

MARITIME SERVICES CO-ORDINATION BOARD ACT.

Act No. 54, 1932.

**George V.
No. 54, 1932.**

An Act to provide for the constitution of a Maritime Services Co-ordination Board; to authorise that board to make investigations in relation to the co-ordination and improvement of the Maritime Services of the State, and to report thereon; to amend the Sydney Harbour Trust Act, 1900-1931, the Navigation Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 21st December, 1932.]

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:—

**Short title
and com-
mencement.**

1. (1) This Act may be cited as the "Maritime Services Co-ordination Board Act, 1932."

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

**Interpreta-
tion.**

2. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Board" means the Maritime Services Co-ordination Board constituted under this Act.

"Maritime services" means the activities of the following authorities, namely, the Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, the Reclamation Trust of New South Wales, and the Dredges Branch of the Department of Public Works, and includes all activities conducted for or on behalf

behalf of the State by any authority or person in the exercise or discharge of any powers, authorities, duties or functions conferred or imposed by any of the Acts mentioned in the Schedule to this Act or by any amendment thereof or any rule, regulation or by-law made thereunder.

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“ Member ” means a member of the board, and includes a person appointed as deputy of a member of the board.

(2) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this subsection, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

3. (1) For the purposes of the co-ordination and improvement of the maritime services, there shall be constituted a Maritime Services Co-ordination Board, which shall carry into effect the objects and purposes of this Act, and have and discharge the duties, powers, and functions thereby conferred and imposed on the board.

Constitution
of board.

(2) The board shall consist of five members, who shall be appointed by the Governor.

(3) Of the five members so to be appointed one shall be the person for the time being acting as Superintendent of the Department of Navigation, one shall be an officer of the Department of Public Works, and one shall be a person for the time being holding office as a commissioner under Part I of the Sydney Harbour Trust Act, 1900-1931.

(4) If any of the members referred to in subsection three of this section ceases to possess the qualification in respect of which he was appointed to the board, he shall cease to be a member, and the Governor may appoint a person possessing the necessary qualification to fill the vacancy on the board so arising.

(5) The provisions of the Public Service Act, 1902, shall not apply to the appointment of the members of the board.

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(6) A member shall not be entitled to receive any salary, fee, allowance or remuneration for his services as a member of the board.

(7) One of the members shall in and by the instrument by which he is appointed be the chairman of the board.

(8) Any three members of the board, of which one shall be the chairman or the deputy chairman, shall form a quorum for the purpose of transacting business of the board.

(9) In case of the illness, suspension or absence of the chairman or any other member of the board, a deputy may be appointed by the Governor to act for such member during his illness, suspension or absence, and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

(10) Nothing in this section shall affect the provisions of section thirty of the Interpretation Act of 1897.

(11) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done or commenced, there was a vacancy in the office of any one member.

(12) Upon the expiration of twelve months after the commencement of this Act, or upon the publication in the Gazette of a proclamation of the Governor declaring that the duties and functions imposed by section four of this Act have been discharged, whichever is the earlier date, the board shall be dissolved and the members of the board shall cease to hold office as such members.

Board to
furnish
report and
draft
legislation.

4. (1) The board shall, as soon as practicable after the commencement of this Act, furnish to the Governor a report setting out the steps which they consider should be taken for the co-ordination and improvement of the maritime services and for the establishment and continuance of a proper standard of efficiency and economy in the conduct of the various activities comprised within the maritime services.

(2)

(2) Without prejudice to the generality of subsection one of this section, the board shall report particularly as to the means to be adopted to provide for—

- (a) The vesting in one authority of the function of controlling, managing and directing the operation of all dredging plant operated or used in connection with the maritime services;
- (b) the vesting in one authority of the function of controlling, managing and carrying out all construction, maintenance and repair works required or permitted to be carried out in connection with the various activities comprised within the maritime services;
- (c) such adjustment of the powers, authorities, duties, functions and obligations exercised and discharged in the various branches of the maritime services as will ensure the establishment and continuance of a proper standard of efficiency and economy in those services;
- (d) the prevention of overlapping as between the Government of the Commonwealth of Australia and the Government of the State of certain maritime services connected with navigation;
- (e) the making of such financial arrangements as may be necessary to carry into effect the scheme recommended by the board for the co-ordination and improvement of the maritime services;
- (f) the application of the Public Service Act, 1902, as amended by subsequent Acts, to officers, servants and employees employed in connection with the maritime services.

(3) The report of the board shall be accompanied by a draft Bill for the legislation necessary to give effect to the board's report.

5. (1) The board, or any member or any person authorised by the board in writing in that behalf, either generally or for a particular case or class of cases, may inspect any branch of the maritime services and investigate the character of the work therein performed and the efficiency, economy and general working of the branch.

Powers of inspection, etc.

Where

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Where the inspection and investigation is conducted by the board, the board may examine such witnesses as may appear to it to be necessary.

(2) The board may at any time and from time to time require the Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, the Reclamation Trust of New South Wales, or any authority or person conducting activities in connection with the maritime services to furnish all such information as the board may require.

(3) The board, or any member or any person authorised by the board in writing in that behalf, either generally or for a particular case or class of cases, may inspect all books, papers, documents, accounts, places, properties and buildings under the control of the Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, the Reclamation Trust of New South Wales, or any authority or person conducting activities in connection with the maritime services.

(4) The board may for the purposes of this Act make use of the services of any officers, servants or employees of or under the control of the Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, the Reclamation Trust of New South Wales, or any authority conducting activities in connection with the maritime services.

Directions
of the
Governor to
be carried
out.

6. (1) Notwithstanding anything contained in this or any other Act, the Governor, on the recommendation of the board, on being satisfied that it is in the interests of the public so to do, may from time to time by proclamation published in the Gazette direct the Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, the Reclamation Trust of New South Wales, or any authority or person conducting activities in connection with the maritime services to do or refrain from doing any act, matter or thing whatsoever.

Any such direction may be general or limited to a particular case or class of cases.

Any such proclamation may from time to time upon the recommendation of the board, be revoked or varied by the Governor by a like proclamation.

(2)

(2) Every proclamation made under this section shall take effect from the date of the publication thereof in the Gazette, or from a later date to be specified in the proclamation and every direction contained in the proclamation shall be carried into effect forthwith.

(3) Every proclamation made under this section together with the recommendation of the board relating to any direction contained therein shall 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 of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the proclamation has been laid before such House disallowing any direction or part thereof contained in the proclamation, such direction or part shall thereupon cease to have effect.

7. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are necessary or convenient to be prescribed, to carry this Act into effect or to give effect to any power, function, duty or authority of the board under this Act. Regulations.

Without prejudice to the generality of the foregoing provision of this subsection the regulations may provide for the constitution of one or more advisory committees which shall exercise and discharge such powers, functions, duties and authorities in relation to the execution of this Act as may be specified in the regulations.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) 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

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

(3) Any regulation may impose a penalty not exceeding twenty pounds for any breach thereof.

(4) Any penalty imposed by the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two justices.

SCHEDULE.

No. of Act.	Short Title.
Act No. 1, 1900 ...	The Sydney Harbour Trust Act, 1900-1931.
Act No. 60, 1901 ...	The Navigation Act, 1901.
Act No. 12, 1920 ...	The Harbour and Tonnage Rates Act, 1920.
Act No. 37, 1930 ...	The Reclamation Act, 1930.
Act No. 119, 1902...	The Fisheries Act, 1902.
Act No. 18, 1901 ...	The Net Fishing (Port Hacking) Act, 1901.