

MARITIME SERVICES (AMENDMENT) ACT.

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.]

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Maritime Services (Amendment).

No. 40, 1974 **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:—

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.

Commencement. **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

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its powers, authorities, duties and functions, under the direction and control of the Minister. No. 40, 1974

(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

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No. 40, 1974 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.
(Constitution 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)

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(c) by omitting from section 3 (3) (a) the words "This **No. 40, 1974** 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.

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No. 40, 1974 7. The Principal Act is further amended—

Further
amendment
of Act No.
47, 1935.

Sec. 24c.
(Payments
into Fund.)

(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)

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- (ii) by omitting section 24c (2) (a) and by ^{No. 40, 1974} 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.)
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