

NEWCASTLE HARBOUR (IMPROVEMENTS) ACT.

Act No. 23, 1951.

An Act to sanction and to provide for the carrying out of improvement works in Newcastle Harbour; for the purpose of carrying out such works to enable exemptions from compliance with certain provisions of the Navigation Act, 1901-1949, to be granted by the Maritime Services Board; and for purposes connected therewith.
[Assented to, 16th October, 1951.]

BE

No. 23, 1951.

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.

1. This Act may be cited as the "Newcastle Harbour (Improvements) Act, 1951".

**Works
sanctioned**

2. (1) (a) The carrying out of the work described in the Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c) The Minister for Public Works is empowered to carry out the said work and shall be the Constructing Authority for the same within the meaning of the said Act, as so amended, and shall enter into such contracts, and take all such necessary steps for the proper execution thereof as such Authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

The plan.

3. The plan of the said work is the plan marked "Newcastle Harbour (Improvement) Works (1951)" signed by the Minister for Public Works and countersigned by the Director of Public Works, and deposited in the public office of the said Minister.

**Estimated
cost.**

4. The cost of carrying out the said work (exclusive of land resumptions) is estimated at four hundred and fifty thousand pounds and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

5. (1) In this section "contractor" means any person with whom the Constructing Authority has entered into a contract for or in connection with the carrying out of the said work.

(2) The Maritime Services Board of New South Wales (in this section referred to as the "Board") may exempt any contractor and any person employed by a contractor and any vessel used by a contractor from compliance with the provisions of the Navigation Act, 1901-1949, to such extent as the Board deems necessary for enabling the said work to be carried out.

(3) Any such exemption shall be subject to such conditions as the Board may think proper to impose and in particular without affecting the generality of the foregoing the Board may impose conditions—

- (a) requiring vessels used by the contractor in the carrying out of the said work and the equipment thereon to comply with such standards, to be maintained in such condition, and to be subject to such surveys and inspections (including the payment of fees therefor) as the Board may consider necessary;
- (b) requiring masters, mates and engineers of such vessels to possess and demonstrate to the satisfaction of the Board such navigational and technical qualifications and such knowledge of matters relating to the Port of Newcastle as the Board may think necessary;
- (c) requiring such vessels to be manned to the satisfaction of the Board and to carry thereon at least one person approved by the Board who is able to speak and write English and (if so required by the Board) one other language specified by the Board; and
- (d) specifying the area or areas within which and the times during which and the circumstances in which any vessel exempted as aforesaid may be operated or used.

(4) The Board may at any time—

- (a) cancel any exemption granted by it under this section;

(b)

Temporary authority of the Maritime Services Board to grant exemptions from the provisions of the Navigation Act, 1901-1949.

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(b) vary the conditions to which any such exemption is subject;

(c) impose additional conditions to any such exemption.

(5) Any contractor, master, mate or engineer as aforesaid, who contravenes or fails to comply with any of the conditions imposed by the Board under this section shall be liable to a penalty not exceeding fifty pounds.

(6) Expressions used in this section shall have the meanings ascribed thereto in the Navigation Act, 1901-1949.

Sec. 2.

SCHEDULE.

Improvement works for the Newcastle Harbour comprising—

(a) the dredging of approximately two million cubic yards of silt and other materials in the areas marked "A", "B", "C", "D" and "E" on the plan of the works or in any one or more of such areas;

(b) the disposal of the dredged material;

(c) other incidental works as deemed necessary or desirable by the Constructing Authority.

The whole of the works hereinbefore described shall be subject to such modifications as may be deemed necessary or desirable by the Constructing Authority.