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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1928.

A BILL

To amend the law relating to navigation ;
and to amend the Navigation Act, 1901, and
certain other Acts ; to repeal the Navigation
Amendments (Regulations Act, 1904, and
for purposes connected therewith.

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

1. (1) This Act may be cited as the "Navigation Short title.
(Amendment) Act, 1928," and shall be construed with
the Navigation Act, 1901, and any Act amending the
same.

(2) The Navigation Act, 1901, as so amended, is in this Act referred to as the Principal Act.

2. Part I of the Principal Act is amended as follows:—

Amendment of
Act 1901 No. 60,
Part I, s. 3.

- (a) By omitting from section three the definition of “coast-trade ship” and substituting therefor the following new definition:—

“coast-trade ship” means ship employed in trading or going between ports all of which are within the jurisdiction, and includes a sea-going steam-tug employed in trading or going outside a harbour, and a ship engaged in the trawling or fishing industry;

- (b) by inserting, in section three, in their appropriate alphabetical order, the following new definitions:—

“boat” includes motor boat;

“boilers and machinery” includes engines and everything connected therewith employed in propelling a steamship, and every description of machinery used on a ship for the purposes of the ship or her cargo, and all other apparatus or things attached to or connected therewith or used with reference to any engine or under the care of the engineer;

“equipment” includes boats, tackle, pumps, apparel, furniture, life-saving appliances of every description, spars, masts, rigging, and sails, fog signals, lights and signals of distress, medicines and medical and surgical stores and appliances, and every thing or article belonging to or to be used in connection with, or necessary for the navigation and safety of, the ship, including apparatus for preventing or extinguishing fires, buckets, compasses, charts, axes, lanterns, and loading and discharging gear and apparatus of all kinds;

“go

“go to sea” includes the getting under way for the purpose of going to sea, or running of a ship or proceeding on a voyage;

“harbour” means harbour within the jurisdiction properly so called, whether natural or artificial, and includes estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter or ship and unship goods or passengers, and haven, roadstead, channel, or creek within the jurisdiction;

“harbour and river steamer” means every steamer (except steamers under fifteen tons gross register tonnage not carrying passengers) navigated for business purposes within the limits of a harbour, and includes any steamer or class of steamers specified by the Governor by notice in the Gazette, navigated within a radius of three nautical miles seaward from the entrance of a harbour in respect of which a certificate has been granted;

“machinery” includes boilers;

“motor boat” means any boat which is equipped with means of mechanical propulsion actuated by electricity, gas, oil, or some volatile spirit;

“officer” in relation to a ship means the master, mates, and engineers of the ship;

“prescribed” means prescribed by this Act, or regulation made thereunder;

“send to sea” has a meaning corresponding with “go to sea”;

“take to sea” has a meaning corresponding with “go to sea”;

“steamship” includes ship;

“vessel”

“ vessel ” means any ship, boat, or any other description of vessel used for any purpose on the sea or in navigation ;

- (c) by inserting after section three the following **New sec. 3A.** new section :—

3A. The provisions of this Act relating to steamships shall apply, with such modifications **Application of Act.** as are prescribed, to ships mechanically propelled by means of electricity, or other motive power ;

- (d) by omitting section four, and substituting **Sec. 4.** therefor the following new section :—

4. This Act shall not apply to ships belonging to the King’s Navy, or the Navy of the Commonwealth of Australia or of any British Possession, or to the navy of any foreign Government ; **Act not to apply to certain ships.**

- 3.** Part II of the Principal Act is amended as follows :— **Amendment of Act 1901 No. 60, Part II, s. 7.**

- (a) (i) by omitting from section seven the words “ relating to steam navigation,” and substituting therefor the words “ relating to navigation or shipping ” ; **(Superintendent.)**

- (ii) by omitting from paragraph (c) of section seven the words “ appointment and removal ” ; **(Pilots.)**

- (b) by omitting section thirteen, and substituting **Sec. 13.** therefor the following new section :—

13. (1) The Superintendent may, by summons under his hand, require the attendance of any person upon any inquiry authorised by him, and 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, and 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. **Powers of superintendent.**

Navigation (Amendment).

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(2) Where the Superintendent has reason to believe that a shipwreck or other casualty has occurred, or that an officer of a ship has been guilty of conduct which might be the subject of inquiry by a court of marine inquiry, an inquiry with reference to any such matter may be held by the Superintendent, or by some person appointed by the Treasurer in that behalf.

For the purpose of such inquiry the Superintendent, or the person appointed by the Treasurer as aforesaid, shall have the powers conferred upon the Superintendent by subsection one of this section.

- (c) by inserting, in section twenty, after the words Sec. 20. "every person deputed by him to act on his behalf" the words "and any person appointed by the Treasurer to hold an inquiry under section thirteen";
- (d) (i) by inserting, in paragraph (a) of subsection Sec. 21. one of section twenty-one, after the word "deputed" the words "or appointed";
(ii) by inserting, in paragraph (b) of the same subsection, after the words "by the Superintendent," the words "or person deputed or appointed as aforesaid";
(iii) by inserting, in paragraph (b) of subsection two of section twenty-one, after the words "authorised by the Superintendent" the words "or held under section thirteen";
- (e) by omitting from section twenty-two the word and figures "of 1895" and by inserting in lieu thereof the figures and words "1902 or any Act amending or replacing the same."

4. Part III of the Principal Act is amended by omitting from section twenty-three and also from section twenty-six the words and figures "District Courts Act, 1901" and substituting in each section the words and figures "District Courts Act, 1912."

Amendment
of Act 1901
No. 60,
Part III,
ss. 23, 26.

5.

5. Part IV of the Principal Act is amended—

Amendment
of Act 1901
No. 60.
Part IV.

- (a) by omitting the heading "Steam Navigation. Division 1.—Application of this Part" and substituting therefor the heading "Survey and Inspection. Division 1.—Liability to Survey."
- (b) by omitting section thirty-three, and substituting therefor the following new section :—

Sec. 33.

33. All ships shall be liable to survey, except ships registered in Great Britain holding passenger steamship certificates under the Merchant Shipping Act, 1894, or ships or classes of ships exempted by the Governor from the provisions of this Part by notice published in the Gazette ;

Liability to
survey.

- (c) by inserting after section thirty-six the following new section :—

New sec. 36A.

36A. Harbour and river steamers which do not carry passengers, may be surveyed by a person approved of by the Superintendent. A report by any such person certifying as to state of hull, boiler, machinery, and equipment shall be forwarded within the time prescribed by the owner of the ship surveyed to the Superintendent who, if he approves of such report, may authorise the issue of a certificate in the appropriate form in respect of the ship ;

Harbour
and river
steamers.

- (d) by omitting the proviso to section thirty-nine, and substituting therefor the following new proviso :—

Sec. 39.

Provided that the currency of a certificate may be extended by the Superintendent for any period not exceeding one month if the Superintendent is satisfied that the immediate re-survey of a steamship will occasion unreasonable or unnecessary expense or inconvenience, and that no danger to the ship or her crew, passengers, or cargo will arise from the extension ;

(e)

(e) by omitting section forty, and substituting Sec. 40. therefor the following new section :—

40. The owner of every ship requiring a Survey and certificate survey or certificate shall pay for such survey certificate fees prescribed ;

(f) by omitting section forty-two, and substituting Sec. 42. therefor the following new section :—

42. (1) A ship shall not go to sea unless a Ship not to go to sea without certificate valid certificate as hereinbefore provided has to sea without certificate been issued in respect of her, and is in force, or permit, or a permit to go to sea has been given by the Superintendent.

(2) If any ship in respect of which a Penalty. valid certificate has not been issued or is not in force, or a permit has not been given, goes to sea, or goes to sea beyond the limits authorised by the certificate or permit issued or given in respect of such ship, the owner of such ship shall be liable to a penalty not exceeding *one hundred* pounds, and the master of such ship shall be liable to a penalty not exceeding *twenty* pounds ;

(g) by inserting after section forty-seven the New sec. 47A. following new section :—

47A. (1) The owner of every steamship the Watertight compartments. building of which is commenced after the passing of the Navigation (Amendment) Act, 1928, and the gross tonnage of which exceeds a tonnage to be prescribed, shall cause such ship to be divided into compartments by transverse watertight partitions.

(2) Such partitions shall be of sufficient strength to resist the pressure that would come upon them in the event of any adjoining compartment being flooded.

(3) In the case of wooden steamships such partitions shall be placed as prescribed.

(4) In the case of iron steamships such partitions shall be placed as follows :—

(a) One at not less than one-twentieth of the ship's length from the stem bar ;

(b)

- (b) one immediately forward of the boiler space, so as to separate the boiler space from the adjacent hold ;
- (c) one at the after end of the engine-room ;
- (d) one at the forward end of the stern tube :

Provided that, if the consent in writing of the Superintendent is previously obtained, the partition referred to in paragraph (c) may be dispensed with where the engines and boilers are placed well aft :

Provided, also, that in the case of ships of extended dimensions, the Superintendent may require a further subdivision of the ship by partitions to be made, but such further subdivision shall not be in excess of any then existing requirement of the Board of Trade of the United Kingdom.

(5) If any such ship in respect of which the requirements of this section have not been complied with goes to sea, the owner thereof shall be liable to a penalty not exceeding *two hundred* pounds.

6. Part V of the Principal Act is amended—

Amendment of Act 1901 No. 60, Part V.

- (a) by omitting section fifty-seven, and substituting therefor the following new section :—

Sec. 57.

57. (1) The Governor may from time to time, in accordance with the Public Service Act, 1902, or any Act amending the same, appoint pilots for carrying out the provisions of this Act.

Pilots.

(2) All pilots who have been appointed prior to the passing of the Navigation (Amendment) Act, 1928, shall, upon the passing of that Act, become subject to the provisions of the Public Service Act, 1902, and any Act amending the same.

(3) The salaries and fees of all pilots employed under this Act shall be paid out of moneys to be appropriated by Parliament ;

(4)

(4) This section or anything done thereunder shall not involve the Government of the State of New South Wales in any liability for any act, default, or neglect of any pilot.

(b) (i) by omitting paragraph (a) of section fifty-eight, and substituting therefor the following new paragraph :—

Sec. 58.

(a) as to the licensing of pilots and apprentices and pilot-boats and the granting of pilotage certificates to masters and others, and the terms and conditions of such licenses and certificates ;

(ii) by omitting paragraph (d) of section fifty-eight ;

(c) by inserting, in section sixty-eight, after the words " South Sea Islands and in respect of " the words " coast-trade ships and."

7. Part VI of the Principal Act is amended—

Amendment of
of Act 1901
No. 80, Part Vb.

(a) by inserting, in subsection one of section seventy-four, after the words " or coast-trade ships " the words " or harbour and river steamers " ;

Sec. 74 (1).

(b) by omitting from section seventy-five the word " or master of a harbour and river steamer " and substituting therefor the words " or master, or mate of a harbour and river steamer " ;

Sec. 75.

(c) by omitting sections seventy-seven and seventy-eight, and substituting therefor the following new sections :—

Secs. 77, 78.

77. Engineers' certificates shall be of the classes and grades, and in the forms prescribed.

Classes of
certificates.

78. (1) Examinations of candidates for certificates of competency as engineers shall be held at such times and places as are prescribed.

Examination
for engineer's
certificates of
competency.

(2) Regulations may be made by the Governor providing for the holding of such examinations, the qualifications of applicants, and generally as to all matters expedient for the carrying out of such examinations.

(3)

(3) Such regulations shall be so framed as to allow—

- (a) the holder of an engineer's certificate of any grade to serve in such ships, for such voyages and in such capacities as will enable him to qualify for a certificate of the next higher grade; and
- (b) the holder of a third or second class coast engineer's certificate to qualify for a certificate of the next higher grade, provided he has had sea service as prescribed;
- (d) by omitting section eighty-one, and substituting therefor the following new section :—

81. (1) If a coast-trade ship goes to sea from, or if a harbour and river steamer is navigated within, any port within the jurisdiction, without a duly certificated master, and officers according to the scale set out in Schedules Eleven and Twelve or as prescribed, the master, and owner of such ship shall be liable to a penalty not exceeding *one hundred* pounds.

Sec. 81.
Master and officers to be carried.

(2) Any person who—

- (a) engages as an officer unless he is duly certificated; or
 - (b) takes into employment as an officer any person who is not duly certificated,
- shall be liable to a penalty not exceeding *one hundred* pounds :

Provided that this subsection shall not apply to officers carried on a ship in excess of the number of certificated officers required to be carried on such ship.

(3) An officer shall not be deemed to be duly certificated unless he is the lawful holder of a valid certificate of a grade appropriate to his station in the ship, or of a higher grade :

Provided that the holder of any unexpired certificate of competency or of service granted to him in accordance with the provisions of any

Act

Act in force for the time being in Great Britain or in any of the British dominions or possessions shall be deemed for the purpose of this Act the holder of a valid certificate ;

- (e) by omitting section eighty-five, and substituting therefor the following new section :—

Sec. 85.

85. (1) The holder of a foreign-going certificate deemed valid by the Superintendent may ship in a corresponding or any lower grade in a coast-trade ship or a harbour and river steamer.

Availability of certificates.

(2) The holder of a first mate's coast-trade certificate may ship as master of a harbour and river steamer for ports of which he proves, to the satisfaction of the Superintendent, that he has local knowledge.

(3) The holder of a second mate's foreign-going certificate may ship as first mate of a coast-trade ship or as master of a harbour and river steamer in ports of which he proves, to the satisfaction of the Superintendent, that he has local knowledge.

(4) A certificate of competency as master of a harbour and river steamer shall specify the port or ports in respect of which it is issued, and it shall not be valid in respect of any ports not specified in the certificate.

(5) The Governor may make regulations providing for the examination of applicants for certificates of competency or licenses as coxswains or drivers in respect of motor ships or boats, and for the issue of such certificates and licenses, and may prescribe the fees to be paid for such certificates and licenses ;

- (f) by omitting section ninety-two, and substituting therefor the following new section :—

Sec. 92.

92. Any person who, in the opinion of the Superintendent, is of good character and repute, and who proves to the satisfaction of the Superintendent that he has had general nautical experience,

Certificate of service.

experience, and that he has for a period of not less than three years had experience as a marine surveyor, shall be entitled to a certificate of service as a marine surveyor.

8. Part VII of the Principal Act is amended—

Amendment of Act 1901 No. 60, Part VII.

- (a) (i) by omitting from subsection one of section one hundred and one the words "the next preceding section" and by inserting in lieu thereof the words "section ninety eight";
- (ii) by omitting from subsection two of the same section all words after the words "sitting as" and by inserting in lieu of the omitted words the words "a colonial court of admiralty in accordance with the statutes and rules regulating the practice of such a court, and subject to the same right of appeal from the order or decree of the court as is by law incident to the jurisdiction of such a court";
- (iii) by omitting from subsection three of the same section all words after the word "provisions" and by inserting in lieu of the omitted words the words "of the Claims against the Government and Crown Suits Act, 1912";
- (b) by omitting section one hundred and twelve, and substituting therefor the following new section:—

Sec. 101.

Sec. 112.

112. (1) No ballast or cargo, being grain, rice, paddy, pulse, seed, nuts or nut kernels, or any mixture or combination thereof, shall be shipped in any ship, unless secured from shifting in the manner prescribed.

Stowage of ballast or grain cargoes.

(2) Any owner or master of a ship, and any agent of the owner of a ship who is charged with the loading of the ship who fails to take all reasonable measures for enforcing the provisions of this section shall be liable to a penalty not exceeding *three hundred* pounds.

(c)

(c) by omitting from paragraph (a) of section one hundred and twenty-one the words "eighty tons register" and substituting therefor the words "fifty tons gross register tonnage";

(d) by omitting from section one hundred and twenty-two the words "eighty tons register" and substituting therefor the words "fifty tons gross register tonnage";

(e) by inserting after section one hundred and thirty-two the following new sections:—

132A. The master of every coast-trade ship carrying passengers shall exercise the crew in collision, fire, and boat drill, in such manner and at such intervals as are prescribed.

New secs. 132A and 132B. Drills.

132B. The master of every coast-trade ship over one hundred and fifty tons gross register tonnage, shall cause deck and engine-room log-books to be kept in the form prescribed, and such log-books shall show (inter alia)—

Log-books.

- (a) the state of the ballast tanks at time of departure from port and at fixed periods as prescribed while at sea;
(b) soundings of water in bilges;
(c) draught of water on departure from port and freeboard stating position of disc in regard to the lading at time of departure;

9. Part VIII of the Principal Act is amended—

Amendment of Act 1901 No. 60, Part VIII.

(a) by inserting in section one hundred and thirty-three at the end of the definition of "Navigable waters" the words "and includes any waters of the sea within one nautical league seaward of the coast";

Sec. 133. (Interpretation.)

(b) by omitting section one hundred and forty-three, and substituting therefor the following new section:—

Sec. 143.

143. (1) Where any ship is sunk, stranded, run on shore, or abandoned in any port or tidal waters within the jurisdiction, and, in the opinion of

Vessels sunk, &c., to be removed.

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 ship, and may light or buoy any such ship until the raising, removal, or destruction thereof, and may sell in such manner as he thinks fit any such ship so raised or removed, and also any other property recovered in the exercise of his powers under this section.

(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 shall pay the surplus (if any) to the owner of the ship; 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 ship can be sold, shall be chargeable to and against the owner of such ship, and if not paid to the Superintendent within twenty-one days after the same shall have been demanded, the same may be recovered from the owner of such ship by the Superintendent by action of debt in any court of competent jurisdiction.

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

(4) If any anchor, kedge, or mooring is not weighed in any port within the jurisdiction within forty-eight hours after the same has been slipped, parted, or cut from, and the permission in writing of the harbour master of such port has not been previously obtained to allow such anchor, kedge, or mooring to remain unweighed,

unweighed, such harbour master may cause the same to be weighed at the expense and risk of the owner or master of the vessel to which such anchor, kedge, or mooring belongs, which expenses may be recovered from such owner or master by the Superintendent by action of debt in any court of competent jurisdiction :

Provided that if the owner or master of such vessel cannot be found, or no buoy rope has been attached to such anchor, kedge, or mooring, the same shall be forfeited and sold, and the proceeds applied in payment of the expenses incurred by the Superintendent in exercising the powers conferred by this section and the surplus (if any) shall be paid into the Treasury to the Consolidated Revenue Fund.

(5) If any vessel be sunk or stranded within any port, or if any obstruction shall impede the navigation and use of such port, or any part thereof, the master, owner, or agent of such vessel, or the owner of the property by which such obstruction is caused shall immediately notify the Superintendent of the position of such vessel or obstruction, and immediately take steps for the removal thereof, and pending such removal shall mark the position of such vessel or obstruction in such manner as the Superintendent may direct ;

10. Part IX of the Principal Act is amended by omitting section one hundred and fifty-seven, and substituting therefor the following new section :—

Amendment of Act 1901 No. 60, Part IX, s. 157.

157. (1) The owner of every coast-trade ship shall—

Accommodation.

- (a) make provision, to the satisfaction of the Superintendent, for the adequate ventilation of the officers' rooms, accommodation provided for crew, engine-room and stoke-hole ;
- (b) except as mentioned in subsections two and three of this section provide for each deck and engineer officer, up to at least six, a separate room,

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room, having a cubic content of not less than one hundred and eighty feet, and having a separate entrance to the deck, and not opening directly into the engine-room; or

- (c) in the case of coast-trade ships of less than three hundred tons gross registered tonnage, provide for each two officers a separate room, having a cubic content of not less than three hundred and fifty cubic feet, and having a separate entrance to the deck, and not opening directly into the engine-room.

(2) The owner of every harbour and river steamer shall provide for the officers of such steamer such accommodation as is prescribed.

(3) Every place in a coast-trade ship which is appropriated to the berthing accommodation of seamen or apprentices shall—

- (a) have for each seaman or apprentice a space of not less than one hundred and forty cubic feet and of not less than eighteen superficial feet measured on the deck or floor of that place, and of not less than five feet measured between bunks, clear of all encumbrances at the forward or narrow end;
- (b) be kept free from all goods and stores, not being the personal property in use of the crew, and be so constructed as to be wind and weather proof and adequately lighted and properly adapted for the preservation of the health and comfort of the seamen berthed therein;
- (c) not have built in it, or so near to it as to be, in the opinion of the Superintendent, likely to be prejudicial to the health of the occupants, any paint or chain locker, latrine, or similar erection;
- (d) be so constructed as to ensure that no bilge water, or effluvium therefrom or from any other

other cause, shall be allowed to penetrate the space to such an extent or in such manner as to be detrimental to the health and comfort of the persons berthed therein.

(4) Where practicable for the size and class of ship, the crew shall be supplied with a separate mess-room conveniently arranged for the taking of meals. But in the case of ships which, in the opinion of the Superintendent, are not adaptable for compliance with this requirement, the owner shall provide folding or sliding tables of sufficient size to enable meals to be taken in comfort in the fore-castle.

(5) Such sanitary and lavatory accommodation as, in the opinion of the Superintendent, is necessary for the requirements of the crew, shall be provided, and in the case of steamships an adequate supply of hot fresh water, as prescribed, shall also be provided for the use of all members of the crew.

(6) The last two preceding subsections shall not apply to coast-trade ships of less than three hundred tons gross registered tonnage or harbour and river steamers, but the owner of every such ship or steamer shall make such provision as is prescribed for accommodation for the taking of meals by the seamen and apprentices, and for their sanitary and lavatory accommodation.

(7) The owner of any ship in respect of which any of the foregoing requirements are not complied with shall, for each offence, be liable to a penalty not exceeding *twenty* pounds.

(8) The Minister may exempt a ship built before the commencement of the Navigation (*Amendment*) Act, 1923, from compliance with any or all of the provisions of this section if he is satisfied that the accommodation in the ship for officers and men is not insanitary, or that all such alterations have been made in the ship as are in his opinion necessary.

11. Part X of the Principal Act is amended—

Amendment of
Act 1901 No. 60,
Part X.

- (a) by omitting section one hundred and sixty-six, Sec. 166.
and substituting therefor the following new
section :—

166. (1) The Governor may make regula- Regulations.
tions, 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, and
without limiting the generality of the fore-
going power, in particular in relation to—

- (a) the stability of ships ;
- (b) the use of lights or fire in the holds of
ships ;
- (c) the safety of persons going on or
coming from ships alongside wharfs or
piers, and the provision of means of
escape from the holds of ships while
cargo is being loaded ;
- (d) deck openings and freeing ports ;
- (e) the carriage and stowage of cargoes ;
- (f) the ventilation of coal cargoes ;
- (g) the appointment of a manning com-
mittee, and the reference to such com-
mittee of disputes regarding the number
of the crew to be carried on any coast-
trade ship or harbour and river steamer ;
- (h) the installation and operation of wireless
telegraphy ;
- (i) medical and surgical requirements and
appliances to be carried on coast-trade
ships ;
- (j) the navigation of ports and harbours ;
- (k) the fixing of fees to be paid for any
permit, license, certificate or authority
issued under this Act or any regulation
made thereunder, including annual fees
for authorities to lay and maintain
moorings ;

(l)

- (l) the regulation or prohibition of smoking on any vehicular ferry whether such ferry is plying within the port of Sydney or elsewhere;
- (m) the regulation of the display of lights on vehicles using a vehicular ferry whether such ferry is plying within the port of Sydney or elsewhere, and the prohibition of the display on any such vehicle of any light which might tender to endanger navigation.

(2) Such regulations may impose penalties not exceeding *one hundred pounds* for any breach of the same.

12. The Principal Act is further amended by inserting next after section one hundred and seventy-three the following new sections :—

174. (1) Where any injury is done by a vessel or any part of the equipment thereof, or by any floating timber or material, or by any person employed about the same to any work or property of a public authority—

- (a) the vessel or floating timber or material; and
- (b) the owner or agent of such vessel, timber or material; and
- (c) in case the injury is caused through the act or negligence of the master of such vessel, or of the person having charge of such timber or material, such vessel, timber, material, and such owner or agent, and also such master or person,

shall be liable in damages to the public authority for the injury, except where the same is caused by the act or negligence of the public authority or an officer or servant of the public authority, and such damages may be recovered by the public authority in any court of competent jurisdiction.

(2) The provisions of subsection one of this section shall apply notwithstanding that, at the time the injury was done, the vessel doing the injury was compulsorily in charge of a pilot.

(3)

Further amend-
ment of Act No.
30, 1901.
New ss. 174, 175.

Responsi-
bility for
injury to
works of a
public
authority.

(3) Any judge of the Supreme Court may order that a vessel should be detained to answer any claim made in respect of an injury done by the vessel, or until sufficient security is given for the damages and costs of any action in respect of the injury, and in default of security being so given within a time specified in the order or such further time as a judge may allow, a judge may direct the vessel to be sold and the proceeds paid into court to meet such damages and costs and the expenses incurred in or about the detention and sale of the vessel.

(4) Any security given in pursuance of this section shall be available for the satisfaction of any order or judgment against the vessel or the owner, agent, or master thereof.

(5) Rules of court may be made by the judges of the Supreme Court or a majority of them to carry this section into effect and to prescribe any matter necessary or convenient to be prescribed for that purpose.

(6) In this section "public authority" includes any corporation or person who by or under the authority of any Act has constructed or who has the control or management of any work or in whom any work is vested; and "work" includes any wharf, jetty, pier, quay, landing place, breakwater, bank, beacon, buoy, dolphin, port equipment of any kind, electric cable or pipe for the carriage of water or gas, cable used in connection with a ferry, bridge, dock, dam, lock or weir.

(7) Nothing in this section shall prejudice any other remedy which may be had in respect of an injury, but a public authority shall not recover in the aggregate more than the total amount of the damages, costs, and expenses arising from such injury.

175. When an owner or agent of a vessel, floating timber, or material pays any money in respect of an injury done to the works or property of a public authority by any master or other person he shall be

Recovery by
owner, &c.

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be entitled to recover the money so paid with costs and expenses from such master or other person in any court of competent jurisdiction.

13. The Principal Act is further amended—

Amendment of Act 1901 No. 60, Schedules.

- (a) by inserting at the end of the Fifth Schedule the words and figures following:—

	£	s.	d.
For a first-class coast engineer's certificate ...	1	10	0
For a second-class coast engineer's certificate ...	1	0	0
For a harbour and river engineer's certificate ...	1	0	0
For mate of a harbour and river steamer ...	1	0	0

- (b) by omitting the Ninth Schedule and substituting therefor the following new Schedule:—

NINTH SCHEDULE.

	£	s.	d.
<i>Harbour removal dues.</i>			
For any ship not exceeding 500 tons ...	1	10	0
Exceeding 500 and not exceeding 1,000 tons ...	2	10	0
Exceeding 1,000 and not exceeding 1,500 tons ...	3	10	0
Exceeding 1,500 and not exceeding 2,000 tons ...	4	10	0
Exceeding 2,000 and not exceeding 3,000 tons ...	5	0	0
Exceeding 3,000 and not exceeding 4,000 tons ...	5	10	0
Exceeding 4,000 tons ...	6	0	0

- (c) by omitting the Eleventh Schedule and by inserting in lieu thereof the following new Schedules:—

ELEVENTH SCHEDULE.

COAST TRADE SHIP.

Minimum Grade and Scale of Deck Officers.

Register Tons.	Coast trade— 1st Mate.	Coast trade— 2nd Mate.	Harbour and River— Mate.
15 and not over 100 .....	.....	1*	.....
Over 100 and not over 300	1	.....	.....
Over 300	1	1	.....
Sea-going tugs	1	.....	.....
Vessels engaged in the trawling or fishing industry	1	.....	.....
HARBOUR AND RIVER STEAMER.			
15 tons gross or over .....	.....	.....	.....
If certificated under Class vii, Life-saving regulations for more than 200 passengers .....	.....	.....	1

* If running over 50 miles from first port of departure only.

See section 85 re certificates of higher grade.

TWELFTH SCHEDULE.

MINIMUM NUMBER AND GRADE OF ENGINEERS TO BE CARRIED ON COAST TRADE SHIPS AND HARBOUR AND RIVER STEAMERS.

Coast Trade.

Nominal H.P.	Board of Trade—1st class.	Board of Trade—2nd class.	Coast trade—1st class.	Coast trade—2nd class.	If running over 100 miles from port of departure, minimum number of engineers, certificated and non-certificated.	Harbour and River engineers.
50 or under .....	...	..	...	1	2	...
Over 50 and not over 85 .....	...	...	1	...	2	...
Over 85 and not over 100.....	...	1	...	...	2	...
Over 100	1	1	...	...	...	...

Harbour and River Steamers.

100 or under.....	...	...	...	...	...	1
Over 100 and not over 150.....	...	...	...	1	...	...
Over 150 and not over 200.....	...	...	1	...	...	...
Over 200 .....	...	1	...	...	...	...

N.H.P. (nominal horse-power) to be calculated as follows :—

(a) Reciprocating engines.—The sum of the squares of the diameters in inches of all the engine-room steam cylinders ÷ 30 = N.H.P.

(b) Rotary engines—Grate area in square feet × 1¼ = N.H.P.

For the purpose of this Schedule all third-class certificates for engineers which have been issued and are in force at the date of the coming into operation of the Navigation (Amendment) Act, 1925, shall be deemed to be coast-trade second-class engineer's certificates.

14. (1) The Navigation Amendment (Regulations) Act, 1904, is repealed. Repeal of Act No. 22, 1904.

(2) Section two of the Navigation (Amendment) Act, 1927, is hereby repealed. *Ibid.* Act No. 57, 1927, s. 2.

(3) Any regulations or rules made under the authority of the Acts or any section repealed by this Act shall continue in full force and effect until repealed, varied, or amended by regulations made under the authority of section one hundred and sixty-six inserted by this Act.

15. The Sydney Harbour Trust Act, 1900, is amended by inserting after paragraph (k) of section eighty the following new paragraph :—

Amendment
of Sydney
Harbour
Trust Act,
1900, s. 80.

(k 1) The lights or signals to be carried or made by vessels when within the port and the means to be taken by such vessels for preventing collisions.
