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No. , 1919.

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.

BE 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

5 the same, as follows:—

1. This Act may be cited as the “Navigation Short title. (Amendment) Act, 1919,” and shall be read with the Navigation Act, 1901, as amended by the Sydney Harbour Trust and Navigation Amendment Act, 1908,

10 hereinafter referred to as the Principal Act.

Amendments
of Principal
Act.

Sec. 3.

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. 5

(b) by the insertion after the definition of “foreign-going ship” of the following definition :—

“harbour and river steamer” or “harbour and river steamship” means every steamship, including steam tugs, navigated for business purposes exclusively within the limits of any port, harbour, river, or lake within the jurisdiction. 10 15

New section.

(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 here- 20 under to ships propelled by electricity or other mechanical power.

Extension of
application of
Act.

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

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

Sec. 7.

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

Sec. 33.

(4) Section thirty-three by omitting the section and inserting the following section in lieu thereof:— 25

33. (1) The provisions contained in this Part of this Act, and all regulations there- under, shall apply—

(a) to every ship engaged in the trade of conveying passengers from any port within the jurisdiction, whether such ship is a British or a foreign ship: 30

Provided that any foreign ship engaged in such trade, in respect of which the superintendent is satisfied by the production of a foreign certificate of survey, attested by a British consular officer at a port out of His Majesty's dominions, that the ship has been officially surveyed at that port, and that 35 40
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the requirements of this Act are proved by that survey to have been substantially complied with, shall not be liable to further survey under this Part of this Act.

The superintendent, upon being so satisfied, shall transmit a certificate to the master or owner of such ship which shall have the same effect as if given upon survey under this Part of this Act:

Provided further that the Governor may by proclamation in the Gazette direct that such exemption shall not apply in the case of an official survey at any port at which it appears to him that corresponding advantages are not extended to British ships;

- (b) to every British ship, including a sea-going steam tug, engaged in trading from any port within the jurisdiction to any other port, whether within or without the jurisdiction, unless such ship holds Lloyd's 100A classification or is classified B.S. in the British Corporation Registry, or is a steamship registered in Great Britain and Ireland which holds a passenger steamship certificate under the Merchant Shipping Act, 1894;
- (c) to all harbour and river steamers.

(5) 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.”

(6)

- Sec. 42. (6) Section forty-two—
- (a) by inserting in subsection one after the word “steamship” the words “or sailing ship” and by omitting the words “with any passengers on board”; 5
- (b) by omitting in subsection two after the word “steamship” the words “with any passengers on board” and inserting “or sailing ship,” and in the same subsection by omitting the word “such” after the word “any.” 10
- Sec. 81. (7) Section eighty-one—
- (a) by omitting the word “plying” after the words “harbour and river steamer” in subsection one and inserting in lieu thereof “whilst being navigated”; and 15
- (b) by omitting in subsection six the word “plies” and inserting in lieu thereof the words “acts in any such capacity”; and
- (c) by adding the following subsection at the end of the section :— 20
- (8) The master or owner of any ship which goes to sea without being provided with duly certificated officers in accordance with the provisions of this section, shall be liable to a penalty not exceeding *fifty* pounds. 25
- Sec. 106. (8) Section one hundred and six—by inserting after the word “unsafe” the words “by reason of the defective condition of her hull, equipments, or machinery, or.”
- Sec. 112. (9) Section one hundred and twelve— 30
- (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, 35 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 40 ventilation ”; and
- (b)

(b) by inserting in subsection two after the word "grain," each time it occurs, the words "or coal"; and

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(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.

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(10) Section one hundred and twenty-one—by Sec. 121. inserting in paragraph (a) of subsection one after the word "register," the words "not being steamships," and by inserting after the said paragraph, the following:—

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(1a) Any steamship under eighty tons register, of a class proclaimed by the Governor in the Gazette, so long as it does not carry cargo.

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(11) 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:—

"Except—

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(a) coast-trade ships under eighty tons register, not being steamships, ships employed solely in fishing, and pleasure yachts; and

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(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."

(12) The following section is inserted next after New s. 129A. section one hundred and twenty-nine:—

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129A. The provisions of the last preceding eight sections, except subsections three and four of section one hundred and twenty-four, shall, after a date to be proclaimed in the Gazette by the Governor, apply to all foreign ships while they are within any port in New South Wales, as they apply to British ships, but

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Application of last preceding eight sections to foreign ships.

but subject 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 relating thereto of this Act. 5

New s. 132A.

- (13) By inserting the following section, to be read immediately after section one hundred and thirty-two:— 16

Preliminary inquiry by superintendent or other person. Merchant Shipping Act, s. 465.

132A. Where the superintendent has reason to believe that any shipwreck or casualty has occurred, or that any master, mate, or 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. 20

Sec. 166.

- (14) Section one hundred and sixty-six is repealed, and the following section substituted in lieu thereof:— 25

Regulations.

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—

- (a) the security from injury of persons engaged in the loading or unloading of ships; 35
- (b) matters affecting the stability of ships;
- (c) the safety of persons going on and coming from ships when alongside wharves or piers; 40
- (d)

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- (d) the fixing of the fees to be paid in respect of any matters under this Act or the regulations ;
 - (e) 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
 - (f) 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.
15 1904, is hereby repealed.
