

(No. 40.)



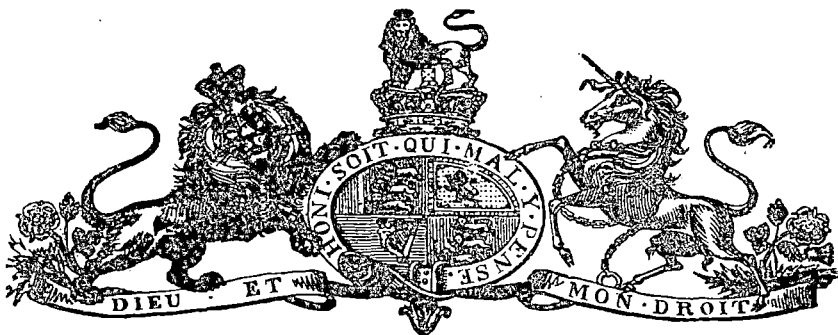
1890.

PARLIAMENT OF TASMANIA.

MARINE BOARD, LAUNCESTON:

BY-LAWS Nos. 33 AND 34.

Presented to both Houses of Parliament by His Excellency's Command.



THE MARINE BOARD OF LAUNCESTON.

STANDING ORDERS (BY-LAW No. 33) UNDER THE MARINE BOARDS ACT, 1889.

Constitution and quorum.

1. That the Marine Board of Launceston shall consist of nine Wardens, five of whom shall form a quorum (clause 15.)

Place of meeting.

2. That the usual place of meeting shall be at the Board Room, Wharf.

Time of meetings. Notices of meetings. Meetings to be held with open doors.

3. That the general periodical meetings of the Board be held as appointed from time to time, and that the days and times of such meetings having been duly fixed and a list thereof displayed conspicuously in the usual meeting place of the Board, the Wardens for the time being shall attend such periodical meetings without any notice; and all such meetings shall be held with open doors, unless it shall be necessary to exclude strangers on account of their disorderly conduct (clause 43).

Committees and quorum. Acts of Committees to be approved by the Board.

4. That the Board may from time to time appoint, out of its own body, general or special committees, consisting of not more than four members each, two of whom shall form a quorum, for any purposes which, in the discretion of the Board, would be better regulated, arranged, and managed by means of such committees, and may continue, alter, or discontinue any such committee; provided that the acts of such committees shall be submitted to the Board for approval (clause 44).

Meetings to be adjourned if quorum not present. Commencement of Meetings.

5. That if at any Board or Committee meeting there should not be a quorum present within a quarter of an hour after the time appointed, then the members of the Board or of such Committee present, or the majority of them, or any one of them if one member only be present, may adjourn such meeting until another day, or if at any such meeting there be no member of the Board present, then the Secretary may adjourn the meeting until another day (clause 45). The business of Board and Committee meetings shall commence so soon after the time fixed as there shall be a sufficient number of Wardens present to form a quorum.

Master Warden to preside. Majority of votes to decide all questions.

6. The Master Warden (clauses 38, 39, and 40), if present, shall preside at every meeting of the Board, and in his absence the Acting Master Warden (clause 41) shall preside; and all questions at any meetings of the Wardens shall be decided by a majority of the votes of the Wardens present, and if there is an equal division of votes upon any question, it shall be considered lost (clause 46).

New regulations and extraordinary business.

7. No new regulations shall be adopted, nor any extraordinary business be transacted at the periodical meetings, unless due notice thereof has been given at a prior meeting

and the subject of such business notified to each Warden by means of written or printed notices delivered or left in the same manner as required by special meetings (clause 47).

Shareholders not to vote.

8. No person being a shareholder or member of any incorporated or joint stock company shall act as Warden in any matter relating to any contract entered into between the Wardens and such company (from clause 33).

Special meetings of Wardens.

9. It shall be lawful for the Wardens to hold special meetings, and the Master Warden or any three or more of the Wardens may require a special meeting to be held; but no such meeting shall be held unless two days' notice thereof at least shall be given, except in cases of emergency, such emergency to be confirmed or recognised at the next regular meeting of the Board (clause 48).

How notices of meetings to be given.

10. All notices of any adjourned meeting or special meeting of the Wardens shall be in writing, or print, or partly in writing and partly in print, and shall be delivered or sent by the Secretary by post or otherwise to the usual place of abode or place of business of each of the Wardens two days at the least previously to such meeting except as aforesaid (emergency), and every notice shall specify the time and place of meeting, and in case of a special meeting shall specify the objects thereof; and no business shall be transacted at any special meeting except such as is stated in the notice thereof (clause 49).

Proceedings to be entered in book. Minutes to be signed at next meeting.

11. The Wardens shall cause entries of the names of all Wardens who shall attend any meeting, and notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by or on behalf of the Wardens, and of the orders and proceedings of all meetings of the Wardens and of all meetings of Committees, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the Wardens; and every such entry shall be signed by the person who shall be in the chair at the ordinary meeting of Wardens or Committee, as the case may be, next following any such meeting, but such reading shall not be made the occasion of any further discussion except as to the accuracy of the minutes as a record of the proceedings (clause 50).

No resolution to be revoked except under certain circumstances.

12. No resolution or other act at any meeting of the Wardens shall be revoked or altered at any subsequent meeting, unless such meeting be called expressly for such alteration or revocation by notice given by the Secretary three days at least previously to the holding thereof, nor unless such revocation or alteration be determined upon by a majority consisting of at least two-thirds of the Wardens present at such subsequent meeting (clause 51).

By-laws not repugnant to the Act. By-laws incorporated with the Act.

13. No by-law shall be made unless a majority in number of the Wardens are present; and no by-law which shall be made by the Board shall be repugnant to the provisions of "The Marine Boards Act, 1889," or to the general spirit and intendment of the laws in force in the Colony of Tasmania. (clause 131); all by-laws so made and in force shall be deemed to be incorporated with the said Act, and shall be of the same force and effect as though the provisions of such by-laws were expressly enacted in the Act (clause 132). No by-law shall be finally passed or adopted at the meeting at which it shall have been first proposed, nor until the next meeting of the Board.

Order of business.

14. At all meetings of the Board the reading of correspondence unconnected with the orders of the day, the presentation of petitions, and the bringing up of reports of committees, shall have precedence of the regular business.

Petitions and Reports.

15. No petition or report of committee shall be considered or adopted on its presentation, the question as to whether it be received and printed being alone discussed.

Orders of the day. Notices of motion.

16. The orders of the day shall include all matters arising out of the proceedings of former meetings of the Board, and any business which the Master Warden may think fit to bring under consideration. Any member of the Board may, however, bring forward such business as he may consider advisable in the form of a notice of motion; such notice to be given in writing to the Secretary, either at the previous meeting or at least three clear days previous to the meeting at which the same is to be taken into consideration; and all such notices of motion shall be considered in the order in which they are given.

Notices of motion must be made personally.

17. No motion entered in the notice paper shall be proceeded with unless the member who has given such notice, or some one authorised by him, be present when the business is called in order; and in case he is not present, either himself or by proxy, the notice shall be struck out of the paper.

Manner of debates as in Parliament of Tasmania.

18. Subject to the other standing orders, each Warden shall have the privilege of speaking to a question in the manner prescribed by debates in the Parliament of Tasmania.

Questions of order.

19. Any Warden desirous of proposing a motion or amendment, or of discussing any matter under consideration, must rise in his place and address the Chairman; no member when speaking shall be interrupted, unless called to order, in which case the member calling to order shall be heard thereupon in preference to any other speaker, and the question of order shall be disposed of before the subject is resumed or any other subject entered upon.

On proposing motions or amendments.

20. Any Warden desirous of proposing either an original motion or amendment must state the nature of such motion or amendment before addressing the Board in support thereof.

Motion to be signed.

21. Any member making a motion or amendment shall put it in form, sign, and deliver it to the Secretary, who shall add thereto the name of the seconder; and no motion or amendment so made shall be withdrawn without leave of the Board.

Motion to be seconded. Enforcement of standing order.

22. No motion or amendment shall be entertained or discussed unless it be seconded; any Warden may, however, require the enforcement of any standing order of the Board by simply noticing that it is disobeyed.

Pre-audience.

23. If two or more members rise to speak at the same time, the Chairman shall decide which of them is entitled to pre-audience.

Members to speak once only to any motion. Mover to have right of reply.

24. No member shall speak twice on the same question, except by way of explanation or in reply upon any original motion or seconded amendment of which he may have been

the mover; the mover of original motion in that case speaking last, and after his reply the amendment or original motion, as the case may be, shall be immediately put to the vote.

Call to order.

25. The Master Warden or other presiding Warden shall, without waiting for the interposition of the Board, call to order any member proceeding to speak a second time, unless entitled to reply or in explanation where he has been misrepresented or misunderstood.

Mover and seconder.

26. Any member moving or seconding any motion or amendment shall be held to have spoken on that question.

Standing orders observed in Committees. Exception as to speaking more than once.

26a. The standing orders of the Board shall be observed in all committees of the whole Board, except the rule limiting the number of times of speaking; and on the discussion of any motion the Board, if it shall deem expedient, may resolve itself into committee for the purpose of better discussing the subject-matter of such motion.

How to address members.

27. The members in speaking shall address the Master Warden as such, and in speaking of the Wardens shall designate them as such.

Digressions and imputations.

28. No member shall digress from the subject-matter of the question under discussion, or impute improper motives to others; and all personal reflections upon any member shall be considered as highly disorderly.

Chairman to state precedent for ruling.

29. The Chairman, when called upon to decide a point of order or practice, shall state the rule or precedent applicable to the case, without argument or comment, and his decision as to what is order or explanation shall be final *pro hac vice* in each case.

Offensive expressions.

30. Any member who shall use any expression capable of being applied offensively to any other member shall, if required by the Board, withdraw such expression and make a satisfactory apology to the Board, under a penalty, in case he refuse or neglect to do so before the rising of the Board, of not less than one nor more than ten pounds.

Words may be taken down.

31. Any member may require the Secretary to take down any particular words used by a member immediately on the same being spoken.

Production of documents.

32. Any member may of right require the production of any of the documents of the Board relating to the question or matter in discussion.

Amendments.

33. One amendment only shall be discussed at one time; but if lost, another may be moved before the original question is put to the vote; but upon any amendment being carried it shall be competent for any member to move one other amendment thereon, but not more.

Amendment, if carried, to quash original motion.

34. Upon the adoption of any amendment by the Board, such amendment shall be held to have quashed the original motion; and for all the purposes of subsequent discussion the amendment so carried shall be acted upon as an original motion.

Vote how taken.

35. The Chairman shall, in taking the vote on any motion or amendment, put the question first in the affirmative and then in the negative; and he may do so as often as is necessary to enable him to form and declare his opinion, from the show of hands, as to which party has the majority.

Manner of voting.

36. The Board shall vote by show of hands, except in the cases of elections, when the vote shall be by ballot. Any member of the Board may, however, call for a division upon any question, in which case the members voting in the

affirmative shall stand up and those in the negative shall retain their seats until the vote is recorded.

Adjournment.

37. No discussion shall be allowed on any motion for adjournment of the Board; but if on the question being put the motion be negatived, the subject then under consideration, or the next on the notice paper, shall be discussed or any other that may be allowed precedence, before any subsequent motion for adjournment shall be entertained; but if the motion for adjournment be carried, the business then undisposed of shall have precedence at the next meeting of the Board.

Protests.

38. Any member of the Board may enter his protest against any resolution of the Board, provided that such protest is not inconsistent with truth or disrespectful to the Board. Notice of intention to protest must, however, in every case be given on the adoption of the resolution to be protested against; and the protest, signed by the member or members protesting, and specifying the reasons for protesting, must be entered by the Secretary before the next regular meeting of the Board in the Minute Book in the usual way.

Election of officers.

39. At all elections for officers at the disposal of the Board the voting shall take place by ballot, on cards to be provided for the purpose, and containing the name or names of the person or persons voted for.

Security.

40. No member of the Board nor any Officer holding office under the Board shall be received as surety for any officer appointed by the Board, or for any work to be done for the

Board; and in all cases in which security for the due and faithful performance of any duty or contract is required, the expense of preparing such security shall be borne by the party giving the same.

Call of Board.

41. For the consideration of any by-law, or for the raising or appropriating of money, or for the revoking or altering any resolution or other act of the Board, it shall be competent for any Warden, without previous notice, to move for a call of the whole Board, for the consideration of any such subject, at the next or any subsequent meeting, and upon such motion being carried, due notice thereof shall be given; and any Warden not in attendance when the question or motion for the consideration of which such call was made comes before the Board, or not in attendance at the voting upon such question or motion, or any amendment thereof, whether of adjournment or otherwise, shall be liable to a penalty of one pound, unless reasonable cause for such absence be shown to the satisfaction of the Board.

42. The common seal of the Board shall be deposited in a secure place in the Marine Board Office, and on a resolution of the Board shall be attached by the Master Warden to any deed or document in the presence of the Secretary, who, with the Master Warden, shall sign the deed or document so sealed, and the same shall be recorded in the Minutes.

43. Any one or more of the Standing Orders of the Board may be suspended *pro tempore* in case of emergency, provided that seven members at least be present, and the majority then shall decide whether such suspension is necessary.

On this By-law coming into operation By-law No. 1 shall be repealed and rescinded; provided that such repeal and rescission shall not affect anything duly done before this By-law comes into operation.

Made and passed by the Marine Board of Launceston by the whole of the Wardens present at a meeting called for the purpose, and when a majority in number of the Wardens were present, this 27th day of May, 1890.

R. J. M'KENZIE, *Master Warden.*

Countersigned.

A. EVERSLED, *Secretary.*

THE MARINE BOARD OF LAUNCESTON.

BY-LAW No. 34.

A BY-LAW to provide for the granting and suspension or cancellation of Certificates of Competency under Section 157 of "The Marine Boards Act, 1889."

1. On and after the first day of July, 1890, the Marine Board of Launceston may, if the said Board shall think fit, grant such Certificates of Competency as are mentioned in Section 157 of "The Marine Boards Act, 1889," which shall be known as "Coast Trade Certificates;" and also similar Certificates of Competency, limited to the River Tamar, which shall be known as "River Trade Certificates," and shall only be valid whilst the respective holders thereof shall be within the limits of the River Tamar.

2. Before any such Certificate of Competency as aforesaid is granted to any applicant for the same, such applicant must conform to all regulations and resolutions of the said Board for the time being in force relating to such Certificates and to applications for the same; and must be of such age, have seen such service, produce such testimonials, pay such fee, and satisfy the Examiner for the time being appointed by the said Board as to his understanding, ability, and knowledge as specified in or required by such regulations and resolutions.

3. Any such Certificate of Competency as aforesaid may be at any time suspended or cancelled by the said Board if the said Board shall be satisfied of the incompetency or misconduct of the holder thereof.

4. Upon the suspension or cancellation of any such Certificate the said Board shall cause a notice thereof to be served with all convenient speed upon the person to whom such Certificate was granted.

5. It shall be lawful for the said Board at any time, by notice signed by the Master Warden of the said Board, to require the holder of any such Certificate as aforesaid to produce and deposit the same in the custody of the said Board in order that the same may be dealt with, or suspended, or cancelled, as the said Board may think fit; and if the holder of any such Certificate as aforesaid shall fail to produce and deposit such Certificate in the custody of the said Board on being so required so to do, he shall be liable to a penalty not exceeding Ten Pounds.

Made and passed by the Marine Board of Launceston, when a majority in number of the Wardens were present, this 10th day of June, one thousand eight hundred and ninety.

R. J. M'KENZIE, *Master Warden.*

A. EVERSLED, *Secretary.*