NAVIGATION AMENDMENT BILL 1981

Date Introduced: 26 February 1981
House: House of Representatives
Presented by: Hon. Ralph Hunt, Minister for Transport

Short Digest of Bill

Purpose

To amend the Navigation Act 1912 so as to be consistent with the Shipping Registration Bill 1981; and to effect a complete revision of the offences and penalties provisions of the Act.

Background

The Shipping Registration Bill 1981 provides for the registration of Australian ships and replaces the system operating in Australia under the UK Merchant Shipping Act 1894. References in the Navigation Act 1912 to British ships or to ships registered under the Merchant Shipping Act consequently need amendment. The Shipping Registration Bill 1981 also provides for national colours and flags for Australian ships and the existing provisions of the Navigation Act 1914 are repealed.

The Bill also makes provisions which flow from the termination of the British Commonwealth Merchant Shipping Agreement in 1979.

The offences created by the Act are also rationalized and pecuniary penalties are upgraded.

Main Provisions

Clause 3 alters the interpretation section to remove the definition of "British Ship" and alters the definition of "ship" so that an off-shore industry mobile unit that is not self-propelled is only a ship for certain purposes. Clause 5 inserts a new interpretation provision so that "a ship registered in Australia" means a ship registered under the Shipping Registration Bill 1981.

Clauses 7 to 27 amend Part II of the Act which relates to crewing, qualifications, seamen's rights etc. The operation of the Part is confined to ships other than
barges, lighters and other non-self-propelled vessels. Clause 8 provides that the Part only applies to ships registered in Australia; ships engaged in the coasting trade; or ships of which the majority of the crew are Australian residents and which are operated by an Australian resident, Australian firm or Australian company.

Many of the other amendments made by clauses 9 to 27 are dependent on the Navigation Amendment Act 1979 not having come into force when this Bill comes into operation. That Act altered provisions in Part II relating to qualifications, inserted provisions relating to the manning of ships and made other alterations which have not yet come into operation.

Clause 30 of the Shipping Registration Bill 1981 now provides for Australian colours and appropriate flags and clause 35 of this Bill repeals the existing provisions in the Navigation Act 1912.

Clause 6 amends the new section 9 of the Act (which came into operation on 1 January) by inserting words relating to the "performance" rather than the exercise of a function.

Clause 40 enables ships to be exempted from the operation of the Act if they are normally under State jurisdiction and come only temporarily under Commonwealth jurisdiction.

Clause 44 amends the provisions in the Act relating to offences as set out in Schedule 3.

The amendments made by the Bill are to come into operation on various dates. Many are dependent on the coming into operation of the Shipping Registration Bill 1981. The amendments relating to offences and penalties (in Schedule 3) are to come into operation 28 days after Royal Assent if other amending legislation referred to in Schedule 2, mainly the Navigation Amendment Act 1980, has come into force; if not, the amendments in Schedule 3 come into operation on the dates of commencement of the provisions specified in Schedule 2. As noted above many of the provisions amending Part II of the Act are dependent on the Navigation Amendment Act 1979 not having come into operation.

For further information, if required, contact:

Science, Technology and Environment Group

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LEGISLATIVE RESEARCH SERVICE