

NAVIGATION (AMENDMENT) ACT.

Act No. 9, 1949.

An Act to amend the Navigation Act, 1901-1941, in certain respects; and for purposes connected therewith. [Assented to, 12th May, 1949.]

George VI.
No. 9, 1949.

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:—

1. (1) This Act may be cited as the "Navigation (Amendment) Act, 1949."

Short title,
citation and
commence-
ment.

(2) The Navigation Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Navigation Act, 1901-1949.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Navigation (Amendment) Act.

No. 9, 1949.
Amendment
of Act No.
60, 1901.

2. The Navigation Act, 1901-1941, is amended—

Sec. 42.
(Steamship
not to
proceed on
her voyage
without cer-
tificate.)

(a) by inserting at the end of subsection one of section forty-two the following words “If any steamship proceeds to sea or on any voyage or excursion in contravention of this subsection, 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”;

**Subst.
sec. 59.**

(b) by omitting section fifty-nine and by inserting in lieu thereof the following section:—

**Pilotage
rates.**

59. (1) There shall be paid upon every ship, not hereinafter in this Act exempted, on her arrival at and on her departure from any port within the jurisdiction where there is a pilot establishment, pilotage rates of such amount per ton as may be prescribed by the regulations.

(2) The regulations may provide that such pilotage rates shall be calculated on the net register tonnage or on the gross register tonnage.

(3) The regulations may provide that pilotage rates prescribed therein shall be applicable uniformly in respect of ports generally within the jurisdiction, or may provide that different pilotage rates prescribed therein shall be applicable in respect of different ports; and in relation to ports generally or to any particular port specified in the regulations, the regulations may provide that different rates prescribed therein shall be applicable in respect of different ships, having regard to differences in the purposes for which ships visit or resort to or use or depart from the port, or differences in the conditions or circumstances under which ships arrive at or use or depart from the port, or such other differences as may be prescribed.

(4)

(4) The regulations may prescribe the maximum amount and the minimum amount which shall be payable by way of pilotage rates in respect of ships generally or may provide that different maximum and minimum amounts prescribed therein shall be payable by way of pilotage rates in respect of different ships. No. 9, 1949.

(5) In this section "regulations" means regulations made under this Act.

- (c) (i) by omitting from subsection one of section sixty-one the words "of four-pence per ton" and by inserting in lieu thereof the words "of such amount per ton as may be prescribed by the regulations"; Sec. 61.
(Harbour
and light
rates.)
- (ii) by omitting from subsection two of the same section the words "to the Collector of Customs at such port";
- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsections:—

(4) The regulations may provide that the harbour and light rate under this section shall be calculated on the net register tonnage or on the gross register tonnage.

(5) The regulations may provide that harbour and light rates prescribed therein shall be applicable uniformly in respect of ports generally within the jurisdiction, or may provide that different harbour and light rates prescribed therein shall be applicable in respect of different ports; and in relation to ports generally or to any particular port specified in the regulations, the regulations may provide that different rates prescribed therein shall be applicable in respect of different ships, having regard to differences in the purposes for which ships visit or resort to or use or depart from the port, or differences in the conditions or circumstances

No. 9, 1949.

circumstances under which ships arrive at or use or depart from the port, or such other differences as may be prescribed.

(6) The regulations may prescribe the maximum amount and the minimum amount which shall be payable by way of half-yearly harbour and light rates in respect of ships generally or may provide that different maximum and minimum amounts prescribed therein shall be payable by way of harbour and light rates in respect of different ships.

(7) In this section "regulations" means regulations made under this Act.

Subst.
sec. 62.

- (d) by omitting section sixty-two and by inserting in lieu thereof the following section:—

To whom
rates, etc.,
to be paid.

62. All rates, dues and charges authorised by this Act shall be paid to the Board or to a person authorised by the Board to receive them, and where paid to a person so authorised shall be accounted for and paid to the Board.

All rates and dues paid to the Board under this section shall be paid by it into the Treasury to the Consolidated Revenue Fund.

Sec. 64.
(Fees to
pilots
detained
in ships
longer
than
twenty-four
hours.)

- (e) (i) by omitting from subsection one of section sixty-four the words "the sum of ten shillings" and by inserting in lieu thereof the words "the prescribed sum;"
- (ii) by inserting after the word "Act" in subsection two of the same section the words "Any sum of money so received or recovered by the pilot shall be accounted for and paid by him to the Board, and by it paid into the Treasury to the Consolidated Revenue Fund."

Sec. 65.
(Outward
bound
ship not
requiring
pilot.)

- (f) (i) by omitting from section sixty-five the words "the sum of ten shillings" and by inserting in lieu thereof the words "the prescribed sum;"
- (ii) by inserting at the end of the same section the following words:—

"Any sum of money paid to the pilot in pursuance of this section shall be accounted for

for and paid by him to the Board and by it paid into the Treasury to the Consolidated Revenue Fund.” **No. 9, 1949.**

- (g) (i) by inserting after the word “pilotage” in paragraph (a) of section seventy-three the words “or an official copy of such certificate”;
Sec. 73. (Penalties for forging or fraudulently using or lending a certificate of pilotage.)
- (ii) by inserting after the word “certificate” in paragraph (d) of the same section the words “or an official copy of such certificate”;
- (h) (i) by inserting after the word “service” in paragraph (a) of section eighty-nine the words “or an official copy of such certificate”;
Sec. 89. (Penalties for false representation, forging, altering, fraudulently using, or lending any certificate.)
- (ii) by inserting after the word “certificate” in paragraph (d) of the same section the words “or an official copy of such certificate”;
- (i) (i) by omitting from subsection three of section one hundred and forty-five the words “the several fees and charges set forth in figures in the Ninth Schedule hereto” and by inserting in lieu thereof the words “such dues as are prescribed by regulations made under this Act”;
Sec. 145 (3). (Harbour master's fees.)
- (ii) by inserting at the end of the same subsection the words “The regulations prescribing dues payable under this subsection may provide that such dues shall be calculated on a sliding scale by reference to the tonnage of the ship;”
- (j) by omitting subsection four of section one hundred and forty-nine and by inserting in lieu thereof the following subsection:—
Sec. 149 (4). Pilotage dues.
- (4) A licensed pilot removing any ship in pursuance of this section shall be entitled to receive such dues as are prescribed by regulations made under this Act and such dues shall

**Metropolitan Water, Sewerage, and Drainage
(Amendment) Act.****No. 9, 1949.**

shall be accounted for and paid by him to the Board and by it paid into the Treasury to the Consolidated Revenue Fund.

The regulations prescribing dues payable under this subsection may provide that such dues shall be calculated on a sliding scale by reference to the tonnage of the ship.

**Ninth
Schedule.**

(k) by omitting the Ninth Schedule.
