

Act No. 32, 1899.

NAVIGATION  
(AMENDMENT).

An Act to abolish the Marine Board ; to constitute a Department of Navigation and Courts of Marine Inquiry, and to define the powers and duties of such department and courts ; to amend the Navigation Acts of 1871–1896 in other respects ; and for purposes incidental to or consequent upon those objects. [*Reserved—8th December, 1899.*]

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

*Abolition of Marine Boards.*

Abolition of marine  
boards.

1. On the commencement of this Act, the Marine Board of New South Wales and every Local Marine board constituted or established under the Navigation Acts, 1871–1896, is hereby abolished.

*The*

*Navigation (Amendment).**The Department of Navigation.*

2. Subject to the provisions of this Act, and with the exceptions therein mentioned, the powers and authorities conferred and the duties imposed by the unrepealed enactments of the Navigation Acts, 1871-1896, on the Marine Board of New South Wales, or any Local Marine Board, are hereby conferred and imposed on an officer appointed by the Governor to be called the Superintendent of the Department of Navigation (hereinafter in this Act referred to as the superintendent) acting under the control of the Colonial Treasurer. And all references in the said enactments to the said Marine Board shall be taken to refer to the officer aforesaid.

Powers and duties of Marine Board transferred to Superintendent of Department of Navigation.

But the power of the said Marine Board—

- (a) to recommend for appointment, suspension, or dismissal, or to appoint, suspend, or dismiss officers; or
- (b) to fix the salaries or fees of persons appointed or employed under the Navigation Acts, 1871-1896; or
- (c) to make or recommend the making of any rules or regulations, is not hereby conferred on and shall not be exercised by the superintendent.

3. Subject to the provisions of this Act the powers conferred and the duties imposed by the unrepealed enactments of the Navigation Acts, 1871-1896, on the President or Vice-President of the Marine Board of New South Wales are hereby conferred and imposed on the superintendent, or during his absence from his duties on the person appointed by the Governor to discharge those duties; and the powers conferred and the duties imposed by the said enactments on the chairman or vice-chairman of a Local Marine Board may be exercised and shall be performed by such officer as the Governor may appoint in that behalf.

Other powers and duties of superintendent and other officers.

4. 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.

Deputy superintendent for the port of Newcastle.

5. Any documents which, under the Navigation Acts, 1871-1896, might have been made or issued under the seal of the Marine Board of New South Wales may be made and issued under the hand of the superintendent, and any documents which, under the said Acts, might have been made or issued under the signature of the secretary of the said Marine Board may be made and issued under the signature of any person appointed secretary or duly authorised to act for the secretary to the Department of Navigation. All the provisions of the Navigation Acts, 1871-1896, relating to documents under the seal of the said Marine Board or under the signature of its secretary shall apply in respect of documents under the signature of the superintendent or the secretary of the said department.

Documents under seal of Marine Board or under hand of its secretary.

*The*

*The Court of Marine Inquiry.*

Court of Marine Inquiry.

6. 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 of 1858 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.

Constitution of Court.

7. 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.

Officers of the Court.

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

Rules of Court.

9. (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 of 1858, or any Act amending the same.

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

Directions where no rules.

(2) 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.

Jurisdiction of Court in inquiries as to shipwrecks, &c. M. S. Act, 1894, s. 478.

10. (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)

*Navigation (Amendment).*

(*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.

(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.

(3) An inquiry shall not be held under this section into any matter 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 Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court constituted under the Imperial Merchant Shipping Act, 1894.

(4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held under this section.

(5) 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.

(6) 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.

**11.** 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. When court to make inquiry.

**12.** 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— Rehearing of inquiry at instance of Governor.

(*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.

**13.** The senior District Court Judge present shall preside at any sitting of a Court of Marine Inquiry. Procedure at inquiry.

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.

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 it shall be competent for any member of the court who dissents from the decision to likewise forward his written reasons for so dissenting.

**14.**

*Navigation (Amendment).*

Delivery of certificate cancelled or suspended.

**14.** 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.

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.

Jurisdiction of court in respect of detention of unsafe ships.

**15.** (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) 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 the Navigation Acts, 1871-1896.

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

(4) Any judge of the court, any 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.

(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.

(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.

(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.

Appointment of assessors.

See M.S. Act, 1891, ss. 466, 467, and 473.

**16.** (1) The assessors who assist in a Court of Marine Inquiry under this Act shall be of nautical, engineering, or other special skill or knowledge, and shall be appointed out of a list of persons for the time being approved for the purpose by the Governor, in such a manner and according to such regulations as may be prescribed by rules made by the Governor with regard thereto.

(2)

*Navigation (Amendment).*

(2) Where any 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.

(3) The list of persons approved as assessors shall be in force for one year only, but persons whose names are on any such list may be approved for any subsequent list.

(4) The Governor may at any time add or withdraw the name of any person to or from the list.

(5) The Governor may make rules with regard to the appointment and summoning of assessors, and any such rule while in force shall have effect as if it were enacted in this Act.

17. Every assessor shall, for every day or portion of a day Fees to assessors. 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.

*Miscellaneous.*

18. (1) Such of the provisions of Part II of the Navigation Act of 1871 as amended by the Navigation Act Amendment Act of 1873 and the Navigation Law Amendment Law of 1881, as apply to British and foreign steamships carrying or engaged in the trade of conveying passengers from any port or place within the jurisdiction to any port or place in any other part of Her Majesty's dominions are hereby extended to apply so far as possible to all British and foreign ships respectively engaged in trading from any port within the jurisdiction to any other port in Her Majesty's dominions, whether such trading does or does not include the carrying of passengers. Application of Part II of Navigation Act of 1871 to steamships not carrying passengers.

(2) This section shall not apply to any ship holding Lloyd's 100 A classification certificate, or to any steamship registered in Great Britain and Ireland which holds a passenger steamer's certificate under the Imperial Merchant Shipping Act of 1894, or any Act amending the same or in substitution thereof.

(3) 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.

19. Except in cases provided for in the Navigation Act of 1871, Persons in charge of machinery to hold certificate of competency. 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 or place within the jurisdiction to any port or place in any other part of Her Majesty's dominions shall hold a first or second class engineer's certificate.

*Navigation (Amendment).*

Machinery on vessels  
to be in charge of  
certified engineer.

20. Except in cases provided for in the Navigation Act of 1871 or in the last preceding section, every 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 nothing herein shall apply to steam-launches, except such as are used for hire or for the carriage of goods, or for towage purposes.

Third-class  
certificates to suffice  
in certain cases.

21. Section seventy-five of the Principal Act is hereby amended as follows :—

- (1) By the insertion in subsection (iv) after the words "coast-trade steamship" of the words "other than as mentioned in the next subsection."
- (2) By the insertion before the first word "Every" in subsection (v) of the words "Every coast-trade steamship of fifty nominal horse-power or under trading between ports within the jurisdiction, and"

Master and mates of  
foreign-going ships.

22. Section eighty-one of the Principal Act is hereby amended by omitting the words—"No foreign-going ship of a tonnage of or above three hundred tons shall go to sea from any port or place within the jurisdiction unless the master, first, and second mates of such ship shall have obtained and possess valid certificates, either of competency or service, appropriate to their several stations in such ship, or of a higher grade, and no such ship of a tonnage under three hundred tons shall so go to sea as aforesaid unless the master and first and only mate of such ship shall possess the like certificates," and substituting the words—"No foreign-going ship shall go to sea from any port or place within the jurisdiction unless the master and first and only mate of such ship shall possess valid certificates, either of competency or of service, appropriate to their several stations in such ship or of a higher grade, or (if such ship carries more than one mate) unless the master and first and second mates of such ship shall possess the like certificates."

Marking of deck  
lines.  
M.S. Act, 1894, s. 437

23. (1) Every British ship (except coast-trade ships under eighty tons register, ships employed solely in fishing, and pleasure yachts, and 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) shall be permanently and conspicuously marked with lines (in this Act called deck-lines) of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

(2) 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.

(3)

*Navigation (Amendment).*

(3) The deck-lines must be white or yellow on a dark ground, or black on a light ground.

(4) 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.

24. (1) The owner of every British ship proceeding to sea from a port in the Colony (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.

Marking of load line.  
M.S. Act, 1894, s. 438.

(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.

(3) The position of the disc shall be fixed in accordance with the tables then in use under the Imperial Merchant Shipping Act, 1894, or any Act amending the same or in substitution thereof, 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.

25. 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 contained in the Navigation Law Amendment Act of 1881, and such submersion shall be a reasonable and probable cause for the detention of the ship.

Ship with submerged load-line deemed unsafe.  
*Ibid.* s. 439.

26. (1) Where a ship proceeds on any voyage from a port in this Colony 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.

Time, &c., for marking load-line in case of foreign-going vessels.  
*Ibid.* s. 440.

(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.

(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.

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

(5)

*Navigation (Amendment).*

(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 the Colony.

Time, &c., for marking load-line in case of coasting vessels.  
M.S. Act, 1894, s. 411.

**27.** (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.

(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.

(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.

(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.

Penalty for offences in relation to marking of load-line.  
*Ibid.* s. 442.

**28.** (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—

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.

Regulations as to load-lines.  
See *Ibid.* s. 443.

**29.** (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.

(2)

*Navigation (Amendment).*

(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.

(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.

(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.

**30.** (1) Any load-line fixed and marked and any certificate given in accordance with the Imperial Merchant Shipping Act, 1894, or any Act amending the same or in substitution thereof, shall have the same effect as if it had been fixed, marked, or given in accordance with this Act.

Provision as to load-lines of ships of United Kingdom and British colonies. Sec M.S. Act, 1894, s. 444.

(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

*Navigation (Amendment).*

giving notice of the load-line to 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.

Provision as to  
foreign ships with  
respect to load-lines.  
M.S. Act, 1894, s. 445.

**31.** (1) 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 the Navigation Acts, 1871-1896, and 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 the Colony be liable to detention for non-compliance with the provisions of the Navigation Acts, 1871-1896, or this Act, nor shall there arise any liability to any fine or penalty which would otherwise arise for non-compliance with those provisions.

(2) 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.

Pilotage certificates  
not to be granted in  
respect of foreign  
trading ships.

**32.** (1) Pilotage certificates shall only be granted to British subjects, and may only be granted or used in respect of British ships registered in the Australasian Colonies employed in trading or going between some port within the jurisdiction, and some port or place in the Australasian Colonies or in the South Sea Islands, and in respect of ships engaged in the whaling trade.

Pilotage certificate  
can only be used by  
the master.

(2) Any person not being a duly licensed pilot in the employ of the Government of New South Wales 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 any document having the effect of a certificate of registry of the ship, either entering or navigating in or leaving any port or place within the jurisdiction at which there is a pilotage establishment, shall, whether he holds or does not hold a pilotage certificate granted before or after the commencement of this Act, be liable to a penalty not exceeding fifty pounds.

No ships to be  
removed except in  
charge of a licensed  
pilot.

**33.** 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 or place within 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 of New South Wales for the purpose of such removal; and if any ship is removed in contravention of the provisions of this section the master or owner of such ship shall be liable to a penalty not exceeding twenty pounds: Provided that 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.

A

*Navigation (Amendment).*

A licensed pilot removing any ship in pursuance of this section shall be entitled to receive the dues set forth in Schedule II to the Navigation Act of 1871 as amended by the Navigation Acts Amendment Act, 1896, and such dues shall be paid and accounted for as rates and dues authorised by the Navigation Act of 1871 are paid and accounted for: 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 such removal one half only of such dues.

**34.** Section four of the Navigation Acts Amendment Act, 1896, Pilotage rates. is hereby amended by the omission from subsection (b) of the words "or of obtaining coal to be used in the ship on her voyage," and the words "or after obtaining coal to be used on the ship on her voyage," and by the insertion in subsection (c) after the words "being in distress" of the words "or entering any port or place for the purpose of obtaining coal to be used in the ship on her voyage, and for no other purpose."

**35.** Every place in any ship registered in New South Wales Accommodation for seamen. 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 Schedule One to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

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.

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 Schedule One to this Act.

**36.** (1) Section six of the Navigation Law Amendment Act of 1881 (which gives power to detain unsafe ships) shall apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the word "machinery," and as if the words "or for ascertaining the sufficiency of the crew" were inserted therein after the word "surveyed," and as if the words "or the manning of the ship" were inserted therein after the words "reloading of cargo," and the powers exercisable under and for the purposes of that section shall include power to muster the crew. (2)

Extension of power of detention for unsafety to undermanning.

*Navigation (Amendment).*

Foreign ships.

(2) Section twenty of the Navigation Law Amendment Act of 1881 shall also apply in the case of the undermanning, and accordingly that section shall be construed as if the words "or undermanning" were inserted therein after the words "improper loading."

Appeal to Court of Marine Inquiry.

**37.** (1) 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 of the ship may appeal to a Court of Marine Inquiry in manner directed by the rules of that court.

(2) 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.

Reference to court.

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

Rules as to life-saving appliances.

**38.** The rules contained in Schedule Two are substituted for section ninety-one of the Navigation Act of 1871, and shall be read as part of this Act; but it shall be lawful for the Governor by proclamation in the Gazette to repeal, alter, suspend, or modify any of the said rules, or to 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 Imperial Merchant Shipping Act, 1894, or any Act amending the same, or in substitution thereof; and any alteration in or addition to the rules made in the manner above described shall be of the same force as if it had been enacted in this Act.

Penalty for breach of rules as to life-saving appliances.

**39.** In any of the following cases, namely—

- (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) 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.

*Navigation (Amendment).*

**40.** (1) Any surveyor appointed under the Navigation Act of 1871, or any such other person as the Governor may appoint 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 the Navigation Acts, 1871-1896. Provision for enforcing them.

(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.

(3) Every notice so given shall be communicated, in such manner as the Governor may direct, to the chief officer of customs at any port at which the ship may seek 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.

*Supplemental and repeal.*

**41.** The power conferred by the Navigation Acts, 1871-1896, on the Governor to make, alter, or repeal any proclamations, rules, or regulations upon the recommendation of the Marine Board of New South Wales may be exercised by the Governor without such recommendation. The making of proclamations, rules, and regulations by the Governor.

And the power conferred by the said Acts on the said Marine Board to make, alter, or repeal rules or regulations may be exercised by the Governor.

All rules or regulations so made, and all alterations in and repeal of any rules or regulations, shall take effect from the date of their publication in the Gazette.

All rules or regulations made under this Act shall forthwith be laid before Parliament if it be then sitting, and if not, then within thirty days after the commencement of the next session.

**42.** The power conferred by the Navigation Acts, 1871-1896, on the Governor to appoint any officers upon the recommendation of the Marine Board of New South Wales may be exercised by the Governor without any such recommendation. The appointment of officers by the Governor.

And the power conferred by the said Acts on the said Marine Board to appoint any officers may be exercised by the Governor.

Subject to the provisions of this Act, the officers so appointed shall have the same powers and shall perform the same duties as if they had been appointed under the Navigation Acts, 1871-1896.

The appointment of any officers shall be made in accordance with the provisions of the Public Service Act of 1895.

*Navigation (Amendment).*

Saving as to proclamations, rules, regulations, orders, appointments, certificates, and documents.

**43.** Nothing in this Act shall affect the operation of any proclamations, rules, or regulations made under the Navigation Acts, 1871–1896, except so far as they may be inconsistent with this Act, or affect the validity or effect of any orders, appointments, certificates, or documents made or issued under the said Acts.

Saving as to previous operation of enactments, proclamations, rules, and regulations.

**44.** Nothing in this Act shall affect—

- (a) the operation before the commencement of this Act of any enactment, proclamation, rule, or regulation, or anything duly suffered, done, or commenced to be done before the commencement of this Act, under any enactment, proclamation, rule, or regulation; or
- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred before the commencement of this Act under any enactment, proclamation, rule, or regulation; or
- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed before the commencement of this Act; or
- (d) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced as if this Act had not been passed.

Interpretation.

**45.** In this Act and in the Navigation Act Amendment Act of 1873, unless the context otherwise requires,—

“British possession” means any part of Her 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;

“legislature,” when used with respect to a British possession, means the authority other than the Imperial Parliament or Her Majesty the Queen in Council, competent to make laws for a British possession;

“port” includes place.

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

Repeal.

**46.** The enactments described in Schedule Three are to the extent therein mentioned hereby repealed.

Incorporation and short title.

**47.** This Act shall be construed with the Navigation Acts, 1871–1896, and may be cited as the “Navigation (Amendment) Act, 1899.”

SCHEDULES.

*Navigation (Amendment).*

## SCHEDULES.

## SCHEDULE ONE.

*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 Imperial Merchant Shipping Act, 1894, 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 the Navigation Acts, 1871-1896, and 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.

## SCHEDULE TWO.

## LIFE-SAVING APPLIANCES.

For the purposes of this Schedule—

"Intercolonial limits" means this Colony and the Australian Colonies, and the Colonies of Tasmania and New Zealand; and

Other expressions not defined in the Navigation Acts, 1871-1896, bear the meanings given to them in Part III of the Imperial Merchant Shipping Act, 1894.

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, 1894.

*Class*

*Navigation (Amendment).*

*Class 2*—Foreign-going steam-ships having passenger certificates under the Merchant Shipping Act, 1894, or having passenger certificates issued under any Statute of a British Possession, and accepted and recognised under the Navigation Acts, 1871–1896.

*Class 3*—Steam-ships having passenger certificates under the Navigation Acts, 1871–1896, authorising them to carry passengers anywhere within the 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, 1894.

*Class 2*—Foreign-going sailing-ships carrying passengers, but not subject to all the provisions of Part III of the Merchant Shipping Act, 1894.

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

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

## DIVISION (C).

*Class 1*—Steam-ships not certified to carry passengers plying anywhere within Intercolonial 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, 1894.

(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)

*Navigation (Amendment).*

(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.

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, 1894, or having passenger certificates issued under any statute of a British possession, and accepted and recognized under the Navigation Acts, 1871–1896.

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 the Navigation Acts, 1871–1896, 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)

*Navigation (Amendment).*

(*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*) 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, 1894.

(*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

*Navigation (Amendment).*

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 Merchants Shipping Act, 1894.

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*). 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 Marine Board officer.

(*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

*Navigation (Amendment).*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) 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.

DIVISION

*Navigation (Amendment).*

## 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 (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.

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 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.

## 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.

*Navigation (Amendment).*

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 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  $\cdot 6$ ; 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  $28 \times 8\cdot 5 \times 3\cdot 5 \times \cdot 6 = 499\cdot 8$ , 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

*Navigation (Amendment).*

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 tiller, 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) 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. 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.

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)

*Navigation (Amendment).*

(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 beackets 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.

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

## 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 tons 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.

## SCHEDULE

# Act No. 33, 1899.

---

## *Bellinger River Harbour Works.*

---

### SCHEDULE THREE.

Reference to Acts.	Title or short title.	Extent of repeal.
35 Vic. No. 7 ...	Navigation Act of 1871 ...	Sections 5 to 17 inclusive, and sections 87 to 93 inclusive.
36 Vic. No. 30 ...	Navigation Act Amendment Act of 1873.	Section 4.
43 Vic. No. 13 ...	Navigation Act Further Amendment Act of 1879.	Section 4.
45 Vic. No. 6 ...	Navigation Law Amendment Act of 1881.	Subsection 6 of section 2. Subsection 4 of section 6, sections 12, 13, 14, 15, and 16, and subsections 5, 6, and 7 of section 21.
60 Vic. No. 36 ...	Navigation Acts Amendment Act, 1896.	Section 2.

---