NAVIGATION (AMENDMENT) BILL.

Schedule of the Amendment referred to in Message of 3rd April, 1941.

Page 4, clause 2, line 16. *After* "vessels" *insert* **"and of persons engaged in the handling or storage of cargo in or upon any wharf;"**

67551 492—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 27 March, 1941.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with an Amendment.*

W. K. CHARLTON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 3rd April, 1941.

New South Wales.

ANNO QUINTO

GEORGII VI REGIS.

* *

Act No. , 1941.

An Act to amend the Navigation Act, 1901-1935, in certain respects; and for purposes connected therewith.

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 the same, as follows :—

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1941," and shall be read and construed with the Navigation Act, 1901-1935, as amended by subsequent Acts. Short title, citation and commencement.

(2) The Navigation Act, 1901-1935, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

NOTE.—The words to be *inserted* are printed in **black letter.**

(3) The Principal Act, as amended by this Act, may be cited as the Navigation Act, 1901-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended— Amendment of Act No. 60, 1901.

(a) by inserting next after section two the following new section:— New sec. 2A.

2A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. Construction.

(b) by inserting in section three immediately before the definition of the expression "qualified pilot" the following definition:— Sec. 3. (Interpretation.)

"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.

(c) by inserting next after section four the following new section:— New sec. 4A.

4A. The provisions of this Act relating to ships using steam power for the purpose of navigation and to steam navigation shall apply, with such modifications (if any) as may be prescribed by regulations made under this Act, to ships propelled by mechanical power and to the navigation of such ships. Application of Act.

(d) (i) by omitting from subsection one of section twenty-four the word "two" and by inserting in lieu thereof the words "one or more"; Sec. 24. (Court of Marine Inquiry.)

(ii) by omitting from the same subsection the word "assessors" where secondly occurring and by inserting in lieu thereof the words "assessor or assessors";

(e) by omitting section thirty-three; Sec. 33.

(f)

(f) by omitting from subsection one of section thirty-four the words "constructed or intended to carry passengers shall during the actual employment of such ship in that capacity" and by inserting in lieu thereof the word "shall"; Sec. 34 (1). (Owner of steamships to have them surveyed.)

(g) by omitting subsection three of section thirty-six and by inserting in lieu thereof the following subsection:— Subst. sec. 36 (3).

(3) The Board may insert in the certificate for a ship— Board may limit number of persons to be carried on ships.

(a) the number of persons which the ship may carry;

(b) the number of persons which may be carried in any portion of the ship.

(h) by omitting from subsection three of section thirty-eight the word "passengers" and by inserting in lieu thereof the word "persons"; Sec. 38 (3). (Number of passengers in certificate.)

(i) by omitting from section forty-two the words "with any passengers on board" wherever occurring; Sec. 42. (Steamship not to proceed on her voyage without certificate.)

(j) by omitting section forty-three and by inserting in lieu thereof the following new section:— Subst. sec. 43.

43. (1) No ship shall carry a greater number of persons than the number which the ship may carry as specified in the certificate for the ship. Penalty on owner, &c., for carrying more persons than specified in certificate.

(2) Where the certificate for a ship specifies a number of persons which may be carried in any portion of the ship, the ship shall not carry a greater number in that portion than that so specified.

(3) The master or owner of any ship upon which, or in any portion of which persons are carried in contravention of subsection one or subsection two of this section shall incur a penalty of not less than five pounds and not more than fifty pounds.

(k) by omitting from subsection five of section eighty-one the words "Provided that this enactment shall not apply to steam-launches, except Sec. 81 (5).

such

such as are used for hire, or for the carriage of goods, or for towage purposes."

(l) by inserting in section one hundred and thirty-five after paragraph (c) the following new paragraphs:— Sec. 135. (Power to make regulations.)

(d) for and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) for and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) for and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels **and of persons engaged in the handling or storage of cargo in or upon any wharf;**

(g) for and with respect to the use of lights or fire in the holds of vessels;

(h) for and with respect to the safety of persons going on and coming from vessels, and the provision of means of escape from the holds of vessels while cargo is being loaded or unloaded;

(i) for and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels.

(m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:— Subst. sec. 150.

150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels within navigable waters. Any such notification may apply to— Rules to be observed by all vessels in navigable waters.

(a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes;

(b)

(b) navigable waters generally or to any particular portion or portions thereof or to navigable waters other than a particular portion or portions.

5 (2) If any vessel to which any such notification applies shall exceed the speed specified therein the master or owner of such vessel shall be guilty of an offence and shall incur a penalty not exceeding fifty pounds.

10 (n) by inserting next after section one hundred and sixty-five the following new section:— New sec. 165A.

165A. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed by regu- 15 lation or which are necessary or convenient for carrying this Act into effect. Regulations.

(o) by inserting next after section one hundred and seventy-two the following new section:— New sec. 173.

173. (1) The Governor on the recommenda- 20 tion of the Board may from time to time, by notification published in the Gazette, declare that, subject to such conditions, limitations, and restrictions (if any) as are expressed in the notification, the provisions of this Act, or such 25 of them as are mentioned in the notification, shall not apply to such vessels or classes of vessels as are specified in the notification. Power to suspend application of Act to certain vessels.

A notification under this subsection shall have effect according to its tenor.

30 (2) Where under subsection one of this section the Governor has declared that any provision of this Act shall not apply to any specified vessels or class of vessels the Governor may by regulations make such further or other provi- 35 sion for or in relation to such vessels or class of vessels as he may deem necessary or convenient for carrying out the provisions and objects of this Act.

(3) Subsection two of this section shall not prejudice the generality of any provision of this or any other Act which confers power to make regulations.

5 (4) In this section "vessel" shall have the meaning ascribed to it in section one hundred and thirty-three of this Act.

(p) by omitting from section one the figures "172" and by inserting in lieu thereof the figures "173." Sec. 1. (Consequential.)

10

Sydney: Thomas Henry Tennant, Government Printer—1941.

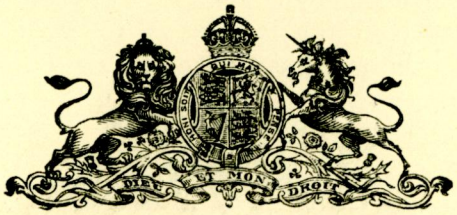
[7*d*.]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 27 *March,* 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

* *

Act No. , 1941.

An Act to amend the Navigation Act, 1901-1935, in certain respects; and for purposes connected therewith.

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 the same, as follows:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1941," and shall be read and construed with the Navigation Act, 1901-1935, as amended by subsequent Acts.

(2) The Navigation Act, 1901-1935, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Navigation Act, 1901-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended— Amendment of Act No. 60, 1901.

(a) by inserting next after section two the following new section:— New sec. 2A.

2A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. Construction.

(b) by inserting in section three immediately before the definition of the expression "qualified pilot" the following definition:— Sec. 3. (Interpretation.)

"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.

(c) by inserting next after section four the following new section:— New sec. 4A.

4A. The provisions of this Act relating to ships using steam power for the purpose of navigation and to steam navigation shall apply, with such modifications (if any) as may be prescribed by regulations made under this Act, to ships propelled by mechanical power and to the navigation of such ships. Application of Act.

(d) (i) by omitting from subsection one of section twenty-four the word "two" and by inserting in lieu thereof the words "one or more"; Sec. 24. (Court of Marine Inquiry.)

(ii) by omitting from the same subsection the word "assessors" where secondly occurring and by inserting in lieu thereof the words "assessor or assessors";

(e) by omitting section thirty-three; Sec. 33.

(f)

(f) by omitting from subsection one of section thirty-four the words "constructed or intended to carry passengers shall during the actual employment of such ship in that capacity" and by inserting in lieu thereof the word "shall"; Sec. 34 (1). (Owner of steamships to have them surveyed.)

(g) by omitting subsection three of section thirty-six and by inserting in lieu thereof the following subsection:— Subst. sec. 36 (3).

(3) The Board may insert in the certificate for a ship— Board may limit number of persons to be carried on ships.

(a) the number of persons which the ship may carry;

(b) the number of persons which may be carried in any portion of the ship.

(h) by omitting from subsection three of section thirty-eight the word "passengers" and by inserting in lieu thereof the word "persons"; Sec. 38 (3). (Number of passengers in certificate.)

(i) by omitting from section forty-two the words "with any passengers on board" wherever occurring; Sec. 42. (Steamship not to proceed on her voyage without certificate.)

(j) by omitting section forty-three and by inserting in lieu thereof the following new section:— Subst. sec. 43.

43. (1) No ship shall carry a greater number of persons than the number which the ship may carry as specified in the certificate for the ship. Penalty on owner, &c., for carrying more persons than specified in certificate.

(2) Where the certificate for a ship specifies a number of persons which may be carried in any portion of the ship, the ship shall not carry a greater number in that portion than that so specified.

(3) The master or owner of any ship upon which, or in any portion of which persons are carried in contravention of subsection one or subsection two of this section shall incur a penalty of not less than five pounds and not more than fifty pounds.

(k) by omitting from subsection five of section eighty-one the words "Provided that this enactment shall not apply to steam-launches, except Sec. 81(5).

such

such as are used for hire, or for the carriage of goods, or for towage purposes."

(l) by inserting in section one hundred and thirty-five after paragraph (c) the following new paragraphs:— Sec. 135. (Power to make regulations.)

(d) for and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) for and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) for and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels;

(g) for and with respect to the use of lights or fire in the holds of vessels;

(h) for and with respect to the safety of persons going on and coming from vessels, and the provision of means of escape from the holds of vessels while cargo is being loaded or unloaded;

(i) for and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels.

(m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:— Subst. sec. 150.

150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels within navigable waters. Any such notification may apply to— Rules to be observed by all vessels in navigable waters.

(a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes;

(b)

(b) navigable waters generally or to any particular portion or portions thereof or to navigable waters other than a particular portion or portions.

5 (2) If any vessel to which any such notification applies shall exceed the speed specified therein the master or owner of such vessel shall be guilty of an offence and shall incur a penalty not exceeding fifty pounds.

10 (n) by inserting next after section one hundred and sixty-five the following new section:— New sec. 165A.

165A. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed by regu- 15 lation or which are necessary or convenient for carrying this Act into effect. Regulations.

(o) by inserting next after section one hundred and seventy-two the following new section:— New sec. 173.

173. (1) The Governor on the recommenda- 20 tion of the Board may from time to time, by notification published in the Gazette, declare that, subject to such conditions, limitations, and restrictions (if any) as are expressed in the notification, the provisions of this Act, or such 25 of them as are mentioned in the notification, shall not apply to such vessels or classes of vessels as are specified in the notification. Power to suspend application of Act to certain vessels.

A notification under this subsection shall have effect according to its tenor.

30 (2) Where under subsection one of this section the Governor has declared that any provision of this Act shall not apply to any specified vessels or class of vessels the Governor may by regulations make such further or other provision for or in relation to such vessels or class of vessels as he may deem necessary or convenient for carrying out the provisions and objects of this Act.

(3)

(3) Subsection two of this section shall not prejudice the generality of any provision of this or any other Act which confers power to make regulations.

5 (4) In this section "vessel" shall have the meaning ascribed to it in section one hundred and thirty-three of this Act.

(p) by omitting from section one the figures "172" and by inserting in lieu thereof the figures "173." Sec. 1. (Consequential.)

10

Sydney: Thomas Henry Tennant, Government Printer—1941.

[7*d*.]

No. , 1941.

A BILL

To amend the Navigation Act, 1901-1935, in certain respects; and for purposes connected therewith.

[Mr. RICHARDSON;—25 *March*, 1941.]

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 the same, as follows:—

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1941," and shall be read and construed with the Navigation Act, 1901-1935, as amended by subsequent Acts. Short title, citation and commencement.

(2) The Navigation Act, 1901-1935, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Navigation Act, 1901-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended— Amendment of Act No. 60, 1901.

(a) by inserting next after section two the following new section:— New sec. 2A.

2A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. Construction.

(b) by inserting in section three immediately before the definition of the expression "qualified pilot" the following definition:— Sec. 3. (Interpretation.)

"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.

(c) by inserting next after section four the following new section:— New sec. 4A.

4A. The provisions of this Act relating to ships using steam power for the purpose of navigation and to steam navigation shall apply, with such modifications (if any) as may be prescribed by regulations made under this Act, to ships propelled by mechanical power and to the navigation of such ships. Application of Act.

(d) (i) by omitting from subsection one of section twenty-four the word "two" and by inserting in lieu thereof the words "one or more"; Sec. 24. (Court of Marine Inquiry.)

(ii) by omitting from the same subsection the word "assessors" where secondly occurring and by inserting in lieu thereof the words "assessor or assessors";

(e) by omitting section thirty-three; Sec. 33.

(f)

(f) by omitting from subsection one of section thirty-four the words "constructed or intended to carry passengers shall during the actual employment of such ship in that capacity" and by inserting in lieu thereof the word "shall"; Sec. 34 (1). (Owner of steamships to have them surveyed.)

(g) by omitting subsection three of section thirty-six and by inserting in lieu thereof the following subsection:— Subst. sec. 36 (3).

(3) The Board may insert in the certificate for a ship— Board may limit number of persons to be carried on ships.

(a) the number of persons which the ship may carry;

(b) the number of persons which may be carried in any portion of the ship.

(h) by omitting from subsection three of section thirty-eight the word "passengers" and by inserting in lieu thereof the word "persons"; Sec. 38 (3). (Number of passengers in certificate.)

(i) by omitting from section forty-two the words "with any passengers on board" wherever occurring; Sec. 42. (Steamship not to proceed on her voyage without certificate.)

(j) by omitting section forty-three and by inserting in lieu thereof the following new section:— Subst. sec. 43.

43. (1) No ship shall carry a greater number of persons than the number which the ship may carry as specified in the certificate for the ship. Penalty on owner, &c., for carrying more persons than specified in certificate.

(2) Where the certificate for a ship specifies a number of persons which may be carried in any portion of the ship, the ship shall not carry a greater number in that portion than that so specified.

(3) The master or owner of any ship upon which, or in any portion of which persons are carried in contravention of subsection one or subsection two of this section shall incur a penalty of not less than five pounds and not more than fifty pounds.

(k) by omitting from subsection five of section eighty-one the words "Provided that this enactment shall not apply to steam-launches, except Sec. 81(5).

such

such as are used for hire, or for the carriage of goods, or for towage purposes."

(l) by inserting in section one hundred and thirty-five after paragraph (c) the following new paragraphs:— Sec. 135. (Power to make regulations.)

(d) for and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) for and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) for and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels;

(g) for and with respect to the use of lights or fire in the holds of vessels;

(h) for and with respect to the safety of persons going on and coming from vessels when alongside wharves or piers, and the provision of means of escape from the holds of vessels while cargo is being loaded;

(i) for and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels.

(m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:— Subst. sec. 150.

150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels within navigable waters. Any such notification may apply to— Rules to be observed by all vessels in navigable waters.

(a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes;

(b)

(b) navigable waters generally or to any particular portion or portions thereof or to navigable waters other than a particular portion or portions.

5 (2) If any vessel to which any such notification applies shall exceed the speed specified therein the master or owner of such vessel shall be guilty of an offence and shall incur a penalty not exceeding fifty pounds.

10 (n) by inserting next after section one hundred and sixty-five the following new section:— New sec. 165A.

165A. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed by regu- 15 lation or which are necessary or convenient for carrying this Act into effect. Regulations.

(o) by inserting next after section one hundred and seventy-two the following new section:— New sec. 173.

173. (1) The Governor on the recommenda- 20 tion of the Board may from time to time, by notification published in the Gazette, declare that, subject to such conditions, limitations, and restrictions (if any) as are expressed in the notification, the provisions of this Act, or such 25 of them as are mentioned in the notification, shall not apply to such vessels or classes of vessels as are specified in the notification. Power to suspend application of Act to certain vessels.

A notification under this subsection shall have effect according to its tenor.

30 (2) Where under subsection one of this section the Governor has declared that any provision of this Act shall not apply to any specified vessels or class of vessels the Governor may by regulations make such further or other provi- 35 sion for or in relation to such vessels or class of vessels as he may deem necessary or convenient for carrying out the provisions and objects of this Act.

(3)

(3) Subsection two of this section shall not prejudice the generality of any provision of this or any other Act which confers power to make regulations.

5 (4) In this section "vessel" shall have the meaning ascribed to it in section one hundred and thirty-three of this Act.

(p) by omitting from section one the figures "172" and by inserting in lieu thereof the figures "173." Sec. 1. (Consequential.)

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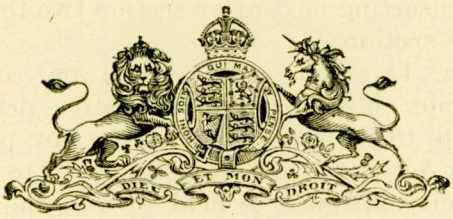
Sydney: Thomas Henry Tennant, Government Printer—1941.

[7*d*.]



New South Wales.

ANNO QUINTO

GEORGII VI REGIS.

* *

Act No. 27, 1941.

An Act to amend the Navigation Act, 1901-1935, in certain respects; and for purposes connected therewith. [Assented to, 10th April, 1941.]

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 the same, as follows:—

Short title, citation and commencement.

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1941," and shall be read and construed with the Navigation Act, 1901-1935, as amended by subsequent Acts.

(2) The Navigation Act, 1901-1935, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Navigation Act, 1901-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 60, 1901.

2. The Principal Act is amended—

New sec. 2A.

(a) by inserting next after section two the following new section:—

Construction.

2A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Sec. 3. (Interpretation.)

(b) by inserting in section three immediately before the definition of the expression "qualified pilot" the following definition:—

"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.

New sec. 4A.

(c) by inserting next after section four the following new section:—

Application of Act.

4A. The provisions of this Act relating to ships using steam power for the purpose of navigation and to steam navigation shall apply, with such modifications (if any) as may be prescribed by regulations made under this Act, to ships propelled by mechanical power and to the navigation of such ships.

Sec. 24. (Court of Marine Inquiry.)

(d) (i) by omitting from subsection one of section twenty-four the word "two" and by inserting in lieu thereof the words "one or more";

(ii) by omitting from the same subsection the word "assessors" where secondly occurring and by inserting in lieu thereof the words "assessor or assessors";

Sec. 33.

(e) by omitting section thirty-three;

(f)

(f) by omitting from subsection one of section thirty-four the words "constructed or intended to carry passengers shall during the actual employment of such ship in that capacity" and by inserting in lieu thereof the word "shall"; Sec. 34 (1). (Owner of steamships to have them surveyed.)

(g) by omitting subsection three of section thirty-six and by inserting in lieu thereof the following subsection:— Subst. sec. 36 (3).

(3) The Board may insert in the certificate for a ship— Board may limit number of persons to be carried on ships.

(a) the number of persons which the ship may carry;

(b) the number of persons which may be carried in any portion of the ship.

(h) by omitting from subsection three of section thirty-eight the word "passengers" and by inserting in lieu thereof the word "persons"; Sec. 38 (3). (Number of passengers in certificate.)

(i) by omitting from section forty-two the words "with any passengers on board" wherever occurring; Sec. 42. (Steamship not to proceed on her voyage without certificate.)

(j) by omitting section forty-three and by inserting in lieu thereof the following new section:— Subst. sec. 43.

43. (1) No ship shall carry a greater number of persons than the number which the ship may carry as specified in the certificate for the ship. Penalty on owner, &c., for carrying more persons than specified in certificate.

(2) Where the certificate for a ship specifies a number of persons which may be carried in any portion of the ship, the ship shall not carry a greater number in that portion than that so specified.

(3) The master or owner of any ship upon which, or in any portion of which persons are carried in contravention of subsection one or subsection two of this section shall incur a penalty of not less than five pounds and not more than fifty pounds.

(k) by omitting from subsection five of section eighty-one the words "Provided that this enactment shall not apply to steam-launches, except Sec. 81 (5).

such

such as are used for hire, or for the carriage of goods, or for towage purposes."

Sec. 135. (Power to make regulations.)

(l) by inserting in section one hundred and thirty-five after paragraph (c) the following new paragraphs:—

(d) for and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) for and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) for and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels and of persons engaged in the handling or storage of cargo in or upon any wharf;

(g) for and with respect to the use of lights or fire in the holds of vessels;

(h) for and with respect to the safety of persons going on and coming from vessels, and the provision of means of escape from the holds of vessels while cargo is being loaded or unloaded;

(i) for and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels.

Subst. sec. 150.

(m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:—

Rules to be observed by all vessels in navigable waters.

150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels within navigable waters. Any such notification may apply to—

(a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes;

(b)

(b) navigable waters generally or to any particular portion or portions thereof or to navigable waters other than a particular portion or portions.

(2) If any vessel to which any such notification applies shall exceed the speed specified therein the master or owner of such vessel shall be guilty of an offence and shall incur a penalty not exceeding fifty pounds.

(n) by inserting next after section one hundred and sixty-five the following new section:— New sec. 165A.

165A. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient for carrying this Act into effect. Regulations.

(o) by inserting next after section one hundred and seventy-two the following new section:— New sec. 173.

173. (1) The Governor on the recommendation of the Board may from time to time, by notification published in the Gazette, declare that, subject to such conditions, limitations, and restrictions (if any) as are expressed in the notification, the provisions of this Act, or such of them as are mentioned in the notification, shall not apply to such vessels or classes of vessels as are specified in the notification. Power to suspend application of Act to certain vessels.

A notification under this subsection shall have effect according to its tenor.

(2) Where under subsection one of this section the Governor has declared that any provision of this Act shall not apply to any specified vessels or class of vessels the Governor may by regulations make such further or other provision for or in relation to such vessels or class of vessels as he may deem necessary or convenient for carrying out the provisions and objects of this Act.

(3) Subsection two of this section shall not prejudice the generality of any provision of this or any other Act which confers power to make regulations.

(4) In this section "vessel" shall have the meaning ascribed to it in section one hundred and thirty-three of this Act.

Sec. 1. (Consequential.)

(p) by omitting from section one the figures "172" and by inserting in lieu thereof the figures "173."

By Authority:
THOMAS HENRY TENNANT, Government Printer, Sydney, 1941.
[3*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 8 *April,* 1941.

New South Wales.

ANNO QUINTO

GEORGII VI REGIS.

* *

Act No. 27, 1941.

An Act to amend the Navigation Act, 1901-1935, in certain respects; and for purposes connected therewith. [Assented to, 10th April, 1941.]

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 the same, as follows:—

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1941," and shall be read and construed with the Navigation Act, 1901-1935, as amended by subsequent Acts. Short title, citation and commencement.

(2) The Navigation Act, 1901-1935, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

(3) The Principal Act, as amended by this Act, may be cited as the Navigation Act, 1901-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 60, 1901. New sec. 2A.

2. The Principal Act is amended—

(a) by inserting next after section two the following new section:—

Construction.

2A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Sec. 3. (Interpretation.)

(b) by inserting in section three immediately before the definition of the expression "qualified pilot" the following definition:—

"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.

New sec. 4A.

(c) by inserting next after section four the following new section:—

Application of Act.

4A. The provisions of this Act relating to ships using steam power for the purpose of navigation and to steam navigation shall apply, with such modifications (if any) as may be prescribed by regulations made under this Act, to ships propelled by mechanical power and to the navigation of such ships.

Sec. 24. (Court of Marine Inquiry.)

(d) (i) by omitting from subsection one of section twenty-four the word "two" and by inserting in lieu thereof the words "one or more";

(ii) by omitting from the same subsection the word "assessors" where secondly occurring and by inserting in lieu thereof the words "assessor or assessors";

Sec. 33.

(e) by omitting section thirty-three;

(f)

(f) by omitting from subsection one of section thirty-four the words "constructed or intended to carry passengers shall during the actual employment of such ship in that capacity" and by inserting in lieu thereof the word "shall"; Sec. 34 (1). (Owner of steamships to have them surveyed.)

(g) by omitting subsection three of section thirty-six and by inserting in lieu thereof the following subsection:— Subst. sec. 36 (3).

(3) The Board may insert in the certificate for a ship— Board may limit number of persons to be carried on ships.

(a) the number of persons which the ship may carry;

(b) the number of persons which may be carried in any portion of the ship.

(h) by omitting from subsection three of section thirty-eight the word "passengers" and by inserting in lieu thereof the word "persons"; Sec. 38 (3). (Number of passengers in certificate.)

(i) by omitting from section forty-two the words "with any passengers on board" wherever occurring; Sec. 42. (Steamship not to proceed on her voyage without certificate.)

(j) by omitting section forty-three and by inserting in lieu thereof the following new section:— Subst. sec. 43.

43. (1) No ship shall carry a greater number of persons than the number which the ship may carry as specified in the certificate for the ship. Penalty on owner, &c., for carrying more persons than specified in certificate.

(2) Where the certificate for a ship specifies a number of persons which may be carried in any portion of the ship, the ship shall not carry a greater number in that portion than that so specified.

(3) The master or owner of any ship upon which, or in any portion of which persons are carried in contravention of subsection one or subsection two of this section shall incur a penalty of not less than five pounds and not more than fifty pounds.

(k) by omitting from subsection five of section eighty-one the words "Provided that this enactment shall not apply to steam-launches, except Sec. 81 (5).

such

such as are used for hire, or for the carriage of goods, or for towage purposes."

Sec. 135. (Power to make regulations.)

(l) by inserting in section one hundred and thirty-five after paragraph (c) the following new paragraphs:—

(d) for and with respect to the inspection and testing of machinery and appliances for the loading and unloading of vessels;

(e) for and with respect to the prevention of the use of defective machinery or appliances for the loading or unloading of vessels;

(f) for and with respect to the protection of the health and the security from injury of persons engaged in the loading or unloading of vessels and of persons engaged in the handling or storage of cargo in or upon any wharf;

(g) for and with respect to the use of lights or fire in the holds of vessels;

(h) for and with respect to the safety of persons going on and coming from vessels, and the provision of means of escape from the holds of vessels while cargo is being loaded or unloaded;

(i) for and with respect to the marking on packages or articles of cargo of the weight thereof before the same are loaded on vessels.

Subst. sec. 150.

(m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:—

Rules to be observed by all vessels in navigable waters.

150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels within navigable waters. Any such notification may apply to—

(a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes;

(b)

(b) navigable waters generally or to any particular portion or portions thereof or to navigable waters other than a particular portion or portions.

(2) If any vessel to which any such notification applies shall exceed the speed specified therein the master or owner of such vessel shall be guilty of an offence and shall incur a penalty not exceeding fifty pounds.

(n) by inserting next after section one hundred and sixty-five the following new section:— New sec. 165A.

165A. The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient for carrying this Act into effect. Regulations.

(o) by inserting next after section one hundred and seventy-two the following new section:— New sec. 173.

173. (1) The Governor on the recommendation of the Board may from time to time, by notification published in the Gazette, declare that, subject to such conditions, limitations, and restrictions (if any) as are expressed in the notification, the provisions of this Act, or such of them as are mentioned in the notification, shall not apply to such vessels or classes of vessels as are specified in the notification. Power to suspend application of Act to certain vessels.

A notification under this subsection shall have effect according to its tenor.

(2) Where under subsection one of this section the Governor has declared that any provision of this Act shall not apply to any specified vessels or class of vessels the Governor may by regulations make such further or other provision for or in relation to such vessels or class of vessels as he may deem necessary or convenient for carrying out the provisions and objects of this Act.

(3)

(3) Subsection two of this section shall not prejudice the generality of any provision of this or any other Act which confers power to make regulations.

(4) In this section "vessel" shall have the meaning ascribed to it in section one hundred and thirty-three of this Act.

Sec. 1. (Consequential.)

(p) by omitting from section one the figures "172" and by inserting in lieu thereof the figures "173."

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

Government House,
Sydney, 10*th April,* 1941.