

1872.

Legislative Council.

35^o VICTORIÆ, 1872.

A BILL

To amend in certain particulars the Navigation Act of 1871.

[MR. SAMUEL ;—11 July, 1872.]

WHEREAS it is expedient that the Navigation Act of 1871 should Preamble.
be amended in respect of certain matters defined in the interpretation clause to the said Act and also in respect of certain other provisions in the said Act contained Be it therefore enacted by the
5 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 :—

1. This Act shall be read with and as forming part of the Construction and short title.
10 Navigation Act of 1871 hereinafter termed the Principal Act and may
be cited as the "Navigation Act Amendment Act of 1872."

2. In the meanings respectively set against the terms "foreign- Amendment of interpretation clause of Navigation Act of 1871.
going ship" and "coast-trade ship" in the fourth section of the Principal
Act the word "British" shall in each case be inserted between the
15 word "registered" and the word "ship" And the proviso in the said
section attached to the meaning set against the term "coast-trade
ship" is hereby repealed and the following proviso substituted therefor
viz. :—"Provided that every such ship which shall be employed in
"trading between any parts of conterminous Colonies may be deemed
20 "to be a coast-trade ship for such purposes of this Act as the Marine
"Board may deem fit."

Amendment of sections 10 and 11 of said Act.

3. The word "third" wheresoever occurring and the words "for three years" in the tenth and eleventh sections of the Principal Act are hereby declared to be expunged and the said sections shall be read and construed as if the said words had been omitted therefrom.

Extension of section 19 of said Act.

4. The Marine Board is hereby authorized to license and regulate all watermen and boatmen plying for hire over or upon any navigable waters within their jurisdiction And the nineteenth section of the Principal Act shall be read and construed as if the words "watermen" and "boatmen" had been inserted immediately before the words "watermen's boats" in the said section. 10

Penalty on offences under section 48 of said Act.

The owner of any steam-ship which shall proceed to sea or steam upon any navigable waters within the jurisdiction in contravention of the requirements contained in section forty-eight or section forty-nine of the Principal Act shall incur a penalty not exceeding in either case one hundred pounds recoverable in the manner directed by the said Act. 15

Meaning of "foreign-owned" in section 52.

5. The expression "foreign-owned steam-ship" in section fifty-two of the Principal Act shall be construed to include only such steamships as do not belong to owners resident or carrying on business within the Queen's dominions. 20

Construction of section 55.

6. Payment in respect of any ship at any port or place within the jurisdiction of the half-yearly harbour and light rate imposed by the fifty-fifth section of the Principal Act shall not be taken to exempt such ship from any further charge for harbour and light rates elsewhere than at such ports or places as aforesaid where tonnage dues are now or may hereafter be leviable in pursuance of a statutory power in that behalf. 25

Amendment of section 73.

7. The seventy-third section of the Principal Act is hereby amended by the insertion of the words "or master of a harbour and river steamer" after the words "mate of a coast-trade ship" in the said section contained. 30

Section 74 amended.

8. The delivery by the Marine Board of the certificates of service specified in section seventy-four of the said Principal Act to the persons therein specified shall be conditional on such persons satisfying the said Board generally of their competency to serve in the respective grades for which such certificates are sought. 35

Amendments in sections 29 79 81 86 101 113 and 127.

9. The following verbal amendments and corrections are hereby authorized to be made in sections twenty-nine seventy-nine eighty-one eighty-six one hundred and one one hundred and thirteen and one hundred and twenty-seven of the said Principal Act that is to say :— 40

In

In section twenty-nine the words "British Possessions" are substituted for the words "of the Australasian Colonies."

In section seventy-nine the words "or third" are inserted between the words "second" and "class."

5 In section eighty-one the words "under one hundred" are substituted for the words "not exceeding fifty" the word "or" is inserted before the words "of service" in the proviso to the said section and the word "Possessions" for the word "Colonies."

10 In section eighty-six after the word "service" the words "or of pilotage" are inserted.

In section one hundred and one the word "local" is substituted for the word "legal."

15 In section one hundred and thirteen the word "wharf" is inserted before the word "pier."

In section one hundred and twenty-seven the word "the" is substituted for the word "such."

The owner or master of any lighter or other vessel which shall be employed in ballasting loading or unloading ships with stone coal or other material without being licensed as required under the one hundred and twenty-second section of the Principal Act shall incur a penalty not exceeding *twenty pounds* recoverable in manner directed by the said Act. Penalty on offence under section 122.

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It shall be lawful for the Marine Board to make Regulations imposing penalties in no case to exceed the sum of *twenty pounds* for the violation or infringement of any regulation made by the said Board in pursuance of the powers conferred by the said Principal Act or by this Act or for the neglect of any duty or obligation imposed by the said Act or by this Act in respect of which violation or neglect no other penalty has been prescribed And such penalties may be recovered in manner directed by the said Principal Act. Power to make penal regulations &c.

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10. The unrepealed sections of the Act of Council fourth Victoria number four intituled "*An Act for the better preservation of the Ports Harbours Havens Roadsteads Channels Navigable Creeks and Rivers in New South Wales and the better regulation of Shipping* in the same" are hereby repealed. Repeal of unrepealed sections of 4 Vic. No. 4.

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