

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

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(Presented pursuant to leave granted and read 1<sup>o</sup>, 12 November 1986)

(THE MINISTER FOR INDUSTRY, TECHNOLOGY AND COMMERCE,  
SENATOR BUTTON)

**A BILL**

FOR

**An Act to amend the *Navigation Act 1912***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

1. (1) This Act may be cited as the *Navigation Amendment Act 1986*.

5 (2) The *Navigation Act 1912*<sup>1</sup> is in this Act referred to as the Principal Act.

**Commencement**

2. This Act shall come into operation on a day to be fixed by Proclamation.

10 **Heading to Division 3 of Part IV**

3. The heading to Division 3 of Part IV of the Principal Act is amended by inserting "*and Substandard*" after "*Unseaworthy*".

4. After section 207 of the Principal Act the following section is inserted:

15 **Substandard ships**

"207A. (1) A ship is, for the purposes of this Act, substandard if the ship is seaworthy, but conditions on board the ship are clearly hazardous to safety or health.

“(2) In determining whether a ship is substandard, regard shall be had to such matters as are prescribed.”.

### **Seaman may claim discharge from unseaworthy or substandard ship**

5. Section 209 of the Principal Act is amended—

- (a) by inserting “or substandard” after “unseaworthy” (wherever occurring); and
- (b) by inserting “or ceases to be substandard, as the case may be,” after “seaworthy”.

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### **Detention of unseaworthy and substandard ships**

6. Section 210 of the Principal Act is amended by inserting in sub-section (1) “or substandard” after “unseaworthy” (wherever occurring).

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### **Costs of detention**

7. Section 211 of the Principal Act is amended by inserting in paragraph (2) (b) “or substandard” after “unseaworthy”.

### **Security for costs**

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8. Section 213 of the Principal Act is amended by inserting in sub-section (1) “or substandard” after “unseaworthy”.

### **Court to sit as Court of Survey**

9. Section 377 of the Principal Act is amended by inserting in sub-section (1) “or substandard” after “unseaworthy”.

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### **Regulations**

10. Section 425 of the Principal Act is amended—

- (a) by inserting after paragraph (1) (fe) the following paragraph:

“(ff) empowering the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations under section 207A;”;

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- (b) by omitting from sub-section (5) “or (fe)” and substituting “, (fe) or (ff)”;

- (c) by omitting from sub-section (8) “or (fe)” and substituting “, (fe) or (ff)”.

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### **NOTE**

1. No. 4, 1913, as amended. For previous amendments, see No. 32, 1919; No. 1, 1921; No. 8, 1925; No. 8, 1926; No. 49, 1934; No. 30, 1935; No. 1, 1943; No. 80, 1950; No. 109, 1952; No. 96, 1953; No. 46, 1956; No. 36, 1958; No. 96, 1961; No. 1, 1965; No. 93, 1966; No. 60, 1967; No. 62, 1968; Nos. 1 and 117, 1970; No. 28, 1972; No. 216, 1973; Nos. 91 and 157, 1976; Nos. 98 and 155, 1979; Nos. 70 and 87, 1980; Nos. 10, 36, 61 and 74, 1981; No. 80, 1982; Nos. 39, 40, 84 and 136, 1983; Nos. 72 and 165, 1984; No. 65, 1985; and No. 00, 1986.