

SYDNEY HARBOUR TRUST (AMENDMENT) ACT.

Act No. 32, 1930.

An Act to amend the Sydney Harbour Trust Act, 1900-1928, in certain respects ; and for purposes connected therewith. [Assented to, 23rd June, 1930.] George V.
No. 32, 1930.

BE it enacted by the King'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. (1) This Act may be cited as the "Sydney Harbour Trust (Amendment) Act, 1930," and shall be read with the Sydney Harbour Trust Act, 1900-1928. Short title
and citation.

(2) The Sydney Harbour Trust Act, 1900-1928, as amended by this Act, may be cited as the Sydney Harbour Trust Act, 1900-1930.

2. (1) The Sydney Harbour Trust Act, 1900-1928, is amended by omitting from subsection two of section seventy-four the words "the first day of July, one thousand nine hundred and twenty-nine" and by inserting in lieu thereof the words "a date to be appointed by the Governor and notified by proclamation published in the Gazette." Amendment
of Act No. 1,
1901, s. 74.
(Funds.)

(2) Subsection one of this section shall be deemed to have commenced on the thirtieth day of June, one thousand nine hundred and twenty-nine.

3. (1) The Sydney Harbour Trust Act, 1900-1928, is further amended— Further
amendment
of Act No. 1,
1901.

(a) by omitting section twenty-three and by inserting in lieu thereof the following section :— Sec. 23.

23. (1) The master of a vessel within the port or other person on board such vessel shall moor, unmoor, place, or remove such vessel according Power of
harbour-
master to re-
move vessels.

according to directions given in writing to him by the harbour-master. If the person to whom such directions are given does not comply with them, or if there is no person on board the vessel, it shall be lawful for the harbour-master to cause such vessel to be moored, unmoored, placed, or removed according to the directions aforesaid, or as required by him, and to employ a sufficient number of persons for that purpose, and the expenses attending such mooring, unmooring, placing, or removing shall be paid by the master or owner of such vessel to the Commissioners on demand, and if not so paid may be recovered from such master or owner by the Commissioners as a debt in any court of competent jurisdiction.

(2) If the harbour master's directions are not complied with or if there is no person on board such vessel and if, in the opinion of the Commissioners such vessel is unseaworthy or for any reason is likely to cause damage to property or is or is likely to become a danger to shipping, the Commissioners may in lieu of removing such vessel serve a notice upon the owner thereof, or if the owner be not known or cannot be found, may publish a notification in the Gazette and one newspaper circulating in Sydney requiring the owner to carry out such work in and about such vessel as the Commissioners may deem necessary to make the vessel seaworthy, or to remove any likelihood of damage to property or danger to shipping or alternatively to destroy such vessel.

If the requirements of the Commissioners are not carried out within such time as is prescribed by such notice the Commissioners may themselves carry out the work at the cost and expense of the owner or may destroy such vessel and may sell in such manner as they think fit any material or other property recovered from such vessel.

(3)

(3) Out of the money arising from such sale the Commissioners shall pay the charges and expenses incurred in such destruction, and shall pay the surplus, if any, to the owner of the vessel.

No. 32, 1930.

If the money arising from the sale is not sufficient to defray such charges and expenses, the excess of such charges and expenses beyond the amount of money arising from the sale or the whole of such charges and expenses if for any reason no portion of the vessel can be sold, shall be chargeable to and against the owner of the vessel, and if not paid to the Commissioners within twenty-one days after the same shall have been demanded, may be recovered from the owner of the vessel by the Commissioners by action of debt in any court of competent jurisdiction.

(b) by inserting next after paragraph (s) of section eighty the following new paragraphs:—

Sec. 80.
(Regulations.)

- (t) the regulation and control of the use of motor and other vessels within the port, so as to diminish or prevent noises thereon or therefrom ;
- (u) the regulation and control of the use of machinery and mechanical appliances on vessels within the port, so as to diminish or prevent noises ;
- (v) the regulation and control of the use of vessels within the port, so as to diminish or prevent the emission, discharge, or escape of smoke therefrom ;
- (w) the regulation and control within the port of vessels used for the conveyance of refuse ;
- (x) the registration, on payment of a prescribed fee, of any vessel placed out of commission and moored within the port.

(c)

No. 32, 1930.

Regulations
to be
approved by
Governor, &c.

(c) by omitting section eighty-one and by inserting in lieu thereof the following new section:—

81. Every such regulation shall—

- (a) be submitted to the Governor for approval;
- (b) if approved, be published in the Gazette;
- (c) take effect from the date of publication or from a later date specified in the regulations;
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House passes a resolution of which notice has been given within fifteen sitting days after the regulations have been laid before such House disallowing the regulations or any part thereof, such regulations or part shall thereupon cease to have effect.

Sec 86.
(Throwing
rubbish into
the port.)

(d) by inserting at the end of section eighty-six the following: "and if the offence be committed from any vessel within the port the master or the owner of such vessel shall also be liable to a penalty not exceeding one hundred pounds."

Saving.

(2) Any regulation made before the commencement of this Act and in force at such commencement shall continue and remain in force until repealed, amended, or replaced by regulations made after such commencement.