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;"

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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.

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ANNO QUINTO

Act No. , 1941.

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

) E it enacted by the King's Most Excellent Majesty, D 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. (1) This Act may be cited as the "Navigation Short title, (Amendment) Act, 1941," and shall be read and con- citation and strued with the Navigation Act, 1901-1935, as amended commenceby subsequent Acts.

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

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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 5 published in the Gazette.

2. The Principal Act is amended-

of Act No. 60, 1901. (a) by inserting next after section two the following New sec. 24. new section :--

2A. This Act shall be read and construed so construcas not to exceed the legislative power of the tion. 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.

(b) by inserting in section three immediately before sec. 3. the definition of the expression "qualified pilot" (Interprethe following definition :---

> "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 sec. 4A. new section :---

4A. The provisions of this Act relating to ships Application of Act. 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.

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

(e) by omitting section thirty-three;

Sec. 83.

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tation.)

Amendment

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Act No. , 1941.

	12 12		Navigation (Amendment).	
5	2 - 1 i		by inserting in neu thereof the word shan,	(Owner of steamships to have them sur- veyed.)
		(g)	by omitting subsection three of section thirty- six and by inserting in lieu thereof the follow- ing subsection:—	36 (3).
10			 (3) The Board may insert in the certificate for a ship— (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. 	limit number
15		(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	Sec. 42. (Steamship not to pro- ceed on her
20			occurring;	voyage with- out certifi- cate.)
		(j)	by omitting section forty-three and by inserting in lieu thereof the following new section:— 43. (1) No ship shall carry a greater number	Subst. sec. 43.
25			of persons than the number which the ship may carry as specified in the certificate for the ship. (2) Where the certificate for a ship speci-	Penalty on owner, &c., for carrying more per- sons than specified in
30			fies 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.	certificate.
			(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	i ii
35			penalty of not less than five pounds and not more than fifty pounds.	
	£		by omitting from subsection five of section eighty-one the words "Provided that this enact- ment shall not apply to steam-launches, except such	

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	Navigation (Amendment).	
	such as are used for hire, or for the carriage of goods, or for towage purposes."	
5	(1) by inserting in section one hundred and thirty- five after paragraph (c) the following new para- graphs:—	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;	
10	 (e) for and with respect to the prevention of the use of defective machinery or appli- ances for the loading or unloading of vessels; 	
15	(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	· - ` 7
	engaged in the handling or storage of cargo in	
	or upon any whart;	
20	(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 for an ended of the safety of the	ħ
25	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	
	(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.	
30	(m) by omitting section one hundred and fifty and s by inserting in lieu thereof the following section:	Subst. ec. 150.
35	150. (1) The Board may, by notification published in the Gazette, limit the speed of vessels a within navigable waters. Any such notification may apply to—	bserved by
40	 (a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes; 	2
	(6)	

(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 New sec. sixty-five the following new section :---

165A.

165A. The Governor may make regulations 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.

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

173. (1) The Governor on the recommenda- Power to tion of the Board may from time to time, by noti- ^{suspend} application fication published in the Gazette, declare that, of Act to subject to such conditions, limitations, and certain 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.

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.

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(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.

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

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Sydney: Thomas Henry Tennant, Government Printer-1941.

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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.





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.

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 5 the same, as follows :--

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

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

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4		Act No. , 1941.	
	er den oberen	Navigation (Amendment).	• • • • •
	be cited) The Principal Act, as amended by this Act, may as the Navigation Act, 1901-1941.	
	appointe) This Act shall commence upon a day to be ed by the Governor and notified by proclamation ed in the Gazette.	
	2. Th	ne Principal Act is amended—	Amendment of Act No.
	(a)	by inserting next after section two the following new section:	60, 1901. New sec. 24.
10		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 pro-	
15	(h)	vision to other persons or circumstances shall not be affected. by inserting in section three immediately before	Sec 3
	(0)	the definition of the expression "qualified pilot" the following definition:—	
20		"prescribed" means prescribed by this Act or by regulation made under this Act or the Navigation Amendment (Regulations) Act, 1904.	
25	(c)	by inserting next after section four the following new section :	AnA
30		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 pro-	of Act.
	(d)	pelled by mechanical power and to the navigation of such ships.(i) by omitting from subsection one of section	Sec. 24.
35		twenty-four the word "two" and by insert- ing in lieu thereof the words "one or more";	Marine Inquiry.)
10		 (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.
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Navigation (Amendment).

			Navigation (Amendment).	
5	la Loto Martino Martino Martino Carl		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";	(Owner of steamships to have
		(g)	by omitting subsection three of section thirty- six and by inserting in lieu thereof the follow- ing subsection:—	Subst. sec. 36 (3).
10			 (3) The Board may insert in the certificate for a ship— (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. 	Board may limit number of persons to be carried on ships.
15		(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.)
20			by omitting from section forty-two the words "with any passengers on board" wherever occurring;by omitting section forty-three and by inserting in line thereof the following new section:	(Steamship not to pro- ceed on her voyage with- out certifi- cate.) Subst. sec.
			in lieu thereof the following new section:- 43. (1) No ship shall carry a greater number of newcong then the number which the ship may	43. Penalty on owner, &c.,
25			of persons than the number which the ship may carry as specified in the certificate for the ship. (2) Where the certificate for a ship speci- fies a number of persons which may be carried in any portion of the ship, the ship shall not	for carrying more per- sons than specified in
30			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	
35	-		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 enact-	
	(7	2	ment shall not apply to steam-launches, except such	. .

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

- (1) by inserting in section one hundred and thirty- Sec. 135. five after paragraph (c) the following new para- (Power to make graphs: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 subst. by inserting in lieu thereof the following sec. 150. section :--

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

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

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(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 New sec. 165A. sixty-five the following new section:-

> 165A. The Governor may make regulations 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.

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

173. (1) The Governor on the recommenda- Power to tion of the Board may from time to time, by noti- suspend fication published in the Gazette, declare that, of Act to subject to such conditions, limitations, and certain vessels. 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.

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.

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Navigation	(Amendment).	
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(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.

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

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Sydney : Thomas Henry Tennant, Government Printer-1941.

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No. , 1941.

A BILL

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

[Mr. RICHARDSON;-25 March, 1941.]

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 5 the same, as follows :----

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

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

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Navigation (Amendment). (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 5 published in the Gazette. Amendment 2. The Principal Act is amendedof Act No. 60, 1901. (a) by inserting next after section two the following ^{60, 1901}. New sec. 24. new section :---2A. This Act shall be read and construed so construcas not to exceed the legislative power of the tion. 10 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 15 not be affected. (b) by inserting in section three immediately before sec. 3. the definition of the expression "qualified pilot" (Interpretation.) the following definition :---"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 sec. 4A. new section :--25 4A. The provisions of this Act relating to ships Application using steam power for the purpose of navigation of Act. 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. (d) (i) by omitting from subsection one of section sec. 24. twenty-four the word "two" and by insert- (Court of ing in lieu thereof the words "one or Marine 35 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"; (e) by omitting section thirty-three; Sec. 33. (f)

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5	(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";	(Owner of steamships to have them sur-
	(g)	by omitting subsection three of section thirty- six and by inserting in lieu thereof the follow- ing subsection:—	Subst. sec.
10		 (3) The Board may insert in the certificate for a ship— (a) the number of persons which the ship may carry; (b) the number of persons which may be 	limit number
		carried in any portion of the ship.	
15	(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	Sec. 42. (Steamship not to pro- ceed on her
20	(;)	occurring; by omitting section forty-three and by inserting	voyage with- out certifi- cate.)
	(1)	in lieu thereof the following new section:— 43. (1) No ship shall carry a greater number	Subst. sec. 43.
25		of persons than the number which the ship may carry as specified in the certificate for the ship. (2) Where the certificate for a ship speci- fies a number of persons which may be carried	owner, &c., for carrying more per- sons than specified in
30		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	
35		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	
	(7.)	more than fifty pounds.	Sec. 81/5)

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

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Act No. , 1941.

	Navigation (Amendment).	
	such as are used for hire, or for the carriage of goods, or for towage purposes."	
5	 (1) by inserting in section one hundred and thirty- five after paragraph (c) the following new para- graphs:— 	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; 	Ū
10	(e) for and with respect to the prevention of the use of defective machinery or appli- ances for the loading or unloading of vessels;	
15	(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;	
20	(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;	
25	(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.	
30	(m) by omitting section one hundred and fifty and s by inserting in lieu thereof the following s section:—	Subst. ec. 150.
35	man apply to	Rules to be bserved by Il vessels in avigable vaters.
	 (a) vessels generally or to any particular class or classes of vessels or to vessels other than vessels of a particular class or classes; 	

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(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 New sec. sixty-five the following new section :---

165A.

165A. The Governor may make regulations 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.

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

173. (1) The Governor on the recommenda- Power to tion of the Board may from time to time, by noti- suspend fication published in the Gazette, declare that, application subject to such conditions, limitations, and certain 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.

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.

of Act to vessels.

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Act No. , 1941.

Navigation (Amendment).

Sydney: Thomas Henry Tennant, Government Printer-1941.

(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.

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

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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, I941.]

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 Short title, (Amendment) Act, 1941," and shall be read and con- commencestrued with the Navigation Act, 1901-1935, as amended ment. by subsequent Acts.

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

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(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-

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

2A. This Act shall $b\bar{e}$ 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.

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

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.

- (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";

(f)

(e) by omitting section thirty-three:

Amendment of Act No. 60, 1901. New sec. 24.

Construction.

Sec. 3. (Interpretation.)

New sec. 4A.

Application of Act.

Sec. 24. (Court of Marine Inquiry.)

Sec. 33.

Act No. 27, 1941.

Navigation (Amendment).

- (f) by omitting from subsection one of section Sec. 34 (1). thirty-four the words "constructed or intended (Owner of to carry passengers shall during the actual steamships employment of such ship in that capacity" and them surby inserting in lieu thereof the word "shall"; veyed.)
- (g) by omitting subsection three of section thirty- subst. sec. six and by inserting in lieu thereof the follow. 36 (3). ing subsection :----

(3) The Board may insert in the certificate Board may for a ship—

- (a) the number of persons which the ship be carried on 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 sec. 38 (3). thirty-eight the word "passengers" and by (Number of inserting in lieu thereof the word "persons";
- (i) by omitting from section forty-two the words Sec. 42. "with any passengers on board" wherever (Steamship occurring;
- (j) by omitting section forty-three and by inserting in lieu thereof the following new section :--

43. (1) No ship shall carry a greater number Penalty on of persons than the number which the ship may owner, &c., carry as specified in the certificate for the ship. nor early more per-

(2) Where the certificate for a ship speci- sons than fies a number of persons which may be carried certificate. 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 Sec. 81(5). eighty-one the words "Provided that this enactment shall not apply to steam-launches, except

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limit number of persons to ships.

passengers in certificate.)

not to proceed on her voyage without certificate.)

Subst. sec. 43.

for carrying specified in

Sec. 135.

(Power to make regulations.) such as are used for hire, or for the carriage of goods, or for towage purposes."

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

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)

Subst. sec. 150.

Rules to be observed by all vessels in navigable waters.

Act No. 27, 1941.

Navigation (Amendment).

(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 New sec. sixty-five the following new section :---

165A. The Governor may make regulations 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.

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

173. (1) The Governor on the recommenda- Power to tion of the Board may from time to time, by noti- suspend application fication published in the Gazette, declare that, of Act to subject to such conditions, limitations, and vessels. 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.

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)

165A.

Act No. 27, 1941.

Navigation (Amendment).

(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.

 (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. [3d.]

Sec. 1. (Consequential.)





I certify that this PUBLIC BILL, which originated in the LEGIS-LATIVE 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.





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.]

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. (1) This Act may be cited as the "Navigation Short title, (Amendment) Act, 1941," and shall be read and con-citation and strued with the Navigation Act, 1901-1935, as amended ment. 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)

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.

2. The Principal Act is amended—

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

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

 2_{A} . 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.

(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.

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

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.

 (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";

(e) by omitting section thirty-three;

Construction.

Sec. 3. (Interpretation.)

New sec. 4A.

Application of Act.

Sec. 24. (Court of Marine Inquiry.)

Sec. 33.

(f)

Navigation (Amendment). (f) by omitting from subsection one of section sec. 34 (1). thirty-four the words "constructed or intended (Owner of to carry passengers shall during the actual steamships to have employment of such ship in that capacity" and them surby inserting in lieu thereof the word "shall"; veyed.) (g) by omitting subsection three of section thirty- subst. sec. six and by inserting in lieu thereof the follow- ³⁶ (3). ing subsection :---(3) The Board may insert in the certificate Board may limit number for a ship of persons to (a) the number of persons which the ship be carried on ships. 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 Sec. 38 (3). thirty-eight the word "passengers" and by (Number of passengers i inserting in lieu thereof the word "persons"; certificate.) (i) by omitting from section forty-two the words sec. 42. "with any passengers on board" wherever (Steamship ceed on her occurring; voyage with-out certificate.) (j) by omitting section forty-three and by inserting Subst. sec. in lieu thereof the following new section:---43. 43. (1) No ship shall carry a greater number Penalty on of persons than the number which the ship may owner, &c., for carrying carry as specified in the certificate for the ship. more per-(2) Where the certificate for a ship speci- sons than specified in fies a number of persons which may be carried certificate. 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 Sec. 81(5). eighty-one the words "Provided that this enactment shall not apply to steam-launches, except such

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

Sec. 135. (Power to make regulations.) by inserting in section one hundred and thirtyfive 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.
- (m) by omitting section one hundred and fifty and by inserting in lieu thereof the following section:—

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;

Rules to be

Subst.

sec. 150.

Rules to be observed by all vessels in navigable waters.

1

(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 New sec. sixty-five the following new section :---

165A.

165A. The Governor may make regulations 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.

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

173. (1) The Governor on the recommenda- Power to tion of the Board may from time to time, by noti- suspend fication published in the Gazette, declare that, of Act to subject to such conditions, limitations, and certain vessels. 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.

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.

application

(3)

Act No. 27, 1941.

Navigation (Amendment).

(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.

(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, 10th April, 1941.

Sec. 1. (Consequential.)



