

**MARITIME SERVICES (AMENDMENT) ACT,
1978, No. 16**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 16, 1978.

An Act to amend the Maritime Services Act, 1935, to extend the jurisdiction of the Maritime Services Board of New South Wales in respect of trading ports and installations and for certain other purposes. [Assented to, 16th March, 1978.]

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, 1978".

2. (1) Except as provided in subsection (2), this Act shall **Commence-**
commence on the date of assent to this Act. **ment.**

(2) Section 4, in its application to Schedule 1 (14) and (15), and Schedule 1 (14) and (15) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— **Schedules.**

SCHEDULE 1.—AMENDMENTS TO THE MARITIME SERVICES ACT, 1935.

SCHEDULE 2.—AMENDMENTS TO THE MARITIME SERVICES ACT, 1935, BY WAY OF STATUTE LAW REVISION.

4. The Maritime Services Act, 1935, is amended in the manner **Amendment**
set forth in Schedules 1 and 2. **of Act No.**
47, 1935.

Maritime Services (Amendment).

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE MARITIME SERVICES ACT, 1935.

(1) Section 1 (3)—

After the matter relating to Division 3B of Part III,
insert :—

DIVISION 3BA.—*Port of Port Kembla and other ports.*

DIVISION 3BB.—*Trading installations.*

(2) (a) Section 2 (1), definition of “Port”—

After the definition of “Owner”, insert :—

“Port” includes—

- (a) any harbour or haven, whether natural or artificial, or any estuary, channel, river, creek or roadstead; and
- (b) any navigable water in which vessels may lie for shelter or for the shipment or unshipment of goods or passengers.

(b) Section 2 (1), definition of “Trading vessel”—

After the definition of “Shore”, insert :—

“Trading vessel” means any vessel used for or in connection with the carriage of goods or persons by water from one port to another port in the course of any business or in connection with any commercial transaction.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

(3) Section 2B—

After section 2A, insert :—

2B. Where—

- (a) under any provision of this or any other Act a power, authority, duty or function is conferred or imposed on the Board with respect to land vested in the Board; and
- (b) any land which purports to have been vested in the Board pursuant to this Act, either after or before the commencement of this section, is not so vested because the power purporting to have been exercised to effect the vesting exceeds the legislative powers of the State,

Land purporting to be vested in Board.

the provision shall be construed as if the power, authority, duty or function had been conferred or imposed on the Board with respect to the land referred to in paragraph (b).

(4) (a) Section 3 (9) (a) (iii), (iv)—

Omit the subparagraphs, insert instead :—

- (iii) if, not being a nominated commissioner, he absents himself from duty for a period exceeding 28 consecutive days, except on leave granted by the Minister before the expiration of 56 consecutive days after the beginning of that period;
- (iv) if, being a nominated commissioner, he is absent from 4 consecutive ordinary meetings of the Board of which reasonable notice has been given him either personally or in the

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

ordinary course of post, except on leave granted by the Board before the expiration of 4 weeks after the last of those meetings;

(b) Section 3 (12) (a)—

Omit “—1935, or any Act amending such Acts,”, insert instead “, or in respect of service with the Board”.

(c) Section 3 (12) (a)—

Omit “—1935, or any amendment thereof”, insert instead “, or an officer or employee of the Board, as the case may be”.

(d) Section 3 (12) (b)—

Omit “—1935, or any amendment thereof, appointed a commissioner”, insert instead “, or an officer or employee of the Board appointed a commissioner, other than a nominated commissioner.”.

(e) Section 3 (12) (b)—

Omit “—1935, as the case may be”, insert instead “, or Division 4 of Part III of this Act, as the case may be”.

(f) Section 3 (13) (b)—

Omit “Three”, insert instead “Four”.

Maritime Services (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

(5) Part III, Divisions 3BA, 3BB—

After Division 3B of Part III, insert :—

DIVISION 3BA.—*Port of Port Kembla and other ports.*

13JA. Upon a date to be appointed by the Governor and notified by proclamation published in the Gazette, there shall be vested in the Board the lands (excluding coal or shale or any substance prescribed as a mineral under the Mining Act, 1973) included in Parts 1, 2 and 3 of Schedule 5 which immediately before the appointed day were vested in the Crown or any Minister of the Crown.

Vesting of
Port of
Port Kembla
in Board.

13JB. The Governor may, by proclamation published in the Gazette, vest in the Board on a date specified in the proclamation any lands (excluding coal or shale or any substance prescribed as a mineral under the Mining Act, 1973) which—

Vesting land
in other
ports in
the Board.

- (a) immediately before that date, were vested in the Crown or any Minister of the Crown; and
- (b) are within, or in the vicinity of, an existing or proposed port in which there is an installation for use by or in connection with trading vessels or in which such an installation is proposed to be provided.

13JC. (1) The Board and any Minister of the Crown shall, in respect of the port of Port Kembla and in respect of each port which is, or part of which is, vested in the Board under section 13JB, arrange and agree upon :—

Transfer of
works and
operations.

- (a) the vesting in the Board of land vested in or controlled by that Minister which may be found necessary for the conduct of the port, and the

Maritime Services (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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removing from the Board of land which before its vesting in the Board was vested in or controlled by that Minister and which may be found unnecessary for the conduct of the port;

- (b) the transfer to the Board of such vessels, floating and movable plant, vehicles, mobile cranes, machinery, apparatus and things used on or in connection with the port as may be agreed to be appropriate, and the severance and removal by that Minister from the lands vested in the Board for the conduct of the port of such fixed plant, apparatus and installations as may be agreed to be appropriate;
- (c) the delivery to or by the Board or that Minister of such books, documents, records or papers relating to or concerning any lands vested in or removed from the Board and works and operations carried out thereon, or anything the subject of any transfer or severance and removal pursuant to paragraph (b), as may be agreed to be appropriate; and
- (d) the transfer to the service of the Board of such officers or employees of the Department concerned in any such arrangement and agreement as may be agreed to be appropriate and the adjustment of liability for the future rights of the officers or employees so transferred in respect of their antecedent service.

(2) The Minister shall refer any dispute arising under or in connection with subsection (1) between the Board and another Minister of the Crown to the Governor for determination.

Maritime Services (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

(3) The Treasurer shall determine the financial adjustment of all matters arising out of the vestings, transfers, assignments and other dealings and matters referred to in this Division, including the loan liability of the Board to the Treasurer, and of matters arising by virtue of section 13JD.

(4) Any determination made by the Governor under subsection (2) or by the Treasurer under subsection (3) shall be final and binding on the Board and the Minister concerned and shall have the like force and effect as if the determination had been embodied in any arrangement and agreement entered into pursuant to subsection (1).

(5) Any lands in respect of which an arrangement and agreement for their removal has been entered into pursuant to subsection (1) and any fixed plant, apparatus and installations in respect of which any such arrangement and agreement for their severance and removal has been so entered into shall vest in or be transferred to such person as may be specified in the arrangement and agreement as from a date to be specified therein.

(6) Any lands in respect of which an arrangement and agreement for their vesting has been entered into pursuant to subsection (1) and any vessels, floating and movable plant, vehicles, mobile cranes, machinery, apparatus and things in respect of which any such arrangement and agreement for their transfer to the Board has been so entered into shall vest in or be transferred to the Board from a date to be specified in the arrangement and agreement.

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(7) Sufficient records of all arrangements and agreements and determinations made pursuant to this section shall be filed in the offices of the Treasury, the Board and the Minister concerned and the production by the Board or that Minister of a document purporting to be the record of any such arrangement and agreement or determination shall be sufficient evidence in any proceedings of the matters contained therein.

Rights,
liabilities,
etc.

13JD. (1) As on and from the date upon which any land or personal property vests in the Board pursuant to this Division the following provisions shall have effect :—

- (a) All moneys and liquidated and unliquidated claims, which, immediately before that date are payable to or recoverable by the Crown or any Minister of the Crown in relation to or in connection with any such land or personal property, shall respectively be moneys and liquidated and unliquidated claims payable to or recoverable by the Board.
- (b) All suits, actions and proceedings pending immediately before that date at the suit of the Crown or any Minister of the Crown in relation to or in connection with any such land or personal property shall respectively be suits, actions and proceedings pending at the suit of the Board.
- (c) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the Crown or any Minister of the Crown in relation to or in connection with any such land or personal property and in force immediately before that date shall respectively be

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
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deemed to be contracts, agreements and undertakings entered into with, and securities given to or by, the Board.

- (d) The Board may pursue the same remedies for the recovery of those moneys and claims, and for the prosecution of those suits, actions and proceedings, as the Crown or any Minister of the Crown might respectively have done but for this Division.
- (e) The Board may enforce and realise any security or charge existing immediately before that date in favour of the Crown or any Minister of the Crown in respect of any such moneys and claims as if the security or charge were existing in favour of the Board.
- (f) All debts due and moneys payable by the Crown or any Minister of the Crown relating to any such land or personal property and all claims, liquidated or unliquidated, recoverable against the Crown or any Minister of the Crown relating to any such land or personal property shall respectively be debts due and moneys payable by and claims recoverable against the Board.
- (g) No attornment by a lessee of any such land shall be necessary.

(2) This section shall not apply to—

- (a) a lease of an oyster farm under Part V of the Fisheries and Oyster Farms Act, 1935;
- (b) a lease under the Mining Act, 1973, or the Coal Mining Act, 1973; or

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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- (c) any moneys, claims, suits, actions, proceedings, contracts, agreements, undertakings, securities or debts payable or recoverable under, related to, connected with or in any way arising from a lease referred to in paragraph (a) or (b).

DIVISION 3BB.—*Trading installations.*

Control by Board of the erection, etc., of installations used by trading vessels.

13JE. A person who, on or after the date of assent to the Maritime Services (Amendment) Act, 1978—

- (a) erects, constructs, moors or stations any installation in, on or in the vicinity of any port or navigable waters for use by or in connection with trading vessels or extends any such installation; or
- (b) where an installation has not been used by or in connection with trading vessels for a period of 2 years or more, permits the installation to be used by or in connection with trading vessels,

otherwise than with the written permission of the Board and in accordance with any condition subject to which that permission is given, is liable on summary conviction to a penalty not exceeding \$400.

Investigation of future installations for use by trading vessels, etc.

13JF. (1) The Board may carry out investigations into—

- (a) the provision of installations for use by or in connection with trading vessels; or
- (b) proposals relating to any such installations.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

(2) The Board may, with the approval of the Minister and by order published in accordance with subsection (5), prohibit—

(a) the construction of any embankment, retaining wall or reclamation or of a structure of any kind;
or

(b) the carrying out of any dredging operations,
in any area of water specified in the order in, on or in the vicinity of which the provision of an installation for use by or in connection with trading vessels is under consideration by the Board, otherwise than with the written permission of the Board and in accordance with any condition subject to which that permission is given.

(3) The Board shall not refuse to give its permission under subsection (2) nor make that permission subject to any condition unless, in the opinion of the Board, it is necessary to do so to prevent the carrying out of any work that would adversely affect the provision in, on or in the vicinity of the area of water concerned of the installation under investigation or adversely affect its subsequent operation.

(4) An order made under subsection (2) continues in force until—

(a) it is revoked by a further order made by the Board, with the approval of the Minister, and published in accordance with subsection (5);

(b) the expiration of 3 years after it was published in the Gazette or on an earlier date specified in the order; or

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(c) the vesting in the Board pursuant to section 13JB of any of the land on the bed or shores of the area of water specified in the order.

(5) An order made under subsection (2) or (4) (a) shall be published in the Gazette and in at least one newspaper circulating in the vicinity of the area of water to which it relates.

(6) A person who carries out any work which is prohibited by an order in force under subsection (2) without having the written permission of the Board to do so or in contravention of any condition subject to which the permission was given is liable on summary conviction to a penalty not exceeding \$400.

(7) Subsection (2) does not apply so as to enable an order to be made prohibiting the carrying out of any work pursuant to a lease of an oyster farm under Part V of the Fisheries and Oyster Farms Act, 1935, or a lease under the Mining Act, 1973, or the Coal Mining Act, 1973.

Removal of
unauthorised
works.

13JG. (1) A person who makes use of any work carried out in contravention of section 13JE (a) or 13JF (2) (a) after the expiration of the time specified in a notice from the Board served upon him requiring him to remove the work is liable on summary conviction to a penalty not exceeding \$400.

(2) The Board may remove, or authorise the removal of, any work carried out in contravention of section 13JE (a) or 13JF (2) (a).

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
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(3) The Board may at its option cause or authorise any work or any part thereof removed in pursuance of subsection (2) to be destroyed, stored or sold, or may sell the work on condition that it be removed.

(4) The Board may recover as a debt in a court of competent jurisdiction the costs and expenses incurred by it in the removal, destruction, storage or sale of any work or part thereof under this section from the person who carried out the work or who has made use of it after service upon him of a notice referred to in subsection (1).

(6) Section 13K (1)—

Omit “or 13H”, insert instead “, 13H, 13JA or 13JB”.

(7) (a) Section 13M (1)—

After “vested in it”, insert “or under its control or management”.

(b) Section 13M (3)—

Omit “The Board may operate any such”, insert instead “(4) The Board may, on land vested in it or under its control or management, operate any”.

(c) Section 13M (5), (6)—

At the end of section 13M, insert :—

(5) Where money is appropriated by Parliament for the provision or maintenance on any land vested in the Board of any facility for commercial fishing operations or for recreational boating, those facilities

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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shall be provided or maintained by the Board and in such manner as may be agreed upon between the Minister for Public Works and the Board.

(6) If the Minister for Public Works and the Board are unable to agree upon any matter arising under or in connection with subsection (5), the matter shall be referred to the Governor for settlement and any determination made by the Governor in pursuance of such a reference shall be final and binding on the Minister and the Board.

(8) (a) Section 13N (1), proviso—

Omit the proviso.

(b) Section 13N (3A)—

After section 13N (3), insert :—

(3A) The Board may carry out such dredging or deepening of the bed of navigable waters or such repair or improvement of the banks or shores of navigable waters as it considers necessary for the purpose of facilitating the use of those waters by trading vessels.

(c) Section 13N (4)—

Omit “any such area”, insert instead “, or in the vicinity of, any area vested in it or any area of navigable waters”.

(d) Section 13N (5)—

After section 13N (4), insert :—

(5) No work shall be carried out in pursuance of this section in any area which is not vested in the Board without the prior consent and approval of the

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
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person in whom that area is vested and of all proper authorities having jurisdiction or control over that area.

(9) (a) Section 13o, proviso—

Omit the proviso.

(b) Section 13o (2)—

At the end of section 13o, insert :—

(2) The Board shall not carry out any work referred to in section 13M (1) or (3) or section 13N (subsection (4) excepted), other than work carried out in or in relation to the Ports of Sydney, Newcastle, Port Kembla or Botany Bay, except under a contract entered into pursuant to subsection (1) between the Board and the Minister for Public Works.

(10) (a) Section 13T (4)—

Omit “may cause”, insert instead “may remove or authorise the removal of”.

(b) Section 13T (4)—

Omit “, to be removed”.

(11) Section 13w (1)—

After “Botany Bay”, insert “and to any prescribed port which is, or part of which is, vested in the Board pursuant to section 13JB”.

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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE MARITIME SERVICES ACT,
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(12) (a) Section 13Z (1)—

Omit “or any Acts amending the same, in respect of any land vested in the Board, or contained in that part of the bed and shores of the Hunter River to which section 13D applies”, insert instead “in respect of any land—

- (a) vested in the Board;
- (b) contained in that part of the bed and shores of the Hunter River to which section 13D applies; or
- (c) contained in that part of the bed and shores of any area of water specified in an order in force under section 13JF (2)”.

(b) Section 13Z (1A)—

Omit the subsection, insert instead :—

(1A) The Director of the New South Wales State Fisheries shall give to the Board not less than 21 days’ notice of any proposal to grant any lease under Part V of the Fisheries and Oyster Farms Act, 1935, in respect of any land referred to in subsection (1).

(13) (a) Section 14 (2A)—

Omit “paragraph (d) of subsection (1) of section 13B or paragraph (d) of subsection (1) of section 13I”, insert instead “section 13B (1) (d), 13I (1) (d) or 13JC (1) (d)”.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
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(b) Section 14 (2A) (c)—

Omit “or any Acts amending the same”, insert instead “or under the New South Wales Retirement Benefits Act, 1972”.

(c) Section 14 (3A)—

After section 14 (3), insert :—

(3A) Notwithstanding any award by which the Board is bound or any industrial agreement to which the Board is a party, the rate of remuneration (including any allowance) payable to a person who has become an officer or employee of the Board pursuant to this section after the date of assent to the Maritime Services (Amendment) Act, 1978, shall not be less than the rate of remuneration (including any allowance of the same kind or nature) payable to him immediately before the date of his transfer.

(14) (a) Section 24c (1) (a)—

Omit “, so far as those rates and charges relate to any area vested in the Board or to structures or apparatus erected, constructed or installed by the Board in any other area”.

(b) Section 24c (1) (ac)—

After section 24c (1) (ab), insert :—

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

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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(c) Section 24c (1) (b)—

Omit “in so far as such moneys apply to the Port of Sydney and any other area vested in the Board”.

(d) Section 24c (1) (c)—

Omit the paragraph.

(e) Section 24c (1) (da)—

After section 24c (1) (d), insert :—

(da) all money appropriated by Parliament for the provision or maintenance by the Board on any land vested in it of any facility for commercial fishing operations or for recreational boating;

(f) Section 24c (1) (f)—

Omit “as amended by subsequent Acts”, insert instead “the Pilotage Act, 1971, or the Port Rates Act, 1975”.

(g) Section 24c (2) (a)—

Omit the paragraph.

(h) Section 24c (2) (b)—

Omit the paragraph.

(i) Section 24c (2) (c)—

Omit the paragraph.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
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(j) Section 24C (2) (d)—

Omit “as amended by subsequent Acts,”, insert instead “the Pilotage Act, 1971, or the Port Rates Act, 1975,”.

(15) Section 24D (a)—

Omit the paragraph.

(16) Section 24G (3) (c1)—

After section 24G (3) (c), insert :—

(c1) such amounts as may be determined by the Treasurer in respect of adjustments to be made under section 13JC (3);

(17) Section 25 (1)—

Omit “August”, insert instead “October”.

(18) Section 36A (1) (b)—

Omit “in relation to the Ports of Sydney, Newcastle and Botany Bay under section 13w”, insert instead “under section 13w in relation to a port to which that section applies”.

(19) (a) Section 38 (2) (q)—

Before “describing”, insert “subject to subsection (3A),”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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(b) Section 38 (3A)—

After section 38 (3), insert :—

(3A) Where the boundaries of a port are described by a regulation made pursuant to subsection (2) (q), the boundaries of the port as so described may include an area of water adjacent to the entrance to the port.

(c) Section 38 (4), definition of “port”—

Omit the definition.

(20) Schedule 5—

At the end of the Act, insert :—

Sec. 13JA.

SCHEDULE 5.

PART 1.

All that piece or parcel of land situated in the City of Wollongong, Parish of Wollongong and County of Camden, being part of the lands acquired for harbour works purposes at Port Kembla: Commencing on the generally south-eastern side of Springhill Road at the northernmost north-western corner of lot 4, Deposited Plan 578275; and bounded thence by that side of that road and part of the generally western boundaries of that lot generally south-easterly to the easternmost corner of lot 1, Deposited Plan 556522; by the south-eastern boundary of that lot south-westerly, by the generally south-western boundaries of lot 22, Deposited Plan 571405 and part of the generally south-western boundaries of lot 4, Deposited Plan 578275 generally south-easterly to the westernmost corner of the 252.9 square metres (10 perches) parcel of land in Deposited Plan 109826; by the south-western boundary of that land south-easterly and by the north-eastern and northernmost eastern boundaries of the 7 601 square metres (1 acre 3 roods 20½ perches) parcel of land described in deed registered Book 2394 No. 926 south-easterly and southerly to the generally western boundary of the 2.642 hectares (6 acres 2 roods 4½ perches) parcel of land in Deposited Plan 109826; by part of that boundary generally southerly and south-westerly to the easternmost south-eastern corner of the 7 601 square metres (1 acre 3 roods 20½ perches) parcel of land described in deed

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT,
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registered Book 2394 No. 926; by the easternmost south-eastern boundary of that land south-westerly, by the northern boundary of the 3 345 square metres (3 roods 12½ perches) parcel of land in Deposited Plan 109826, the westernmost southern boundary of the 7 601 square metres (1 acre 3 roods 20½ perches) parcel of land described in deed registered Book 2394 No. 926 and the northern boundary of the 31.6 square metres (1½ perches) parcel of land in Deposited Plan 109826, westerly and by the north-western boundaries of that 31.6 square metres (1½ perches) parcel of land and lot F, Deposited Plan 417095 south-westerly to the generally north-eastern side of Old Port Kembla Road; by that side of that road southerly to the southernmost corner of lot G, Deposited Plan 417095, by the south-eastern boundary of that lot north-easterly, by the northern boundaries of lots A and B, Deposited Plan 417095 easterly and by the north-eastern boundaries of lot B, Deposited Plan 417095 and the south-western boundary of lot C, Deposited Plan 31497 south-easterly to the northernmost corner of lot 1, Deposited Plan 203780; by the north-eastern boundaries of lot 1, Deposited Plan 203780 south-easterly to the junction of those boundaries with the northernmost south-western boundary of the 1.72 hectares (4 acres 1 rood) parcel of land shown in plan catalogued P.246 by the Electricity Commission of New South Wales; by that south-western boundary and the north-western, generally eastern and south-eastern boundaries of that parcel of land north-westerly, north-easterly, southerly and south-westerly to the junction of those boundaries with the generally north-eastern boundary of lot 1, Deposited Plan 203780; by the north-eastern boundaries of lot 1, Deposited Plan 203780 south-easterly to the north-eastern side of Foreshore Road; by that side of that road south-easterly to the south-western corner of the 56.9 square metres (2½ perches) parcel of land described in deed registered Book 2460 No. 895; by the north-western, north-eastern and south-eastern boundaries of that parcel north-easterly, south-easterly and south-westerly to the aforesaid north-eastern side of Foreshore Road; by that side of that road south-easterly to the south-western corner of the 2 561 square metres (2 roods 21½ perches) parcel of land in Deposited Plan 88752; by the western, north-western and north-eastern boundaries of that parcel northerly, north-easterly and south-easterly to the north-western side of Foreshore Road; by the generally north-western side of that road, the northernmost northern and north-western boundaries of lot 1, Deposited Plan 203781 and the generally north-western, northern and south-eastern sides of Foreshore Road in all generally north-easterly, easterly and south-westerly to the northernmost north-eastern boundary of lot 2, Deposited Plan 206996; by part of that boundary, the northernmost north-eastern and the easternmost north-eastern boundaries of lot 1, Deposited Plan 203781 and part of the easternmost south-eastern boundary of that lot south-easterly and southerly to its intersection with the prolongation westerly of the southern boundary of the 1.428 hectares (3

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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE MARITIME SERVICES ACT,
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acres 2 roods 4½ perches) parcel of land in Deposited Plan 88696; by that prolongation and that boundary easterly to the high water mark of the South Pacific Ocean; by that high water mark generally north-westerly to an eastern boundary of the 178.1 hectares (440 acres) parcel of land described in the Second Schedule to the Australian Iron and Steel Limited Agreement Ratification Act, 1936; by that boundary and part of the generally northern boundary of that land northerly and north-westerly to the easternmost corner of lot 1, plan catalogued Ms.49 NaR.; by the north-eastern boundary of that lot north-westerly to the generally eastern boundary of lot 4, Deposited Plan 578275; by part of those boundaries and the generally north-eastern boundaries of that lot generally northerly and generally north-westerly to the point of commencement—having an area of 536.1 hectares or thereabouts and shown in the plan catalogued 4182 by the Department of Public Works, N.S.W., at Sydney.

 PART 2.

All that piece or parcel of land situated in the City of Wollongong, Parish of Wollongong and County of Camden, being part of the lands acquired for harbour works purposes at Port Kembla: Commencing on the north-eastern side of Old Port Kembla Road at the southernmost corner of the 3.666 hectares (9 acres 9½ perches) parcel shown in plan catalogued P.246 by the Electricity Commission of New South Wales; and bounded generally on the north-west by that parcel generally north-easterly to the junction of the generally south-eastern boundaries of that parcel with a south-western boundary of lot 1, Deposited Plan 203780; by the south-western and north-western boundaries of lot 1, Deposited Plan 203780 south-easterly and south-westerly to Old Port Kembla Road and by the north-eastern side of that road north-westerly to the point of commencement—having an area of 1.634 hectares or thereabouts and shown in the plan catalogued 4182 by the Department of Public Works, N.S.W., at Sydney.

 PART 3.

All that piece or parcel of land situated in the City of Wollongong, Parish of Wollongong and County of Camden, being part of lots 1 to 19 inclusive, section 1, and part of lots 11 to 21 inclusive, section 6, Deposited Plan 10777 and part of the former High Street: Commencing on the generally south-western side of Old Port Kembla Road at the easternmost south-eastern corner of lot 1, Deposited Plan 226311; and bounded thence

Maritime Services (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT,
1935—*continued.*

by that side of that road southerly to its intersection with the north-western side of Flinders Street; by that side of that street south-westerly to the southernmost corner of the land shown as site of proposed easement for access in Deposited Plan 107974; by boundaries of that easement northerly, north-westerly, westerly, north-easterly, south-easterly and easterly to the southernmost corner of lot 1, Deposited Plan 226311; and by the westernmost south-eastern, north-eastern and easternmost south-eastern boundaries of that lot north-easterly, north-westerly and again north-easterly to the point of commencement—having an area of 3 115 square metres or thereabouts and shown in plan catalogued 4182 by the Department of Public Works, N.S.W., at Sydney.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION.

- (1) (a) Section 2 (1), definition of "Prescribed"—
Omit the definition.
- (b) Section 2 (2)—
Omit the subsection.
- (2) (a) Section 3 (4) (f)—
Omit "the Constitution Act, 1902, or the Sydney Corporation Act, 1932-1934", insert instead "any Act".
- (b) Section 3 (5)—
Omit "or of any Act amending that Act,".

Maritime Services (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

- (c) Section 3 (5)—
Omit “any such”, insert instead “that”.
- (3) (a) Section 4 (13)—
Omit “or of any Act amending that Act,”.
- (b) Section 4 (13)—
Omit “any such”, insert instead “that”.
- (4) Section 5 (2) (d)—
Omit “of 1897”, insert instead “, 1897”.
- (5) (a) Section 6 (1)—
Omit “—1931, the Sydney Harbour Rates Act, 1904,
and any amendment of such Acts”.
- (b) Section 6 (3), (4)—
Omit “—1931” wherever occurring.
- (6) Section 8 (2)—
Omit “—1931”.
- (7) (a) Section 9 (1)—
Omit “—1931”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

- (b) Section 9 (2)—
Omit the subsection.
- (8) (a) Section 13 (1)—
Omit “as amended by subsequent Acts,”.
- (b) Section 13 (2), (3)—
Omit the subsections.
- (9) Section 13A—
Omit “excluding minerals as defined in section 3 of the Mining Act, 1906”, insert instead “excluding coal or shale or any substance prescribed as a mineral under the Mining Act, 1973”.
- (10) Section 13J (2)—
Omit “, as amended by subsequent Acts”.
- (11) Section 13YC (1)—
Omit “paragraph (a) of subsection (1) of section 55”, insert instead “section 55 (1) (a)”.
- (12) (a) Section 14 (1) (b)—
Omit “as amended by subsequent Acts,”.
- (b) Section 14 (2)—
Omit “—1931”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

- (c) Section 14 (2)—
Omit “—1935, or any Act amending those Acts”.
- (d) Section 14 (5)—
Omit “as amended by subsequent Acts.”.
- (e) Section 14 (5)—
Omit “or any Act amending that Act.”.
- (13) (a) Section 16—
Omit “or of any Act amending that Act.”.
- (b) Section 16—
Omit “, or any Act amending that Act”.
- (14) Section 18 (2) (d)—
Omit the paragraph.
- (15) Section 20 (1)—
Omit “or police”.
- (16) Section 24A (a)—
Omit “as amended by subsequent Acts.”.
- (17) (a) Section 24B (4)—
Omit “as amended by subsequent Acts.”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 24B (5)—

Omit “as amended by subsequent Acts,”.

(18) (a) Section 24I (1)—

Omit “, as amended by subsequent Acts”.

(b) Section 24I (2)—

Omit “paragraph (a) of subsection (4) of section 24L”, insert instead “section 24L (4) (a)”.

(19) Section 24M (4)—

Omit “as amended by subsequent Acts,”.

(20) (a) Section 24O (1)—

Omit “, or any Act amending or replacing that Act”.

(b) Section 24O (2)—

Omit “as amended by subsequent Acts,”.

(21) (a) Section 28 (1)—

Omit “and any Acts amending the same,”.

(b) Section 28 (2)—

Omit “Colonial Treasurer”, insert instead “Treasurer”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

(22) Section 30A (2) (c)—

Omit “ship or” wherever occurring.

(23) Section 30B (1)—

Omit “ship”, insert instead “vessel”.

(24) (a) Section 30c (1) (a), (3) (a) (i)—

Omit “the said” wherever occurring.

(b) Section 30c (6), paragraph (b) of the definition of
“Owner”—

Omit “as amended by subsequent Acts,” wherever
occurring.

(25) (a) Section 31A (1) (a)—

Omit “as amended by subsequent Acts,”.

(b) Section 31A (1) (b)—

Omit “as amended by subsequent Acts,”.

(c) Section 31A (1) (c)—

Omit “1924,” insert instead “1924, and”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

- (d) Section 31A (1) (c)—
Omit “and any Act amending the same,”.
- (e) Section 31A (1) (d)—
Omit “, as severally amended by subsequent Acts”.
- (f) Section 31A (1)—
Omit “paragraph (c) of subsection (1) of section 21”,
insert instead “section 21 (1) (c)”.

- (26) Section 32 (2)—
Omit “as amended by subsequent Acts,”.

- (27) (a) Section 37—
Omit “—1953”.
- (b) Section 37—
Omit “—1949”.
- (c) Section 37—
Omit “, or under any amendment of any of such
Acts,”.

- (28) (a) Section 38 (2) (c)—
Omit “—1953”.

Maritime Services (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE MARITIME SERVICES ACT, 1935,
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 38 (2) (g)—

Omit “ship”.

(c) Section 38 (2) (i)—

Omit “or ships”.

(d) Section 38 (5)—

Omit the subsection, insert instead:—

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
