New South Wales shall be reconstituted in accordance with the Principal Act, as amended by this Act.

Reconstitution of The Maritime Services Board of New South Wales.

30 (2) As from the appointed day, a person (not being the Permanent Head of the Department of Public Works) who, immediately before that day, held office as a commissioner, or as President or Vice-President, of The Maritime Services

Maritime Services (Amendment).

Services Board of New South Wales continues, subject to the Principal Act, as amended by this Act, to hold that office as if he had been appointed thereto under the Principal Act, as so amended, for the unexpired part of the term for which, before that day, he had been appointed as such a commissioner.

(3) A commissioner of The Maritime Services Board of New South Wales (not being a commissioner continued in office under subsection (2)) appointed under the Principal Act, as amended by this Act, assumes that office on the appointed day.

(4) Nothing in this section or section 6 operates to prejudice or affect the continuity of the body corporate constituted under Part II of the Principal Act.

6. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

(a) by omitting section 3 (1) (b) and by inserting instead the following paragraph :—

Sec. 3. (Constitution of Board.)

(b) Four of the commissioners (in this Act referred to as "nominated commissioners") shall be persons nominated by the Minister of whom—

(i) one shall be a person identified with the interests of the Port of Newcastle; and

(ii) three shall be identified with such of the interests concerned with the administration of this Act, or have such special knowledge in such fields, as the Minister considers to be appropriate.

(b) by omitting from section 3 (1) (c) the words "One of such three commissioners shall be a person possessing special technical knowledge and experience in navigation and in matters relating thereto.";

(c)

Maritime Services (Amendment).

- (c) by omitting from section 3 (3) (a) the words "This paragraph shall not extend to or in respect of the Permanent Head of the Department of Public Works.";
- 5 (d) by omitting section 3 (3) (b) and by inserting instead the following paragraphs :—
- (b) A person who is of or above the age of sixty-five years shall not be appointed as a commissioner who is not a nominated commissioner.
- 10 (c) A person who is of or above the age of seventy years shall not be appointed as a nominated commissioner.
- (e) by omitting from section 3 (4) (a) the words "and the Permanent Head of the Department of Public Works";
- 15 (f) by omitting section 3 (4) (c) and by inserting instead the following paragraph :—
- (c) A nominated commissioner is entitled to receive as remuneration for his services such fee as may from time to time be fixed by the Governor for each meeting of the Board at which the nominated commissioner attends.
- 20 (g) by inserting after section 3 (9) (b) the following paragraph :—
- 25 (c) A nominated commissioner shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

Maritime Services (Amendment).

7. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

(a) (i) by omitting section 24c (1) (a) and by inserting instead the following paragraphs :—
Sec. 24c. (Payments into Fund.)

5

(a) all wharfage, harbour, transhipment and tonnage rates and berthing charges and all other rates and charges levied or collected by the Board pursuant to the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts and, insofar as those rates and charges relate to any area vested in the Board, pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder;

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(aa) all license, permit, and registration fees and all charges collected by the Board pursuant to this Act, the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts;

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(ab) all fees and charges collected by the Board pursuant to the provisions of Part IV and Part VI of the Navigation Act, 1901, and of the regulations made under that Act for the purposes of those provisions, or made under section 173 of that Act following the suspension under that section of the application of those provisions, and all fines and penalties recovered under those provisions or under those regulations;

30

(ii)

Maritime Services (Amendment).

(ii) by omitting section 24c (2) (a) and by inserting instead the following paragraphs :—

5 (a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Pilotage Act, 1971, and the regulations made thereunder;

10 (aa) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1901, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (ab);

15 (iii) by omitting section 24c (2) (b) and by inserting instead the following paragraph :—

20 (b) all harbour, transhipment and tonnage rates and berthing charges levied or collected by the Board pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, insofar as those rates and charges do not relate to any area vested in the Board or to that portion of the Hunter River to which section 13D applies;

25

(b) by inserting in section 38 (3) (h) after the word "license" the words " , registration certificate or permit".

Sec. 38.
(Board may make regulations.)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[10c]

No. , 1974.

A BILL

To reconstitute The Maritime Services Board of New South Wales and to bring it under the control and direction of the Minister; to re-arrange the finances of that Board; for these and other purposes to amend the Maritime Services Act, 1935; and for purposes connected therewith.

[MR PUNCH—2 April, 1974.]

BE

Maritime Services (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Maritime Services Short title. (Amendment) Act, 1974".

2. The Maritime Services Act, 1935, is in this Act Principal Act. referred to as the Principal Act.

10 3. (1) This Act, sections 6 and 7 excepted, commences Commence-ment. on the date of assent to this Act.

(2) For the purposes only of the appointment of a person as a commissioner of The Maritime Services Board of New South Wales as reconstituted under section 5, and 15 of any matters necessary for or incidental to that appointment, section 6 commences on the day of assent to this Act.

(3) Section 6 commences for all purposes on such day (in this Act referred to as "the appointed day") as may be appointed by the Governor in respect thereof and as may 20 be notified by proclamation published in the Gazette.

(4) Section 7 commences on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

4. The Principal Act is amended—

25 (a) (i) by inserting after section 3 (1) the following subsection:—

(1A) Except in relation to the content of a report or recommendation made by it, the Board is, in the exercise and performance of its

Amendment of Act No. 47, 1935.

Sec. 3. (Constitution of Board.)

Maritime Services (Amendment).

its powers, authorities, duties and functions, under the direction and control of the Minister.

5 (ii) by omitting section 3 (9) (a) (ii) and by inserting instead the following subparagraph :—

10 (ii) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances, as a commissioner, for their benefit;

15 (iii) by omitting section 3 (9) (a) (v) and by inserting instead the following subparagraph :—

20 (v) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

25 (b) by omitting from section 13z (2) the word "Treasurer" and by inserting instead the word "Minister".

Sec. 13z.
(Leases and licenses under Mining Act, 1973, Coal Mining Act, 1973, and Petroleum Act, 1955.)

5. (1) On the appointed day, The Maritime Services Board of New South Wales shall be reconstituted in accordance with the Principal Act, as amended by this Act.

Reconstitution of The Maritime Services Board of New South Wales.

30 (2) As from the appointed day, a person (not being the Permanent Head of the Department of Public Works) who, immediately before that day, held office as a commissioner, or as President or Vice-President, of The Maritime

Services

Maritime Services (Amendment).

Services Board of New South Wales continues, subject to the Principal Act, as amended by this Act, to hold that office as if he had been appointed thereto under the Principal Act, as so amended, for the unexpired part of the term for which, before that day, he had been appointed as such a commissioner.

(3) A commissioner of The Maritime Services Board of New South Wales (not being a commissioner continued in office under subsection (2)) appointed under the Principal Act, as amended by this Act, assumes that office on the appointed day.

(4) Nothing in this section or section 6 operates to prejudice or affect the continuity of the body corporate constituted under Part II of the Principal Act.

6. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

(a) by omitting section 3 (1) (b) and by inserting instead the following paragraph :—

Sec. 3. (Constitution of Board.)

(b) Four of the commissioners (in this Act referred to as "nominated commissioners") shall be persons nominated by the Minister of whom—

(i) one shall be a person identified with the interests of the Port of Newcastle; and

(ii) three shall be identified with such of the interests concerned with the administration of this Act, or have such special knowledge in such fields, as the Minister considers to be appropriate.

(b) by omitting from section 3 (1) (c) the words "One of such three commissioners shall be a person possessing special technical knowledge and experience in navigation and in matters relating thereto.";

(c)

Maritime Services (Amendment).

- (c) by omitting from section 3 (3) (a) the words "This paragraph shall not extend to or in respect of the Permanent Head of the Department of Public Works.";
- 5 (d) by omitting section 3 (3) (b) and by inserting instead the following paragraphs :—
- (b) A person who is of or above the age of sixty-five years shall not be appointed as a commissioner who is not a nominated commissioner.
- 10 (c) A person who is of or above the age of seventy years shall not be appointed as a nominated commissioner.
- (e) by omitting from section 3 (4) (a) the words "and the Permanent Head of the Department of Public Works";
- 15 (f) by omitting section 3 (4) (c) and by inserting instead the following paragraph :—
- (c) A nominated commissioner is entitled to receive as remuneration for his services such fee as may from time to time be fixed by the Governor for each meeting of the Board at which the nominated commissioner attends.
- 20 (g) by inserting after section 3 (9) (b) the following paragraph :—
- 25 (c) A nominated commissioner shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

Maritime Services (Amendment).

7. The Principal Act is further amended—

Further
amendment
of Act No.
47, 1935.

- (a) (i) by omitting section 24c (1) (a) and by inserting instead the following paragraphs :—

Sec. 24c.
(Payments
into Fund.)

5 (a) all wharfage, harbour, transhipment
and tonnage rates and berthing charges
and all other rates and charges levied
or collected by the Board pursuant to
10 the Sydney Harbour Trust Act, 1900,
and the Sydney Harbour Rates Act,
1904, and the regulations made under
those Acts and, insofar as those rates
and charges relate to any area vested
15 in the Board, pursuant to the Harbour
and Tonnage Rates Act, 1920, and
the regulations made thereunder ;

20 (aa) all license, permit, and registration fees
and all charges collected by the Board
pursuant to this Act, the Sydney
Harbour Trust Act, 1900, and the
Sydney Harbour Rates Act, 1904, and
the regulations made under those Acts ;

25 (ab) all fees and charges collected by the
Board pursuant to the provisions of
Part IV and Part VI of the Navigation
Act, 1901, and of the regulations made
under that Act for the purposes of
30 those provisions, or made under section
173 of that Act following the
suspension under that section of the
application of those provisions, and all
fines and penalties recovered under
those provisions or under those
regulations ;

(ii)

Maritime Services (Amendment).

(ii) by omitting section 24c (2) (a) and by inserting instead the following paragraphs :—

5 (a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Pilotage Act, 1971, and the regulations made thereunder;

10 (aa) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1901, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (ab);

15 (iii) by omitting section 24c (2) (b) and by inserting instead the following paragraph :—

20 (b) all harbour, transshipment and tonnage rates and berthing charges levied or collected by the Board pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, insofar as those rates and charges do not relate to any area vested in the Board or to that portion of the Hunter River to which section 13D applies;

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(b) by inserting in section 38 (3) (h) after the word "license" the words ", registration certificate or permit". Sec. 38.
(Board may make regulations.)

Alcoholic Beverages (Amendment)

(ii) by omitting section 240 (2) (a) and (b) inserting instead the following paragraphs:

(a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Alcoholic Beverages Act, 1957, and the regulations made thereunder;

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(b) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1908, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (a);

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(iii) by omitting section 240 (3) (a) and (b) inserting instead the following paragraphs:

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(a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Alcoholic Beverages Act, 1957, and the regulations made thereunder, insofar as those rates and charges do not relate to any matter in the Board or to that portion of the Harbours Board to which section 190 applies;

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(b) by inserting in section 240 (4) after the word "license" the words "registration certificate or permit";

BY ORDER OF THE GOVERNMENT OF CANADA

PROOF

MARITIME SERVICES (AMENDMENT) BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to reconstitute The Maritime Services Board of New South Wales—
 - (i) by substituting for the commissioner who is the Permanent Head of the Department of Public Works a commissioner nominated by the Minister; and
 - (ii) by removing certain restrictions on eligibility for appointment as a commissioner;
- (b) to bring that Board under the control and direction of the Minister;
- (c) to rearrange the distribution of money paid pursuant to Acts and regulations administered by the Board;
- (d) to make provisions consequential upon or ancillary to the foregoing.

8001

MARITIME SERVICES (AMENDMENT) BILL, 1974

EXPLANATORY NOTE

The purpose of this Bill is to amend the Maritime Services Act, 1954, in relation to the subordination of the contract of service of a seaman to the contract of service of the shipowner, and to provide for the subordination of the contract of service of a seaman to the contract of service of the shipowner in certain cases.

The Bill provides that where a seaman is employed by a shipowner and is also employed by another person, the contract of service of the seaman to the shipowner shall be deemed to be the contract of service of the seaman, unless the contrary is proved.

The Bill also provides that where a seaman is employed by a shipowner and is also employed by another person, the contract of service of the seaman to the shipowner shall be deemed to be the contract of service of the seaman, unless the contrary is proved.

PROOF

No. , 1974.

A BILL

To reconstitute The Maritime Services Board of New South Wales and to bring it under the control and direction of the Minister; to re-arrange the finances of that Board; for these and other purposes to amend the Maritime Services Act, 1935; and for purposes connected therewith.

[MR PUNCH—2 April, 1974.]

BE

Maritime Services (Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Maritime Services Short title. (Amendment) Act, 1974".

2. The Maritime Services Act, 1935, is in this Act Principal referred to as the Principal Act. Act.

10 3. (1) This Act, sections 6 and 7 excepted, commences Commence- on the date of assent to this Act. ment.

15 (2) For the purposes only of the appointment of a person as a commissioner of The Maritime Services Board of New South Wales as reconstituted under section 5, and of any matters necessary for or incidental to that appointment, section 6 commences on the day of assent to this Act.

20 (3) Section 6 commences for all purposes on such day (in this Act referred to as "the appointed day") as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 commences on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

4. The Principal Act is amended—

25 (a) (i) by inserting after section 3 (1) the following subsection:—

(1A) Except in relation to the content of a report or recommendation made by it, the Board is, in the exercise and performance of its

Amendment
of Act No.
47, 1935.

Sec. 3.
(Constitu-
tion of
Board.)

Maritime Services (Amendment).

its powers, authorities, duties and functions, under the direction and control of the Minister.

5 (ii) by omitting section 3 (9) (a) (ii) and by inserting instead the following subparagraph :—

10 (ii) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances, as a commissioner, for their benefit;

15 (iii) by omitting section 3 (9) (a) (v) and by inserting instead the following subparagraph :—

20 (v) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

25 (b) by omitting from section 13z (2) the word "Treasurer" and by inserting instead the word "Minister".

Sec. 13z.
(Leases and licenses under Mining Act, 1973, Coal Mining Act, 1973, and Petroleum Act, 1955.)

5. (1) On the appointed day, The Maritime Services Board of New South Wales shall be reconstituted in accordance with the Principal Act, as amended by this Act.

Reconstitution of The Maritime Services Board of New South Wales.

30 (2) As from the appointed day, a person (not being the Permanent Head of the Department of Public Works) who, immediately before that day, held office as a commissioner, or as President or Vice-President, of The Maritime Services

Maritime Services (Amendment).

Services Board of New South Wales continues, subject to the Principal Act, as amended by this Act, to hold that office as if he had been appointed thereto under the Principal Act, as so amended, for the unexpired part of the term for
5 which, before that day, he had been appointed as such a commissioner.

(3) A commissioner of The Maritime Services Board of New South Wales (not being a commissioner continued in office under subsection (2)) appointed under the
10 Principal Act, as amended by this Act, assumes that office on the appointed day.

(4) Nothing in this section or section 6 operates to prejudice or affect the continuity of the body corporate constituted under Part II of the Principal Act.

15 6. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

(a) by omitting section 3 (1) (b) and by inserting instead the following paragraph :—

Sec. 3.
(Constitution of Board.)

(b) Four of the commissioners (in this Act referred to as "nominated commissioners") shall be
20 persons nominated by the Minister of whom—

(i) one shall be a person identified with the interests of the Port of Newcastle; and
(ii) three shall be identified with such of the interests concerned with the administration
25 of this Act, or have such special knowledge in such fields, as the Minister considers to be appropriate.

(b) by omitting from section 3 (1) (c) the words
30 "One of such three commissioners shall be a person possessing special technical knowledge and experience in navigation and in matters relating thereto.";

(c)

Maritime Services (Amendment).

- (c) by omitting from section 3 (3) (a) the words "This paragraph shall not extend to or in respect of the Permanent Head of the Department of Public Works.";
- 5 (d) by omitting section 3 (3) (b) and by inserting instead the following paragraphs :—
- (b) A person who is of or above the age of sixty-five years shall not be appointed as a commissioner who is not a nominated commissioner.
- 10 (c) A person who is of or above the age of seventy years shall not be appointed as a nominated commissioner.
- (e) by omitting from section 3 (4) (a) the words "and the Permanent Head of the Department of Public Works";
- 15 (f) by omitting section 3 (4) (c) and by inserting instead the following paragraph :—
- (c) A nominated commissioner is entitled to receive as remuneration for his services such fee as may from time to time be fixed by the Governor for each meeting of the Board at which the nominated commissioner attends.
- 20 (g) by inserting after section 3 (9) (b) the following paragraph :—
- 25 (c) A nominated commissioner shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

Maritime Services (Amendment).

7. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

(a) (i) by omitting section 24c (1) (a) and by inserting instead the following paragraphs :— (Sec. 24c. (Payments into Fund.)

5

(a) all wharfage, harbour, transhipment and tonnage rates and berthing charges and all other rates and charges levied or collected by the Board pursuant to the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts and, insofar as those rates and charges relate to any area vested in the Board, pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder;

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(aa) all license, permit, and registration fees and all charges collected by the Board pursuant to this Act, the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts;

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(ab) all fees and charges collected by the Board pursuant to the provisions of Part IV and Part VI of the Navigation Act, 1901, and of the regulations made under that Act for the purposes of those provisions, or made under section 173 of that Act following the suspension under that section of the application of those provisions, and all fines and penalties recovered under those provisions or under those regulations;

(ii)

Maritime Services (Amendment).

- (ii) by omitting section 24C (2) (a) and by inserting instead the following paragraphs :—
- 5 (a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Pilotage Act, 1971, and the regulations made thereunder;
- 10 (aa) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1901, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (ab);
- 15 (iii) by omitting section 24C (2) (b) and by inserting instead the following paragraph :—
- 20 (b) all harbour, transhipment and tonnage rates and berthing charges levied or collected by the Board pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, insofar as those rates and charges do not relate to any area vested in the Board or to that portion of the Hunter River to which section 13D
- 25 applies;
- (b) by inserting in section 38 (3) (h) after the word “license” the words “, registration certificate or permit”. Sec. 38. (Board may make regulations.)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

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ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 40, 1974

An Act to reconstitute The Maritime Services Board of New South Wales and to bring it under the control and direction of the Minister; to re-arrange the finances of that Board; for these and other purposes to amend the Maritime Services Act, 1935; and for purposes connected therewith. [Assented to, 23rd April, 1974.]

BE

Maritime Services (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Maritime Services (Amendment) Act, 1974".

Principal Act. 2. The Maritime Services Act, 1935, is in this Act referred to as the Principal Act.

Commence-ment. 3. (1) This Act, sections 6 and 7 excepted, commences on the date of assent to this Act.

(2) For the purposes only of the appointment of a person as a commissioner of The Maritime Services Board of New South Wales as reconstituted under section 5, and of any matters necessary for or incidental to that appointment, section 6 commences on the day of assent to this Act.

(3) Section 6 commences for all purposes on such day (in this Act referred to as "the appointed day") as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 commences on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 47, 1935. 4. The Principal Act is amended—

Sec. 3. (Constitution of Board.) (a) (i) by inserting after section 3 (1) the following subsection:—

(1A) Except in relation to the content of a report or recommendation made by it, the Board is, in the exercise and performance of
its

Maritime Services (Amendment).

its powers, authorities, duties and functions, under the direction and control of the Minister.

(ii) by omitting section 3 (9) (a) (ii) and by inserting instead the following subparagraph :—

(ii) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances, as a commissioner, for their benefit;

(iii) by omitting section 3 (9) (a) (v) and by inserting instead the following subparagraph :—

(v) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(b) by omitting from section 13z (2) the word "Treasurer" and by inserting instead the word "Minister".

Sec. 13z.
(Leases and licenses under Mining Act, 1973, Coal Mining Act, 1973, and Petroleum Act, 1955.)

5. (1) On the appointed day, The Maritime Services Board of New South Wales shall be reconstituted in accordance with the Principal Act, as amended by this Act.

Reconstitution of The Maritime Services Board of New South Wales.

(2) As from the appointed day, a person (not being the Permanent Head of the Department of Public Works) who, immediately before that day, held office as a commissioner, or as President or Vice-President, of The Maritime

Services

Maritime Services (Amendment).

Services Board of New South Wales continues, subject to the Principal Act, as amended by this Act, to hold that office as if he had been appointed thereto under the Principal Act, as so amended, for the unexpired part of the term for which, before that day, he had been appointed as such a commissioner.

(3) A commissioner of The Maritime Services Board of New South Wales (not being a commissioner continued in office under subsection (2)) appointed under the Principal Act, as amended by this Act, assumes that office on the appointed day.

(4) Nothing in this section or section 6 operates to prejudice or affect the continuity of the body corporate constituted under Part II of the Principal Act.

6. The Principal Act is further amended—

Further amendment of Act No. 47, 1935.

Sec. 3.
(Constitution of Board.)

(a) by omitting section 3 (1) (b) and by inserting instead the following paragraph:—

(b) Four of the commissioners (in this Act referred to as “nominated commissioners”) shall be persons nominated by the Minister of whom—

(i) one shall be a person identified with the interests of the Port of Newcastle; and

(ii) three shall be identified with such of the interests concerned with the administration of this Act, or have such special knowledge in such fields, as the Minister considers to be appropriate.

(b) by omitting from section 3 (1) (c) the words “One of such three commissioners shall be a person possessing special technical knowledge and experience in navigation and in matters relating thereto.”;

(c)

Maritime Services (Amendment).

- (c) by omitting from section 3 (3) (a) the words “This paragraph shall not extend to or in respect of the Permanent Head of the Department of Public Works.”;
- (d) by omitting section 3 (3) (b) and by inserting instead the following paragraphs :—
- (b) A person who is of or above the age of sixty-five years shall not be appointed as a commissioner who is not a nominated commissioner.
- (c) A person who is of or above the age of seventy years shall not be appointed as a nominated commissioner.
- (e) by omitting from section 3 (4) (a) the words “and the Permanent Head of the Department of Public Works”;
- (f) by omitting section 3 (4) (c) and by inserting instead the following paragraph :—
- (c) A nominated commissioner is entitled to receive as remuneration for his services such fee as may from time to time be fixed by the Governor for each meeting of the Board at which the nominated commissioner attends.
- (g) by inserting after section 3 (9) (b) the following paragraph :—
- (c) A nominated commissioner shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

Maritime Services (Amendment).

Further amendment of Act No. 47, 1935.

Sec. 24c.
(Payments into Fund.)

7. The Principal Act is further amended—

(a) (i) by omitting section 24c (1) (a) and by inserting instead the following paragraphs :—

(a) all wharfage, harbour, transhipment and tonnage rates and berthing charges and all other rates and charges levied or collected by the Board pursuant to the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts and, insofar as those rates and charges relate to any area vested in the Board, pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder ;

(aa) all license, permit, and registration fees and all charges collected by the Board pursuant to this Act, the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts ;

(ab) all fees and charges collected by the Board pursuant to the provisions of Part IV and Part VI of the Navigation Act, 1901, and of the regulations made under that Act for the purposes of those provisions, or made under section 173 of that Act following the suspension under that section of the application of those provisions, and all fines and penalties recovered under those provisions or under those regulations ;

(ii)

Maritime Services (Amendment).

- (ii) by omitting section 24c (2) (a) and by inserting instead the following paragraphs :—
- (a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Pilotage Act, 1971, and the regulations made thereunder;
 - (aa) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1901, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (ab);
- (iii) by omitting section 24c (2) (b) and by inserting instead the following paragraph :—
- (b) all harbour, transhipment and tonnage rates and berthing charges levied or collected by the Board pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, insofar as those rates and charges do not relate to any area vested in the Board or to that portion of the Hunter River to which section 13D applies;
- (b) by inserting in section 38 (3) (h) after the word “license” the words “, registration certificate or permit”.
- Sec. 38.
(Board may make regulations.)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

Minister of the Interior

By order of the Minister of the Interior (a) and (b) of the following provisions:

1. The following provisions shall apply to the... (a) and (b) of the following provisions:

2. The following provisions shall apply to the... (a) and (b) of the following provisions:

3. The following provisions shall apply to the... (a) and (b) of the following provisions:

4. The following provisions shall apply to the... (a) and (b) of the following provisions:

Approved:

Minister of the Interior (a) and (b) of the following provisions:

of the Ministry

of the Government of the Republic of the Philippines

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 April, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 40, 1974

An Act to reconstitute The Maritime Services Board of New South Wales and to bring it under the control and direction of the Minister; to re-arrange the finances of that Board; for these and other purposes to amend the Maritime Services Act, 1935; and for purposes connected therewith. [Assented to, 23rd April, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Maritime Services (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title **1.** This Act may be cited as the "Maritime Services (Amendment) Act, 1974".

Principal Act. **2.** The Maritime Services Act, 1935, is in this Act referred to as the Principal Act.

Commence- **3.** (1) This Act, sections 6 and 7 excepted, commences
ment. on the date of assent to this Act.

(2) For the purposes only of the appointment of a person as a commissioner of The Maritime Services Board of New South Wales as reconstituted under section 5, and of any matters necessary for or incidental to that appointment, section 6 commences on the day of assent to this Act.

(3) Section 6 commences for all purposes on such day (in this Act referred to as "the appointed day") as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 commences on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
47, 1935.

4. The Principal Act is amended—

Sec. 3.
(Constitu-
tion of
Board.)

(a) (i) by inserting after section 3 (1) the following subsection :—

(1A) Except in relation to the content of a report or recommendation made by it, the Board is, in the exercise and performance of its

Maritime Services (Amendment).

its powers, authorities, duties and functions, under the direction and control of the Minister.

(ii) by omitting section 3 (9) (a) (ii) and by inserting instead the following subparagraph :—

(ii) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his salary or allowances, as a commissioner, for their benefit;

(iii) by omitting section 3 (9) (a) (v) and by inserting instead the following subparagraph :—

(v) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(b) by omitting from section 13z (2) the word "Treasurer" and by inserting instead the word "Minister".

Sec. 13z.
(Leases and licenses under Mining Act, 1973, Coal Mining Act, 1973, and Petroleum Act, 1955.)

5. (1) On the appointed day, The Maritime Services Board of New South Wales shall be reconstituted in accordance with the Principal Act, as amended by this Act.

Reconstitution of The Maritime Services Board of New South Wales.

(2) As from the appointed day, a person (not being the Permanent Head of the Department of Public Works) who, immediately before that day, held office as a commissioner, or as President or Vice-President, of The Maritime

Services

Maritime Services (Amendment).

Services Board of New South Wales continues, subject to the Principal Act, as amended by this Act, to hold that office as if he had been appointed thereto under the Principal Act, as so amended, for the unexpired part of the term for which, before that day, he had been appointed as such a commissioner.

(3) A commissioner of The Maritime Services Board of New South Wales (not being a commissioner continued in office under subsection (2)) appointed under the Principal Act, as amended by this Act, assumes that office on the appointed day.

(4) Nothing in this section or section 6 operates to prejudice or affect the continuity of the body corporate constituted under Part II of the Principal Act.

Further
amendment
of Act No.
47, 1935.

Sec. 3.
(Constitu-
tion of
Board.)

6. The Principal Act is further amended—

(a) by omitting section 3 (1) (b) and by inserting instead the following paragraph :—

(b) Four of the commissioners (in this Act referred to as “nominated commissioners”) shall be persons nominated by the Minister of whom—

(i) one shall be a person identified with the interests of the Port of Newcastle; and

(ii) three shall be identified with such of the interests concerned with the administration of this Act, or have such special knowledge in such fields, as the Minister considers to be appropriate.

(b) by omitting from section 3 (1) (c) the words “One of such three commissioners shall be a person possessing special technical knowledge and experience in navigation and in matters relating thereto.”;

(c)

Maritime Services (Amendment).

(c) by omitting from section 3 (3) (a) the words "This paragraph shall not extend to or in respect of the Permanent Head of the Department of Public Works.";

(d) by omitting section 3 (3) (b) and by inserting instead the following paragraphs :—

(b) A person who is of or above the age of sixty-five years shall not be appointed as a commissioner who is not a nominated commissioner.

(c) A person who is of or above the age of seventy years shall not be appointed as a nominated commissioner.

(e) by omitting from section 3 (4) (a) the words "and the Permanent Head of the Department of Public Works";

(f) by omitting section 3 (4) (c) and by inserting instead the following paragraph :—

(c) A nominated commissioner is entitled to receive as remuneration for his services such fee as may from time to time be fixed by the Governor for each meeting of the Board at which the nominated commissioner attends.

(g) by inserting after section 3 (9) (b) the following paragraph :—

(c) A nominated commissioner shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

Maritime Services (Amendment).

Further
amendment
of Act No.
47, 1935.

Sec. 24c.
(Payments
into Fund.)

7. The Principal Act is further amended—

(a) (i) by omitting section 24c (1) (a) and by inserting instead the following paragraphs :—

(a) all wharfage, harbour, transhipment and tonnage rates and berthing charges and all other rates and charges levied or collected by the Board pursuant to the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts and, insofar as those rates and charges relate to any area vested in the Board, pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder;

(aa) all license, permit, and registration fees and all charges collected by the Board pursuant to this Act, the Sydney Harbour Trust Act, 1900, and the Sydney Harbour Rates Act, 1904, and the regulations made under those Acts;

(ab) all fees and charges collected by the Board pursuant to the provisions of Part IV and Part VI of the Navigation Act, 1901, and of the regulations made under that Act for the purposes of those provisions, or made under section 173 of that Act following the suspension under that section of the application of those provisions, and all fines and penalties recovered under those provisions or under those regulations;

(ii)

Maritime Services (Amendment).

(ii) by omitting section 24c (2) (a) and by inserting instead the following paragraphs :—

(a) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Pilotage Act, 1971, and the regulations made thereunder;

(aa) all rates, charges, fees and other moneys levied or collected by the Board pursuant to the Navigation Act, 1901, and the regulations made thereunder, other than the fees and charges referred to in subsection (1) (ab);

(iii) by omitting section 24c (2) (b) and by inserting instead the following paragraph :—

(b) all harbour, transshipment and tonnage rates and berthing charges levied or collected by the Board pursuant to the Harbour and Tonnage Rates Act, 1920, and the regulations made thereunder, insofar as those rates and charges do not relate to any area vested in the Board or to that portion of the Hunter River to which section 13D applies;

(b) by inserting in section 38 (3) (h) after the word "license" the words ", registration certificate or permit".

Sec. 38.
(Board may make regulations.)

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 23rd April, 1974.*

