

CONCURRENCE COPY

NAVIGATION (COMMERCIAL VESSELS) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Commercial Vessels (Amendment) Bill, 1983.

The objects of this Bill are—

- (a) to repeal provisions of the Navigation Act, 1901, relating to the number and qualifications of the crew of a vessel as a consequence of the proposed inclusion of those provisions in the Commercial Vessels Act, 1979 (Schedule 1 (1), (3), (5) and (6));
- (b) to make it clear that the jurisdiction of Courts of Marine Inquiry to suspend or cancel certificates of masters, mates or engineers extends to certificates of competency proposed to be issued under the Commercial Vessels Act, 1979 (Schedule 1 (2));
- (c) to enable the powers conferred on the Maritime Services Board of New South Wales ("the Board") to inspect vessels and documents, to require information to be given and to carry out investigations for the purposes of the Navigation Act, 1901, to be exercised for the purposes of the Commercial Vessels Act, 1979 (Schedule 1 (4)); and
- (d) to amend the Navigation Act, 1901, ("the Act") by way of statute law revision and in other minor, ancillary or consequential respects, and in particular—
 - (i) to alter references to the former Superintendent of the Department of Navigation to the Board (Schedule 2 (1) (a), (1) (b), (1) (d), (2) (d), (3), (4), (5), (6) (a), (8), (10), (11), (13), (14) (a), (14) (b), (16), (18), (20), (21), (23) (b), (23) (c), (24), (29), (33), (34), (39) and (47));
 - (ii) to delete certain definitions that are no longer required (Schedule 2 (2) (a) and (c));
 - (iii) to repeal certain obsolete provisions relating to the licensing and regulation of ballast and coal lighters and watermen (Schedule 2 (1) (f), (6) (b), (40) and (51));
 - (iv) to transfer the remaining provision in Part IV of the Act to a more appropriate place in the Act (Schedule 2 (1) (c), (17) and (31));

- (v) to alter references to British ships in provisions of the Act to ships generally in order that those provisions may continue to have operation as a consequence of ships being required to be registered as Australian ships instead of British ships by virtue of the Shipping Registration Act 1981 of the Commonwealth (Schedule 2 (9), (23) (a), (23) (d), (41) (a) and (43));
 - (vi) to repeal provisions with respect to certain matters that are now dealt with in the Maritime Services Act, 1935 (Schedule 2 (1) (e), (7), (26), (37) and (42));
 - (vii) to change references in the Act to the Treasurer consequent upon the transfer of the administration of the Act to the Minister for Ports (Schedule 2 (12), (15) and (19) (b));
 - (viii) to delete references to police magistrates (Schedule 2 (18) (d) and (19) (a));
 - (ix) to enable the regulations with respect to collisions at sea (which are at present contained in the Seventh Schedule to the Act and are amended from time to time by the Governor by proclamation) to be made and amended in the same way as other regulations under the Act (Schedule 2 (25), (28) and (49));
 - (x) to provide that the regulations with respect to collisions at sea apply to inland navigable waters and to repeal provisions for the promulgation of separate regulations in respect of inland navigable waters (Schedule 2 (25) and (30));
 - (xi) to provide that the owner or master of a vessel who contravenes, or causes to be contravened, the regulations relating to collisions at sea or in inland navigable waters may be found guilty of an offence without the necessity to establish (as at present) that the contravention was wilful (Schedule 2 (25) and (27));
 - (xii) to delete obsolete regulations contained in the Act relating to the swinging of ships and the adjustment of compasses and to enable regulations on those matters to be made by the Governor (Schedule 2 (32) and (50));
 - (xiii) to repeal certain Acts which conferred power on the Governor to make regulations under the Act relating to vehicular ferries and to make specific provision in the Act to confer that power on the Governor (Schedule 2 (35) and (46) and Schedule 3);
 - (xiv) to repeal certain provisions relating to fairways of any port, being a matter that is now dealt with by the regulations relating to collisions at sea (Schedule 2 (36) and (38)); and
 - (xv) to repeal certain obsolete provisions relating to the determination of the tonnage of ships (Schedule 2 (44) and (45)).
-

**NAVIGATION (COMMERCIAL VESSELS) AMENDMENT BILL,
1983**

No. , 1983.

A BILL FOR

An Act to amend the Navigation Act, 1901, as a consequence of the enactment of the Commercial Vessels (Amendment) Act, 1983, for the purposes of statute law revision, and for other purposes.

[MR FERGUSON—15 *September*, 1983.]

Navigation (Commercial Vessels) Amendment.

BE it enacted by the Queen'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:—

5 Short title.

1. This Act may be cited as the "Navigation (Commercial Vessels) Amendment Act, 1983".

Commencement.

2. (1) This Act shall not come into operation until after Her Majesty's
10 pleasure thereon has been publicly signified in New South Wales.

(2) Her Majesty's pleasure may be so signified by the Governor by proclamation published in the Gazette.

(3) After Her Majesty's pleasure has been so signified, the several
15 provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

20 **SCHEDULE 1.—CONSEQUENTIAL AMENDMENTS TO THE NAVIGATION ACT, 1901.**

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT, 1901.

SCHEDULE 3.—REPEALS.

Amendment of Act No. 60, 1901.

25 **4.** The Navigation Act, 1901, is amended in the manner set forth in Schedules 1 and 2.

Navigation (Commercial Vessels) Amendment.

Repeals.

5. The Acts specified in Schedule 3 are repealed.
-

SCHEDULE 1.

(Sec. 4.)

5 CONSEQUENTIAL AMENDMENTS TO THE NAVIGATION ACT, 1901.

(1) Section 1—

Omit the matter relating to Part VI.

(2) Section 3, definition of “certificate”—

After the definition of “Board”, insert:—

- 10 “certificate”, in relation to a master, mate or engineer, includes a certificate of competency within the meaning of the Commercial Vessels Act, 1979;

(3) Section 7 (a)—

Omit the paragraph.

15 (4) Sections 11, 16 (b), 16 (c), 20 (a), 20 (b)—

After “Act” wherever occurring, insert “or the Commercial Vessels Act, 1979,”.

(5) Part VI—

Omit the Part.

20 (6) Fourth and Fifth Schedules—

Omit the Schedules.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2.

(Sec. 4.)

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT, 1901.

- (1) (a) Section 1—
5 From the matter relating to Part II, omit “*Officers*”, insert instead “*Administration*”.
- (b) Section 1—
From the matter relating to Division 1 of Part II, omit “*The Superintendent*”, insert instead “*The Board*”.
- 10 (c) Section 1—
Omit the matter relating to Part IV.
- (d) Section 1—
From the matter relating to Division 2 of Part VIII, omit “*Superintendent*”, insert instead “*Board*”.
- 15 (e) Section 1—
From the matter relating to Division 5 of Part VIII, omit “145”, insert instead “150”.
- (f) Section 1—
Omit the matter relating to Division 6 of Part VIII.
- 20 (2) (a) Section 3, definitions of “British Possession”, “coast-trade ship”, “foreign-going ship”, “legislature”—
Omit the definitions.
- (b) Section 3, definition of “harbour-master”—
Omit the definition, insert instead:—
- 25 “harbour-master” means any duly appointed harbour-master or assistant harbour-master, and includes any person acting in the capacity of harbour-master;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (c) Section 3, definition of “prescribed”—
5 Omit the definition.
- (d) Section 3, definition of “Superintendent”—
Omit the definition.
- (3) Section 3A—
Omit the section.
- 10 (4) Part II, heading—
Omit the heading, insert instead:—
PART II.
Administration.
- (5) Part II, Division 1, heading—
15 Omit the heading, insert instead:—
DIVISION 1.—*The Board.*
- (6) (a) Section 7—
Omit “Superintendent”, insert instead “Board”.
- (b) Section 7 (g), (h)—
20 Omit the paragraphs.
- (7) Section 8—
Omit the section.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (8) (a) Sections 9 (1), 10 (b), 11—
5 Omit “Superintendent” wherever occurring, insert instead
“Board”.
- (b) Section 9 (1)—
Omit “under his hand”, insert instead “in writing”.
- (c) Section 9 (1)—
10 Omit “he”, insert instead “it”.
- (9) Sections 11 (a), 27 (1) (a), 27 (1) (c), 27 (1) (d), 27 (1) (f),
95, 96, 98, 102—
Omit “British” wherever occurring.
- (10) (a) Section 13—
15 Omit “Superintendent may by summons under his hand”, insert
instead “Board may by summons in writing”.
- (b) Section 13—
Omit “him”, insert instead “it”.
- (c) Section 13—
20 Omit “his” where secondly occurring, insert instead “its”.
- (11) Section 16—
Omit “the Superintendent” wherever occurring, insert instead “it”.
- (12) Section 18—
Omit “Treasurer” wherever occurring, insert instead “Minister”.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (13) (a) Section 20—
5 Omit “The Superintendent and every person deputed by him to act in his behalf”, insert instead “The Board and every person deputed by it to act in its behalf”.
- (b) Section 20 (a)—
Omit “Superintendent”, insert instead “Board”.
- 10 (14) (a) Section 21 (1) (a), (2) (b)—
Omit “Superintendent” wherever occurring, insert instead “Board”.
- (b) Section 21 (1) (a)—
After “execution of”, insert “its or”.
- 15 (c) Section 21 (2)—
Omit “ten miles”, insert instead “16 kilometres”.
- (15) Section 28—
Omit “Colonial Treasurer”, insert instead “Minister”.
- (16) Section 31 (1)—
20 Omit “Superintendent” wherever occurring, insert instead “Board”.
- (17) Part IV—
Omit the Part.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(18) (a) Section 98—

5 Omit “Superintendent” wherever occurring (except where secondly occurring in section 98 (a)), insert instead “Board”.

(b) Section 98 (a), (b), (c)—

Omit “he” wherever occurring, insert instead “it”.

(c) Section 98 (a)—

10 Omit “In ports other than Sydney and Newcastle a police magistrate may, in the absence of the Superintendent, exercise the aforesaid powers.”.

(d) Section 98 (b)—

Omit “or police magistrate (as the case may be)”.

15 (e) Section 98 (b)—

Omit “him”, insert instead “it”.

(f) Section 98 (c)—

Omit “his”, insert instead “its”.

(19) (a) Section 100 (1)—

20 Omit “or police” wherever occurring.

(b) Section 100 (2)—

Omit “Treasurer”, insert instead “Minister”.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(20) (a) Section 102—

5 Omit “one-fourth of the crew of a foreign-going ship, or by at
least two of the crew of a coast-trade ship is made to the
Superintendent, or, in ports other than Sydney and Newcastle
and in the absence of the Superintendent, to a police magis-
10 trate,” insert instead “2 of the crew of a ship is made to the
Board”.

(b) Section 102—

Omit “Superintendent or magistrate (as the case may be)”,
insert instead “Board”.

(c) Section 102—

15 Omit “The Superintendent or any police magistrate is hereby
authorised to take any such affidavit or declaration, and for
that purpose may administer an oath or take a solemn
declaration.”.

(21) Section 104 (1)—

20 Omit “the Superintendent or any officer of the Department of Navi-
gation”, insert instead “any officer of the Board”.

(22) Section 105 (4)—

Omit “of this Act”.

(23) (a) Section 106 (1)—

25 Omit “as if she were a British ship”.

(b) Section 106 (1) (b)—

Omit “Superintendent”, insert instead “Board”.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (c) Section 106 (1) (b)—
5 Omit “he”, insert instead “it”.
- (d) Section 106 (1) (b)—
Omit “, and the owner and master shall have the same right of appeal to the Governor as is hereinbefore provided by this Act with respect to the detention of British ships”.
- 10 (24) (a) Section 111 (2)—
Omit “Superintendent”, insert instead “Board”.
- (b) Section 111 (2)—
Omit “he”, insert instead “it”.
- (c) Section 111 (3)—
15 Omit “Superintendent or any officer of the Department of Navigation”, insert instead “Board”.
- (d) Section 111 (4)—
Omit “Superintendent or officer”, insert instead “Board”.
- (25) Section 113—
20 Omit the section, insert instead:—

Regulations.

113. (1) In this Division—

“seaplane” includes any aircraft designed to manoeuvre on the water;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

5 “ship” includes any boat, barge, punt craft or other vessel of whatever description and however propelled, and includes a seaplane.

10 (2) The Governor may make regulations not inconsistent with this Act for or with respect to the prevention of collisions at sea or in inland navigable waters and, in particular, for or with respect to—

- (a) the lights to be carried and exhibited by ships;
- (b) the fog signals to be carried and used by ships; and
- (c) the steering and sailing rules to be observed by ships.

15 (3) The regulations made pursuant to subsection (2) may adopt, with or without modification, any international regulations for the prevention of collisions at sea.

20 (4) The owner or master of a ship who contravenes the regulations made pursuant to subsection (2), or causes those regulations to be contravened, is guilty of an offence and liable to a penalty not exceeding \$100.

25 (5) The regulations in force immediately before the repeal of the Seventh Schedule by the Navigation (Commercial Vessels) Amendment Act, 1983, and contained in that Schedule shall, notwithstanding that repeal, continue in force and shall be deemed to have been made under subsection (2).

30 (6) Except to the extent that a regulation made pursuant to subsection (2) otherwise provides, the regulations referred to in subsection (5) shall, in addition to the waters to which they applied immediately before the repeal of the Seventh Schedule by the Navigation (Commercial Vessels) Amendment Act, 1983, be deemed to apply to all inland navigable waters.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (26) Section 114—
5 Omit the section.
- (27) Section 115—
Omit the section.
- (28) Section 116—
10 After “deck of such ship”, insert “or, in the case of a seaplane, the pilot or other person on duty in charge of the seaplane”.
- (29) Section 118—
Omit “Superintendent” wherever occurring, insert instead “Board”.
- (30) Section 119—
Omit the section.
- 15 (31) Section 120 (2), (3)—
At the end of section 120, insert:—
- 20 (2) Whenever a ship has suffered or caused any accident occasioning loss of life or serious injury to any person, the master of the ship shall, within 24 hours after the accident or as soon as practicable thereafter, forward to the Board in writing a report of the accident which includes details of the probable cause of the accident, the name of the ship, the place at which the ship is registered and the place at which the accident occurred.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

5 (3) The master of a ship who fails to comply with subsection (2) is guilty of an offence and liable to a penalty not exceeding \$100.

(32) Section 130—

Omit the section, insert instead:—

Regulations.

10 130. The Governor may make regulations not inconsistent with this Act for or with respect to the examination and adjustment of compasses on ships and, in particular, for or with respect to—

- (a) the certification of persons to adjust compasses;
- (b) the issue of deviation cards in respect of compasses; and
- (c) the payment of fees to persons who adjust compasses.

15 (33) Part VIII, Division 2, heading—

Omit “*Superintendent*”, insert instead “*Board*”.

(34) Section 134—

Omit “*Superintendent*”, insert instead “*Board*”.

(35) (a) Section 135 (i)—

20 Omit “*vessels,*”, insert instead “*vessels;*”.

(b) Section 135 (j), (k)—

After section 135 (i), insert:—

- (j) regulating or prohibiting smoking on any vehicular ferry;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- 5 (k) regulating the display of lights on vehicles using a vehicular ferry and prohibiting the display on any such vehicle of any light which might tend to endanger navigation,
- (36) Section 136—
Omit the section.
- 10 (37) Sections 145–148—
Omit the sections.
- (38) Section 151—
Omit the section.
- (39) Section 153 (1)—
15 Omit “Superintendent” wherever occurring, insert instead “Board”.
- (40) Part VIII, Division 6—
Omit the Division.
- (41) (a) Section 157 (1)—
Omit “registered in New South Wales”.
- 20 (b) Section 157 (1)—
Omit “shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

5 place, and shall be subject to the regulations in the Tenth Schedule, which regulations shall have effect as part of this section;”, insert instead “shall be subject to the provisions set out in the Eleventh Schedule,”.

(c) Section 157 (1)—

10 Omit “foregoing requirements of this section”, insert instead “provisions of that Schedule”.

(42) Section 162—

Omit the section.

(43) Section 163—

Omit the section.

15 (44) Section 164—

Omit the section.

(45) Section 165—

Omit the section.

(46) Section 167—

20 Omit the section, insert instead:—

Publication, etc., of regulations and rules.

25 167. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation or rule made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (47) Section 170—
5 Omit “Superintendent” wherever occurring, insert instead “Board”.
- (48) Third Schedule—
Omit the Schedule.
- (49) Seventh Schedule—
Omit the Schedule.
- 10 (50) Eighth Schedule—
Omit the Schedule.
- (51) Tenth Schedule—
Omit the Schedule.
- (52) Eleventh Schedule, heading—
15 Omit “*Regulations*”, insert instead “*Provisions*”.
-

Navigation (Commercial Vessels) Amendment.

SCHEDULE 3.

(Sec. 5.)

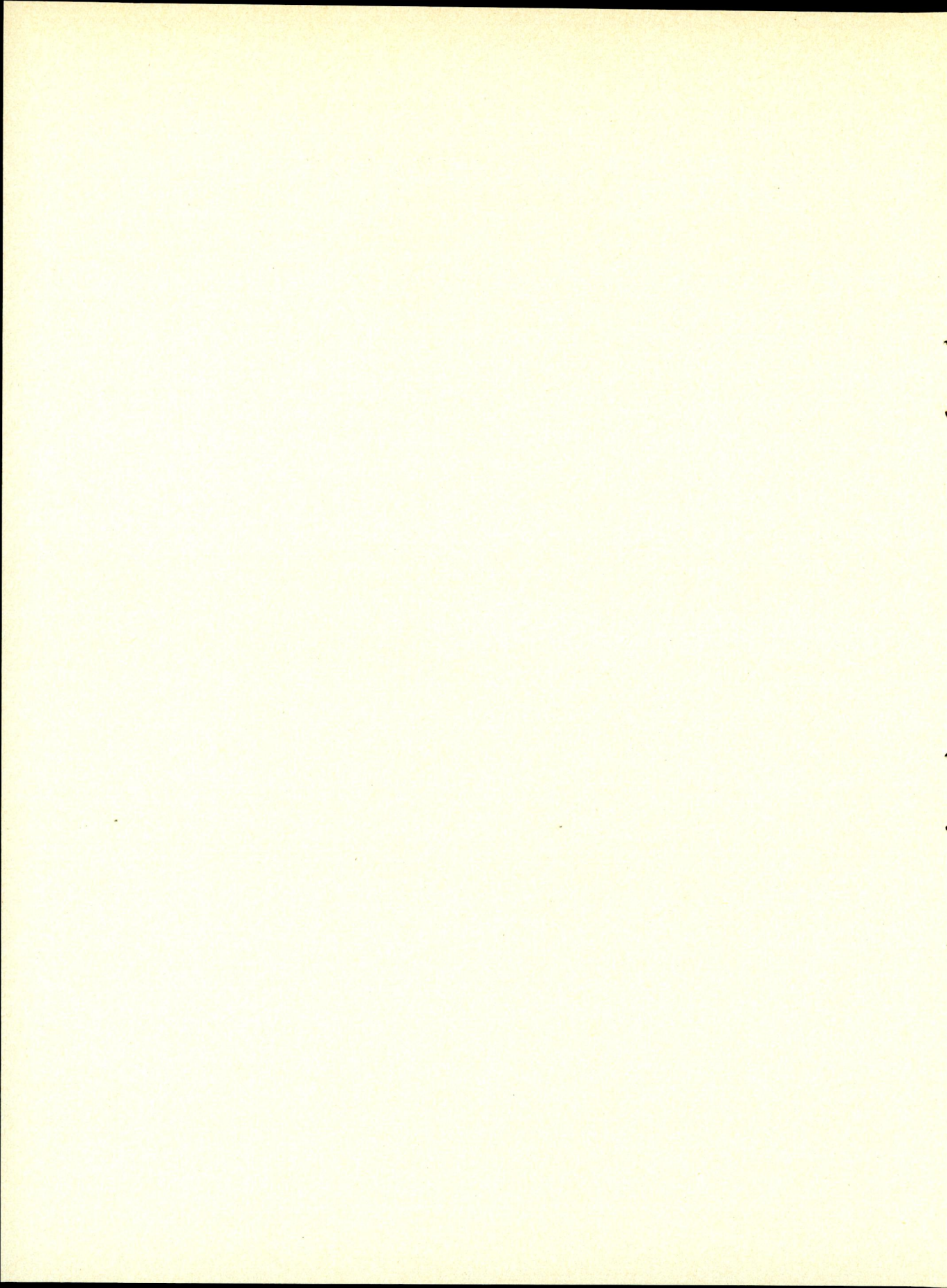
REPEALS.

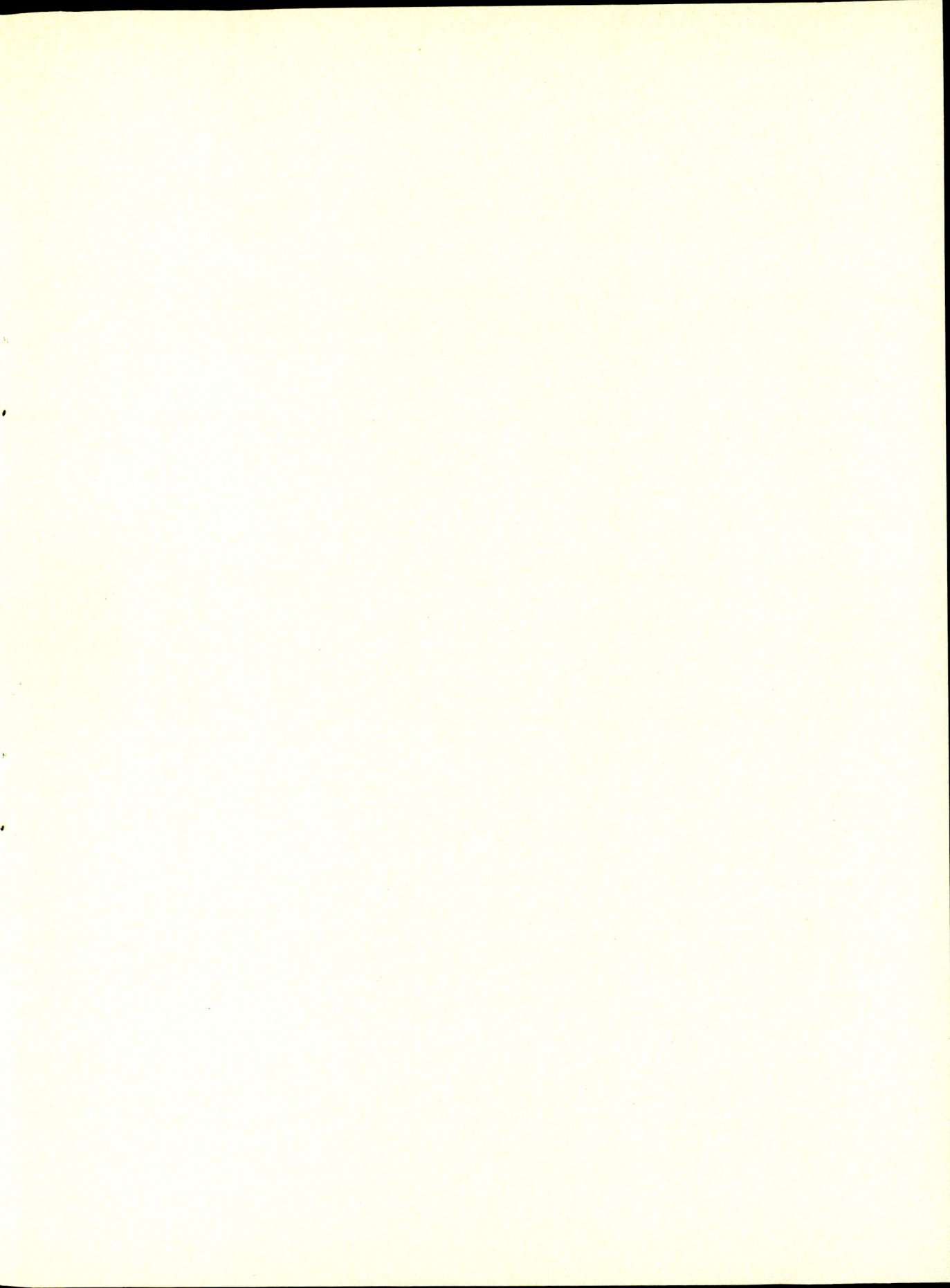
5	Year and number of Act.	Short title of Act.
	1904, No. 22	Navigation Amendment (Regulations) Act, 1904.
	1927, No. 57	Navigation (Amendment) Act, 1927.

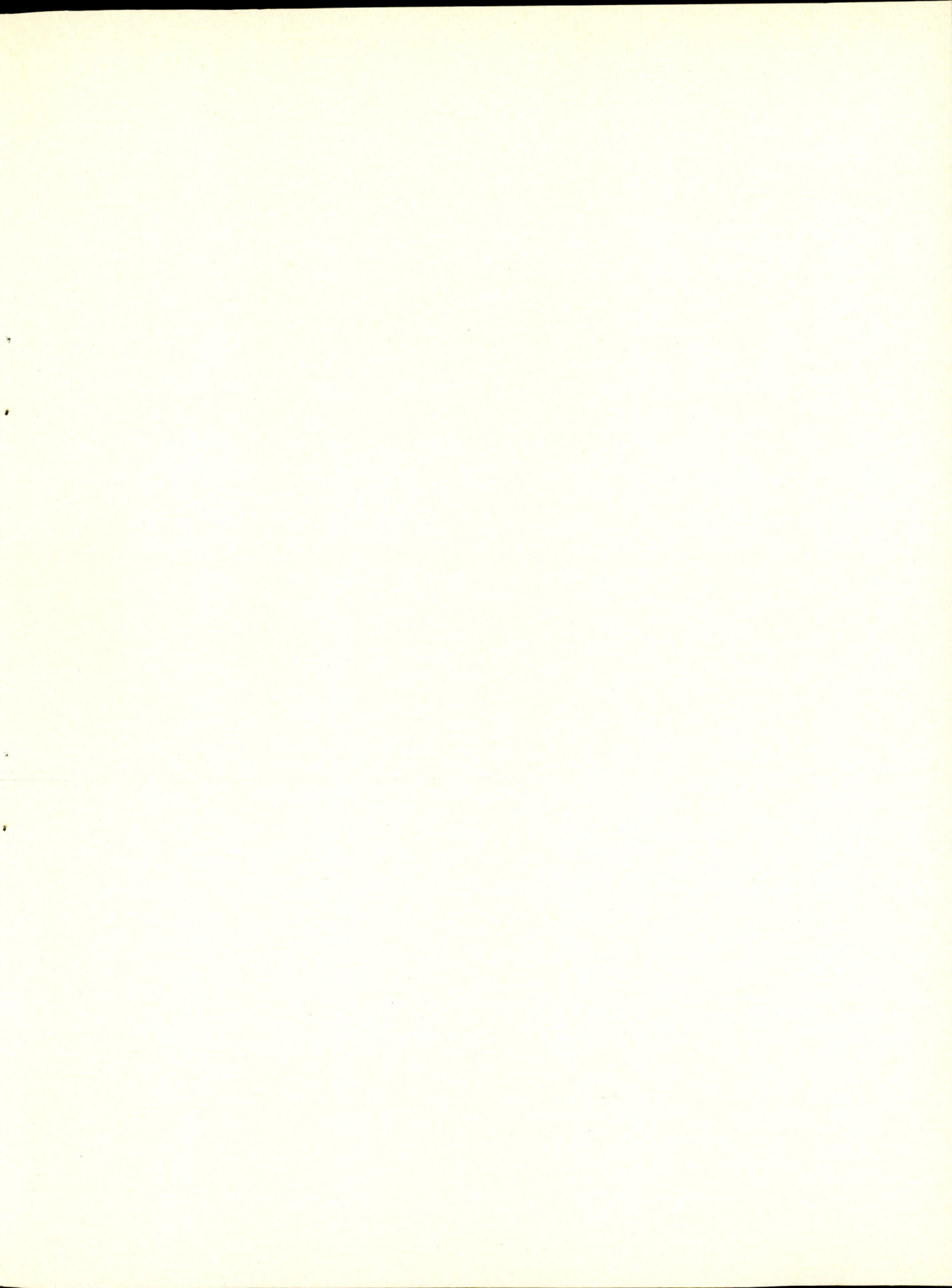
BY AUTHORITY

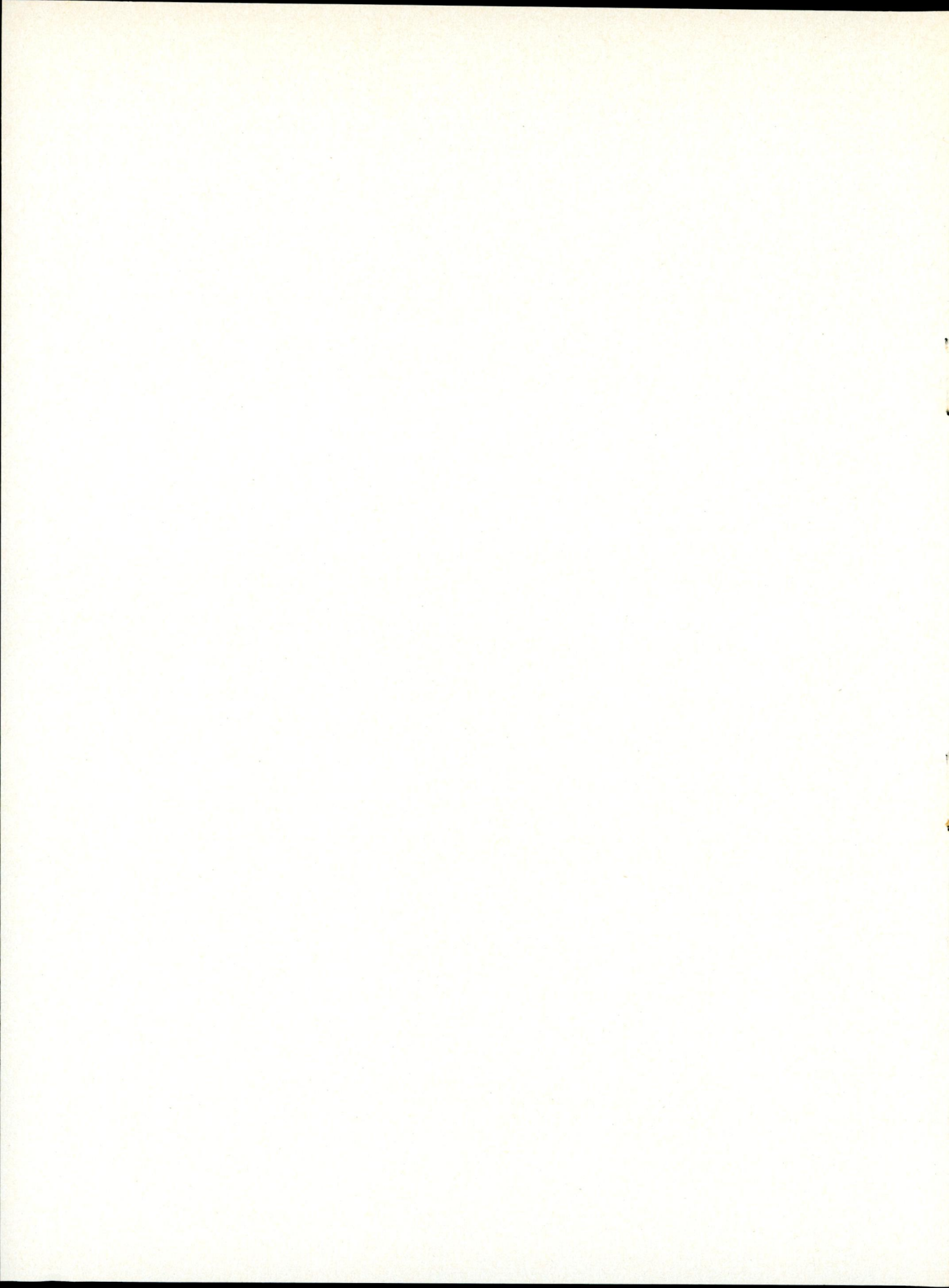
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(80c)









NAVIGATION (COMMERCIAL VESSELS) AMENDMENT
ACT, 1983, No. 113

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 113, 1983.

An Act to amend the Navigation Act, 1901, as a consequence of the enactment of the Commercial Vessels (Amendment) Act, 1983, for the purposes of statute law revision, and for other purposes. [Assented to, 25th November, 1983.]

Navigation (Commercial Vessels) Amendment.

BE it enacted by the Queen'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.

1. This Act may be cited as the "Navigation (Commercial Vessels) Amendment Act, 1983".

Commencement.

2. (1) This Act shall not come into operation until after Her Majesty's pleasure thereon has been publicly signified in New South Wales.

(2) Her Majesty's pleasure may be so signified by the Governor by proclamation published in the *Gazette*.

(3) After Her Majesty's pleasure has been so signified, the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the *Gazette*.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—CONSEQUENTIAL AMENDMENTS TO THE NAVIGATION ACT, 1901.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT, 1901.

SCHEDULE 3.—REPEALS.

Amendment of Act No. 60, 1901.

4. The Navigation Act, 1901, is amended in the manner set forth in Schedules 1 and 2.

Navigation (Commercial Vessels) Amendment.

Repeals.

5. The Acts specified in Schedule 3 are repealed.

SCHEDULE 1.

(Sec. 4.)

CONSEQUENTIAL AMENDMENTS TO THE NAVIGATION ACT, 1901.

- (1) Section 1—

Omit the matter relating to Part VI.

- (2) Section 3, definition of “certificate”—

After the definition of “Board”, insert:—

“certificate”, in relation to a master, mate or engineer, includes a certificate of competency within the meaning of the Commercial Vessels Act, 1979;

- (3) Section 7 (a)—

Omit the paragraph.

- (4) Sections 11, 16 (b), 16 (c), 20 (a), 20 (b)—

After “Act” wherever occurring, insert “or the Commercial Vessels Act, 1979,”.

- (5) Part VI—

Omit the Part.

- (6) Fourth and Fifth Schedules—

Omit the Schedules.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2.

(Sec. 4.)

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT, 1901.

(1) (a) Section 1—

From the matter relating to Part II, omit "*Officers*", insert instead "*Administration*".

(b) Section 1—

From the matter relating to Division 1 of Part II, omit "*The Superintendent*", insert instead "*The Board*".

(c) Section 1—

Omit the matter relating to Part IV.

(d) Section 1—

From the matter relating to Division 2 of Part VIII, omit "*Superintendent*", insert instead "*Board*".

(e) Section 1—

From the matter relating to Division 5 of Part VIII, omit "145", insert instead "150".

(f) Section 1—

Omit the matter relating to Division 6 of Part VIII.

(2) (a) Section 3, definitions of "British Possession", "coast-trade ship", "foreign-going ship", "legislature"—

Omit the definitions.

(b) Section 3, definition of "harbour-master"—

Omit the definition, insert instead:—

"harbour-master" means any duly appointed harbour-master or assistant harbour-master, and includes any person acting in the capacity of harbour-master;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(c) Section 3, definition of “prescribed”—

Omit the definition.

(d) Section 3, definition of “Superintendent”—

Omit the definition.

(3) Section 3A—

Omit the section.

(4) Part II, heading—

Omit the heading, insert instead:—

PART II.

Administration.

(5) Part II, Division 1, heading—

Omit the heading, insert instead:—

DIVISION 1.—*The Board.*

(6) (a) Section 7—

Omit “Superintendent”, insert instead “Board”.

(b) Section 7 (g), (h)—

Omit the paragraphs.

(7) Section 8—

Omit the section.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (8) (a) Sections 9 (1), 10 (b), 11—
Omit “Superintendent” wherever occurring, insert instead “Board”.
- (b) Section 9 (1)—
Omit “under his hand”, insert instead “in writing”.
- (c) Section 9 (1)—
Omit “he”, insert instead “it”.
- (9) Sections 11 (a), 27 (1) (a), 27 (1) (c), 27 (1) (d), 27 (1) (f),
95, 96, 98, 102—
Omit “British” wherever occurring.
- (10) (a) Section 13—
Omit “Superintendent may by summons under his hand”, insert
instead “Board may by summons in writing”.
- (b) Section 13—
Omit “him”, insert instead “it”.
- (c) Section 13—
Omit “his” where secondly occurring, insert instead “its”.
- (11) Section 16—
Omit “the Superintendent” wherever occurring, insert instead “it”.
- (12) Section 18—
Omit “Treasurer” wherever occurring, insert instead “Minister”.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(13) (a) Section 20—

Omit "The Superintendent and every person deputed by him to act in his behalf", insert instead "The Board and every person deputed by it to act in its behalf".

(b) Section 20 (a)—

Omit "Superintendent", insert instead "Board".

(14) (a) Section 21 (1) (a), (2) (b)—

Omit "Superintendent" wherever occurring, insert instead "Board".

(b) Section 21 (1) (a)—

After "execution of", insert "its or".

(c) Section 21 (2)—

Omit "ten miles", insert instead "16 kilometres".

(15) Section 28—

Omit "Colonial Treasurer", insert instead "Minister".

(16) Section 31 (1)—

Omit "Superintendent" wherever occurring, insert instead "Board".

(17) Part IV—

Omit the Part.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(18) (a) Section 98—

Omit "Superintendent" wherever occurring (except where secondly occurring in section 98 (a)), insert instead "Board".

(b) Section 98 (a), (b), (c)—

Omit "he" wherever occurring, insert instead "it".

(c) Section 98 (a)—

Omit "In ports other than Sydney and Newcastle a police magistrate may, in the absence of the Superintendent, exercise the aforesaid powers."

(d) Section 98 (b)—

Omit "or police magistrate (as the case may be)".

(e) Section 98 (b)—

Omit "him", insert instead "it".

(f) Section 98 (c)—

Omit "his", insert instead "its".

(19) (a) Section 100 (1)—

Omit "or police" wherever occurring.

(b) Section 100 (2)—

Omit "Treasurer", insert instead "Minister".

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(20) (a) Section 102—

Omit “one-fourth of the crew of a foreign-going ship, or by at least two of the crew of a coast-trade ship is made to the Superintendent, or, in ports other than Sydney and Newcastle and in the absence of the Superintendent, to a police magistrate,” insert instead “2 of the crew of a ship is made to the Board”.

(b) Section 102—

Omit “Superintendent or magistrate (as the case may be)”, insert instead “Board”.

(c) Section 102—

Omit “The Superintendent or any police magistrate is hereby authorised to take any such affidavit or declaration, and for that purpose may administer an oath or take a solemn declaration.”.

(21) Section 104 (1)—

Omit “the Superintendent or any officer of the Department of Navigation”, insert instead “any officer of the Board”.

(22) Section 105 (4)—

Omit “of this Act”.

(23) (a) Section 106 (1)—

Omit “as if she were a British ship”.

(b) Section 106 (1) (b)—

Omit “Superintendent”, insert instead “Board”.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

- (c) Section 106 (1) (b)—
Omit “he”, insert instead “it”.
- (d) Section 106 (1) (b)—
Omit “, and the owner and master shall have the same right of appeal to the Governor as is hereinbefore provided by this Act with respect to the detention of British ships”.
- (24) (a) Section 111 (2)—
Omit “Superintendent”, insert instead “Board”.
- (b) Section 111 (2)—
Omit “he”, insert instead “it”.
- (c) Section 111 (3)—
Omit “Superintendent or any officer of the Department of Navigation”, insert instead “Board”.
- (d) Section 111 (4)—
Omit “Superintendent or officer”, insert instead “Board”.
- (25) Section 113—
Omit the section, insert instead:—

Regulations.

113. (1) In this Division—

“seaplane” includes any aircraft designed to manoeuvre on the water;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

“ship” includes any boat, barge, punt craft or other vessel of whatever description and however propelled, and includes a seaplane.

(2) The Governor may make regulations not inconsistent with this Act for or with respect to the prevention of collisions at sea or in inland navigable waters and, in particular, for or with respect to—

- (a) the lights to be carried and exhibited by ships;
- (b) the fog signals to be carried and used by ships; and
- (c) the steering and sailing rules to be observed by ships.

(3) The regulations made pursuant to subsection (2) may adopt, with or without modification, any international regulations for the prevention of collisions at sea.

(4) The owner or master of a ship who contravenes the regulations made pursuant to subsection (2), or causes those regulations to be contravened, is guilty of an offence and liable to a penalty not exceeding \$100.

(5) The regulations in force immediately before the repeal of the Seventh Schedule by the Navigation (Commercial Vessels) Amendment Act, 1983, and contained in that Schedule shall, notwithstanding that repeal, continue in force and shall be deemed to have been made under subsection (2).

(6) Except to the extent that a regulation made pursuant to subsection (2) otherwise provides, the regulations referred to in subsection (5) shall, in addition to the waters to which they applied immediately before the repeal of the Seventh Schedule by the Navigation (Commercial Vessels) Amendment Act, 1983, be deemed to apply to all inland navigable waters.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(26) Section 114—

Omit the section.

(27) Section 115—

Omit the section.

(28) Section 116—

After “deck of such ship”, insert “or, in the case of a seaplane, the pilot or other person on duty in charge of the seaplane”.

(29) Section 118—

Omit “Superintendent” wherever occurring, insert instead “Board”.

(30) Section 119—

Omit the section.

(31) Section 120 (2), (3)—

At the end of section 120, insert:—

(2) Whenever a ship has suffered or caused any accident occasioning loss of life or serious injury to any person, the master of the ship shall, within 24 hours after the accident or as soon as practicable thereafter, forward to the Board in writing a report of the accident which includes details of the probable cause of the accident, the name of the ship, the place at which the ship is registered and the place at which the accident occurred.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(3) The master of a ship who fails to comply with subsection (2) is guilty of an offence and liable to a penalty not exceeding \$100.

(32) Section 130—

Omit the section, insert instead:—

Regulations.

130. The Governor may make regulations not inconsistent with this Act for or with respect to the examination and adjustment of compasses on ships and, in particular, for or with respect to—

- (a) the certification of persons to adjust compasses;
- (b) the issue of deviation cards in respect of compasses; and
- (c) the payment of fees to persons who adjust compasses.

(33) Part VIII, Division 2, heading—

Omit "*Superintendent*", insert instead "*Board*".

(34) Section 134—

Omit "*Superintendent*", insert instead "*Board*".

(35) (a) Section 135 (i)—

Omit "vessels," insert instead "vessels;".

(b) Section 135 (j), (k)—

After section 135 (i), insert:—

- (j) regulating or prohibiting smoking on any vehicular ferry;

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(k) regulating the display of lights on vehicles using a vehicular ferry and prohibiting the display on any such vehicle of any light which might tend to endanger navigation,

(36) Section 136—

Omit the section.

(37) Sections 145–148—

Omit the sections.

(38) Section 151—

Omit the section.

(39) Section 153 (1)—

Omit “Superintendent” wherever occurring, insert instead “Board”.

(40) Part VIII, Division 6—

Omit the Division.

(41) (a) Section 157 (1)—

Omit “registered in New South Wales”.

(b) Section 157 (1)—

Omit “shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

place, and shall be subject to the regulations in the Tenth Schedule, which regulations shall have effect as part of this section;”, insert instead “shall be subject to the provisions set out in the Eleventh Schedule,”.

(c) Section 157 (1)—

Omit “foregoing requirements of this section”, insert instead “provisions of that Schedule”.

(42) Section 162—

Omit the section.

(43) Section 163—

Omit the section.

(44) Section 164—

Omit the section.

(45) Section 165—

Omit the section.

(46) Section 167—

Omit the section, insert instead:—

Publication, etc., of regulations and rules.

167. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation or rule made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Navigation (Commercial Vessels) Amendment.

SCHEDULE 2—*continued.*MISCELLANEOUS AMENDMENTS TO THE NAVIGATION ACT,
1901—*continued.*

(47) Section 170—

Omit "Superintendent" wherever occurring, insert instead "Board".

(48) Third Schedule—

Omit the Schedule.

(49) Seventh Schedule—

Omit the Schedule.

(50) Eighth Schedule—

Omit the Schedule.

(51) Tenth Schedule—

Omit the Schedule.

(52) Eleventh Schedule, heading—

Omit "*Regulations*", insert instead "*Provisions*".

Navigation (Commercial Vessels) Amendment.

SCHEDULE 3.

(Sec. 5.)

REPEALS.

Year and number of Act.	Short title of Act.
1904, No. 22	Navigation Amendment (Regulations) Act, 1904.
1927, No. 57	Navigation (Amendment) Act, 1927.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 25th November, 1983.





