

1914.
(SECOND SESSION.)

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 11th December, 1914.

(Brought from the Senate.)

A BILL

FOR

AN ACT

To amend the *Navigation Act 1912*.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia as follows:—

1.—(1.) This Act may be cited as the *Navigation Act 1914*, and shall commence on a day to be fixed by proclamation after the King's approval thereto has been proclaimed in the Commonwealth.

Short title and citation.

(2.) The *Navigation Act 1912* is in this Act referred to as the Principal Act.

10 (3.) The Principal Act, as amended by this Act, may be cited as the *Navigation Act 1912-1914*.

2. Section six of the Principal Act is amended—

Amendment of s. 6.

- (a) by omitting from the definition of "Master" the words "other than a pilot";
- 15 (b) by inserting in the definition of "Superintendent", before the word "deputy" (first occurring), the words "duly appointed", and by omitting from that definition the words "in respect of any acts or duties which such deputy is authorized to perform"; and

(c) by

Cf. M.S. (Conv.)
Act, 1914,
preamble.

(c) by inserting after the definition of "The Merchant Shipping Act" the following definition :—

"The Convention for the Safety of Life at Sea" means the International Convention for the Safety of Life at Sea signed in London on the twentieth day of January, One thousand nine hundred and fourteen :".

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Amendment of
s. 27.

3. Section twenty-seven of the Principal Act is amended b omitting the following words :—

"or (d) fraudulently lends his certificate to, or allows it to be used by, any other person,".

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Amendment of
s. 41.

4. Section forty-one of the Principal Act is amended by inserting in sub-section (1.), after paragraph (b), the following words :—

"or (c) as 'shipwright' or 'ship's carpenter' who has not served an apprenticeship as shipwright or three years at sea as ship's carpenter."

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Amendment of
s. 46.

5. Section forty-five of the Principal Act is amended by inserting in sub-section (1.), after the word "available", the following sub-sections :—

"(1A.) The rates of wages to be paid in any port in Australia to shore labourers employed in handling cargo or ballast in connexion with the loading or unloading of any such ship shall be according to the scale prescribed, under an award or agreement (if any) made or agreed to under any Commonwealth or State Act, for the payment of such labour at that port.

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"(1B.) If a sufficiency of shore labour cannot be obtained at such rates of wages it shall, for the purposes of this section, be deemed to be not available."

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Amendment of
s. 48.

6. Section forty-eight of the Principal Act is amended by omitting the words "one part of the agreement" and inserting in their stead the words "on the prescribed form, a full and accurate statement of the occurrence".

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Amendment of
s. 67.

7. Section sixty-seven of the Principal Act is amended by inserting therein, at the end of sub-section (1.), the following words :—

"(in the next succeeding section referred to as the report of character)".

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Amendment of
s. 123.

8. Section one hundred and twenty-eight of the Principal Act is amended by omitting from paragraph (b) of sub-section (2.) the words "the owner of the ship at the time of loss", and inserting in their stead the words "the owner immediately prior to the time of the loss or abandonment of the ship".

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Amendment of
ss. 129-131.

9. Sections one hundred and twenty-nine, one hundred and thirty, and one hundred and thirty-one of the Principal Act are amended by inserting therein, after the word "seaman" (wherever occurring) the words "or apprentice".

45

10. Section

- | 1914. | <i>Navigation.</i> | No. | 3 |
|-------|---|---|---|
| | 10. Section one hundred and thirty-six of the Principal Act is amended by inserting at the end of sub-section (5.) the following words :— | Amendment of
s. 156. | |
| 5 | “and the seaman or apprentice may recover the amount due under this sub-section in the same manner as wages.” | | |
| | 11. Section one hundred and sixty-three of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words “owner of the ship at the time of loss” and inserting in their stead the words “owner immediately prior to the time of the loss or abandonment of the ship”. | Amendment of
s. 163. | |
| 10 | | | |
| | 12. Section one hundred and sixty-five of the Principal Act is amended by inserting in paragraph (a) of sub-section (2.), after the word “her”, the word “final”. | Amendment of
s. 165. | |
| | 13. Section one hundred and sixty-seven of the Principal Act is amended— | Amendment of
s. 167. | |
| 15 | (a) by omitting from sub-section (1.) the words “and the list of the crew,”; and
(b) by inserting in sub-section (3.), before the word “Act”, the words “Part of this”. | | |
| | 14. Section one hundred and sixty-nine of the Principal Act is amended by inserting, before the word “ship”, the words “British or foreign”. | Amendment of
s. 169. | |
| 20 | | | |
| | 15. Section one hundred and seventy-four of the Principal Act is amended by omitting from sub-section (1.)— | Amendment of
s. 174. | |
| 25 | (a) the words “or list of the crew”; and
(b) the words “and list of crew (if any)”. | | |
| | 16. The list of Division headings set out at the commencement of Part IV. of the Principal Act is omitted, and the following list is inserted in its stead :— | Amendment of
list of Division
headings,
Part IV. | |
| 30 | “Division 1.—General, ss. 187–192.
Division 2.—Steam-ships, ss. 193–206
Division 3.—Unseaworthy Ships, ss. 207–214.
Division 4.—Life-saving Appliances and Fire Protection,
ss. 215–217A. | | |
| 35 | Division 5.—Deck and Load Lines, ss. 218–227.
Division 6.—Signals of Distress, ss. 228–230.
Division 6A.—Radiotelegraphy on Ships, s. 231.
Division 7.—Adjustment of Compasses, ss. 232–234.
Division 8.—Collision, Boat, and Fire Drills, s. 235. | | |
| 40 | Division 9.—Anchors, Chain Cables, and Gear, ss. 236–247.
Division 10.—Dangerous Goods, ss. 248–257.
Division 11.—Lights, Signals, and Sailing Regulations, ss.
258–265B. | | |
| | Division 12.—Private Signals, ss. 266–267. | | |
| 45 | Division 13.—Report of Accidents and of Dangers to Navigation, ss. 268–269A.” | | |
| | 17. Section one hundred and ninety-one of the Principal Act is amended— | Amendment of
s. 191. | |
| 50 | (a) by inserting after the words “and of equipment” the words “and safety certificates”; and
(b) by | Ch. M.S. (Conv.)
Act 1914, s. 18.
Conv. Art. 57. | |

(b) by adding at the end of the section the following sub-section :—

“(2.) For the purposes of this Part of this Act ‘safety certificates’ means safety certificates issued in accordance with and for the purposes of the Convention for the Safety of Life at Sea.” 5

Amendment of s. 197.

18. Section one hundred and ninety-seven of the Principal Act is amended by inserting, after the words “certificate of survey” the words “or a certificate under section two hundred and four of this Act,”.

Extension of term of safety certificate.

M.S. (Conv.) Act 1914, s. 19 (3). Conv. Art. 59.

19. After section two hundred and one of the Principal Act the following section is inserted :— 10

“201A. If a ship in respect of which a safety certificate has been granted under this Act is absent from Australia at the time when the certificate expires, the Board of Trade, or any person authorized by them or by the Minister for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to complete the return voyage to Australia, but no such extension shall have effect for a period exceeding five months from the date of the expiration of the certificate.” 15 20

Amendment of s. 204.

20. Section two hundred and four of the Principal Act is amended—

Of. Ib. s. 21. Conv. Art. 60.

(a) by inserting after paragraph (a) of sub-section (1.) the following paragraph :— “(aa) a safety certificate, or”; and 25

(b) by inserting at the end of sub-section (4.) the following proviso :—

Of. Ib. s. 21. Conv. Arts. 60, 61.

“Provided that in the case of a ship not registered in Australia which holds a valid safety certificate granted by or under the authority of the Government of the country to which the ship belongs, the powers conferred by this sub-section may be exercised only when the Minister has reason to believe that the actual condition of the ship does not correspond, in substantial particulars, with the safety certificate, and that she cannot proceed to sea without danger to her passengers or crew.” 30 35

Non-application of Division to certain ships. Ib. s. 26.

21. After section two hundred and four of the Principal Act the following section is inserted :—

“204A. Nothing in this Act shall subject any ship, which, not being bound to a port in Australia, has been compelled by stress of weather or *force majeure*, to take refuge in such a port to any provision of this Division from which the ship would in the ordinary course of her voyage have been exempt.” 40

Amendment of s. 206.

22. Section two hundred and six of the Principal Act is amended— 45

(a) by omitting sub-section (1.) thereof and inserting in its stead the following sub-section :—

Water-tight subdivisions and fire-proof bulkheads.

(1.) Every steam-ship registered in Australia or engaged in the coasting trade and every ship (whether British or foreign) carrying more than twelve passengers, which proceeds from a port in Australia to a port outside Australia 50

Australia, shall, if required by the regulations, be subdivided into water-tight compartments and be fitted with fire-proof bulkheads and with a double bottom, in the prescribed manner." ; and

Cf. N.S.W. 1901
No. 60, s. 47.
Ib. ss. 9 & 23 (1).
Conv. Arts.
17-24, 27.

5 (b) by adding at the end thereof the following sub-section :—

"(3.) The Governor-General may make regulations with respect to the closing and periodical trial and operation of water-tight doors, side scuttles, valves, and other like contrivances, in such ships as are required by regulations made under this section to be subdivided into water-tight compartments."

M.S. (Conv.)
Act 1914, s. 10.
Conv. Art. 25,
Regs. XV,
XVI, XIX.

10 23. The Division heading immediately preceding section two hundred and fifteen of the Principal Act is amended by adding, after the word "APPLIANCES" the words "AND FIRE PROTECTION".

Amendment of
Division
heading No. 4
of Part IV.

15 24. After section two hundred and seventeen of the Principal Act the following section is inserted in Division 4 of Part IV. :—

Regulations.
Ib. s. 12.
Conv. Arts.
53-56, Regs.
XLVII.-LI.

20 "217A.—(1.) The Governor-General may make regulations prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to so much of the provisions of the Convention for Safety of Life at Sea as relates to Life-saving Appliances and Fire Protection, and for determining to which class or classes of ships those provisions shall apply, and in particular with respect to—

- 25 (a) the internal arrangement and lighting of ships ;
(b) the manning of boats ;
(c) certificates of life-boatmen ;
(d) the prevention, detection, and extinction of fires on board ship ;
30 (e) the mustering and duties of the crew in case of accident ;
and
(f) practice and drills with a view to action in emergencies.

"(2.) The penalty for any breach of any regulation made under this section shall be—

- 35 (a) On the owner (if in fault), not exceeding One hundred pounds ; and
(b) on the master (if in fault), not exceeding Fifty pounds."

25. Section two hundred and twenty-two of the Principal Act is amended by adding at the end thereof the words—

Amendment of
s. 222.

"Penalty : One hundred pounds."

40 26. Section two hundred and twenty-nine of the Principal Act is amended by omitting the words "of distress" and inserting in their stead the words "or call of distress or danger, or any signal, whether registered as a private signal or not, which cannot easily be distinguished from such signals or calls".

Amendment of
s. 229.
Ib. s. 6.
Conv. Art. 12.

45 27. After section two hundred and thirty of the Principal Act, the following heading is inserted :—

Amendment of
Division No. 6
of Part IV.

"DIVISION 6A.—RADIOTELEGRAPHY ON SHIPS."

28. Section