



ANNO QUARTO

# GEORGII V REGIS.

A.D. 1913.

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No. 1149.

An Act to provide for the Acquisition by the Crown of Wharves and Water Frontages and similar Properties, and to make better provision for the Management and Control of Harbors, and for other purposes.

[*Reserved, December 18th, 1913.*  
*Royal Assent proclaimed, March 26th, 1914.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Harbors Act, 1913."

Short title.

2. (1) Part I. of this Act shall come into force on the passing hereof.

Commencement of Parts.

(2) Part II. of this Act shall not come into force until His Majesty's pleasure thereon has been publicly signified in the State. After such signification the Governor may, by proclamation published in the *Government Gazette*, fix a day on which the said Part II. shall come into force, and it shall come into force accordingly. Such day is in the said Part II. referred to as the commencement of the said Part.

Imp. Merchant Shipping Act, 1894, s. 736.

3. The provisions of this Act are arranged as follows:—

Arrangement of Act.

PART I.—Acquisition by the Crown of Wharves and Water Frontages—

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## PART I.

## PART I.

ACQUISITION BY THE CROWN OF WHARVES  
AND WATER FRONTAGES.

## DIVISION I.—PRELIMINARY.

## DIVISION I.

## Interpretation.

4. (1) In this Part, unless inconsistent with the context or some other meaning is clearly intended,—

“ Board ” means the South Australian Harbors Board constituted by this Act :

“ Compensation ” includes purchase-money and any compensation to be paid in respect of the acquisition of property :

“ Convey ” means convey, transfer, release, assign, surrender, or otherwise assure :

“ Conveyance ” means conveyance, transfer, release, assignment, surrender, or other assurance :

“ Crown

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“Crown Lands Act” includes “The Crown Lands Act, 1903,” No. 830 of 1903.  
and any other Act formerly, or now, or hereafter in force under which power was or is given to grant or make any Crown lease:

“Crown lease” means and includes—

(a) Any agreement under any Crown Lands Act containing a covenant to purchase, and

(b) Any lease or agreement for a lease, and any licence, permit, right to occupy or use, or similar right or interest, or agreement therefor, whether the same is in perpetuity or for a term of years or otherwise, and whether containing or not containing a right to purchase, and under whatever Act or other authority the same may have been granted or made,

before or after the passing of this Act, granted or made by or on behalf of the Crown, or by or on behalf of any person or authority holding lands belonging to the Crown, or in whom or which lands belonging to the Crown were or are vested:

“Interest,” used with reference to property, includes any estate or interest (legal or equitable) in the property, and any easement, right, power, or privilege in, under, over, affecting, or in connection with, the property, and also includes a Crown lease of the property, or any interest in such a lease:

“Lessee” means the person to or with whom any Crown lease is granted or made, and includes his executors or administrators or assigns:

“Minister” means the Minister of the Crown to whom the administration of this Part is for the time being committed by the Governor:

“Owner” includes, with respect to any property, any person No. 6 of 1847.  
having any interest in such property, or by “The Lands Clauses Consolidation Act,” enabled to sell and convey such interest:

“Property” means any of the properties mentioned in section 8, and includes any interest in any such property:

“Real Property Act” means “The Real Property Act, 1886,” No. 380 of 1886.  
and all Acts amending that Act, or any Act substituted for that Act and all Acts amending such substituted Act:

“Registrar-General” means the Registrar-General of Deeds:

“The State” means the State of South Australia, and includes the dependencies thereof:

“Wharf”

“Wharf” includes any wharf, quay, jetty, pier, landing place or stage, platform, slip, basin, siding, dock, or other place at which goods can be landed, loaded, or unloaded, whether situated on or near the shore of the sea or of any arm or inlet thereof, or on or near the shore of any inland river or other inland water; the term also includes all buildings, railways, tramways, and other erections, works, and conveniences on the wharf, and the appurtenances of the wharf, and the approaches thereto, and also a wharf only partly constructed as well as a completed wharf.

(2) In administering this Part property shall not be deemed not to adjoin other property merely because separated therefrom by a public or other road, street, or way, or by a stream or watercourse, or arm or inlet of the sea: Provided that such stream, watercourse, arm, or inlet does not exceed two chains in width at such separation.

(3) Every reference in this Part to the acquiring or acquisition of property shall be deemed to include a reference to the acceptance on surrender or the resumption of a Crown lease of property; and, for the purposes of anything to be done under this Part, in a case where the property is subject to a Crown lease, the provisions of this Part shall be read as varied in such a manner as may be appropriate for dealing with property subject to a Crown lease.

Partial incorporation  
of the Lands Clauses  
Consolidation Acts.

No. 6 of 1847.

No. 1035 of 1911.

5. The provisions of sections 6, 7, 8, 10, 11, 37, 69 to 74 (both inclusive), 92, 93, 95 to 109 (both inclusive), 111, 112, and 113 of “The Lands Clauses Consolidation Act,” and the provisions of “The Lands Clauses Consolidation Further Amendment Act, 1911,” are, so far as applicable and not inconsistent with this Part, incorporated with and form part of this Part; and, for the purposes of this Part, the following expressions when used in the said provisions, or any of them, shall have the following meanings, namely:—“The promoters of the undertaking” shall mean the Minister; “the Special Act” shall mean this Part; and the “Bank” shall mean any bank carrying on business in the State in which trustees are by law permitted to deposit trust funds.

Amendment of Act  
No. 29 of 1876, and  
repeal of Act No. 315  
of 1884.

6. (1) “The North Parade Act of 1876” is hereby amended by repealing sections 4 and 5 thereof, and striking out the words “The balance of” at the beginning of section 6 thereof. In lieu of the moiety of rents payable to the Corporation of the City of Port Adelaide under the sections hereby repealed, the Treasurer of the State shall annually pay to the said Corporation, out of the general revenue of the State, the sum of Eighteen Hundred and Twenty Pounds; and all sums so paid shall be expended by the Council of the said Corporation in the construction and maintenance of roads, streets, and bridges, and drainage. The said corporation shall be entitled to receive an annual subsidy on the said sum at the same rate as the rate, for the time being, of the annual grants payable out of the general revenue to the said Corporation on the general rates declared and collected by the said Corporation.

(2) Sections

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(2) Sections 6 to 9, both inclusive, of the Act entitled "An Act to authorise the construction of certain Wharves at Port Augusta, and for other purposes," being the Act No. 315 of 1884, are hereby repealed.

7. The provisions of this Part shall apply notwithstanding anything contained in the Real Property Act.

Act to apply notwithstanding Real Property Act.

## DIVISION II.—POWER TO ACQUIRE, AND PROPERTIES WHICH MAY BE ACQUIRED.

## DIVISION II.

8. (1) Subject to section 9, any property of any kind or kinds mentioned in subsection (2) hereof, which is situated anywhere in the State, may at any time be taken and acquired by the Governor as provided by this Part.

Power to acquire wharves and water frontages and other properties.

Cf. Darling Harbor Act (N.S.W.), 10, 1900, ss. 2 and 3.

(2) The kinds of properties to which this section applies are—

- i. Any wharf, together with the land whereon the same stands, whether such land is or is not wholly or partly overflowed by the waters of the sea, or of any arm or inlet thereof, or of any inland river or other inland water:
- ii. Any land being a wharf frontage or water frontage, whether such land consists wholly or partly of foreshore or contains no foreshore:
- iii. Any land which has been excavated for use as a dock or wharf, whether so used or not, or so much thereof as may be required for the purposes of a wharf or dock:
- iv. Any land adjoining any property of any of the kinds in this subsection before mentioned, which land may be required for the purposes of any wharf or other works wholly or partly constructed or in course of construction at the time when such land is taken, or which it may be intended to construct at any time, or which land may be required for the extension or more convenient use of any wharf or other works:

together in any case with all buildings and other improvements on the property proposed to be taken and acquired.

(3) Notwithstanding anything in this section, any land taken as being a wharf frontage or water frontage shall not include more than the land situated between the low-water mark and the nearest public street or road or Government road running parallel or approximately parallel with such water mark, but may comprise the whole or any part of the land so situated.

9. (1) No property of the kind mentioned in subdivision 1. of subsection (2) of section 8 which is situated within the limits of any harbor shall be taken and acquired under this Part unless, at the same time, all other properties of the said kind which are then—

All wharves in a harbor to be taken simultaneously.

- (a) Situated within the limits of such harbor, and (b) Not

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- (b) Not vested in the Crown or in some person or authority on behalf of the Crown or as a Minister or other officer or servant of the Crown,

are also taken and acquired under this Part.

(2) Within one month after the day of the acquisition under this Part of any property of the kind mentioned in subsection (1) hereof, an application may be made to a Judge of the Supreme Court to determine the question what properties of the said kind are situated within the limits of the harbor (if any) in which the property so acquired is situated.

(3) Such application may be made by—

(a) The Minister, or

(b) Any person claiming to have been an owner of such property or a lessee thereof at the time of the acquisition thereof as aforesaid, or

(c) Any person claiming to be an owner or lessee of any other property of the said kind which he alleges is situated within the limits of the harbor (if any) in which the first-mentioned property is situated.

(4) The determination of the Judge as to the question aforesaid shall, for the purposes of this section, be final, and he may make any order as to the costs of and incidental to the application and determination which to him appears just. There shall be no appeal from any determination or order made under this section.

(5) Except as provided and within the time limited by this section, the title of the Crown, or of its successors in title, to any property of the said kind shall not be questioned in any proceedings in any Court or tribunal or before any person, or in any other way, on the ground that the same was acquired contrary to the provisions of this section.

(6) For the purposes of this section a property shall be deemed to be acquired on the day when the conveyance thereof, duly executed by all necessary parties, is delivered to the Board or the Proclamation in respect thereof is published in the *Government Gazette*, according to the circumstances of the case.

DIVISION III.

DIVISION III.—MODE OF ACQUISITION.

How property may be acquired.

10. Properties may be acquired under this Part—

(a) By agreement with the owner, or

(b) By compulsory process.

Acquisition by agreement.

11. (1) The Governor may at any time, on the recommendation of the Minister, enter into an agreement with the owner of any property, being of one or more of the kinds mentioned in section 8, for the acquisition thereof under this Part.

(2) Any

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(2) Any property so agreed to be acquired shall be conveyed to His Majesty the King, and in case the conveyance thereof is not duly executed within such time as the Minister deems reasonable for the purpose, such property may, notwithstanding any agreement, be acquired by compulsory process under this Part.

12. (1) The Governor may at any time, on the recommendation of the Minister, by Proclamation published in the *Government Gazette*, declare that any property, specified in such Proclamation, being of one or more of the kinds mentioned in section 8, has been acquired under this Act.

Acquisition by compulsory process.

Cf. Closer Settlement Act, 1910, s. 15.

Com. 13, 1906, s. 15.

(2) Upon the publication of such Proclamation in the *Government Gazette* all the property therein specified shall, without any conveyance, and without further or other authority than this Act, become and be absolutely vested in His Majesty the King, free and discharged from all trusts, obligations, estates, interests, contracts, licences, charges, rates, and easements whatsoever.

13. Upon the publication in the *Government Gazette* of a Proclamation under section 12 the interests of any person in the property specified in such Proclamation shall be taken to have been converted into a claim for compensation.

Conversion of owners interests into claims for compensation.

Ibid., s. 17.

14. Forthwith after the publication in the *Government Gazette* of a Proclamation under section 12, the Minister shall cause—

Notices to owners.

Cf. *ibid.*, s. 18.

(a) A copy of such Proclamation, and

(b) Such statement as the Minister is able to give for the purpose of identifying the property specified in the Proclamation,

to be served on the owners of the property, or such of them as can with reasonable diligence be ascertained.

15. (1) When a Proclamation under section 12 as to any property has been published in the *Government Gazette*, the Minister shall furnish the Registrar-General with a copy of such Proclamation.

Registrar-General to make necessary entries.

Closer Settlement Act, 1910, s. 16.

(2) Upon the receipt of such copy, or if the property is acquired otherwise than by Proclamation, upon the conveyance thereof being lodged with him, the Registrar-General shall make any entry in any Register Book or other book at the Lands Titles or General Registry Office which may be necessary or proper to evidence the vesting of the property in His Majesty.

(3) If any of such property is under the Real Property Act or is a Crown lease the Registrar-General shall, upon receiving the said copy of such Proclamation, or the lodging of the transfer or surrender, as the case may be, make an entry on the folium relating thereto in the appropriate Register Book as follows:—"Cancelled, the within land having been acquired [or as the case may be] by the Crown,"

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Crown," and shall sign such entry. Thereafter the property referred to in this subsection shall, for the purpose of the Real Property Act and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from or leased by the Crown.

(4) Upon receiving the grant, certificate of title, or Crown lease of the property referred to in the next preceding subsection, the Registrar-General shall cancel the same by indorsing thereon the words "Cancelled, the within land having been acquired [*or as the case may be*] by the Crown," and shall sign such indorsement.

DIVISION IV.

DIVISION IV.—COMPENSATION.

Notice of claim to compensation.  
Cf. Com. 13, 1906, s. 32.

**16.** (1) Any person claiming to be entitled to compensation by reason of the acquisition under this Part of any property by Proclamation shall claim the same by notice in writing given to the Minister.

(2) Such notice shall set forth the particulars of the property and of the claimant's interest therein, and the amount of compensation claimed.

Compensation to be determined by arbitration failing agreement.

Cf. Closer Settlement Act, 1910, s. 17.

**17.** (1) When any property has been acquired under this Part by Proclamation, any question as to the right of any person to be compensated by reason of the acquisition thereof or as to the amount of compensation to be paid to any person in respect thereof, shall, failing agreement between the Minister and the person claiming compensation within one month after notice in writing given by such person to the Minister as required by section 16, be determined by the arbitration of three arbitrators.

(2) One of such arbitrators shall be a Judge of the Supreme Court nominated by the Governor, who shall act as president and umpire; the others shall be appointed, one by the Minister, and the other by the person claiming compensation.

(3) If either party fails to appoint an arbitrator within one month after notice in writing by the other of the appointment of his arbitrator, the matter shall be determined by the Judge and the arbitrator already appointed.

Award of arbitrators.  
Ibid., s. 19.

**18.** (1) The decision of the arbitrators shall be final and not subject to any appeal: Provided that—

(a) Either party to the arbitration shall have the right to appeal to the Supreme Court on a question of law, and the said Court may, on such appeal, make such order as it deems proper, and the arbitrators shall give effect to such order:

(b) Where an award has been improperly procured the said Court or a Judge thereof may, on application by either party, set such award aside.

(2) Where



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(2) Where an arbitrator has misconducted himself he may, on application by either party, be removed by the said Court or a Judge thereof.

(3) The award may, on application to a Judge of the said Court by any party to the arbitration, be filed in the said Court, and may thereafter be enforced as if it were a judgment of the said Court.

(4) The arbitrators may make such award and directions as to the costs of the arbitration as they deem just; and the Supreme Court or a Judge thereof may make such order and directions as it or he thinks just as to the costs of any appeal or application under this section.

19. In fixing by arbitration the amount of compensation to be paid in respect of any property the following rules shall be observed:—

Rules to be observed in fixing compensation.

i. Regard shall be had not only to the value of the interest of the person to be compensated in the property and the improvements thereon, but also to—

(a) The damage (if any) to be sustained by such person by reason of the severing of the property acquired from the other adjoining property of or held by such person; and

L.C.C. Act (6 of 1847), s. 63.

(b) The damage (if any) to be sustained by such person by reason of the loss of his goodwill in any business carried on by him on the property:

ii. The amount fixed shall not exceed the value of the property at the beginning of the period of twelve months prior to the publication in the *Government Gazette* of the Proclamation with respect to such property, together with the actual value of any improvements *bonâ fide* made during the said period and any amount to be allowed for any damage to be sustained as mentioned in paragraph i. of this section.

L.C.C. Amendment Act (202 of 1881), s. 13 (part).

iii. Regard shall not be had to any enhancement or diminution in the value of the property arising in consequence of—

Cf. Darling Harbor Act (N.S.W.), 10, 1900, s. 4.

(a) The passing of this Act; or

(b) The acquisition under this Act of any property; or

Adelaide Loopline Act, 1909, s. 5.

(c) The construction or establishment since the thirty-first day of December, nineteen hundred and eight, by the Crown, or the Government of the State, or any department under the said Government, or any Minister, officer, or servant of the Crown or of the said Government, as such Minister, officer, or servant, of any wharf or other public work of any kind at any place; or

(d) Any

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(d) Any proposal so to construct or establish any such wharf or other work, or expectation that any such wharf or other work will be so constructed.

Manner of payment.

20. The compensation payable to any Corporation or Council for properties acquired under this Part shall be paid in the form of interminable securities of the Government of the State bearing interest at the rate of four per centum per annum, and such bonds shall not be transferable.

DIVISION V.

DIVISION V.—RESUMPTION OF RESERVES AND ROADS.

Governor may resume reserves, roads, &c., adjoining acquired property.

21. Notwithstanding anything contained in the "Roads Act, 1884," "The District Councils Act, 1887," or "The Municipal Corporations Act, 1890," or any Act amending or substituted for either of those Acts, or in any other Act, the Governor may, without the consent of the Commissioner of Main Roads, or any District Council or Municipal Corporation or Council, or any other road or other authority, by proclamation published in the *Government Gazette*, resume any public reserves, streets, roads, or ways which—

- (a) Are wharf frontages or water frontages; or
- (b) Are situated between properties acquired under this Part, or between parts of properties so acquired; or
- (c) Adjoin any property or properties so acquired.

No compensation for closing public streets, &c.

Darling Harbor Act (N.S.W.), 10, 1900, s. 5 (a).

22. When any public reserve, street, road, or way, not being a street end abutting on the sea or any arm or inlet thereof, is resumed under this Part, no compensation shall be payable to any Municipal Corporation or Council or to any District Council or other authority, for or in respect of the resumption, closing, or obstructing of such public reserve, street, road, or way, but compensation shall be paid to the owners, lessees, and other persons having interests in any land abutting on such resumed, closed, or obstructed reserve, street, road, or way, for the injury sustained by such owner, lessee, or person by reason of such resumption, closing, or obstruction, and any claim for such compensation may be made and dealt with, and shall, failing agreement, be determined by arbitration under sections 17 and 18.

DIVISION VI.—MISCELLANEOUS.

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Preliminary notice of intention to acquire.

Cf. Closer Settlement Act, 1910, s. 7.

Land may be entered upon for valuation

*Ibid.*, s. 8.

23. (1) When the Minister considers it advisable to acquire any property under this Part he may direct an inspection and valuation thereof to be made, and he shall, not less than one week prior to the date of the proposed inspection of the property, give a notice in writing to the owner in occupation thereof of his intention to inspect and value such property, and of the date when the valuers will commence to inspect the same.

(2) After such notice has been given as to any property the valuers directed by the Minister to inspect and value the same may

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may, with such assistants as they deem necessary, enter at any time or times upon such property and inspect the same and the improvements thereon, and may remain thereon for any reasonable time to acquire all information necessary for the purpose of making their inspection and valuation.

**24.** When any property is acquired under this Part, the Minister and any person interested in the property may agree that, in lieu of any compensation payable to such person, or in part satisfaction thereof, such property, or any part thereof, or any other property, shall be leased to such person for such term and upon such conditions as agreed upon, and the Governor is hereby authorised to grant such lease: Provided that, after the appointment of the first members of the Board, no such lease shall be granted without the consent in writing of the Board first obtained.

Lease may be granted in lieu of compensation.

N.S.W., 10, 1900, s. 5 (b).

**25.** (1) The owner or lessee of any property acquired by Proclamation under this Part, who is in actual occupation thereof at the time of the acquisition may, if he so desires, retain such occupation for any period not exceeding six months from the date of the publication in the *Government Gazette* of such Proclamation.

Owner may retain possession for a period of six months.

Cf. Vict., 1962, 1904, s. 39.

(2) In such case, the compensation, if fixed before occupation is given up, shall be liable to a reduction for any damage or depreciation in value of improvements which occurs by or during such occupation; and if the compensation is not fixed, such damage or depreciation shall be taken into account in fixing the same; and such owner or lessee shall pay or allow to the Minister a share of all rates and other outgoings in respect of the property proportionate to the period for which he retains occupation.

(3) The payment of the compensation shall not be made until such owner or lessee has given up occupation of the whole of the property.

(4) Notwithstanding that an owner or lessee retains occupation as aforesaid, the Minister and any person or persons authorised by him in writing so to do may, at all times, enter upon the property and make any surveys and inspections, and construct or prepare for the construction of any works, as if such property were unoccupied Crown lands: Provided that the Minister shall compensate or make allowance to such owner or lessee for any damage done in respect of his occupancy of the property by the exercise of the powers given by this subsection.

**26.** When any property is acquired by Proclamation under this Part, interest at the rate of Four Pounds per centum per annum, or at such other rate as agreed, computed from the time when the Minister enters into occupation thereof on behalf of the Crown to the time when the compensation is paid, shall be added to the amount of any compensation to be paid in respect thereof.

Interest on compensation.

Cf. Darling Harbor Act (N.S.W.), 10, 1900, s. 13.

**27.** The

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Acquired lands may be leased when not required.

Ibid., s. 5 (d).

Saving of powers independent of this Act.

Property acquired to continue ratable, with limitations in certain cases.

No. 497 of 1890.

No. 419 of 1887.

**27.** The Governor may, on the recommendation of the Minister, grant leases or licences, for such terms and subject to such conditions as he thinks proper, over any property acquired under this Part which has not been vested in the Board and is not required, or not immediately required, for public purposes, and the rents shall be applied in such manner as directed by the Governor: Provided that after the appointment of the first members of the Board no such lease or licence shall be granted without the consent in writing of the Board first obtained.

**28.** Nothing in this Part shall be deemed to in any way limit or qualify any right or power of the Governor, or the Minister, or any other person, to acquire any lands or property independently of this Part.

**29.** (1) When any property situated in any Municipality or District Council District is acquired under this Part, notwithstanding any Act or other law to the contrary, such property shall, for the purposes of assessment for and liability to and recovery of rates, continue to be ratable property within the meaning of "The Municipal Corporations Act, 1890," or "The District Councils Act, 1887," or any Act amending or substituted for either of those Acts:

Provided that—

- i. As regards such properties situated within the Municipality of the City of Port Adelaide, the total amount payable for rates of all kinds declared in any one financial year of the Corporation thereof shall not exceed the sum of Four Thousand Pounds; and
- ii. As regards such properties situated within the Municipality of the Town of Port Pirie, the total amount payable for rates of all kinds declared in any one financial year of the Corporation thereof shall not exceed the sum of One Thousand Five Hundred Pounds.

(2) Notwithstanding the provisions of subsection (1) hereof, in case any such property as mentioned in that subsection which is situated within the Municipality of the City of Port Adelaide is, whilst the property of the Crown or whilst vested in the Board or any other authority having the control or management of harbors, let to any person otherwise than for the purposes of the Crown or of such Board or authority, the property so let shall during the tenancy be ratable to the same extent as if for the time being it were privately owned. In such case the amount of the rates declared on such property shall be set off against the sum of Four Thousand Pounds mentioned in subsection (1) of this section, and shall thus be a discharge, entirely or to the extent thereof, as the case may be, of the said sum.

(3) The provisions of subsection (2) hereof shall apply, *mutatis mutandis*, to properties situated within the Municipality of the Town of Port Pirie and to the sum of One Thousand Five Hundred Pounds mentioned in subsection (1) hereof.

**30.** (1) Rules

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**30.** (1) Rules of Court may be made under the "Supreme Court Act, 1878," regulating the practice and procedure as to—

Rules of Court.  
No. 116 of 1878.

- (a) Applications to Judges under section 9 and determinations and orders thereon ;
- (b) Appeals and applications to the Supreme Court and Judges under section 18 and orders and directions thereon ; and
- (c) Any proceedings in such matters or incidental thereto or consequent thereon.

Such rules may also prescribe such forms and such scales of fees, costs, and expenses as may be deemed necessary or convenient for the purposes of such matters or any of them.

(2) The provisions of Part V. of the "Supreme Court Act, 1878," shall, so far as the same are applicable, apply to rules made by virtue of the power hereby conferred.

**31.** (1) Any notice to be given under this Part to the Minister shall be deemed to be validly given when delivered to the Minister personally, or left with some officer of the Minister at the Minister's office.

How notices to be served.

Cf. Lands Clauses Consolidation Act, 6 of 1847, ss. 19 and 26.

(2) Any notice to be given or sent under this Part to an owner of any property shall be deemed to be validly given or sent—

- i. If such owner is not a body corporate, when delivered to such owner personally or left at his last usual place of abode in the State ; or if such place of abode cannot after diligent inquiry be ascertained or such owner is absent from the State, when left with the occupier of such property, or, in case there is no occupier, when affixed upon some conspicuous part of such property :
- ii. If such owner is a body corporate, when left with some officer or member of such body at the registered or other office or place of business of such body in the State ; or, if there is no office or place of business of such body in the State or no such office or place can after diligent inquiry be ascertained, when left with the occupier of such property, or, in case there is no occupier, when affixed upon some conspicuous part of such property.

**32.** The moneys required for the purposes of this Part shall be paid out of moneys supplied by the Treasurer out of moneys provided by Parliament: Provided that Municipal and District rates on properties acquired under this Part may be paid either out of moneys supplied by the Treasurer as aforesaid or out of the revenue of the Board.

How money for the purposes of the Act to be provided.

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## PART II.

## PART II.

## MANAGEMENT AND CONTROL OF HARBORS.

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## DIVISION I.

## Interpretation.

W.A. Act, 17, 1902,  
s. 2, altered.  
S.A. Act 237, 1881,  
s. 3.

**33.** (1) In this Part, and in all proceedings taken and all regulations, rules, and documents made under this Part, unless inconsistent with the context or some other meaning is clearly intended—

“Board” means the South Australian Harbors Board constituted by this Act:

“Boat” includes every vessel, not being a ship as herein defined, which is used in navigation:

“Buoys and beacons” includes, in addition to buoys and beacons, all other marks and signs placed for the purpose of navigation:

“Carriage” includes any wagon, cart, truck, vehicle, balloon, airship, flying machine, or other means of conveying goods or passengers on or over land, in whatever manner the same may be propelled:

“Chairman” means Chairman of the Board:

“Deputy Chairman” means Deputy Chairman of the Board:

“Commissioner” means a Harbors Commissioner appointed under this Act:

“Financial year” means year ending with the thirtieth day of June:

“Goods” includes all wares and merchandise, and all chattels, livestock, and other things of whatsoever description:

“Harbor” includes—

(a) Any port, haven, roadstead, channel, creek, or navigable river, being part of the sea or any arm or inlet thereof, and

(b) Any inland river or water or part thereof or other place declared by Proclamation to be a harbor for the purposes of this Part,

but does not include—

i. Any inland river or water or any part thereof, unless so declared, nor

ii. Any place declared by Proclamation not to be a harbor for the purposes of this Part:

“Harbormaster” includes assistant harbormaster, and means the officer charged with the administration of this Part at any harbor in the State:

“Harbor

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- “Harbor works” includes any breakwater, training wall, dock, dock-yard, wharf, bridge, viaduct, embankment, or dam, any dredging or reclamation of land from the sea or from any river within a harbor, and any excavation, deepening, dredging, or widening of any channel, basin, or other part of any harbor, and also includes any buildings, railways, or other works used or to be used in connection with any of the before-mentioned works:
- “Justice” means a Justice of the Peace for the State:
- “Lighthouse” includes any floating or other light exhibited for the guidance of ships:
- “Master” includes every person (except a pilot) having the command, charge, or management of a vessel for the time being:
- “Minister” means the Minister of the Crown to whom the administration of this Part is for the time being committed by the Governor:
- “Navigable river” includes any river, creek, or stream in which the tide ebbs and flows, and also any river, creek, or stream capable, whether in its natural state or otherwise, of navigation by such vessels as are ordinarily employed, whether on such river, creek, or stream, or elsewhere, for the purpose of conveying merchandise or other goods:
- “Owner” includes any person who is owner jointly or in common with any other person, and also includes a corporate body; and when used in relation to goods, includes any consignor, consignee, shipper, or agent for the sale or custody, importing or exporting, loading or unloading of goods:
- “Pilot” means any person not belonging to a ship who has the conduct thereof:
- “Prescribed” means prescribed by this Part or by regulation.
- “Proclamation” means Proclamation by the Governor published in the *Government Gazette*.
- “Qualified pilot” means any person duly licensed to conduct ships to which he does not belong:
- “Regulation” means regulation made under this Part:
- “Secretary” means the secretary to the Board appointed under this Act, and includes any officer for the time being authorised by the Board to act in that capacity:
- “Ship” includes every description of vessel used in navigation and not propelled exclusively by oars:

“Tackle,”

- “Tackle,” used in relation to a ship, includes all furniture and apparel thereof:
- “The State” means the State of South Australia, and includes the dependencies thereof:
- “The Treasurer” means the Treasurer for the time being of the State:
- “This Part” includes this Part of this Act and all licences, certificates, regulations and rules granted or made under this Part of this Act:
- “Tidal water” means any part of the sea, or any arm or inlet thereof, or any river within the ebb and flow of the tide at ordinary spring tides:
- “Vessel” includes any ship, lighter, barge, boat, raft, or craft, of whatever description and howsoever navigated:
- “Wharf” includes any wharf, quay, jetty, pier, landing place or stage, platform, slip, basin, siding, dock, or other place at which goods can be landed, loaded, or unloaded; and the term also includes all buildings, railways, tramways, and other erections, works, and conveniences on the wharf, and the appurtenances of the wharf, and the approaches thereto:
- “Within the limits of the jurisdiction of the Board” means within any harbor in the State, or within the distance of one nautical league to seaward from low water mark along any coastline of the State, or within any other territorial water of the State:
- “Wreck” includes jetsam, flotsam, lagan, and derelict found in or upon the shores of the sea or of any navigable river, lake, or tidal water:

Provided that where in this section it is stated that any word or expression includes as in this section mentioned, such statement shall not be taken to limit the meaning of such word or expression or necessarily to be exhaustive of its meaning.

Reference to an Act to include amendments and regulations.

(2) When any Act or a provision of any Act is referred to in this Part, such reference shall be deemed to include any Act or provision of an Act amending or substituted for such Act or provision and any Act or provision amending such substituted Act or provision.

When any Act is referred to in this Part, such reference shall be deemed to include all regulations for the time being in force made thereunder.

Repeal.

**34.** (1) The Acts mentioned in the First Schedule to this Act are hereby repealed to the extent therein mentioned.

(2) Except



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(2) Except so far as may be necessary to give effect to the provisions of this Part, such repeal shall not affect—

- (a) The past operation of any enactment, nor anything done, suffered, or omitted under any enactment, nor the effect of the doing, suffering, or omission of anything under any enactment; Effect of repeal.
- (b) The operation of any Proclamation, rule, regulation, or by-law made under any enactment;
- (c) The validity or effect of any order, appointment, licence, certificate, or document made or issued under any enactment;
- (d) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment;
- (e) Any penalty, forfeiture, or punishment incurred or liable to be incurred in respect of any offence committed against any enactment; nor
- (f) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment.

Any such investigation, legal proceeding, or remedy may be instituted, carried on, and prosecuted as if this Act had not been passed.

(3) In case of conflict between this Act and any provision of "The Marine Board and Navigation Act, 1881," such provision shall be read as amended in such manner as to give effect to this Act. Marine Board and Navigation Act amended so as to give effect to this Act.

**35.** (1) Notwithstanding anything contained in sections 106, 110 and 111 of "The District Councils Act, 1887," or in sections 92 and 93 of "The Municipal Corporations Act, 1890," after the commencement of this Part— Control of District Councils and Corporations over waters and jetties, &c., to cease.

- (a) No water or other reserve, or jetty, pier, or wharf, situated within any harbor, or containing or upon or partly upon any part of the foreshore of the sea anywhere within the State,
- (b) No breakwater situated in any harbor or in the sea, or on any foreshore of the sea anywhere within the State, and
- (c) No part of the foreshore of the sea within any harbor,

shall be placed or shall continue to be under the care, control, or management of the Council of any District or of the Corporation or Council of any Municipality, or shall be granted to or vested in, or shall continue to be vested in, any such Council or Corporation.

(2) From such commencement all such water and other reserves, jetties, piers, wharves, and breakwaters, and all foreshores within harbors shall, by virtue of this Act, be under the care, control, and management

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management of the Board, and, if theretofore vested in any such Council or Corporation, shall upon such commencement, and by virtue of this Act, become vested in the Board.

Certain leases by District and Municipal Councils to continue for benefit of the Board.

**36.** All demises and leases of jetties, piers, breakwaters, and wharves, and of foreshores within harbors granted under section 106 of "The District Councils Act, 1887," and all leases granted under section 96 of "The Municipal Corporations Act, 1890," shall, subject to section 73, continue in force notwithstanding the commencement of this Part: Provided that all moneys accruing after such commencement as the rent reserved by any such demise or lease shall be payable to and may be recovered by the Board; and that the benefit of all covenants by and liabilities of the lessee arising after such commencement shall be vested in the Board.

By-laws of District and Municipal Councils in conflict with jurisdiction of the Board.

**37.** No by-law or regulation heretofore or hereafter made by any District or Municipal Council shall have any validity so far as it conflicts or is inconsistent with the exercise or performance of any of the powers or duties vested in or imposed upon the Board by this Part.

Incorporation of Lands Clauses Consolidation Acts.

**38.** "The Lands Clauses Consolidation Act" and all Acts amending that Act, except sections 110, 114, 115, 116, 117, and 118 of the said Act, are hereby incorporated with this Part, and shall take effect with regard to any works to be constructed, completed, extended, maintained, or repaired under this Part; and for such purposes the expressions "the promoters of the undertaking" and "the special Act" shall, whenever used in the said Ordinance and Acts, or any of them, mean the Board and this Part respectively: Provided that, for the purposes of section 13 of the "Lands Clauses Consolidation Amendment Act, 1881," there shall be deemed to be no special Act.

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## DIVISION II.

## DIVISION II.—THE HARBORS BOARD AND OFFICERS.

Harbors Board constituted.

**39.** (1) A Board is hereby constituted for the purpose of carrying this Part into execution.

Incorporation and general capacity.

(2) Such Board shall be a body corporate by the name of "The South Australian Harbors Board," and by that name shall have perpetual succession and a common seal, and shall be able—

- (a) To acquire and hold lands (in fee simple or for any less estate or interest) and goods and chattels, and in any manner to dispose of and assure the same for any estate or interest therein;
- (b) To sue and be sued and to submit to arbitration in all actions, suits, causes, disputes; and
- (c) To do and exercise all such further acts and powers as it is by this Part authorised to do and exercise, or as may be necessary or convenient for carrying into effect any of the purposes of this Part.

**40.** Judicial

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**40.** Judicial notice shall be taken of the incorporation and of the common seal of the Board; and the production of any deed, instrument, or writing, if sealed with the said seal, shall be sufficient evidence of the making and execution of such deed, instrument, or writing.

Seal of Board to be judicially noticed.

**41.** (1) The Board shall consist of three members, to be called Harbors Commissioners, who shall be appointed from time to time by the Governor.

Membership of Board  
—Appointment and  
tenure of office.

(2) Each Commissioner shall be appointed for a term of five years; and any Commissioner shall, from time to time, at the expiration of his term of office, be eligible for reappointment for a further term of five years.

(3) Whenever a vacancy occurs in the office of any Commissioner the Governor may appoint some person to fill the vacancy.

**42.** (1) The Governor may, at any time, dismiss any Commissioner from his office—

Dismissal from office.  
W.A. Act, 17, 1902,  
s. 9.  
Cf. S.A., 414, 1887,  
ss. 11 and 12.

(a) For misbehaviour or incompetence; or

(b) If he is adjudicated insolvent, or makes a statutory assignment for the benefit of his creditors, or compounds with his creditors for less than Twenty Shillings in the Pound; or

(c) If he wilfully absents himself from his duty for a period of fourteen consecutive days, except on leave granted by the Minister; or

(d) If he becomes in any way, except as a Commissioner, concerned or interested in any contract made by or on behalf of the Board, or in any way participates or claims to be entitled to participate in the profits thereof, or in any benefit or emolument arising therefrom: Provided that this subdivision shall not apply in the case of a contract with an incorporated company of at least twenty members of whom a Commissioner is one, unless he votes on some question relating to such contract.

(2) Except as provided by subsection (1) of this section, no Commissioner shall be dismissed from his office during the term thereof unless an address praying for his dismissal is presented to the Governor from both Houses of Parliament in one Session, or from one House in one Session and from the other House in the next Session.

(3) If a Commissioner becomes a member of the Executive Council or of either House of the Parliament of the State or of the Commonwealth he shall thereupon cease to hold office as a Commissioner.

**43.** The Governor may appoint one of the Commissioners to be the Chairman of the Board, and another to be the Deputy Chairman of the Board, and whenever a vacancy occurs in the office of Chairman or Deputy Chairman, may appoint one of the Commissioners to fill the vacancy.

Chairman and Deputy  
Chairman.

**44.** Any

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Quorum.

**44.** Any two Commissioners shall constitute a quorum of the Board.

Chairman to preside and have a casting vote.

**45.** At all meetings of the Board the Chairman, or in his absence the Deputy Chairman, shall preside, and when only two Commissioners are present the Chairman or Deputy Chairman so presiding shall have a second or casting vote.

Acts of Board not invalidated by vacancy.

**46.** No act or proceeding of the Board shall be invalid or be prejudiced by reason only of the fact that, at the time when such act or proceeding is done, taken, or commenced, there is a vacancy in the office of any Commissioner.

Deputy Commissioners.

**47.** In case of the illness or other incapacity, or absence from the State of any Commissioner, or of a vacancy in the office of a Commissioner, the Governor may appoint some person to be a deputy Commissioner during such illness, incapacity, or absence, or until such vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the *Government Gazette*, have all the powers and perform all the duties of a Commissioner.

Board to be responsible to the Minister.

**48.** The Board shall be responsible to the Minister for the discharge of its duties and functions under this Part.

Yearly reports, &c.  
W.A. 17, 1902, s. 17.

**49.** (1) The Board shall make a yearly report to the Minister upon the administration of this Part and such other matters as the Minister directs, and shall at all times furnish such reports, estimates, accounts, vouchers, and documents relating to any matters under the control or management of the Board, or to the administration of this Part, as the Minister requires.

(2) The Minister on receipt of such yearly report may forthwith publish the same in the *Government Gazette*, or in such other manner as he deems proper, and such report shall be laid before both Houses of Parliament.

Appointment of officers and servants by the Governor.  
*Ibid.*, s. 19.

**50.** (1) The Minister, on the recommendation of the Board, may appoint a secretary to the Board, and such engineers, harbormasters, assistant harbormasters, harbor pilots, berthingmasters, and other officers and servants as he deems necessary for the administration of this Part, and, on the like recommendation, may dismiss any such officer or servant: Provided that, as regards offices and positions specified in that behalf by a Proclamation for the time being in force, no appointment or dismissal shall be made without the approval of the Governor, as well as the recommendation of the Board, being first obtained.

(2) The Governor may, from time to time, make and rescind or vary such Proclamations, and any such Proclamation shall come into force upon the publication thereof in the *Government Gazette*.

**51.** The

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**51.** The Board may, subject to any direction of the Minister as to rates of wages, appoint at daily or weekly wages such persons as they deem proper for the purposes of the exercise and discharge of the powers and duties of the Board, and may dismiss such persons.

Appointment at daily or weekly wages by the Board.

Ibid.

**52.** All officers, servants, and other persons, whilst employed for the purposes of this Part, shall, subject to any direction of the Minister, be under the sole direction and control of the Board.

Persons employed for the purposes of this Act to be under the control of the Board.

Ibid.

**53.** Before any officer or other person appointed under this Part, who is to be entrusted with the custody of money or other property, shall enter upon the duties of his office or employment, the Board shall take from him such security as the Board deems sufficient for the faithful execution thereof.

Certain officers to give security.

Ibid., s. 20.

## DIVISION III.—VESTING OF PROPERTY IN THE BOARD.

## DIVISION III.

**54.** (1) The Governor may from time to time, on the recommendation of the Minister, grant or lease unto the Board in fee simple or for any term, any property acquired by the Crown under Part I. of this Act, or any other property of any kind whatsoever which is vested in the Crown or in any person or authority whomsoever on behalf of the Crown, or as a Minister or other officer or servant of the Crown; and any property so granted or leased shall thereupon vest in the Board in fee simple or for the term of the lease (according to the circumstances of the case) for the purposes of this Part.

Property vested in Board.

Cf. *ibid.*, s. 22.

N.S.W. Act 1, 1901, s. 27.

(2) There shall also be vested in the Board for the purposes of this Part—

(a) All the lands and properties of the Crown mentioned in the Second Schedule to this Act, including the beds and shores to high-water mark of all waters situated within the boundaries of the lands and properties mentioned in the First Part of the said Schedule and also including the beds and shores mentioned in the Second Part of the said Schedule :

(b) All harbor lights, buoys, and beacons now or hereafter within any harbor in the State ;

(c) All wharves, docks, breakwaters, training walls, causeways, canals, wharf sheds, and other harbor works, now or hereafter constructed, which are situated within any harbor in the State, except such as are private property ;

(d) All properties by or by the operation of any provision of this Part vested in the Board ; and

(e) All such other property as the Board acquires for the purposes of this Part.

(3) The Governor may at any time, and from time to time, by notice published in the *Government Gazette*, more particularly define the boundaries of any of the lands and properties mentioned in the said Second Schedule ; and thereafter the boundaries of such land

or

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or property, as vested in the Board, shall be as so defined, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, before the publication of the notice.

(4) The Governor may from time to time, by notice in writing delivered to the Board, withdraw any land or other property of any kind from the Board, and vest or revest the same in His Majesty the King, or in any other person or authority, or determine any lease thereof granted by the Governor to the Board; whereupon the provisions of subsection (2) of section 12 and the provisions of section 15, *mutatis mutandis* and in so far as the same can apply, shall apply in respect of the land or property so withdrawn or the lease of which is so determined: Provided that no land or other property shall be so withdrawn and no lease shall be so determined except after at least one month's notice in writing delivered to the Board stating the Governor's intention to withdraw or determine the same.

(5) Notice of the grant or lease by the Governor of any land or property to the Board, or of the withdrawal by the Governor of any land or property from the Board, or the determination by the Governor of any lease so granted to the Board, shall be published in the *Government Gazette*, but the grant, lease, withdrawal, or determination shall take effect independently of such publication.

Lands vested in Board free from municipal and other taxes.

Ibid., s. 23.

N.S.W. Act 1, 1901, s. 39.

**55.** Subject to the provisions of section 29, neither the property of the Board, nor the Board in respect thereof, shall be subject to general or special taxation, and all lands and other property vested in the Board shall be exempt from all rates, taxes, and impositions of any local authority; but nothing herein contained shall preclude a local authority from levying and collecting rates and other lawful charges in respect of lands, houses, and buildings of the Board which are for the time being let or occupied for private purposes.

## DIVISION IV.

## DIVISION IV.—POWERS AND DUTIES OF THE BOARD AND THE MINISTER.

Powers of Board to be exercised within one league to seaward.

Act 237, 1881, s. 19.

**56.** (1) The powers, authorities, and jurisdiction of the Board shall extend to and be exercisable within all harbors in the State and to the distance of one nautical league to seaward from low-water mark along the coastlines of the State, and within all other territorial waters of the State.

(2) The Board may, at any place within the limits of the jurisdiction of the Board or elsewhere within the State, do all such acts and things as may be necessary for the discharge or exercise of any of the duties, powers, authorities, or jurisdictions of the Board.

Board to control harbors.

W.A. Act 17, 1902, s. 24.

**57.** The Board shall have the exclusive control and management of all harbors in the State, and of navigation therein, and of all such harbor works as are not private property.

Board to control lighthouses.

S.A. 237, 1881, ss. 26 iv., 315.

**58.** The Board shall have the exclusive control and management of all lighthouses, lightships, buoys, beacons, and other sea marks within the limits of the jurisdiction of the Board, which are not vested in the Commonwealth of Australia, and, without limiting

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limiting the effect of this section, shall have power to do the following things, that is to say—

- I. To fix the site and determine the nature of any new lighthouses and lightships and the order of the lights thereof, and to construct and acquire all requisite works, roads, and appurtenances, and to cause any existing lighthouses or lightships to be altered or removed :
- II. To erect or place any new buoys, beacons, and sea marks, or alter or remove any existing buoys, beacons, or sea marks :
- III. To vary the character of any lighthouse or lightship or the mode of exhibiting lights therein.

**59.** The following works, namely, the construction or completion of all buildings and works for the purposes of the Board, all harbor works (except on property privately owned), and all lighthouses, lightkeepers' residences, buoys, and beacons, and the alteration, maintenance, and repair thereof and of all property vested in the Board, and the extending, alteration, improvement, maintenance, and cleansing of all harbors, shall be undertaken and carried out by the Board: Provided that—

Harbor works to be carried out by the Board.

- I. No wharf shall be constructed or extended, and no work the cost of which when completed is estimated to exceed Five Thousand Pounds shall be undertaken, by the Board, until the approval of the Minister has been obtained ;
- II. No work the cost of which when completed is estimated to exceed Twenty Thousand Pounds shall be undertaken by the Board until the construction thereof has been approved by Act of Parliament or by a resolution passed by both Houses of Parliament ; and
- III. The construction, completion, and extension of locks, weirs, training spurs, and similar works on or connected with the River Murray, or any inland water connected therewith, and the maintenance, preservation, and repair of such works, and the snagging, dredging, and cleansing of and similar works in connection with the said River and such inland waters, shall, notwithstanding that the work is to be done within any harbor (within the meaning of this Part), not be undertaken or carried out by the Board except in such (if any) cases as the Minister directs.

**60.** (1) The Board may, by notice in writing, require the owner of any private wharf in any harbor within the time specified in such notice, to deepen to such depth as mentioned in such notice, or to dredge, or to deepen to such depth as so mentioned and dredge, in a manner satisfactory to the Board, the whole or any part of such harbor lying within one hundred feet of any part of such wharf.

Deepening and dredging near private wharf.

Cf. N.S.W. Act 1, 1901, s. 32.

(2) In case the owner fails within the time so specified to deepen or dredge, or to deepen and dredge, as so required, in a manner satisfactory to the Board, the Board, with the approval of the Minister, may so deepen or dredge, or deepen and dredge, or complete

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complete the doing thereof, and may recover from the owner the cost of so doing, as a debt due to the Board.

Acquisition of lands  
and easements.

**61.** The Board may, with the approval of the Minister, take and acquire, either in fee simple or for any less estate or interest, either compulsorily or by agreement, any harbor works, and also all such lands and all such easements in or over any lands as the Board may deem necessary for the purpose of constructing, completing, extending, maintaining, improving, or repairing any works authorised by or under this Part, or of carrying out any of the powers, duties, or functions of the Board, or otherwise for carrying out any of the purposes of this Part: Provided that the power conferred by this section shall not be exercised in any case unless funds sufficient for the purpose have been provided by Parliament, either as to the specific works or lands or for the acquisition of harbor works and lands generally by the Board.

Lighting of wharves.  
W.A. 35, 1906, s. 4  
(part).

**62.** (1) The Board shall cause all wharves, docks, platforms, depôts, and sheds vested in the Board to be kept well and sufficiently lighted.

(2) No by-law or regulation of any local authority as to the lighting of wharves shall apply to any wharf, dock, platform, depôt, or shed vested in the Board.

Depôts for goods and  
facilities for loading.

Ibid.

**63.** The Board may provide such depôts and sheds for the reception of goods, and such engines, cranes, hoisting and weighing machines, and other apparatus for facilitating the loading and discharging of vessels, and such other conveniences upon or near the wharves, docks, and platforms vested in the Board as they think expedient for the trade of the harbor; and may make reasonable charges for the use of such depôts, sheds, engines, cranes, hoisting and weighing machines, and other apparatus and conveniences.

Life-saving apparatus  
and assistance.

N.S.W. Act 1, 1901,  
s. 64.

**64.** The Board—

(a) May provide and maintain all such appliances and things as appear to them to be necessary or expedient for the relief of vessels in danger, or for the saving of life or property in any water within the limits of the jurisdiction of the Board, including life-boats, life-buoys, rockets, and rocket and other apparatus; and may appoint and pay or reward persons to superintend and assist in the use of the same; and

(b) May provide and maintain all such apparatus and things as appear to them to be necessary or expedient for searching for drowned persons, and restoring animation to persons apparently drowned, and may employ and pay or reward persons for such purposes in such manner as to them seems expedient; and

(c) May maintain such appliances and things as appear to them to be necessary or expedient for the purpose of extinguishing fires on vessels, or on any property vested in the Board.

Fire-extinguishing  
apparatus.

Ibid., s. 65.

**65.** The



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**65.** The Board may, with the approval of the Minister, when funds are available,—

Board empowered to dredge, cleanse, and scour harbors, &c.

(a) For the purpose of maintaining and improving the navigation of any harbor, dredge, cleanse, and scour the same, and alter, deepen, cleanse, scour, dredge, cut, enlarge, and otherwise alter and improve the bed of the same:

*Ibid.*, s. 47.

(b) Abate and remove all impediments, obstructions, and annoyances, and all nuisances and abuses whatsoever in any harbor, or on the banks and shores thereof, which may, in their opinion, be injurious to such harbor, or obstruct or tend to obstruct the free navigation thereof:

(c) Scour, reduce, or remove any shoal, bank, or accumulation which, in their opinion, impedes the navigation of any harbor:

Power to remove any shoal, mudbank, or accumulation, and shorten bends.

(d) Shorten any bend or remove any angle on the shore or the bed of any harbor:

(e) Cut the banks of any inlet of the sea, river, or other water within any harbor for the purpose of making, enlarging, or repairing any dock or canal, or any drain, sewer, or watercourse, or altering, laying down, or repairing any suction or other pipe, or for any other purpose whatsoever, and may authorise any person to cut the said banks for any of the purposes aforesaid, under such restrictions and upon such terms and conditions as the Board think proper to impose:

Banks may be cut.

(f) Place and lay down or take up within any harbor such buoys and beacons as may, in their opinion, be necessary or convenient for the navigation of such harbor.

Buoys and beacons.

**66.** (1) No lease or licence in force at the commencement of this Part of, or relating to, any lands hereby vested, or which become vested in the Board, shall, subject to this section and section 73, be in any manner affected by this Part: Provided that all moneys accruing after such commencement, as the rent reserved by any such lease or as payment for any such licence, shall be payable to and may be recovered by the Board; and that the benefits of all covenants and liabilities by and of the lessee or licensee arising after such commencement shall be vested in the Board.

Leases and licences existing at time of passing of this Act.

*Ibid.*, s. 29.

(2) At the expiration of the term of any such lease or licence the Board may, with the approval of the Minister, renew or deal with such lease or licence on such conditions and terms as they deem fit: Provided that if the Board refuse to renew such lease they shall pay the leaseholder or licensee such (if any) compensation for improvements as has been provided for by the lease or licence.

**67.** Notwithstanding any Act or law to the contrary, no lease or licence of, or permission to occupy or use, any portion of any sea beach

Leases and licences of shores and sea not to be granted without consent of the Board.

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beach or foreshore, or any land overflowed by the waters of the sea, within the limits of the jurisdiction of the Board, which beach, foreshore, or land is not private property, shall, after the commencement of this Part, be granted without the consent in writing of the Board first obtained.

Power to lease lands.

W.A. Act 17, 1902,  
s. 27.

S.A. Act 237, 1881,  
s. 28, altered.

**68.** The Board, with the approval of the Minister, may grant a lease of any land vested in the Board for any term not exceeding twenty-one years: Provided that no such lease for a period exceeding three years shall be granted until after the expiration of one month from the second publication in the *Government Gazette* and in a daily newspaper published and circulating in Adelaide, of an advertisement for applications for such lease.

Board may authorise  
erection of wharves,  
etc., in any port, and  
may lease wharves.

*Ibid.*, s. 29, altered.

**69.** The Board, with the approval of the Minister, may grant to the owner or occupier of any land fronting and immediately adjoining any portion of the foreshore at any place within the State, a licence to make any wharf, embankment, wall, or other work upon the foreshore and the land overflowed by the waters of the sea immediately in front of his land, upon payment of such fair and reasonable consideration, and subject to such other terms, conditions, reservations, and other provisions as the Board think fit.

Board may lease sea  
beach for bathing  
purposes.

Act 814, 1902, s. 6,  
altered.

**70.** (1) The Board, with the approval of the Minister, may grant a lease for any period not exceeding twenty-one years of any convenient portion of the foreshore at any place within the State, and of the adjoining land overflowed by the waters of the sea, together with the approaches thereto, for the purpose of the same being appropriated and maintained as and for a public bathing place.

(2) Any such lease shall be subject to such terms, conditions, reservations, and other provisions, and confer such powers as to the erection of fences, bathing-boxes, refreshment-rooms, and other conveniences on the premises, the formation of a harbor for boats thereon, and the admission or refusal of admission thereto, as to the Board seem fit.

Board may lease  
public wharves.

*Ibid.*, s. 7, altered.

**71.** (1) The Board, with the approval of the Minister, may grant a lease of any wharf vested in the Board, or any portion thereof, for any term not exceeding twenty-one years, either by public auction or by public tender.

(2) Any such lease shall be subject to such annual rental and other terms, conditions, reservations, and other provisions as the Governor prescribes, whether by regulation or otherwise, and shall in other respects be subject to any regulations in that behalf.

Licences for use of  
wharves by ferry-  
boats.

*Ibid.*, s. 8.

**72.** (1) The Board, with the approval of the Minister, may grant to the proprietor of any ferryboat annual or other licences, to use in such manner as the Board deem advisable, any wharf vested in the Board, or portion thereof, for any period stated in such licence.

(2) All

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(2) All such licences shall be revocable by three months' notice given by the Board.

*Ibid*, s. 9.

**73.** (1) Whenever the Board during the currency of the term of any lease of, or licence to occupy or use, any of the lands or other properties vested in the Board, or any portion of any harbor, sea beach or foreshore, or land overflowed by the waters of the sea, in any part of the State (all of which are hereafter in this section referred to as lands and properties), whether such lease or licence was granted or issued before or after the commencement of this Part, desires to take possession of any of the said lands or properties, or any part thereof, the Board may serve on the person to whom the lease or licence was granted, his heirs, executors, administrators, or assigns, a notice that the Board requires possession thereof.

Power of Board to resume possession of lands the subject of a lease or licence.

N.S.W. Act, 1901, s. 42.

(2) If within three months from the service of the notice possession is not given to the Board, they may issue their warrant to the Sheriff to deliver possession of such land or property, or part thereof, whereof possession is so required, to the person appointed in the warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of such land or property, or part thereof, accordingly.

*Cf.* Ordinance 6, 1847, s. 91.

(3) The costs accruing by reason of the issuing and execution of the warrant, to be settled by the Sheriff, shall be paid by the person refusing or failing to give possession; and the amount of such costs shall be deducted and retained by the Board from the compensation (if any) payable for dispossession under the powers hereinbefore contained, or if no such compensation is payable, or if the compensation is less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and, upon application to any Justice for that purpose, he shall issue his warrant accordingly.

(4) Whenever any lessee or licensee, his executors, administrators, or assigns, is or are dispossessed under the powers by this section conferred on the Board, the Board shall, subject to subsection (3) of this section, pay to him or them compensation for dispossession, and the amount thereof shall be settled in the manner prescribed in "The Lands Clauses Consolidation Act," as to the taking of lands for undertakings of a public nature.

Compensation for dispossessing.

N.S.W. Act 1, 1901, s. 43.

No. 6 of 1847.

**74.** (1) The Board may, with the approval of the Minister, by their corporate name, enter into contracts with any person for the execution of any work they think proper to do, or to direct to be done, under the powers conferred by this Part, or for furnishing materials or labor, or for providing proper engines or other power, or for any other matters and things whatsoever necessary or convenient to enable the Board to carry the purposes of this Part into effect, in such manner, and upon such terms, and under such stipulations, regulations, and restrictions as they think proper.

Board may make contracts, &c.

W.A. Act 17, 1902, s. 28.

*Cf.* S.A. 414, 1887, s. 58; and 512, 1891, s. 5.

(2) Notwithstanding

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(2) Notwithstanding anything in this section the Board shall be subject to the provisions of any Act providing for the control of the purchase of materials or other things by a Supply and Tender Board or other authority.

Contracts by the Board, how to be entered into.

N.S.W. Act 1, 1901, s. 49.

**75.** (1) The powers by this Act conferred upon the Board to make contracts may lawfully be exercised as follows, that is to say:—

Any contract which, if made between private persons, would be by law required to be in writing and under seal, the Board may make in writing in their corporate name and under their common seal, and in the same manner may vary or discharge:

Any contract which, if made between private persons, would be by law required to be in or to be evidenced by writing, signed by the parties to be charged therewith, the Board may make in writing in their corporate name, signed by them, or any two of them, and in the same manner may vary or discharge.

(2) All contracts made according to the provisions of this section and duly executed by the parties thereto respectively shall be effectual in law, and shall be binding upon the Board and all other parties thereto and their successors, heirs, executors, or administrators, as the case may be; and on any default in the performance of any such contract, such actions or suits may be brought thereon and damages and costs recovered against or by the Board, or any other party failing in the execution thereof, as might be brought and recovered if the same contract had been made between private persons only.

Goods left on wharves etc., may be advertised and sold.

W.A. 17, 1902, s. 29.

**76.** (1) If any goods remain upon any wharf vested in the Board, or the approaches thereto, or in any store or warehouse so vested, for a longer time than allowed by the regulations, any person authorised by the Board may remove such goods to a convenient place, and keep the same until payment of the expenses of such removal and keeping.

(2) If such expenses are not paid within seven days after demand thereof made upon the owner, or if the owner is unknown or cannot be found, then after notice by advertisement, at least once in each of two consecutive weeks, in a newspaper circulating at the harbor where such goods so remain, the Board may sell such goods by public auction: Provided that goods, if perishable, may be sold without demand or advertisement after being kept for twenty-four hours.

(3) The proceeds of sale shall be applied in payment of all dues and charges payable in respect of such goods, and the expenses of removal, keeping, advertising (if any), and sale thereof, and the surplus shall be rendered to the owner on demand, and in the meantime shall be paid to the Treasurer.

**77.** If

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77. If any dispute arises between the Board and the South Australian Railways Commissioner, or any other officer or department of the Government of the State, with respect to any land or other property vested in the Board, or with respect to any power or duty conferred or imposed upon the Board by this Part, or the exercise or discharge of or failure to exercise or discharge the same, or with respect to any other matter arising under this Act, such dispute shall be referred to the Minister, whose decision shall be final and binding upon the parties.

## DIVISION V.—PILOTS AND PILOTAGE.

78. (1) Subject to section 79, all the duties, powers, functions, and jurisdictions of the Marine Board, under the "Marine Board and Navigation Act, 1881," or otherwise, as to pilots and pilotage, which are subsisting, and can lawfully be discharged and exercised by the Marine Board, at the commencement of this Part, are hereby, from the commencement of this Part, transferred to the Board, and shall from such commencement be discharged and exercised by the Board and not by the Marine Board.

(2) Any proceeding, matter, or thing commenced by the Marine Board before the commencement of this Part, in the exercise or intended exercise of any of its duties, powers, functions, or jurisdiction as to pilots or pilotage, may be continued and prosecuted and completed by and in the name of the Board.

(3) From such commencement the "Marine Board and Navigation Act, 1881," shall be read as amended in such manner as may be necessary to give effect to this section.

79. (1) The powers of the Marine Board under the "Marine Board and Navigation Act, 1881," to confirm, repeal, or vary regulations as to pilots and pilotage, which are subsisting, and can lawfully be exercised by the Marine Board, at the commencement of this Part, shall, from the commencement of this Part, be exercised by the Governor, on the recommendation of the Board, as provided by section 102.

(2) All such regulations shall be subject to the provisions of Part III. of "The Marine Board and Navigation Act Amendment Act, 1902," and to any proclamation lawfully made pursuant to that Part.

## DIVISION VI.—WRECKS, OBSTRUCTIONS, AND DAMAGE.

80. If any vessel is sunk, stranded, or abandoned within the limits of the jurisdiction of the Board in such a way as, in their opinion, to tend to the injury of navigation, such vessel, together with the tackle thereof, and the goods (if any) therein (all of which are in this section included under the term "the wreck"), may be removed in the following manner:—

(a) The Board shall give notice in writing to the owner of such vessel, or to an agent of such owner, that he is required

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Disputes between departments to be settled by Minister.

Ibid., s. 30.

N.S.W. Act 1, 1901, s. 31.

## DIVISION V.

Functions of the Marine Board as to pilotage transferred to the Board.

Powers of the Marine Board as to regulations transferred to the Governor.

No. 814 of 1902.

## DIVISION VI.

Removal of wreck.

W.A. 17, 1902, s. 34.

Cf. S.A. 237, 1881, s. 243.

required, within a time specified in such notice, either to remove the wreck in a manner satisfactory to the Board, or to undertake, under security satisfactory to the Board, to remove the wreck in a manner satisfactory to and within a time to be fixed by the Board :

- (b) In case the owner or an agent cannot be found within the State, or if he fails within the time specified in the notice to remove the whole of the wreck in a way satisfactory to the Board, or enter into such undertaking as aforesaid to remove the same, or if, having undertaken to remove the wreck, he fails to remove it in accordance with his undertaking, then the Board, or any person authorised by the Board, may remove the wreck ; and the Board may recover from the owner, in any Court of competent jurisdiction, the expenses incurred in removing it (in this section referred to as “ the expenses of removal ” :
- (c) The Board or any person authorised by them may, for the purpose of removal, destroy the wreck or any part of it, and may remove and take possession of the wreck or any part of it, and may sell the same, and may, out of the proceeds (if any) of such sale, without any reference to the part of the wreck from the sale of which such proceeds accrue, reimburse the Board for the whole of the expenses of removal and sale, and shall, after so reimbursing the Board, render the surplus (if any) to the owner on demand, and in the meantime shall pay the same to the Treasurer ; and
- (d) If the proceeds of such sale are insufficient to pay the whole expenses of removal and sale, the Board may recover the balance from the owner if the vessel was stranded or sunk by his fault or negligence, or from any other person by whose fault or negligence the vessel was stranded or sunk.

For the purposes of this section the term “ owner ” means and includes not only the owner of the vessel at the time of the sinking, stranding, or abandonment thereof, but also any person who, whilst the same remains sunk, stranded, or abandoned, purchases such wreck, or the materials of which the same is or was composed.

Lights on works.  
Act 237, 1881,  
s. 393.

**81.** Every person making, constructing, altering, extending, or removing any work on, in, over, through, or across tidal lands or a tidal water, or the sea-shore below high-water mark, shall, on or near the work, during the whole time of the making, constructing, altering, extending, or removing thereof, exhibit and keep burning at his own expense every night from sunset to sunrise such lights (if any) as the Board from time to time require or approve ; and shall also on or near such work, when completed, always maintain, exhibit,

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DIVISION VI.

exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board from time to time require or approve. If any person fails to comply in any respect with the provisions of this section he shall, for each night on which he so fails, be liable to a penalty of not less than Five Pounds and not more than Twenty Pounds.

**82.** (1) Where any injury is done by a vessel or any part of the equipment thereof, or by any floating timber or material, or by any person employed about the same, to any of the works or property of or vested in the Board—

Responsibility for injury to works of the Board.

W.A. Act 17, 1902. s. 35.

(a) The owner or agent of such vessel, floating timber, or material; and

(b) In case the injury is caused through the act or negligence of the master of such vessel, or of the person having charge of such timber or material, such owner or agent and also such master or person,

shall be liable in damages to the Board for the injury except where the same is caused by the act or negligence of the Board or an officer or servant of the Board.

(2) The amount of such damages may be recovered in any Court of competent jurisdiction, or in a summary way in the same manner as a penalty for an offence against this Act; or, at the option of the Board, such ship, floating timber, or material may be detained until such damages have been paid or a deposit has been made by the master or owner or agent thereof equal in amount to the claim made by the Board for their estimate of the amount of injury so done, which deposit the Board are authorised to receive and retain until the entire amount of such injury has been ascertained by them and paid by the master or owner or agent of such ship, floating timber, or material, when the said deposit shall be returned to such master or owner or agent.

Remedies for such injury.

Act 237, 1881, s. 394.

(3) Every such deposit shall be considered to have been made in payment and satisfaction, or part payment and satisfaction, of the claim for the injury in respect of which such deposit has been made, unless notice that the claim is disputed is given to the Board within seven days after such deposit has been made. After the expiration of seven days next after such deposit has been made (unless in the meantime notice is given to the Board that the claim is disputed) the Board may, unless the amount of injury has been sooner paid, apply such deposit or a sufficient part thereof, in making good such injury, and shall return the residue (if any) of such deposit to the said master or owner or agent.

(4) The special remedies provided by this section shall be without prejudice to any other remedy in respect of the injury: Provided that the Board shall not recover in the aggregate more than the total amount of the damages, costs, and expenses arising from such injury.

**83.** Where

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## DIVISION VI.

Recovery by owner  
from master of ship.

W.A. 17, 1902,  
s. 36.

**83.** Where the owner or agent of any vessel, floating timber, or material pays any money in respect of any injury done to any part of the works or property of or vested in the Board by any master or other person, or pays any pecuniary penalty by reason of any act or omission of any master or other person, he shall be entitled to recover the money or penalty so paid with costs and expenses from such master or other person in any Court of competent jurisdiction, or in a summary way in the same manner as a penalty for an offence against this Act.

## DIVISION VII.

Harbor dues, &c.,  
fixed by regulation.

Ibid., s. 39.

## DIVISION VII.—DUES, CHARGES, AND RATES.

**84.** (1) Regulations may be made from time to time by the Governor, on the recommendation of the Board, fixing dues, charges, and rates (including, though without limiting the extent of the power hereby conferred, light, harbor, warehouse, tonnage, mooring, pilotage, and berthing dues and wharfage charges) which shall be charged and levied by the Board. Such dues, charges, and rates shall be payable and paid to the Board in accordance with the regulations.

Existing dues and  
charges to continue.

Ibid., s. 40.

(2) Until repealed by such regulations, all dues, charges, and rates of the kinds specifically mentioned in subsection (1) hereof, which are payable by law at the commencement of this Part shall continue to be charged and levied, and shall be payable and paid to the Board as if the same had been made payable under this Act.

List of dues to be  
exhibited.

Ibid., s. 43.

(3) The Board shall at all times keep exhibited in front of their principal office a board having painted or affixed thereon lists of all dues, charges, and rates payable for the time being, but the omission so to do shall not affect the liability to pay the same.

Harbor improvement  
rates.

W.A. 35, 1906, s. 8.

**85.** (1) Regulations may be made from time to time by the Governor, on the recommendation of the Board, providing that harbor improvement rates, not exceeding in any case One Shilling per ton by weight or by measurement (as may be expressed in such regulations), shall be levied upon all goods discharged at or shipped from any specified harbor.

(2) Such regulations may provide for the manner of levying and collecting such rates, and by whom the same shall be paid, and in what manner the same shall be paid to any authorised officer of the Board, or other person authorised by the Board in that behalf.

Differences may be  
made between out-  
ward and inward  
goods.

**86.** In fixing any dues, charges, and rates, differences may be made between the amounts payable in respect of outward and inward bound goods respectively.

In case of difference,  
power to weigh or  
measure goods.

W.A. 17, 1902,  
s. 44.

**87.** (1) Where a difference arises between any officer or person authorised to collect any dues, charges, or rates and the owner of any goods respecting the weight or quantity of such goods, the officer or person authorised to collect such dues, charges, or rates may cause the goods to be weighed or measured.

(2) If



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(2) If the weight or quantity thus ascertained exceeds that alleged by the owner, the expenses of the weighing or measuring shall be paid by him to the Board, and shall be recoverable as the dues, charges, or rates are recoverable; and if the weight or quantity thus ascertained does not exceed that alleged as aforesaid, the expenses of the weighing or measuring shall be paid by and shall be recoverable from the Board in any Court of competent jurisdiction.

**88.** The owner and the master of any ship, and such consignee or agent thereof as has paid or made himself liable to pay any dues, charges, or rates on account of the ship, shall be liable to pay the dues, charges, and rates payable under this Act in respect of such ship.

Liability for dues payable by ship.

Ibid., s. 45.

S.A. 237, 1881, s. 317.

**89.** The owner of any goods carried in any ship, and also any consignor, consignee, shipper, or agent for the sale or custody of such goods, and also any person entitled, either as owner or agent for the owner, to the possession of such goods, shall be liable to pay the dues, charges, and rates payable under this Act in respect of such goods.

Liability for dues payable for goods

W.A. 17, 1902, s. 46.

Cf. S.A. 237, 1881, s. 317.

**90.** Every consignor, consignee, shipper, or agent, not being the owner or master of the ship or goods, who is by this Act made liable for the payment of any dues, charges, or rates in respect of such ship or goods, as the case may be, may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues, charges, and rates so paid by him, together with any reasonable expenses he incurs by reason of such payment and liability.

Persons other than master or owner of ship liable for dues may retain moneys received on account of master or owner of ship for such payments.

W.A. 17, 1902, s. 47.

S.A. 237, 1881, s. 320.

**91.** All dues, charges, and rates may be recovered by the Board in any Court of competent jurisdiction as a debt due to the Board, or in a summary way in the same manner as penalties for offences against this Act are recoverable.

Recovery of dues.

Ibid., s. 317.

**92.** Any officer or person authorised to collect dues, charges, or rates may, without any warrant or authority other than this Act, distrain any ship and the tackle thereof or any goods, in respect of which such dues, charges, or rates are payable, and may keep such ship and tackle or goods respectively until such dues, charges, or rates are paid; and if the same are not paid within seven days after the distress, may cause the property distrained or any part thereof to be sold, and out of the proceeds of the sale may pay the amount of such dues, charges, or rates and the charges and expenses of the distress, keeping, and sale.

Persons authorised to collect dues may distrain.

W.A., 17, 1902, s. 49.

Cf. S.A. 237, 1881, s. 372.

**93.** Where a difference arises concerning the amount of any dues, charges, or rates payable, or of the charges and expenses occasioned by any distress, the person distraining may detain the ship, tackle, or goods distrained until such amount is ascertained by a Local Court in

Settlement of dispute concerning dues or charges occasioned by distress.

W.A. 17, 1902, s. 50.

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in its Full Jurisdiction, or until he is satisfied that sufficient security has been given for the payment of such amount when ascertained, and of the charges and expenses arising from non-payment thereof. The Court shall, upon application made for that purpose, determine the amount, and award such costs to be paid by either party to the other as the Court thinks reasonable.

Penalty on evasion.  
S.A. 237, 1881,  
s. 396.

**94.** If any master, owner, consignor, consignee, shipper, or agent evades or attempts to evade the payment of any dues, charges, or rates he shall be liable to a penalty of not less than Five Pounds nor more than Fifty Pounds, in addition to the amount of such dues, charges, or rates.

DIVISION VIII.

DIVISION VIII.—FINANCE.

Minister to declare  
value of property  
vested in Board.  
Cf. W.A. 17, 1902,  
ss. 52 and 53.

**95.** The Minister shall at the end of the first financial year ending after the commencement of this Part, cause a schedule to be made of all property then vested in the Board, and shall, at the end of each subsequent financial year, cause a schedule to be made of all additional works and improvements constructed, and all additional works in course of construction, by the Board, and of all lands and property vested in or acquired by the Board, during such financial year.

Collection of dues, &c.

**96.** All dues, charges, rates, rents, and other moneys levied and collected by the Board or any officers and persons under this Part shall be paid to the Treasurer to the credit of the General Revenue of the State.

Accounts to be kept.

**97.** (1) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein—

(a) Of all moneys received and paid by them, and all moneys owing to or by them under this Part, and of the several purposes for which such moneys are received, paid, or owing; and

(b) Of all the assets and liabilities of the Board under this Part.

Accounts to be  
balanced.

(2) The Board shall cause such books and accounts to be balanced every year on the thirtieth day of June.

How money for  
purposes of Act  
provided.

**98.** The moneys required for the purposes of this Part shall be provided by the Treasurer out of moneys from time to time provided by Parliament for such purposes.

Books may be  
inspected.

W.A. Act 17, 1902,  
s. 58.

**99.** The books of account of the Board shall be open to the inspection of the Minister and of the Commissioner of Audit, and of any person authorised by the Minister or the Commissioner of Audit to inspect the same, and all such persons may take copies or extracts therefrom.

Accounts to be  
audited.

**100.** (1) The Board shall, at the close of every financial year, cause a full and true balance-sheet of assets and liabilities, together with

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DIVISION VIII.W.A. Act 35, 1906,  
s. 13.

with an account of receipts and payments for such year, and such other statements as are necessary, to be compiled from the books of account and submitted to the Commissioner of Audit for audit.

(2) The Commissioner of Audit shall audit such balance-sheet, account, and statements, and shall report thereon, certifying that he has found the accounts in order; that, in his opinion, the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books; that all items of receipts and payments and all known liabilities and assets have been brought into account; and that the value of all assets has in all cases been fairly stated; or otherwise, as to any of such matters, as he finds the case to be.

(3) The Commissioner of Audit shall, in respect of such balance-sheet, accounts, statements, and audit have all the powers conferred on him by "The Audit Act, 1882."

241 of 1882.

101. The Board shall furnish to the Minister a true copy of the balance-sheet, accounts, and statements so audited, and copies of such accounts, together with the Commissioner of Audit's report thereon, shall be laid before both Houses of Parliament, if Parliament is in Session, and if not, then within seven days after the beginning of the next Session of Parliament.

Accounts to be  
audited and furnished  
Ibid.

## DIVISION IX.—REGULATIONS.

## DIVISION IX.

102. The Governor may from time to time, on the recommendation of the Board, make regulations—

Regulations.  
W.A. Act 17, 1902,  
s. 60.  
Cf. S.A. 237, 1881,  
s. 37, 281; 691, 1897,  
s. 5.  
Officers.

- (1) For the control, supervision, and guidance of officers and servants appointed under this Part;
- (2) Regulating all matters relating to the protection of life and property, and the safe navigation of harbors and the good order of shipping therein;
- (3) Regulating the use, management, and superintendence of harbors and moorings;
- (4) Regulating the admission of ships into harbors, and into, near, or alongside wharves and moorings, and their removal therefrom;
- (5) Regulating the receipt by and discharge from ships of ballast in harbors and other places within the limits of the jurisdiction of the Board, and fixing the places in harbors and elsewhere where ballast may be excavated or raised;
- (6) For the prevention of overloading or overcrowding of vessels;
- (7) Regulating the mode and place of mooring and anchoring vessels, their position and government in harbors, and their unmooring and removal out of harbors;
- (8) For enabling the harbormaster to ensure the observance of such regulations as referred to in subdivision (7) hereof, in case

Navigation in  
harbors.  
Cf. S.A. 691, 1897  
s. 5.  
Ibid.

Ibid.

Ballast.  
237, 1881, s. 37.Overloading.  
Ibid.Mooring.  
S.A. 691, 1897, s. 5.

W.A. 17, 1902, s. 60.

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- case of non-compliance therewith, by mooring, unmooring, placing, or removing a vessel, and for that purpose to cast off or let loose any warp or rope, or unshackle or let loose any chain by which the ship is moored or fastened, first putting on board a sufficient number of persons for the protection of the ship in case there is no person on board to protect it;
- Management of anchors and gear.  
S.A. 691, 1897, s. 5.
- (9) For the slacking down or heaving in of anchors, cables, hawsers, and other fastenings, topping or bracing of yards, rigging in of booms, davits, bumpkins, and other projecting gear of ships in harbors;
- Shipping and embarking.  
W.A. 17, 1902, s. 60.
- (10) Regulating the times, places, order, and mode of the shipping, unshipping, landing, warehousing, stowing, and depositing of goods (with special regulations and restrictions in the case of dangerous goods), and the landing and embarking of passengers, and the taking in and delivery of ballast;
- Dues, charges, and rates.  
S.A. 237, 1881, s. 37.
- (11) Fixing, imposing, levying, and receiving all light, harbor, warehouse, tonnage, mooring, pilotage, and berthing dues, wharfage charges, and harbor improvement rates, and other dues, charges, and rates;
- W.A. 17, 1902, s. 60.
- (12) For the exemption of ships in the service of His Majesty or of any British possession, or in the naval service of any foreign power, and of other vessels, from dues, charges and rates;
- Use of wharves, &c.  
Ibid.
- (13) Regulating the use of wharves, docks, quays, landing stages, and other landing places, the appointment of persons to preserve order, and generally regulating the traffic thereon;
- Lights and signals.  
S.A. 237, 1881, s. 37.
- (14) Prescribing and regulating the lights and signals to be carried by any vessel within harbors, and for the better prevention of collisions within harbors;
- Ibid.
- (15) Prescribing and regulating the use of distress and other signals;
- Life-buoys, &c.  
Ibid.
- (16) Prescribing and regulating the boats, life-buoys, and life-jackets or belts, and other means of saving life at sea, which are to be carried by vessels.
- Ibid.
- (17) Regulating the use of lights and the employment of watchmen on board ships and boats when moored or anchored in a harbor or at a wharf;
- Communication between vessels.
- (18) Regulating the communication between vessels or between wharves and vessels by means of gangways or otherwise;
- Lighthouses, &c.  
Ibid, s. 26.
- (19) Regulating the conduct, management, superintendence, and protection of all lighthouses, buoys, and beacons, and all harbor marks within the limits of the jurisdiction of the Board, and all wharves and other harbor works;
- (20) Regulating

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- (20) Regulating the use of cranes, weighing and other machines, weights and measures, and conveniences or appliances belonging to the Board, and fixing charges to be paid for the use of the same ;  
Cranes, &c.  
W.A. Act 17, 1902, s. 60.
- (21) Regulating the working and the provision of servants and laborers for the working of cranes, weighing machines, and other machines and conveniences erected or provided by the Board for use in the loading and unloading of goods on wharves, and prescribing the rates or charges for the same, and for the handling and storing of goods ;  
Loading and unloading.  
W.A. Act 35, 1906, s. 15.
- (22) Regulating the cleansing, repair, and effectual preservation of docks and wharves, and providing for the keeping and maintenance of the same in a fit state for the convenience of persons walking upon or landing on or embarking from any such wharf ;  
Maintenance of docks, etc.  
W.A. Act 17, 1902, s. 60.
- (23) Regulating the duties and conduct of all persons, as well officers and servants appointed under this Part as other persons, not being officers of Customs, who are employed in harbors ;  
Duties of employés.
- (24) Providing for the control and management of ferry boats plying for hire in harbors ;  
Ferries.  
S.A. 237, 1881, ss. 26, 37.
- (25) Providing for the registration and licensing of tugs to conduct vessels into or out of harbor, and fixing the fees to be paid for such licences ;  
Tugs.  
Ibid., s. 37.
- (26) Regulating the erection of private wharves, and the granting and determining the conditions of leases of and licences as to public wharves, situated within the limits of the jurisdiction of the Board, or wharves erected, or to be erected, by any person within such limits ;  
Erection and lease of wharves.  
Ibid.
- (27) Providing for the registration and licensing of owners of ballast lighters and boats, master boatmen, boatmen, watermen, ballastmen, bargees, and others ;  
Licensing of boatmen and others.  
S.A. 237, 1881, ss. 26, 37.
- (28) Providing for the registration and licensing of all ballast lighters and boats, tank boats, cargo boats, lighters, and other vessels and boats plying for hire, either for goods or passengers, within harbors, and fixing the fees to be paid for such licences ;  
Ballast and other boats.  
W.A. Act 17, 1902, s. 60.
- (29) Providing for the inspection of all such lighters, boats, and vessels, and preventing the use of such as are unseaworthy or insufficient ;  
Inspection of boats, etc.  
Ibid.
- (30) Providing for the name of each lighter, boat, or vessel and the name of its owner being shown thereon ;  
Ibid.
- (31) Regulating the conduct, and for the punishment of misconduct, of licensed owners of ballast lighters and boats, master boatmen, watermen, ballastmen, and bargees, and other licensed persons when practising their callings ;  
Licensed boatmen.  
Ibid.

(32) Fixing

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Fares for boats.

Ibid.

(32) Fixing the fares and charges for the carriage of persons and goods in licensed lighters, boats, and vessels of the several kinds hereinbefore mentioned, or any of them, according to either time or distance ;

W.A. Act 36, 1906,  
s. 16.

(33) Regulating the charges to be made by licensed boatmen, porters, and other carriers ;

Boatmen, carters, &c.  
Ibid.

(34) Prohibiting persons from acting as boatmen plying for hire, porters, cabdrivers, carters, carmen, or otherwise in the carriage of goods or passengers without previously obtaining and continuing to hold the licence of the Board ;

Ibid

(35) Prescribing the duration of and the fees for any or all such licences as herein mentioned, and providing that the issue of such licences and the cancellation thereof shall be at the absolute discretion of the Board ;

Traffic on wharf.

W.A. Act, 17, 1902,  
s. 60.

(36) For the guidance of porters, cabdrivers, carters, carmen, and others carrying goods or driving horses, cabs, carriages, wagons, carts, drays, trucks, or other vehicles for conveying passengers or goods and other commodities on wharves ;

Pilotage and Pilots.  
S.A. 237, 1881,  
ss. 26, 37, 281.

(37) Regulating pilotage :

(38) Appointing pilot stations, and regulating the conduct and management thereof ;

(39) Appointing the place or places where pilots shall board and take charge of ships entering, intending to enter, or departing from harbors ;

(40) Regulating the licensing of pilots and apprentices, and the issuing, revocation, and suspension of their licences ;

(41) Determining the qualifications to be required of persons seeking to be licensed as pilots or apprentices ;

(42) Regulating the licensing of pilot boats and ships, and the revocation and suspension of licences therefor ;

(43) For the government of pilots, and for ensuring their good conduct and the effectual performance of their duties ;

W.A. Act 17, 1902,  
s. 60.

(44) Prescribing pilotage rates and determining the nature of the services for which such rates respectively shall be payable ;

S.A. 237, 1881,  
s. 281.

(45) Regulating the time of payment for pilotage services rendered to any vessel ;

S.A. 237, 1881,  
ss. 37, 281.

(46) Regulating the granting, issuing, revocation, and suspension of pilotage exemption certificates ;

Ships' surveyors.  
Ibid., s. 398.

(47) Regulating the licensing of persons as surveyors of the hulls and cargoes of vessels, and the issuing, revocation, and suspension of their licences ;

(48) Determining the qualifications to be required of persons seeking to be licensed as such surveyors ;

(49) For the government of such surveyors, and for ensuring their good conduct and the effectual performance of their duties ;

(50) Prescribing

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- (50) Prescribing the remuneration to be paid to such surveyors, and determining the nature of the services for which such remuneration shall be payable;
- (51) Regulating the time of payment for the services of such surveyors;
- (52) Empowering a collector, either alone or with other persons, to enter a ship in order to ascertain the dues, rates, and charges payable in respect of the ship or of the goods therein; Collection of rates and dues.  
W. A. 17, 1902,  
s. 60.
- (53) Requiring the master of every ship to report his arrival within a specified time after his arrival; Duties of masters of ships.  
Ibid.
- (54) Requiring the master of every ship to produce the certificate of registry to any officer on demand; Ibid.
- (55) Requiring the master of every ship to give a copy of the bill of lading or manifest of the cargo, or other proper account of goods intended to be unshipped, and the name of the consignee or other person to whom they are intended to be delivered, and a copy of all alterations in or additions to such bill of lading, manifest, or other proper account; Cargo.  
Ibid. (altered).
- (56) Requiring the master of every ship to give notice of the intended time of unshipment; Ibid.
- (57) Requiring the shippers of goods to furnish accounts of the goods intended to be shipped; Duties of shippers.  
Ibid.
- (58) Regulating the time when dues, rates, and charges on goods shipped or unshipped are to be payable; Time for payment of dues.  
Ibid.
- (59) Limiting the liability of the Board for goods deposited, stored, in transit, warehoused, landed, lodged, or left on any part of the property of the Board, including all wharves and sheds, in case of damage to or loss of such goods from any cause whatever; Limiting liabilities of Board.  
W. A. Act 35, 1906,  
s. 15.
- (60) Limiting the amount of liability on each package of goods coming into the custody of the Board, and enabling the Board to rely upon, and the owners of goods to be bound by, all statements, exceptions, and conditions indorsed on ships' receipts, bills of lading, or ships' manifests for goods, as to declarations of value; Ibid.
- (61) Fixing what are to be regarded as the ordinary working hours of harbors or any of them, and limiting the liability of the Board for the condition of goods discharged at any time except during such hours; Ibid.
- (62) Exempting the Board from liability for damage to goods caused or contributed to by insufficient protection or packing; Ibid.
- (63) Exempting the Board from liability for damage to or loss of goods which have been delivered on their premises, but for which the Board or their officers or servants have not given a receipt; Ibid.
- (64) Exempting

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- Ibid. (64) Exempting the Board from liability for damage to goods if landed or otherwise handled in wet weather, and authorising the wharf manager to decide in his absolute discretion when the weather is wet, and that his decision shall be final as to that fact ;
- Ibid. (65) Limiting the time within which claims in respect of goods damaged or lost, or alleged so to be, must be made against the Board, and exempting them from liability in case claims are not made in accordance with such regulations ;
- Weight and measurement.  
Ibid. (66) Authorising and empowering the Board, in their discretion, to adopt the weight or measurement of goods set forth in the bill of lading or manifest of the goods, for the purpose of levying, imposing, charging, and collecting dues, rates, and charges ;
- Speed of vessels.  
Ibid. (67) Regulating and limiting the speed of vessels within harbors ;
- Rents, &c., in leases. (68) Prescribing the rents, conditions, and reservations to be contained in leases and licences granted by the Board ;
- (69) Regulating all such other matters and things as this Act requires, or permits to be prescribed, or contemplates shall be prescribed ;
- Generally. (70) For all or any other purposes relating to the convenience and safety of shipping, or of the public, and generally for duly administering and carrying out the powers and duties conferred or imposed upon the Board by this Part, and for all such other purposes as may be necessary or convenient for giving effect to this Part.
- W.A. Act 17, 1902, s. 60.  
S.A. 237, 1881, s. 37.

General powers  
auxiliary to specific.  
Act 237, 1881, s. 37.

**103.** The specific powers of making regulations, and of fixing or imposing rents, dues, rates, fees, charges, fines, and penalties respectively given by this Part, shall not be taken to limit or diminish any general power of making regulations, or fixing or imposing rents, dues, rates, fees, charges, fines, and penalties given by this Part.

Regulations may be  
of limited or general  
application.

**104.** Any regulation may be made to apply only within the harbor or harbors or other place or places specified in such regulation, but unless otherwise specified shall apply generally within the limits of the jurisdiction of the Board and elsewhere within the State.

Penalties for breach  
of regulations.

**105.** Any regulation—

W.A. Act 17, 1902,  
s. 61.

- (a) May impose a penalty not exceeding One Hundred Pounds for the breach thereof or of any other regulation ; and may impose additional penalties not exceeding Five Pounds for each day beyond the first day in case of a continuing breach ; and
- (b) May provide that, in addition to the penalty, any expense incurred by the Board or any person in consequence of the breach of any regulation shall be paid by the person committing such breach.

**106.** All



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DIVISION IX.**106.** (1) All regulations—Publication and effect  
of regulations.

- (a) Shall be published in the *Government Gazette* ;
- (b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (2) hereof) be of the same effect as if they were contained in this Part ; and
- (c) Shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

Disallowance by  
Parliament.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

**107.** Regulations made under the “ Marine Board and Navigation Act, 1881,” for any of the purposes mentioned in section 102 of this Act and in force at the commencement of this Part, shall, subject as hereinafter provided, continue in force until repealed : Provided that the Governor may expressly repeal any such regulation by regulation made under this Part, and that any such regulation shall be deemed to be repealed so far (if at all) as it is inconsistent with or repugnant to this Part or any regulation made under this Part.

Regulations under  
Marine Board Act  
continued unless  
inconsistent with  
this Act.

## DIVISION X.—OFFENCES.

## DIVISION X.

**108.** Any person who forges, assists in forging, or procures to be forged the seal or other distinguishing stamp or mark of the Board, with the view of evading any of the provisions of this Part, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years, with hard labor.

Punishment for  
forgery of seal.S.A. Act, 287, 1881,  
s. 25 (part).Cf. Act, 38, 1876,  
s. 254.

**109.** The master of any vessel who, after the service on him of notice in writing signed by the harbor-master of any harbor, or any officer acting on behalf of such harbor-master, does not forthwith regulate such vessel within such harbor according to such notice, shall be liable to a penalty not exceeding Fifty Pounds.

Penalty for not com-  
plying with directions  
of harbor-master.W.A. Act 17, 1902,  
s. 63.

**110.** (1) The master, owner, or person in charge of any vessel within any harbor shall moor, unmoor, place, or remove such vessel according to the directions of the harbor-master, and if there is

Power of harbor-  
master to remove  
vessels

Ibid, s. 64.

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s. 3.

no person on board such vessel to attend to such directions, the harbormaster may cause such vessel to be moored, unmoored, placed, or removed, as he thinks fit.

Ibid.

(2) The harbormaster in the exercise of his powers under this section may unloose or cut any rope or unshackle or break any chain by which the vessel is moored or fastened, and may obtain such assistance and employ such persons as he deems necessary to enable him to carry out his purpose.

Ibid.

(3) All expenses attending the carrying out of such purpose shall be paid by the master, or owner, or agent of the vessel, and the Board may recover such expenses from the master, or owner, or agent by action in any Court of competent jurisdiction.

Penalty on master or  
person on board for  
obstructing harbor-  
master.W.A. 17, 1902,  
s. 65.

(4) In addition to any liability for expenses under subsection (3) of this section, if the master of the vessel, or any other person, hinders the harbormaster or any person employed or authorised by him, in or from mooring, unmooring, placing, or removing the vessel, such master or other person shall be liable to a penalty not exceeding Fifty Pounds.

Harbormaster may  
slacken ropes.

Ibid., s. 66.

**111.** (1) If the master or any other person on board and in charge of any vessel moored or fastened within any harbor does not, upon demand of the harbormaster, unloose or slacken the rope or chain by which such vessel is moored or fastened, he shall be liable to a penalty not exceeding Fifty Pounds.

(2) In case there is no such person on board any vessel so moored or fastened, the harbormaster, or any person employed or authorised by him, may unloose or slacken the rope or chain by which such vessel is so moored or fastened, and, if necessary, may cause a sufficient number of persons to be put on board for the protection of the vessel.

(3) All expenses incurred by the harbormaster under this section shall be paid by the master, owner, or agent of such vessel, and may be recovered by the Board in any Court of competent jurisdiction.

Penalty for hindering  
him.

(4) In addition to any liability for expenses under subsection (3) of this section, if the master of the vessel or any other person hinders the harbormaster, or any person employed or authorised by him, in or from unloosening or slackening a rope or chain as aforesaid, such master or other person shall be liable to a penalty not exceeding Fifty Pounds.

Harbormaster may  
make fast to another  
vessel.

S.A. 691, 1897, s. 4.

**112.** (1) The harbormaster of any harbor may, for the purpose of removing any vessel from one place to another in such harbor, cause such vessel to be made fast to another vessel being at anchor or moored to any buoy, wharf, or pile.

Penalty for hindering  
him.

(2) Any person who hinders the harbormaster, or any person employed or authorised by him, in or from the exercise of the power conferred by this section, or who casts off or cuts any such fastening shall be liable to a penalty not exceeding Fifty Pounds.

(3) Nothing

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(3) Nothing in this section shall disentitle the master or owner of any vessel to which any fastening has been attached, as hereinbefore provided, by or by direction of the harbormaster, from recovering from the master or owner of the ship so being removed damages for any injury sustained by reason of such fastening.

Damages.

**113.** If any person commits any of the following offences, so as to be or tend to the injury of navigation, that is to say:—

Restriction on deposit  
of ballast or rubbish.W.A. 17, 1902,  
s. 67.S.A. 237, 1881,  
s. 386.

(a) Casts, or causes to be cast, or suffers to fall, any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing, on any tidal land, or into any harbor, or tidal water, or into the sea below low-water mark; or

(b) Casts, or causes to be cast, or suffers to fall, any such substance or thing on land, in a position where the same is liable to fall or descend, or be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any harbor or tidal water, or into the sea; or

(c) Casts, places, or leaves, or causes to be cast, placed, or left, any ship or boat laid by or neglected as unfit for sea service, any floating or other timber, or any other thing, on any tidal lands, or in any harbor or tidal water, or in the sea;

such person shall for each offence be liable to a penalty not exceeding Fifty Pounds, and to pay the expenses of the removal to a proper position of such substance, thing, ship, or boat.

**114.** If any person wilfully or negligently commits any of the following offences, that is to say—

Penalties for  
damaging lights,  
buoys, or beacons.

W.A., 17, 1902, s. 69.

Cf. S.A., 237, 1881,  
s. 321.

(a) Injures any lighthouse or lightship or any harbor light, or the lights exhibited therein, or any buoy or beacon; or

(b) Removes, alters, or destroys any lighthouse, lightship, harbor light, buoy, or beacon; or

(c) Rides by, makes fast to, or runs foul of any lighthouse, lightship, harbor light, buoy, or beacon; or

(d) Removes, alters, injures, or destroys any signal or signal-staff used for purposes in aid of vessels navigating;

such person shall, for each such offence, be liable to a penalty not exceeding One Hundred Pounds, or to imprisonment not exceeding twelve months, with or without hard labor, and shall also be liable to pay the expenses of making good any damage occasioned by such offence.

**115.** Any person, excepting the harbormaster or a person acting under his authority, who wilfully cuts, breaks, or destroys the mooring or fastening of any vessel in any harbor or elsewhere shall, for

Penalty for wilfully  
cutting moorings.W.A., 17, 1902,  
s. 70.

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for every such offence, be liable to a penalty not exceeding One Hundred Pounds, or to imprisonment not exceeding twelve months, with or without hard labor.

Penalty for wilful damage to works.

*Ibid.*, s. 71.

**116.** Any person who wilfully destroys or in any way damages or injures any wharf, shed, roadway, building, or other harbor work whatsoever, or any part thereof, constructed or in course of construction, or any appliance used thereon, or for the purposes thereof, shall be liable for every such offence to a penalty not exceeding One Hundred Pounds, or to imprisonment not exceeding twelve months, with or without hard labor.

Penalty for wilful damage to lights.

*Ibid.*, s. 72.

**117.** If any person wilfully or negligently breaks or damages or takes away any lamp or other appliance used for the purpose of lighting any wharf, quay, pier, or any road or dock, or other place, or wilfully extinguishes any such light, such person shall be liable to a penalty not exceeding Twenty Pounds.

Wharves, buoys, beacons, &c., not to be placed within jurisdiction of Board without permission.

Act 237, 1881, s. 396.

**118.** (1) If any person erects, builds, or makes any wharf or embankment, or any building or work, or drives any pile or beacon, or lays down or places any slipway, chain, mooring, or buoy at any place within the limits of the jurisdiction of the Board without the permission in writing of the Board first obtained, such person shall be liable to a penalty not exceeding Fifty Pounds.

(2) Any such person who neglects or fails to remove any such wharf, embankment, building, work, pile, beacon, slipway, chain, mooring, or buoy so placed, after notice in writing to remove the same has been served on him by or on behalf of the Board, shall for every such offence be liable to a further penalty not exceeding Five Pounds for every day that he neglects or fails to remove such wharf, embankment, building, work, pile, beacon, slipway, chain, mooring, or buoy.

No shipment or unshipment of goods on Sunday.

Act 917, 1906, s. 7.

*Ibid.*, s. 8.

**119.** (1) No person shall at any time during any Sunday or Good Friday ship or unship, or cause or permit to be shipped or unshipped, or water-borne to be shipped or unshipped, any goods: Provided that it shall be lawful for the master of any coast-trade ship to unship any cattle, fresh meat, fresh fish, fruit, vegetables, and other perishable articles and personal baggage of passengers on a Sunday or Good Friday, and provided also that it shall be lawful for the Minister, in cases of emergency, to grant a permit to the master of any ship to ship or unship goods on a Sunday or Good Friday subject to such terms and conditions as the Minister thinks fit.

(2) Any person committing a breach of this section shall be liable to a penalty not exceeding Two Hundred and Fifty Pounds.

Master of every ship to obtain certificate before leaving port.

S.A., 814, 1902, s. 30.

**120.** The master, officer, or person in charge or control of any ship, except a coast-trade ship, shall, before such ship leaves any harbor or place in the State obtain from the Board, or some officer authorised in that behalf by the Board, a certificate that the requirements of this Act have, as far as possible and practicable, been complied with in all matters affecting such ship, and in default

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default of obtaining such certificate before such ship leaves, such master, officer, or person shall be liable to a penalty not exceeding Fifty Pounds.

**121.** If any person acts, or purports to act, as a surveyor of the hull or cargo of any vessel, or of any part of the hull or cargo of any vessel, without being licensed, pursuant to the regulations, as a surveyor of the hulls and cargoes of vessels, under a licence which is for the time being in force, he shall be liable to a penalty not exceeding Twenty Pounds.

Persons not to act as ships' surveyor unless licensed as such.

**122.** (1) Whenever any fire or light is burned or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, light buoy, or light beacon, the Board may serve a notice upon the owner or occupier of the place where the fire or light is burned or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner, occupier, or person, or by affixing the same at some conspicuous spot near to such fire or light, and by such notice may direct such owner, occupier, or person, within a reasonable time, to be therein specified, to take effectual means for the extinguishing or effectually screening of such fire or light, and for preventing for the future any similar fire or light.

Prevention of false lights.

Act 227, 1881,  
s. 322.

(2) Any owner, occupier, or person disobeying or failing to carry out the directions of such notice shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall be liable to a penalty not exceeding One Hundred Pounds.

Penalty for not obeying notice.

(3) If any owner, occupier, or person served with such notice as aforesaid neglects for a period of two days to extinguish or effectually screen the fire or light therein mentioned, the Board, or any person authorised by the Board, may enter upon the place whereon the same is, and forthwith extinguish such fire or light, doing no unnecessary damage; and all expenses incurred in such entry and extinction may be recovered from such owner, occupier, or person as aforesaid in the same way as penalties imposed under this Part are recoverable.

If not obeyed, may abate such lights.

Ibid., s. 323.

**123.** If any person—

- (a) Knowingly makes, in any document produced to any person authorised to receive it under this Part, any statement which is untrue in any particular, or produces or delivers to any such person any document knowing the same to contain any such statement; or
- (b) Knowingly misleads any person on whom any duty is imposed by this Part in any particular likely to affect the discharge of such duty; or
- (c) Refuses to answer any question lawfully put to him for any purpose of this Part, or to produce any document lawfully demanded of him for any such purpose; or

Misleading, refusing assistance to, or bribing officers.

Cf. W.A. Act, 17,  
1902, s. 74.

(d) Refuses

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- (d) Refuses to give all reasonable assistance to any person who is carrying out any duty or power imposed or conferred upon him by or under this Part ; or
- (e) Gives or offers any bribe, recompense, or reward to, or makes or offers to make any collusive agreement with, any officer or any person performing any duty under this Part, to induce him to do or omit to do anything relating to his office or duty, or for the purpose of gaining an undue preference in the execution of such office or duty ; or
- (f) By acts, threats, demands, or promises, molests or influences, or attempts to molest or influence, any officer or person in the discharge of any duty under this Part ;

Cf. *ibid.*, s. 73.

he shall be liable to a penalty not exceeding One Hundred Pounds, or to imprisonment not exceeding twelve months, with or without hard labor.

Penalty where not specifically provided.

**124.** If any person—*Ibid.*, s. 73.

- (a) Fails, refuses, or neglects to do, or in any manner obstructs, impedes, or interferes with the doing of anything enjoined or authorised by this Part ; or
- (b) Wilfully does anything prohibited by this Part ; or
- (c) In any other respect offends against any of the provisions of this Part,

he shall, where no other penalty is in that behalf specifically provided, be liable to a penalty not exceeding Fifty Pounds.

## DIVISION XI.

## DIVISION XI.—LEGAL PROCEDURE.

Actions against Board or officers.

*Ibid.*, s. 38.

**125.** All actions to be brought against the Board or any other officer or person for anything done under this Part shall be commenced within six months after the act complained of was committed.

Summary procedure for offences.

**126.** Any proceedings for any offence against this Part, not being an indictable offence, may be heard and determined in a summary way by any Special Magistrate or two Justices, under the Ordinance No. 6 of 1850, or any other Act for the time being in force relating to the duties of Justices with respect to summary proceedings ; and all convictions and orders may be enforced as by the said Ordinance, or in any other Act as aforesaid, is provided.

What shall be sufficient averment.

W.A. 17, 1902, s. 76.

**127.** In any proceedings for any offence against this Part, the averment that such offence was committed within any harbor, or within the limits of the jurisdiction of the Board, shall, without proof of the limits of such harbor or of such jurisdiction, be sufficient evidence that it was committed (if at all) within such harbor or within the limits of such jurisdiction (according to the nature of the case), unless the contrary is proved.

**128.** The

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**128.** The time for instituting summary proceedings under this Part is limited as follows:—

Limitation of time in summary proceedings.

S A. 237, 1881, s. 374.

i. No conviction for any offence shall be made under this Part in any summary proceeding instituted in the State unless such proceeding is commenced within the period of six months next after the commission of the offence; or if the person to be proceeded against happens at any time during such period to be out of the State, then unless the same is commenced within two months after he next happens to be within the State: Provided that it shall be sufficient in any case if the same is commenced within the said period of six months:

ii. No order for the payment of money shall be made under this Part in any summary proceeding instituted in the State unless such proceeding is commenced within the period of six months next after the cause of complaint arises; or if the person to be proceeded against happens at any time during such period to be out of the State, then unless the same is commenced within six months after he next happens to be within the State:

And no provision of any other Act for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Part.

**129.** In any case where any Court, Magistrate, or Justices have power to make an order directing payment to be made of any penalty or other sum, then, if the party directed to pay the same is the master, or owner, or agent of a ship, and the same is not paid at the time and in manner prescribed in the order, the Court, or, if the order was made by a Magistrate or Justices, the same or any other Special Magistrate or two Justices, may, in addition to any other powers for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or impounding and the sale of such ship and her tackle.

Sums ordered to be paid to be leviable by distress on ship.

Ibid., s. 372.

**130.** Any document required by this Part to be executed in the presence of, or to be attested by, any witness, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witnesses or any of them.

Document proved without calling attesting witness.

**131.** The production of the *Government Gazette* in which is published anything purporting to be a proclamation, notice, regulation, by-law, appointment, or other matter, under this Part, shall be taken to be *prima facie* evidence in all Courts and before all persons of the contents of such proclamation, notice, regulation, by-law, appointment, or matter, and of all such facts and circumstances as were or are necessary to authorise the issuing or making thereof; and every such proclamation, notice, regulation, by-law, appointment, or matter shall be taken in all Courts and by all persons as *prima facie* evidence that the same has been issued or made in conformity with this Part.

*Gazette* to be evidence in certain cases.

Ibid., s. 397.

**132.** Documents

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Contents of books  
may be proved by  
certified copies.

**132.** Documents sealed with the seal of the Board, and certified by any Commissioner or by the Secretary to be true copies of or extracts from any book, shall be received as sufficient evidence in all Courts and before all persons of the contents of such book, or of so much thereof as such extracts purport to contain.

Representation of  
Board in cases of  
insolvency.

**133.** In the event of any person against whom the Board has any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of or a composition with his creditors, any person authorised by the Board in that behalf under their seal may represent the Board in all proceedings relating to the insolvency, assignment, or composition, as if such claim or demand had been the claim or demand of the person so authorised.

Representation of  
Board before  
Justices and in Local  
Court.

**134.** In all proceedings before Justices or any Magistrate or Local Court, any person authorised by the Board in that behalf under their seal may represent the Board in all respects as though such person had been the party concerned.

Offenders may be  
prosecuted under  
other Acts.

**135.** When an offender is punishable under the provisions of this Part, and also under the provisions of some other Act or law, he may be prosecuted and convicted under the provisions of this Part or such Act or law, provided that he is not punished twice for the same offence.

Service of document  
on Board.

**136.** Where any summons, process, demand, order, notice, statement, or document requires, for the purpose of any provision of this Part, to be served on or delivered to the Board, the same may be served or delivered by delivery to the Secretary, or by leaving the same at the office of the Board with some person employed thereat.

Service of order on  
master.

Act 237, 1881,  
s. 376.

**137.** Where any summons, process, demand, order, notice, statement, or document requires, for the purpose of any provision of this Part, to be served on or delivered to the master of a ship, the same may be served or delivered as follows:—

(a) By delivering it to the master or to the person who, at the time is, or appears to be, in command or charge of the ship ;  
or,

(b) If no master or such person can be found on the ship, by affixing a copy thereof to the mast of the ship or, if it has no mast, then on some conspicuous part of the deck of the ship.

Penalty for obstruct-  
ing service.

Ibid., s. 377.

**138.** Any person who obstructs the service or delivery of any summons, process, demand, order, notice, statement, or document on the master of a ship, whether by any of the methods prescribed by section 137 or otherwise, shall be liable to a penalty not exceeding Ten Pounds, and if the master or owner of the ship, or the agent of the owner, is party or privy to such obstruction, such master, owner, or agent shall be guilty of a misdemeanor.

**139.** Except



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**139.** Except where otherwise specially provided by this Part, any summons, process, demand, order, notice, statement, or document required for the purpose of any provision of this Part to be served on or delivered to any person may be served or delivered by delivering a copy thereof personally to such person, or by leaving the same at his last known place of abode in the State.

Method of service where not specially provided for.

**140.** Whenever it is necessary, in any proceedings for any offence against this Act, to prove service or delivery of any summons, process, demand, order, notice, statement, or document, an affidavit of the service or delivery thereof, sworn before a Commissioner for taking affidavits in the Supreme Court, or a declaration of the service or delivery thereof made before a Justice, shall be sufficient proof of such service.

Proof of service.

**141.** Any demand, notice, statement, or other document given by the Board under the provisions of this Act shall be sufficiently authenticated if signed by any Commissioner or the Secretary, and need not be sealed with the seal of the Board.

Authentication of notices, &c.

N.S.W. Act 1, 1901  
s. 98.

**142.** Any officer or servant appointed under this Act, and all persons called by such officer or servant to his assistance, may seize and detain any person who has committed any offence against this Part, and whose name or residence is unknown to such officer or agent, and convey him with all convenient dispatch before a Special Magistrate or any two Justices, without any warrant or authority other than this Act, and such Magistrate or Justices shall proceed, with all convenient dispatch, to the hearing and determining of the complaint or information against such offender.

Transient offenders.

Ibid, s. 99.

**143.** (1) There shall be an appeal—

- (a) From any order of Justices or a Special Magistrate,
- (b) From a conviction by Justices or a Special Magistrate, and
- (c) From an order dismissing an information or complaint, under this Act.

Appeal to Local Court from order made by Justices.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) Such appeal shall be regulated by Ordinance No. 6 of 1850, or any Act for the time being in force as to appeals from Justices.

(4) Such Local Court may make such order as to costs as it thinks just, and the amount of costs ordered may exceed Ten Pounds.

**144.** (1) Such Local Court may state a special case for the opinion of the Supreme Court.

Local Court may state a case for opinion of Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The

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(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or a Judge thereof.

(5) Such order of the Justices, or Local Court, shall be enforced in manner provided by this Part or otherwise by law.

DIVISION XII.

DIVISION XII.—MISCELLANEOUS.

Functions of the Marine Board as to explosives transferred to the Board.

**145.** (1) All the powers, duties, and functions of the Marine Board as to explosives under the "Marine Board and Navigation Act, 1881," are hereby, from the commencement of this Part, transferred to the Board, and shall from such commencement be exercised and discharged by the Board, and not by the Marine Board.

(2) Any proceeding, matter, or thing commenced by the Marine Board before the commencement of this Part in the exercise or intended exercise of any such powers, duties, or functions may be continued and prosecuted and completed by and in the name of the Board.

(3) From such commencement the "Marine Board and Navigation Act, 1881," shall be read as amended in such manner as may be necessary to give effect to this section.

Ferry not to be established in a harbor without approval of the Board.

**146.** (1) Notwithstanding "The Ferries Act, 1888," or any other Act or law to the contrary, after the commencement of this Part, no ferry shall be established in any harbor without the approval of the Board, nor shall any ferry or any works or thing connected with or for the purposes of any ferry be constructed or placed in any harbor without such approval, in addition to any other approval required by any Act or law.

Powers as to ferries to be subject to directions of the Board.

(2) The exercise, after the commencement of this Part, by any local or other authority or person of—

(a) The care, control, and management of any ferry situated in any harbor, or of any works or thing so situated and connected with or for the purposes of any ferry:

(b) Any power to make regulations or by-laws as to any such ferry or works or thing (except with regard to tolls and fares),

shall be subject to any direction of the Board.

Governor may proclaim harbors and their boundaries.

**147.** (1) The Governor may, from time to time, by Proclamation, declare—

(a) That any place shall be a harbor, or

(b) What shall be the boundaries of any harbor (whether proclaimed as aforesaid or not), or

(c) Alter

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DIVISION XII.

(c) Alter the boundaries of any harbor (whether proclaimed as aforesaid or not),

for the purposes of this Part or this Act or [and] for any other purposes mentioned in the Proclamation, or for all purposes.

(2) Any such Proclamation shall, from the publication thereof in the *Government Gazette*, or from a later date thereby fixed, have effect according to the tenor thereof.

(3) Nothing done under this section shall affect the operation of section 9 of this Act.

**148.** (1) Where any vessel has been registered at a port in the United Kingdom or any British possession, the amount of tonnage specified in the certificate of such registry shall, for the purposes of this Part, be deemed to be the tonnage of such vessel.

Tonnage of British vessels.

S.A. 237, 1881,  
s. 390.

(2) In the case of a vessel of any foreign country which has adopted the provisions of "The Merchant Shipping Act, 1894," in respect of tonnage, or any provisions substituted therefor, such vessel shall be deemed to be of the tonnage denoted in the certificate of registry or other national papers.

Of foreign vessels under M.S. Act.

Ibid., s. 391 (part).

(3) In order to ascertain the tonnage of any vessel other than those before mentioned in this section as to which any question arises, any officer authorised in that behalf by the Board may measure such vessel according to the regulations for the measurement of shipping for the time being in force in the State; or the Board may, in their discretion, accept as the measurement of the vessel the measurement appearing in the latest edition of Lloyds' Register in their possession.

Of other foreign vessels.

Ibid. (part).

**149.** Any act, default, or omission shall be deemed to tend to the injury of navigation, within the meaning of this Part, if in any case a series of like acts, defaults, or omissions has produced or would tend to produce injury to navigation.

Series of acts tending to the injury of navigation.

W.A. Act 17, 1902,  
s. 68.

**150.** It shall be lawful for the Council of any Municipality or District, with the approval of the Board, to make by-laws, which shall have the force of law within the boundaries of a harbor, and for the purposes of such by-laws and the enforcement thereof, the harbor shall be deemed to be within such Municipality or District to such extent as is prescribed by such by-laws: Provided that such by-laws may from time to time be altered, amended, or repealed by the Governor.

Municipal Council may make by-laws.

W.A. Act 35, 1906,  
s. 17.

**151.** The Board, of the one part, and the Council of any Municipality or District adjoining any harbor, of the other part, may from time to time, for the purpose of providing convenient ways to and from any of the lands, beaches, sea fronts or shores, wharves, depôts, or sheds vested in the Board, enter into and perform such contracts as they deem fit as to constructing, repairing, or maintaining any street, road, bridge, or approach, or any part thereof,

Power to contract with Councils as to streets, roads, &c.

N.S.W. Act 1, 1901,  
s. 100

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thereof, within the limits of such Municipality or District, either by apportioning the work to be done, or by sharing the expenses thereof, or otherwise, in the absolute discretion of the contracting parties.

The Governor, with consent of Board and Council, may proclaim highways.

Ibid., s. 101.

**152.** The Governor may, upon the request of the Board and the Council of any such Municipality or District as mentioned in section 151, declare by Proclamation any land vested in the Board to be a public road under the care, management and control of such Council, and such road shall thereafter be treated in all respects as if it were within such Municipality or District, and dedicated to the public.

Reserves may be placed under control of Board.

S.A. 237, 1881,  
s. 399.

**153.** The Governor may, by Proclamation, place any Government reserve situated within or abutting upon the boundaries of any harbor under the care, management, and control of the Board, and may, in like manner, resume the care, management, and control of any reserve so situated.

Governor may rectify irregularities.

W.A. Act 35, 1906,  
s. 19.

**154.** Whenever by any misadventure or accident anything is at any time done after the time required by this Part, or is otherwise irregularly done in matter of form, the Governor may make provision for such case, or may extend the time within which such thing may be done, or may validate anything so done after the time required, or irregularly done in the matter of form, so that the true intent and purpose of this Part may have effect.

Police officers to report breaches of Act.

Ibid., s. 20.

**155.** It shall be the duty of every member of the Police Force who is aware, or has reason to believe, that any provision of this Part is being or has been contravened, to forthwith report the matter to the Board or to the Secretary.

I hereby reserve this Bill for the signification of His Majesty the King's pleasure thereon.

DAY H. BOSANQUET, Governor.

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## SCHEDULES.

## FIRST SCHEDULE.

Section 34.

Act.	Sections.	Extent of Repeal.
"Marine Board and Navigation Act, 1881," No. 237 of 1881	26 .....	Subdivisions I., III., IV., V., VI., VII., VIII., and IX., including the Order in Council of December 26th, 1888, transferring the matters mentioned in the said subdivision IX. to the Engineer-in-Chief.
" " ..	29 .....	Without limit
" " ..	37 .....	The 2nd, 9th, 10th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 23rd, 26th, and 27th subdivisions
" " ..	315 to 323 (both inclusive), 386, 393, 395, and 399	Without limit
"The Marine Board and Navigation Act Amendment Act, 1897," No. 691 of 1897	2, 3, 4, and 5 .....	Without limit
"The Marine Board and Navigation Act Amendment Act, 1902," No. 814 of 1902	6, 7, 8, and 9 .....	Without limit
The Marine Board and Navigation Act Further Amendment Act, 1906," No. 917 of 1906	7, 8, and 11 .....	Without limit
"The District Councils Act, 1887," No. 419 of 1887	290, so far as it deals with the authorisation of the erection and use of bathing houses and machines, and the charging of licence fees for the same	So far as it applies within harbors
" " ..	290, so far as it deals with piers, jetties, and wharves	So far as it applies within harbors or any part of the shore of the sea or any arm or inlet thereof
"The District Councils Amendment Act, 1904," No. 863 of 1904	55, so far as it deals with the loading and removal of seaweed	So far as it applies within harbors

*The Harbors Act.—1913.*FIRST SCHEDULE—*continued.*

Act.	Sections.	Extent of Repeal.
"The Municipal Corporations Act, 1890," No. 497 of 1890	94, 95, and 194, and the subdivision of 314, dealing with conserving the banks and beds of rivers and watercourses, and preserving from pollution the waters thereof; and the six subdivisions following next thereafter	So far as they apply within harbors
" " ..	96 .....	Without limit

## SECOND SCHEDULE.

## FIRST PART.

*Note.*—In this Schedule "G.G." means *South Australian Government Gazette.*

Hundreds.	Sections or Locality.
Adelaide .....	City of Adelaide—Powder magazines on gaol reserve, comprising southern magazine and keeper's house and premises—G.G., 5/11/96
Blacker .....	Reserve at Laura Bay—G.G., 20/8/08
Bonython .....	Murat Bay—Jetty and approach thereto
Do .....	Do Foreshore reserve—Portion comprised in notice in G.G. 2/9/09
Do .....	Do Ceduna, allotments 9 and 10—G.G., 23/7/03
Boothby .....	Arno Bay—Jetty and approach thereto—G.G., 12/5/10
Do .....	Do Blocks 194, 195—G.G., 18/2/09
Do .....	Do Blocks 190, 191, 200, 201—G.G., 23/11/11
Caldwell .....	Yalata, Fowler's Bay—Jetty and approach thereto
Do .....	Do Section 14—G.G., 12/11/08
Do .....	Point Fowler reserve—G.G., 29/7/09
Carribie .....	Corny Point—Lighthouse reserve and Marine Board reserve
Clinton .....	Clinton—Jetty and reserve and approach thereto—G.G., 20/8/08
Do .....	Port Arthur—Landing reserve—G.G., 20/8/08
Cassini .....	Dashwood's Bay—Landing reserve
Do .....	Stokes Bay—Landing reserve
Copley .....	Port Augusta W.—Jetty and approach thereto, and works connected therewith
Do .....	Do Reserve
Cunningham ..	Ardrossan—Jetty and approach thereto, including sidings and sheds
Do ..	Will Creek—Wharf and reserve, together with road approach from township of Price, and tramways, sidings, and wheat-stacking reserves connected therewith
Curramulka ....	Port Julia—Jetty and approach thereto, and works connected therewith

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*FIRST PART—*continued.*

Hundreds.	Sections or Locality.
Curramulka . . . .	Port Julia—Reserve for stacking on foreshore or above high-water mark—G.G., 17/11/10
Dalrymple . . . .	Wool Bay—Jetty and approaches thereto, including portion of the Esplanade and all works, sidings, and chutes
Do . . . .	Stansbury—Old jetty and approaches thereto
Do . . . .	Do New jetty and approaches thereto and works connected therewith, including foreshore reserve between jetty and township
Do . . . .	Do Reserves—G.G., 12/12/07
Davenport . . . .	Smelting works reserve—G.G., 4/2/09
Do . . . .	Powder magazine reserve—G.G., 2/9/09
Dixon . . . . .	Port Neill—Stacking blocks reserve—G.G., 23/11/11
Do . . . . .	Do Jetty, approaches, sidings, and works connected therewith
Dudley . . . . .	N. of sec. 114—Kangaroo head reserve—G.G., 14/3/07
Do . . . . .	Landing reserve No. 3, W. of Cape St. Albans
Do . . . . .	Lighthouse reserve, Cape Willoughby
Do . . . . .	Penneshaw, Hog Bay—Hog Bay jetty and reserves—G.G., 8/8/07, and G.G., 26/10/11
Do . . . . .	American Beach—Reserve
Do . . . . .	Landing reserve north of section 293
Do . . . . .	St. Albans—Light reserve—G.G., 21/5/08
Do . . . . .	Picnic Point—Sec. 178—G.G., 21/1/09, and adjoining reserve G.G., 11/7/12
Encounter Bay . .	That portion of Granite Island which includes all jetties, break-water, and causeways, stacking grounds and approaches thereto
Do . . . . .	Reserves on Granite Island for lighthouse, flagstaff, and harbor-master's cottage
Flinders . . . . .	Cape Donnington—Lighthouse reserve—G.G., 4/5/05
Goolwa . . . . .	Port Elliot—Jetty and approach thereto and breakwater
Haines . . . . .	Landing reserve, Hart's Jetty, American River—G.G., 2/9/09
Haslam . . . . .	Carawa—Jetty, reserves, closed roads, sidings, and works connected therewith
Hutchison . . . .	Tumby Bay—Jetties and approaches thereto, and all works connected therewith
Do . . . . .	Do Reserve at new jetty—G.G., 12/11/08, and all works, buildings, sidings, &c., connected therewith
Do . . . . .	Do Harbormaster's residence reserve—G.G., 16/8/11, with all buildings, fencing, &c.
Kevin . . . . .	Port Le Hunte—Landing reserve and stacking blocks—G.G., 27/8/08
Do . . . . .	Point Sinclair—Reserve
Kiana . . . . .	Landing reserve W. of Point Drummond—G.G., 28/9/11
Kilkerran . . . . .	Balgowan—Jetties and approaches thereto, with works, sheds, sidings, &c.
Kongorong . . . .	Cape Banks—Lighthouse reserve
Do . . . . .	Portion of section 409, repurchased by H.M. Government
Koolywurtie . . . .	Port Rickaby—Jetty and approaches thereto, and works connected therewith
Lake Wangary . .	Mount Dutton Bay—Jetty and approaches thereto
Do . . . . .	Landing reserves on E. side of Mount Dutton Bay—G.G., 28/9/11
Do . . . . .	Mount Dutton Bay Jetty reserve—G.G., 9/12/09
Lincoln . . . . .	Boston Island—Point Fanny reserve—G.G., 28/9/11
Do . . . . .	Do Landing reserves on east and west of island—G.G., 28/9/11
Do . . . . .	Port Lincoln—Reserve—G.G., 21/5/08
Do . . . . .	Do Old jetty and approaches thereto and sidings

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*FIRST PART—*continued.*

Hundreds.	Sections or Locality.
Louth .....	Louth Bay—Jetty and reserve and approaches thereto—G.G., 15/7/09
Do .....	North Shields—Jetty and approaches thereto—G.G. 30/7/08
Do .....	Boston Point—Reserve for light
MacDonnell....	Cape Northumberland—Lighthouse reserve—G.G., 19/7/00
Do .....	Do Old lighthouse reserve—G.G., 6/5/09
Do .....	Port MacDonnell—Jetty and approaches thereto and all works connected therewith
Melville .....	Edithburgh—Jetty and approaches thereto, being portion of Edith Street, east of a point 66 feet east of the S.E. corner of allotment 10, also that portion of O'Halloran Parade and Park Lands, eastward of a line 66 feet east of the western boundary of O'Halloran Parade and bounded on the north by a line being the production easterly to high-water mark of the north side of Henry Street, and on the south by a line being the production easterly to high-water mark of the south side of Cross Street.
Do .....	Do Harbormaster's residence and reserve
Menzies .....	Emu Bay—Landing reserve (Maxwell's)
Do .....	Kingscote—Jetty and reserve—G.G., 17/7/02, and approaches thereto, sidings, and works
Do .....	Do New jetty—G.G., 15/12/10, and approaches thereto, sidings, and works
Do .....	Brownlow—Landing-place
Do .....	Landing reserve adjoining sec. 79, Bay of Shoals
Minlacowie ....	Minlacowie—Jetty and approaches thereto, and reserves for stacking
Moorowie .....	Port Moorowie—Jetty and approaches thereto, including reserves and portion of road at top of cliff
Moule .....	Denial Bay—Stacking reserve—G.G., 11/5/11
Do .....	Do New jetty and approaches thereto, and sidings, sheds, and works connected therewith
Mount Benson ..	Cape Jaffa—Lighthouse reserve
Do ..	Do Lighthouse—G.G., 19/7/00
Muloowurtie ..	Muloowurtie—Landing or jetty reserve—G.G., 26/10/11
Mundoora.....	Port Broughton—Reserve for stacking adjacent to jetty
Myponga .....	Myponga—Jetty and approaches thereto
Noarlunga ....	Glenelg—Jetty and approaches thereto
Do .....	Brighton—Jetty and approaches thereto, being portion of adjoining road
Do .....	Port Noarlunga—Jetty and approaches thereto
Para Wurlie....	Point Turton—Jetty and approaches thereto, and all reserves, sidings, and works
Pirie .....	Port Pirie—Queen's wharf—G.G., 1/2/00
Do .....	Do Harbormaster's house and reserve, extending to George Street, with full frontage to Ellen Street.
Playford .....	Franklin Harbor—Cowell jetty and approaches, with all buildings, sidings, and works
Port Adelaide ..	Explosives magazine reserve—G.G., 26/3/03
Do ..	Reserve near Dry Creek Railway Station, part sec. 286—G.G., 7/4/04
Do ..	Reserve adjoining sec. 567—G.G., 11/10/94
Do ..	Reserve, part secs. 332 and 333, Broad Creek tramway—G.G., 13/9/06
Do ..	Ocean Steamers' Wharf, &c., being Marine Board reserve No. 14, but not including the premises at the commencement of Part II. of this Act in the occupation of the Government Produce Department.—G.G., 24/4/79



*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*FIRST PART—*continued.*

Hundreds.	Sections or Locality.
Port Adelaide ..	Outer Harbor—Wharves, mounds, reserves, and reclaimed area, but not including any property at the commencement of Part II. of this Act vested in the South Australian Railways Commissioner
Do ..	Semaphore—Signal station
Do ..	Do Jetty and approaches thereto
Do ..	Do Flagstaff Reserve
Do ..	Lighthouse on Wonga Shoal—Act 753/00
Do ..	Largs Bay—Jetty and approaches thereto
Do ..	Reserve at western end of Jervois Bridge and south side of Port Bridge Road, known as Cave's Wharf
Do ..	Mundy Street Wharf, Port Adelaide
Do ..	Port Adelaide—Old Customs and Marine Board offices, Commercial Road, adjoining Police Station
Do ..	Reserve No. 1 (Marine Board)—G.G., 24/4/79
Do ..	Reserve and premises at Semaphore known as the Pilot Station
Do ..	Reserve No. 2 (Marine Board)—G.G., 24/4/79
Do ..	Do No. 3 do do
Do ..	Do No. 4 do do
Do ..	Do No. 5 do do
Do ..	Do No. 6 do do
Do ..	Do No. 7 do do
Do ..	Do No. 8 do do
Do ..	Do No. 9 do do
Do ..	Do No. 10 do do
Do ..	Do No. 11 do do
Do ..	Do No. 12 do do
Do ..	Do No. 13 do do
Do ..	Do No. 17 do do
Do ..	Do Robinson Bridge
Port Gawler....	Port Gawler—Wharf and reserve, marked G R on deposited plan
Ramsay .....	Port Vincent—Jetty and wharf, approaches and reserves
Ripon .....	Flinders—Lots 6 and 7 } Jetty and approaches thereto—
Do .....	Do Streaky Bay } G.G., 24/9/08
Rivoli Bay ....	Penguin Island—Lighthouse reserve—G.G., 19/7/00
Do .....	Do Jetty
Telowie.....	Port Germein—Jetty and approaches thereto and works connected therewith
Do .....	Do Street tramlines laid in street of Port Germein, including strip 5ft. wide outside outer lines of rails
Tickera.....	Reserve near secs. 354, 368, 369—G.G., 25/8/08
Waitpinga ....	Cape Jervis—Lighthouse reserve
Do .....	Rosetta Head—Jetty
Wallanippie ..	Smoky Bay—Jetty and reserve—G.G., 8/7/09
Wallaroo .....	Wallaroo—Jetty, old, and railway reserve at shore end of same bounded on south by public road, also boat harbor and baths
Do .....	Point Hughes—Magazine reserve—G.G., 5/12/07
Do .....	Do Jetty and reserve—G.G., 13/7/11, and works connected therewith
Do .....	Moonta Bay—Jetty and railway reserve at shore end of same—G.G., 7/6/00
Do .....	Township Langport—Tiparra light cottages—G.G., 28/10/09
Do .....	Tiparra Lighthouse
Ward .....	Waterloo Bay—Old jetty and reserve
Do .....	Elliston—Jetty and approaches thereto—G.G., 30/10/02
Do .....	Do Reserve for wheat-stacking

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*FIRST PART—*continued.*

Hundreds.	Sections or Locality.
Waterhouse . . . .	Robe—Jetty and approaches thereto, and works connected therewith
Do . . . .	Do Seawall
Do . . . .	Do Customs house
Wauraltee . . . .	Port Victoria—Jetty and approaches thereto and works connected therewith
Willunga . . . . .	Port Willunga—Jetty and approaches thereto
Wrenfordsley ..	Yanera (Sceale Bay)—Jetty and approaches thereto and works connected therewith
Do . . . . .	Do Reserve for wheat-stacking
Wright . . . . .	Parkin (Venus Bay)—Jetty and reserve and approaches thereto
Do . . . . .	Port Kenny—Reserve for jetty and blocks
Yankalilla . . . .	Normanville—Jetty and tramway
Do . . . . .	Second Valley—Jetty and approaches thereto—G.G., 5/1/05, and G.G., 3/8/11
Do . . . . .	Rapid Bay—Jetty and approaches thereto and reserve
Yaranyacka . . . .	Lipson Cove—Jetty and approaches thereto and works connected therewith
Yatala . . . . .	Reserve No. 18 S. of sec. 87—G.G., 24/4/79
Do . . . . .	Do No. 20 do
Do . . . . .	Do No. 21 do
Do . . . . .	Henley Beach—Jetty and approaches thereto—G.G., 27/8/08
Do . . . . .	Grange—Jetty and approaches thereto—G.G., 27/8/08
County Carnarvon	Cape Borda—Lighthouse reserve
Do	Cape de Couedie—Lighthouse reserve
Do	Reserve for jetty and blocks, Vivonne Bay—G.G., 17/6/09, and G.G., 22/6/11
Do	Harvey's Return—Landing, reserve, tramline, sheds, and works connected therewith
County York ..	Lowly Point—Lighthouse reserve—G.G., 19/7/00
Not in hundreds	Troubridge Island—Lighthouse reserve—G.G., 22/11/00
Do	Althorpe Island—Do—G.G., 19/7/00
Do	Neptune Island—Do—G.G., 22/11/00

NOTE.—In the above Schedule, the jetties, wharves, and reserves mentioned include all approaches, buildings, sidings, and works connected therewith.

## SECOND PART.

Hundreds.	Sections or Locality.
Caroline . . . . .	Glenelg River.—The beds and shores of the Glenelg River from its entrance into the State, adjacent to section 539, to its exit from the State into the State of Victoria, adjacent to section 544.
Clinton . . . . .	Port Clinton.—The beds and shores of all the waters of the Gulf of St. Vincent to high-water mark included within lines starting at a point on the coastline at the north side of the Marine Board jetty; thence in a north three-quarter east direction along the coastline for one and four-fifths of a nautical mile; thence east for one nautical mile; thence due south for three and a half nautical miles; thence west to the coastline, and from that point following the coastline back to the starting point.

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*SECOND PART—*continued.*

Hundreds.	Sections or Locality.
Cunningham ..	Port Ardrossan.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the western coast of Gulf St. Vincent, bounded on the north-east by a line bearing (true) south-east by east half south for one nautical league from a point on the coast three nautical miles north-east of the Government jetty, adjacent to the town of Ardrossan; on the south-west by a line bearing (true) east-south-east for one nautical league from a point on coast three nautical miles south of the said jetty; and on the south-east by a straight line connecting the eastern extremities of the aforesaid boundaries.
Do. ..	Wells Creek.—The beds and shores of the waters, creeks, and inlets to high-water mark on the western coast of St. Vincent Gulf, bounded on the north by a line bearing east (true) for one nautical league from a point on the coast two and a half nautical miles north-north-west from Wells Creek wharf; on the south by a line bearing east (true) for one nautical league from a point on the coast three nautical miles south (true) of said wharf; and on the east by a straight line connecting the eastern extremities of the aforesaid boundaries.
Dalrymple ....	Port Stansbury.—The beds and shores of the waters, creeks, and inlets to high-water mark on the western coast of Gulf St. Vincent, within the following boundaries:—Commencing at high-water mark, Oyster Point; thence (true) east for one nautical league; thence (true) north-west by north half north to high-water mark on the sea coast; thence southerly along high-water mark to the point of commencement.
Do. ....	Wool Bay (Pickering).—The beds and shores to high-water mark of all the waters of the Gulf of St. Vincent included within lines starting at a point on the coastline one and a half miles south of the Marine Board jetty; thence northerly along the coastline to a point distant one mile and a half to the north of the said jetty; thence due east seaward for three miles; thence due south three miles; thence due west to starting point.
Davenport ....	Port Augusta.—The beds and shores to high-water mark of all that portion of Spencer's Gulf, north of an imaginary line drawn across the gulf from Point Patterson to the Commissariat Point, and including all navigable waters to the extreme northern extent of the Gulf.
Dudley .....	Port Hog.—The beds and shores to high-water mark of all the waters, creeks, and inlets on the northern coast of Macdonnell Peninsula, Kangaroo Island, and within a straight line from Hog Point to Ironstone Hill, and one nautical mile to seaward from any point on that line.
Do .....	American River and Pelican Lagoon.—The beds and shores to high-water mark of all the waters of American River and Pelican Lagoon, southward of an imaginary line drawn due westerly from Strawbridge Point to the western shore of the said river, together with all the islands therein.
Encounter Bay..	Port Victor.—The beds and shores to high-water mark of all waters included within a line drawn from Police Point to west end of Granite Island; from thence round south to the south point of the island, and eastward to Freeman's Nob, and thence westward along the coastline to Police Point.
Goolwa .....	Port Elliot.—The beds and shores to high-water mark of all the waters, creeks, and inlets, enclosed by a line drawn from the outer point of Freeman's Nob to the western point of Lipson's Breakwater, thence from the eastern point of the said breakwater to Frenchman's Rock, and continued to the beach, extending also three nautical miles to seaward of this line.

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*SECOND PART—*continued.*

Hundreds.	Sections or Locality.
Inkerman . . . . .	Port Wakefield.—The beds and shores to high-water mark of that portion of St. Vincent's Gulf situated to the northward of a line drawn from Sandy Point on the eastern shore to Mangrove Point on the western shore.
Koolywurtie ..	Port Rickaby.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern coast of Spencer Gulf; bounded on the north by a line (true) west for one nautical league from a point on the sea coast three nautical miles north of the site of the Government jetty, situate westerly of the north-west corner of section 35N, hundred of Koolywurtie; on the south by a line (true) west for one nautical league from a point on coast three nautical miles south of said jetty; and on the west by a straight line connecting the western extremities of the aforesaid lines.
Lacepede . . . . .	Port Caroline.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark from a point on the coast line one mile to the northward of the jetty at Kingston, Lacepede Bay, to a point one mile to the southward of the said jetty at Kingston, and extending to one nautical league to seaward from low-water mark.
Lake Wangary ..	The beds and shores of the waters, rivers, creeks, and inlets to high-water mark of Coffin's Bay, Port Douglas, Mount Dutton Bay, and Killidie Bay, contained within an imaginary line drawn from Point Sir Isaac to the hill known as "Frenchman," in the hundred of Warrow.
Lincoln . . . . .	Port Lincoln.—The beds and shores of all the waters, creeks, and inlets of Port Lincoln to high-water mark, as embraced within a straight line drawn between Cape Donnington and Point Boston, and over one nautical league to seaward, measured from any point on the line.
MacDonnell ....	Port MacDonnell.—The beds and shores of the waters to high-water mark on that portion of the coast from a point 3,000yds. to the eastward of the lighthouse on Cape Northumberland to another point 5,000yds. to the east of the said lighthouse, and extending one nautical league to seaward from low-water mark.
Melville . . . . .	Port Edithburgh.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the western coast of Gulf St. Vincent, and within a straight line drawn northerly from Hungry Point to Giles's Point, and over one nautical league to seaward measured from any point on said line.
Menzies . . . . .	Port Kingscote.—The beds and shores of all the waters, creeks, and inlets to high-water mark in Nepean Bay, Kangaroo Island, and west of a straight line from Point Marsden to Point Morrison.
Minlacowie ....	Port Minlacowie.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern coast of Spencer's Gulf, bounded on the north by a line (true) west for one nautical league from a point three nautical miles north of the Government jetty, on the sea coast adjacent to section 25, hundred of Minlacowie; on the south by a line (true) west for one nautical league from a point on sea coast three nautical miles south of said jetty; and on the west by a straight line connecting the western extremities of the aforesaid lines.
Muloowurtie ..	Port Alfred.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the western coast of Gulf St. Vincent, for a distance of two nautical miles along coast south-south-westerly from Black Point; thence (true)

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*SECOND PART—*continued.*

Hundreds.	Sections or Locality.
Mundoora . . . .	east for one nautical league ; thence (true) north for four and a half nautical miles ; thence (true) west to high-water mark on sea coast. Port Broughton.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern coast of Spencer's Gulf, and within a straight line drawn from Wood's Point to Webling Point, and over one nautical league to seaward measured from any point on the said line.
Noarlunga . . . .	Port Glenelg.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern coast of Gulf St. Vincent, and bounded on the north by a line (true) west for one nautical league from low-water mark, being the production westerly of the southern boundary of the hundred of Port Adelaide ; on the south by a line (true) west for one nautical league from low-water mark at a point on the sea coast three nautical miles south of the Government jetty, town of Glenelg ; and on the west by a straight line connecting the western extremities of the aforesaid lines.
Noarlunga . . . .	Port Noarlunga.—The beds and shores of the waters to high-water mark of that portion of the sea coast bounded on the north by a line bearing west (true) for one nautical league from a point on the coastline three miles north of the Government jetty at Port Noarlunga ; on the south by a line bearing west (true) from a point three miles south of the said jetty ; and on the west by a straight line connecting the extremities of the aforesaid boundaries.
Para Wurlie ..	Port Turton.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the southern shore of Hardwicke Bay, within the following boundaries :—Commencing at Point Souttar ; thence (true) east to high-water mark on the sea coast ; thence in south-westerly and north-westerly directions following high-water mark to the point of commencement
Pirie . . . . .	Port Pirie.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark in Germein Bay, Spencer Gulf, within the following limits, viz. :—From the westerly extreme of Ward's Point, on a line S.W. by W. $\frac{1}{2}$ W. to the black beacon on the west end of Ward's Spit ; thence on a S.E. line to a point of land covered with mangroves, and adjacent to Port Pirie ; thence following the contour of the land and creeks to a point of land bearing N. $\frac{3}{4}$ E. from the highest point of Mount Ferguson, and about two miles distant ; thence on a line W. $\frac{1}{2}$ N. to the red beacon marking the north side of Cockle Spit ; thence on a line N. $\frac{1}{2}$ E. to the starting point of Ward's Point. Bearings magnetic.
Port Adelaide ..	Port Adelaide.—The beds and shores to high-water mark of all the waters, creeks, and inlets embraced within the hundred of Port Adelaide and over one nautical league to seaward, measured from low-water mark on any part of the shoals or sandbanks at the entrance to these creeks, waters, or inlets, always excepting such lands as have already been alienated from the Crown.
Ramsay . . . . .	Port Vincent.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the western coast of the Gulf St. Vincent, within the following boundaries :—Commencing at high-water mark, Surveyor's Point ; thence (true) north-east for one nautical league ; then (true) north-west by west to high-water mark on the sea coast ; thence southerly along high-water mark to the point of commencement.

*The Harbors Act.—1913.*SECOND SCHEDULE—*continued.*SECOND PART—*continued.*

Hundreds.	Sections or Locality.
Rivoli Bay . . . .	Port Beachport and Port Grey.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on sea coast, within one nautical league from any point on a straight line between Point Shag, Penguin Island, and Cape Buffon.
Telowie . . . . .	Port Germein.—The beds and shores of all the waters in Germein Bay, Spencer's Gulf, together with the rivers and navigable creeks, to high-water mark, from the mangroves on Ward's Point, in a line N. $\frac{1}{2}$ E. and S. $\frac{1}{2}$ W., to the first red beacon north of the dry portion of Cockle Spit; thence in a line E. $\frac{1}{2}$ S. and W. $\frac{1}{2}$ N. to the mainland north of Mount Ferguson. Bearings magnetic.
Wallaroo . . . . .	Port Moonta.—The beds and shores of all the waters, rivers, and inlets to high-water mark on the eastern coast of Spencer's Gulf, and within a straight line drawn about S.S.E. $\frac{1}{2}$ E. from Warburton or Long Point to the western extremity of the point north-west of the township of Port Hughes, and over one nautical league to seaward measured from any point on said line.
Do. . . . .	Port Wallaroo.—The beds and shores of all the waters, creeks, and inlets to high-water mark comprised within a line drawn from Riley Point South to Point Hughes.
Waterhouse . . . .	Port Robe.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark of Guichen Bay, as embraced within straight lines drawn from Cape Dombey to the outward point of Godfrey Island, and from thence to Cape Thomas, and over one nautical league to seaward, measured from any point on these lines.
Wauraltee . . . .	Port Victoria.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern coast of Spencer's Gulf and eastern shore of Wardang or Wauraltee Island; north of a straight line from Port Gawler to the southern end of the island aforesaid; and south of a (true) east line from the north end of the said island to high-water mark on the sea coast.
Willunga . . . . .	Port Willunga.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern side of Gulf St. Vincent; bounded on the north by a line bearing (true) west for one nautical league from Blanche Point; on the south by a line bearing (true) west for one nautical league from Carracalinga Head; and on the west by a line connecting the western extremities of the aforesaid boundaries.
Wrenfordsley ..	Beard's Bay.—The beds and shores of the waters of Beard's Bay to high-water mark.
Wright . . . . .	Venus Bay.—The beds and shores of the waters of Venus Bay to high-water mark, including the islands in the said bay.
Yankalilla . . . .	Port Yankalilla.—The beds and shores of all the waters, rivers, creeks, and inlets to high-water mark on the eastern side of the Gulf of St. Vincent, bounded on the north by a line bearing west (true) for one nautical league from Carracalinga Head; on the south by a line bearing west (true) for one nautical league from Rapid Head; and on the west by a line connecting the western extremities of the aforesaid boundaries.