CONTROL OF NAVAL WATERS AMENDMENT BILL 1978

Date Introduced: 23 February 1978
House: House of Representatives
Presented by: The Honourable J.E. McLeay, M.P.,
Minister for Construction and
Minister Assisting the
Minister for Defence

Purpose

To enable a more effective control over waters adjacent to naval installations and defence land.

Background

The Control of Naval Waters Act 1918 fails to cover waters in the vicinity of many types of naval installations and land or facilities used for defence purposes. This has come about because of the increased significance of the open sea in the siting of facilities. The Act seems to apply only to semi-enclosed waters such as estuaries and harbours, so that installations on land exposed to the open sea or facilities such as ocean moorings are not included in its provisions.

The Act does not provide a clear and definite system for exercising control over naval waters. It is also lacking in detail as to the extent of the authority which may be exercised and machinery for enforcement, including the recovery of expenses should it become necessary to remove vessels, aircraft, wrecks or obstructions from naval waters.

There is also a need to provide for the control of air space above naval waters, and the foreshore in the vicinity of installations and defence land.

Main Provisions

Clause 3 repeals sections 2 and 3 of the Act.

The new section 2 lays down definitions which will give a wide scope in the proclamation of waters as "naval waters" and their control by superintendents appointed by the Governor-General in accordance with the added section 3C. The new section 3B will enable the Governor-General to proclaim that waters within 5 nautical
miles of an installation, or within 2 nautical miles of defence land on which there are no installations, are naval waters.

Clause 4 amends section 4 by extending the power to make regulations concerning naval waters including airspace and foreshore. Important matters included are:

(a) Removal of persons who contravene the regulations.
(b) Restrictions on the entry of vessels, persons, or aircraft.
(c) Restrictions on activity.
(d) Protection of installations and naval vessels.
(e) Provision for penalties not exceeding $1000 or imprisonment for 6 months.

Clause 6 repeals section 6. New sections 6 and 6A authorize a superintendent to direct the location or movement of any ship or aircraft while in naval waters under his control, its airspace or foreshore.

Clause 7 amends section 7 and authorizes a superintendent to deal with wrecks and obstructions.

Clause 8 repeals section 8. The new section 8 lays down a comprehensive procedure for the recovery of expenses incurred in the removal of a ship, aircraft, wreck or obstruction from his naval waters. A superintendent may detain property, and should the owner fail to pay within three months of demand the Commonwealth may sell it and reimburse itself from the proceeds.

Clause 9 provides for the continuation of action initiated under the Act prior to amendment by the Bill.

1 March 1978

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