

1932.

THE PARLIAMENT OF THE COMMONWEALTH.

## HOUSE OF REPRESENTATIVES.

Read 1° 30th November, 1932.

*(Brought in by the Minister for Commerce, the Honorable  
Frederick Stewart.)*

## A BILL

FOR

## AN ACT

To provide for the Collection, on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, of Colonial Light Dues (Bahamas and Leeward Islands).

WHEREAS by Section six hundred and seventy of the *Merchant Shipping Act, 1894*, it is provided that where any lighthouse, buoy or beacon has been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession His Majesty may by Order in Council fix such dues (in that Act referred to as Colonial light dues) to be paid in respect of that lighthouse, buoy or beacon by the owner or master of every ship which passes the same and derives benefit therefrom as His Majesty may deem reasonable, and may by the like Order increase, diminish or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout His Majesty's dominions, and further that Colonial light dues shall not be levied in any British possession unless the legislature of that possession has, by address to the Crown or by Act or Ordinance duly passed, signified its opinion that the dues ought to be levied:

Preamble.

AND

AND WHEREAS the lighthouses and buoys specified in the Schedule hereto have been erected or placed on or near the coasts of the Bahamas and the Leeward Islands by or with the consent of the legislatures of those Possessions :

AND WHEREAS His Majesty in Council, by Order dated the seventeenth day of December, 1931, has fixed the dues to be paid in respect of the lighthouses and buoy specified in the first part of the said Schedule by the owner or master of every ship at one penny per ton of her register tonnage for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from any of the said lighthouses or the said buoy :

AND WHEREAS His Majesty in Council has by the said Order further fixed the dues to be paid in respect of the lighthouse specified in the second part of the said Schedule by the owner or master of every ship at a half-penny per ton of her register tonnage for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from the said lighthouse :

AND WHEREAS it is desirable that the Parliament of the Commonwealth shall signify its opinion that the said dues ought to be levied, in ports in Australia, on ships passing and deriving benefit from the said lighthouses or the said buoy :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Colonial Light Dues Collection Act 1932.*

Application of Act.

2.—(1.) This Act shall apply to every ship, British or foreign, in any port, harbour or place in Australia, which in the course of any voyage to or from Australia has passed and derived benefit from any lighthouse or from the buoy specified in the Schedule and in respect of which benefit the Collector is not satisfied that Colonial light dues have already been paid in some part of His Majesty's Dominions.

(2.) For the purpose of this section a ship shall be deemed to have passed, and to have derived benefit from, a lighthouse or from the buoy specified in the first part of the Schedule if she has crossed, in either direction, a line drawn from the North-East point of Great Abaco Island to the North-East point of Grand Caicos Island, or has crossed in either direction a line running along the meridian of 79 degrees 40 minutes west longitude between the parallels of 23 degrees north latitude and 27 degrees 40 minutes north latitude or which has passed between either of these lines and any part of the Bahama Islands.

(3.) For the purposes of this section a ship shall be deemed to have passed, and to have derived benefit from, the lighthouse specified in the second part of the Schedule if she has crossed in either direction a line drawn from the eastern end of Virgin Gorda in the Virgin Islands to the Western end of Anguilla Island.

3. In this Act, unless the contrary intention appears—

Definitions.

“The Collector” means the chief officer of Customs at the port at which any ship to which this Act applies is, or where the ship is at any port, harbour or place at which there is no officer of Customs, the chief officer of Customs at the nearest port at which officers of Customs are stationed;

“the Schedule” means the Schedule to this Act.

4. Colonial light dues, at the rates declared by the Parliament, shall be levied and shall be payable with respect to voyages of ships to which this Act applies.

Colonial light dues.

5.—(1.) The following persons shall be jointly and severally liable to pay to the Collector the Colonial light dues payable in respect of a ship—

Persons liable to Colonial light dues.

(a) the owner or master of the ship; and

(b) any consignee or agent of the ship who has paid or made himself liable to pay any charges on account of the ship.

(2.) Any consignee or agent (not being the owner or master of the ship) who is by this section made liable for the payment of Colonial light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all Colonial light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

6.—(1.) If any person liable to pay Colonial light dues fails, on demand of the Collector, to pay the dues in respect of a ship, the Collector may, in addition to any other remedy, enter upon the ship and distrain the goods or equipment of, or belonging to, the ship, and detain them until the Colonial light dues are paid.

Recovery of Colonial light dues.

(2.) If payment of the Colonial light dues is not made within the period of three days next following the distress, the Collector may, at any time during the continuance of the non-payment, sell the goods or equipment distrained, and apply the proceeds in payment of the Colonial light dues payable, together with all reasonable expenses incurred by him under this section, and shall on demand pay the surplus (if any) to the owner or master of the ship.

7. Any ship in respect of which Colonial light dues are payable may be detained by any officer of Customs at any port in Australia until the dues are paid.

Detention of ship.

8. A master, owner or agent of a ship arriving at any port, harbour or place in Australia shall furnish to the Collector, on request, such particulars as to the voyage of the ship as are necessary to enable him to determine whether the ship has derived benefit from any of the lighthouses, or from the buoy, specified in the Schedule.

Master, &c., to furnish information as to voyages.

Penalty : Fifty pounds.

Averments in proceedings for recovery of dues.

9. In any proceedings for the recovery of Colonial light dues levied and made payable by this Act in respect of a voyage of any ship to which this Act applies, any averment, made by or on behalf of the Collector, that the ship travelled on any voyage specified in the averment and derived benefit from any lighthouse or buoy so specified shall be *prima facie* evidence of the matter or matters averred.

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Regulations.

10. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

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## THE SCHEDULE.

### FIRST PART.

	Latitude.	Longitude.
Lighthouses—		
Gun Cay .. .. .	25° 34' N.	79° 19' W.
Abaco .. .. .	25° 51' N.	77° 11' W.
Cay Sal .. .. .	23° 57' N.	80° 28' W.
Great Isaac .. .. .	26° 02' N.	79° 06' W.
Cay Lobos .. .. .	22° 23' N.	77° 36' W.
Elbow Cay .. .. .	26° 32' N.	76° 57' W.
Great Stirrup Cay.. .. .	25° 50' N.	77° 54' W.
Castle Island .. .. .	22° 07' N.	74° 20' W.
Inagua .. .. .	20° 56' N.	73° 40' W.
Bird Rock .. .. .	22° 51' N.	74° 22' W.
Watling Island .. .. .	24° 06' N.	74° 26' W.
Buoy—		
Matanilla Shoal .. .. .	27° 23' N.	79° 06' W.

### SECOND PART.

	Latitude.	Longitude.
Lighthouse—		
Sombrero Island .. .. .	18° 36' N.	63° 28' W.