

SHIPPING.

No. 6 of 1949.

An Act relating to Shipping.

[Assented to 25th March, 1949.]

WHEREAS the Parliament of the Commonwealth has power to make laws for the peace, order and good government of the Commonwealth with respect to— Preamble.

- (a) trade and commerce with other countries and among the States; and
- (b) the naval and military defence of the Commonwealth and of the several States:

AND WHEREAS the power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping:

AND WHEREAS it is desirable in the interests of the naval and military defence of the Commonwealth and of the several States to establish the shipping industry and the ship-building industry in the Commonwealth on an adequate scale and to maintain those industries in continuous operation:

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Shipping Act 1949*. Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows:— Parts:
 - Part I.—Preliminary.
 - Part II.—The Commonwealth Shipping Services.
 - Division 1.—Establishment and Constitution of the Australian Shipping Board.
 - Division 2.—Powers, Functions and Duties of the Board.
 - Division 3.—The Service of the Board.
 - Division 4.—Finances of the Board.
 - Division 5.—Reports.
 - Part III.—Licences.
 - Part IV.—Miscellaneous.

Definitions.

4. In this Act, unless the contrary intention appears—
 “merchant ship” means any ship other than a naval ship;
 “the Australian Shipping Board” or “the Board” means the
 Australian Shipping Board constituted under this Act.

Transfer of
certain ships to
Board.

5.—(1.) All the right, title and interest of the Commonwealth or of the Australian Shipping Board established under the National Security (Shipping Co-ordination) Regulations, existing immediately prior to the commencement of this Act, in and to—

- (a) all merchant ships owned by the Commonwealth or by that Board, together with their tackle, apparel, gear, spare gear, furniture, stores and equipment;
- (b) all other property owned by that Board; and
- (c) all property owned by the Commonwealth and used for the purposes of the ships referred to in paragraph (a) of this sub-section,

shall, by force of this Act, be transferred to, and vested in, the Australian Shipping Board constituted under this Act, on such terms as are determined by the Minister, with the concurrence of the Treasurer.

(2.) All rights, obligations and liabilities of the Australian Shipping Board established under the National Security (Shipping Co-ordination) Regulations, existing immediately prior to the commencement of this Act, shall, by force of this Act, be vested in or imposed on the Australian Shipping Board constituted under this Act, and, in any contract, agreement or other instrument to which the former Board was a party, any reference to that Board shall be read as a reference to the latter Board.

PART II.—THE COMMONWEALTH SHIPPING SERVICES.

*Division 1.—Establishment and Constitution of the Australian Shipping Board.*Australian
Shipping Board.

6.—(1.) For the purposes of this Act, there shall be a Board, to be known as the Australian Shipping Board, which, subject to this Act, shall have and may exercise the rights, powers, authorities and functions conferred upon it by this Act and shall be charged with and perform the duties and obligations imposed upon it by this Act.

(2.) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(4.) The exercise of the rights, powers, authorities or functions, or the performance of the duties or obligations, of the Board, shall not be affected by reason only of there being a vacancy in the office of a member of the Board.

7.—(1.) The Board shall consist of five members.

(2.) The members of the Board shall be appointed by the Governor-General.

(3.) The Governor-General shall appoint one of the members of the Board to be Chairman, and another member to be Deputy Chairman, of the Board.

(4.) The period for which the members of the Board first appointed under this Act shall hold office shall, subject to this section, be—

(a) in the case of the Chairman—five years ;

(b) in the case of the Deputy Chairman—four years ;

(c) in the case of the remaining members—three years, two years and one year, respectively.

(5.) After the appointment of the five members of the Board first appointed under this Act, each further appointment shall, subject to this section, be—

(a) in the case of the Chairman—for a period of five years ; and

(b) in the case of any other member—three years.

(6.) In the event of a member of the Board ceasing to hold office before the termination of the period of his appointment another member may be appointed in his place for the remainder of that period.

(7.) Notwithstanding the provisions of the last three preceding sub-sections, a member of the Board who is an officer of the Public Service of the Commonwealth shall hold office during the pleasure of the Governor-General.

(8.) A member of the Board who ceases to be a member shall be eligible for re-appointment.

8.—(1.) The Governor-General may appoint a person to be the deputy of a member of the Board.

(2.) A person so appointed shall, in the event of the absence from a meeting of the Board of the member of whom he is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member of the Board.

(3.) Any such appointment of a deputy, and any act done by him as such, shall not, in any proceedings, be questioned on the ground that the occasion for his appointment, or for the exercise of his powers or functions, had not arisen or had ceased.

9. The members of the Board, and the deputies of members of the Board, shall, except in the case of a member or deputy who is an officer of the Public Service of the Commonwealth, be paid remuneration and travelling allowance at such rates (if any) as the Governor-General determines.

10. The Governor-General may terminate the appointment of a member of the Board for inability, inefficiency or misbehaviour.

Constitution
of Board.

Deputies of
members of
Board.

Remuneration
of Board.

Dismissal of
members of
Board.

Vacation of office.

11.—(1.) A member of the Board shall be deemed to have vacated his office—

- (a) if his appointment is terminated by the Governor-General in pursuance of this Act;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) if he becomes of unsound mind;
- (d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General;
- (e) if he is absent, except on leave granted by the Minister, from all meetings of the Board held during three consecutive months; or
- (f) if he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons—
 - (i) becomes concerned or interested in any contract or agreement entered into by or on behalf of the Board; or
 - (ii) participates or claims to participate in the profit of any such contract or agreement or in any benefit or emolument arising from such contract or agreement.

(2.) A member of the Board shall not be deemed—

- (a) to become concerned or interested in a contract or agreement specified in paragraph (f) of the last preceding sub-section; or
- (b) to participate, or claim to participate, in the profit of, or in a benefit or emolument arising from, such a contract or agreement,

by reason only of his entering into, or obtaining a benefit arising from, a contract or agreement between the Board and himself for the carriage, by the Board, of himself or of any other person or of any goods.

Leave of absence.

12. The Minister may grant leave of absence to a member of the Board upon such terms and conditions as to remuneration or otherwise as the Minister determines.

Meetings of Board.

13.—(1.) The Board shall hold such meetings as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs.

(2.) The Minister may at any time convene a meeting of the Board.

(3.) The Chairman shall, on receipt of a written request signed by not less than two members of the Board, call a meeting of the Board.

(4.) The Chairman of the Board shall preside at all meetings of the Board at which he is present.

(5.) In the event of the absence of the Chairman of the Board from any meeting of the Board, the Deputy Chairman shall preside at that meeting.

(6.) In the event of the absence of both the Chairman and the Deputy Chairman from any meeting of the Board, the members of the Board present shall appoint one of their number to preside at that meeting.

(7.) At any meeting of the Board, three members of the Board shall constitute a quorum.

(8.) The member of the Board presiding at any meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

14.—(1.) The Board may, in relation to any particular matter or class of matters, or to any particular place, by writing under its seal, delegate to any person all or any of its powers or functions under this Act (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation.

Delegation of
powers of
Board.

(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power by the Board.

Division 2.—Powers, Functions and Duties of the Board.

15.—(1.) The Board shall have power—

- (a) to establish, maintain and operate, or to provide for the establishment, maintenance and operation of, shipping services for the carriage of passengers, goods and mails—
- (i) between a place in a State and a place in another State ;
 - (ii) between a place in the Commonwealth and a place in a Territory of the Commonwealth ;
 - (iii) between a place in a Territory of the Commonwealth and a place in the same or another Territory of the Commonwealth ;
 - (iv) between a place in the Commonwealth and a place in another country ; and
 - (v) between a place in a Territory of the Commonwealth and a place in another country ;
- (b) to carry on any shipping service incidental to any shipping service established, maintained or operated by the Board under the last preceding paragraph ;

Powers of
Board.

- (c) to carry on the general business of a shipowner in relation to any shipping service established, maintained, operated or carried on by the Board ;
- (d) subject to the approval of the Minister, to purchase, or to take on lease or charter, ships required for carrying on the business of the Board ;
- (e) to lease or charter any ship owned by the Board and to sub-lease or sub-charter any ship on lease or charter to the Board ;
- (f) subject to the approval of the Minister, to dispose of any ship owned by the Board ;
- (g) subject to the approval of the Minister in any case in which the amount involved exceeds Five thousand pounds—
 - (i) to purchase land, buildings or wharves necessary for carrying on the business of the Board ; and
 - (ii) to dispose of land, buildings or wharves acquired by, or vested in, the Board ;
- (h) subject to the approval of the Minister in the case of a lease for a period exceeding five years, to take on lease any land, buildings or wharves necessary for carrying on the business of the Board ;
- (i) subject to the approval of the Minister in any case in which the amount involved exceeds Twenty thousand pounds—
 - (i) to purchase, or take on hire, plant, equipment, stocks or other goods necessary for carrying on the business of the Board ; and
 - (ii) to dispose of any plant, equipment, stocks or other goods acquired by, or vested in, the Board ;
- (j) to appoint agents for the purpose of the business of the Board ;
- (k) to act as agent for shipowners ;
- (l) to train, or arrange for the training of, persons to fit them for employment as officers or seamen in merchant ships ;
- (m) to design ships and to advise the Minister as to the design of ships to be built in Australia ;
- (n) to advise the Minister as to the action necessary to maintain and develop the shipping industry and the shipbuilding industry in Australia ; and
- (o) to do anything incidental to any of its powers.

(2.) Where, in the opinion of the Minister, a shipping service is necessary to meet the requirements of a particular area and it is desirable in the public interest that a shipping service should be provided for that area, the Minister may direct the Board to establish, maintain and operate, or to continue to maintain and operate, a shipping service for the purpose of meeting those requirements.

(3.) The Board shall comply with any direction so given and, so long as the direction remains in force, shall continue to maintain and operate a shipping service in accordance with the direction.

(4.) Nothing in either of the last two preceding sub-sections shall authorize the Minister to give a direction for the establishment, maintenance or operation of, or require the Board to establish, maintain or operate, a shipping service which it is not within the power of the Board to establish, maintain or operate under sub-section (1.) of this section.

(5.) Where—

- (a) the Board establishes, maintains and operates, or continues to maintain and operate, a shipping service in accordance with a direction given under sub-section (2.) of this section ;
- (b) the Board satisfies the Minister that that shipping service has, in any financial year, operated at a loss ; and
- (c) after provision has been made for reserves, a loss results in that financial year from the whole of the operations of the Board,

the Board shall be entitled to be reimbursed by the Commonwealth to the extent of the first-mentioned loss or to the extent of the second-mentioned loss, whichever is the less.

16. The Board may enter into such contracts, agreements or arrangements as it thinks fit for the purpose of insuring passengers or goods carried or about to be carried by ships engaged in shipping services established, maintained, operated or carried on by the Board, against the risks of injury, loss or damage from accidents occurring in connexion with those shipping services. Insurance.

Division 3.—The Service of the Board.

17.—(1.) The Board may appoint such officers as it thinks necessary for the purposes of this Act. Appointment of officers.

(2.) The officers of the Board shall constitute the service of the Board.

(3.) Subject to the next succeeding sub-section, a person shall not be admitted to the service of the Board unless—

- (a) he is a British subject ;
- (b) the Board is satisfied as to his health and physical fitness ; and
- (c) he makes and subscribes an oath or affirmation of allegiance in accordance with the prescribed form.

(4.) The Board may appoint, to such positions or to positions of such classes as are approved by the Minister, persons who do not comply with all the provisions of the last preceding sub-section.

(5.) Subject to the next succeeding sub-section, the terms and conditions of employment of officers appointed by the Board shall be such as are, subject to the approval of the Public Service Board, determined by the Board.

(6.) The rate of salary payable to an officer shall, if it exceeds the rate of One thousand five hundred pounds per annum, be subject to the approval of the Minister.

(7.) Where an officer appointed in pursuance of this section was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in the Schedule to that Act.

Temporary and casual employees.

18. The Board may employ such temporary or casual employees as it thinks fit, on such terms and conditions as the Board determines.

Division 4.—Finances of the Board.

Power to borrow money.

19.—(1.) The Board shall have power to borrow money on overdraft from the Commonwealth Bank of Australia upon the guarantee of the Treasurer.

(2.) The Treasurer may, out of moneys appropriated by the Parliament for the purposes of this Act, make advances to the Board of such amounts and upon such terms as he thinks fit.

(3.) Except with the consent of the Treasurer, the Board shall not have power to borrow otherwise than in accordance with this section.

Bank accounts.

20. The Board shall open and maintain an account or accounts with the Commonwealth Bank of Australia and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves.

Application of moneys.

21. Subject to this Act, the moneys of the Board—

(a) shall be applied by the Board in payment—

(i) of the expenses and charges, and in discharge of other obligations, incurred or undertaken by the Board in the exercise of its powers and functions under this Act; and

(ii) of the remuneration and allowances of the members of the Board and of the salaries, wages and allowances of officers and employees of the Board; and

(b) may be invested on fixed deposit with the Commonwealth Bank of Australia or in securities of, or guaranteed by, the Government of the Commonwealth.

Accounts.

22. The Board shall keep accounts in such form as the Treasurer approves.

Audit.

23.—(1.) The accounts of the Board shall be subject to inspection and audit, at least once yearly, by the Auditor-General for the Commonwealth.

(2.) The Auditor-General shall report to the Minister the result of each inspection and audit.

Liability to taxation.

24. The income, property and operations of the Board shall be subject to taxation (other than income tax) under the laws of the Commonwealth but shall not be subject to taxation under any law of a State to which the Commonwealth is not subject.

25. The Board may, with the approval of the Treasurer, set aside, out of its revenue, such sums as it thinks proper for reserves for depreciation of assets, insurance or other purposes.

Reserves.

26. Subject to the last preceding section, the profits derived by the Board shall be applied—

Application of profits of Board.

- (a) firstly, in payment of interest charged on moneys advanced to the Board by the Treasurer under this Act ;
- (b) secondly, in repayment of advances made by the Treasurer under section nineteen of this Act in accordance with the terms upon which those advances were made ;
- (c) thirdly, in payment of such amounts as the Treasurer, after the receipt of a recommendation by the Minister, determines in respect of ships and other property transferred to the Board under section five of this Act ; and
- (d) fourthly, in such manner as the Treasurer, after the receipt of a recommendation by the Minister, determines.

Division 5.—Reports.

27.—(1.) The Board shall, as soon as practicable after the thirtieth day of June in each year, prepare and furnish to the Minister a report on the operations of the Board during the year ended on that date, together with financial accounts in respect of that year in such form as the Treasurer approves.

Annual report by Board.

(2.) Before submitting the financial accounts to the Minister, the Board shall submit them to the Auditor-General for the Commonwealth for report as to their correctness or otherwise.

(3.) The report and financial accounts of the Board, together with the report of the Auditor-General as to those accounts, shall be laid before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

(4.) The Board shall furnish to the Minister such other reports, and such documents and information, relating to the operations of the Board as the Minister requires.

PART III.—LICENCES.

28. In this Part—

“ship to which this Part applies” means a merchant ship the gross tonnage of which exceeds two hundred tons ;

“to engage in trade” means to carry passengers or cargo and “engaged in trade” has a corresponding meaning.

Interpretation.

29.—(1.) The Minister may, in his discretion, grant licences for the construction of ships to which this Part applies.

Ships not to be built except under licence.

(2.) A licence under the last preceding sub-section may be granted subject to such conditions relating to the tonnage, design, fittings, gear and time, place, standards and methods of construction, of the ship as the Minister determines.

(3.) The powers conferred on the Minister by the last two preceding sub-sections are conferred for the purpose of ensuring, in the interests of defence, that the shipbuilding industry is established in the Commonwealth on an adequate scale and is maintained in continuous operation, and, in particular, for the purpose of ensuring—

- (a) the use of the labour of persons engaged in the building of ships, and of the facilities of shipbuilding yards, to the best advantage;
- (b) the adoption of standard designs of ships and of the fittings and gear of ships;
- (c) the adoption of appropriate standards, and efficient methods, of construction of ships;
- (d) the building of ships of the tonnage or design most urgently required, in priority to the building of other ships; and
- (e) economy in the cost of construction of ships and of the fittings and gear of ships,

and those powers shall not be exercised otherwise than for achieving one or other of the purposes specified in this sub-section.

(4.) At the request of the licensee, the Minister may revoke a licence under this section or may revoke or vary any condition, or add to the conditions, to which such a licence is subject.

(5.) A person shall not, except under a licence granted by the Minister under this section, and in accordance with any conditions to which the licence is subject, commence or continue the construction of a ship to which this Part applies.

Penalty: One thousand pounds or, if the offence is a continuing offence, One thousand pounds for each day during which the offence continues.

**Licensing of
certain ships.**

30.—(1.) The master, owner or agent of a ship to which this Part applies shall not suffer or permit the ship to engage in trade between places in the Commonwealth except under a licence granted by the Minister under this section.

Penalty: One thousand pounds or, if the offence is a continuing offence, One thousand pounds for each day during which the offence continues.

(2.) A licence under this section shall be for such period, not exceeding four years, as, in each case, the Minister determines.

(3.) The Minister shall grant a licence under this section, on application, in respect of a ship to which this Part applies if that ship—

- (a) is less than twenty-four years old at the date of application; and
- (b) was built in an Australian shipyard or was, at any time prior to the commencement of this Act, engaged in trade exclusively between places in the Commonwealth or in a Territory of the Commonwealth,

but, subject to the next succeeding sub-section, the Minister shall not otherwise grant a licence.

(4.) Where a licence is sought in respect of a ship which does not satisfy the conditions specified in the last preceding sub-section, the Minister may grant a licence in respect of that ship if he is satisfied that it is in the public interest to grant the licence.

(5.) Nothing in this section—

- (a) shall affect the operation of Part VI. of the *Navigation Act* 1912-1942;
- (b) shall prevent a ship in respect of which a permit is for the time being in force under section two hundred and eighty-six of that Act from carrying passengers or cargo in accordance with the provisions of that permit; or
- (c) shall apply to a ship in respect of which an order under section four hundred and twenty-two A of that Act is for the time being in force dispensing with compliance on the part of that ship with the requirements of Part VI. of that Act.

(6.) For the purposes of this section, the age of a ship shall be reckoned as from the first day of January next following the year shown in the certificate of registry of that ship as the year in which that ship was built.

31.—(1.) A person shall not, except with the consent of the Minister (proof whereof shall lie upon him)—

Restrictions on transfer or mortgage of ships.

- (a) transfer a ship to which this Part applies and which is registered in Australia or is owned, managed or controlled by a person resident in Australia or by a body corporate whose principal place of business is in Australia, or any share in any such ship, to a person not resident in Australia or to a body corporate whose principal place of business is not in Australia;
- (b) mortgage any such ship or share, or transfer a mortgage of any such ship or share, to a person not resident in Australia or to a body corporate whose principal place of business is not in Australia; or
- (c) make application for the transfer of the registration of any such ship from a port of registry in Australia to a port of registry outside Australia.

(2.) A transfer or mortgage effected in breach of this section shall be void.

(3.) The consent of the Minister under this section may be given either generally or in relation to a particular case, and may be given subject to such terms and conditions (if any) as the Minister thinks fit.

(4.) Where, in pursuance of this section, the Minister has consented to a transfer, mortgage or other transaction subject to terms and conditions—

- (a) a person shall comply with such of those terms and conditions as are applicable to him; and

(b) in the event of any failure to comply with any such term or condition, the transfer, mortgage or other transaction shall be deemed to have been effected without the consent of the Minister and the provisions of this section shall be applicable accordingly.

Penalty : One thousand pounds.

PART IV.—MISCELLANEOUS.

Application of certain Acts to Board.

32. The Acts specified in the Schedule to this Act shall apply to and in relation to the Board in the same manner as they apply to and in relation to other persons.

Purchase of ships by Minister for disposal.

33. The Minister may, on behalf of the Commonwealth, with the concurrence of the Treasurer, purchase ships and dispose of ships so purchased to the Board or to any other person.

Damage to be made good in addition to penalty.

34. If any person inflicts, through any act, neglect or default whereby he has, on conviction, incurred any penalty, any damage upon a ship or other property owned or controlled by the Board, he shall be liable to pay the amount of that damage (to be determined by the court by which he was convicted) in addition to the penalty.

Limitation of actions against the Board.

35. All actions against the Board or against any person for or arising out of anything done or purporting to have been done under this Act, shall be commenced within six months after the act complained of was committed.

Notices of occurrence of cause of action and of intended action.

36.—(1.) An action against the Board or any person for or arising out of anything done, or purporting to have been done, under this Act—

(a) shall not be maintainable unless, as soon as practicable after the occurrence of the cause of action, notice of the occurrence of the cause of action has been delivered to the Board or the person, or at the office of the Board or of the person, by or on behalf of the person bringing the action ; and

(b) shall not be brought until the expiration of at least one month after a notice in writing of the intended action has been delivered to the Board or the person, or left at the office of the Board or of the person, by the person intending to commence the action or by his attorney or agent.

(2.) The want of, or any defect or inaccuracy in, the notice specified in paragraph (a) of the last preceding sub-section shall not be a bar to the maintenance of an action if it is found that the Board or person is not or would not, if a notice were then given and the hearing postponed, be prejudiced in its or his defence by the want of, or the defect or inaccuracy in, the notice, or that the want of, or defect or inaccuracy in, the notice was occasioned by mistake or other reasonable cause.

(3.) The notice of the intended action shall clearly and explicitly state the cause of action and the court in which it is intended to be brought, and upon the back of the notice shall be endorsed the name and place of abode of the person so intending to sue, and also the name and place of abode or of business of his attorney or agent, if the notice was served by his attorney or agent.

37. In any action brought against the Board to recover damages or compensation in respect of personal injury, the court or jury shall not find or assess, and judgment shall not be given or entered, for the plaintiff for an amount of money exceeding—

Limit of
damages for
personal injury.

- (a) in the case of personal injury resulting in death—Two thousand pounds;
- (b) in the case of personal injury resulting in permanent disablement—Two thousand pounds; or
- (c) in the case of personal injury resulting in temporary disablement—One thousand pounds.

38.—(1.) Upon the occurrence of an accident in connexion with the operation of any shipping service by the Board (not being an accident in respect of which the *Commonwealth Employees' Compensation Act* 1930–1948 or the *Seamen's Compensation Act* 1911–1947 applies) the Board may require any person, who, in the opinion of the Board, may have been injured in the accident, to be examined at the cost of the Board by one or more duly qualified medical practitioners nominated by the Board and, unless the examination would thereby be delayed for a period exceeding twenty-four hours, the person may require that the examination shall take place in the presence of a medical practitioner to be nominated and paid by the person.

Medical
examination of
persons injured
in accident.

(2.) If a person refuses or fails to undergo examination in accordance with the provisions of the last preceding sub-section, damages or compensation shall not be recoverable against the Board in respect of personal injury to that person arising out of the accident unless he satisfies the court in which the action is brought that—

- (a) his refusal or failure to undergo examination was reasonable in the circumstances; or
- (b) the Board is not prejudiced in its defence by the refusal or failure of the person to undergo examination.

39.—(1.) Subject to the next succeeding sub-section, the *Commonwealth Employees' Compensation Act* 1930–1948 shall apply to officers and employees of the Board (not being masters, mates, radio officers or engineers of a ship) as if they were employees within the meaning of that Act.

Application
of certain Acts.

(2.) The *Seamen's Compensation Act* 1911–1947 shall apply in relation to seamen (within the meaning of that Act) who are officers or employees of the Board.

Preservation
of certain
awards, &c.

40. Nothing in this Act shall be deemed to prevent the making of an industrial award, order, determination or agreement under any Act in relation to persons appointed or employed under this Act or affect the operation of any such award, order, determination or agreement in relation to persons so employed.

Regulations.

41. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for any period not exceeding three months, or both, for offences against the regulations.

Section 32.

THE SCHEDULE.

ACTS APPLICABLE TO THE AUSTRALIAN SHIPPING BOARD.

Beaches, Fishing Grounds and Sea Routes Protection Act 1932.
Control of Naval Waters Act 1918.
Customs Act 1901-1947.
Immigration Act 1901-1948.
Lighthouses Act 1911-1942.
Navigation Act 1912-1942.
Quarantine Act 1908-1947.
Sea Carriage of Goods Act 1924.
Wireless Telegraphy Act 1905-1936.

SEAMEN'S COMPENSATION.

No. 7 of 1949.

An Act to amend the *Seamen's Compensation Act 1911-1947*, and for other purposes.

[Assented to 25th March, 1949.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Seamen's Compensation Act 1949*.

(2.) The *Seamen's Compensation Act 1911-1947** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Seamen's Compensation Act 1911-1949*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

* Act No. 13, 1911, as amended by Statutory Rules 1926, No. 135; Act No. 56, 1938; Act No. 18, 1947; and Statutory Rules 1947, No. 124.