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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

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# A BILL

To amend the Navigation Act, 1901, and the Sydney Harbour Trust and Navigation Amendment Act, 1908, and to repeal the Navigation Amendment (Regulations) Act, 1904 ; and for purposes incidental thereto or consequent thereon.

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**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 :—

**1.** This Act may be cited as the "Navigation Short title. (Amendment) Act, 1918," and shall be read with the Navigation Act, 1901, as amended by the Sydney Harbour Trust and Navigation Amendment Act, 1908, hereinafter referred to as the Principal Act.

**2.** The Principal Act is amended as follows :—

(1) Section three—

- (a) by the insertion of the words “sea-going” before the words “steam tug” in the definition of “coast-trade ship,” and of the words “employed within coast-trade limits” after the words “steam tug” in that definition.
- (b) by the insertion after the definition of “foreign-going ship” of the following definition :—

“harbour and river steamer” means every steamship, including steam tugs, navigated exclusively within the limits of any port, harbour, river, or lake within the jurisdiction.

(2) By inserting the following section next after section three :—

3A. The provisions of this Act relating to steamships shall apply with such modifications as may be prescribed by regulations made hereunder to ships propelled by electricity or other mechanical power.

(3) Section seven by omitting the word “steam” before the word “navigation”.

(4) Section thirty-three by omitting the whole of the section after the words “shall apply” and substituting therefor the words “to all ships unless such ship holds Lloyd’s 100A classification certificate, or is classed B.S. in the British Corporation Registry, or is a steamship registered in Great Britain and Ireland which holds a passenger steamer’s certificate under the Merchant Shipping Act.”

(5) Section thirty-four—

- (a) by omitting the word “owner” in subsection two and inserting in lieu thereof the word “superintendent”.
- (b) by omitting subsection three.

(6) Section thirty-five—

- (a) by omitting in subsection two the words “such declarations” after the words “shall transmit” and by omitting the words “within fourteen

Amendments  
of Principal  
Act.

Sec. 3.

New section.

Extension of  
application of  
Act.

M.S.A. 1894,  
s. 743.

C.N.A. 1912, s. 4.

Sec. 7.

Sec. 33.

Sec. 34.

Sec. 35.

fourteen days after the date thereof together with" after the word "superintendent" where it occurs the second time in the subsection.

- (b) by omitting subsection three.
- (7) Section thirty-eight—by omitting in subsection Sec. 38 (2). two the words "and to transmit a further declaration of the sufficiency and good condition thereof."
- (8) Section thirty-nine by the addition of the Sec. 39. following :—  
" Provided also that the superintendent may, if he is satisfied that the immediate re-survey of a ship would occasion unreasonable or unnecessary expense or inconvenience, and that no danger to the ship or her crew, passengers, or cargo would arise from the extension, extend the time for her next survey and the currency of her existing certificate of survey for any period not exceeding one month."
- (9) Section forty—by the addition of the following Sec. 40. subsection :—  
(2) In cases where the currency of a certificate has been extended under the provisions of the last preceding section, not more than one-fourth the above sums shall be charged.
- (10) Section forty-two— Sec. 42.  
(a) by omitting in subsection one the words "with any passengers on board";  
(b) by omitting in subsection two after the word "steamship" the words "with any passengers on board", and in the same subsection the word "such" after the word "any".
- (11) Section sixty-nine is repealed. Sec. 69.
- (12) Section eighty-one—  
(a) by omitting the word "plying" after the Sec. 81. words "harbour and river steamer" in subsection one and inserting in lieu thereof "whilst being navigated"; and

(b)

- (b) by omitting in subsection six the word "plies" and inserting in lieu thereof the words "acts in such capacity"; and
- (c) by adding the following subsection at the end of the section :—

(8) The master or owner of any ship guilty of any breach of the provisions of this section for which a penalty is not otherwise herein provided shall be liable to a penalty not exceeding *fifty* pounds.

- (13) Section one hundred and six—by inserting Sec. 106. after the word "unsafe" the words "by reason of the defective condition of her hull, equipments, or machinery, or" and after the words "British ship" the words "whether such ship takes on board any cargo at that port or not."

- (14) Section one hundred and twelve— Sec. 112.

- (a) by omitting subsection one and inserting the following in lieu thereof :—

"(1) No ballast or cargo—being grain, rice, paddy, pulse, seed nuts, or nut kernels, or any mixture or combination thereof, hereinafter referred to as "grain cargo," or coal—shall be shipped or carried in any ship unless secured from shifting in the manner prescribed by regulations, and, in the case of coal, unless adequate provision is made for ventilation"; and

- (b) by inserting in subsection two after the word "grain", each time it occurs, the words "or coal"; and
- (c) by the addition of the following subsection :—

(3) The provisions of this section shall apply to a foreign ship which loads a grain or coal cargo in New South Wales, so long as the ship is within a port in New South Wales, as well as to a British ship.

(15)

- (15) Section one hundred and twenty-one—by Sec. 121.  
inserting in paragraph (a) of subsection one after the words “coast-trade ships,” the words “not being steamships,” and by inserting after the said paragraph, the following :—  
(a 1) Any steamship under eighty tons register, of a class proclaimed by the Governor in the Gazette, so long as it does not carry cargo.
- (16) Section one hundred and twenty-two—by Sec. 122.  
omitting in subsection one the brackets and words therein and substituting the following in lieu thereof :—  
(a) Coast-trade ships, not being steamships, under eighty tons register, ships employed solely in fishing, and pleasure yachts ; and  
(b) any steamship under eighty tons register, of a class proclaimed by the Governor in the Gazette, so long as it does not carry cargo.
- (17) The following section is inserted next after section one hundred and twenty-nine :—  
129A. The provisions of the last preceding Application of last preceding eight sections to foreign ships.  
eight sections, except subsections three and four of section one hundred and twenty-four, shall apply to all foreign ships while they are within any port in New South Wales, as they apply to British ships, without prejudice to any direction of the Governor, given under section one hundred and twenty-nine of this Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of this Act.
- (18) By inserting the following section, to be read immediately after section one hundred and thirty-two :—  
132A. Where the superintendent has reason Preliminary inquiry by superintendent or other person.  
to believe that any shipwreck or casualty has occurred, or that any master, mate, or Merchant Shipping Act, s. 465.  
engineer

engineer has been guilty of conduct which might be the subject of inquiry by a court of marine inquiry, a preliminary inquiry into such shipwreck, casualty, or conduct may be held by the superintendent or by some person appointed by the Minister in that behalf. Such person shall for the purposes of such inquiry have the powers conferred on the superintendent by section thirteen of this Act.

- (19) Section one hundred and forty-three—by omitting subsections one, two, and three, and inserting the following in lieu thereof :—

143. (1) Where any vessel is sunk, stranded, run on shore, or abandoned in any port or tidal water within the jurisdiction, and in the opinion of the superintendent is impeding or is likely to become an obstruction or danger to navigation, the superintendent may take possession of, and raise, remove, or destroy such vessel, and may light or buoy any such vessel until the raising, removal, or destruction thereof, and may sell in such manner as he thinks fit any such vessel so raised or removed, and also any other property recovered in the exercise of his powers under this section.

Vessels sunk, stranded, or abandoned.

(2) Out of the money arising from such sale the superintendent shall pay the charges and expenses incurred by such seizure, raising, removal, or destruction, and the surplus (if any) to the owner of the vessel ; and if the money arising from such sale is not sufficient to defray such charges and expenses, the excess of such charges and expenses beyond the amount of money arising from such sale, or the whole of such charges and expenses if for any reason no portion of such vessel can be sold, shall be chargeable to and against the owner of such vessel, and if not paid to the superintendent within twenty-one days after the same shall be demanded, the same may be recovered by the superintendent by action of debt in the Supreme Court or a district court.

Appropriation of proceeds of sale.

(3)

(3) For the purposes of the preceding subsections the word vessel shall be deemed to include any part or wreck of a vessel, and the words owner of a vessel shall mean the owner of the vessel at the time such vessel became sunk, stranded, run on shore, or abandoned.

Meaning of "vessel."

(20) Section one hundred and fifty-six and the Tenth Schedule are hereby repealed.

Sec. 156 and Tenth Schedule. Repeal.

(21) Section one hundred and fifty-seven, by omitting the word "Tenth" before the word "Schedule" and inserting in lieu thereof the word "Eleventh."

(22) Section one hundred and sixty-six is repealed, and the following section substituted in lieu thereof :—

Sec. 157.

166. The Governor 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 or for the conduct of any business under this Act, and in particular prescribing matters providing for and in relation to—

Regulations.

- (a) the inspection and testing of machinery and appliances for the loading and unloading of ships ;
- (b) the prevention of the use of defective machinery or appliances for the loading or unloading of ships ;
- (c) the protection of the health and the security from injury of persons engaged in the loading or unloading of ships ;
- (d) matters affecting the stability of ships ;
- (e) the safety of persons going on and coming from ships when alongside wharves or piers ;
- (f) the fixing of the fees to be paid in respect of any matters under this Act or the regulations ;

(g)

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- (g) imposing penalties, in no case to exceed the sum of one hundred pounds, for the violation or infringement of any regulation made by him in pursuance of the powers conferred by this Act; and
- (h) imposing penalties, in no case to exceed ten pounds, for the neglect of any duty or obligation imposed by this Act in respect of which violation or neglect no other penalty has been prescribed.

**3.** The Navigation Amendment (Regulations) Act, Repeal.  
1904, is hereby repealed.

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