

Act No. 60, 1901.

An Act to consolidate the Acts relating to
Navigation. [19th December, 1901.]

NAVIGATION.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Navigation Act, 1901," and is divided into Parts and Divisions, as follows :—

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- DIVISION 4.—*Obstruction in navigable waters.*—ss. 141-144.
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2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed. Repeal.
First Schedule.

(2) All persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed hereunder. Officers under Acts hereby repealed.

(3) All rules, rules of Court or regulations duly made and all forms duly prescribed under the authority of any Act hereby repealed and being in force at the time of the passing of this Act shall be deemed to have been made or prescribed under the authority of this Act. Rules of Court, regulations and forms under Acts hereby repealed.

(4) All proclamations duly made, authorities duly given, leases or licenses duly granted, and certificates duly issued, and all acts or things duly done under the authority of any Act hereby repealed shall be deemed to have been made, given, granted, issued or done under the corresponding provisions of this Act, but at the date at which the same respectively were in fact made, given, granted, issued or done. Proclamations, authorities, &c., under Acts hereby repealed.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“British Possession” means any part of His Majesty’s dominions exclusive of the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British Possession; 35 Vic. No. 7, s. 4.
36 Vic. No. 30, ss. 2, 3.
45 Vic. No. 6, s. 21 (4).
Act No. 32, 1899, s. 45.

“coast-trade ship” means every registered British ship employed in trading or going between any ports within the Jurisdiction, also every registered steam-tug:

Provided that every such ship employed in trading between any ports of adjacent States shall be deemed to be a coast-trade ship for such purposes of this Act as the Superintendent may deem fit;

“foreign-going ship” means every registered British ship employed in trading or going between any port within and any port without the Jurisdiction;

“harbour-master”

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“harbour-master” means any duly appointed harbour-master or assistant harbour-master; and, in any harbour, river, or place where there is no appointed harbour-master, the pilot stationed there;

“justice” means any justice of the peace;

“legislature” when used with respect to a British Possession means the authority other than the Imperial Parliament or His Majesty the King in Council competent to make laws for a British Possession;

“master” means every person except a pilot having command or charge of any ship;

“Merchant Shipping Act” means the Imperial Act, the Merchant Shipping Act, 1894, or any Act amending the same or in substitution therefor;

“owner” includes the manager or secretary of any body corporate or company;

“passenger” means every person carried in any ship other than the master and crew, and the owner of the ship and his family and servants;

“pilot” means any person not belonging to a ship who has the conduct thereof;

“port” includes place;

“qualified pilot” means any person duly licensed by this Act to conduct ships to which he does not belong;

“ship” means every description of vessel used in navigation not propelled by oars;

“Superintendent” means the Superintendent of the Department of Navigation appointed under this Act;

“the Jurisdiction” means the navigable waters lying within one nautical league of the coast and the inland navigable waters of New South Wales;

any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

4. Nothing in this Act contained shall apply to any ship belonging to or in the service of His Majesty.

5. Nothing in this Act contained shall be construed to repeal or affect any provision of the Sydney Harbour Trust Act, 1900, or any regulation thereunder; and where any provision of this Act appears to be inconsistent with any provision of the said Act or of any such regulation, such provisions shall be construed as if this Act had been passed immediately prior to the passing of the said Act.

Act not to apply to His Majesty's ships.
35 Vic. No. 7, s. 4.
Act not to affect Sydney Harbour Trust Act, 1900

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PART II.

*Officers.*DIVISION 1.—*The Superintendent.*

6. (1) For the purpose of carrying into effect the provisions of Superintendent. this Act, the Governor shall appoint an officer to be called the Super- Act No. 32, 1899, s. 2. intendent of the Department of Navigation, who shall act under the control of the Treasurer.

(2) During any absence of the Superintendent from his Absence of Superintendent. duties, the Governor shall appoint a person in his place, who shall, *Ibid.*, s. 3. during such absence, perform the duties imposed, and have the powers conferred by this Act on the Superintendent.

7. The Superintendent shall, subject to the control of the Treasurer, have and is hereby invested with full powers to carry out What matters within the direction of Superintendent. the provisions of this Act relating to steam navigation, and shall also 35 Vic. No. 7, s. 19. undertake the general superintendence of all matters within the 36 Vic. No. 30, s. 5. Jurisdiction relating to— Act No. 32, 1899, s. 2.

- (a) the issue, suspension, and cancellation of certificates of competency and service;
- (b) the preservation of ports, harbours, havens, and navigable creeks and rivers within the Jurisdiction;
- (c) the licensing appointment and removal of pilots;
- (d) the regulation of light-houses;
- (e) the superintendence of lights and other sea, harbour, or river marks;
- (f) the placing or removing of moorings;
- (g) the granting and regulation of licenses to ballast lighters;
- (h) the licensing and regulation of watermen, boatmen, watermen's boats, and boats plying for hire, and the determining the rates to be charged by such watermen or boatmen over or upon any navigable waters within the Jurisdiction;
- (i) steam and other ferry boats;
- (j) harbour and river steamers;
- (k) and the several matters hereinafter particularly described.

8. (1) All documents whatever, purporting to be issued or Documents purport- written by or under the direction of the Superintendent, and purporting ing to be signed in to be signed by the Superintendent or any person appointed secretary a given manner to be received in evidence. or duly authorised to act for the secretary to the Department of 35 Vic. No. 7, s. 20. Navigation, shall be received in evidence, and shall be deemed to be Act No. 32, 1899, s. 5. issued or written by or under the direction of the Superintendent without further proof, unless the contrary is shown.

(2) All documents purporting to be certificates issued by Certificates. the Superintendent in pursuance of this Act, and to be signed as in the

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the preceding subsection mentioned, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary is shown.

Superintendent to issue forms of instruments.
35 Vic. No. 7, s. 21.
Act No. 32, 1899, s. 2.

9. (1) The Superintendent may prepare and sanction forms of various books, instruments, and papers required by this Act, or any regulations thereunder, and may make all necessary alterations therein; and shall before finally issuing or altering any such form give such public notice thereof as may be deemed necessary; and shall issue every such form under his hand, or marked with some other distinguishing mark, and shall cause the same to be supplied at such moderate prices as he may fix, or may license any persons to print and sell the same.

Instruments to be in form sanctioned by the Superintendent.

(2) Every such book, instrument, and paper as aforesaid shall be made in the form so sanctioned; and no such book, instrument, or paper as aforesaid, unless made in such form, shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship.

And to be evidence.

(3) Every such book, instrument, or paper if made in a form purporting to be a proper form and to be signed or marked as aforesaid shall be taken to be made in the form hereby required unless the contrary is proved.

Penalties for forgery of seal and fraudulent alteration of forms.
35 Vic. No. 7, s. 22.
Act No. 32, 1899, s. 2.

10. Whosoever—

- (a) forges, assists in forging, or procures to be forged such signature or other distinguishing mark as aforesaid; or
- (b) fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered any form issued by the Superintendent with the view of evading any of the provisions of this Act or any conditions contained in such form,

shall for each such offence be deemed guilty of a misdemeanour.

Superintendent may inspect documents and muster crews.
35 Vic. No. 7, s. 23.
Act No. 32, 1899, s. 2.

11. The Superintendent may, in cases where there is reason to suspect that the provisions of this Act are not complied with, exercise the following powers, that is to say—

- (a) require the owner, master, or any of the seamen of any British ship being within any port in the Jurisdiction to produce any official log-books or other documents relating to any such seaman in their respective possession or control; and
- (b) require any such master to produce a list of all persons on board his ship; and
- (c) take copies of such official log-books or documents or of any part thereof;
- (d) muster the crew of any such ship;
- (e) summon the master to appear and give any explanation concerning such ship, or her crew, or the said official log-books or documents.

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12. If any person—

- (a) upon requisition duly made, refuses or neglects to produce any such official log-book or document as he is hereinbefore required to produce, or to allow the same to be inspected or copied as aforesaid; or
- (b) impedes any such muster of a crew as aforesaid; or
- (c) refuses or neglects to give any explanation which he is hereinbefore required to give; or
- (d) knowingly misleads or deceives any person hereinbefore authorised to demand any such explanation,

he shall for each such offence incur a penalty not exceeding twenty pounds.

13. The Superintendent may by summons under his hand require the attendance of any person upon any inquiry authorised by him; and may require answers or returns to any questions, and may require and enforce the production of all books, papers, log-books, accounts, agreements, or other documents relating to any such inquiry, and may administer oaths, or in lieu thereof require any person examined to make and subscribe a statutory declaration of the truth of the statements made in his examination.

DIVISION 2.—*Other officers.*

14. The Governor shall appoint a deputy superintendent for the port of Newcastle. Such deputy superintendent shall, in the absence of the Superintendent, exercise such of the powers and authorities conferred and perform such of the duties imposed by this Act on the Superintendent as may be prescribed by the Governor by order published in the Gazette.

15. The Governor may appoint such secretary, surveyors, inspectors and other officers as may be thought fit.

16. The Governor may appoint any person to act as an inspector to report to the Superintendent upon any of the following matters, that is to say—

- (a) the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused;
- (b) whether the provisions of this Act or any regulation made thereunder have been complied with; and
- (c) generally upon any matter whatsoever in relation to which jurisdiction, authority, or power is by this Act conferred upon the Superintendent.

17. The Governor may appoint persons to be shipwright surveyors and engineer surveyors respectively under this Act at such ports as he thinks desirable.

DIVISION

*Navigation.*DIVISION 3.—*Assessors.*

Assessors.
Act No. 32, 1899,
s. 16 (1), (3), (4), (5).

18. (1) Persons of nautical, engineering, or other special skill or knowledge shall be appointed as assessors to assist in a Court of Marine Inquiry.

How appointed.

(2) Such appointments shall be made out of a list of persons for the time being approved for the purpose by the Governor, and according to such regulations as may be prescribed by rules made by the Governor.

List of persons
eligible.

(3) Such list shall be in force for one year only, but persons whose names are on any such list may be approved for any subsequent list. The Governor may at any time add or withdraw the name of any person to or from the list.

Governor may make
rules.

(4) The Governor may make rules with regard to the appointment and summoning of assessors, and such rules shall have effect as if enacted in this Act.

Fee to assessors.
Act No. 32, 1899,
s. 17.

19. Every assessor shall for every day or portion of a day during which he is engaged in a Court of Marine Inquiry, or in attendance waiting to perform his duties in any such Court, be paid the sum of three pounds out of any moneys to be voted by Parliament for that purpose.

DIVISION 4.—*General provisions.*

Powers of
Superintendent and
other officers.
35 Vic. No. 7, s. 27.
Act No. 32, 1899, s. 2.

20. The Superintendent and every person deputed by him to act in his behalf, and every inspector and surveyor appointed in pursuance of the provisions of this Act, shall have the following powers, that is to say—

- (a) they may at all reasonable times go on board any ship or vessel, of what description soever to which any of the provisions of this Act extend, for the purpose of examining the hull and machinery, and making any report thereon required by the Superintendent;
- (b) they may inspect any boats, equipments, or materials on board or belonging to any such ship or vessel to which the provisions of this Act extend;
- (c) they may go on board any such ship or vessel and inspect the same for the purpose of inquiring into or reporting upon the nature and causes of any accident or damage which such ship or vessel has sustained or caused, or is alleged to have sustained or caused.

Arrest of offenders.
35 Vic. No. 7, s. 27.
Act No. 32, 1899, s. 2.

- 21.** (1) Whosoever—
- (a) wilfully impedes the Superintendent or any person deputed as aforesaid, or any inspector or surveyor in the execution of his duty; or
 - (b)

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(b) aids or abets therein, may be apprehended and detained by the Superintendent, or inspector, or surveyor, or by any person called to his assistance, until such offender can be conveniently taken before a justice.

(2) Whosoever—

Penalties.

(a) offends as aforesaid; or

(b) refuses or neglects to attend as a witness when duly required upon any inquiry authorised by the Superintendent; or

(c) refuses or neglects to make any answer, or to furnish any return, or to produce any document in his possession or power, or to take any oath or subscribe any declaration as aforesaid,

shall for each offence incur a penalty not exceeding twenty pounds :

Provided that no person shall be required in obedience to any summons to travel more than ten miles from his place of abode at the time of receiving such summons, unless such reasonable allowances for expenses incident to his attendance to give evidence be tendered to him on the scale allowed in that behalf to a witness attending on subpoena to give evidence before the Supreme Court.

Proviso.

22. (1) The appointment of officers under this Act shall be made in accordance with the provisions of the Public Service Act of 1895.

Provision as to appointment. Act No. 32, 1899, s. 42.

(2) The salaries and fees of such officers and other persons employed under this Act shall be paid out of moneys to be appropriated by Parliament for that purpose.

Salaries and fees. 35 Vic. No. 7, s. 18.

PART III.

The Court of Marine Inquiry.

23. There is hereby conferred upon such District Courts as may be proclaimed by the Governor for the purpose jurisdiction to hear and determine inquiries, appeals, and references under this Act, under and according to the terms and provisions of the District Courts Act, 1901, and any Act amending the same (so far as they are applicable), and of this Act; and a District Court exercising such jurisdiction shall be a court of record, and be called a Court of Marine Inquiry.

Courts of Marine Inquiry. Act No. 32, 1899, s. 6.

24. (1) Any one or more of the District Court Judges may sit as a Court of Marine Inquiry, and shall be assisted by two of the assessors appointed under this Act; such assessors shall have power to advise, but not to adjudicate, on any matter before the Court.

District Court Judges to preside. *Ibid.* s. 7.

(2) Where an inquiry involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the inquiry with the assistance of not less than two assessors having experience in the merchant service.

Inquiry involving cancellation of certificate. *Ibid.* s. 16 (2).

25. All officers of the said District Courts shall act as officers of Courts of Marine Inquiry.

Officers.

26. *Ibid.* s. 8.

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Power to make rules.
Act No. 32, 1899, s. 9.

26. (1) The Judges of the District Courts, or any three of them, may make rules to regulate the procedure and practice of Courts of Marine Inquiry, and such rules shall have the same force and effect as if they had formed a part of this Act, notwithstanding that they may conflict with the provisions of the District Courts Act, 1901, or any Act amending the same.

(2) Rules made as aforesaid shall be published in the Gazette, and shall take effect from the date of publication.

Supplemental powers.

(3) Until rules are made and published under this section, or so far as such rules do not extend, the presiding Judge may, in any particular case, give such directions as may seem fit.

Matters in respect of which Court may hold inquiry.
Ibid., s. 10.

27. (1) A Court of Marine Inquiry is hereby authorised to make inquiries as to shipwrecks and other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships in the following cases, namely:—

- (a) where a shipwreck or casualty occurs to a British ship on or near the coast of New South Wales or in the course of a voyage to a port within New South Wales;
- (b) where a shipwreck or casualty occurs in any part of the world to a British ship registered in New South Wales;
- (c) where some of the crew of a British ship which has been wrecked or to which a casualty has occurred and who are competent witnesses to the facts are found in New South Wales;
- (d) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of New South Wales, or on board a British ship in the course of a voyage to a port within New South Wales;
- (e) where the incompetency or misconduct has occurred on board a British ship registered in New South Wales;
- (f) where the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in New South Wales.

Jurisdiction.

(2) The said Court shall have the same jurisdiction over the matter in question as if it had occurred within its ordinary jurisdiction, but subject to all provisions, restrictions, and conditions as would have been applicable if it had so occurred.

Ouster of jurisdiction.

(3) An inquiry shall not be held under this section into any matter—

- (a) which has once been the subject of an investigation or inquiry, and has been reported on by a competent court or tribunal in any part of His Majesty's dominions; or
- (b) with reference to which an investigation or inquiry has been commenced in the United Kingdom; or

(c)

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(c) in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court constituted under the Merchant Shipping Act.

(4) The said Court, holding an inquiry under this section, shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.

(5) The said Court, for the purposes of any inquiry under this section, shall, so far as relates to the summoning of parties, and compelling the attendance of witnesses, have all the powers of the Supreme Court.

28. A Court of Marine Inquiry shall, when requested by the Colonial Treasurer and may in any case where it thinks fit, make any inquiry under the last preceding section.

29. The Governor may, where any such inquiry as aforesaid has been made, order the case to be reheard by a Court of Marine Inquiry, either generally or as to any part thereof, and shall do so—

- (a) if new and important evidence, which could not be produced at the inquiry, has been discovered ;
- (b) if for any other reason there has, in the opinion of the Governor, been ground for suspecting that a miscarriage of justice has occurred.

30. (1) The senior District Court Judge present shall preside at any sitting of a Court of Marine Inquiry.

(2) Every inquiry under this Act shall be in open Court. The decision of the Court shall be delivered by the presiding Judge in open Court. In the event of an equality of votes the presiding Judge shall have a casting as well as a deliberative vote.

(3) The presiding Judge shall in every case forward to the Governor a copy of the decision of the Court, together with notes of the evidence given ; and any member of the Court who dissents from the decision may likewise forward his written reasons for so dissenting.

31. (1) A master, mate, or engineer whose certificate is cancelled or suspended by a Court of Marine Inquiry shall deliver his certificate to the said Court on demand, or, if not so demanded, to the Superintendent, or as the Superintendent directs.

(2) If a master, mate, or engineer fails without sufficient cause to comply with this section he shall for each offence be liable to a penalty not exceeding fifty pounds.

32. (1) A Court of Marine Inquiry shall hear and determine in open Court any appeal or reference in pursuance of this Act in respect of the detention of a ship alleged to be unsafe ; and the procedure of that Court on the hearing and determining of such appeal or reference shall be as provided in pursuance of this Act in respect of inquiries as to shipwrecks.

(2)

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Judge or assessor
may survey.

(2) Any Judge or assessor of the Court may survey the ship, and shall, for the purposes of this Act, have all the powers of an inspector under this Act.

Presiding Judge may
appoint a surveyor.

(3) The presiding Judge of the Court may appoint any competent person or persons to survey the ship and report thereon to the Court.

Powers of Judge or
other person making
survey.

(4) Any Judge or assessor of the Court, and any person appointed by the presiding Judge of the Court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle; and any person who wilfully impedes such Judge, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall be liable to a penalty not exceeding ten pounds.

Powers of Court to
order detention.

(5) The Court shall have the same power as the Superintendent has to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

Owner, &c., may
attend survey.

(6) The owner and master of the ship, and any person appointed by the owner or master, and also any person appointed by the Colonial Treasurer, may attend at any inspection or survey made in pursuance of this section.

Report to Governor.

(7) The presiding Judge shall send to the Governor such report as may be directed by the rules, and each assessor shall either sign the report, or report to the Governor the reasons for his dissent.

PART IV.

*Steam navigation.*DIVISION 1.—*Application of this Part.*

Application of this
Part.

35 Vic. No. 7, s. 28.
Act No. 32, 1899,
s. 18.

33. (1) The provisions contained in this Part of this Act, and all regulations thereunder, shall apply—

(a) to all steamships engaged in the trade of conveying passengers from any port within the Jurisdiction to any port in any other part of His Majesty's dominions, whether the same are British ships owned wholly or in part by subjects of His Majesty or foreign ships;

(b) as far as possible to every British and foreign ship engaged in trading from any port within the Jurisdiction to any other port in His Majesty's dominions, whether such trading does or does not include the carrying of passengers, unless such ship

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ship holds Lloyd's 100A classification certificate or is a steamship registered in Great Britain and Ireland which holds a passenger steamer's certificate under the Merchant Shipping Act ;

(c) to all harbour and river steamers.

(2) The Governor may direct that any British or foreign ship trading between any port in New South Wales and any port not being within Great Britain or Ireland shall be subject to the provisions of this section.

DIVISION 2.—Surveys and certificates.

34. (1) The owner of every steamship constructed or intended to carry passengers shall, during the actual employment of such ship in that capacity, cause it to be surveyed twice at least in every year, at such convenient times as the Superintendent directs, by a shipwright-surveyor and by an engineer-surveyor, appointed under this Act.

Owner of steamships to have them surveyed.
35 Vic. No. 7, s. 29.
Act No. 32, 1899, s. 2.

(2) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner the following declarations, that is to say—

Surveyors to make declarations of survey.

(a) a declaration under the hand of the shipwright-surveyor of the sufficiency and good condition of the boats and other equipments of the steamship in question (and also if the Superintendent so requires a statement of the number of passengers, whether deck passengers or other passengers, which such steamship is constructed to carry), and, where the hull is wholly or partly constructed of wood, of the sufficiency and good condition of the hull ; and

(b) a declaration under the hand of the engineer-surveyor of the sufficiency and good condition of the machinery, and, where the hull is constructed of iron, of the sufficiency and good condition of the hull.

And each such declaration shall distinguish whether such steamship is in construction, equipment, and machinery adapted for sea-service as well as for harbour, river, or lake service, or for harbour, river, or lake service only ; and when adapted for harbour, river, or lake service only, or for a limited coasting voyage, such declaration shall state the local limits within which such steamship is in the judgment of such surveyor adapted for plying.

(3) Every such owner shall transmit every such declaration to the Superintendent within fourteen days after its date.

Owner to transmit declarations.

35. (1) Whenever possible such survey shall be made and such declaration transmitted within thirty days after the expiration of the certificate on last survey granted as hereinafter mentioned.

Times appointed for the surveys.
35 Vic. No. 7, s. 30.
Act No. 32, 1899, s. 2.

(2) If the owner of any such steamship as aforesaid is unable to have the same surveyed within such thirty days as aforesaid, either

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either

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either by reason of such steamship being absent from the Jurisdiction during the whole of such period, or by reason of such steamship or the machinery thereof being under repair, or of such steamship being laid up in dock, or for any other reason satisfactory to the Superintendent, then the owner of such steamship shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such declarations to the Superintendent within fourteen days after the date thereof, together with a statement of the reasons which have prevented the survey of such steamship at the time hereinbefore prescribed.

Penalty.

(3) The owner of every such steamship in respect of which such declarations have not been transmitted at the times and in the manner hereinbefore directed shall, except in any case in which the survey of such steamship has been prevented as hereinbefore provided, forfeit the sum of ten shillings for every day that the transmission of such declarations is delayed, and such sum shall be paid upon the issue of the certificate hereinafter mentioned, together with the fee herein-after prescribed, unless the Superintendent thinks fit in any case to remit such forfeiture or any part thereof.

Superintendent to issue certificates.
35 Vic. No. 7, s. 31.
Act No. 32, 1899,
ss. 2, 3, 5.

36. (1) Upon the receipt of such declarations the Superintendent shall register the same, and, if satisfied that this Part of this Act has been complied with, shall transmit to the master or owner of the steamship to which the declarations refer a certificate of such compliance, signed by the Superintendent and the secretary to the Department of Navigation or person duly appointed to act for him.

Certificates to be distinguished.

(2) (a) Where, according to the declaration of the surveyor, the steamship in question is adapted for sea-service, as well as harbour, river, or lake service, the certificate shall be termed a "sea-going certificate."

(b) Where, according to such declaration, the steamship is adapted for limited coasting voyages, the certificate shall be termed a "limited coasting certificate."

(c) Where, according to such declaration, the steamship is adapted for harbour, river, or lake service only, the certificate shall be termed a "harbour or river certificate."

Superintendent may limit number of passengers.

(3) Where any steamship is constructed to carry passengers, the Superintendent may to prevent overcrowding insert in the certificate the number of passengers, whether deck or other passengers, which such steamship is constructed to carry, or is authorised to carry by the Merchant Shipping Act.

Local limits.

(4) Every certificate shall set out the local limits, if any, within which the steamship is to ply.

Superintendent to transmit lists.

(5) The Superintendent shall transmit lists of the steamships in respect of which certificates have been issued to the officers of customs in all ports within the Jurisdiction, and such officers shall cause such lists to be put up in a conspicuous place in the custom-house at each port.

37.

Navigation.

37. (1) The Superintendent may accept and recognise all unexpired certificates in legal operation issued under any Act or statute in force in the United Kingdom or in any British Possession to any steamship trading to or from any port within the Jurisdiction, and the acceptance of any such certificate shall be as valid and effectual for all purposes as if such certificate had been issued under this Act.

Superintendent may recognise certain certificates.
35 Vic. No. 7, s. 29.
36 Vic. No. 30, s. 13.
Act No. 32, 1899, s. 2.

(2) The Superintendent may disallow and reject any such certificate whenever in his opinion the acceptance thereof would be attended with risk or uncertainty, and any certificate so disallowed and rejected shall, for and within the Jurisdiction, be and be deemed to be a cancelled certificate.

Or may reject them.

38. (1) The Superintendent may revoke and cancel any certificate where he has reason to believe—

Power of the Superintendent to cancel certificates.
35 Vic. No. 7, s. 32.
Act No. 32, 1899, s. 2.

(a) that any declaration of the sufficiency and good condition of the hull or machinery of any steamship has been fraudulently or erroneously made; or

(b) that such certificate has otherwise been issued upon false or erroneous information; or

(c) that since the making of any declaration of the sufficiency and good condition of the hull or machinery of any steamship, such hull or machinery has sustained any injury, or is otherwise insufficient,

and whether such certificate was granted under this Act or any Act heretofore in force.

(2) In every such case the Superintendent may require the owner to have the hull or machinery of the steamship in question again surveyed, and to transmit a further declaration of the sufficiency and good condition thereof, before he re-issues any certificate or grants a fresh one in lieu thereof.

Superintendent may require fresh declarations.

(3) The Superintendent may at any time revoke any certificate for the purpose of inserting in any certificate to be granted in lieu thereof the number of passengers which the steamship to which such certificate relates is constructed to carry or is authorised to carry as aforesaid.

Number of passengers in certificate.

39. No certificate of any steamship shall be held to be in force for the purposes of this Act for more than six months; and no certificate shall be in force after notice by the Superintendent to the owner or master of the vessel to which the same relates that he has revoked the same:

How long certificates to continue in force.
35 Vic. No. 7, s. 34.
Act No. 32, 1899, s. 2.

Provided that if any such steamship has been absent from the Jurisdiction for the whole of the thirty days next before the expiration of the certificate last granted in respect of such steamship, such last certificate (if not expressly cancelled or revoked) shall continue in force till twenty-one days after the return of such steamship to the Jurisdiction.

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Fees to be paid for certificates.
35 Vic. No. 7, s. 35.
60 Vic. No. 36, s. 3.
Act No. 32, 1899, s. 2.

40. The owner of every steamship requiring a certificate under this Act, shall pay for every certificate granted by the Superintendent such sum as the Superintendent appoints, not exceeding the sums following, that is to say—

- (a) where the tonnage of such steamship does not exceed fifty tons, the sum of one pound;
- (b) where such tonnage exceeds fifty tons and does not exceed one hundred tons, the sum of two pounds;
- (c) where such tonnage exceeds one hundred tons and does not exceed three hundred tons, the sum of three pounds; and
- (d) where such tonnage exceeds three hundred tons, an additional pound for every additional three hundred tons or part thereof.

Copy of certificate to be placed in conspicuous part of steamship.
35 Vic. No. 7, s. 37.

41. The owner or master of any steamship shall forthwith on receipt of any such certificate as aforesaid cause the same, or a true copy thereof in distinct and legible characters, to be exhibited in some conspicuous part of the said steamship so long as such certificate is in force, under a penalty not exceeding ten pounds.

Steamship not to proceed on her voyage without certificate.
Ibid. s. 38.
Act No. 32, 1899, s. 2.

42. (1) No steamship, the owner or master of which has not received from the Superintendent a valid and unexpired certificate as hereinbefore provided, shall proceed to sea or upon any voyage or excursion with any passengers on board.

Penalty on steamships going to sea, &c., without certificate.

(2) If any steamship with any passengers on board proceeds to sea or on any such voyage or excursion without having such certificate or a true copy thereof so exhibited as aforesaid, the owner or master shall for every such offence incur the following penalties, namely,—the owner a penalty not exceeding one hundred pounds, and the master a penalty not exceeding twenty pounds.

Penalty on owner, &c., for carrying more passengers than specified in certificate.
35 Vic. No. 7, s. 39.

43. (1) No steamship shall carry a greater number of passengers, whether deck or other passengers, than the numbers stated in the certificate.

(2) The owner or master of any steamship on board which there is found a greater number of such passengers than the numbers thereof specified in such certificate shall incur a penalty not exceeding twenty pounds, and a further penalty of five shillings for every passenger over and above such specified number.

Forgery of declaration or certificate to be a misdemeanour.
Ibid. s. 36.

44. Whosoever—

- (a) knowingly and wilfully makes or assists in making a false or fraudulent declaration or certificate with respect to any steamship requiring a certificate under this Part of this Act; or
- (b) knowingly and wilfully forges, counterfeits, or fraudulently alters, or assists in forging, counterfeiting, or fraudulently altering any declaration or certificate required by the said Part, or any words or figures in any such declaration or certificate, or the signature thereto,

shall be deemed guilty of a misdemeanour.

DIVISION

*Navigation.*DIVISION 3.—*Duties of surveyors.*

45. (1) Engineer and shipwright surveyors shall make such returns to the Superintendent with respect to the build, dimensions, draft, burden, rate of sailing, room for fuel, and the nature and particulars of machinery of the steamships surveyed by them, as the Superintendent requires.

Surveyors to make returns of the build, &c., of steamships.
35 Vic. No. 7, s. 44.
Act No. 32, 1899, s. 2.

(2) Every owner, master, and engineer of any such steamship shall on demand give to such surveyors all such information and assistance within his power as may be required by such surveyors for the purpose of such returns.

Owners, masters, and engineers to give information.

(3) Every such owner, master, and engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance shall incur a penalty not exceeding fifty pounds.

Penalty.

46. (1) The said surveyors shall execute their duties under the direction of the Superintendent, and in the execution of such duties they may go on board any steamship at all reasonable times to inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Part of this Act or any of the regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying such steamship from proceeding on any voyage.

Surveyors to act under direction of the Superintendent to be allowed to go on board steamships to inspect.
Ibid. s. 45.
Act No. 32, 1899, s. 2.

(2) If in consequence of any accident to any such steamship or for any other reason he considers it necessary, the Superintendent may require such steamship to be taken into dock or placed on a slip or on any other convenient place to be surveyed.

Superintendent may require steamship to be docked.

(3) Whosoever obstructs or hinders any such surveyor in going on board any such steamship, or otherwise impedes him in the execution of his duty hereunder, shall incur a penalty not exceeding fifty pounds.

Penalty.

(4) Every surveyor or other officer who demands or receives directly or indirectly from the owner or master of any steamship surveyed by him under the provisions hereof any fee or remuneration whatsoever for or in respect of such survey, or otherwise than in accordance with the provisions of this Act, shall incur a penalty not exceeding one hundred pounds.

Penalty on surveyors demanding or receiving fees unlawfully.
35 Vic. No. 7, s. 46.

DIVISION 4.—*Duties of owners.*

47. The owner of every steamship which is—

(a) built of iron; or

(b) used as a steam-tug, the building of which was commenced after the twenty-fifth day of January, one thousand eight hundred and seventy-two,

shall cause the same to be divided by transverse water-tight partitions, so that the forepart of such steamship is separated from the engine-room by

Iron steamships and steam-tugs to be divided by water-tight partitions.
Ibid. s. 17.

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by one of such partitions, and so that the after part of such steamship is separated from the engine-room by another of such partitions.

Penalty on owner for neglect.

Steamships to carry safety-valves out of control of engineer and to be deemed a necessary part of machinery.

35 Vic. No. 7, s. 48.

If any such steamship proceeds to sea without being so divided the owner thereof shall incur a penalty not exceeding two hundred pounds.

48. (1) No steamship liable to survey by the provisions of this Act shall go to sea, or steam upon any navigable waters within the Jurisdiction, without having two safety-valves upon each boiler, one of which shall be out of the control and interference of the engineer, except only for the purpose of opening the same and keeping it free; and such safety-valve shall be deemed to be a necessary part of the machinery upon the sufficiency of which the engineer-surveyor is to report as herein provided.

Penalty.

36 Vic. No. 30, s. 7.

(2) If any such steamship goes to sea, or steams upon such navigable waters, without having such safety-valves upon each boiler in manner aforesaid, the owner thereof shall incur a penalty not exceeding one hundred pounds.

No steamship to proceed to sea without being provided with hose and signals.

35 Vic. No. 7, s. 49.

Act No. 32, 1899, s. 2.

49. (1) No steamship shall go to sea unless provided with a hose adapted for the purpose of extinguishing fire in any part of such steamship and capable of being connected with her engines, nor, if carrying passengers, without being provided with the following means of making signals of distress, that is to say twelve blue lights or twelve port fires and one cannon with ammunition for at least twelve charges, or with such other means of making signals as shall be approved by the Superintendent.

Penalty.

36 Vic. No. 30, s. 7.

(2) If any steamship goes to sea or steams upon any navigable waters within the Jurisdiction in contravention of any provision of this section, the owner thereof shall incur a penalty not exceeding one hundred pounds

Accidents to be reported to Superintendent.

35 Vic. No. 7, s. 50.

Act No. 32, 1899, s. 2.

50. Whenever any steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or efficiency either in her hull or in any part of her machinery, the owner or master of such steamship shall, within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible, transmit through the post to the Superintendent by letter signed by such master a report of such accident or damage and the probable occasion thereof, stating the name of such steamship, the port to which she belongs, and the place where she is.

Penalty.

If such master neglects so to do he shall for such offence incur a penalty not exceeding fifty pounds.

Notice to be given of apprehended loss of steamships.

35 Vic. No. 7, s. 51.

Act No. 32, 1899, s. 2.

51. If the owner of any steamship has reason to believe that such steamship has been wholly lost, he shall with all possible despatch send notice thereof to the Superintendent.

If such owner neglects so to do within a reasonable time he shall for such offence incur a penalty not exceeding fifty pounds.

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52. Where the owner of any steamship does not reside or carry on business within His Majesty's dominions, then before such steamship clears out or proceeds on any voyage with passengers from any port within the Jurisdiction to any port in His Majesty's possessions, the owner or charterer, or in the absence of such owner or charterer one good and sufficient person on his behalf to be approved of by the chief officer of customs at the port of clearance, shall with the master of the said steamship enter into a joint and several bond in the sum of five hundred pounds to His Majesty, His Heirs and Successors according to the form contained in the Second Schedule hereto.

Owner or charterer to enter into a bond of £500 before ship cleared out.

35 Vic. No. 7, s. 52.

36 Vic. No. 30, s. 8.

Second Schedule.

DIVISION 5.—*Certain offences.*

- 53.** Whosoever—
- (a) being drunk or disorderly, has been on that account refused admission into any duly surveyed passenger steamship by the owner or any person in his employ, and, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamship; or
 - (b) being drunk or disorderly on board such steamship, is requested by the owner or any person in his employ to leave the same at any place which such steamship visits in New South Wales, and, having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request; or
 - (c) being on board any such steamship, after warning by the master or any other officer of the steamship, molests or continues to molest any passenger; or
 - (d) having got on board such steamship without the permission of the master or other officer in authority, refuses to leave such steamship after being requested to do so by such master or officer; or
 - (e) after having been refused admission into any such steamship by the owner or any person in his employ on account of such steamship being full, and, after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; or
 - (f) having got on board any such steamship upon being requested on the like account by the owner or any person in his employ to leave such steamship before she has quitted the place at which such person got on board, and, upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request; or

Offences.

35 Vic. No. 7, s. 40.

Drunk and disorderly passengers.

Drunk and disorderly passengers.

Persons molesting passengers.

Persons boarding without permission of master.

Persons forcing their way on board ship when full.

Persons refusing to quit the ship when full.

(g)

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Persons avoiding
payment of fares.

- (g) travels or attempts to travel in any such steamship without having previously paid his fare when demanded and with intent to avoid payment thereof; or
 - (h) having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamship beyond such distance without previously paying the additional fare for the additional distance when demanded and with intent to avoid payment thereof; or
 - (i) knowingly and wilfully refuses or neglects on arriving at the place or point to which he has paid his fare to quit any such steamship; or
 - (j) being on board any such steamship does not, when required by the master or other officer of such steamship, either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamship,
- shall for every such offence be liable to a penalty not exceeding twenty pounds, but that liability shall not affect the right to recover any fare payable by him.

Penalty for injuring
steamship or
molesting crew.
35 Vic. No. 7, s. 41.

- 54.** Whosoever on board any such steamship wilfully does or causes to be done anything in such a manner as—
- (a) to obstruct or injure any part of the machinery or tackle of such steamship; or
 - (b) to obstruct, impede, or molest the crew or any of them in the navigation or management of such steamship or otherwise in the execution of their duty upon or about such steamship,
- shall for every such offence be liable to a penalty not exceeding one hundred pounds.

Penalty on offenders
refusing to give their
name and address.
Ibid., s. 42.

- 55.** Whosoever, having committed any offence mentioned in either of the last two preceding sections, refuses on application of the master to give his name and address, or on such application gives a false name or address, shall be liable to a penalty not exceeding twenty pounds.

Apprehension of
offenders.
Ibid., s. 43.
36 Vic. No. 30, s. 6.

- 56.** The master or other officer of any duly surveyed passenger steamship, and all persons called by him to his assistance, may detain any person who has committed any offence against any of the provisions of the three last preceding sections, and whose name and address are unknown to such officer, and may convey such offender with all convenient despatch before some justice without any warrant or other authority than this Act; and such justice shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

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PART V.

Pilots and pilotage.

DIVISION 1.—*Powers of Superintendent and Governor.*

57. The Superintendent shall, subject to the approval of the Governor, do the following things within the Jurisdiction, that is to say—

- (a) determine the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character, or otherwise ;
- (b) grant licenses to pilots and apprentices, and pilotage certificates as hereinafter described to masters and others, and to fix the terms and conditions of such licenses and certificates ;

Departmental functions of Superintendent.
35 Vic. No. 7, s. 53.
Act No. 32, 1899, s. 2.

58. The Governor may make regulations—

- (a) as to the approval and licensing of pilot-boats ;
- (b) for the good government of licensed pilots, and for insuring their good conduct and constant attendance to and effectual performance of their duty either at sea or on shore ;
- (c) for punishing any breach of the said regulations committed by pilots, apprentices, masters, and others, by the withdrawal or suspension of the offender's license or certificate, or by the infliction of a penalty not exceeding twenty pounds for any one such breach and capable of reduction by the justices by whom it is inflicted ; and
- (d) to regulate the mode of remunerating pilots.

Governor may make regulations.
35 Vic. No. 7, s. 53.
Act No. 32, 1899, s. 41.

Repealed by no. 5 (1911) and new section 59 substituted.
DIVISION 2.—*Pilotage and other rates.*

59. (1) There shall be paid upon every ship, not hereafter exempted, on her arrival at or departure from any port within the Jurisdiction where there is a pilot establishment, pilotage rates as follows—

Pilotage rates.
60 Vic. No. 36, s. 4.
Act No. 32, 1899, s. 31.
Exp. Deane.
12 J.R. 520.
547.

- (a) upon every ship on her arrival or departure as aforesaid in ballast, the sum of one penny per ton ;
- (b) upon every ship on her arrival as aforesaid for the purpose of refitting or docking, and for no other purpose, the sum of one penny per ton ; and on her departure after such refitting or docking, the sum of twopence per ton ;
- (c) upon every ship compelled to enter any port as aforesaid through stress of weather or for repairs, or to receive orders, or to take in provisions, or being in distress, or entering any port for the purpose of obtaining coal to be used in the ship on her voyage, and for no other purpose, the sum of one penny per ton on her arrival or departure ;

(d)

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	(d) upon every ship on her arrival or departure as aforesaid under circumstances other than those above, the sum of twopence per ton.
Minimum rate.	(2) The pilotage rates payable upon every ship on her arrival at, or her departure from, the port of Sydney or the port of Newcastle shall not be less than two pounds ten shillings, and on her arrival at or departure from any other port shall not be less than one pound five shillings.
Maximum rate.	(3) No such rates on the arrival at or departure from any port of any ship shall exceed twenty pounds in each instance.
Exemption from pilotage. 35 Vic. No. 7, s. 56. 36 Vic. No. 30, s. 6. Act No. 32, 1899, s. 2.	60. (1) Every registered ship, whether propelled by steam or otherwise, (a) the master of which possesses a pilotage certificate; or (b) engaged in the whaling trade, shall, except in cases where the master thereof actually employs the services of a pilot, be exempt from pilotage. (2) Every such ship shall from the time of her approaching within three leagues of any such port as aforesaid up to the time of her anchoring keep flying such distinguishing flag or flags as the Superintendent shall for that purpose direct. (3) The master of such ship shall show to the collector or other authorised officer at such port, if required by him, his certificate of pilotage.
<i>Sup. Brunei</i> <i>13.5.1900</i> <i>544. Owners</i> <i>habiti</i>	Excepted ships to fly distinguishing flag. Master to produce certificate of pilotage.
Harbour and light rates. 35 Vic. No. 7, s. 55. 36 Vic. No. 30, s. 9. 60 Vic. No. 36, s. 4. Payment.	61. (1) There shall be paid at every port within the Jurisdiction where there is a pilot establishment upon every registered ship, whether propelled by steam or otherwise, a half-yearly harbour and light rate of fourpence per ton. (2) The payment of such half-yearly rate shall be made on or before the thirtieth day of June and the thirty-first day of December in each year to the Collector of Customs at such port. (3) Such half-yearly payment in respect of any such ship at any such port shall exempt her from any further charge at any port within the Jurisdiction for harbour and light rates for the period of six months from the date of such payment. (4) The following vessels shall be exempt from payment of the aforesaid rates— (a) vessels employed in the whaling trade; and (b) vessels arriving at or departing from any port under the circumstances set out in subdivision (b) or subdivision (c) of subsection (1) of section fifty-nine.
Period for which payment good.	
Excepted vessels.	
To whom rates, &c., to be paid. 35 Vic. No. 7, s. 67.	62. (1) All rates and dues authorised by this Act shall be paid to the Collector of Customs; and if at any port as aforesaid there is no such collector, then the pilot may demand and receive the same. (2) All such rates and dues shall be accounted for and paid into the Treasury to the Consolidated Revenue Fund.
Rates to be accounted for to Treasurer.	

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(3) No ship shall be cleared at any custom-house until all rates and dues authorised by this Act have been duly paid in respect thereof and a certificate that such payment has been duly made has been granted to the master thereof by the Collector of Customs or pilot, as the case may be.

Ships not cleared till rates, &c., paid.
35 Vic. No. 7, s. 68.

DIVISION 3.—Employment of pilots.

63. (1) If the master of any ship—

- (a) arriving at, or off, and intending to enter, any port within the Jurisdiction, does not receive on board the first pilot offering himself and demanding to conduct such ship into such port, or does not forthwith on demand and on the pilot so offering himself (producing if required his license) give the ship in charge of such pilot; or
- (b) goes to sea, or quits his station or anchorage from and within any port within the Jurisdiction, without receiving on board a qualified pilot to conduct his ship to sea,

Masters of ships arriving to receive first pilot.
Ibid. s. 60.

such master shall, over and above the amount which would have been payable for pilotage, if such pilot's services had actually been engaged, be liable to a penalty not exceeding twenty pounds.

(2) The provisions of the preceding subsection shall not apply to any master—

Exemptions.

- (a) holding a valid certificate of pilotage under this Act; or
- (b) whose ship is engaged in the whaling trade.

64. (1) Every pilot in charge of any ship who is detained and remains on board for a period exceeding twenty-four hours after he has taken charge shall, in case such detention was occasioned by stress of weather or other unavoidable cause, be entitled to demand and receive from the master, owner, or agent of such ship (over and above the amount of pilotage chargeable by virtue of this Act or any regulation thereunder) the sum of ten shillings for each day during which he is so detained; and such pilot shall not be bound to conduct such ship to sea until payment thereof has been duly made to him or secured to his satisfaction.

Fees to pilots detained in ships longer than twenty-four hours.
Ibid. s. 62.

(2) Any sum of money to which any pilot may be entitled under this section may be recovered by him summarily in manner hereinafter directed in respect of the recovery and enforcement of penalties under this Act.

Remedy.

65. When the master of any outward-bound ship who has applied for a pilot afterwards finds that he does not require the services of a pilot on the day on which such pilot was first appointed to attend, and notifies the same to the pilot immediately on his arrival to take charge of the said ship, no payment shall be made in respect of such first attendance; but if, after any renewed application for a pilot,

Outward-bound ship not requiring pilot.
Ibid. s. 63.

Navigation.

pilot, such master again finds that he is not prepared for sea, such master, owner, or agent of such ship shall pay or secure to be paid to the pilot who attends in consequence of any such renewed application the sum of ten shillings for each day that such pilot is so detained, or for every such attendance, although such pilot so attending quits the said ship by reason of his services on that day being dispensed with by the master at the time of such attendance; and no pilot shall be bound to take such ship to sea until such payment has been made or secured to the satisfaction of the pilot entitled to the same.

Pilots to bring ships
to anchor on arrival.
35 Vic. No. 7, s. 66.

66. (1) The master of every ship on her arrival in any port within the Jurisdiction shall cause such ship to be brought to anchor at such place as the licensed pilot if he is on board such ship, or if not then at such place as the harbour-master or his assistant shall direct.

Penalty.

(2) Every such master who refuses or neglects to comply with the requirements of this section shall be liable to a penalty not exceeding twenty pounds.

DIVISION 4.—Certificates and licenses.

Master may be
examined for a
pilotage certificate.
Ibid. s. 57.
Act No. 32, 1899, s. 2.
Third Schedule.
Certificate may be
granted to him if
competent.

67. (1) The master of any ship may, upon giving due notice, apply to the Superintendent to be examined as to his capacity to pilot within the Jurisdiction the ship of which he is master or ships of the tonnage specified in the Third Schedule.

(2) Such master or other person shall, if the Superintendent thinks fit, thereupon be examined; and, if found competent, there may be granted to him, upon payment by him of the fees specified in the said Schedule, a pilotage certificate, containing his name, a specification of the ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same.

Effect of certificate.

(3) Such certificate shall enable the person therein named to pilot the ships therein specified, of which he is acting as master at the time, within the limits therein described without incurring any penalties for the non-employment of a qualified pilot.

Extension of section
to persons other
than masters.

(4) The provisions of this section shall be equally applicable to and available for any person who, not being master of a ship, nevertheless, desires to obtain a pilotage certificate in view of his procuring a command.

Certificates not to be
granted to foreigners
or in respect of
foreign ships.
Act No. 32, 1899,
s. 32 (1).

68. Pilotage certificates shall be granted to British subjects only, and may only be granted or used in respect of British ships registered at a port subject to the Commonwealth of Australia or in New Zealand employed in trading or going between some port within the Jurisdiction and some port subject to the Commonwealth of Australia or in New Zealand or in the South Sea Islands, and in respect of ships engaged in the whaling trade.

Navigation.

69. Every pilot shall pay the following license fees, that is to say, for a first-class pilot's license the sum of three pounds, and for a second-class pilot's license the sum of two pounds.

Fees for pilots' licenses.
35 Vic. No. 7, s. 58.

70. (1) Every licensed pilot when required by the Superintendent shall produce or deliver up his license.

Licenses to be delivered up when required.
Ibid. s. 59.
Act No. 32, 1899, s. 2.

(2) On the death of any qualified pilot the person into whose hands his license happens to fall shall without delay transmit the same to the Superintendent.

And returned on death.

(3) Any pilot or person failing to comply with the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Penalty.

71. (1) Any person not being duly licensed, or holding a pilotage certificate, found acting as a pilot for any ship either entering or navigating in or leaving any port within the Jurisdiction to which the provisions of this Act extend shall be liable to a penalty not exceeding fifty pounds.

Any person acting without license liable to penalty.
35 Vic. No. 7, s. 61.

(2) Any person not being a duly licensed pilot in the employ of the Government who acts as a pilot for any ship of which he is not the master named on the certificate of registry of the ship, or on any document having the effect of a certificate of registry of the ship, either entering in or navigating in or leaving any port within the Jurisdiction at which there is a pilotage establishment, shall, whether he holds or does not hold a pilotage certificate, be liable to a penalty not exceeding fifty pounds.

Penalty for other person than master acting as pilot.
Act No. 32, 1899, s. 32 (2).

72. The Superintendent may revoke or suspend any pilotage license or certificate granted under this Act, in such manner and for such period as he deems expedient.

Superintendent may revoke or suspend license and any pilotage certificate.
35 Vic. No. 7, s. 58.
Act No. 32, 1899, s. 2.

73. Whosoever—

Penalties for forging or fraudulently using or lending a certificate of pilotage.

(a) makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate of pilotage; or

35 Vic. No. 7, s. 86.
36 Vic. No. 30, s. 13.

(b) forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered any such certificate, or any official copy of such certificate; or

(c) fraudulently makes use of any such certificate or any copy of such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled; or

(d) fraudulently lends his certificate to or allows the same to be used by any other person,

shall for each offence be deemed guilty of a misdemeanour.

Navigation.

PART VI.

*Examinations and certificates.*DIVISION 1.—*Examinations and certificates of masters, mates, and engineers.*(i.) *Examinations and certificates of masters and mates.*

Examination of
masters and mates.
35 Vic. No. 7 ss. 70, 71.
Act No. 32, 1899,
ss. 2, 41, 42.

74. (1) The Superintendent may provide for the examination of persons who desire to qualify themselves as masters or mates of foreign-going or coast-trade ships, or who wish to procure certificates of competency as hereinafter described; and the Governor may appoint examiners to conduct such examinations, and the Superintendent may be present and assist at any such examination.

Powers of Governor
as to examination.

(2) The Governor may lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners.

Examiner to possess
a certificate of
qualification.

(3) No examiner shall be appointed unless he possesses a certificate of qualification to be from time to time granted or renewed by the Governor.

Superintendent may
appoint assistant.

(4) The Superintendent may at any time depute any of his officers to be present and assist at any examination, and if it appears to him that the examinations for any two or more ports can be conducted without inconvenience by the same examiners, he may require and authorise such examination to be so conducted.

Certificates of
competency to be
granted to those
who pass.
35 Vic. No. 7, s. 73.
36 Vic. No. 30, s. 10.
Act No. 32, 1899, s. 2.

75. The Superintendent shall deliver to every applicant who is duly reported by the examiners to have passed his examination satisfactorily and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, a certificate hereinafter called a "certificate of competency," to the effect that he is competent to act as master, or as first, second, or only mate of a foreign-going ship, or as master or mate of a coast-trade ship, or master of a harbour and river steamer, as the case may be.

Provided that, in every case in which the Superintendent has reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant or a further inquiry into his testimonials and character before granting him a certificate.

Certificate of service
to whom deliverable.
35 Vic. No. 7, s. 74.
36 Vic. No. 30, s. 12.
Act No. 32, 1899, s. 2.

76. (1) Certificates of service differing in form from certificates of competency shall be granted as follows, that is to say—

- (a) every person who, before the second day of April, one thousand eight hundred and seventy-two, served as master of a foreign-going ship, or who has attained or attains a rank in the service of His Majesty not lower than that of navigating sub-lieutenant, shall be entitled to a certificate of service as master for foreign-going ships;
- (b)

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- (b) every person who, before the second day of April, one thousand eight hundred and seventy-two, served as mate of a foreign-going ship, shall be entitled to a certificate of service as mate for foreign-going ships ;
- (c) every person who, before the second day of April, one thousand eight hundred and seventy-two, has served as master of a coast-trade ship, shall be entitled to a certificate of service as master for coast-trade ships ;
- (d) every person who, before the second day of April, one thousand eight hundred and seventy-two, has served as mate of a coast-trade ship shall be entitled to a certificate of service as mate for coast-trade ships ;
- (e) every person who, before the second day of April, one thousand eight hundred and seventy-two, has served as master of a steamship of the class known or used as harbour and river steamers plying on the waters of any harbour or river, or on any navigable waters within the Jurisdiction, shall be entitled to a certificate as master for harbour and river steamers.

(2) Each of such certificates of service shall contain particulars of the name, place, and time of birth, and of the length and nature of the previous service of the person to whom the same is delivered. Contents of certificates.

(3) The Superintendent shall deliver such certificates of service to the various persons so entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid. Conditions on which granted.

(4) Provided that no certificate shall be delivered under this section unless the person seeking it satisfies the Superintendent generally of his competency to serve in the grade for which such certificate is sought. Proviso.

(ii.) *Examinations and certificates of engineers.*

77. Engineers' certificates shall be of three grades, namely :— Classes of certificates.
35 Vic. No. 7, s. 75.

- First-class engineers' certificates ;
- Second-class engineers' certificates ; and
- Third-class engineers' certificates.

78. (1) The Superintendent shall cause examinations to be held of persons desirous of obtaining certificates of competency as engineers. Examinations for engineers' certificates of competency.
Ibid. s. 77.
Act No. 32, 1899, ss. 2, 41, 42.

(2) For the purpose of such examinations the Governor may appoint examiners and award the remuneration to be paid to them, and shall lay down rules as to the qualification of applicants and as to the times and places of examination, and generally do all such acts as he thinks expedient in order to carry into effect the examinations of such engineers as aforesaid. Governor may appoint examiners.

Navigation.

Certificates of competency to be delivered to those who pass.
35 Vic. No. 7, s. 79.
36 Vic. No. 30, s. 13.
Act No. 32, 1899, s. 2.

Engineers' certificates of service.
35 Vic. No. 7, s. 80.
Act No. 32, 1899, s. 2.

Contents of certificate.

Conditions on which granted.

Every ship to carry a master.
35 Vic. No. 7, ss. 75, 76, 81, 82.
36 Vic. No. 30, ss. 11, 13.
43 Vic. No. 13, s. 5.
Act No. 32, 1899, ss. 19, 20, 21, 22.
Other officers.

79. The Superintendent shall deliver to every applicant who is duly reported to have passed the examination satisfactorily and to have given satisfactory evidence of his sobriety, experience, and ability, a certificate of competency as first-class or second-class or third-class engineer as the case may be.

80. (1) Certificates of service for engineers differing in form from certificates of competency shall be granted as follows, that is to say:—

(a) Every person who, before the second day of April, one thousand eight hundred and seventy-two, has served as first engineer in any foreign-going steamship of one hundred nominal horse-power or upwards, or who has attained or attains the rank of engineer in the service of His Majesty, shall be entitled to a "first-class engineer's certificate" of service.

(b) Every person who, before the second day of April, one thousand eight hundred and seventy-two, has served as second engineer in any foreign-going steamship of one hundred nominal horse power or upwards, or as first or only engineer in any other steamship or harbour and river steamer, or who has attained or attains the rank of first-class assistant engineer in the service of His Majesty, shall be entitled to a "second-class engineer's certificate" of service.

(2) Each of such certificates of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered.

(3) The Superintendent shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

(iii.) *Certificated officers on ships.*

81. (1) Every foreign-going ship and every coast-trade ship going to sea from any port within the Jurisdiction, and every harbour and river steamer plying within the Jurisdiction, shall be provided with a master duly certificated under this Act.

(2) The following ships going to sea from any port within the Jurisdiction shall be provided in addition to the master with officers duly certificated under this Act, according to the following scale:—

(a) if the ship is a foreign-going ship, with at least a first mate, or, if such ship carries more than one mate, with at least a first mate, and a second mate;

(b)

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(b) if the ship is a coast-trade ship of one hundred tons burden or upwards, with at least a first mate.

(3) Every such ship as aforesaid being a steamship shall in addition to the requirements of the preceding subsection be provided with engineers duly certificated under this Act, according to the following scale—

- Engineers on steamships.*
- (a) if the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least a first and a second engineer, the first possessing a first-class engineer's certificate and the second a second-class engineer's certificate or a certificate of higher grade;
 - (b) if the ship is a foreign-going steamship of less than one hundred nominal horse-power, or is a coast-trade steamship other than is mentioned in the next subdivision hereof, with at least one engineer possessing a second-class engineer's certificate or a certificate of higher grade;
 - (c) if the ship is a coast-trade steamship of fifty nominal horse-power or under, trading between ports within the Jurisdiction, or a harbour and river steamship, with at least one engineer possessing a third-class engineer's certificate or a certificate of higher grade.

(4) Subject to the provisions of the preceding subsection, every person in charge of machinery and boilers, used for the purposes of navigation, on any British or foreign steamship carrying or engaged in the trade of conveying passengers from any port within the Jurisdiction to any port in any other part of His Majesty's dominions, shall hold a first or second class engineer's certificate.

(5) Every other ship using steam-power for the purpose of navigation, shall have as its only or first engineer an engineer possessing a third-class engineer's certificate, or a certificate of higher grade:

Provided that this enactment shall not apply to steam-launches, except such as are used for hire, or for the carriage of goods, or for towage purposes.

(6) If any person whatsoever—

- Penalties.*
- (a) goes to sea as master, mate, or engineer of any such ship, or plies on any harbour and river steamship without being duly certificated, whether such person was engaged to serve in such capacity or is acting therein without engagement; or
 - (b) employs any person as such master, mate, or engineer without ascertaining that such person is duly certificated,

he shall be liable for each such offence to a penalty not exceeding fifty pounds.

And if the master of any ship employs any person as engineer to serve on board such ship without ascertaining that such person is duly certificated, such master and the owner of the said ship shall each be liable to the penalty aforesaid. (7)

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Meaning of "duly certificated."

(7) A master, mate, or engineer shall not be deemed to be duly certificated within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency or of service under this Act of a grade appropriate to his station in the ship, or of a higher grade :

Provided that the holder of any unexpired certificate of competency or of service granted to him in accordance with the provisions of any Act in force for the time being in Great Britain or in any of the British possessions shall be deemed for the purposes of this Act the holder of a valid certificate.

Certificates to be produced.
45 Vic. No. 6, s. 22.

82. (1) The master or owner of every ship shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, or as soon thereafter as possible, produce to the shipping-master at the port at which the said ship may be the certificates of competency or service which the master, mate, or engineer of such ship is required by law to possess.

Certificate of production.

(2) Upon production of every such certificate the shipping-master shall give to the master or owner a certificate of such production.

Clearance.

(3) No officer of customs shall grant a clearance or transire for any such ship without the production of such last-mentioned certificate ; and if any such ship attempts to ply or go to sea without such clearance or transire any such officer may detain her until the said certificate is produced.

(iv.) General provisions.

Fees for certificates.
35 Vic. No. 7, s. 72.
Fourth and Fifth Schedules.

83. Every person to whom a certificate of service or competency is granted shall pay for such certificate the respective fees specified in the Fourth and Fifth Schedules hereto, and such fees shall be paid into the Treasury to the consolidated revenue.

Fees for examinations.
Ibid. s. 78.
Act No. 32, 1899, s. 2.
Fifth Schedule.

84. Every applicant for examination shall pay such fees, not exceeding the sums specified in the Fifth Schedule hereto, as the Superintendent directs ; and such fees shall be paid to such persons as the Superintendent directs, and shall be by them paid into the Treasury to the consolidated revenue.

Certificate for foreign-going ship or steamship available for coast-trade ship or steamship.
35 Vic. No. 7, s. 83.

85. Every certificate of competency for a foreign-going ship shall be deemed to be of higher grade than the corresponding certificate for a coast-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in either of such last-mentioned ships or to serve in a harbour and river steamer ; but no certificate for a coast-trade ship shall entitle the holder to go to sea as master, mate, or engineer of a foreign-going ship.

Certificate, &c., to be recorded.
Ibid. s. 84.
Act No. 32, 1899, s. 2

86. All certificates whether of competency or service shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate and the other shall be kept and recorded by the secretary to the Department of Navigation or by such other person as the Superintendent directs.

87.

Navigation.

87. (1) All cancellations, suspensions, alterations, or other proceedings in anywise affecting any certificate made or taken in pursuance of this Act shall be notified by the Superintendent to such secretary or other person as aforesaid, and be by him entered in the record of certificates. Cancellation, &c., of certificates to be recorded. 33 Vic. No. 7, s. 84. Act No. 32, 1899, s. 2.

(2) A copy purporting to be certified by such secretary or other person as aforesaid of any certificate shall be evidence of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be evidence of the truth of the matters stated in such entry. Duplicates and entries to be evidence.

88. (1) Whenever any master, mate, or engineer proves to the satisfaction of the Superintendent that he has without fault on his part lost or been deprived of any certificate already granted to him, the Superintendent shall, upon payment of such fee (if any) as he directs, cause a copy of the certificate, to which by the record so kept as aforesaid such master, mate, or engineer appears to be entitled, to be made out and certified as aforesaid and to be delivered to him. In case of loss, copy to be granted. 35 Vic. No. 7, s. 85. Act No. 32, 1899, s. 2.

(2) Any copy which purports to be so made and certified as aforesaid shall be as valid and effectual as the original certificate. Copy to be valid.

89. Whosoever-- Penalties for false representation, forging, altering, fraudulently using, or lending any certificate. 35 Vic. No. 7, s. 86.

- (a) makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or of service; or
- (b) forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered any such certificate or any official copy of such certificate; or
- (c) fraudulently makes use of any such certificate or any copy of such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled; or
- (d) fraudulently lends his certificate to or allows the same to be used by any other person,

shall be deemed guilty of a misdemeanour.

DIVISION 2.—*Examinations and certificates of marine surveyors.*

90. (1) The Superintendent may from time to time cause examinations of such persons as desire to qualify themselves as marine surveyors to be held. Examinations of marine surveyors. 45 Vic. No. 6, s. 23. Act No. 32, 1899, ss. 2, 41.

(2) The Governor may make regulations respecting the time place and manner of holding such examinations, the persons by whom they are to be held, the subjects of examination, the conditions to which the candidates must conform, and the forms of certificates. Powers of Governor.

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Certificate of competency.
45 Vic. No. 6, s. 21.
Act No. 32, 1899, s. 2.

91. The Superintendent shall issue to every person who has passed such examination to his satisfaction a certificate to be called "a certificate of competency."

Certificate of service.
45 Vic. No. 6, s. 25.
Act No. 32, 1899, s. 2.

92. Every person who proves to the satisfaction of the Superintendent that he has for a period of three years practised as a marine surveyor at any port in New South Wales shall, if of good repute and character, be entitled to a certificate to be issued to him by the Superintendent and to be called "a certificate of service."

When Superintendent may cancel certificate of marine surveyor.
45 Vic. No. 6, s. 26.
Act No. 32, 1899, s. 2.

93. The Superintendent may cancel the certificate of any marine surveyor, whether of competency or service, granted under this Act if he is of opinion that any charge of fraud, collusion, neglect of duty, or other misconduct preferred before him against such surveyor has been established:

Proviso.

Provided that the person charged with such misconduct shall, before such cancellation, be called upon to show cause to the Superintendent against the cancellation of his certificate.

Penalty on uncertificated persons practising as marine surveyors.
45 Vic. No. 6, s. 27.

94. (1) Whosoever, not holding a certificate under this Act either of service or of competency,

(a) practises as a marine surveyor; or

(b) surveys any vessel; or

(c) gives a certificate of such survey purporting to be the certificate of a marine surveyor or intended to have that effect,

shall be liable to a penalty of one hundred pounds.

Exception.

(2) The preceding subsection shall not apply to any person directed by a police magistrate under section ninety-eight hereof to survey or examine any vessel at any port other than Sydney or Newcastle.

PART VII.

*Safety and prevention of accidents.*DIVISION 1.—*Unseaworthy ships.*

Owner, &c., sending unseaworthy ship to sea guilty of a misdemeanour.
45 Vic. No. 6, s. 2.

95. Every registered owner of a British ship, and the agent of such owner, who sends, or attempts to send, or is party to the sending or attempting to send, such ship to sea from any port in New South Wales in so unseaworthy a state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanour. But the provisions of this section shall be subject to the following exceptions, and in all proceedings under this or the next following section the Court shall give effect to and be governed by the following rules:—

(a) It shall not be an offence under this section to send any ship to sea under tow of a steam-tug or steamship for the purpose of taking such ship to some port for the express purpose of being refitted, repaired, docked, or beached. (b)

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- (b) It shall not be an offence under this section to send, or attempt to send, or to be party to sending a ship to sea being in an unseaworthy state as aforesaid when the taking of such ship to sea by the master would be within the saving provided by the next following section.
- (c) If the defendant proves that the business of loading, ballasting, or keeping such ship in proper order, whether as to hull, machinery, tackle, gear, or other equipment whatsoever, had been entrusted to any managing owner, director, ship's husband, or other person, and if the defendant also proves that he was not privy or party to the particular act or condition alleged as the cause of unseaworthiness, he shall be entitled to an acquittal.
- (d) Where an agent, or other person acting under a general or particular authority from any such owner or from any such managing owner or director, loads, or causes or permits to be loaded or ballasted, or is privy to the loading or ballasting of any such ship in such a manner as to render her unfit to proceed to sea with safety, such agent and every such owner and director shall be jointly and severally liable under this section, but shall be entitled to an acquittal if he proves that the act of such agent or other person was in violation of any general or special direction in writing given by him or by any of his co-owners to such agent or person, and that he had no knowledge of the act of such agent or person before the ship so loaded or ballasted proceeded to sea.
- (e) It shall not be necessary in any prosecution under this section to prove that the defendant gave an express direction to take the ship to sea, or committed, or attempted to commit, some act for the purpose of sending the ship to sea, but the Court shall presume the acquiescence of any such owner or agent as aforesaid in the sending or taking of the ship to sea to be equivalent to an actual sending or taking her to sea by the defendant.

96. Every master of a British ship who knowingly takes such ship to sea from any port in New South Wales in so unseaworthy a state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanour, unless he proves—

- (a) that he took such ship to sea under circumstances declared by subdivision (a) of the last preceding section not to constitute an offence under that section; or
- (b) that the taking of such ship to sea was necessary in order to prevent her from going ashore; or
- (c) that it was impossible to put the ship in a seaworthy state at such port, and that the crew consented to his putting to sea for the purpose of refitting, repairing, docking, or beaching such ship at some suitable port.

97.

Master taking unseaworthy ship to sea.
45 Vic. No. 6, s. 3.

Navigation.

Punishment.
45 Vic. No. 6, s. 4.

97. Any person convicted of a misdemeanour under either of the last preceding sections shall be liable to such fine not exceeding one thousand pounds as the Court may award, or to be imprisoned with or without hard labour for any term not exceeding three years, or, if the Court thinks fit, to be fined and imprisoned within the aforesaid limits.

Power to detain
unsafe ships and
procedure for such
detention.
Ibid. s. 6.
Act No. 32, 1899, ss.
2, 36 (1).

98. Where a British ship being in any port in New South Wales is, by reason of the defective condition of her hull, equipment, or machinery, or by reason of undermanning or overloading or improper loading or ballasting, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (hereinafter referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, or for ascertaining the sufficiency of the crew, and either finally detained or released, as follows:—

(a) If the Superintendent has reason to believe on complaint or otherwise that a British ship is unsafe, he may provisionally order the detention of the ship for the purpose of being surveyed, or for ascertaining the sufficiency of the crew, and for the latter purpose may muster the crew.

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

(b) When a ship has been provisionally detained, the Superintendent or police magistrate (as the case may be) shall cause to be served forthwith on the master of such ship a written statement of the grounds of her detention, and the Superintendent may if he thinks fit appoint some competent person to survey the ship and report thereon to him.

(c) The Superintendent on receiving the said report may either order the ship to be released, or, if in his opinion the ship is unsafe, he may order her to be finally detained either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations or the unloading or reloading of cargo or the proper ballasting of such ship or the manning thereof as he thinks necessary to ensure her safety for sea-going purposes, and may from time to time vary or add to any such order.

(d) Where a ship has been provisionally detained, the owner or master of the ship at any time before the person appointed under this section to survey the ship makes such survey may require that he shall be accompanied by such certificated marine surveyor as the owner or master selects. In such case if the surveyors agree the Superintendent shall cause the ship to be detained or released accordingly, but if they differ

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differ may act as if the requisition had not been made; and the owner and master shall have the like appeal touching the report of the official surveyor as hereinafter provided.

- (e) The Superintendent may at any time if satisfied that a ship detained under this Act is not unsafe order her to be released either with or without conditions.

99. Before the order for final detention of a ship alleged to be unsafe is made, a copy of the report of the survey of the ship shall be served upon the master of the ship, and, within seven days after that service, the owner or master may appeal to a Court of Marine Inquiry in manner directed by the rules of that Court.

Appeal to Court of Marine Inquiry.
Act No. 32, 1899, s. 37.

100. (1) The Governor may appoint any stipendiary or police magistrates to sit as Judges of Courts of Marine Inquiry for the purpose of hearing and determining such appeals, and any one or more of the stipendiary or police magistrates so appointed may so sit, and all the provisions of this Act relating to Judges of a Court of Marine Inquiry shall apply to such stipendiary or police magistrates so sitting.

Magistrates may be appointed to hear appeals.
Ibid.

(2) Where any such ship has been provisionally detained the Treasurer may at any time if he thinks it expedient refer the matter to a Court of Marine Inquiry.

Reference to Court by Treasurer.

101. (1) If any ship is detained wrongfully and without reasonable and probable cause under the powers conferred by the next preceding section, the owner of such ship may bring an action for compensation against the Government for loss or damage sustained by him in consequence of such detention, including the costs of or incidental to the detention and survey of the ship.

Liability of the Government for wrongful detention in certain cases.
45 Vic. No. 6, s. 7.

(2) In such action the Treasurer shall be the nominal defendant, and the action shall be tried before the Chief Justice, or a deputy Judge appointed by him, sitting as in Vice-Admiralty in accordance with the provisions contained in the Acts and rules regulating the practice of the Vice-Admiralty Court, and subject to the same right of appeal from the order or decree of the Court as is by law incident to the jurisdiction in Vice-Admiralty.

Practice.

(3) All damages and costs of suit adjudged against such nominal defendant shall be paid pursuant to the provisions of the seventh and eighth sections of the Claims against the Government and Crown Suits Act, 1897.

Payment of damages.

102. Where a joint or several affidavit or statutory declaration by at least one-fourth of the crew of a foreign-going ship, or by at least two of the crew of a coast-trade ship is made to the Superintendent, or, in ports other than Sydney and Newcastle and in the absence of the Superintendent, to a police magistrate, that a British ship is unsafe, the Superintendent or magistrate (as the case may be) shall take all proper and reasonable measures for ascertaining whether the ship ought to be detained under this Act or not. The Superintendent or

Ship may be detained on affidavit that she is unsafe.
Ibid. s. 8.

Act No. 32, 1899, s. 2.

any

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

Punishment for making false statement in affidavit or declaration.
45 Vic. No. 6, s. 9.

103. Whosoever in any such affidavit or declaration as aforesaid knowingly makes a false statement, for the purpose of procuring the detention under this Act of any ship, shall be guilty of a misdemeanour and be liable to the punishment provided in section ninety-seven.

Enforcing detention of ship.
Ibid. s. 17.
Act No. 32, 1839, s. 2.

104. (1) Where under this Act a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of His Majesty, or the Superintendent or any officer of the Department of Navigation, or of the customs or of the police force may detain the ship.

Penalty for proceeding to sea after detention.

(2) If the ship after such detention, or after service on the master of any notice of or order for such detention, proceeds to sea without having been duly released the master of the ship shall be guilty of a misdemeanour, and shall be liable to the punishment provided in section ninety-seven; and the owner and any person who sends the ship to sea if such owner or person be party or privy to the offence shall incur a penalty not exceeding one hundred pounds.

Penalty for taking detaining officer to sea.

(3) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship or other officer as aforesaid, the owner and master of the ship shall each be liable to pay all expenses of and incidental to such officer being so taken to sea and also a penalty not exceeding one hundred pounds, or (at the option of the prosecutor) not exceeding ten pounds for every day until such officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

Supplemental provisions as to detention of ship.
45 Vic. No. 6, s. 12.

105. (1) Any officer authorised to act as a detaining officer under this Act shall have, for the purpose of carrying out his duties under this Act, the same powers as an inspector under this Act; and the provisions of this Act with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply to persons committing the like offences in respect of detaining officers.

Service of order.

(2) An order for the detention of a ship, provisional or final, or any order varying the same, shall be served as soon as may be on the master of the ship.

Transfer of registry.

(3) When a ship has been detained under this Act she shall not be released by reason of her register being subsequently closed or transferred.

Powers of surveyors.

(4) For the purposes of a survey under this Division of this Act any person authorised to make the same may go on board a ship and

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and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

106. (1) Where a foreign ship being in any port in New South Wales is unsafe by reason of overloading, improper loading, or ballasting, or undermanning, the provisions of this Act with respect to the detention of ships shall apply to such ship as if she were a British ship, but with the following modifications:—

Application to foreign ships of provisions as to detention.
45 Vic. No. 6, s. 20.
Act No. 32, 1899, ss. 2, 36 (2)

- (a) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained.
- (b) Where the ship has been provisionally detained the consular officer on the request of the owner or master of the ship may require that the person authorised to survey the ship shall be accompanied by such person as the consular officer selects; and in such case if the surveyor and such person agree, the Superintendent shall cause the ship to be detained or released accordingly, but if they differ he may act as if the requisition had not been made, and the owner and master shall have the same right of appeal to the Governor as is hereinbefore provided by this Act with respect to the detention of British ships.

(2) In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognised by the Governor as a consular officer of a Foreign State.

Meaning of "consular officer."

DIVISION 2.—*Life-saving appliances.*

107. (1) The rules contained in the Sixth Schedule hereto shall, subject to the provisions of the next following subsection, be of the same force as if they were enacted in the body of this Act.

Rules.
Sixth Schedule.
Act No. 32, 1899, s. 38.

(2) The Governor may by proclamation in the Gazette repeal, alter, suspend, or modify any of such rules, or make new rules in addition thereto or in substitution therefor, so as to conform so far as possible with the rules made or to be made under the Merchant Shipping Act; and any such alteration in or addition to the rules shall be of the same force as if it had been enacted in this Act.

Powers of Governor.

108. In any of the following cases, namely—

Penalties.
Ibid. s. 39.

- (a) if any ship required by the rules to be provided with appliances for saving life at sea, proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or
- (b) if any of the appliances with which she is so provided are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master;
- or
- (c)

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- (c) if in case of any such appliances being lost or injured in the course of the voyage the master wilfully neglects to replace or repair the same on the first opportunity; or
 (d) if such appliances are not kept so as to be at all times fit and ready for use;

then if the owner is proved to be in fault he shall incur a penalty not exceeding one hundred pounds, and if the master is proved to be in fault he shall incur a penalty not exceeding fifty pounds.

Inspection of ships.
 Act No. 32, 1899, s. 40.

109. (1) Any surveyor appointed under this Act or any such other person as the Governor appoints for the purpose, may inspect a ship for the purpose of seeing that she is properly provided with appliances for saving life at sea in conformity with this Act, and shall for that purpose have all the powers of an inspector under this Act.

Notice of deficiencies.

(2) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing pointing out the deficiency, and also pointing out what, in his opinion, is requisite to remedy the same.

Ship to be detained by officer of customs.

(3) Every notice so given shall be communicated, in such manner as the Governor directs, to the chief officer of customs at any port at which the ship seeks to obtain a clearance or transire, and the ship shall be detained till a certificate under the hand of any such surveyor or person appointed by the Governor as aforesaid is produced to the effect that the ship is properly provided with appliances for saving life at sea in conformity with this Act.

DIVISION 3.—*Dangerous Goods.*

Carriage of dangerous goods.
 35 Vic. No. 7, s. 103.

110. (1) No person shall be entitled to carry in any ship or to require the master or owner thereof to carry therein any aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods of a dangerous nature.

Penalty.

(2) If any person carries or sends by any ship any goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same and giving notice in writing to the master or owner at or before the time of carrying or sending the same to be shipped, he shall for every such offence incur a penalty not exceeding one hundred pounds.

Powers of masters or owners.

(3) The master or owner of any ship may refuse to take on board any parcel or package that he suspects to contain goods of a dangerous nature, and may, to satisfy himself of the contents thereof, require such parcel or package to be opened in his presence.

Ships not to be loaded so as to endanger their safety, &c.

Ibid. s. 104.
 Act No. 32, 1899, s. 2.

111. (1) If the carriage on any ship or vessel of any cargo, live stock, provisions, water, or stores would endanger her safety, or interfere with the comfort of her passengers, no master or owner of such ship or vessel shall allow such cargo, live stock, provisions, water, or stores to be carried or stowed on board. (2)

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(2) The Superintendent may require the master or owner of any steamship entitled by her certificate to carry a certain quantity of live stock to provide such fittings for such stock as he deems requisite. Superintendent may require fittings to be provided for live stock.

(3) The Superintendent or any officer of the Department of Navigation shall be the proper authority to determine whether in any case the safety of the ship is endangered or the comfort of the passengers interfered with. Authority of Superintendent.

(4) Any master or owner who after notification from the Superintendent or officer that his ship or vessel is loaded in any manner as hereinbefore prohibited proceeds to sea or gets under weigh shall be liable to a penalty not exceeding one hundred pounds. Penalty.

112. (1) No cargo of which more than one-third consists of wheat, maize, oats, barley, or any other kind of grain (hereinafter referred to as grain cargo) shall be loaded on board any ship in any port or place in New South Wales unless such grain cargo is contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. Stowage of cargo of grain, &c. 45 Vic. No. 6, s. 11.

(2) Any managing owner, or master, or the agent of such owner, who being charged with the loading of such ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding one hundred pounds. Penalty.

DIVISION 4.—*Lights, fog-signals, and sailing rules.*

113. (1) The regulations contained in the Seventh Schedule hereto shall, subject to the provisions of the next following subsection, be of the same force as if they were enacted in the body of this Act. Enactment of regulations concerning lights, fog-signals, and sailing rules. Seventh Schedule.

(2) The Governor may, by proclamation in the Gazette, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor, and any such alteration in or addition to the regulations shall be of the same force as if it had been enacted in this Act. 35 Vic. No. 7, s. 94. Powers of Governor. Act No. 32, 1899, s. 41.

114. (1) The Superintendent shall cause the said regulations and any alteration therein or addition thereto hereafter to be made to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same. Regulations to be published. 35 Vic. No. 7, s. 95. Act No. 32, 1899, s. 5.

(2) Production of the Gazette in which any proclamation containing such regulations or any alteration therein or addition thereto is published, or of a copy of such regulations, alteration, or addition, signed or purporting to be signed by the Superintendent or the

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the secretary of the Department of Navigation, or any person duly authorised to act for such secretary, shall be sufficient evidence of the due making and purport of such regulations, alteration, or addition.

Owners and masters bound to obey regulations.
35 Vic. No. 7, s. 66.

115. (1) All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall so long as the same continue in force be bound to obey them, and to carry and exhibit no other lights and to use no other fog-signals than such as are required by the said regulations.

Penalty.

(2) In case of wilful default the master or the owner of the ship, if it appears that he was in fault, shall for each occasion upon which any regulation is infringed be liable to a penalty not exceeding fifty pounds in addition to his liability for any damages that may have been occasioned by such default.

Breaches of regulations to imply wilful default of person in charge.

Ibid. s. 97.

116. In case any damage to person or property arises from the non-observance by any ship of any regulation made in pursuance of this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

If collision ensues from breach of regulations ship to be deemed in fault.

Ibid. s. 98.

117. If in any case of collision it appears to the Court before which the case is tried that such collision was occasioned by the non-observance of any regulation made by or in pursuance of this Act, the ship by which such regulation has been infringed shall be deemed to be in fault unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

Inspection for enforcing regulations.
Ibid. s. 99.

Act No. 32, 1899, s. 2.

118. The following steps may be taken in order to enforce compliance with the said regulations, that is to say—

- (a) any surveyor appointed under this Act, or such other person as the Superintendent may direct, may inspect any ship for the purpose of seeing that such ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations, and shall for that purpose have the powers given to inspectors under this Act;
- (b) if any such surveyor, or person, finds that any ship is not so provided as aforesaid, he shall give to the master or owner notice in writing pointing out the deficiency and also what is in his opinion requisite in order to remedy the same;
- (c) every notice so given shall be communicated in such manner as the Superintendent may direct to the Collector of Customs at every port from which such ship may seek to clear or at which her transire is obtained; and no Collector to whom such communication is made shall clear such ship outwards or grant her a transire or allow her to proceed to sea without

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a certificate under the hand of one of the said surveyors, or persons appointed by the Superintendent as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog-signals in accordance with the said regulations.

119. In the case of any harbour, river, or other inland navigation for which no such rules or regulations have been or can lawfully be made, the Governor, upon application by the municipal council or other local authority having jurisdiction over and upon the waters of such harbour, river, or inland navigation, or, if there is no such municipal council or local authority, upon application from persons interested in the navigation of such waters, may make rules and regulations concerning the lights or signals to be carried and concerning the means to be taken by vessels navigating such waters for avoiding collision; and such rules and regulations when so made shall so far as regards such vessels have the same effect as the regulations contained in the Seventh Schedule hereto.

In harbours, &c., where no rules exist rules may be made.
35 Vic. No. 7, s. 101.
36 Vic. No. 30, s. 13.
Act No. 32, 1899, s. 11.

120. In every case of collision between two ships it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew, and passengers (if any), such assistance as is practicable and necessary in order to save them from any danger caused by such collision; and in case he fails to do so and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to be an act of misconduct or a default for which his certificate (if any) may be cancelled or suspended.

In case of collision ships to assist each other.
35 Vic. No. 7, s. 102.

DIVISION 5.—*Deck and load lines.*

121. (1) Every British ship except :—

- (a) coast-trade ships under eighty tons register;
- (b) ships employed solely in fishing;
- (c) pleasure yachts; and
- (d) ships employed exclusively in trading or going from place to place in any river or inland water, the whole or part of which is within the Jurisdiction,

Deck-lines.
Act No. 32, 1899,
s. 23.

shall be permanently and conspicuously marked with lines, in this Act called deck-lines.

(2) Such lines shall be not less than twelve inches in length and one inch in breadth, and shall be painted longitudinally on each side amidships, or as near thereto as is practicable, and shall indicate the position of each deck which is above water.

Dimensions, position, and colour of deck-lines.

The upper edge of each of the deck-lines must be level with the upper side of the deck-plank next the waterway at the place of marking; and the deck-lines must be white or yellow on a dark ground, or black on a light ground.

(3)

Navigation.

Expression
"amidships."

(3) In this section the expression "amidships" means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.

Load-lines.
Act No. 32, 1893,
s. 24.

122. (1) The owner of every British ship proceeding to sea from a port in New South Wales (except coast-trade ships under eighty tons register, ships employed solely in fishing, and pleasure yachts) shall, before the time hereinafter in this Act mentioned, mark upon each of her sides amidships within the meaning of the last preceding section, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with an horizontal line eighteen inches in length drawn through its centre.

Position of load-lines.

(2) The centre of this disc shall be placed at such level as may be approved by the Superintendent below the deck-line marked under or in accordance with this Act, and specified in the certificate given thereunder, and shall indicate the maximum load-line in salt water to which it shall be lawful to load the ship.

Merchant Shipping
Act, 1894.

(3) The position of the disc shall be fixed in accordance with the tables in use for the time being under the Merchant Shipping Act, subject to such allowance as may be made necessary by any difference between the position of the deck-line marked under this Act and the position of the line from which freeboard is measured under the said tables.

Ship with submerged
load-line deemed
unsafe.
Ibid. s. 25.

123. If a ship is so loaded as to submerge in salt water the centre of the disc indicating the load-line, the ship shall be deemed to be an unsafe ship within the meaning of the provisions of this Act, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Time for marking
load-line in case of
foreign-going vessels.
Ibid. s. 26.

124. (1) Where a ship proceeds on any voyage from a port in New South Wales for which the owner is required to enter the ship outwards, the disc indicating the load-line shall be marked, before so entering her, or if that is not practicable, as soon afterwards as may be.

Statement by owner.

(2) The owner of the ship shall upon entering her outwards, insert in the form of entry a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the deck-lines which is above that centre, and if default is made in inserting that statement, the ship may be detained.

Statement to be
entered in agreement,

(3) The master of the ship shall enter a copy of that statement in the agreement with the crew before it is signed by any member of the crew, and a shipping-master shall not proceed with the engagement of the crew until that entry is made.

and in log-book.

(4) The master of the ship shall also enter a copy of that statement in the official log-book.

(5)

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(5) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until her next return to a port of discharge in New South Wales.

125. (1) Where a coast-trade ship is required to be marked with the disc indicating the load-line, she shall be so marked before the ship proceeds to sea from any port; and the owner shall also once in twelve months immediately before the ship proceeds to sea, transmit or deliver to the chief officer of customs of the port of registry of the ship a statement in writing 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.

Marking load-line in case of coast-trade vessels.
Act No. 32, 1899, s. 27.

(2) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall transmit or deliver to the chief officer of Customs of the port of registry of the ship notice in writing of that renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

Renewal of alteration to be notified.

(3) If default is made in transmitting or delivering any notice or statement under this section, the owner shall for each offence be liable to a fine not exceeding one hundred pounds.

Penalty.

(4) When a ship to which this section applies has been marked with a disc indicating the load-line, she shall be kept so marked until notice is given of an alteration.

126. (1) If—

- (a) any owner or master of a British ship fails without reasonable cause to cause his ship to be marked as by this Act required or to keep her so marked, or allows the ship to be so loaded as to submerge in salt water the centre of the disc indicating the load-line; or
- (b) any person conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy—

Penalties for failure to mark deck and load lines, &c.
Ibid. s. 28.

he shall for each offence be liable to a fine not exceeding one hundred pounds.

(2) If any mark required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Penalty for inaccurate marks.

127. (1) The Superintendent may approve and certify from time to time the position of the disc indicating the load-line, and any alteration thereof, and may appoint fees to be taken in respect of any such approval or certificate.

Powers of Superintendent.
Ibid. s. 29.

(2)

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Regulations.

(2) The Governor may make regulations to conform so far as possible with the regulations of the Board of Trade—

- (a) determining the lines or marks to be used in connection with the disc in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Act as to load-lines shall have effect as if any such line were drawn through the centre of the disc; and
- (b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting, or otherwise; and
- (c) as to the mode of application for, and form of certificates under, this section; and
- (d) requiring the entry of those certificates, and other particulars as to the draught of water and freeboard of the ship in the official log-book of the ship or other publication thereof on board the ship, and requiring the delivery of copies of those entries, and from time to time may by regulations repeal, alter, suspend, or modify any of the said regulations, or may make new regulations in addition thereto, or in substitution therefor, so as to conform so far as possible with the said regulations of the Board of Trade.

Publication of regulations; and penalty for breach.

(3) All regulations made under this section shall, when published in the Gazette, and while in force, have effect as if enacted in this Act, and if any person fails without reasonable cause to comply with any such regulation made with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall, for each offence, be liable to a fine not exceeding one hundred pounds.

Delivery of certificate.

(4) Where, in pursuance of the regulations, any such certificate is required to be delivered, a statement in writing as to the disc and deck-lines of a ship need not be inserted in the form of entry, or transmitted, or delivered to a chief officer of Customs under the provisions hereinbefore contained.

Load-lines and certificates under Merchant Shipping Act.
Act No. 32, 1899, s. 30.

128. (1) Any load-line fixed and marked and any certificate given in accordance with the Merchant Shipping Act shall have the same effect as if it had been fixed, marked, or given in accordance with this Act.

And under colonial enactments.

(2) Where the legislature of any British possession by any enactment provides for the fixing, marking, and certifying of load-lines on ships registered in that possession, and it appears to the Governor that that enactment is based on the same principles as the provisions of this Act relating to load-lines, and is equally effective for ascertaining and determining the maximum load-lines to which these ships can be safely loaded in salt water, and for giving notice of the load-line to persons

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persons interested, the Governor, by proclamation in the Gazette, may declare that any load-line fixed and marked, and any certificate given in pursuance of that enactment shall, with respect to ships so registered, have the same effect as if it had been fixed, marked, or given in pursuance of this Act.

129. Where the Superintendent certifies that the laws and regulations for the time being in force in any foreign country, and relating to overloading and improper loading, are equally effective with the provisions of this Act relating thereto, the Governor, by proclamation in the Gazette, may direct that on proof of a ship of that country having complied with those laws and regulations, she shall not when in a port of New South Wales be liable to detention for non-compliance with the provisions of this Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions:

Provided that this section shall not apply in the case of any foreign country in which it appears to the Governor that corresponding provisions are not extended to British ships.

DIVISION 6.—*General provisions.*

130. (1) The regulations set forth in the Eighth Schedule hereto shall, subject to the provisions of the next following subsection, be of the same force as if they were enacted in the body of this Act.

(2) The Governor may, by proclamation in the Gazette, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor, and any such alteration in or addition to the regulations shall be of the same force as if it had been enacted in this Act.

131. (1) The Governor may make regulations fixing the load water line of all lighters and punts whatsoever constructed or employed for the purpose of carrying wood or other produce; and such regulations shall be of the same force as if they had been enacted in this Act.

(2) No such lighter or punt shall be loaded in such a way as to immerse such line, whether the same is actually delineated or its position only fixed, under a penalty on the master or owner thereof not exceeding one hundred pounds.

132. (1) Where any order, notice, statement, or document requires for the purpose of any provision of this part of this Act to be served on the master of a ship, the same shall be served where there is no master and the ship is in the Jurisdiction on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in New South Wales, or, where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

(2)

Navigation.

Service how effected.

(2) Any such order, notice, statement, or document may be served—

(a) by delivering a copy thereof personally to the person to be served; or

(b) by leaving the same at his last place of abode; or

(c) in the case of a master, by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Penalty.

(3) Whosoever obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding ten pounds; and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanour.

PART VIII.

*Navigable waters.*DIVISION 1.—*Interpretation.*

Interpretation of terms used in this Part.
35 Vic. No. 7, s. 167.

133. In this Part of this Act, unless the context or subject-matter otherwise indicates or requires,—

“discharge” means unlade, throw out, deposit, or allow to throw overboard;

“lading” means any cargo, coal, ashes, ballast, rubbish, gravel, shingle, earth, stone, wreck, refuse matter, or other material, matter, or thing of what nature soever;

“master” means every person having command or charge of a vessel;

“navigable waters” means any port, harbour, haven, roadstead, channel, navigable river or creek or arm of the sea within the Jurisdiction;

“public place” means any public pier, quay, or place for landing goods or passengers, and any place on which the discharging of lading is prohibited;

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

DIVISION 2.—*Powers of Superintendent and Governor.*

Superintendent to be conservator of navigable waters.
Ibid. s. 121.
Act No. 32, 1899, s. 2.
Power to make regulations.
35 Vic. No. 7, s. 121.
Act No. 32, 1899, s. 41.

134. The Superintendent shall be the proper authority to act as conservator of all navigable waters within the Jurisdiction.

135. The Governor may make regulations—

(a) prohibiting the throwing overboard of sick or the carcasses of dead animals from any ship or vessel within such limits in any navigable water as the Governor prescribes, under a penalty not exceeding twenty pounds; (b)

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- (b) prohibiting under a like penalty the throwing any sick or dead animal into, or leaving such animal on, the shore of any navigable waters;
- (c) prohibiting owners, lessees, or occupants of manufactories, chemical works, slaughter-houses, and other establishments from allowing refuse matter to be deposited or flow into navigable waters in the vicinity of any city, town, or municipality, under a penalty not exceeding fifty pounds, and not less than five pounds for every day that such regulation is infringed,

and such regulations shall be of the same force as if they had been enacted in this Act.

136. The Superintendent may define by such bearings or otherwise as he deems most convenient, the limits of the "fairway" of any port within the Jurisdiction, within which it shall be unlawful for any ship or vessel to bring up under a penalty on the master thereof not exceeding five pounds.

Superintendent to define the fairway.
35 Vic. No. 7, s. 119.
Act No. 32, 1899, s. 2.

DIVISION 3.—Discharge of lading.

137. If from any vessel, riding or being in any navigable waters, any lading is discharged, except upon land where the tide or water never flows or runs, or except upon places duly authorised as places where lading may be discharged, the master of such vessel shall for every such offence be liable to a penalty not exceeding fifty pounds.

Lading to be discharged only on dry land or authorised place.
35 Vic. No. 7, s. 108.
Penalty.

138. If from any vessel in any navigable waters any lading is discharged without proper authority upon any public place, and is not within twenty-four hours thereafter removed to some place duly authorised as aforesaid, the master of such vessel shall for every such offence be liable to a penalty not exceeding twenty pounds.

And not on public place.
Ibid. s. 109.
Penalty.

139. If in taking lading into any vessel, or in discharging lading from any vessel into any other vessel, or from a vessel to any place, there is not used a tarpaulin so stretched and spread or such other contrivance as effectually to prevent such lading or any part thereof from falling into any navigable waters, the master of each such vessel shall for every such offence be liable to a penalty not exceeding twenty-five pounds.

Tarpaulin to be used in taking lading.
Ibid. s. 110.
Penalty.

140. The Governor may by proclamation authorise certain places on the banks of or in any navigable waters to be places where lading may be discharged or prohibit the laying of lading on certain other places; and upon such proclamation being published in the Gazette such places respectively shall become and be places where lading may be discharged, or where the discharge of lading shall be held to be prohibited under this Act :

Places may be authorised for discharging lading.
25 Vic. No. 17, s. 6.

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Proviso.

Provided that all such places shall be accurately described in such proclamation, and that notice of the contents and date of such proclamation, legibly printed, shall be posted up as near to such places respectively as may be practicable.

DIVISION 4.—*Obstructions in navigable waters.*

Unauthorised works on navigable waters prohibited.
25 Vic. No. 17, s. 7.

141. (1) Any person who drives piles, or constructs or erects any wharf, jetty, wall, or other erection, or in any manner whatsoever reclaims or attempts to reclaim any land beyond or below the high-water mark of any navigable waters unless expressly authorised according to the law in that behalf shall be liable for every such offence to a penalty not exceeding twenty pounds.

Penalty.

(2) Such person so offending shall also be liable to a further penalty of five pounds for every day during which any such work as aforesaid, whether completed or incomplete, remains unremoved after notice in writing under the hand of the Minister for Public Works to remove the same has been served upon such person either personally or by leaving such notice at or transmitting the same by post to his last known place of abode or business.

Powers of Minister.

(3) If not removed within twenty-one days after such service the said Minister may cause such work to be removed, and may recover at law from such person in any Court of competent jurisdiction the whole charges and expenses thereby incurred together with costs.

Authorised works on navigable waters.
Ibid. s. 8.

142. (1) The Governor may authorise the driving of piles, and the construction or erection of any wharf, jetty, wall, or other erection, or work, or the reclaiming in any manner of any land beyond or below the high-water mark of any navigable waters for any purpose connected with the convenience of the public or the improved navigation of such waters.

Powers of Minister.

(2) The said Minister for Public Works may cause such works to be executed by such persons and in such manner as he thinks fit out of any moneys at his disposal applicable to such or to like public works.

Vessels sunk or stranded to be removed.
35 Vic. No. 7, ss. 111, 134.

143. (1) The owner of any vessel which is sunk, stranded, or run on shore in any port within the Jurisdiction so as to impede navigation shall remove the same, together with all portions of the wreck, within ten days after such owner or other person is required so to do by notice from the Superintendent.

Powers of justices.

(2) If such owner as aforesaid does not remove such vessel within such period or such further period as the Superintendent may allow for that purpose, any two justices or a police or stipendiary magistrate shall, upon the complaint of any person appointed by the Superintendent, issue their warrant for seizing and removing such ship

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or vessel, and also the rigging and tackle thereof, in such manner as such justices or magistrate order and direct, and for causing the same to be sold.

(3) Out of the money arising from such sale the said justices or magistrate shall pay the charges and expenses incurred by such seizure, removal, or sale, and the surplus (if any) to the owner of such vessel; and if the money arising from such sale is not sufficient to defray such charges and expenses, the excess of such charges and expenses beyond the amount of the money arising from such sale shall be chargeable to and against the owner of such vessel, and if not paid within five days after having been demanded by authority of such justices or magistrate, shall be recovered in manner hereinafter directed.

(4) If any anchor, kedge, or mooring is not weighed in any port within the Jurisdiction within forty-eight hours after the same has been slipped, parted, or cut from, and the permission in writing of the harbour master of such port, harbour, or river has not been previously obtained to allow such anchor, kedge, or mooring to remain unweighed, such harbour master may cause the same to be weighed at the expense and risk of the owner or master of the ship or vessel to which such anchor, kedge, or mooring belongs, which expenses may be recovered as hereinafter directed.

Provided that if the owner or master of such ship or vessel cannot be found, or no buoy-rope has been attached to such anchor, kedge, or mooring, the same shall be forfeited and sold and the proceeds applied to the payment of such expenses, and the surplus (if any) shall be paid into the Treasury to the consolidated revenue.

144. If any tree is felled on the bank of any navigable waters, so that any part of such tree is in or over such waters or within high-water or flood mark, and the same is not removed within ten days after having been so felled, the owner or occupier of the land from which such tree was so felled shall incur a penalty not less than one pound and not exceeding ten pounds for every tree so cut and not removed, in addition to the actual cost of removing the same, such cost to be assessed by the justices or magistrate at the time of imposing such penalty.

DIVISION 5.—*Harbour regulations.*

145. (1) Whenever any ship arrives at any port within the Jurisdiction the harbour-master of such port shall appoint the place where such ship shall cast anchor.

(2) As often as the master of such ship is desirous of removing the same from one place of mooring or anchorage to another he shall notify to the harbour-master his desire, and the said harbour-master shall with all convenient speed (unless he sees good and sufficient reason to the contrary) direct the removal thereof.

(3)

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Harbour-master's fees.

(3) If the removal is effected by any pilot or other officer of the Government, for every such service so performed such harbour-master shall be entitled to receive the several fees and charges set forth in figures in the Ninth Schedule hereto, and the amount which is so collected by the said harbour-master shall be paid into the Treasury to the consolidated revenue.

Ninth Schedule.

Harbour-master may require master of ship to remove her.
35 Vic. No. 7, s. 116.

146. (1) The harbour-master of any port within the Jurisdiction may require the master of any vessel which is anchored or moored in such place or manner as to impede the navigation in such port, or for other reasons, to remove such vessel to such place therein as he may direct.

Penalty.

(2) Any such master who refuses or neglects to remove his vessel when so required shall be liable to a penalty not exceeding twenty pounds.

Harbour-master may cause ship to be removed.

(3) In case there is no crew, or an insufficient crew, or insufficient tackling or appliances on board such vessel to remove her as and when so required, the said harbour-master may cause such vessel to be removed, and may recover in a summary way from the master or owner the expenses incurred in such removal.

Harbour-master may fasten warps to ships, &c.
Ibid. s. 117.

147. (1) The harbour-master or pilot of any port within the Jurisdiction may for the purpose of removing any vessel from one place of moorage or anchorage to another cause such vessel to be made fast to any other vessel being at anchor or moored to any warp, buoy, wharf, jetty, or pile.

Penalty.

(2) Whosoever offers any resistance or impediment to such harbour-master or pilot in the exercise of the power hereby conferred, or casts off or cuts any such warp or fastening, shall be liable for every such offence to a penalty not exceeding ten pounds.

Liability for damages sustained in removal.

(3) Provided that nothing in this section contained shall disentitle the master or owner of any vessel to which any warp or fastening has been attached as hereinbefore provided by direction of the said harbour master or pilot from recovering damages for any injury such vessel may have sustained by reason of such warping from the master or owner of the vessel so being removed.

Vessels to slack down cables, &c., when required by harbour-master.
Ibid. s. 118.

148. (1) In order to facilitate the removal of ships from their berths at any wharf or place of mooring, or for other reasons, the harbour master may require the cables, hawsers, or other fastenings of any ship to be slacked down or hove in, her yards and spritsail yards topped or braced fore and aft, driver and jib-booms to be rigged in.

Penalty.

(2) Any master who upon being so required refuses or neglects to comply with any requirement of this section shall be liable to a penalty not exceeding twenty pounds.

Ships to be moved in charge of pilot.
Act No. 32, 1899, s. 33.

149. (1) No ship (except where the registered master is in charge and is the holder of a pilotage certificate) shall be removed from one place of mooring or anchorage to another in any port within the

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the Jurisdiction at which there is a pilotage establishment, unless such ship has been given in charge of a licensed pilot in the employ of the Government for the purpose of such removal.

(2) If any ship is removed in contravention of the provisions of this section, the master or owner thereof shall be liable to a penalty not exceeding twenty pounds. Penalty.

(3) This section shall not apply to the removing of a ship from one side of a wharf to the other, or to an immediately adjoining wharf, so long as the ship's movements are controlled by her own warps. Proviso.

(4) A licensed pilot removing any ship in pursuance of this section shall be entitled to receive the dues set forth in the Ninth Schedule hereto, and such dues shall be paid and accounted for as rates and dues authorised by this Act. Pilotage dues. Ninth Schedule.

Provided that if any ship is removed more than three times during the same stay in port, there shall be chargeable in respect of the fourth and every subsequent removal one-half only of such dues.

150. The master of any steamship or harbour and river steamer, whilst navigating such steamship or steamer in any harbour, port, or channel within the Jurisdiction which, by proclamation of the Governor published in the Gazette, is declared to be a harbour, port, or channel where such steamships and steamers shall proceed at a reduced speed to be defined in such proclamation, shall proceed at such reduced speed under a penalty not exceeding fifty pounds. Rules to be observed by all ships navigating harbours. 35 Vic. No. 7, s. 120.

151. (1) The master of every vessel navigating any port within the Jurisdiction shall, so far as may be practicable, keep on that side of the fairway or mid-channel thereof which lies on his starboard hand. Penalty. Vessels to keep to starboard of fairway. Ibid.

(2) Any such master who neglects to comply with the preceding subsection shall incur a penalty not exceeding five pounds, and be further liable for any damage he may cause by any departure from the said rule, unless he can show that circumstances rendered such departure necessary. Penalty.

152. (1) Whosoever removes, or wilfully injures or destroys, any lightship, light-moorings, buoy, beacon, or sea-mark, being public property and used for the convenience of navigation within the Jurisdiction, shall be deemed guilty of a misdemeanour. Penalty for persons wilfully injuring beacons or sea-marks. Ibid. s. 114.

(2) Any person who negligently injures or destroys any such public property as aforesaid shall incur a penalty not exceeding fifty pounds. Penalty for negligently injuring.

153. (1) The Governor, by notification in the Gazette, may declare that any public jetty, pier, quay, or landing-place in any port within the jurisdiction of the Superintendent shall be under the control and management of the Superintendent. Jetties, &c., may be placed under control of Superintendent. 43 Vic. No. 13, s. 2. Act No. 32, 1899, ss. 2, 41.

(2)

Navigation.

Power to make regulations.

(2) Upon such notification the Governor may frame regulations to be enforced under a penalty, in any case not exceeding fifty pounds—

- (a) for the proper use and enjoyment of any such jetty, pier, quay, or landing-place by the public; and
- (b) for the due control and management of such jetty, pier, quay, or landing-place.

Leasing of public wharfs.

43 Vic. No. 13, s. 3.
46 Vic. No. 8, s. 2.
Act No. 32, 1899, ss. 2, 41.

154. (1) The Treasurer may let any public wharf, jetty, pier, quay, or landing-place, or any portion thereof, situate within the jurisdiction of the Superintendent, for any term not exceeding three years, either by public auction or by private contract as he may think best in the public interest, subject to such annual rental and other conditions and reservations as the Governor may prescribe, whether by general regulation or otherwise, and subject to any regulations made under the last preceding section.

Licenses for use of wharfs by steam ferry-boats.

(2) The Treasurer may issue to proprietors of steam ferry-boats annual or other licenses to use any such public wharf, jetty, pier, quay, or landing-place, or portion thereof, for any period to be stated in such license, whether exclusively of other persons or not.

All such licenses shall be revocable by three months' notice from the Treasurer, and shall in every case be issued subject to any regulations made under the last preceding section.

DIVISION 6.—Ballast and coal lighters and watermen.

Rules as to ballast lighters.

35 Vic. No. 7, s. 122.
36 Vic. No. 30, s. 14.
Act No. 32, 1899, ss. 2, 41.

155. The following rules as to the licensing and regulation of ballast and coal lighters may be enforced by the Superintendent: Provided that the Governor may alter, add to, or rescind the said rules:—

- (a) No ballast lighters or other vessels to be employed in ballasting, loading, or unloading ships with stone, coal, or other material shall be allowed to be used unless licensed in the name of the owner of such vessel by the Superintendent. If any such vessel is so used without being so licensed the owner or master thereof shall be liable to a penalty not exceeding twenty pounds.
- (b) No ballast lighter or other vessel so employed shall be entitled to a license unless she is legibly named or numbered, and marked at each end and on each side with white or yellow lines and figures showing the displacement for every five tons weight on board such vessel. If on board any such lighter cargo in excess of the quantity allowed in the license is found the owner or master thereof shall be liable to a penalty not exceeding twenty pounds.

(c)

Navigation.

- (c) Any master or owner of a ballast or coal lighter, refusing to allow the Superintendent, or any person acting under his order, to inspect or remeasure the same, or test the accuracy of the measurement of such lighter, or obstructing any person so employed, shall for every such offence be liable to a penalty not exceeding five pounds.
- (d) The Superintendent, or any person acting under his order, may appoint the times when ballast and coal lighters shall be measured and the method in which the measurement shall be made.
- (e) A register shall be kept open for the inspection of masters of ships or others of all licensed ballast and coal lighters, their owners names and tonnage capacity.
- (f) Any person found supplying ballast or coal to any vessel from any other than a licensed lighter shall be liable to a penalty not exceeding five pounds.
- (g) The Superintendent may cancel or suspend the license of any owner or master of a ballast or coal lighter whom he finds to have defrauded or attempted to defraud the master, owner, or charterer of any ship by altering the marks or figures on such lighter, or to have been guilty of such other misconduct as in his opinion constitutes a sufficient cause for the cancellation or suspension of his license. A record shall be made in the register book of cargo lighters of all licenses granted, cancelled, or suspended, and of all matters and things appertaining thereto.
- (h) Every master of a ship shall have power to inspect any lighter bringing ballast or coal alongside such ship for the purpose of ballasting or loading her; and any master of a lighter refusing to allow such master of a ship to examine the said lighter during her discharge of ballast or coal or to pump out water from the said lighter when requested to do so shall for each offence incur a penalty not exceeding one pound.
- (i) Nothing contained in the above regulations shall be applicable to the transshipment of ballast or coal from one foreign-going or coast-trade ship into another.

156. There shall be chargeable for every license granted to the owner or master of a ballast lighter, and for every license granted to a waterman to ply for hire on any navigable waters within the Jurisdiction, the respective sums specified in the Tenth Schedule hereto.

License fees for
ballast lighters and
watermen.
36 Vic. No. 30, s. 16.

Navigation.

PART IX.

*Provisions relating to seamen.*Accommodation for
seamen.Act No. 32, 1899,
s. 35.

Tenth Schedule.

Place to be kept free
from goods and
stores.

Fees for inspection

Eleventh Schedule.

Obligation of
shipowner to crew as
to seaworthiness
of ships.

43 Vic. No. 6, s. 5.

157. (1) Every place in any ship registered in New South Wales occupied by seamen or apprentices and appropriated to their use shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Tenth Schedule hereto, which regulations shall have effect as part of this section; and the owner of any such ship in respect of which any of the foregoing requirements of this section is not complied with shall for each such offence be liable to a penalty not exceeding twenty pounds.

(2) Every place so occupied and appropriated shall be kept free from goods and stores of any kind, not being the personal property of the crew in use during the voyage, and if any such place is not so kept free the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3) Such fees as the Governor fixes shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Eleventh Schedule hereto.

158. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that he and the master and every agent charged with loading such ship, or fitting or ballasting her, or preparing her for or sending her to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition during the voyage.

PART X.

*Miscellaneous provisions and legal procedure.*Jurisdiction to
follow offence and
offenders.

35 Vic. No. 7, s. 123.

159. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed, and every cause of complaint to have arisen either—

- (a) in the place in which the same actually was committed or arose; or
- (b) in any place in which the offender or person complained against may be.

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160. Service of any summons or other process in any legal proceeding under this Act shall be deemed good service if made—

Service of summons, &c., when good.
35 Vic. No. 7, s. 124.

- (a) personally on the person to be served; or
- (b) at his last known place of abode or business; or
- (c) on board any ship or vessel to which he belongs, and accompanied with a statement of the purport thereof to the person being or appearing to be in command or charge of such ship or vessel.

161. If in any legal proceeding under this Act any question arises whether any ship or person is or is not within the provisions of this Act or of some part thereof, such ship or person shall be taken to be within such provisions unless proof to the contrary is adduced.

Burden of proof that a ship is exempted.
Ibid. s. 125.
45 Vic. No. 6, s. 21 (8).

162. (1) All certificates purporting to be issued in pursuance of this Act by the Superintendent or secretary to the Department of Navigation, and to be signed as hereinbefore required, shall be taken to have been so issued and signed unless the contrary is proved.

Proof of issue and transmission of certificates.
35 Vic. No. 7, s. 126.
Act No. 32, 1899, s. 5.

(2) Every document purporting to be an office copy of any such certificate as aforesaid, and to be signed in the manner hereinbefore required for the signature of such certificate, shall be received in evidence, and shall be deemed to be a true copy of the original of which it purports to be a copy.

Office copies of certificates.

(3) In proving the transmission of any such certificate from the Superintendent or said secretary to any master or owner of a steamship or to any other person required by this Act to possess such a certificate, it shall be sufficient to prove that the same—

Proof of transmission of certificate.

- (a) was duly received by some officer of Customs or other officer or person in the Public Service, and was by him delivered to or left at the place of abode or business of such master, owner, or other person; or
- (b) was forwarded to him through the General Post Office.

163. (1) The name and address of the managing owner for the time being of every British ship registered at any port in New South Wales shall be registered at the custom-house of the ship's port of registry. Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations and subject to the same liabilities as if he were the managing owner.

Ship's managing owner or manager to be registered.
45 Vic. No. 6, s. 19.

(2) If default is made in complying with this section, the owner shall be liable, or if there are more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole one hundred pounds each time the ship leaves any port in New South Wales.

Penalty.

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Tonnage of British ships.
35 Vic. No. 7, s. 64.

164. As to every ship registered at any port in the United Kingdom or any British possession the amount of tonnage specified in the certificate of registry shall for the purposes of this Act be deemed to be the tonnage of such ship.

Provision for disputed tonnage.
Ibid. s. 65.

165. In case the tonnage of any ship entering any port within the Jurisdiction has not been registered, or any dispute arises as to the tonnage thereof, the Collector of Customs shall measure such ship in the manner prescribed by the Imperial Act in force for the time being regulating the mode of measurement for British ships.

Power to make penal regulations.
36 Vic. No. 30, s. 15.
45 Vic. No. 6, s. 21 (2)
Act No. 32, 1899, s. 41.

166. The Governor may make regulations—

- (a) imposing penalties, in no case to exceed the sum of one hundred pounds, for the violation or infringement of any regulation made by him in pursuance of the powers conferred by this Act; and
- (b) imposing penalties, in no case to exceed ten pounds, for the neglect of any duty or obligation imposed by this Act in respect of which violation or neglect no other penalty has been prescribed.

Rules and regulations to be published in the Gazette,
Ibid.

167. (1) All rules and regulations made by the Governor, and all alterations in and repeals of rules and regulations under the provisions of this Act, shall take effect from the date of their publication in the Gazette.

and laid before Parliament.

(2) All such rules and regulations shall forthwith be laid before Parliament if it is then sitting, and if not, then within thirty days after the commencement of the next session.

Misdemeanours—how punishable.
35 Vic. No. 7, ss. 127, 123.
36 Vic. No. 30, s. 13.

168. (1) All misdemeanours created by this Act may be prosecuted by information at the suit of the Attorney-General, and shall be punishable with fine or imprisonment, or both, as the Court thinks fit.

Penalties, &c., how recoverable.

(2) All offences against this Act, or any regulation made under this Act, in respect of which any pecuniary penalty is imposed, and all proceedings for the recovery of any expenses or sum of money by this Act made payable or recoverable shall (unless otherwise hereinbefore provided for) be heard and determined in a summary way by and before any two justices.

Application of penalties.
35 Vic. No. 7, s. 129.

169. Any justices or Court imposing any penalty under this Act of which no specific application is provided may, if they think fit, direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any wrong or damage which he may have sustained by reason of the offence in respect of which such penalty is imposed, and, subject to such directions or specific application as aforesaid, all such penalties shall be paid into the Treasury to the consolidated revenue.

Indictments to be preferred by direction of the Superintendent.
Ibid. s. 130.
Act No. 32 1899, s

170. (1) No indictment shall be preferred for any offence against this Act unless under the direction of the Superintendent.

(2)

Navigation.

(2) No suit or proceeding shall be commenced for the recovery of any penalty or forfeiture for any such offence, except where such penalty or forfeiture is made payable to the owner of a vessel, and, except in any other cases in which directions to the contrary are hereinbefore contained, unless under the direction of the Superintendent.

Proceedings for penalties.

(3) In any indictment preferred, or suit or proceeding instituted under this Act, the averment that the Superintendent has directed the same to be preferred or instituted shall be sufficient proof of the fact unless the contrary is shown.

Proof of the direction of Superintendent.

171. Where, under this Act, or any regulation made under this Act, the master of a harbour and river steamer is subject to any penalty or liability, the owner of such steamer shall equally with and to the same extent as the master be subject to such penalty or liability.

Liability of owner of harbour and river steamer.
45 Vic. No. 6, s. 21 (3).

172. The master of every ship to which this Act applies shall provide himself with a copy thereof, and also of all regulations made by virtue of this Act with respect to the exhibition of lights, and shall at all times keep the same on board his ship; and in case he refuses or neglects to do so shall be subject to a penalty not exceeding five pounds.

Copy of this Act, &c., to be kept on board ship.
35 Vic. No. 7, s. 133.
Penalty for neglect.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
25 Vic. No. 17...	"Navigable Waters Protection Act of 1862" ...	The whole.
35 Vic. No. 7...	"Navigation Act of 1871" ...	The whole.
36 Vic. No. 30...	"Navigation Act Amendment Act of 1873"...	The whole.
43 Vic. No. 13 .	"Navigation Act Further Amendment Act of 1879 "	The whole un-repealed portion.
45 Vic. No. 6...	"Navigation Law Amendment Act of 1881 " ...	The whole.
46 Vic. No. 8...	"Wharfage and Tonnage Rates Amendment Act, 1882."	The whole un-repealed portion.
60 Vic. No. 36...	"Navigation Acts Amendment Act, 1896" ...	The whole.
Act No. 32, 1899	"Navigation (Amendment) Act, 1899" ...	The whole.
Act No. 54, 1900	"Navigation (Amendment) Act, 1900 " ...	The whole.

SECOND

Navigation.

Section 52.

SECOND SCHEDULE.

Form of bond to be given by owner [or charterer] and master.

KNOW ALL MEN BY THESE PRESENTS That we _____ are held and firmly bound unto His Majesty King Edward the Seventh in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to His said Majesty the King, his heirs and successors, to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole our heirs, executors, and administrators, and every of them firmly by these presents.

Sealed with our seals

Dated this _____ day of _____ 19 .

Now the condition of this obligation is such that if the steamship _____, whereof _____ is master, is in all respects seaworthy, and if all and every the requirements of the Navigation Act, 1901, and of any regulations made thereunder, have been and shall be well and truly fulfilled and performed, and if the master for the time being of the said ship shall submit and conform himself in like manner as a British subject being the master of a British passenger steamer to the jurisdiction of the courts and magistrates in His Majesty's possessions, which are by the said Act empowered to adjudicate on offences committed against the said Act and the said regulations, and if, moreover, all penalties, fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or non-fulfilment of any such requirements as aforesaid shall be well and truly paid then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-bounden _____ in the presence of _____

I hereby certify that the above bond was duly signed, sealed, and delivered by the said _____, master of the said steamship _____, and by the said _____

(Signature)
(Date)

{ Chief officer of Customs
of the port of _____

Section 67.

THIRD SCHEDULE.

Scale of fees to be paid for pilotage certificate.

	£	s.	d.
For ships not exceeding 50 tons	1	10	0
Exceeding 50 and not exceeding 100	2	0	0
Exceeding 100 and not exceeding 150	2	10	0
Exceeding 150 and not exceeding 200	3	0	0
Exceeding 200 and not exceeding 300	4	0	0
Exceeding 300 tons	5	0	0

Provided that in all cases where a certificate of pilotage for a higher rate of tonnage is granted the amount paid for the original fee shall be deducted from the fee chargeable for such certificate.

FOURTH

Navigation.

FOURTH SCHEDULE.

Section 83.

Fees for certificates of service.

	£	s.	d.
For a master of a foreign-going ship	2	0	0
For a master of a coast-trade ship	1	0	0
For a master of a harbour and river steamer	1	0	0
For a mate of a foreign-going ship	1	0	0
For a mate of a coast-trade ship	0	10	0
For a first-class engineer's certificate	1	10	0
For a second-class engineer's certificate	1	0	0

FIFTH SCHEDULE.

Sections 83, 84.

Fees for certificates of competency.

	£	s.	d.
For a master of a foreign-going ship	2	10	0
For a master of a coast-trade ship	1	10	0
For a master of a harbour and river steamer	1	10	0
For a first mate of a foreign-going ship	1	10	0
For a second mate of a foreign-going ship or mate of coast-trade ship... ..	1	0	0
For a first-class engineer's certificate	2	0	0
For a second-class engineer's certificate	1	10	0
For a third-class engineer's certificate	1	0	0

SIXTH SCHEDULE.

Section 107.

LIFE-SAVING APPLIANCES.

For the purposes of this Schedule—

“ Intercolonial limits ” refers to the States belonging to the Commonwealth of Australia, and to New Zealand ; and

Other expressions, not defined in this Act, bear the meanings given to them in Part III of the Merchant Shipping Act.

For the purposes of these rules, British ships shall be arranged into the following classes :—

DIVISION (A).

Class 1—Emigrant steam-ships subject to all the provisions of Part III of the Merchant Shipping Act.

Class 2—Foreign-going steam-ships having passenger certificates under the Merchant Shipping Act, or having passenger certificates issued under any Statute of a British Possession, and accepted and recognised under this Act.

Class 3—Steam-ships having passenger certificates under this Act, authorising them to carry passengers anywhere within Intercolonial limits.

Class 4—Foreign-going steam-ships not certified to carry passengers.

DIVISION (B).

Class 1—Emigrant sailing-ships subject to all the provisions of Part III of the Merchant Shipping Act.

Class 2—Foreign-going sailing-ships carrying passengers, but not subject to all the provisions of Part III of the Merchant Shipping Act.

Class 3—Foreign-going sailing-ships not carrying passengers.

Class 4—Coast-trade sailing-ships carrying passengers.

DIVISION

Navigation.

DIVISION (C).

Class 1—Steam-ships not certified to carry passengers plying anywhere within Inter-colonial limits.

Class 2—Sailing-ships in the same trades not carrying passengers.

DIVISION (D).

Class 1—Coast-trade steam-ships having passenger certificates authorising them to carry passengers on short specified passages along the coast of New South Wales.

Class 2—Steam-ships carrying passengers in estuaries or mouths of rivers, or on short excursions or pleasure trips to sea.

Class 3—Coast-trade steam-ships not certified to carry passengers.

Class 4—Coast-trade sailing-ships not carrying passengers.

Class 5—Steam fish-carriers, tug-boats, and steam-lighters which proceed to sea.

Class 6—Steam-launches proceeding for short distances to sea.

DIVISION (E).

Class 1—Steam-ships carrying passengers on rivers, lakes, or land-locked inland waters, but not going to sea or into rough waters.

Class 2—Tug-boats and steam-lighters which do not proceed to sea.

Class 3—Hulks, dredgers, steam-hoppers, &c., which proceed to sea or which do not proceed to sea.

DIVISION (A)—*Class 1.*

Rules for emigrant steam-ships subject to all the provisions of Part III of the Merchant Shipping Act.

(*a*) Ships of Division (A), Class 1 shall carry boats placed under davits, fit and ready for use, and having proper appliances for getting them into the water, in number and capacity as prescribed by the table in the appendix to these rules; such boats shall be equipped in the manner required by and shall be of the description defined in the general rules appended hereto.

(*b*) Masters or owners of ships of this class claiming to carry fewer boats under davits than are given in the table must declare before the collector or other officers of Customs, at the time of clearance, that the boats actually placed under davits are sufficient to accommodate all persons on board, allowing 10 (ten) cubic feet of boat capacity for each adult person or "statute adult."

(*c*) Not less than half the number of boats placed under davits, having at least half the cubic capacity required by the tables, shall be boats of section (*a*) or section (*b*). The remaining boats may also be of such description, or may, in the option of the shipowner, conform to section (*c*) or section (*d*), provided that not more than two boats shall be of section (*d*).

(*d*) If the boats placed under davits in accordance with the table do not furnish sufficient accommodation for all persons on board, then additional wood, metal, collapsible or other boats of approved description (whether placed under davits or otherwise), or approved life-rafts shall be carried. One of these boats may be a steam-launch, but in that case the space occupied by the engines and boilers is not to be included in the estimated cubic capacity of the boat.

Subject to the provisions contained in paragraph (*f*) of these rules, such additional boats or rafts shall be of at least such carrying capacity that they and the boats required to be placed under davits by the table provide together in the aggregate in vessels of 5,000 tons gross and upwards three-fourths and in vessels of less than 5,000 tons gross one-half more than the minimum cubic contents required by column 3 of that table. For this purpose 3 cubic feet of air case in the life-raft is to be estimated as 10 cubic feet of internal capacity: Provided always that the rafts will accommodate all the persons for which they are to be certified under the rules, and also have 3 cubic feet of air case for each person.

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All such additional boats or rafts shall be placed as conveniently for being available as the ship's arrangements admit of, having regard to the avoidance of undue encumbrance of the ship's deck, and to the safety of the ship for her voyage.

(e) In addition to the life-saving appliances before-mentioned, ships of this class shall carry not less than one approved life-buoy for every boat placed under davits. They shall also carry approved life-belts or other similar approved articles of equal buoyancy suitable for being worn on the person, so that there may be at least one for each person on board the ship.

(f) Provided nevertheless that no ship of this class shall be required to carry more boats or rafts than will furnish sufficient accommodation for all persons on board.

DIVISION (A)—*Class 2.*

Rules for foreign-going steam-ships having passenger certificates under the Merchant Shipping Act or having passenger certificates issued under any statute of a British Possession, and accepted and recognized under this Act.

Ships of this Class shall be subject to the same requirements as those in Division (A), Class 1.

DIVISION (A)—*Class 3.*

Rules for steam-ships having passenger certificates under this Act, authorising them to carry passengers anywhere within intercolonial limits.

(a) Ships of this class shall carry boats placed under davits in accordance with the table.

(b) Masters or owners of ships of this class claiming to carry fewer boats under davits than are given in the table must declare before the collector or other officer of customs that the boats actually placed under davits are sufficient to accommodate all persons on board, allowing 10 (ten) cubic feet of boat capacity for each adult person or "statute adult."

(c) Not less than half the number of boats placed under davits shall be boats of section (a) or section (b). The remaining boats may also be of such description, or may, in the option of the shipowner, conform to section (c) or section (d), provided that not more than two boats shall be of section (d).

(d) If the boats placed under davits in accordance with this requirement do not furnish sufficient accommodation for all persons on board, then additional wood, metal, collapsible, or other boats of approved description (whether placed under davits or otherwise), or approved life-rafts, or other approved buoyant deck seats, or other approved buoyant deck fittings shall be carried of at least such cubical capacity that they and the boats required to be placed under davits by the table provide together in the aggregate one-half more than the minimum cubic contents provided by column 3 of that table. For this purpose 3 cubic feet of air case in the life-raft is to be estimated as 10 cubic feet of internal capacity: Provided always that the rafts will accommodate all the persons for which they are to be certified under the rules, and also have 3 cubic feet of air case for each person.

(e) Ships of this class shall carry not less than six approved life-buoys.

(f) They shall also carry, in addition to the boats and appliances required above, approved life-belts or other similar approved articles of equal buoyancy suitable for being worn on the person, so that there may be at least one for each person on board the ship.

(g) Provided nevertheless that no ship of this class shall be required to carry more boats, rafts, and other buoyant deck fittings than will furnish sufficient accommodation for all persons on board.

DIVISION (A)—*Class 4.*

Rules for foreign-going steam-ships not certified to carry passengers.

(a) Ships of this class shall carry, on each side, at least so many and such boats of wood or metal placed under davits, of which one on one side shall be a boat of section (a)

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(a) or section (b), and on the other side shall be a boat of section (a) or section (b) or section (c), that the boats on each side of the ship shall be sufficient to accommodate all persons on board.

(b) They shall carry approved life-belts, so that there may be one for each person carried on board the ship.

(c) They shall carry not less than six approved life-buoys.

In the case of small steam-ships a discretion may be exercised by the Superintendent to modify the requirements as to boats.

DIVISION (B)—*Class 1.*

Rules for emigrant sailing-ships, subject to all the provisions of Part III of the Merchant Shipping Act.

(a) Ships of Division (B), Class 1, shall carry boats in accordance with the table, and such boats shall be as far as practicable placed under davits, with proper appliances for getting them into the water. All boats not placed under davits are to be so carried that they can be readily got into the water.

(b) Not less than half the number of boats placed under davits having at least half the cubic capacity required by the tables shall be boats of section (a) or section (b). The remaining boats may also be of such description, or may, in the option of the shipowner, conform to section (c) or section (d), provided that not more than two boats shall be of section (d).

(c) If the boats placed under davits in accordance with the table do not furnish sufficient accommodation for all persons on board, then additional wood, metal, collapsible, or other boats of approved description (whether placed under davits or otherwise), or approved life-rafts shall be carried. One of these boats may be a steam-launch; but in that case the space occupied by the engines and boilers is not to be included in the estimated cubic capacity of the boat.

Subject to the provisions contained in paragraph (c) of these rules, such additional boats or rafts shall be of at least such carrying capacity that they and the boats required to be placed under davits by the table provide together in the aggregate three-fourths more than the minimum cubic contents required by column 3 of that table. For this purpose 3 cubic feet of air case in the life-raft is to be estimated as 10 cubic feet of internal capacity: Provided always that the rafts will accommodate all the persons for which they are to be certified under the rules, and also have 3 cubic feet of air case for each person.

All such additional boats or rafts shall be placed as conveniently for being available as the ship's arrangements admit of, having regard to the avoidance of undue encumbrance of the ship's deck, and to the safety of the ship for her voyage.

(d) In addition to the life-saving appliances before-mentioned, ships of this class shall carry not less than one approved life-buoy for every boat required by the rules to be placed under davits. They shall also carry approved life-belts or other similar approved articles of equal buoyancy suitable for being worn on the person, so that there may be at least one for each person on board the ship.

(e) Provided nevertheless that no ship of this class shall be required to carry more boats or rafts than will furnish sufficient accommodation for all persons on board.

DIVISION (B)—*Class 2.*

Rules for foreign-going sailing-ships carrying passengers, but not subject to all the provisions of Part III of the Merchant Shipping Act.

Ships of this class shall be subject to the same requirements as those in Division (B), Class 1.

DIVISION (B)—*Class 3.*

Rules for foreign-going sailing-ships not carrying passengers.

(a) Ships of this class shall carry a boat or boats of sections (a) or (b) sufficient for all the persons on board, and in addition thereto one good serviceable boat of section (d)

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(d). Such boats shall as far as practicable, having due regard to their safety at sea, be placed under davits, with proper appliances for getting them quickly into the water. All boats not placed under davits are to be so carried that they can readily be got into the water to the satisfaction of an officer of the Department of Navigation.

(b) They shall carry approved life-belts as required for ships in Division (b), Class 1, and also one life-buoy for each boat of wood or metal.

In the case of small vessels a discretion may be exercised by the Superintendent to modify the boat requirements.

DIVISION (B)—*Class 4.*

Coast trade sailing-ships carrying passengers.

(a) Ships of this class shall carry a boat or boats of sections (a) and (b) or (c) sufficient for all the persons on board. Such boats shall be as far as practicable under davits; all boats not placed under davits are to be so carried that they can readily be got into the water to the satisfaction of the officer of the Department of Navigation.

(b) They shall carry four life-buoys and a life-belt or other similar approved article for each person on board.

DIVISION (C)—*Class 1.*

Rules for steam-ships not certified to carry passengers plying anywhere within inter-colonial limits.

(a) Ships of this class shall carry on each side at least so many and such boats of wood or metal placed under davits, of which one on each side shall be a boat of section (a), or of section (b), or of section (c), that the boats on each side of the ship shall be sufficient to accommodate all persons on board. They shall have proper appliances for getting the boats into the water.

(b) They shall also carry approved life-belts, so that there may be at least one for each person carried on board the ship.

(c) They shall also carry not less than four approved life-buoys.

DIVISION (C)—*Class 2.*

Rules for sailing-ships in the same trades not carrying passengers.

(a) Ships of this class shall carry a boat or boats of wood or metal at least sufficient for all persons on board, and in such a position as to be readily got into the water. Each boat shall be provided with one gallon of vegetable or animal oil, and a vessel of an approved pattern for distributing it in the water in rough weather.

(b) Ships of this class shall also carry an approved life-belt for each person on board.

(c) They shall also carry at least two approved life-buoys.

DIVISION (D)—*Class 1.*

Rules for coast trade steam-ships having passenger certificates authorising them to carry passengers on short specified passages along the coast of New South Wales.

(a) Ships of this class shall, according to their tonnage, carry boats placed under davits as required by the table.

(b) Masters or owners of ships of this class claiming to carry fewer boats under davits than are given in the table must declare before the collector or other officer of customs that the boats actually placed under davits are sufficient to accommodate all persons on board, allowing 10 (ten) cubic feet of boat capacity for each adult person or "statute adult." Not less than half the number of boats placed under davits having at least half the cubic capacity required by the tables shall be of boats section (a) or section (b). The remaining boats may also be of such description, or may, in the option of the shipowners, conform to section (c) or section (d), provided that not more than two boats shall be of section (d). (c)

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(c) If the boats placed under davits in accordance with the above requirements do not furnish sufficient accommodation for all persons on board, then additional wood, metal, collapsible, or other boats of approved description (whether placed under davits or otherwise), or approved life-rafts, or approved buoyant deck seats, or other approved buoyant deck fittings shall be carried of at least such cubical capacity that they and the boats required to be placed under davits by the table provide together in the aggregate one-half more than the minimum cubic contents provided by column three of the table. For this purpose 3 cubic feet of air case in the life-raft is to be estimated as 10 cubic feet of internal capacity; provided always that the rafts will accommodate the persons for which they are certified under the rules, and also have 3 cubic feet of air case for each person.

(d) Ships of this class shall also carry approved life-belts or other similar approved articles of equal buoyancy suitable for being worn on the person, so that there may be at least one for each person on board the ship.

(e) At least one approved life-buoy shall also be provided for each boat of wood or metal carried by the ship, but in no case shall less than six approved life-buoys be provided.

(f) Provided nevertheless that no ship of this class shall be required to carry more boats, rafts, and other buoyant deck fittings than will furnish sufficient accommodation for all persons on board.

DIVISION (D)—*Class 2.*

Steam-ships carrying passengers in estuaries, or mouths of rivers, or on short excursions, or pleasure trips to sea.

(a) Ships of this class shall carry at least two boats of section (a) or section (b) or section (c) placed under davits, and with proper appliances for getting them into the water.

(b) They shall also carry other boats, approved buoyant apparatus, and (or) approved life-belts sufficient (with the boats required by paragraph (a)) to keep afloat all the persons on board the ship.

(c) At least four approved life-buoys shall be carried.

Act No. 54, 1900, s. 3.

Note.—A discretion may be exercised by the Superintendent to relieve steam-launches, steamers plying in narrow waters, and ferry boats from the operation of the whole or part of rules (a) and (b) of this class.

DIVISION (D)—*Class 3.*

Coast-trade steam-ships not certified to carry passengers.

(a) Ships of this class shall carry one boat of sections (a), (b), or (c), so fitted that it can be readily put out on either side of the ship, and amply sufficient to carry all the persons on board.

(b) They shall carry two approved life-buoys.

(c) They shall carry life-belts so that there may be one for each person on board the ship.

DIVISION (D)—*Class 4.*

Coast-trade sailing-ships not carrying passengers.

(a) Ships of this class shall carry one boat so fitted that it can be readily put out on either side of the ship, and amply sufficient to carry all the persons on board.

(b) They shall carry two approved life-buoys.

(c) They shall carry life-belts so that there may be one for each person on board the ship.

DIVISION (D)—*Class 5.*

Steam fish-carriers, tug-boats, and steam-lighters which proceed to sea.

(a) Ships of this class shall carry one boat of sections (a), (b), or (c), so fitted that it can be readily put out on either side of the ship, and amply sufficient to carry all the persons on board.

(b) They shall carry two approved life-buoys.

(c) They shall carry life-belts, so that there may be one for each person on board the ship.

DIVISION

*Navigation.*DIVISION (D)—*Class 6.*

Steam-launches proceeding for short distances to sea.

(a) Steam-launches are themselves little more than boats, and therefore shall not be required to carry boats.

(b) They shall carry two approved life-buoys.

(c) They shall carry life-belts, so that there may be one for each person on board.

DIVISION (E)—*Class 1.*

Rules for steam-ships carrying passengers on rivers, lakes, or land-locked inland waters, but not going to sea, or into rough waters.

(a) Ships of this class shall carry one boat in such a position that it can readily be got into the water. They shall also carry approved buoyant apparatus or approved life-belts and approved life-buoys at least sufficient, together with the boat, to keep afloat all persons carried on board.

(b) At least four approved life-buoys shall be carried.

Notes.

(1) All steamships certified to carry passengers within the limits of Sydney Act No. 54 1900, s. 2. Harbour shall be classed in this class.

Provided that all steamers certified to carry passengers beyond the limits of a straight line drawn between Green Point and George's Head in the said harbour shall, during the display of such signals as may be provided for by rules made hereunder, be deemed to be classed in Division (D) Class 2 of this Schedule, and to be subject to the conditions therein contained.

(2) A discretion may be exercised by the Superintendent to relieve steam-launches, steamers plying in narrow waters, and ferry boats from the operation of the whole or part of rule (a) of this class.

DIVISION (E)—*Class 2.*

Tug-boats and steam-lighters which do not proceed to sea.

(a) These vessels shall carry one boat of any section sufficient to carry all the persons on board.

(b) They shall carry two approved life-buoys.

(c) They shall carry approved life-belts, so that there may be one for each person on board.

Note.—A discretion may be exercised by the Superintendent to relieve vessels Act No. 54 1900, s. 3. in this class from the operation of the whole or part of rules (a) and (c).

DIVISION (E)—*Class 3.*

Hulks, dredgers, steam-hoppers, &c.

If these vessels do not proceed to sea from one port to another they shall carry the same boats and appliances as provided for in class 2.

If they proceed to sea from one port to another they shall carry in addition one boat of sections (a), (b), or (c) sufficient to carry all the persons on board, and with proper appliances to enable it to be put out readily on either side of the ship.

GENERAL RULES.

1. Boats.—All boats shall be constructed and properly equipped as provided by these rules, and all boats and other life-saving appliances are to be kept ready for use to the satisfaction of the Superintendent. Internal buoyancy apparatus may be constructed of wood, or of copper or yellow metal of not less than eighteen ounces to the superficial foot, or of other durable material.

Section (a).—A boat of this section shall be a life-boat of whaleboat form, properly constructed of wood or metal, having for every ten cubic feet of her capacity, computed as in rule 2, at least one cubic foot of strong and serviceable inclosed air-tight compartments, so constructed that water cannot find its way

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way into them. In the case of metal boats an addition will have to be made to the cubic capacity of the air-tight compartments, so as to give them buoyancy equal to that of the wooden boat.

Section (b).—A boat of this section shall be a life-boat of whaleboat form, properly constructed of wood or metal, having inside and outside buoyancy apparatus, together equal in efficiency to the buoyancy apparatus provided for a boat of section (a). At least one-half of the buoyancy apparatus must be attached to the outside of the boat.

Section (c).—A boat of this section shall be a life-boat properly constructed of wood or metal, having some buoyancy apparatus attached to the inside and (or) outside of the boat equal in efficiency to one-half of the buoyancy apparatus provided for a boat of section (a) or section (b). At least one-half of the buoyancy apparatus must be attached to the outside of the boat.

Section (d).—A boat of this section shall be a properly constructed boat of wood or metal.

Section (e).—A boat of this section shall be a boat of approved construction, form, and material, and may be collapsible.

2. Cubic capacity.—The cubic capacity of a boat shall be deemed to be her cubic capacity, ascertained (as in measuring ships for tonnage capacity) by Stirling's rule; but as the application of that rule entails much labour, the following simple plan, which is approximately accurate, may be adopted for general purposes, and when no question requiring absolute correct adjustment is raised:—

Measure the length and breadth outside and the depth inside. Multiply them together and by .6; the product is the capacity of the boat in cubic feet. Thus a boat twenty-eight feet long, eight feet six inches broad, and three feet six inches deep will be regarded as having a capacity of $28 \times 8.5 \times 3.5 \times .6 = 499.8$, or five hundred cubic feet. If the oars are pulled in rowlocks, the bottom of the rowlock is to be considered the gunwale of the boat for ascertaining her depth.

3. Number of persons for boats.—The number of persons a boat of section (a) shall be deemed fit to carry shall be the number of cubic feet ascertained as in rule 2, divided by 10.

The number of persons a boat of sections (b), (c), (d), or (e) shall be deemed fit to carry shall be the number of cubic feet ascertained as in rule (2), divided by 8. The space in the boat shall be sufficient for the seating of the persons carried in it, and for the proper use of the oars.

4. Appliances for lowering boats.—Appliances for getting a boat into the water must fulfil the following conditions: Means are to be provided for speedily, but not necessarily, simultaneously, or automatically, detaching the boats from the lower blocks of the davit tackles; the boats placed under davits are to be attached to the davit tackles and kept ready for service; the davits are to be strong enough and so spaced that the boats can be swung out with facility; the points of attachment of the boats to the davits are to be sufficiently away from the ends of the boats to ensure their being easily swung clear of the davits; the boats' chocks are to be such as can be expeditiously removed; the davits, falls, blocks, eye-bolts, rings, and the whole of the tackling are to be of sufficient strength; the boats' falls are to be long enough to lower the boat into the water with safety when the vessel is light; the life-lines shall be fitted to the davits and be long enough to reach the water when the vessel is light; and hooks are not to be attached to the lower tackle blocks.

5. Equipments for collapsible or other boats and for life-rafts.—In order to be properly equipped each boat shall be provided as follows:—

- (a) With the full single-banked complement of oars and two spare oars.
- (b) With two plugs for each plug-hole, attached with lanyards or chains, and one set and a half of thole pins or crutches, attached to the boat by sound lanyards.
- (c) With a sea anchor, a baler, a rudder, and a filler, or yoke and yoke lines, a painter of sufficient length, and a boat-hook. The rudder and baler to be attached to the boat by sufficiently long lanyards, and kept ready for use. In boats where there may be a difficulty in fitting a rudder a steering oar may be provided instead.

(d)

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(d) A vessel to be kept filled with fresh water shall be provided for each boat.

(e) Life-rafts shall be fully provided with a suitable approved equipment.

6. Additional equipments for boats of section (a) and section (b).—In order to be properly equipped, each boat of sections (a) and (b), in addition to being provided with all the requisites laid down in rule (5), shall be equipped as follows, but not more than four boats in any one ship require to have this outfit, and where boats of sections (a) or (b) are carried in lieu of boats of sections (c) or (d), this additional outfit need not be insisted on:—

(a) With two hatchets or tomahawks, one to be kept in each end of the boat, and to be attached to the boat by a lanyard.

(b) With a mast or masts, and with at least one good sail, and proper gear for each.

(c) With a line becketed round the outside of the boat and securely made fast.

(d) With an efficient compass.

(e) With one gallon of vegetable or animal oil, and a vessel of an approved pattern, for distributing it in the water in rough weather.

(f) With a lantern trimmed, with oil in its receiver sufficient to burn eight hours.

7. Number of persons for life-rafts.—The number of persons that any approved life-raft for use at sea shall be deemed to be capable of carrying shall be determined with reference to each separate pattern approved by the Superintendent; provided always, that for every person so carried there shall be at least three cubic feet of strong and serviceable inclosed air-tight compartments, constructed so that water cannot find its way into them. Any approved life-raft of other construction may be used, provided that it has equivalent buoyancy to that hereinbefore described. Every such approved life-raft shall be marked in such a way as to plainly indicate the number of adult persons it can carry.

8. Buoyant apparatus.—Approved buoyant apparatus shall be deemed sufficient, so far as buoyancy is concerned, for a number of persons, to be ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by thirty-two, or, as to steamships carrying passengers within the limits of Sydney Harbour, by sixteen. Such buoyant apparatus shall not require to be inflated before use, shall be of approved construction, and marked in such a way as plainly to indicate the number of persons for whom it is sufficient. Act No. 54, 1900, s. 4.

9. Life belts.—An approved life-belt shall mean a belt which does not require to be inflated before use, and which is capable at least of floating in the water for twenty-four hours with fifteen pounds of iron suspended from it. Life-belts are to be cut out two inches under the armpits and fitted so as to remain securely in their place when put on.

10. Life-buoys.—An approved life-buoy shall mean either—

(a) a life-buoy built of solid cork, capable of floating in the water for at least twenty-four hours with thirty-two pounds of iron suspended from it; or

(b) a strong life-buoy of any other approved pattern or material, provided that it is capable of floating in the water for at least twenty-four hours with thirty-two pounds of iron suspended from it, and provided also that it is not stuffed with rushes, cork shavings, or other shavings, or loose granulated cork, or other loose material, and does not require inflation before use.

All life-buoys shall be fitted with becketts securely seized, and not less than two of them shall be fitted with life-lines fifteen fathoms in length.

11. Position of life-buoys and life-belts.—All life-buoys and life-belts shall be so placed as to be readily accessible to all persons on board, and so that their position may be known to those for whom they are intended.

12. Water-tight compartments.—When ships of any class are divided into efficient water-tight compartments to the satisfaction of the Superintendent, they shall only be required to carry additional boats, rafts, and buoyant apparatus of one-half of the capacity required by these rules, but the exemption shall not extend to life-jackets or similar approved articles of equal buoyancy suitable to be worn on the person.

Provided that this rule shall not apply to steamships carrying passengers within *Ibid.* the limits of Sydney Harbour.

13. The ventilation of harbour passenger steamers shall at all times be efficient and to the satisfaction of the Superintendent.

APPENDIX.

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APPENDIX.

THE Table referred to in the foregoing rules, showing the minimum number of boats to be placed under davits and their minimum cubic contents.

Gross tonnage.	Minimum number of boats to be placed under davits.	Total minimum cubic contents of boats to be placed under davits. L. × B. × D. × '6.	Gross tonnage.	Minimum number of boats to be placed under davits.	Total minimum cubic contents of boats to be placed under davits. L. × B. × D. × '6.
1.	2.	3.	1.	2.	3.
10,000 and upwards ...	16	5,500	3,500 and under 3,750 ...	8	2,600
9,000 and upwards ...	14	5,250	3,250 and under 3,500 ...	8	2,500
8,500 and under 9,000 ...	14	5,100	3,000 and under 3,250 ...	8	2,400
8,000 and under 8,500 ...	14	5,000	2,750 and under 3,000 ...	6	2,100
7,750 and under 8,000 ...	12	4,700	2,500 and under 2,750 ...	6	2,050
7,500 and under 7,750 ...	12	4,600	2,250 and under 2,500 ...	6	2,000
7,250 and under 7,500 ...	12	4,500	2,000 and under 2,250 ...	6	1,900
7,000 and under 7,250 ...	12	4,400	1,750 and under 2,000 ...	6	1,800
6,750 and under 7,000 ...	12	4,300	1,500 and under 1,750 ...	6	1,700
6,500 and under 6,750 ...	12	4,200	1,250 and under 1,500 ...	6	1,500
6,250 and under 6,500 ...	12	4,100	1,000 and under 1,250 ...	4	1,200
6,000 and under 6,250 ...	12	4,000	900 and under 1,000 ...	4	1,000
5,750 and under 6,000 ...	10	3,700	800 and under 900 ...	4	900
5,500 and under 5,750 ...	10	3,600	700 and under 800 ...	4	800
5,250 and under 5,500 ...	10	3,500	600 and under 700 ...	3	700
5,000 and under 5,250 ...	10	3,400	500 and under 600 ...	3	600
4,750 and under 5,000 ...	10	3,300	400 and under 500 ...	2	400
4,500 and under 4,750 ...	8	2,900	300 and under 400 ...	2	350
4,250 and under 4,500 ...	8	2,900	200 and under 300 ...	2	300
4,000 and under 4,250 ...	8	2,800	100 and under 200 ...	2	250
3,750 and under 4,000 ...	8	2,700			

NOTE.—Where in ships already fitted the required cubic contents of boats placed under davits is provided, although by a smaller number of boats than the minimum required by this table, such ships shall be regarded as complying with the rules as to boats to be carried under davits.

In the case of vessels under two hundred gross tonnage the capacity of any boat to be supplied should not be less than one hundred and twenty-five cubic feet. If, however, in any case this rule be found to be impracticable, a discretion may then be exercised by the Superintendent.

In cases where a small vessel is unable to carry more than one boat, a discretion may be exercised by the Superintendent, but whenever one boat only is carried there must be proper provision to enable it to be placed readily in the water on either side of the ship.

Section 113.

SEVENTH SCHEDULE.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Preliminary.

These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

In the following Rules every steam-vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word "steam-vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore or aground.

Rules concerning lights, &c.

The word "visible" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

Article

Navigation.

Article 1. The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

Article 2. A steam-vessel when under way shall carry—

- (a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.
- (b) On the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.
- (c) On the port side, a red light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.
- (d) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.
- (e) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

Art. 3. A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six feet above or below such lights, if the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Article 2 (a), except the additional light, which may be carried at a height of not less than fourteen feet above the hull.

Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

Art. 4. (a) A vessel which from any accident is not under command, shall carry at the same height as the white light mentioned in Article 2 (a), where they can best be seen, and, if a steam-vessel, in lieu of that light, two red lights in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all round the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (a), and, if a steam-vessel, in lieu of that light, three lights in a vertical line one over the other, not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least two miles. By day she shall carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(c)

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(c) The vessels referred to in this Article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 30.

Art. 5. A sailing-vessel under way, and any vessel being towed, shall carry the same lights as are prescribed by Article 2 for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

Art. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

Art. 7. Steam-vessels of less than forty, and vessels under oars or sails of less than twenty, tons gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (a) (b) and (c), but if they do not carry them they shall be provided with the following lights:—

1. Steam-vessels of less than forty tons shall carry:—

(a) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in Article 2 (a), and of such a character as to be visible at a distance of at least two miles.

(b) Green and red side-lights constructed and fixed as prescribed in Article 2 (b) and (c), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than three feet below the white light.

2. Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision 1 (b).

3. Vessels under oars and sails, of less than twenty tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

4. Rowing boats, whether under oars or sails, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (a), and Article 10, last paragraph.

Art. 8. Pilot-vessels, when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

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A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights abovementioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot-vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

Art. 9. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, viz., for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.

Art. 10. A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty, and not exceeding forty, feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by Article 4 (a).

Art. 11. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.

Art. 12. Nothing in these Rules shall interfere with the operation of any Special Rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorised by their respective Governments and duly registered and published.

Art. 13. A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape two feet in diameter.

Sound-signals for fog, &c.

Art. 14. All signals prescribed by this Article for vessels under way shall be given:

1. By "steam-vessels" on the whistle or siren.
2. By "sailing-vessels and vessels towed" on the fog-horn.

The words "prolonged blast" used in this Article shall mean a blast of from four to six seconds duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing vessel of twenty tons gross tonnage or upwards, shall be provided with a similar fog-horn and bell.

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* In all cases where the Rules require a bell to be used, a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

Navigation.

In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this Article shall be used as follows, viz. :—

- (a) A steam-vessel having way upon her, shall sound, at intervals of not more than two minutes, a prolonged blast.
- (b) A steam-vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between them.
- (c) A sailing-vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (d) A vessel, when at anchor, shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.
- (e) A vessel, when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to manœuvre as required by these Rules shall, instead of the signals prescribed in subdivisions (a) and (c) of this Article, at intervals of not more than two minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

Sailing-vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the abovementioned signals, but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

Speed of ships to be moderate in fog, &c.

Art. 15. Every vessel shall, in a fog, mist, falling snow, or heavy rain storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam-vessel hearing, apparently forward of her beam, the fog-signal of a vessel, the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

STEERING AND SAILING RULES.

Preliminary—Risk of collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Art. 16. When two sailing-vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

Art. 17. When two steam-vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

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Navigation.

The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Art. 18. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Art. 19. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

Art. 20. Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course *and speed*.

NOTE.—*When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. (See Article: 26 and 28.)*

Art. 21. *Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.*

Art. 22. *Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.*

Art. 23. Notwithstanding anything contained in these Rules, every vessel overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, i.e., in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

Art. 24. In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

Art. 25. *Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing-vessels or boats.*

Art. 26. In obeying and construing these Rules, due regard shall be had to all dangers of navigation *and collision*, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

Sound Signals for Vessels in sight of one another.

Art. 27. *The words "short blast" used in this Article shall mean a blast of about one second's duration.*

When

Act No. 60, 1901.

Navigation.

When vessels are in sight of one another, a steam-vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going full speed astern."

No Vessel under any circumstances to neglect proper precautions.

Art. 28. Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of Rules for Harbours and Inland Navigation.

Art. 29. Nothing in these Rules shall interfere with the operation of a Special Rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.

Distress Signals.

Art. 30. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz. :—

In the daytime—

1. A gun or other explosive signal fired at intervals of about a minute.
2. The International Code signal of distress indicated by N C.
3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.
4. A continuous sounding with any fog-signal apparatus.

At night—

1. A gun or other explosive signal fired at intervals of about a minute.
2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, &c.).
3. Rockets or shells, throwing stars of any colour or description, fired one at a time, short intervals.
4. A continuous sounding with any fog-signal apparatus.

Section 130.

EIGHTH SCHEDULE.

Regulations for swinging ships.

1. Competent persons will be licensed to swing ships and furnish deviation cards, and no deviation card will be recognised unless it bears the signature of one of the persons so licensed.

2. All iron ships about to carry passengers must be swung and provided with a deviation card before leaving port, and all such ships trading out of any port within the jurisdiction must be swung once in six months, and also before going to sea after material alteration or repairs, or more frequently if the superintendent so directs.

Provided that on application to the superintendent, and on showing satisfactory reason therefor, a departure from any of the foregoing Regulations may be sanctioned.

Applications must be made at the office of the Department of Navigation for the services of the licensed officers who are hereby authorised to charge fees on the following scale :—

	£	s.	d.
For vessels under 500 tons register	2	0	0
For vessels over 500 and under 750 tons register	2	10	0
For vessels over 750 tons register	3	0	0

NINTH

Navigation.

NINTH SCHEDULE.

Sections 145, 149.

Harbour removal dues.

60 Vic. No. 36, s. 5.

A table of the dues payable for removing ships from one place to another:—

			£	s.	d.
For any ship not exceeding 300 tons	...	...	1	0	0
Exceeding 300 tons and not exceeding 400 tons	...	...	1	5	0
Exceeding 400 tons and not exceeding 500 tons	...	...	1	10	0
Exceeding 500 tons and not exceeding 600 tons	...	...	1	15	0
Exceeding 600 tons and not exceeding 800 tons	...	...	2	0	0
Exceeding 800 tons and not exceeding 1,000 tons	...	...	2	10	0

and an additional pound for every five hundred tons or part thereof in excess of one thousand tons up to a maximum of two thousand tons.

TENTH SCHEDULE.

Section 156.

			£	s.	d.
For a ballast lighter's license	...	...	1	0	0
For a waterman's license	...	...	0	10	0

ELEVENTH SCHEDULE.

Section 157.

Regulations to be observed with respect to accommodation on board ships.

EVERY place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvia which may be caused by cargo or bilge water.

A place so occupied and appropriated as aforesaid shall not authorise a deduction from registered tonnage under the tonnage regulations of the Merchant Shipping Act unless there be in the ship properly constructed privies for the use of the crew, of such number and of such construction as may be approved by the surveyor of ships.

Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect; and if the certificate is obtained, but not otherwise, the space shall be deducted from the register tonnage.

No deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "certified to accommodate seamen."

Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the chief officer of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered and the deduction aforesaid in respect of space disallowed, unless and until it be certified by the surveyor, or by some other surveyor of ships, that the provisions of this Act in respect of the place are fully complied with.

Maximum fees for inspection.

The fee for each visit to the ship shall not exceed ten shillings.

The aggregate amount of the fees for any such inspection shall not exceed one pound, whatever be the number of separate visits.

When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.