

ACTS
PASSED BY
THE PARLIAMENT
OF THE
COMMONWEALTH OF AUSTRALIA
DURING THE YEAR
1921.

NAVIGATION.

No. 1 of 1921.

An Act to amend the *Navigation Act* 1912-1919.

[Reserved, 17th November, 1920.]

[Royal Assent proclaimed, 3rd
March, 1921.]

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* 1920. Short title and citation.
(2.) The *Navigation Act* 1912-1919 is in this Act referred to as the Principal Act.
(3.) The Principal Act, as amended by this Act, may be cited as the *Navigation Act* 1912-1920.

2. This Act shall commence on a date to be fixed by proclamation after the King's approval thereto has been proclaimed in the Commonwealth. Commencement.

3.—(1.) Any proclamation issued prior to the commencement of this Act in pursuance of sub-section (2.) of section one of the Principal Act, whereby any Parts, Divisions, Sections or Schedules of that Act are proclaimed to commence, is hereby annulled, and any Parts, Divisions, Sections or Schedules of that Act, the commencement of which has been so proclaimed, shall not be deemed to have commenced on the date fixed in any such proclamation. Annulment of certain proclamations.

(2.) The issue of any proclamation annulled by this section shall not affect the power to proclaim, in pursuance of sub-section (2.) of section one of the Principal Act, the respective dates upon which any Parts, Divisions, Sections or Schedules of that Act shall commence.

Commencement of certain regulations.

4. Notwithstanding anything contained in any Act or regulation, the Navigation (Manning and Accommodation) Regulations 1920, being Statutory Rules 1920, No. 18, shall not be deemed to have come into operation on the date specified in those Regulations, and shall not come into operation until such date as is fixed by the Minister by notice in the *Gazette*.

Postponement of date of commencement.

5. Section one of the Principal Act is amended by adding, at the end of sub-section (2.), the following proviso:—

“Provided that notwithstanding that a date has been so fixed for the commencement of any Part, Division, Section or Schedule, such date of commencement may, at any time prior to that date, be postponed to such later date as is fixed by proclamation.”

6. After section one of the Principal Act the following section is inserted:—

Application to British ships on round voyages.
Constitution.
s. 5.

“1A. The provisions of this Act expressed to apply to ships registered in Australia shall, subject to sections two and three of this Act, also apply to, and be in force on, other British ships whose first port of clearance and whose port of destination are within the Commonwealth.”

Amendment of s. 5.

7. Section five of the Principal Act is amended by inserting after the words and figures “Part IV.—Ships and Shipping, ss. 187–269” the letter “A”.

Definitions.

8. Section six of the Principal Act is amended—

(a) by omitting from the definition of “limited coast-trade ship” the words “(not exceeding a radius of four hundred miles)” and inserting in their stead the words “(not exceeding the limits for home-trade or coast-trade ships, as the case may be, fixed for the port, at the commencement of this section, by any State law)”;

(b) by adding at the end of the definition of “River and bay ship” the words “and also includes any ship or class of ships, specified by the Minister by notice in the *Gazette*, which trades exclusively within the limits of a specified port, bay or river and within a radius of three nautical miles seaward from the entrance of the port, bay or river:”;

(c) by omitting from the definition of “Master” the words “other than a pilot”;

(d) by omitting from the definition of “Discharge” the words “the last” and inserting in their stead the word “a”;

(e) by inserting after the definition of “Passenger” the following definitions:—

“ ‘the Director’ means the Director of Navigation for the Commonwealth;

‘Deputy Director’ means the Deputy Director of Navigation for a State and includes the Director;”

(f) by omitting paragraph (b) of the definition of "Superintendent", and inserting in its stead the following paragraph:—

"(b) a duly appointed deputy of such Superintendent:";

(g) by inserting in the definition of "Proper authority", after the words "(a) at a port in Australia, a", the words "Deputy Director or a";

(h) by omitting from the definition of "Answer questions" the words "on the subject mentioned asked by an official", and inserting in their stead the words "asked under the authority and for the purposes of this Act"; and

(i) 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, and includes any Convention amending or superseding that Convention:".

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

9. Section seven of the Principal Act is amended—

(a) by inserting at the end of the first proviso thereto the following paragraph—

"or (d) as passengers, pilots who are proceeding from their home station for the purpose of meeting vessels requiring their services, or who are returning to their home station after piloting vessels:"; and

(b) by inserting in the second proviso thereto, after the words "any other Australian ports" the words "or ports in any other such Territory".

Definition
of coasting
trade.

10. The list of Division headings set out at the commencement of Part II. of the Principal Act is amended by omitting the number "122" and inserting in its stead the number "122A".

Amendment of
list of Division
headings,
Part II.

11. Section fifteen of the Principal Act is amended—

(a) by inserting after the words "second class" (first occurring) the words—

"First class motor engineer
Second class motor engineer"; and

(b) by inserting after the word "corresponding" (wherever occurring) the words "or any lower".

Certificates of
competency.

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

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

Offences in
connexion with
certificates.

13. After section twenty-eight of the Principal Act the following section is inserted :—

Definition of
seaman and
apprentice.

“28A. For the purposes of this Division, ‘seaman’ and ‘apprentice’ include any person who is seeking employment as a seaman or apprentice (as the case may be) or who is engaged or supplied, or who is offered for engagement or supply, as a seaman or apprentice on board a ship.”

Rating of
seamen.

14. Section thirty-nine of the Principal Act is amended—

(a) by omitting from the proviso to sub-section (1.) the word “Act” and inserting in its stead the word “Division”; and

(b) by omitting sub-section (3.) and inserting in its stead the following sub-sections :—

“(3.) No seaman shall be rated as ‘greaser’ who has not served six months as fireman at sea.

“(4.) No seaman shall be rated as ‘fireman’ who has not served six months as a trimmer or fireman at sea.

“(5.) No seaman shall be rated as ‘shipwright’ or ‘ship’s carpenter’ who has not served an apprenticeship as shipwright, or three years at sea as ship’s carpenter, as the case may be.

“(6.) After the expiration of twelve months from the commencement of this Division, a seaman shall not be permitted to engage in any capacity unless he satisfies the Superintendent that he can pull an oar and handle a boat :

Provided that this sub-section shall not apply to the engagement of a seaman who has not previously served at sea.

“(7.) Notwithstanding anything contained in this section, persons rated as greasers, firemen, shipwrights or ship’s carpenters, before the commencement of this Division, shall continue to be entitled to be so rated.”

15. After section thirty-nine of the Principal Act the following section is inserted :—

Proof of title to
rating.

“40. A Superintendent before whom a seaman is engaged shall refuse to enter him as A.B., O.S., greaser, fireman, shipwright or ship’s carpenter in the agreement, unless the seaman gives satisfactory proof of his title to be so rated.”

Production of
discharge.

16. Section forty of the Principal Act is renumbered as section forty-one of that Act and is amended by omitting from paragraph (a) of sub-section (1.) the words “or certificate showing his right to be rated in the capacity in which he desires to be shipped;” and inserting in their stead the words “from his last ship;”.

Repeal of s. 41.

17. Section forty-one of the Principal Act is repealed.

18. Section forty-four of the Principal Act is amended by inserting in sub-section (1.), after the word "ship", the words "to which the last preceding section applies". Amendment of s. 44.

19. Section forty-five of the Principal Act is amended—

(a) by omitting from the proviso to sub-section (1.) the word "other" and inserting in its stead the word "shore"; and Wages payable for handling cargo or ballast.

(b) by omitting the words "Penalty (on master, owner, agent, or charterer): One hundred pounds" and inserting in their stead 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 not less than the rates in any 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.

Penalty (on master, owner, agent or charterer) for any offence against either of the last two preceding sub-sections: One hundred pounds.

"(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, and, in that case, the crew may be employed to the extent of the insufficiency."

20. Section forty-six of the Principal Act is amended by omitting paragraphs (b) and (c) of sub-section (3.), and inserting in their stead the following paragraph:— Form of agreement.

"(b) prepared, in duplicate, by or under the supervision of the superintendent after the production of the load-line certificate;"

21. After section forty-seven of the Principal Act the following section is inserted:—

"47A.—(1.) No alien shall be permitted to engage or shall be employed in any capacity on any ship registered in the United Kingdom or in Australia unless he produces to the Superintendent or, in the case of a limited coast-trade ship of less than fifty tons gross registered tonnage or a river and bay ship, to the person engaging him, satisfactory proof of his nationality. Employment of aliens.
9 & 10 Geo. V.
c. 92 ss. 5, 12
and 15.

Penalty: One hundred pounds.

"(2.) No former enemy alien shall be permitted to engage or shall be employed in any capacity on any ship registered in the United Kingdom or in Australia.

Penalty: One hundred pounds.

“(3.) For the purposes of this section the expression ‘former enemy alien’ means an alien who is a subject or citizen of the German Empire or any component State thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new States or territorial re-arrangements, or been naturalized in any other foreign State or in the United Kingdom or in any British Possession in accordance with the laws thereof and when actually resident therein and does not retain, according to the law of his State of origin, the nationality of that State.”

Substitutes.

22. Section forty-eight of the Principal Act is amended by omitting from paragraph (b) the words “to the superintendent of the mercantile marine office at the first port of call, and deliver to him one part of the agreement.” and inserting in their stead the words “, in the prescribed form, to the superintendent at the first port of call.”

Running Agreements.

23. Section fifty of the Principal Act is amended—

(a) by omitting from the first proviso to sub-section (2.) the words “in any case, remain in force until the ship’s arrival at a port of destination and in the case of foreign-going ships the discharge of cargo consequent on that arrival,” and inserting in their stead the following words “subject to sub-sections (3.), (4.) and (5.) of this section, remain in force until the ship’s arrival at her port of destination,”; and

(b) by omitting the second proviso to sub-section (2.) and inserting in its stead the following sub-sections:—

“(3.) When a ship, the crew of which have been engaged under a running agreement which has been in force more than six months, reaches a port in Australia other than her port of destination, and the ship is not then proceeding, either directly or by intermediate ports, to the port of discharge mentioned in the agreement, the master may discharge any seaman, and any seaman may obtain his discharge.

“(4.) No seaman shall be discharged, nor be entitled to be discharged, under the last preceding sub-section, unless he has received from, or given to, the master, on any day other than Saturday and at least twenty-four hours before the ship leaves the port, twenty-four hours’ notice of the proposed or required discharge.

“(5.) Any seaman discharged, or who claims his discharge, under sub-section (3.) of this section, shall be entitled to receive from the master or owner—

(a) a free passage to a proper return port, being either the port of discharge mentioned in the agreement or such other port as is mutually agreed upon with the approval of the proper authority ;

- (b) wages, at the rate provided for in his agreement, until he arrives at the proper return port ;
- (c) where a passage to the proper return port is not made available to him at the time he is discharged and it is necessary for the seaman to obtain accommodation ashore, an allowance for victualling and accommodation at the rate of five shillings per day for the period during which it is necessary for him to reside ashore and until the passage to the proper return port is made available ; and
- (d) where the passage provided to the proper return port is otherwise than by sea, an allowance for victualling at the rate of three shillings per day for the period occupied by the journey :

Provided that if his return to the proper return port is delayed by any act or default of the seaman, he shall not be entitled to wages or allowance for victualling and accommodation during the period of the delay.

“(6.) Victualling and accommodation allowances provided for in this section may be sued for and recovered by the seaman in the same manner as wages.”

24. Section sixty-one of the Principal Act is amended—

- (a) by inserting in sub-section (3.) after the word “ shall ” the words “, if he has not already done so,” ; and
- (b) by omitting from sub-section (3.) the words “ in the master’s possession ” and inserting in their stead the words “ taken possession of by the master at the time of the seaman’s engagement ”.

Discharges to be given.

25. 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)”.

Reports of seaman’s character.

26. Section seventy of the Principal Act is amended by omitting from sub-section (2.) the word “ one-half ” and inserting in its stead the word “ three-fourths ”.

Allotment notes.

27. Section seventy-seven of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “ to every seaman, at the prescribed times, his wages or prescribed portions thereof : ” and inserting in their stead the following words :—

Time for payment of wages on foreign-going ships.

“, subject to all just deductions, the wages due to the crew as follows :—

- (a) during any period the ship is engaged in the coasting trade, the full amount of wages then earned shall be paid to every seaman

monthly, not later than the first day of each month, or, if the ship is not, at the time when any monthly payment falls due, in a port in Australia where there is a banking institution (other than a savings bank), then within twenty-four hours of the ship's arrival at such a port; and

- (b) during any period the ship is in parts outside the coasting trade limits, three-fourths of the amount of the wages then earned shall be paid to every seaman within twenty-four hours of the ship's arrival at any port at which cargo is to be loaded or discharged and at which there is a branch, agency or correspondent of the Commonwealth Bank:"; and

- (b) by omitting from sub-section (2.) the word "bank", and inserting in its stead the words "banking institution (other than a savings bank)".

Termination of
services by
wreck.
Of. M.S.A. 1894
s. 158.

28. Section eighty-five of the Principal Act is amended by omitting sub-section (1.) thereof and inserting in its stead the following sub-section:—

"(1.) Where the service of a seaman belonging to a ship registered in Australia terminates, before the period contemplated in his agreement, by reason of the wreck or loss of the ship, he shall be entitled—

- (a) to conveyance, by or at the cost of the owner, to the port of engagement, or, at the master's option, to the port of discharge mentioned in the agreement, or to such other port as is mutually agreed upon, with the approval of the proper authority, between the master and the seaman; and
- (b) to wages, at the rate provided for in his agreement, until his arrival at the proper port, as provided for in this sub-section:

Provided that the total period for which the seaman shall be entitled to receive wages in pursuance of paragraph (b) of this sub-section shall not in any case exceed three months from the time of the termination of his services by reason of the wreck or loss of the ship.

Provided also that if the seaman refuses or fails to accept the first reasonable means of conveyance, either as a distressed seaman or otherwise, provided or offered by the master or owner or by a proper authority, he shall not be entitled to receive wages under this sub-section for any period after such refusal or failure."

29. Section eighty-eight of the Principal Act is amended—

(a) by inserting in sub-section (1.) after the words “otherwise than in accordance with the terms of his agreement” the words “or the provisions of this Act”; and

(b) by omitting from sub-section (2.) thereof the words “the master or owner shall provide him with a passage to that port or such other port as is mutually agreed to with the approval of the proper authority” and inserting in their stead the words “the provisions of sub-sections (5.) and (6.) of section fifty of this Act shall also apply as if the seaman had been discharged in pursuance of sub-section (3.) of that section.”

Compensation
for premature
discharge.

30. Section one hundred and six of the Principal Act is amended by omitting the words “superintendent shall”, and inserting in their stead the words “owner or agent of the ship may”.

Proceedings
against seamen.

31. After section one hundred and six of the Principal Act the following section is inserted:—

“106A.—(1.) Where any seaman lawfully engaged in Australia wilfully or through misconduct fails to join his ship, or having joined his ship deserts her before her departure, and no proceedings under this Act have been instituted against the seaman in respect of the offence, the Minister, on a report by the superintendent, may direct that the seaman’s certificates of discharge shall be withheld from him for such period, not exceeding one month, as the Minister thinks fit.

Failure to join
or desertion.
Certificates of
discharge may
be withheld.
Cf. N.Z. 1909,
s. 26.
Cf. M.S.A. 1903
s. 65 (2).

“(2.) While a seaman’s certificates of discharge are so withheld then, notwithstanding anything to the contrary contained in this Act—

(a) no superintendent shall grant to the seaman a permit to sign articles; and

(b) no officer having the custody of documents shall furnish, to any person, copies of that seaman’s certificates of discharge, or any of them, or certified extracts of any particulars of his service or character.”

32. Section one hundred and fifteen of the Principal Act is amended by omitting from sub-section (1.) the words “, in case of a foreign-going ship, of the superintendent before whom the offender is discharged, and, in the case of an Australian-trade ship, or a limited coast-trade ship of fifty tons gross registered tonnage or upwards, of the superintendent at or nearest the port at which the crew are discharged,” and inserting in their stead the words “of the superintendent before whom the offender is discharged,”.

Deduction of
fines.

Bad provisions
or water.

33. Section one hundred and sixteen of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “ If the superintendent, or person making the examination, finds ” and inserting in their stead the words “ If the Deputy Director is satisfied, from the report of the superintendent or other official making the examination, ”; and

(b) by omitting from sub-section (4.) the words “ If the superintendent or person making the examination ” and inserting in their stead the words “ If the Deputy Director ”; and

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

“ (5) For the purposes of sub-section (2) of this section, any requirement made by the Deputy Director may be made by telegram signed by the Deputy Director and addressed to the master of the ship in question ”.

Certificated
cooks.

34. Section one hundred and twenty-one of the Principal Act is amended—

(a) by omitting from paragraph (c) of sub-section (2.) the words “ the first of January One thousand nine hundred and twelve, ” and inserting in their stead the words “ the commencement of this section, ”; and

(b) by inserting after the words “ contravention of ” the words “ any of the ”.

35. After section one hundred and twenty-two of the Principal Act the following new section is inserted in Division 13 :—

Refrigerating
chambers.

“ 122A.—(1.) Every foreign-going steamship of more than three thousand tons gross registered tonnage, registered in Australia, shall be provided with a mechanically cooled refrigerating chamber of such capacity and design as to be capable of preserving, in good condition, fresh meat in accordance with the scale set out in Schedule III., or as prescribed, for the consumption of the crew, between the principal ports of supply on the projected voyage of the ship.

“ (2.) The master and owner of any such ship which goes to sea without compliance with this section shall be guilty of an offence.

Penalty : One hundred pounds.

“ (3.) In the case of a ship built before the commencement of this Division, the Minister, if he is satisfied that the provision of a refrigerating chamber is impracticable, or is under the circumstances of the case unnecessary or unreasonable, may, by writing under his hand, exempt the ship from the provisions of this section. ”

36. Section one hundred and twenty-seven of the Principal Act is amended— Medical attendance.

- (a) by omitting from sub-section (1.) the words "at which he was shipped", and inserting in their stead the words "where, in accordance with his agreement, he is entitled to be discharged, or such other port as is mutually agreed upon with the approval of the proper authority"; and
- (b) by omitting from sub-section (2.) the words "If the master or a seaman or apprentice is, on account of any such illness," and inserting in their stead the words "If the master, or a seaman or apprentice is suffering from disease or illness and is, for the purpose of preventing infection, or otherwise for the convenience of the ship,".

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

38. Section one hundred and twenty-nine of the Principal Act is amended by inserting therein, after the word "seaman" (first, third and fourth occurring) the words "or apprentice". Certificate where seaman left behind.

39. Sections 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". Amendment of ss. 130-131.

40. Section one hundred and thirty-two of the Principal Act is repealed and the following section inserted in its stead :—

"132.—(1.) Where a seaman or apprentice belonging to a ship registered in Australia is left on shore at any place in Australia, in any manner authorized by law, by reason of illness or accident in the service of the ship incapacitating him from following his duty, he shall be entitled— Seamen left on shore sick or injured.
Cf. N.Z. 1911.
ss. 4-6.

- (a) if landed at his home port, as specified in the agreement, to receive wages, at the rate fixed by his agreement, up to the expiration of one week after the date of his recovery, as certified by his medical attendant or by a medical inspector of seamen :

Provided that, in cases where his engagement expires within one month from the date he was left on shore, the time for which he shall be so entitled to be paid wages shall not exceed a period of one month, and in other cases, it shall not exceed a period of three months, from the date he was left on shore ; or

- (b) if landed at a port other than his home port, to receive, after his recovery, certified as provided in the last preceding paragraph, a free passage to his home port, with wages, at the rate fixed by his agreement, until arrival at that port:

Provided that if, after recovery, the seaman or apprentice rejoins his ship, or takes other employment, or is offered and refuses employment on some other vessel proceeding to his home port, at a similar rate of pay to that received by him immediately prior to his being left on shore, and with the right of discharge from that vessel on arrival at his home port, his right to continue to receive wages under this sub-section shall then cease.

- (2.) The master, owner, or agent of the ship—

- (a) shall deposit with the superintendent an amount sufficient, in the opinion of the superintendent, to cover the liability of the owner in respect of the seaman or apprentice under the preceding sub-section and under section one hundred and twenty-seven of this Act; or
- (b) may, with the consent of the superintendent, give security for the payment, on demand, of the actual amount of the owner's liability.

(3.) If there is a public hospital at, or convenient to, the port where the seaman or apprentice is left on shore, but the seaman or apprentice elects to be treated and maintained elsewhere than in that hospital, the liability of the owner in respect of the surgical and medical advice, attendance, medicine, and maintenance shall be limited to the amount of the expenses that would be payable if the seaman or apprentice were treated and maintained as an in-patient of that hospital.

(4.) On the recovery of the seaman or apprentice, the balance (if any) of any amount deposited in pursuance of sub-section (2.) of this section, after the discharge of the liability in respect of which the amount was deposited, shall be returned to the master, owner or agent by whom it was deposited.

(5.) The illness, hurt or injury which shall entitle a seaman or apprentice to the benefits provided for in this section shall—

- (a) be such as wholly to incapacitate him from the performance of his duty, and
- (b) be, or appear to be, of such a nature as to require, or be likely to require, medical treatment for a period of not less than fourteen days, and
- (c) so far as can be ascertained, be an illness contracted on board the ship, or in the service of the ship or her owner, or a hurt or injury sustained in the service of the ship or her owner:

Provided that if the illness is due to his own wilful act or default or to his misbehaviour, or is a venereal disease, the seaman or apprentice shall not be entitled to the benefits provided for in this section.

(6.) The master of any ship registered in Australia who fails to comply with any requirement of this section shall be guilty of an offence.

Penalty : One hundred pounds.

41. Section one hundred and thirty-five of the Principal Act is amended by inserting therein after paragraph (a) the following paragraph :—

Amendment of
s. 135.

“(aa) make provision, where such can be provided without detriment to the safe navigation of the ship, for a wheelhouse or, if such is not practicable, such temporary shelter as may be prescribed; and”.

42. Section one hundred and thirty-six of the Principal Act is amended—

Accommodation
for seamen and
apprentices.

(a) by inserting after paragraph (c) of sub-section (1.) the following paragraph :—

“(cc) if such is required by the medical inspector, regard being had to the construction and situation of the berthing accommodation provided and to the trade in which the ship is employed or likely to be employed, such means of artificial heating and mechanical ventilation as are, in his opinion, necessary for the preservation of the health and comfort of the crew;”

(b) by omitting from paragraph (f) of sub-section (1.) the words “three thousand cubic feet”, and inserting in their stead the words “the prescribed quantity”;

(c) by inserting in sub-section (3.) after the word “bathrooms”, the words “and facilities for washing clothes”;

(d) by inserting in sub-section (3.) after the word “water”, the words “, as prescribed,”;

(e) by omitting from sub-section (3.) the words “employed in connexion with the engines of the ship”;

(f) by inserting in sub-section (4.) after the words “shall not apply to”, the words “limited coast-trade ships of less than three hundred tons gross registered tonnage or”;

(g) by inserting at the end of sub-section (5.) the following words :—

“and the seaman or apprentice may recover any amount due under this sub-section in the same manner as if that amount were wages.”

Amendment of
s. 137.

43. Section one hundred and thirty-seven of the Principal Act is amended—

- (a) by omitting the word "Act" and inserting in its stead the word "Division"; and
- (b) by omitting the word and letters " (f), and (g) " and inserting in their stead the word and letter " and (f)."

Application.

44. Section one hundred and forty-nine of the Principal Act is amended by omitting the words "does not apply to ships registered in the United Kingdom", and inserting in their stead the words "applies only to ships registered in Australia".

Effects of
deceased
seamen.

45. Section one hundred and fifty of the Principal Act is amended by omitting from sub-section (1.) the words "belonging to any ship the voyage of which is to terminate in Australia, dies during that voyage," and inserting in their stead the words "dies on a voyage of the ship to which he belongs,".

Effects of
deceased seamen
not on ship.

46. Section one hundred and fifty-three of the Principal Act is amended by omitting the words "to any ship the voyage of which is to terminate in Australia," and inserting in their stead the words "to a ship the voyage of which is to terminate elsewhere than in the United Kingdom,".

Disposal of
effects by
Minister.

47. Section one hundred and fifty-six of the Principal Act is amended by inserting at the end of sub-section (1.) the following additional paragraph:—

- "(c) If the deceased was, at the time of his death, a subject of a foreign country between which and the United Kingdom an agreement exists respecting the disposal of the property of deceased seamen of the respective nationalities of that country and the United Kingdom, and if the property does not exceed in value One hundred pounds, the Minister may, in terms of that agreement, pay and deliver the residue to the Consul of the country of which the deceased was a subject, and the Minister shall be thereby discharged from all further liability in respect of the residue so paid or delivered."

Creditors'
claims.

48. Section one hundred and fifty-eight of the Principal Act is amended by inserting in sub-section (7.) after the words "or legatee of the deceased" the words "or as Consul of the country of which the deceased was a subject,".

Ship liable
for expenses of
distressed
seamen.

49. Section one hundred and sixty-three of the Principal Act is amended by omitting from paragraph (b) of sub-section (1.) the words "at the time of loss" and inserting in their stead the words "immediately prior to the time of her loss or abandonment".

50. Section one hundred and sixty-four of the Principal Act is amended— All ships may be searched.

- (a) by omitting from sub-section (1.) the words “or any superintendent, or by any officer of police authorized in writing by the Collector or by any superintendent”, and inserting in their stead the words “, or by any officer of police authorized in writing by the Deputy Director”;
- (b) by omitting from paragraph (a) of sub-section (2.) the words “such officer or superintendent”, and inserting in their stead the words “an officer of Customs or an authorized officer of police”; and
- (c) by omitting from paragraph (b) of sub-section (2.) the words “or superintendent” (wherever occurring).

51. Section one hundred and sixty-five of the Principal Act is amended— List of crew.

- (a) by omitting from paragraph (a) of sub-section (2.) the words “, or Australian-trade ship,”; and
- (b) by inserting in paragraph (b) of sub-section (2.), after the words “in the case of”, the words “an Australian-trade ship or”.

52. Section one hundred and sixty-six of the Principal Act is amended— Record of births deaths and marriages.

- (a) by omitting the words “shall record in the official log-book” and inserting in their stead the words “registered in Australia, and of every other ship (British or foreign) carrying passengers to any port in Australia, shall record” and
- (b) by omitting the words “Penalty: Five pounds” and inserting in their stead the following sub-section:—
 “(2.) In the case of a British ship the record required by this section shall be made in the official log-book.
 Penalty: Five pounds.”

53. Section one hundred and sixty-seven of the Principal Act is amended— Agreements to be produced.

- (a) by inserting in sub-section (1.) after the word “Regulations” the words “(other than the final port of destination).”
- (b) by omitting from sub-section (1.) the words “and the list of the crew.”; and
- (c) by inserting in sub-section (3.), before the word “Act”, the words “Part of this”.

54. Section one hundred and sixty-nine of the Principal Act is amended by inserting, before the word “ship”, the words “British or foreign” Burial of deceased persons

Official log.

55. Section one hundred and seventy-one of the Principal Act is amended by omitting from sub-section (6.) the words "the mate" (wherever occurring), and inserting in their stead the words "an officer".

Logs and crew lists—
transmission to
superintendent.

56. Section one hundred and seventy-four of the Principal Act is amended by omitting from sub-section (1.)—

- (a) the words "or list of the crew";
- (b) the words "or to be required at the same date"; and
- (c) the words "and list of crew (if any)".

Engineers' logs.

57. Section one hundred and seventy-five of the Principal Act is amended—

- (a) by inserting, after the words "On every steam-ship", the words "(other than a river and bay ship)"; and
- (b) by omitting from sub-section (2.) the word "superintendent" and inserting in its stead the words "Deputy Director".

Investigation of accidents.

58. Section one hundred and seventy-six of the Principal Act is amended—

- (a) by inserting at the end of sub-section (1.) the following proviso:—

"Provided that in any case where the first call of the ship is at a port other than one of the principal ports, as defined by the Regulations, and it is intended that the ship shall proceed thence to one of the principal ports, the Deputy Director may direct that the inquiry shall be deferred until the arrival of the ship at the principal port, where the inquiry shall be made by the superintendent at that port."; and

- (b) by inserting in sub-section (2.), after the words "If it appears to", the words "the Deputy Director on the report of".

Return to ship.
Cf. N Z. 1908,
s. 133 (4).

59. Section one hundred and eighty of the Principal Act is amended by omitting from sub-section (1.) the words "The Minister may order any seaman sentenced under this Part of this Act to be put forcibly or otherwise on board his ship, and the master thereof shall keep the seaman in custody till the ship has left port:", and inserting in their stead the following words—

"The Minister may order to be put forcibly or otherwise on board his ship at any time—

- (a) any seaman sentenced under this Part of this Act, or
- (b) within twenty-four hours before the sailing of his ship, any seaman imprisoned on summary conviction for any offence (other than an offence under this Part of this Act) whose ship is about to leave Australia before the expiration of his sentence,

and the master of the ship shall keep the seaman on board in custody until after the ship has left her final port of clearance in Australia:."

60. 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.

- “ Division 1.—General, ss. 187–192.
 Division 2.—Steam-ships, ss. 193–206A.
 Division 3.—Unseaworthy Ships, ss. 207–214.
 Division 4.—Life-saving Appliances and Fire Protection, ss. 215–217A.
 Division 5.—Deck and Load Lines, ss. 218–227.
 Division 6.—Signals of Distress, ss. 228–230.
 Division 6A.—Wireless Telegraphy on Ships, s. 231.
 Division 7.—Adjustment of Compasses, ss. 232–234.
 Division 8.—Collision, Boat, and Fire Drills, s. 235.
 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. 258–265A.
 Division 12.—Private Signals, ss. 266–267.
 Division 13.—Report of Accidents and of Dangers to Navigation, ss. 268–269A.”

61. After section one hundred and eighty-seven of the Principal Act, the following section is inserted :—

“ 187A. In this Part of this Act ‘safety certificate’ means a safety certificate issued in accordance with, and for the purposes of, the Convention for the Safety of Life at Sea.”

Definition.

62. Section one hundred and ninety of the Principal Act is amended by omitting the word “Minister” and inserting in its stead the word “Governor-General”.

Appointment of surveyors.

63. Section one hundred and ninety-one of the Principal Act is amended by inserting after the words “and of equipment” the words “and safety certificates”.

Regulations.
 Cf. M.S. (Conv.) Act 1914, s. 18.
 Conv. Art. 57.

64. Section one hundred and ninety-two of the Principal Act is amended by inserting after the word “equipment” (wherever occurring) the words “or safety certificate”.

Appeal.
 Cf. M.S. (Conv.) Act 1914, s. 19.

65. Section one hundred and ninety-seven of the Principal Act is repealed and the following section inserted in its stead :—

“ 197.—(1.) The master of a steam-ship shall not take her to sea, and the owner of a steam-ship shall not knowingly or unknowingly suffer or permit her to go to sea, unless a certificate of survey, or a certificate which, under section two hundred and four of this Act, has the effect of exempting the ship from survey, has been granted in respect of the ship and is in force.

Uncertificated steam-ships not to proceed to sea.
 Cf. M.S.A. 1894, s. 271.

Safety
certificates.

M.S. (Conv.) Act
1914, ss. 13, 18.

“(2.) The master of a steam-ship (other than a limited coast-trade or river and bay ship) carrying more than twelve passengers shall not take her to sea from, or bring her into, any port in Australia, and the owner of such steam-ship shall not knowingly or unknowingly suffer or permit her to be so taken to sea or brought into port, unless a safety certificate has been granted in respect of the ship, and is in force.

“Provided that persons who are on board by reason of *force majeure*, or as the result of any obligation on the part of the master to carry shipwrecked persons or persons in like circumstances, shall not be deemed to be passengers for the purposes of this sub-section.

Penalty, for any offence against this section: One hundred pounds.

“(3.) A valid safety certificate granted—

(a) in the case of a British ship, by or under the authority of the Board of Trade or of the Government of a British Possession; or

(b) in the case of a foreign ship, by or under the authority of the Government of the country to which the ship belongs,

shall be accepted as having the same force as a safety certificate granted under this Act.”

Cancellation of
certificates.

66. Section one hundred and ninety-eight of the Principal Act is amended—

(a) by inserting in paragraph (b), after the words “certificate of survey” (wherever occurring) the words “or of equipment, or a safety certificate”; and

(b) by inserting after the words “certificate of survey” (last occurring) the words “or of equipment or safety certificate”.

Powers of
surveyors.

67. Section one hundred and ninety-nine of the Principal Act is amended by deleting from sub-section (2.) the words “he may be able to inspect”, and inserting in their stead the words “an inspection may be made of”.

Invalid
certificates to
be given up.

68. Section two hundred of the Principal Act is amended by inserting after the words “certificate of survey” the words “or of equipment or safety certificate”.

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

“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 thereto authorized by them or by the Minister, 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.”

Extension of
term of safety
certificate.
M.S. (Conv.)
Act 1914, s. 19
(3), Conv. Art.
59.

70. Section two hundred and two of the Principal Act is amended by adding after the word "certificate" (wherever occurring) the words "of survey of the ship".

Extension of time for re-survey.

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

Recognition of other certificates.

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

Cf. M.S. (Conv.) Act 1914, s. 21.
Conv. Art. 60.

(b) by omitting from paragraph (b) of sub-section (1.) the words "carrying not" and inserting in their stead the words "not carrying"; and

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

" Provided that in the case of a ship, not registered in Australia, and in respect of which a safety certificate, granted by or under the authority of the Government of the country to which the ship belongs is still in force, 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."

Conv. Arts. 60, 61.

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

" 204A. Notwithstanding anything contained in this Act, any ship, not being bound to a port in Australia, which has been compelled, by stress of weather or *force majeure*, to take refuge in such a port, shall not be subject to any requirements of this Division, or of Division 6A of this Part, or of the regulations under section two hundred and seventeen A, if, in the ordinary course of her voyage, the ship would have been exempt from that requirement."

Non-application to certain ships.
Cf. M.S. (Conv.) Act 1914, s. 26.
Conv. Art. 4.

73. Section two hundred and six of the Principal Act is repealed, and the following sections inserted in its stead :—

" 206.—(1.) Every steam-ship of such classes as are prescribed—

(a) which is registered in Australia ;

(b) whether British or foreign, which is engaged in the coasting trade ; and

(c) whether British or foreign, carrying more than twelve passengers, which proceeds from a port in Australia to a port outside Australia, or which comes into a port in Australia from a port outside Australia,

shall, in the prescribed manner, be subdivided into water-tight compartments and fitted with fire-proof bulkheads and with a double bottom.

Water-tight partitions, fire-proof bulkheads and double bottoms.

M.S. (Conv.) Act 1914, ss. 9, 10 and 23 (1).

Conv. Arts. 17-25, 27.

Regs. XV., XVI., XIX.

N.Z. 1908, s. 170.

(2.) The master and owner of any such ship which goes to sea, or, in the case of a vessel carrying more than twelve passengers,

which comes into a port in Australia from a port outside Australia, without compliance with this section shall be guilty of an offence.

Penalty : One hundred pounds.

(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 any ship which is required by regulations made under this section to be subdivided into water-tight compartments.

Backing power and steering apparatus.
M.S. (Conv.) Act 1914, s. 9.
Conv. Art. 28;
Regs. XXII., XXIII.

“ 206A. Every ship, of such classes as are prescribed, which—

- (a) is registered in Australia or engaged in the coasting trade, or
- (b) carries more than twelve passengers from a port in Australia to a port outside Australia,

shall be provided with—

- (i) such power for going astern as is sufficient to secure proper control of the ship when under way ; and
- (ii) an efficient auxiliary steering apparatus (not necessarily operated by mechanical power).

Penalty, on master or owner : One hundred pounds.”

Unseaworthy ships may be detained.

74. Section two hundred and ten of the Principal Act is amended by omitting from sub-section (2.) the following words “ The order shall be served on the master, and thereupon the following consequences shall ensue :—

- (a) A statement of the grounds of detention shall be immediately served on the master ” ;

and inserting in their stead the following words :—

“ (2.) When any ship has been ordered to be provisionally detained—

- (a) A notification of the provisional detention of the ship shall be immediately served on the master, together with a statement of the grounds of her detention ;”

Amendment of Division heading No. 4 of Part IV.

75. 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 ”.

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

Regulations.
M.S. (Conv.) Act 1914, s. 12.
Conv. Arts. 53-56, Regs. XLVII.-LI.

“ 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 classes of ships those provisions shall apply, and in particular with respect to—

- (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 ;
- (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—

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

77. Section two hundred and twenty-two of the Principal Act is amended— Marking of load-line.

- (a) by omitting therefrom sub-section (3.), and inserting in its stead the following sub-section :—

“(3.) Where the master of a British ship is required to enter into an agreement with the crew in the presence of a superintendent, he shall, before the agreement is signed by him or any member of the crew, produce to the superintendent the load-line certificate of the ship, and the superintendent shall enter, or cause to be entered, therefrom in the agreement a statement of the distance in feet and inches between the centre of the disc and the upper edge of each of the deck lines which is above that centre, and shall not proceed with the engagement of the crew until the load-line certificate is produced and such entry is made.”; and

- (b) by adding at the end thereof the words—

“Penalty : One hundred pounds.”

78. Section two hundred and twenty-four of the Principal Act is amended by inserting after the words “captured by an enemy” the following sub-section :— Offences as to deck or load-lines.
Cf. M.S.A. 1906, s. 1.
Cf. N.Z. 1908, s. 208 (6).

“(2.) No master of any ship, from wheresoever arriving, shall bring his ship into any port in Australia so loaded as to submerge in salt water the centre of the disc indicating the load-line”.

79. 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.”. Improper exhibition of distress signals.
M.S. (Conv.) Act 1914 s. 6.
Conv. Art. 12.

80. Section two hundred and thirty of the Principal Act is amended— Compensation for loss occasioned by signal.

- (a) by inserting after the word “using” the words “or exhibiting” ; and

- (b) by inserting after the word “improperly” the words “used or”.

Amendment of
Division No. 6
of Part IV.

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

“ DIVISION 6A.—WIRELESS TELEGRAPHY ON SHIPS.”

Wireless
Telegraphy
Apparatus.
M.S. (Wireless
Telegraphy) Act
1919.

82. Section two hundred and thirty-one of the Principal Act is repealed, and the following section inserted in its stead :—

“ 231.—(1.) Except as prescribed, every foreign-going ship, Australian-trade ship, or ship engaged in the coasting trade—

- (a) carrying more than twelve passengers, or
- (b) being of sixteen hundred tons gross registered tonnage or upwards,

shall be provided with a wireless telegraph installation, and shall maintain a wireless telegraph service, as prescribed, and shall be provided with one or more certificated operators and watchers, as required by the regulations.

Penalty, on master or owner : Five hundred pounds.

(2.) The Minister may exempt from the provisions of this Division any ships or classes of ships on which, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, he is of opinion that the provision of a wireless telegraph apparatus is unnecessary or unreasonable

(3.) The Governor-General may make regulations, not inconsistent with this Act or the *Wireless Telegraphy Act 1905–1915*, prescribing any matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act with regard to wireless telegraph installations and services on ships, and in particular in regard to—

- (a) the nature of the wireless telegraph installation to be provided ;
- (b) the services to be maintained ; and
- (c) the number, grade and qualifications of the operators and watchers to be carried.

(4.) A surveyor, or any person authorized by the Minister, may, in the execution of his duties, go on board any ship at all reasonable times and inspect the wireless telegraph installation and the certificates of the operators and watchers required under this Act.

(5.) If the surveyor, or other person inspecting, reports to the Deputy Director that the ship is not properly provided with a wireless telegraph installation and certificated operators and watchers in conformity with this Act, the Deputy Director shall give, to the master or owner, notice in writing pointing out the deficiency, and indicating what is requisite to remedy that deficiency, and thereupon the ship shall be detained until the deficiency has been made good.

(6.) The master of a ship, required by this Act to be provided with a wireless telegraph installation, shall not take her to sea, and the owner of the ship shall not permit her to go to sea, unless the requirements of the Act have been complied with.

Penalty : Five hundred pounds.”

83. The Division heading immediately preceding section two hundred and thirty-five of the Principal Act is amended by omitting the words "BOAT DRILL," and inserting in their stead the words "COLLISION, BOAT, AND FIRE DRILLS".

Amendment of Division heading No. 8 of Part IV.

84. Section two hundred and thirty-five of the Principal Act is amended—

Boat, collision and fire drills.

(a) by omitting from paragraph (a) the words "exercise his crew in boat drill," and inserting in their stead the words "muster and exercise his crew in collision, boat, and fire drills"; and

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

"(2.) Every seaman and apprentice shall, subject to the next succeeding sub-section, take part, in accordance with the requirements of the master, in any muster or drill as required by the regulations under this section.

M.S. (Conv.) Act 1914, s. 12 (3).

Penalty: Five pounds.

"(3.) A seaman or apprentice shall not be required to take part in a muster or drill within twenty-four hours before the termination of his engagement."

85. Sections two hundred and thirty-six and two hundred and thirty-seven of the Principal Act are repealed, and the following sections inserted in their stead:—

"236. For the purposes of this Division 'gear' means gear, as prescribed, used on ships in connexion with the loading and unloading of cargo, including bunker coal.

Definition of gear.

"237.—(1.) All anchors exceeding in weight one hundred and sixty-eight pounds, and all chain cables and gear for use on any British ship (whether so used on the ship or not), shall be tested, proved and marked in the manner prescribed.

Anchors, chain cable and gear to be tested before use. Cf. Anchors and Chain Cables Act (62 and 63 Vic. c. 23).

(2.) Any owner or master of any British ship who uses or permits to be used, on the ship, any anchor exceeding in weight one hundred and sixty-eight pounds, or chain cable, or gear, which has not been tested, proved and marked in accordance with this Act, shall be guilty of an indictable offence.

(3.) Any person who uses, on any British ship, any gear which is unsafe so as to endanger human life or limb, shall be guilty of an indictable offence.

Using unsafe gear.

"237A.—(1.) Any person who sells or contracts to sell, or purchases or contracts to purchase, for use on any British ship, any anchor exceeding in weight one hundred and sixty-eight pounds, or chain cable, or gear, which has not been tested, proved and marked in accordance with this Act, shall be guilty of an indictable offence.

Sale, purchase, or use of untested anchor cable or gear. Cf. 62 & 63 Vic. c. 23, s. 1.

(2.) Every contract for the sale of any such anchor, cable, or gear shall, in the absence of an express stipulation to the contrary (proof whereof shall lie on the seller), be deemed to imply a warranty that the anchor, cable, or gear has been, or before delivery will be, tested, proved, and marked in accordance with this Act."

86. Sections two hundred and thirty-nine, two hundred and forty and two hundred and forty-one of the Principal Act are repealed, and the following sections inserted in their stead :—

Offences by
licensed
testers.
62 & 63 Vic.,
c. 23, s. 13.

“ 239.—(1.) No licensed tester of anchors, chain cables and gear shall—

- (a) stamp any anchor or chain cable, or other chain or cable, or gear, with the distinctive mark denoting that an anchor, chain cable or gear has been proved in accordance with this Act, or with any mark resembling that distinctive mark or otherwise likely to lead persons to suppose that the anchor, chain cable, or chain or cable or gear has been proved in accordance with this Act, unless it has been proved at his establishment in accordance with this Act; or
- (b) deliver to any person a certificate of proof in respect of any anchor, chain cable or gear which has not been proved by him at his establishment in accordance with this Act; or
- (c) make any false statement in a certificate of proof of any anchor, chain cable or gear.

“ (2.) Any person contravening this section shall be guilty of an indictable offence.

Offences by
other than
licensed
testers.
Ib. s. 14.

“ 240.—(1.) No person other than a licensed tester of anchors and chain cables and gear shall—

- (a) place on any anchor or chain cable, or other chain or cable, or gear, any distinctive mark denoting that an anchor, chain cable or gear has been proved in accordance with this Act, or any mark resembling that distinctive mark or otherwise likely to lead persons to suppose that the anchor, chain cable, chain or cable, or gear has been proved in accordance with this Act; or
- (b) deliver to any person any certificate, or other document of a like character relating to the proof or testing of any anchor or chain cable, or other chain or cable or gear, which resembles a certificate of proof delivered by a licensed tester of anchors, chain cables and gear or is otherwise likely to lead persons to suppose that the anchor, chain cable, chain or cable or gear has been proved in accordance with this Act.

“ (2.) Any person contravening this section shall be guilty of an indictable offence.

Private testing.
Ib. s. 15.

“ 241.—(1.) Any person delivering a certificate or other document of a like character, relating to the proof or testing of any anchor, chain cable, or other chain or cable, or any gear, shall, unless it is an anchor, chain cable or gear which has been proved in accordance with this Act, or a chain or cable (not being a chain cable) which

has been proved at a testing establishment, in respect of which a licence granted under this Act was in force at the time of proof, place in some conspicuous part of the certificate or document, in such a manner as to be clearly legible, the words 'privately tested'.

"(2.) A person shall not place on any anchor or chain cable, or other chain or cable, or any gear, any marks, or deliver in relation thereto any certificate or other document of a similar character, which would be likely to lead persons to suppose that the anchor, chain cable, or other chain or cable, or gear has been tested, unless it has been actually so tested.

Penalty for misleading as to testing.

"(3.) Any person contravening this section shall be guilty of an indictable offence."

87. Section two hundred and forty-two of the Principal Act is amended by inserting after the word "cable" (second occurring) the words "or gear,".

Sale of falsely marked anchor or chain.

88. Section two hundred and forty-three of the Principal Act is repealed, and the following section inserted in its stead:—

"243. Nothing in this Division of this Act shall affect any contracts made for the supply of any chain cables, anchors or gear for the use of the King's Navy or the Navy of the Commonwealth or of any British Possession."

Act not to apply to cables, anchors or gear for the Navy.
62 & 63 Vic., c. 23, s. 18.

89. Section two hundred and forty-six of the Principal Act is repealed.

Repeal of s. 246.

90. Section two hundred and forty-nine of the Principal Act is amended by omitting the word "or" (first occurring) and inserting in its stead the words ", and no person, not being the master or owner of the ship, shall".

Shipping of dangerous goods.

91. Section two hundred and fifty-seven of the Principal Act is amended by inserting after the word "ventilation" the following sub-section:—

Carriage of grain or coal.

"(2.) The owner and master of a ship, and any agent of the owner charged with the loading of the ship, shall take all reasonable measures for enforcing the observance of this section."

92. The heading to Division 11 of Part IV. of the Principal Act is amended by omitting the word "RULES," and inserting in its stead the word "REGULATIONS".

Amendment of heading of Division 11 of Part IV.

93. Section two hundred and fifty-eight of the Principal Act is amended—

Regulations for collisions, lights and signals.

- (a) by omitting the word "rules" (wherever occurring) and inserting in its stead the word "regulations";
- (b) by omitting the words "at sea" (wherever occurring); and
- (c) by inserting in paragraph (b) of sub-section (2.), after the word "or", the words "use any".

94. After section two hundred and fifty-eight of the Principal Act the following section is inserted :—

Careful
navigation near
ice.
M.S. (Conv.) Act
1914, s. 3.
Conv. Art. 10.

“ 258A. The master of a ship registered in Australia, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.

Penalty : One hundred pounds.”

Master to render
assistance.

95. Section two hundred and sixty-four of the Principal Act is amended by inserting in sub-section (1.), after paragraph (b), the following paragraph :—

“ and (c) to give to the master or person in charge of the other vessel the name of his own vessel and the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.”

96. Section two hundred and sixty-five of the Principal Act is repealed, and the following sections inserted in its stead :—

Obligation to
render
assistance on
receiving
wireless distress
call.
M.S. (Conv.) Act
1914, s. 5.
Conv. Art. 37.

“ 265.—(1.) The master of a ship registered in Australia, or of a British ship engaged in the coasting trade, shall, when the wireless distress call, specified in Schedule IV. to this Act, is received on his ship, proceed with all speed to the assistance of the persons in distress unless—

- (a) he is informed by or on behalf of the ship from which the call is received that his assistance is not needed ; or
- (b) for any other reason it is impracticable, unreasonable, or unnecessary, in the special circumstances of the case, so to proceed.

“ (2.) Compliance by the master of a ship with sub-section (1.) of this section shall not affect his right or the right of any other person to salvage.

“ (3.) In any case where the master of a ship to which this section applies receives the wireless distress call from a ship but does not proceed to the assistance of the persons in distress, he shall, if necessary, immediately inform the master of the ship from which the call is received, of the fact and the reasons justifying his action, and shall, in any event, enter the fact and reasons in the official log-book:

“ (4.) If the master of a ship fails to comply with any requirement of this section he shall be guilty of an indictable offence.

Liability of
Charterers, &c.
Maritime
Conventions
Act 1911.
1 and 2 Geo. V.
c. 57, s. 9 (4).

“ 265A. This Division shall apply to any persons (other than the owners) responsible for the fault of a vessel as though the expression ‘ owners ’ included those persons ; and in any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Division shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible.”

97. Section two hundred and sixty-six of the Principal Act is amended by omitting sub-section (3.) thereof. Amendment of s. 266.

98. The Division heading immediately preceding section two hundred and sixty-eight of the Principal Act is amended by adding after the word "ACCIDENTS" the words "AND OF DANGERS TO NAVIGATION." Amendment of Division heading No. 13 of Part IV.

99. After section two hundred and sixty-nine of the Principal Act the following section is inserted in Division 13 of Part IV. :—

"269A.—(1.) If the master of a ship registered in Australia or engaged in the coasting trade meets with, or is informed of, any dangerous ice or dangerous derelict or any other imminent and serious danger to navigation on or near his course, he shall— Dangerous ice or derelicts to be reported.
M.S. (Conv.) Act 1914, s. 2.
Conv. Arts. 8, 9, 11.

(a) if the ship is fitted with a wireless telegraph installation, send out the wireless danger call specified in Schedule IV. to this Act, followed, as provided in that Schedule, by a message conveying the required information, or, if the ship is not so fitted, communicate the information, by any other means of communication at his disposal, to ships in the vicinity; and

(b) make a report to shore, as soon as possible, to the person and in the manner prescribed.

Penalty : Fifty pounds.

"(2.) Every person in charge of a wireless telegraph station which is within the jurisdiction of the Commonwealth (including a station in a territory under the authority of the Commonwealth), or which is established or installed under licence granted under the *Wireless Telegraphy Act* 1905–1919, shall, on receiving the wireless danger call, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Minister, shall transmit the information in the manner directed by him.

"(3.) Compliance with the provisions of sub-section (2.) of this section shall be deemed to be a condition of every licence granted under the *Wireless Telegraphy Act* 1905–1919.

"(4.) Nothing in this section shall be understood as interfering with the transmission of the wireless distress call specified in Schedule IV. to this Act.

"(5.) The transmission, in pursuance of this section, of messages respecting ice, derelicts or other dangers to navigation shall be free of cost to the ships concerned."

100. Section two hundred and seventy of the Principal Act is amended by inserting after the word "ships" the words "registered in Australia or". Regulations.

101. Section two hundred and seventy-one of the Principal Act is amended by inserting in sub-section (4.), after the word "master", the words "or owner". Hospital accommodation.

Responsibility
of owner to
other persons.

102. Section two hundred and seventy-four of the Principal Act is amended by inserting in sub-section (2.), after the word "passenger," the words "or is mulct in a penalty for an offence arising out of a failure on the part of the owner to comply with the requirements of this Part of this Act,".

Power to
exclude certain
persons.

103. Section two hundred and seventy-nine of the Principal Act is amended by omitting from sub-section (1.) the words "may put him on shore at any convenient place, and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid", and inserting in their stead the words "the master may after tendering to the person the amount of his fare (if he has paid it) less a proper deduction in respect of the distance (if any) he has been conveyed from the port of embarkation, put him ashore at any one of the principal ports in Australia (as defined in the regulations)".

Offences on
ships by
disorderly
persons.

104. Section two hundred and eighty-one of the Principal Act is amended—

(a) by omitting from paragraph (a) the words "such person being drunk or disorderly", and inserting in their stead the words "his being drunk, or disorderly, or on account of his suffering from disease, or for other proper reason,"; and

(b) by omitting paragraph (b) thereof, and inserting in its stead the following paragraph:—

"(b) fail to quit a ship upon being ordered by the master in pursuance of section two hundred and seventy-nine of this Act to do so, and upon tender of his fare, or part thereof, as provided in that section, or".

105. Section two hundred and eighty-six of the Principal Act is repealed and the following section inserted in its stead:—

"286.—(1.) Where it can be shown to the satisfaction of the Minister, in regard to the coasting trade with any port or between any ports in the Commonwealth or in the Territories under the authority of the Commonwealth—

(a) that no licensed ship is available for the service; or

(b) that the service as carried out by a licensed ship or ships is inadequate to the needs of such port or ports,

and the Minister is satisfied that it is desirable in the public interest that unlicensed ships be allowed to engage in that trade, he may grant permits to unlicensed British ships to do so, either unconditionally or subject to such conditions as he thinks fit to impose.

"(2.) The carriage, by the ship named in any such permit, of passengers or cargo to or from any port, or between any ports, specified in the permit shall not be deemed engaging in the coasting trade.

"(3.) A permit issued under this section may be for a single voyage only, or may be a continuing permit.

Permits to
unlicensed
ships.

“(4.) A continuing permit may be cancelled by the Minister upon not less than six months’ notice to the master, owner or agent of the ship of his intention to cancel it.

“(5.) The Minister shall, within fourteen days of the granting of any permit under this section, or the notice of intention to cancel any such permit, notify in the *Gazette* the issue of the permit, or the giving of the notice, as the case may be, with particulars thereof.”

106. Section two hundred and eighty-eight of the Principal Act is amended—

Licensing of ships to engage in the coasting trade.

- (a) by omitting from paragraph (c) of sub-section (3.) the words “in every ship registered in Australia or engaged in the coasting trade”; and
- (b) by inserting in sub-section (5.), after the word “owner,” the word “charterer”.

107. Section two hundred and eighty-nine of the Principal Act is amended by inserting at the end thereof the following sub-sections :—

Payment of Australian rates of wages.

“(3.) Where a British ship, trading to places beyond Australia, is engaged upon a voyage to terminate in any part of the British Dominions, the Minister may require and take security, to his satisfaction, from the owner, master, or agent of the ship that the seamen employed on the ship during the period of her engagement in the coasting trade will be paid, on their discharge, the wages to which they are or may become entitled under this Part of this Act, and that there will be produced, within a specified time after the completion of the voyage, to the person or authority named in the security, satisfactory evidence that such payment has been made.

(4.) Where security in accordance with the last-preceding sub-section is taken by the Minister in respect of any ship, the ship and her master shall be exempt from the requirements of sub-section (2.) of this section.”

108. The list of Division headings set out at the commencement of Part VII. of the Principal Act is amended by inserting, after the figures “317” in the line “Division 3.—Salvage, ss. 315-317”, the letter “A.”

Amendment of list of Division headings.

109. After section three hundred and seventeen of the Principal Act the following section is inserted in Division 3 of Part VII. :—

“317A.—(1.) The master of a ship shall, so far as he can do so without serious danger to his ship, her crew and passengers (if any), render assistance to any person, even if such person be a subject of a foreign State at war with the King, who is found at sea in danger of being lost.

Assistance to persons in danger at sea.

Maritime Conventions Act 1911, s. 6.
N.Z. 1912, s. 7.

(2.) The master of a vessel who fails to comply with the provisions of this section shall be guilty of an indictable offence.

(3.) Compliance by the master of a vessel with the provisions of this section shall not affect his right, or the right of any other person, to salvage.”

Courts for
settlement of
disputes.

110. Section three hundred and nineteen of the Principal Act is amended by omitting from sub-section (2.) the word "whom" and inserting in its stead the word "which".

Sale of detained
property.

111. Section three hundred and twenty-three of the Principal Act is amended by omitting from paragraph (c) of sub-section (1.) the word "twenty", and inserting in its stead the word "thirty".

Compulsory
pilotage.

112. Section three hundred and thirty of the Principal Act is amended by adding at the end of sub-section (2.) the following proviso :—

" Provided that where, in the opinion of the Minister, the pilotage work at any such port is insufficient to reasonably occupy the time of one pilot, pilotage shall be performed by a competent person appointed by the Governor-General, under exemption from the provisions of the *Commonwealth Public Service Act* 1902-1918, to execute the duties of pilot "

Pilotage dues.
Cf. 2 and 3,
Geo. V., ch. 31,
s. 11.

113. Section three hundred and thirty-five of the Principal Act is amended by inserting in sub-section (1.), after the words "(not exempt from pilotage dues)" the words "entering, leaving or navigating within any port proclaimed as a port at which the employment of a pilot is compulsory,".

Attendance of
pilot.

114. Section three hundred and thirty-nine of the Principal Act is amended by omitting therefrom the words "on board".

Exemption from
pilotage.
Cf. 2 and 3,
Geo. V., c. 31,
ss. 11 and 12.

115. Section three hundred and forty of the Principal Act is amended by adding at the end thereof the following sub-section :—

" (2.) The regulations may exempt from compulsory pilotage and, where a pilot is not employed, from the liability to pay pilotage dues, the following classes of ships, up to such limit of gross tonnage in each case as is prescribed :—

- (a) Ships, other than passenger ships, engaged exclusively in the coasting trade ;
- (b) River and bay ships ; and
- (c) Pleasure yachts, fishing vessels, and other vessels, as prescribed, not carrying passengers or goods for hire."

Amendment of
s. 341.

116. Section three hundred and forty-one of the Principal Act is amended by omitting the word "Act" and inserting in its stead the word "Part".

Master to bring
to where
directed.

117. Section three hundred and forty-nine of the Principal Act is amended by omitting the words "having on board a pilot in compulsory charge", and inserting in their stead the words "which is being piloted within any port proclaimed as a port at which the employment of a pilot is compulsory,".

118. Section three hundred and fifty-two of the Principal Act is amended—

Unauthorized persons acting as pilots.

(a) by omitting from sub-section (1.) the words “take charge of a ship as pilot”, and inserting in their stead the words “pilot a ship”; and

(b) by omitting from sub-section (2.) the word “charge”, and inserting in its stead the words “the piloting”.

119. Section three hundred and fifty-three of the Principal Act is amended by omitting the words “in charge of a ship”, and inserting in their stead the words “piloting a ship”.

Offences by pilots.
Cf. 2 and 3, Geo. V., c. 31, s. 46.

120. Section three hundred and fifty-four of the Principal Act is amended by omitting the word “charge”, and inserting in its stead the words “the piloting”.

Amendment of s. 354.

121. Section three hundred and sixty-four of the Principal Act is amended—

Powers of Court.

(a) by omitting from paragraph (f) of sub-section (1.) the word “and”; and

(b) by inserting after paragraph (g) of that sub-section the following paragraph:—

“; and (h) where it appears to the Minister, on a report made in consequence of a medical examination made under this Act, that a master, mate, or engineer holding a certificate of competency issued or recognised under this Act is incompetent by reason of his unfitness to perform the duties ordinarily required of a person employed in a position corresponding to that certificate.”

122. Section three hundred and sixty-five of the Principal Act is amended by omitting the words “and may in any case where it thinks fit so to do”.

When Court shall hold inquiry.

123. Section three hundred and sixty-eight of the Principal Act is repealed.

Repeal of s. 368.

124. Section three hundred and seventy-one of the Principal Act is amended by omitting the word “Federal”.

Power to award costs.

125. Section three hundred and seventy-seven of the Principal Act is amended by omitting from sub-section (1.) the word “unsafe”, and inserting in its stead the word “unseaworthy”.

Amendment of s. 377.

126. Section three hundred and eighty-three of the Principal Act is amended by omitting paragraph (a) of sub-section (1.), and inserting in its stead the following paragraph:—

Detention of foreign ship.

“(a) any foreign ship has, in any part of the world, caused injury to any property belonging to either the King, the Commonwealth, or any State, or any of His Majesty’s subjects; and”.

Offences as to documents.

127. Section three hundred and eighty-nine of the Principal Act is amended by omitting paragraph (d), and inserting in its stead the following paragraph :—

“(d) fraudulently lends to any person not entitled thereto, or allows to be used by any such person, any certificate issued or recognised under this Act.”.

Limitation of time for proceedings.

128. Section three hundred and ninety-seven of the Principal Act is amended—

- (a) by omitting therefrom the words “no conviction for an offence and”;
- (b) by omitting therefrom the words “after the commission of the offence or”;
- (c) by omitting therefrom the words “, as the case may be”;
- and
- (d) by omitting therefrom the words “in the case of a summary conviction within two months, and in the case of a summary order”.

Measurement of tonnage where not registered.

129. Section four hundred and nine of the Principal Act is amended by omitting the words “the Collector shall measure the ship”, and inserting in their stead the words “the ship shall be measured”.

130. After section four hundred and ten of the Principal Act the following section is inserted :—

Charts.

“410A.—(1.) The master of a ship registered in Australia, or of a ship (British or foreign) licensed to engage in the coasting trade, shall not take her to sea, and the owner of the ship shall not permit her to go to sea, unless she is supplied with charts, of a suitable scale and properly corrected down to the time of sailing, necessary for use on the particular voyage about to be undertaken.

Penalty, on master or owner : Fifty pounds.

Cf. N.Z. 1908, s. 33.

“(2.) Every officer employed in connexion with the navigation of a ship to which this section applies shall have free access to the charts belonging to the ship in use during the voyage.

Penalty, on master : Twenty pounds.”.

Powers of Minister.

131. Section four hundred and thirteen of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “equipments, life-saving appliances, boats, compasses, signals”, and inserting in their stead the words “equipment (including the apparatus for wireless communication, if any)”;
- (b) by inserting at the end of sub-section (1.) the following paragraph :—
 - “; and (g) require and take securities for compliance with this Act.”; and

(c) by omitting sub-section (2.), and inserting in its stead the following sub-section :—

“(2.) No person who, in pursuance of this section, is summoned to appear and answer questions or to produce documents or to appear on muster shall, without just cause, fail to so appear or to answer questions or to produce the documents he is lawfully required to produce, or to appear on muster.

Penalty : Twenty-five pounds”.

132. After section four hundred and eighteen of the Principal Act the following section is inserted :—

“418A.—(1.) Where any security is required to be given under this Act, such security may be by bond, guarantee, or cash deposit, or all or any of such methods, but so that in each case the security shall be approved by the Director or a Deputy Director.

Security, form of.
Cf. Customs Act
1901 s. 43.

(2.) The form of security in Schedule V. to this Act shall suffice for all the purposes of a bond or guarantee under this Act, and, without sealing, shall bind its subscribers as if sealed, and, unless otherwise provided therein, jointly and severally and for the full amount.”

Cf. Customs Act
1901 s. 47.

133. Section four hundred and nineteen of the Principal Act is repealed, and the following section inserted in its stead :—

“419. The seal of the Minister for the purposes of this Act shall be a seal having a device of the Commonwealth Coat of Arms, with the word ‘Australia’, surrounded by a buckled garter bearing the words ‘Minister for Trade and Customs’, the whole being surmounted by a crown.”

Seal of Minister.

134. Section four hundred and twenty-three of the Principal Act is amended by inserting therein after the words “apply to” the words “barges or other vessels not equipped with means of propulsion or to”.

Suspension of
application of
Act.

135. After section four hundred and twenty-three of the Principal Act the following section is inserted :—

“423A. The Governor-General may by order, published in the *Gazette*, declare that, subject to such conditions, limitations, and restrictions as are expressed in the order, the provisions of this Act, or such of them as are mentioned in the order, shall not apply in relation to aboriginal natives of any Territory under the authority of the Commonwealth employed upon vessels owned in the Territory and trading in the Territory or between ports in the Territory and ports in Australia or in any other such Territory.”

Exemption in
respect of
natives of
Territory

Regulations

136. Section four hundred and twenty-five of the Principal Act is amended by inserting after paragraph (d) the following paragraph :—

“(da) the regulation of the use of lights or fire in the holds of ships ;”.

Scale of deck
officers.
Schedule I.

137. Schedule I. of the Principal Act is amended—

(a) by inserting in the Scale of Deck Officers, in the column headed “ First Mate ”, and immediately after the figure and letter “ 1 (a) ” (third occurring) the letter “ (b) ”; and

(b) by omitting from the Scale of Engine-Room Officers and Greasers the footnote (d) and inserting in its stead the following footnote :—

“(d) Steam-ships with reciprocating engines of 300 N.H.P. and over, and having more than one screw, three greasers additional”.

Scale of crew.
Schedule II.

138. Schedule II. of the Principal Act is amended—

(a) by omitting from the paragraph headed “ SEAMEN. (*Passenger Steam-ships carrying not more than Ten Passengers, and Cargo Steam-ships*) ” the words “ All vessels over 800 tons net register to carry a shipwright in addition to the seamen provided for in the above scale ”, and inserting in their stead the words “ All foreign-going and Australian-trade vessels over 800 tons net register to carry a shipwright or ship’s carpenter in addition to the seamen provided for in the above scale ”;

(b) by omitting from the paragraph headed “ SEAMEN. (*Passenger Steam-ships carrying more than Ten Passengers*) ” the words “ All vessels over 800 tons gross register to carry a shipwright in addition to the seamen provided for in the above scale ”, and inserting in their stead the words “ All foreign-going and Australian-trade vessels over 800 tons gross register to carry a shipwright or ship’s carpenter in addition to the seamen provided for in the above scale ”; and

(c) by omitting from the paragraph headed “ SAILING SHIPS. SEAMEN. ” the words “ All vessels over 600 tons net register to carry a shipwright in addition to the seamen provided for in the above scale ”, and inserting in their stead the words “ All foreign-going and Australian-trade vessels over 600 tons net register to carry a shipwright or ship’s carpenter in addition to the seamen provided for in the above scale ”.

Amendment of
Schedule III.

139. Schedule III. of the Principal Act is amended by omitting from paragraph 5 of the “ *Conditions and Exceptions in applying Scale* ” the words “ within the home trade limits ”, and inserting in their stead the words “ in Australia ”.

140. After Schedule III. of the Principal Act the following Schedules are inserted :—

Wireless distress and danger calls.
Form of security.
New schedules IV. and V.
Ct. M.S. (Conv.) Act 1914.
Second Schedule.

Sections 265 and 269A.

“SCHEDULE IV.

WIRELESS DISTRESS CALL.

The following signal repeated at short intervals :—

. . . — — — . . .

WIRELESS DANGER CALL.

The following signal repeated at short intervals ten times at full power :—

— — — (T T T)

the call to be followed after an interval of one minute by the message repeated three times at intervals of ten minutes.”

Section 418A.

SCHEDULE V.

COMMONWEALTH OF AUSTRALIA.

Security for compliance with the Navigation Act 1912-1920.

By this Security the Subscribers are, pursuant to the Navigation Act 1912-1920, bound to the Department of Trade and Customs of the Commonwealth of Australia in the sum of [here insert amount or mode of ascertaining amount to be paid in default of compliance with conditions], subject only to this condition that if [here insert the conditions of the security], then this security shall be thereby discharged.

Dated the day of 19

Names and Descriptions of Subscribers.	Signatures of Subscribers.	Signatures of Witnesses.