

No. , 1932.

---

## A BILL

To provide for the constitution of a Harbours Board for New South Wales; to provide for the exercise by such Board of the powers and functions of The Sydney Harbour Trust Commissioners, the Superintendent of the Department of Navigation, and The Reclamation Trust of New South Wales; to provide for the exercise by such Board of the powers and functions conferred and imposed on the Minister by the Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910; to make provision for conferring and imposing certain other powers, authorities, duties, and functions on such Harbours Board; to amend the Sydney Harbour Trust Act, 1900-1931, the Navigation Act, 1901, the Reclamation Act, 1930, the Fisheries Act, 1902, and certain other Acts; and for purposes connected therewith.

---

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

**1.** (1) This Act may be cited as the "Harbours Board for New South Wales Act, 1932." Short title.

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

(3) This Act is divided into Parts, as follows:— Division into Parts.

PART I.—PRELIMINARY—*ss.* 1, 2.

PART II.—CONSTITUTION OF THE HARBOURS BOARD FOR NEW SOUTH WALES—*s.* 3.

PART III.—POWERS AND FUNCTIONS OF THE HARBOURS BOARD FOR NEW SOUTH WALES—*ss.* 4-49.

DIVISION 1.—*Preliminary—s.* 4.

DIVISION 2.—*Transfer of powers, authorities, duties, and obligations of The Sydney Harbour Trust Commissioners—ss.* 5-10.

DIVISION 3.—*Transfer of powers, &c., of the Superintendent of the Department of Navigation—ss.* 11-15.

DIVISION 4.—*Transfer of powers, &c., of The Reclamation Trust of New South Wales—ss.* 16-21.

DIVISION 5.—*Transfer of powers, &c., conferred and imposed upon the Minister by the Fisheries Act, 1902, and the Fisheries (Amendment) Act, 1910—ss.* 22-26.

DIVISION 6.—*Acquisition and disposition of land—ss.* 27-32.

DIVISION

DIVISION 7.—*Finance*—ss. 33-38.

DIVISION 8.—*Accounts and audit*—s. 39.

DIVISION 9.—*Officers*—s. 40.

DIVISION 10.—*Offences with respect to administration*—ss. 41-44.

DIVISION 11.—*Contracts*—ss. 45-49.

PART IV.—MISCELLANEOUS—ss. 50-68.

SCHEDULES.

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

“Board” or “Harbours Board” means “The Harbours Board for New South Wales” constituted under this Act.

“Commissioner” means a commissioner of the Board.

“Prescribed” means prescribed by this Act or by regulations made thereunder.

“President” means the President of the Board.

“Secretary” means the secretary to the Board and includes any officer for the time being authorised by the Board to act in that capacity either generally or for any specific purpose.

(2) A reference in this Act either generally or particularly to any provision of any other Act, shall, if such provision is amended or replaced after the commencement of this Act, be deemed to be a reference to the provision as so amended or replaced.

(3) A reference in this Act, to any other Act shall be deemed to include a reference to all rules, regulations, or by-laws for the time being in force thereunder.

PART II.

CONSTITUTION OF THE HARBOURS BOARD FOR NEW SOUTH WALES.

3. (1) For the purpose of carrying out the provisions of this Act there shall be constituted a Harbours Board for New South Wales which shall consist of three commissioners appointed by the Governor by commission under the Seal of the State.

Constitution of Board.

One of such commissioners shall in and by his commission be appointed President of the Board.

President.

(2) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Body corporate.

The corporate name of the Board shall be "The Harbours Board for New South Wales."

Corporate name.

(3) Subject to this Act, a commissioner shall hold office for the term for which he is appointed; such term shall not exceed seven years upon any one appointment, but any commissioner shall be eligible for re-appointment for a further term not exceeding seven years.

Term of office.

(4) The commissioners shall receive the following salaries, namely :—

Salaries of commissioners.

- (a) The President, one thousand seven hundred and fifty pounds per annum.
- (b) Each of the other commissioners, one thousand three hundred pounds per annum.

All such salaries are hereby charged on the Sydney Harbour Trust Fund and the Consolidated Revenue Fund in such proportions as the Governor may from time to time determine, and such funds to the extent required for the payment of such proportions of such salaries as for the time being are so determined are hereby permanently appropriated.

Such

Such salaries shall be subject to a like deduction to that provided by the Public Service Salaries Act (No. 2), 1931, or any Act amending or replacing that Act in respect of the salaries of officers.

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

(6) In case of the illness, suspension, or absence of any commissioner, a deputy may be appointed by the Governor to act for such commissioner during his illness, suspension, or absence. Appointment of deputy.

If one of the other commissioners is appointed deputy of the President, the Governor may appoint a deputy of such commissioner.

Any person while acting as a deputy shall have all the powers and authorities of the commissioner in whose place he acts.

(7) A commissioner may be removed from office for misbehaviour or incompetence in the following manner:— Commissioners' suspension or removal.

(a) a commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided.

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session.

(b) a commissioner suspended under this subsection shall be restored to office unless each House of Parliament shall within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, the said commissioner shall be removed by the Governor accordingly.

(8) A commissioner shall be deemed to have <sup>Vacation of</sup> vacated his office if he—<sub>office.</sub>

- (a) engages in New South Wales during his term of office in any paid employment outside the duties of his office, except with the approval of the Governor ;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit ;
- (c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor ;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898 ;
- (e) resigns his office by writing under his hand addressed to the Governor ;
- (f) becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Board ; or in anywise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

(9) A commissioner who at the date of his appointment is an officer of the Public Service shall, in the event of his office as commissioner being discontinued or abolished, be eligible for, and shall be appointed to some office in the Public Service not lower in classification and salary than that which he held at the date of his appointment as commissioner. <sup>Officer of Public Service appointed commissioner.</sup>

(10) (a) Nothing contained in this Act shall affect <sup>Saving of</sup> the rights accrued or accruing under the Public Service <sub>rights.</sub> Act, 1902, or under the Superannuation Act, 1916-1930, or any Act amending such Acts, to any person appointed a commissioner under this Act, who is at the time of his appointment or has been at any time previously thereto an officer of the Public Service or of the Government of New South Wales.

(b)

*Harbours Board for New South Wales.*

(b) Any officer of the Public Service, or of the Government of New South Wales, appointed a commissioner under this Act shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave and any payment, pension, or gratuity as if he were an officer or employee, within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1930, as the case may be, and for such purpose his service as a commissioner shall be deemed to be service for the purposes of such Acts.

Any person so appointed as a commissioner who previously to such appointment had been an officer of the Public Service or of The Sydney Harbour Trust Commissioners shall receive during his term of office any payment, pension, or gratuity to which he may be entitled under the said Acts.

(11) (a) Each of the persons holding office as commissioners under the Sydney Harbour Trust Act, 1900-1931, immediately before the commencement of this Act shall, as from such commencement—

First  
commis-  
sioners.

- (i) without further or other appointment than this Act, be a commissioner for the purposes of this Act;
- (ii) be deemed to have been duly appointed by the Governor under this Act;
- (iii) subject to this Act, hold office as a commissioner for the purposes of this Act, for the unexpired period of the term for which he was appointed as a commissioner under the Sydney Harbour Trust Act, 1900-1931.

(b) The person holding office as President of The Sydney Harbour Trust Commissioners immediately before the commencement of this Act shall, as from such commencement,—

- (i) without further or other appointment than this Act be the President of the Harbours Board.
- (ii) be deemed to have been duly appointed as such by the Governor under this Act.

(12) For the conduct of business any two commissioners shall form a quorum, and, subject to this section, shall have and may exercise and perform all the powers, authorities, duties, and functions by this Act or any other Act or means whatsoever conferred or imposed upon the Board. Quorum.

(13) If at any meeting at which two commissioners only are present, such commissioners shall differ in opinion upon any matter, the determination of such matter shall be postponed until all the commissioners are present. Difference of opinion.

(14) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Board. Procedure.

(15) The Board may by resolution authorise the President or any commissioner to determine as and for the Board such matters as are specified in the resolution. Any such authority may from time to time be revoked or varied by resolution. Delegation.

(16) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced, there was a vacancy in the office of any one commissioner. Validity of proceedings and acts.

(17) The Board shall cause minutes of its decisions to be kept upon the official papers, and cause minutes to be kept of its proceedings at formal meetings. Minutes.

- (18) The Board shall furnish the Minister with— Reports, &c., from Board to Minister.
- (a) all such reports, documents, papers, and minutes as are required by Parliament pursuant to any Act or pursuant to any order of either House of Parliament; and
  - (b) full information on all business of the Board which the Minister may require.

PART III.

POWERS AND FUNCTIONS OF THE HARBOURS BOARD FOR NEW SOUTH WALES.

DIVISION 1.—*Preliminary.*

4. There shall be transferred to the Board in accordance with the provisions of this Part— Transfer of functions.

- (a) the powers and functions of The Sydney Harbour Trust Commissioners ;
- (b) the powers and functions of the Superintendent of the Department of Navigation ;
- (c) the powers and functions of The Reclamation Trust of New South Wales ;
- (d) the powers and functions conferred and imposed upon the Minister by the Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910.

DIVISION 2.—*Transfer of powers, authorities, duties, and obligations of The Sydney Harbour Trust Commissioners.*

5. (1) In this Division the expression "appointed day" means the date of the commencement of this Act. Appointed day.

(2) (a) Any alteration of the law by this Division, whether by the repeal of an enactment or otherwise, shall not, unless otherwise expressly provided by this Division, affect— Savings.

- (i) any right accrued, or obligation incurred, before the appointed day under the law so altered ;
- (ii) the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered before the appointed day ;
- (iii) any action, proceeding, or thing pending or uncompleted immediately before the appointed day.

(b) Every such action, proceeding, and thing may be carried on and completed as if the enactment had not been repealed, or the law otherwise altered.

(c)

(c) The transfer to the Board of any powers, authorities, duties, or functions in pursuance of this Division shall not affect the validity or the force or effect of any proclamation, notification, order, demand, or notice duly made, published, served, or given, any lease or license duly granted, any certificate duly issued, any form duly prescribed, any authority duly given, or any act or thing duly done under the authority of any Act before the appointed day.

(d) The generality of this subsection shall not be affected by any saving in any other section of this Division, nor shall this section or any other section in this Division limit any saving in the Interpretation Act, 1897.

6. (1) Upon and after the appointed day the powers, authorities, duties, and functions of The Sydney Harbour Trust Commissioners shall be exercised and performed by The Harbours Board for New South Wales, and that Board shall be in law the successor of The Sydney Harbour Trust Commissioners and the authority to carry out the Sydney Harbour Trust Act, 1900-1931, the Sydney Harbour Rates Act, 1904, and any amendments of such Acts, and any other Act the execution of which is by law committed to The Sydney Harbour Trust Commissioners immediately before the appointed day.

Sydney Harbour Trust Commissioners.

(2) Upon the appointed day The Sydney Harbour Trust Commissioners shall cease to hold office as such.

(3) Upon the appointed day the body corporate under the name of The Sydney Harbour Trust Commissioners is dissolved.

(4) As from the appointed day a reference to The Sydney Harbour Trust Commissioners in any Act or other instrument shall be construed as a reference to the Board, and a reference to the President of The Sydney Harbour Trust Commissioners shall be construed as a reference to the President of the Board.

(5) On and after the appointed day all regulations and by-laws in force immediately before the appointed day of The Sydney Harbour Trust Commissioners made under the Sydney Harbour Trust Act, 1900-1931, or

any

any amendment thereof, or any other Act the execution of which is transferred to the Board under this Division, so far as they are not inconsistent with this Act, shall continue and remain in force until repealed by regulations or by-laws made under the same Act, or by regulations made under this Act.

Any reference in the regulations or by-laws so continuing in force to The Sydney Harbour Trust Commissioners shall be deemed to be a reference to the Board, and a reference to the President or a commissioner or the secretary or a person appointed by The Sydney Harbour Trust Commissioners for any specific purpose shall be deemed to be a reference respectively to the President, a commissioner, or the secretary of the Board or a person appointed by the Board for such specific purpose.

(6) Any person appointed by The Sydney Harbour Trust Commissioners for any specific purpose and holding such appointment immediately before the appointed day shall be deemed to have been appointed by the Board for such specific purpose.

**7.** (1) On and from the appointed day the following provisions shall, subject to this Act, have effect:—

*Transfer of officers.*

- (a) The officers and servants appointed under or pursuant to the Sydney Harbour Trust Act, 1900-1931, shall become and be the officers and servants of the Board.
- (b) Any officer or servant so transferred shall retain and have the rights conferred by section seventeen or section twenty, as the case may be, of the Sydney Harbour Trust Act, 1900-1931, and shall retain and shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, and superannuation contributions and payments, as if he had continued an officer or servant of The Sydney Harbour Trust Commissioners, and for this purpose service with The Sydney Harbour Trust Commissioners shall count as continuous service with the Board.

(2)

(2) No officer or servant so transferred shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

(3) Where any condition of employment of any officer or servant so transferred to the Board is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Board is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Board is a party.

8. On and from the appointed day the following provisions shall, subject to this Act, have effect:—

Rights,  
liabilities,  
and property.

- (a) All real and personal property and all right and interest therein, and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to The Sydney Harbour Trust Commissioners, shall vest in and belong to the Board.
- (b) No attornment by a lessee of any land vested in the Board by this section shall be necessary.
- (c) All rates, tolls, charges, moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by The Sydney Harbour Trust Commissioners, shall respectively be rates, tolls, charges, moneys, liquidated and unliquidated claims payable to or recoverable by the Board.
- (d) All suits, actions, and proceedings pending immediately before the appointed day at the suit of The Sydney Harbour Trust Commissioners in relation to any matter or claim shall respectively be suits, actions, and proceedings pending at the suit of the Board.
- (e) All contracts, agreements, and undertakings entered into with, and all securities lawfully given to or by The Sydney Harbour Trust Commissioners, and in force immediately before

before the appointed day, shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Board.

- (f) The Board may pursue the same remedies for the recovery of any such rates, tolls, charges, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as The Sydney Harbour Trust Commissioners might have done if this Act had not been enacted.
- (g) The Board may enforce and realise any security or charge existing immediately before the appointed day in favour of The Sydney Harbour Trust Commissioners in respect of any such rates, tolls, charges, moneys, and claims, as if such security or charge were existing in favour of the Board.
- (h) All debts due and moneys payable by The Sydney Harbour Trust Commissioners, and all claims, liquidated or unliquidated, recoverable against The Sydney Harbour Trust Commissioners shall be debts due and moneys payable by and claims recoverable against the Board.

**9.** (1) As from the appointed day the Board shall assume all liabilities of The Sydney Harbour Trust Commissioners incurred in respect of their operations. Board to assume liabilities.

(2) As from the appointed day the capital indebtedness of the State in respect of the Sydney Harbour Trust Commissioners fixed in accordance with the provisions of section 77E of The Sydney Harbour Trust Act, 1900-1931, or as readjusted in accordance with the provisions of section 77H of that Act, shall be a capital indebtedness of the Board.

**10.** (1) As from the appointed day the Sydney Harbour Trust Act, 1900-1931, is amended in the manner set out in Schedule One to this Act. Amendment of Act No. 1, 1901.

(2) The Sydney Harbour Trust Act, 1900-1931, as amended by this Act, may be cited as the Sydney Harbour Trust Act, 1900-1932.

**DIVISION 3.**—*Transfer of powers, &c., of the Superintendent of the Department of Navigation.*

**11.** (1) In this Division the expression "appointed day" means the date of the commencement of this Act. Appointed day.

(2) (a) Any alteration of the law by this Division, whether by the repeal of an enactment or otherwise, shall not, unless otherwise expressly provided by this Division, affect—

(i) any right accrued, or obligation incurred, before the appointed day under the law so altered ;

(ii) the validity or invalidity, or any operation, effect, or consequence of any instrument executed or made, or of anything done or suffered before the appointed day ;

(iii) any action, proceeding, or thing pending or uncompleted immediately before the appointed day.

(b) Every such action, proceeding, and thing may be carried on and completed as if the enactment had not been repealed, or the law otherwise altered.

(c) The transfer to the Board of any powers, authorities, duties, or functions in pursuance of this Division shall not affect the validity or the force or effect of any proclamation, notification, order, demand, or notice duly made, published, served, or given, any lease or license duly granted, any certificate duly issued, any form duly prescribed, any authority duly given, or any act or thing duly done under the authority of any Act before the appointed day.

(d) The generality of this subsection shall not be affected by any saving in any other section of this Division. nor shall this section or any other section in this Division limit any saving in the Interpretation Act, 1897.

**12.** (1) Upon and after the appointed day the powers, authorities, duties, and functions of the Superintendent of the Department of Navigation shall be Department of Navigation.

be exercised and performed by The Harbours Board for New South Wales, and that Board shall be the authority to carry out the Navigation Act, 1901, the Navigation Amendment (Regulations) Act, 1904, the Navigation (Amendment) Act, 1927, the Harbour and Tonnage Rates Act, 1920, and any amendments of such Acts, and any other Act the execution of which is by law committed to the said Superintendent immediately before the appointed day.

(2) Upon the appointed day the Superintendent of the Department of Navigation shall cease to hold office as such, but the said Superintendent, if he so elects, shall be entitled to remain at the same rate of salary in the service of the Board with such duties as the Board may direct; and, should he so remain, he shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, and superannuation contributions and payments, as if he had continued in the office of Superintendent, and for this purpose service as Superintendent and as an officer of the Public Service shall count as continuous service with the Board.

Retention of Superintendent in service of Board.

(3) As from the appointed day a reference to the superintendent or to the Superintendent of the Department of Navigation in any Act or other instrument shall be construed as a reference to The Harbours Board for New South Wales, and any reference to the secretary to the Department of Navigation shall be construed as a reference to the secretary to the Board.

(4) On and after the appointed day all rules, regulations, and by-laws in force immediately before the appointed day made under the Navigation Act, 1901, the Navigation Amendment (Regulations) Act, 1904, the Navigation (Amendment) Act, 1927, or the Harbour and Tonnage Rates Act, 1920, or any other Act the execution of which is transferred to the Board under this Division, so far as they are not inconsistent with this Act, shall continue and remain in force until repealed by rules, regulations, or by-laws made under the same Act or by regulations made under this Act.

Any

. Any reference in the rules, regulations, or by-laws so continued in force to the Superintendent shall be deemed to be a reference to the Board, and a reference to the secretary or a person appointed by the Governor or the Superintendent for any specific purpose shall be deemed to be a reference respectively to the secretary to the Board or a person appointed by the Board for such specific purpose.

Any person appointed by the Governor or the Superintendent for any specific purpose and holding such appointment immediately before the appointed day shall be deemed to have been appointed by the Board for such specific purpose.

**13.** (1) The Harbours Board may arrange with the Public Service Board for the transfer to the Harbours Board of the officers and employees of the Public Service who are, immediately before the appointed day, wholly employed in connection with the execution of any Act the execution of which is transferred to the Harbour Board under this Division.

Transfer of officers and employees.

Officers and employees transferred to the Harbours Board in pursuance of any such arrangement shall, on and from the appointed day, become and be the officers and servants respectively of the Board.

(2) Any officer or employee so transferred shall retain and shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, and superannuation contributions and payments, as he had immediately before the appointed day, and for this purpose his service in the Public Service shall count as continuous service with the Board.

(3) No officer or employee so transferred shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

(4) Where any condition of employment of any officer or employee so transferred to the Board is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award, by which the Board is bound, is

137

is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Board is a party.

**14.** (1) On and from the appointed day the following provisions shall, subject to this Act, have effect:— Rights, liabilities and property.

- (a) All management and control of any land or thing which immediately before the appointed day is vested in or belongs to the Superintendent of the Department of Navigation shall vest in and belong to the Board.
- (b) All leases granted by the Colonial Treasurer under the provisions of the Navigation Act, 1901, and all licenses issued by the Colonial Treasurer under the said Act shall be deemed to be leases and licenses granted and issued by the Board, and the Board shall have in respect of each such lease or license the same rights and remedies and the same liabilities and obligations as if the lease or license had been granted or issued by the Board after the appointed day.
- (c) All rates, dues, fees, charges, moneys, liquidated and unliquidated claims, which immediately before the appointed day, are payable to or recoverable by the Crown, the Colonial Treasurer, or any person on behalf of the Crown or the Colonial Treasurer under or by virtue of the Navigation Act, 1901, the Navigation Amendment (Regulations) Act, 1904, the Navigation (Amendment) Act, 1927, the Harbour and Tonnage Rates Act, 1920, or any other Act the execution of which is transferred to the Board under this Division, or any rules, regulations, or by-laws made under any of such Acts, shall respectively be rates, dues, fees, charges, moneys liquidated and unliquidated claims payable to or recoverable by or on behalf of the Board.
- (d) All suits, actions, and proceedings pending immediately before the appointed day at the  
suit

---

suit of or on behalf of the Crown, the Colonial Treasurer, or the Superintendent of the Department of Navigation, under or by virtue of the Navigation Act, 1901, the Navigation Amendment (Regulations) Act, 1904, the Navigation (Amendment) Act, 1927, the Harbour and Tonnage Rates Acts, 1920, or any other Act the execution of which is transferred to the Board under this Division, or any rules, regulations, or by-laws made under any of such Acts, shall respectively be suits, actions, and proceedings pending at the suit of or on behalf of the Board.

- (e) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by the Crown, the Colonial Treasurer, the Superintendent of the Department of Navigation, or any person on behalf of the Crown, the Colonial Treasurer, or the Superintendent of the Department of Navigation, under or by virtue of the Navigation Act, 1901, the Harbour and Tonnage Rates Act, 1920, or any other Act the execution of which is transferred to the Board under this Division (including any rules, regulations, or by-laws made under any of such Acts, and in force immediately before the appointed day), shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Board or such person on behalf of the Board.
- (f) The Board may pursue the same remedies for the recovery of any such rates, dues, fees, charges, moneys, and claims and for the prosecution of any such suits, actions, and proceedings as the Crown, the Colonial Treasurer, the Superintendent of the Department of Navigation, or any person on behalf of the Crown, the Colonial Treasurer, or such Superintendent might have done if this Act had not been enacted.

(g)

- (g) The Board may enforce and realise any security or charge existing immediately before the appointed day in favour of the Crown, the Colonial Treasurer, or the Superintendent of the Department of Navigation, or any person on behalf of the Crown, the Colonial Treasurer, or such Superintendent in respect of any such rates, dues, fees, charges, moneys, and claims as if such security or charge were existing in favour of the Board.
- (h) All debts due and all moneys payable by, and all claims, liquidated or unliquidated, recoverable against the Crown, the Colonial Treasurer, or the Superintendent of the Department of Navigation, or any person on behalf of the Crown, the Colonial Treasurer, or such Superintendent under or by virtue of the Navigation Act, 1901, the Navigation Amendment (Regulations) Act, 1904, the Navigation (Amendment) Act, 1927, the Harbour and Tonnage Rates Act, 1920, or any other Act the execution of which is transferred to the Board under this Division, shall be debts due and moneys payable by and claims recoverable against the Board.

(2) Regulations may be made by the Board, with the approval of the Governor, for carrying this Division into effect and with respect to any matter with regard to which rules, regulations, or by-laws could have been made prior to the appointed day by the Governor under the Navigation Act, 1901, the Navigation Amendment (Regulations), Act, 1904, the Navigation (Amendment) Act, 1927, and the Harbour and Tonnage Rates Act, 1920, or any Act amending the said Acts, and the power to repeal, alter, suspend or modify any rules or regulations, or to make any new rules or regulations vested in the Governor by the said Acts, shall as from the appointed day vest in the Board but shall be exercisable only with the approval of the Governor.

**15.** (1) As from the appointed day the Navigation Act, 1901, as amended by subsequent Acts, and the Harbour and Tonnage Rates Act, 1920, are amended in the manner set forth in Schedule Two to this Act.

Amendment of Act No. 60, 1901, and Act No. 12, 1920.

(2) The Navigation Act, 1901, as amended by subsequent Acts and this Act, may be cited as the Navigation Act, 1901-1932.

(3) The Harbour and Tonnage Rates Act, 1920, as amended by this Act, may be cited as the Harbour and Tonnage Rates Act, 1920-1932.

**DIVISION 4.—Transfer of powers, &c., of The Reclamation Trust of New South Wales.**

**16.** (1) In this Division the expression "appointed day" means the first day of July, one thousand nine hundred and thirty-two, or an earlier date appointed in that behalf by the Governor on the recommendation of the Board and notified by proclamation published in the Gazette.

Appointed day.

(2) (a) Any alteration of the law by this Division, whether by the repeal of an enactment or otherwise, shall not, unless otherwise expressly provided by this Division, affect—

Savings.

- (i) any right accrued, or obligation incurred, before the appointed day under the law so altered ;
- (ii) the validity or invalidity, or any operation, effect, or consequence of any instrument executed or made, or of anything done or suffered before the appointed day ;
- (iii) any action, proceeding, or thing pending or uncompleted immediately before the appointed day.

(b) Every such action, proceeding, and thing may be carried on and completed as if the enactment had not been repealed, or the law otherwise altered.

(c) The transfer to the Board of any powers, authorities, duties, or functions in pursuance of this Division shall not affect the validity or the force or effect of any proclamation, notification, order, demand, or notice duly made, published, served, or given, any lease

lease or license duly granted, any certificate duly issued, any form duly prescribed, any authority duly given, or any act or thing duly done under the authority of any Act before the appointed day.

(d) The generality of this subsection shall not be affected by any saving in any other section of this Division, nor shall this section or any other section in this Division limit any saving in the Interpretation Act, 1897.

**17.** (1) Upon and after the appointed day the powers, authorities, duties, and functions of The Reclamation Trust of New South Wales, constituted under the Reclamation Act, 1930, shall be exercised and performed by The Harbours Board for New South Wales, and that Board shall be, in law, the successor of The Reclamation Trust of New South Wales and the authority to carry-out the Reclamation Act, 1930, and any amendments thereof. Transfer.

(2) Upon the appointed day the members of The Reclamation Trust of New South Wales shall cease to hold office as such.

(3) Upon the appointed day the body corporate under the name of The Reclamation Trust of New South Wales is dissolved.

(4) As from the appointed day a reference to The Reclamation Trust of New South Wales in any Act or other instrument shall be construed as a reference to the Board.

(5) On and after the appointed day all regulations made under the Reclamation Act, 1930, in force at the appointed day, so far as they are not inconsistent with this Act, shall continue and remain in force until repealed by regulations made under such Act or under this Act.

Any reference in the regulations so continued in force to The Reclamation Trust of New South Wales shall be deemed to be a reference to the Board.

**18.** (1) The Harbours Board may arrange with the Public Service Board for the transfer to the Harbours Board of the officers and employees of the Public Service who are, immediately before the appointed day, wholly Transfer of officers and employees.

wholly employed in connection with the exercise and discharge by The Reclamation Trust of New South Wales of its powers, authorities, duties, and functions.

Officers and employees so transferred to the Harbours Board in pursuance of any such arrangement shall, on and from the appointed day, become and be the officers and servants of the Board.

(2) Any officer or employee so transferred shall retain and shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, and superannuation contributions and payments, as he had immediately before the appointed day, and for this purpose his service in the Public Service shall count as continuous service with the Board.

(3) Any officer or employee of any department of the Public Service or of any statutory body or municipal or shire council whose services are being made use of by The Reclamation Trust of New South Wales immediately before the appointed day shall continue such services under the Board upon and subject to the terms arranged in respect of such services.

(4) No officer or employee transferred under this section shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

(5) Where any condition of employment of any officer or employee transferred to the Board under this section is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Board is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Board is a party.

**19.** On and from the appointed day the following provisions shall, subject to this Act, have effect :—

- (a) All real and personal property and all right and interest therein, and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to The Reclamation Trust of New South

Rights,  
liabilities,  
and  
property.

South

South Wales, shall vest in and belong to the Board, and any plant of any department of the Public Service or of any statutory body or municipal or shire council which is being made use of by The Reclamation Trust of New South Wales immediately before the appointed day may continue to be so used by the Board upon and subject to the terms arranged in respect of such use.

- (b) No attornment by a lessee of any land vested in the Board by this section shall be necessary.
- (c) All costs, expenses, charges, moneys, liquidated and unliquidated claims which, immediately before the appointed day are payable to or recoverable by The Reclamation Trust of New South Wales, shall respectively be costs, expenses, charges, moneys, liquidated and unliquidated claims payable to or recoverable by the Board.
- (d) All suits, actions, and proceedings pending immediately before the appointed day at the suit of The Reclamation Trust of New South Wales in relation to any matter or claim shall respectively be suits, actions, and proceedings pending at the suit of the Board.
- (e) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by The Reclamation Trust of New South Wales and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Board.
- (f) The Board may pursue the same remedies for the recovery of any such costs, expenses, charges, moneys, and claims, and for the prosecution of such suits, actions, and proceedings as The Reclamation Trust of New South Wales might have done if this Act had not been enacted.

(g)

- (g) The Board may enforce and realise any security or charge existing immediately before the appointed day in favour of The Reclamation Trust of New South Wales in respect of any such costs, expenses, charges, moneys, and claims as if such security or charge were existing in favour of the Board.
- (h) All debts due and moneys payable by The Reclamation Trust of New South Wales, and all claims, liquidated or unliquidated, recoverable against The Reclamation Trust of New South Wales, shall be debts due and moneys payable by and claims recoverable against the Board.

**20.** As from the appointed day all liabilities of The Reclamation Trust of New South Wales incurred in respect of its operations shall be liabilities of the Board. Board to assume liabilities.

**21.** (1) As from the appointed day the Reclamation Act, 1930, is amended in the manner set out in Schedule Three to this Act. Amendment of Act No. 37, 1930.

(2) The Reclamation Act, 1930, as amended by this Act, may be cited as the Reclamation Act, 1930-1932.

**DIVISION 5.**—*Transfer of powers, &c., conferred and imposed upon the Minister by the Fisheries Act, 1902, and the Fisheries (Amendment) Act, 1910.*

**22.** (1) In this Division the expression "appointed day" means the first day of July, one thousand nine hundred and thirty-two, or an earlier date appointed in that behalf by the Governor, upon the recommendation of the Board, and notified by proclamation published in the Gazette. Appointed day.

(2) (a) Any alteration of the law by this Division, whether by the repeal of an enactment or otherwise, shall not, unless otherwise expressly provided by this Division, affect— Savings.

- (i) any right accrued, or obligation incurred, before the appointed day under the law so altered;
- (ii)

- (ii) the validity or invalidity, or any operation, effect, or consequence of any instrument executed or made, or of anything done or suffered before the appointed day;
- (iii) any action, proceeding, or thing pending or uncompleted immediately before the appointed day.

(b) Every such action, proceeding, and thing may be carried on and completed as if the enactment had not been repealed or the law otherwise altered.

(c) The transfer to the Board of any powers, authorities, duties, or functions in pursuance of this Division shall not affect the validity or the force or effect of any proclamation, notification, order, demand, or notice duly made, published, served, or given, any lease or license duly granted, any certificate duly issued, any form duly prescribed, any authority duly given, or any act or thing duly done under the authority of any Act before the appointed day.

(d) The generality of this subsection shall not be affected by any saving in any other section of this Division, nor shall this section or any other section in this Division limit any saving in the Interpretation Act, 1897.

**23.** (1) Upon and after the appointed day the powers, authorities, duties, and functions conferred and imposed upon the Minister by the Fisheries Act, 1902, and the Fisheries (Amendment) Act, 1910, shall be exercised and performed by The Harbours Board for New South Wales, and that Board shall be the authority to carry out the Fisheries Act, 1902, and the Fisheries (Amendment) Act, 1910, and any amendments thereof. Transfer.

(2) As from the appointed day a reference to the Minister in any of the said Acts may be construed as a reference to The Harbours Board for New South Wales.

(3) On and after the appointed day all regulations made under the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, and in force on the appointed day, so far as they are not inconsistent with this

this Act, shall continue and remain in force until repealed by regulations made under the same Act or under this Act.

Any reference in the regulations so continued in force to the Minister shall be deemed to be a reference to the Board.

**24.** (1) The Harbours Board may arrange with the Public Service Board for the transfer to the Harbours Board of the officers and employees of the Public Service who are, immediately before the appointed day, wholly employed in connection with the execution of any Act the execution of which is transferred to the Harbours Board under this Division.

Transfer of officers and employees.

Officers and employees transferred to the Harbours Board in pursuance of any such arrangement shall, on and from the appointed day become and be the officers and servants respectively of the Board.

(2) Any officer or employee so transferred shall retain and shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave, and superannuation contributions and payments, as he had immediately before the appointed day, and for this purpose his service in the Public Service shall count as continuous service with the Board.

(3) No officer or employee so transferred shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

(4) Where any condition of employment of any officer or employee so transferred to the Board is at the date of his transfer regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the Board is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Board is a party.

**25.** On and from the appointed day the following provisions shall, subject to this Act, have effect :—

Rights, liabilities, and property.

- (a) All real and personal property, and all right and interest therein and the control and management of all real and personal property which

which immediately before the appointed day is vested in or belongs to the Minister under or by virtue of or for the purposes of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, shall be vested in and belong to the Board.

- (b) All leases granted by the Governor under the provisions of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, and all licenses issued under the provisions of the said Acts shall be deemed to be leases and licenses granted and issued by the Board, and the Board shall have in respect of each such lease or license the same rights and remedies and the same liabilities and obligations as if the lease or license had been granted or issued by the Board after the appointed day.
- (c) All costs, fees, charges, moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by the Crown, the Colonial Treasurer, the Minister, or any person on behalf of the Crown, or of the Colonial Treasurer or of the Minister under or by virtue of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, or any regulations made thereunder, shall respectively be costs, fees, charges, moneys, liquidated and unliquidated claims payable to or recoverable by or on behalf of the Board.
- (d) All suits, actions, and proceedings pending immediately before the appointed day at the suit of or on behalf of the Crown, the Colonial Treasurer, or the Minister, under or by virtue of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, or any regulations made thereunder, shall respectively be suits, actions, and proceedings pending at the suit of or on behalf of the Board.
- (e) All contracts, agreements, and undertakings entered into with and all securities lawfully given

given to or by the Crown, the Colonial Treasurer, or the Minister, or any person on behalf of the Crown, the Colonial Treasurer, or the Minister, under or by virtue of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, or any regulations made thereunder and in force immediately before the appointed day, shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the Board or such person on behalf of the Board.

- (f) The Board may pursue the same remedies for the recovery of any such costs, fees, charges, moneys, and claims, and for the prosecution of any such suits, actions, and proceedings as the Crown, the Colonial Treasurer, the Minister or any person on behalf of the Crown, the Colonial Treasurer, or the Minister might have done if this Act had not been enacted.
- (g) The Board may enforce and realise any security or charge existing immediately before the appointed day in favour of the Crown, the Colonial Treasurer, or the Minister or any person on behalf of the Crown, the Colonial Treasurer, or the Minister in respect of any such costs, fees, charges, moneys, and claims as if such security or charge were existing in favour of the Board.
- (h) All debts due and all moneys payable by and all claims liquidated or unliquidated recoverable against the Crown, the Colonial Treasurer, or the Minister, or any person on behalf of the Crown, the Colonial Treasurer, or the Minister under or by virtue of the Fisheries Act, 1902, or the Fisheries (Amendment) Act, 1910, or any regulation made thereunder, shall be debts due and moneys payable by and claims recoverable against the Board.

**26.** As from the appointed day the Fisheries Act, 1902, the Fisheries (Amendment) Act, 1910, and the Net Fishing (Port Hacking) Act, 1901, are respectively amended in the manner set forth in Schedule Four to this Act.

Amendment  
of Acts  
No. 119, 1902,  
No. 14, 1910,  
and No. 18,  
1901.

**27.**

**DIVISION 6.—Acquisition and disposition of land.**

**27.** (1) In this Division, unless inconsistent with <sup>Acquisition of land.</sup> the context or subject-matter,—

“Land” includes any easement, right, or privilege in, over, or affecting land.

(2) The Board may acquire land for any purpose of this Act or of any Act under which powers, authorities, duties, and functions are exercised by or imposed on the Board, by lease, purchase, appropriation, or resumption, in accordance with this Division.

The cost of any such lease, purchase, appropriation, or resumption shall be defrayed out of moneys provided by Parliament.

(3) Where the Board proposes to acquire land by appropriation or resumption, and money is available to defray the cost, it may apply to the Governor through the Minister.

(4) The Governor may authorise the appropriation or resumption of the land.

(5) Thereupon the Minister for Public Works may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912, as amended by subsequent Acts;

(b) notify that the land is vested in the Board.

(6) Thereupon the land shall vest in the Board.

(7) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

(8) The Minister for Public Works shall upon the resumption forthwith give to the Registrar-General the notice thereof prescribed under the Conveyancing Act, 1919–1930.

**28.** The Board may sell any real or personal property <sup>Sale and exchange.</sup> vested in or belonging to it by public auction, public tender, or private contract, and on such terms and subject to such conditions, covenants, and restrictions as the Board shall think proper, and shall have power to take

take securities for the payment of any balance of purchase money and interest thereon or to allow such period for the payment of the same as the Board shall think proper.

The Board may also exchange any land vested in or belonging to it.

**29.** Nothing contained in any Act governing any powers, authorities, duties, or functions transferred to the Board by this Act shall limit or restrict the powers of the Board under the provisions of this Division, and the Board shall have in respect of any real or personal property transferred to or acquired by it or of which the control and management is vested in it under this Act all the powers in respect of such property conferred on the Board by this Act. Powers unrestricted by other Acts.

**30.** (1) The Governor may at any time vest in the Board any lands the property of the Crown deemed by the Board to be necessary. Vesting of Crown Lands in Board.

If the Board finds that any lands vested in it under this Act, or which were vested in the Sydney Harbour Trust Commissioners pursuant to the proviso to section twenty-seven of the Sydney Harbour Trust Act, 1900-1931, are unnecessary for the purposes of carrying out the provisions of this Act, the Governor may withdraw such lands from the Board. cf. Act No. 1, 1901, secs. 27, 28.

(2) Upon the publication in the Gazette of a proclamation withdrawing any such lands from the Board under the provisions of this section, the lands so described shall vest in the persons who would be entitled to the same, and subject to the like limitations, powers, and authorities as if the vesting in the Board or in the Sydney Harbour Trust Commissioners had not taken place.

For the purposes of this section the word "persons" shall be deemed to include the Crown, or any person or corporation entitled to hold land on behalf of the Crown.

**31.** Any land acquired by the Board under the provisions of this Division shall be held by the Board for the purposes of the particular function in respect of which the land was acquired and shall be deemed to be land vested in the Board for those purposes. Land to be held for particular purposes.

Any

Any income or expenditure derived or incurred in respect of such land shall be credited or debited to the appropriate fund or account in accordance with the provisions of the Act governing that particular function and in the absence of any such provisions in such manner as the Board may determine.

**32.** The Board shall hold all real and personal property whatsoever vested in or acquired by it by or under this Act, or under the provisions of any Act the execution of which is by this Act transferred to the Board for and on behalf of His Majesty, and all moneys so vested in or held by the Board whether the same be accrued due or not are hereby declared to be public moneys belonging to His Majesty, and the property of the Crown, and, in addition to all other remedies, shall be recoverable accordingly as from debtors to the Crown.

Property of Board held on behalf of His Majesty. cf. Act No. 13, 1913, s. 19.

DIVISION 7.—Finance.

**33.** (1) Full and accurate accounts shall be kept by the Board of its assets, liabilities, income, and expenditure.

Accounts. cf. Act No. 1, 1901, s. 77B.

Complete and separate financial and cost accounts of each of the functions transferred to the Board under this Act shall also be kept.

(2) The forms and manner of keeping such accounts shall be such as are prescribed by regulations made under the provisions of the Audit Act, 1902.

**34.** (1) All moneys received or receivable in respect of any function transferred to the Board under this Act shall, subject to this Act, be paid into the same fund and accounted for in the same manner as moneys received or receivable in respect of that function immediately before its transfer to the Board would have been lawfully paid and accounted for.

Receipts.

(2) All moneys expended or expendable in respect of any function transferred to the Board under this Act shall, subject to this Act, be paid from the same fund or account and in the same manner as moneys expended

Expenditure.

expended or expendable in respect of that function immediately before its transfer to the Board would have been paid.

**35.** The Board shall distribute the general administrative expenses amongst the functions transferred to it in such manner as the Board thinks fair and equitable.

General administrative expenses.

**36.** (1) Before the thirty-first day of August in each year the Board shall render to the Colonial Treasurer accounts and statements for the then next preceding financial year in respect of each function transferred to the Board under this Act in a form prescribed by regulations made under the provisions of the Audit Act, 1902.

Accounts to be rendered to Colonial Treasurer.

(2) Such accounts and statements shall show fully the true financial position of the Board in respect of each such function and of all services undertaken by the Board in connection with any such function.

To show true financial position.

(3) The Colonial Treasurer shall cause each of such accounts and statements to be laid before Parliament forthwith if Parliament is then sitting, otherwise within seven sitting days after the commencement of the next ensuing session.

Accounts to be laid before Parliament.

**37.** The Board shall in the month of May in each year, or at such other time or times as may be required by the Colonial Treasurer, prepare and supply to the Colonial Treasurer in a form prescribed by regulations made under the provisions of the Audit Act, 1902, estimates in respect of each function transferred to the Board under this Act of the income from all sources and of the expenditure proposed for the financial year commencing on the first day of July following or for any other period and, where necessary, of the amount which the Board proposes that Parliament should appropriate for the requirements of the function for which the appropriation is proposed, and the Board shall, on request, furnish the Colonial Treasurer with all the information at its disposal relating to any item of the estimated income or expenditure.

Estimates. cf. Act No. 1, 1901, s. 77d.

**38.** (1) Regulations may be made under the provisions of the Audit Act, 1902, for carrying this Division into effect.

Regulations.

(2)

(2) Any regulations made under the provisions of the Audit Act, 1902, prescribing the forms and manner of keeping the accounts of The Sydney Harbour Trust Commissioners, and in force at the commencement of this Act, shall continue in force in respect of the accounts of the Board relative to the functions of The Sydney Harbour Trust Commissioners transferred to the Board by this Act until repealed or replaced by later regulations.

DIVISION 8.—Accounts and audit.

**39.** (1) The accounts of the Board shall be audited Audit. by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the Board and its officers and servants in the same manner as it applies to accounting officers of public departments.

(2) Towards defraying the cost and expenses of Cost of audit. such audit, the Board shall pay to the Consolidated Revenue Fund such sums, at such times, as the Colonial Treasurer may decide.

(3) The cost and expenses of such audit shall Distribution of cost of audit. be distributed amongst the functions transferred to the Board by this Act in such manner as the Board thinks fair and equitable.

DIVISION 9.—Officers.

**40.** (1) The Board may appoint a secretary and may Officers. appoint or employ such officers and servants as it deems cf. Act No. 32, 1931, s. 5. necessary for carrying out the provisions of this Act or any Act governing any of the functions transferred to the Board under this Act, and may remove or re-appoint or re-employ them.

(2) All officers and servants of the Board shall hold office during the pleasure of the Board.

(3) Any officer of the Public Service who is transferred to the service of the Board in pursuance of the provisions of Division 2, Division 3, Division 4, or Division

Division 5 of this Part shall, in the event of his office as an officer of the Board being discontinued or abolished, be eligible for and shall be appointed to an office in the Public Service not lower in classification and salary than that which he held at the date of such transfer.

(4) Regulations may be made under this Act in respect of the terms and conditions of employment and the duties and discipline of the officers and servants of the Board.

(5) The provisions of the Public Service Act, 1902, and any Acts amending the same, shall not apply to any person appointed or employed by the Board by or under this Act.

(6) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or the Superannuation Act, 1916-1930, or any Act amending such Acts, to any officer of the Public Service appointed an officer or servant of the Board.

(7) Any officer or servant so appointed shall continue to contribute to any fund or account, and shall be entitled to receive any annual, sick, deferred, or extended leave, and any privileges, and any payment, pension, or gratuity as if he had remained an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1930, as the case may be, and for such purposes his service under the Board shall be deemed to be service for the purposes of such Act.

**DIVISION 10.--***Offences with respect to administration.*

**41.** (1) Any person in any office or employment under this Act, or under any Act the execution of which is vested in the Board, who without lawful authority demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment, shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

Corruption.

(2) Any person who without lawful authority offers, makes, or gives to any person in any office or employment under this Act or under any Act the execution of which is vested in the Board any payment gratuity, or present in consideration that the latter will do or omit to do some act or thing pertaining to his office or employment, shall be liable to imprisonment with or without hard labour for a term not exceeding two years.

**42.** (1) If any officer or servant of the Board when required by the Board or any commissioner fails—

Failure to account or deliver up.

- (a) to render account of moneys which shall have come into his hands or under his control and of his dealings therewith, or to pay to the Board the balance of any such moneys; or
- (b) to deliver up within two days to the Board or any commissioner all papers, property, and things in his possession or power which belong to the Board or which relate to the execution of this Act, or of any other Act the execution of which is vested in the Board,

any stipendiary or police magistrate or any two justices may on the complaint of any commissioner or any person authorised by the Board either generally or specially in that behalf, order such officer or servant to render the accounts, pay the balance, or deliver up the papers, property, and things, as the case may be, and that on non-compliance with the order the officer or servant be imprisoned for a period not exceeding *six* months.

(2) It shall be the duty of the President of the Board to cause proceedings to be instituted whenever he has reason to believe that any officer or servant has not complied with a requirement under this section.

(3) Proceedings under this section shall not affect the liability of any surety of any officer or servant, or relieve any officer or servant from being held to answer any criminal information, charge, or proceeding.

(4) For the purposes of this section "officer" or "servant" shall include a person who has within six months prior to any requirement aforesaid been an officer or servant of the Board.

**43.**

**43.** Any officer or servant of the Board or other person who wilfully destroys any document which belongs to the Board shall be deemed guilty of misdemeanour. Wilful destruction of documents.

**44.** Where the Board has reasonable grounds to believe that any of its officers or servants has stolen or embezzled any of its moneys or property the Board shall with due diligence prosecute the offender. Prosecution for larceny or embezzlement.

DIVISION 11.— *Contracts.*

**45.** The Board may enter, by its corporate name, into contracts with any persons for the execution of any works authorised by this Act or by any Act the execution of which is vested in it to be done by it, or for the execution of any works which the Board may think proper to do or direct to be done under or by virtue of the powers conferred by any such Act or for any other matters and things whatsoever necessary for enabling it to carry the purposes of any such Act into full force and complete effect, in such manner and upon such terms and for such sums of money and under such stipulations, regulations, and restrictions as it may think proper. Contracts. cf. Act No. 1, 1901, s. 48.

**46.** Every contract made by the Board may, if it so think fit, specify a person to whose satisfaction the same is to be completed and the mode of determining any dispute which arises concerning or in consequence of such contract. Mode of determining disputes. cf. Act No. 32, 1931, Schedule, cl. 5.

**47.** The powers granted to the Board to make contracts may be exercised as follows :— Mode of entering into contracts.

(a) 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 its corporate name under its common seal, and in the same manner may vary or discharge the same. cf. *Ibid.* cl. 6.

(b) Any contract which if made between private persons would be by law required to be in writing and signed by the parties thereto the Board may make in writing in its corporate name

name to be signed by the President or by two commissioners, and in like manner may vary or discharge the same.

- (c) Any contract which if made between private persons would be by law valid, although made by parol only and not reduced into writing, the commissioners or the President or any two commissioners on behalf of the Board may make by parol only without writing, and in like manner may vary or discharge the same.

**48.** Subject to this Act, all contracts so made and (where written) duly executed by the parties thereto respectively shall be effectual in law and binding on the Board and all other parties thereto, their successors, heirs, executors, or administrators (as the case may be).

Effect of contracts.  
cf. Act No. 32, 1931, Schedule, cl. 7.

In case of default in the execution of any such contract either by the Board or by any other party thereto, such actions or suits may be instituted either by or against the Board in its corporate name or by or against the other parties failing in the execution thereof and such damages and costs recovered as might be instituted and recovered had the like contract been made between private persons.

**49.** The Board may compound and agree with any person who has entered into any contract with it, or against whom any action or suit is brought, for any penalty contained in any such contract or in any bond or other security for the performance thereof or for or on account of any breach or non-performance of any such contract, bond, or security for such sum of money or other recompense as the Board thinks proper.

Power to compound for breach of contracts.  
cf. *Ibid.* cl. 9.

PART IV.

MISCELLANEOUS.

50. (1) All actions to be brought against the Board or any commissioner or any officer or servant of the Board or any person acting in his aid for anything done under this Act, or any Act the execution of which is vested in the Board, shall be commenced within six months after the act complained of was committed.

Legal proceedings against the Board or its officers.

(2) A writ or other process shall not be sued out against or served upon the Board or any commissioner or any officer or servant of the Board or any person acting in his aid for anything done or intended to be done under this Act, or any Act the execution of which is vested in the Board, until the expiration of one month after notice in writing has been served on the Board or the commissioner, officer, servant, or person as provided in this section.

Notice of action.

(3) The notice shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained;
- (c) the name and place of abode or business of the intended plaintiff and of his attorney (if any) in the case.

(4) In the case of damage to property, any person who produces on demand his authority from the Board shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, the nature and extent of the damage, and the amount of money (if any) expended in repairing the same shall be given to him.

Representative of the Board to be permitted to inspect property injured.

(5) In the case of injury to a person, any duly qualified medical practitioner who produces on demand his authority from the Board shall be permitted to examine the person injured, and all facilities and information necessary to enable him to ascertain fully the nature and extent of the injury and the loss or expense arising therefrom shall be given to him.

Medical practitioner to be permitted to examine person injured.

(6)

(6) At the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice, and unless the notice has been served the plaintiff shall not be entitled to maintain the action : Evidence.

Provided that at any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the circumstances so to do,—

- (a) amend any defect in the notice on such terms and conditions (if any) as the court or judge may fix ;
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(7) The Board or any commissioner, officer, servant, or person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and in case the same is not accepted may plead the tender in bar. Amends.

(8) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence. General issue.

(9) This section shall be supplemental to and not in derogation of any provision in any other Act.

**51.** If any person commits any irregularity, trespass, or other wrongful proceeding in the execution of this Act or of any other Act the execution of which is vested in the Board or by virtue of any power or authority given by or under this Act whereby any actionable damage is occasioned, and if, before action brought in respect thereof, such person makes tender of sufficient amends to the person injured, such lastmentioned person shall not recover in any such action. Amends tendered for trespass before action brought.

**52.** All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence— Judicial notice of the seal of the Board.

- (a) shall take judicial notice of the seal of the Board affixed to any document ; and
- (b) shall, until the contrary is proved, presume that such seal was properly affixed thereto.

**53.** Any notice, summons, writ, or other proceeding required to be served upon the Board may be served by being given personally to the secretary or by leaving the same at the office of the Board.

Service of notice and legal proceedings. cf. Act No. 1, 1901, s. 96.

**54.** Every summons, process, demand, order, notice, statement, direction, or document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the secretary.

Documents how authenticated. cf. *Ibid.* s. 97.

**55.** Where any summons, process, demand, order, notice, statement, direction, or document requires, for the purpose of any provision of this Act, or of any Act the execution of which is vested in the Board, to be served on or delivered to the master of a vessel or ship, the same may be served or delivered as follows:—

Service of notice or process on master. cf. Harbours Act, 1913 (S. Aust.), s. 137.

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

**56.** Except where otherwise specially provided for in this Part, any summons, process, demand, order, notice, statement, direction, or document required for the purpose of any provision of this Act, or of any Act the execution of which is vested in the Board, to be served on or delivered to any person may be served or delivered—

Method of service when not specially provided for. cf. *Ibid.* s. 139.

- (a) by delivering a copy thereof personally to such person; or
- (b) by leaving the same at his last known place of abode or business in New South Wales; or
- (c) by delivering the same on board any ship or vessel to which he belongs and accompanied with a statement of the purport thereof to the person being or appearing to be in command or charge of such ship or vessel.

**57.**

**57.** The Board may order either generally or in any particular case that proceedings may be taken for the recovery of any money payable to it or for the recovery of any penalties incurred under or for the punishment of any persons offending against this Act or any Act the execution of which is vested in the Board, or under or against any rule, regulation, or by-law made under any such Act.

Power to direct prosecutions.  
cf. Act No. 32, 1931, Schedule, cl. 13.

**58.** In all proceedings before any court of petty sessions any officer of the Board appointed by the President in writing under his hand for that purpose may represent the Board or any authorised officer in all respects as though such first-mentioned officer was the party concerned.

Power of officer to represent Board in petty sessions.  
cf. *Ibid.* cl. 14.

**59.** (1) In any prosecution or legal proceedings by or under the direction or authority of or on behalf or for the benefit of the Board or by an authorised officer no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.  
cf. *Ibid.* cl. 15.

- (a) the constitution of the Board ;
- (b) any order of the Board ;
- (c) the particular or general appointment of the secretary or any other officer of the Board or of an authorised officer to take proceedings against any person ;
- (d) the powers of the said secretary or other officer to prosecute or take proceedings ;
- (e) the appointment of the President or of any commissioner or of the secretary or other officer of the Board or of an authorised officer ;
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Board ;
- (g) the fact that any particular matter or place is within the jurisdiction of the Board ;
- (h) the fact that defendant is, or at any relevant time was, the owner or occupier of any land in question ;
- (i) the fact that the defendant is, or at any relevant time was, the owner or in possession, control, or in charge of anything in question ;

(j)

- (j) the fact that the defendant is, or at any relevant time was, the master or person in charge of any vessel or ship in question ;
- (k) the fact that the defendant is, or at any relevant time was, the owner or agent of any vessel or ship in question.

(2) In any proceedings (whether proceedings for the enforcement of a penalty or criminal proceedings) in relation to any property of or under the control and management of the Board it shall be sufficient to state generally that the property is the property of the Board.

Averment of ownership of Board.

**60.** (1) All documents whatever purporting to be issued or written by or under the direction of the Board, and purporting to be signed by the secretary, shall be received as evidence in all courts and before all persons acting judicially within New South Wales, and shall, without proof, be deemed to have been issued or written by or under the direction of the Board until the contrary is shown.

Evidence of documents issued by the Board.

cf. Act No. 32, 1931, Schedule, cl. 16.

(2) In this section the word "documents" include demands, orders, notices, statements, or directions.

**61.** No matter or thing done by any commissioner or by any officer or other person appointed or employed by the Board or by an authorised officer if done bona fide in the exercise of his powers or in the performance of his duties under this or any other Act the execution of which is vested in the Board shall subject such commissioner, officer, or other person to any personal liability in respect thereof.

Protection of commissioners officers, &c.

cf. *Ibid.* cl. 17.

**62.** (1) The production of—

- (a) a copy of the Gazette containing any proclamation, notification, rule, regulation, by-law, order, direction, or notice purporting to be made or given under this Act or any Act the execution of which is vested in the Board ;

Proclamation, regulation, by-law.

(b)

- (b) a copy of any printed paper purporting to be or contain any proclamation, notification, rule, regulation, by-law, order, direction, or notice made or given under any such Act and purporting to be printed by the Government Printer ;
- (c) a copy purporting to be a true copy of any demand, order, direction, or notice made by the Board and purporting to be certified as such under the hand of the President or the secretary,

shall be prima facie evidence of the due making, existence, confirmation, approval, and giving of such proclamation, notification, rule, regulation, by-law, demand, order, direction, or notice, and of all preliminary steps necessary to give full force and effect to the same, and of the contents thereof.

(2) The provisions of this section shall, unless inconsistent with the context or subject-matter, extend to any proclamation, notification, demand, order, direction, or notice made or given under any Act relating to any function of the Board, whether made or given before or after the commencement of this Act, and whether made or given under an Act since repealed or under a future Act.

**63.** If any officer or servant of the Board or other person who has in the manner directed by or under this Act served any demand, order, direction, or notice required to be given by the Board, indorses upon or annexes to a true copy of the same a statutory declaration stating the place, the time, and the manner in which the same has been so served, such statutory declaration purporting to have been so made shall be prima facie evidence of the service of such demand, order, direction, or notice.

Service of notice, orders, or demands.

**64.** Any reference to an authorised officer shall be construed to include any person generally or specially authorised by the Board, or by the secretary of the Board, in respect of or whose duty it is to deal with or to act in regard to any acts, matters, or things in relation to which the expression is used.

Authorised officer.  
cf. Act No. 41, 1919, s. 4.  
"Proper servant."

**65.**

**65.** The Board may make regulations not inconsistent with this Act prescribing all matters which by this Act, or by any other Act the execution of which is vested in the Board, are required or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act or such other Act into effect, or to give effect to any power, authority, duty, or function transferred to the Board under this Act. Regulations.

**66.** (1) Notwithstanding anything in any Act the provisions of this section shall extend to and in respect of all regulations made by the Board under this or any other Act. Provisions as to regulations.

(2) The regulations shall—

- (a) be submitted to the Governor for his approval ;
- (b) when approved by the Governor be published in the Gazette ;
- (c) take effect from the date of such publication or from a later date to be specified in the regulations ;
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

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

(4) A regulation may—

- (a) impose a penalty for any breach thereof, and also distinct penalties in cases of successive breaches thereof, but so that the total penalty shall not exceed in all *one hundred* pounds ;
- (b) impose also a daily penalty for any continuing breach thereof, but so that the total penalty shall not exceed in all *one hundred* pounds ;

(c)

(c) impose penalties, in no case to exceed *ten* pounds, for the neglect of any duty or obligation imposed by this Act, or by any other Act the execution of which is vested in the Board, in respect of which neglect no other penalty has been prescribed.

(5) A regulation may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified class or subject-matter.

(6) Any regulation may confer on the Board or on a commissioner or on any member of the police force or on any authorised officer or on an officer of the Public Service any power or authority required or convenient for the carrying into effect of all or any of the provisions of that or any other regulation, or of this Act or of any Act the execution of which is vested in the Board.

**67.** All penalties and other sums of money by this Act, or by any Act the execution of which is vested in the Board, or by any rules, regulations, or by-laws made under any such Act, made payable or recoverable, may be recovered with costs, and all offences by any such act made punishable may, unless declared to be misdemeanours, be prosecuted and punished, and the costs of such prosecution recovered, at the suit of any person, by summary proceeding before a stipendiary magistrate or a police magistrate, or any two justices.

Mode of enforcing penalties.

**68.** All penalties recovered for offences against this Act, or against any Act the execution of which is vested in the Board, or against any rule, regulation, or by-law made under this Act or such other Act, shall be paid to the Board, and the proceeds of such penalties shall upon receipt by the Board be accounted for as revenue received under the Act, rule, regulation, or by-law against which the offence was committed.

Application of penalties.

SCHEDULES.

SCHEDULE ONE.

AMENDMENTS TO THE SYDNEY HARBOUR TRUST ACT, 1900-1931. Sec. 10.

The Sydney Harbour Trust Act, 1900-1931, is amended as follows: — Amendment of Act No. 1, 1901.

(a) by omitting from section three the definition of "Commissioners"; Sec. 3. (Definitions.)

(b) by inserting next after section three the following new section: — New s. 3A.

3A. (1) A reference express or implied in this Act to the Sydney Harbour Trust Commissioners or to the Sydney Harbour Trust or to the commissioners shall be read and construed as a reference to The Harbours Board for New South Wales. Interpretation.

(2) A reference express or implied in this Act to the President or to any commissioner or to the secretary of the Sydney Harbour Trust Commissioners or to any officer appointed by the Sydney Harbour Trust Commissioners for any specific purpose shall be read and construed as a reference to the President, a commissioner, or the secretary to The Harbours Board for New South Wales or a person appointed by that Board for such specific purpose.

(c) by omitting from section five the words "There shall be three commissioners for carrying this Act into execution who shall be a body corporate by the name of 'The Sydney Harbour Trust Commissioners,' and by that name shall have perpetual succession and a common seal with" and by inserting in lieu thereof the words "The Harbours Board for New South Wales shall have"; Sec. 5. (Body corporate.)

(d) by omitting sections six to sixteen, both inclusive; Secs. 6-16. (The commissioners.)

(e) (i) by omitting from subsection one of section seventeen the words "A secretary and staff of clerks and so many engineers, surveyors, inspectors, accountants, collectors, clerks, rangers, and such other officers and servants as may be considered necessary for the due administration of this Act shall be appointed by the Governor on the nomination of the commissioners, and shall not be removed except on the recommendation of the commissioners" and by inserting in lieu thereof the words "The Harbours Board for New South Wales may under and subject to the provisions of the Harbours Board for New South Wales Act, 1932, appoint and employ such officers and servants as may be necessary for the due administration of this Act"; Sec. 17. (Administrative and other officers.)

(ii) by omitting subsection two of the same section; (f)

*Harbours Board for New South Wales.*

- (f) by omitting sections eighteen and nineteen ; Secs. 18, 19.  
(Officers.)
- (g) by omitting from section twenty the words "The Governor, on the nomination of the commissioners, may appoint such fit and proper persons to be harbour master and assistant harbour masters for the port, and such other officers as may be thought necessary, and on the recommendation of the commissioners may remove such harbour master, assistant harbour masters, and other officers" and by inserting in lieu thereof the words "The Harbours Board for New South Wales may, under and subject to the provisions of the Harbours Board for New South Wales Act, 1932, appoint such fit and proper persons to be harbour master and assistant harbour masters for the port, and such other officers as may be thought necessary" ; Sec. 20.  
(Appointment of harbour master and assistant harbour masters.)
- (h) by omitting section twenty-six ; Sec. 26.  
(Actions against officers.)
- (i) by omitting the proviso to section twenty-seven ; Sec. 27.  
(Vesting.)
- (j) by omitting section twenty-eight ; Sec. 28.  
(Withdrawal.)
- (k) by omitting sections thirty-seven, thirty-eight, forty-eight, forty-nine, and fifty ; Secs. 37, 38, 48-50.  
(Resumption, purchase, and contracts.)
- (l) by omitting sections 77B, 77C, and 77D ; Secs. 77B, 77C, 77D.  
(Accounts report estimates.)
- (m) by omitting sections eighty-one, eighty-nine, ninety, ninety-six, ninety-seven, and ninety-eight ; Secs. 81, 89, 90, 96-98.  
(Consequential.)
- (n) (i) by inserting in section one hundred and one after the words "upon the request of the commissioners and" the words "of The Municipal Council of Sydney or" ; Sec. 101.  
(Correction.)
- (ii) by omitting from the same section the words "that municipality" and by inserting in lieu thereof the words "the City of Sydney or such municipality as the case may be" ;
- (o) by omitting sections one hundred and three and one hundred and four. Secs. 103, 104.  
(Consequential.)

SCHEDULE TWO.

AMENDMENTS TO THE NAVIGATION ACT, 1901.

1. The Navigation Act, 1901, as amended by subsequent Acts, is amended as follows :—

Sec. 15.

- (a) (i) by inserting in section three immediately before the definition of the expression "British possession" the following definition :—  
 "Board" means The Harbours Board for New South Wales constituted under the Harbours Board for New South Wales Act, 1932 ;
- (ii) by inserting in the same section after the definition of "Port" the following definition :—  
 "Proclamation" includes notification.
- (iii) by omitting from the same section the definition of "Superintendent" ;

Sec. 3. (Definitions.)

(b) by inserting next after section three the following new section :—

New s. 3A.

3A. (1) A reference, express or implied in this Act to the Superintendent or to the Superintendent of Navigation shall be read and construed as a reference to The Harbours Board for New South Wales.

Interpretation.

(2) A reference express or implied in this Act to the secretary or to the secretary to the Department of Navigation appointed for any specific purpose shall be read and construed as a reference to the secretary to The Harbours Board for New South Wales, or to a person appointed by that Board for such specific purpose.

- (c) by omitting section six ;
- (d) by omitting from section seven the words "The Superintendent shall, subject to the control of the Treasurer" and by inserting in lieu thereof the words "The Board shall" ;
- (e) by omitting from section eleven the words "The Superintendent may" and by inserting in lieu thereof the words "Any person authorised in that behalf by the Board, either generally or in relation to any matter or class of matters may" ;
- (f) by omitting section thirteen and by inserting in lieu thereof the following section :—

Sec. 6 (Superintendent.)

Sec. 7. (Execution of Act.)

Sec. 11. (Special powers.)

Substituted s. 13.

13. The Board may, by summons under the hand of the secretary to the Board, require the attendance of any person upon any inquiry authorised by it.

Inquiry.

The Board may require answers or returns to any questions, and may require and enforce the production of all books, papers, log-books, accounts, agreements, or other documents relating to any such inquiry.

The

The President of the Board, or the person for the time being acting in his place, may administer oaths, or in lieu thereof require any person examined to make and subscribe a statutory declaration of the truth of the statements made in his examination.

- (g) by omitting section fourteen ; Sec. 14.  
(Deputy Superintendent.)
- (h) by omitting from section fifteen the words "The Governor may appoint such secretary" and by inserting in lieu thereof the words "The Board may under and subject to the provisions of the Harbours Board for New South Wales Act, 1932, appoint such" ; Sec. 15.  
(Officers.)
- (i) (i) by omitting from section sixteen the words "The Governor may" and by inserting in lieu thereof the words "The Board may under and subject to the provisions of the Harbours Board for New South Wales Act, 1932" ; Sec. 16.  
(Appointments.)
- (ii) by omitting from the same section the word "Superintendent" wherever occurring and by inserting in lieu thereof the word "Board" ;
- (j) by omitting from section seventeen the words "The Governor may" and by inserting in lieu thereof the words "The Board may under and subject to the provisions of the Harbours Board for New South Wales Act, 1932" ; Sec. 17.  
(Ibid.)
- (k) (i) by omitting from section twenty the words "The Superintendent and every person deputed by him to act in his behalf" and by inserting in lieu thereof the words "Every person authorised in that behalf by the Board either generally or in a particular case or class of cases" ; Sec. 20.  
(Powers.)
- (ii) by omitting from paragraph (a) of the same section the word "Superintendent" and by inserting in lieu thereof the word "Board" ;
- (l) (i) by omitting from paragraph (a) of subsection one of section twenty-one the words "the Superintendent or any person deputed as aforesaid" and by inserting in lieu thereof the words "any person so authorised as aforesaid" ; Sec. 21.  
(Arrest.)
- (ii) by omitting from the same subsection the words "the Superintendent" where secondly occurring and by inserting in lieu thereof the words "any person so authorised" ;
- (iii) by omitting from subsection two of the same section the word "Superintendent" and by inserting in lieu thereof the word "Board" ;
- (m) by omitting section twenty-two ; Sec. 22.  
(Officers.)
- (n) by omitting from subsection six of section thirty-two the words "Colonial Treasurer" and by inserting in lieu thereof thereof the word "Board" ; Sec. 32.  
(Inquiries.)
- (o) by omitting from section fifty-seven the words "subject to the approval of the Governor" ; Sec. 57.  
(Qualifications of pilots.)
- (p) by inserting in subsection two of section sixty-two after the words "accounted for and paid" the words "to the Board and by it paid" ; Sec. 62.  
(Rates, &c.)

(q)

- (q) by omitting from subsection two of section seventy-one the word "Government" and by inserting in lieu thereof the word "Board"; Sec. 71.  
(Pilots.)
- (r) (i) by omitting from subsection one of section seventy-four the word "Superintendent" and by inserting in lieu thereof the word "Board"; Sec. 74.  
(Examinations.)
- (ii) by omitting from the same subsection the words "the Governor";
- (iii) by omitting from the same subsection all words after the words "conduct such examinations";
- (iv) by omitting from subsections two and three of the same section the word "Governor" wherever occurring and by inserting in lieu thereof the word "Board";
- (v) by omitting subsection four of the same section;
- (s) (i) by omitting from subsection one of section seventy-eight the word "Superintendent" and by inserting in lieu thereof the word "Board"; Sec. 78.  
(Certificates.)
- (ii) by omitting from subsection two of the same section the word "Governor" and by inserting in lieu thereof the word "Board";
- (iii) by omitting from the same subsection the word "he" and by inserting in lieu thereof the words "the Board";
- (t) by omitting from subsection two of section ninety-four the words "or Newcastle"; Sec. 94.  
(Marine surveyors.)
- (u) by omitting from paragraph (a) of section ninety eight the words "and Newcastle"; Sec. 98.  
(Detention.)
- (v) (i) by omitting from section one hundred and two the words "the Superintendent or in ports other than Sydney and Newcastle and in the absence of the Superintendent" and by inserting in lieu thereof the words "the Board or in ports other than Sydney"; Sec. 102.  
(Unsafe ship.)
- (ii) by omitting from the same section the word "Superintendent" where thirdly occurring and by inserting in lieu thereof the word "Board";
- (iii) by omitting from the same section the words "The Superintendent" where lastly occurring and by inserting in lieu thereof the words "The President of the Board or the person for the time being acting in his place or any person authorised by the Board either generally or for a particular case";
- (w) by omitting from paragraph (b) of subsection one of section one hundred and six the words "to the Governor"; Sec. 106.  
(Detention of foreign ships.)
- (x) by omitting from section one hundred and nine the word "Governor" wherever occurring and by inserting in lieu thereof the word "Board"; Sec. 109.  
(Consequential.)
- (y) (i) by inserting at the commencement of section one hundred and thirty-five the words "The Board with the approval of"; Sec. 135.  
(Regulations.)

(ii)

- (ii) by omitting from paragraph (a) of the same section the words "the Governor prescribes" and by inserting in lieu thereof the words "the regulations may prescribe";
- (z) (i) by omitting from subsection two of section one hundred and forty-one the words "Minister for Public Works" and by inserting in lieu thereof the words "Secretary to the Board"; Sec. 141. (Unauthorised works.)
- (ii) by omitting from subsection three of the same section the words "said Minister" and by inserting in lieu thereof the word "Board";
- (aa) by inserting in subsection four of section one hundred and forty-three after the word "paid" the words "to the Board and by it paid"; Sec. 143. (Removal of anchors.)
- (bb) (i) by omitting from subsection three of section one hundred and forty-five the word "Government" and by inserting in lieu thereof the word "Board"; Sec. 145. (Removal of ship.)
- (ii) by inserting in same subsection after the word "paid" the words "to the Board and by it paid";
- (cc) by omitting from subsection one of section one hundred and forty-nine the word "Government" and by inserting in lieu thereof the word "Board"; Sec. 149. (Consequential.)
- (dd) by inserting in subsection one of section one hundred and fifty-three after the word "notification" the words "the Board with the approval of"; Sec. 153 (2). (Regulations.)
- (ee) (i) by omitting from section one hundred and fifty-four the word "Treasurer" wherever occurring and by inserting in lieu thereof the word "Board"; Sec. 154. (Leasing of public wharf.)
- (ii) by omitting from subsection one of the same section the word "Superintendent" and by inserting in lieu thereof the word "Board";
- (iii) by omitting from the same subsection the word "Governor" and by inserting in lieu thereof the word "Board";
- (ff) by omitting from section one hundred and fifty-five the words "the Governor" and by inserting in lieu thereof the words "the Board with the approval of the Governor"; Sec. 155. (Rules as to ballast lighters.)
- (gg) by omitting from subsection three of section one hundred and fifty-seven the words "the Governor fixes shall be paid" and by inserting in lieu thereof the words "the Board with the approval of the Governor fixes, shall be paid to the Board"; Sec. 157. (Fees.)
- (hh) by omitting sections one hundred and sixty, one hundred and sixty-six, and one hundred and sixty-seven; Secs. 160, 166, 167. (Service of process; regulations.)
- (ii) by inserting in section one hundred and sixty-nine after the word "paid" the words "to the Board and by it paid." Sec. 169. (Penalties.)

HARBOUR AND TONNAGE RATES ACT, 1920.

2. The Harbour and Tonnage Rates Act, 1920, is amended as follows:—

- (a) (i) by inserting in section four immediately before the definition of "Goods" the following new definition:—  
"Board" means The Harbours Board for New South Wales constituted under the Harbours Board for New South Wales Act, 1932. Sec. 4.  
(Definitions.)
- (ii) by inserting in the same section at the end of the definition of "Wharfinger" the words "or appointed or employed by the Board under the Harbours Board for New South Wales Act, 1932";
- (b) by omitting from subsections one and three of section six the words "the Governor" wherever occurring and by inserting in lieu thereof the words "the Board, with the approval of the Governor"; Sec. 6.  
(Rates.)
- (c) by omitting from section nine the words "Colonial Treasurer" and by inserting in lieu thereof the word "Board"; Sec. 9.  
(Consequential.)
- (d) by omitting from section ten the words "the Governor" and by inserting in lieu thereof the words "the Board, with the approval of the Governor"; Sec. 10.  
(Regulations.)
- (e) by omitting section thirteen; Sec. 13.  
(Wharfinger.)
- (f) (i) by inserting in subsection one of section fifteen after the word "recovered" the words "by the Board and shall be recoverable"; Sec. 15.  
(Recovery of rates.)
- (ii) by omitting from subsection five of the same section the words "Colonial Treasurer" and by inserting in lieu thereof the word "Board";
- (g) by inserting in section sixteen immediately before the words "the Governor" the words "the Board with the approval of"; Sec. 16.  
(Exemptions.)
- (h) (i) by omitting from subsection one of section eighteen the word "Governor" and by inserting in lieu thereof the word "Board"; Sec. 18.  
(Regulations.)
- (ii) by omitting paragraph (i) of subsection two of the same section and by inserting in lieu thereof the following paragraphs:—
  - (i) be submitted to the Governor for his approval;
  - (ia) if approved by the Governor be published in the *Gazette*.

SCHEDULE THREE.

Sec. 21.

RECLAMATION ACT, 1930.

The Reclamation Act, 1930, is amended as follows:—

- (a) (i) by inserting in section two immediately before the definition of the expression "Capital value" the following definition:—

Sec. 2.

(Definitions.)

"Board" means The Harbours Board for New South Wales constituted under the Harbours Board for New South Wales Act, 1932.

- (ii) by omitting from the definition of "Statutory body" in the same section the words "the Sydney Harbour Trust Commissioners";

- (iii) by omitting from the same section the definition of "Trust";

- (b) by inserting next after section two the following new section:—

New s. 2A.

2A. A reference express or implied in this Act to The Reclamation Trust of New South Wales or the trust shall be read and construed as a reference to The Harbours Board for New South Wales constituted under the Harbours Board for New South Wales Act, 1932.

Reference to trust.)

- (c) (i) by omitting subsection one of section three;
- (ii) by omitting from subsection two of the same section the word "trust" wherever occurring and by inserting in lieu thereof the word "Board";
- (d) by omitting sections four and five;
- (e) (i) by omitting from section nineteen the word "trust" wherever occurring and by inserting in lieu thereof the word "Board";
- (ii) by omitting from subsection one of the same section the words "by the trust shall be a charge upon the properties and income of the trust" and by inserting in lieu thereof the words "by the Board shall be a charge upon the properties acquired or held by the board under or for the purposes of this Act, and upon the income received from such properties";
- (f) by omitting section twenty-two;
- (g) by omitting subsection one of section twenty-three;
- (h) by omitting subsection one of section twenty five;
- (i) (i) by omitting from section twenty-six the words "the Sydney Harbour Trust or other" where firstly occurring and by inserting in lieu thereof the word "any";

Sec. 3.

(Constitution of trust.)

Secs. 4, 5.

(Trust.)

Sec. 19.

(Power to borrow money.)

Sec. 22.

(Accounts.)

Sec. 23.

(Resumption.)

Sec. 25.

(Sale.)

Sec. 26.

(Vesting.)

(ii)

- (ii) by omitting from the same section the words "the Sydney Harbour Trust or other" where secondly occurring and by inserting in lieu thereof the word "such"
- (j) (i) by omitting from subsection one of section thirty the word "Governor" and by inserting in lieu thereof the word "Board"; Sec. 30. (Regulations.)
- (ii) by omitting subsection two of the same section.

SCHEDULE FOUR.

Sec. 26.

AMENDMENTS TO THE FISHERIES ACT, 1902, AS AMENDED BY THE FISHERIES (AMENDMENT) ACT, 1910.

1. The Fisheries Act, 1902, as amended by the Fisheries (Amendment) Act, 1910, is amended as follows:—

- (a) (i) by omitting from section three the definition of "Chairman"; Sec. 3. (Definitions.)
- (ii) by omitting from the same section the definition of "Minister";
- (b) by inserting next after section three the following new section:— New s. 3A.
  - 3A. (1) A reference expressed or implied in this Act to the Minister shall be read and construed as a reference to the Harbours Board for New South Wales constituted under the Harbours Board for New South Wales Act, 1932. References to Minister.
  - (2) The words "he," "him," and "his," where used in reference to the Minister, shall be read respectively as "the board," "it," and "its";
- (c) (i) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Board"; Sec. 9. (Regulations.)
- (ii) by omitting from the same section all words following the words "details whatsoever";
- (d) (i) by omitting from subsection four of section fourteen the words "Colonial Treasurer" and by inserting in lieu thereof the word "Board"; Sec. 14. (License fees.)
- (ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the word "it";
- (e) by inserting in subsection two of section fifteen after the word "paid" the words "to the Board or"; Sec. 15. (Ibid.)
- (f) (i) by inserting in sections thirty-three, 33A, 33B, thirty-four, and thirty-eight immediately before the words "the Governor" wherever occurring the words "the Board with the approval of"; Secs. 33, 33A, 33B, 34, 38. (Leases.)
- (ii) by omitting from the same sections the word "Minister" wherever occurring and by inserting in lieu thereof the word "Board";

(g)

- (g) (i) by omitting from subsection one of section forty-two the word "Minister" wherever occurring and by inserting in lieu thereof the word "Board"; Sec. 42.  
(Cancellation of leases.)
- (ii) by omitting from the same subsection the words "he may recommend the Governor to cancel the lease. And the Governor shall have power to cancel the same accordingly and by inserting in lieu thereof the words "the Board may, with the approval of the Governor, cancel the lease";
- (iii) by omitting from the same subsection the word "recommendation" wherever occurring and by inserting in lieu thereof the word "cancellation";
- (iv) by inserting in subsection two of the same section immediately before the words "the Governor" the words "the Board with the approval of";
- (h) (i) by omitting from section forty-three the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Board";
- (ii) by omitting from the same section the words "Governor may on the recommendation of the Minister" and by inserting in lieu thereof the words "Board with the approval of the Governor may"; Sec. 43.  
(Mismanagement.)
- (iii) by omitting from the proviso to the same section the word "recommendation" and by inserting in lieu thereof the word "cancellation";
- (i) (i) by omitting from section forty-four the word "Minister" wherever occurring and by inserting in lieu thereof the word "Board"; Sec. 44.  
(Closing of areas.)
- (ii) by omitting from the same section the words "or by his own inspection";
- (iii) by omitting from the same section the words "he may recommend the Governor to prohibit the taking of oysters from such area and thereupon the Governor" and by inserting in lieu thereof the words "the Board with the approval of the Governor";
- (iv) by inserting in the same section immediately before the words "the Governor" where thirdly and fourthly occurring the words "the Board with the approval of";
- (j) (i) by omitting from subsection three of section fifty the words "Colonial Treasurer" and by inserting in lieu thereof the word "Board"; Sec. 50.  
(Fees.)
- (ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the word "it";
- (k) by omitting section fifty-eight. Sec. 58.  
(Evidence.)

FISHERIES (AMENDMENT) ACT, 1910.

Amendments to the Fisheries (Amendment) Act, 1910.

2. The Fisheries (Amendment) Act, 1910, is amended as follows:—
- (a) by omitting section three; Sec. 3.  
(Advisory committee.)
  - (b)

*Harbours Board for New South Wales.*

- (b) (i) by omitting from section four the words "The Governor may" and by inserting in lieu thereof the words "The Harbours Board for New South Wales may, under and subject to the provisions of the Harbours Board for New South Wales Act, 1932, relating to the appointment and employment of officers and servants";
- (ii) by omitting from the same section the word "he" and by inserting in lieu thereof the words "the Board";
- (c) by omitting subsection two of section five.

Sec. 4.  
(Inspectors.)  
Sec. 5.  
(Revision.)

NET FISHING (PORT HACKING) ACT, 1901.

Amendment to the Net Fishing (Port Hacking) Act, 1901.

3. The Net Fishing (Port Hacking) Act, 1901, is amended by omitting from section seven the words "the Commissioners of Fisheries" and by inserting in lieu thereof the words "The Harbours Board for New South Wales."

Sec. 7.  
(Penalties.)