

CONTROL OF NAVAL WATERS.

No. 28 of 1918.

An Act relating to Control of Naval Waters.

[Assented to 27th November, 1918.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Control of Naval Waters Act* Short title. 1918.

Definitions.

2. In this Act, unless the contrary intention appears—

“Defined naval waters” means any naval waters within the limits defined by the Governor-General for the purposes of this Act;

“Master”, used in relation to a vessel, means the person having the command or charge of the vessel for the time being;

“Naval waters” means any port, harbor, haven, roadstead, sound, channel, creek, bay, or navigable river of Australia in, on, or near to which the Commonwealth now or at any time hereafter has any naval establishment, dock, dockyard, steam factory yard, victualling yard, arsenal, wharf, or mooring, and includes the sea bed or river bed of any such port, harbor, haven, roadstead, sound, channel, creek, bay, or navigable river, up to and including high-water mark;

“Senior Naval Officer” means the senior naval officer doing duty at any naval waters, and, at naval waters where there is no naval officer, means the superintendent of naval waters appointed in respect of those naval waters;

“Vessel” includes any ship, boat, lighter, and craft, however propelled, other than those of the Royal Navy or Royal Australian Navy.

Power to define naval waters and appoint harbor-masters, &c.

3. The Governor-General may—

(a) define the limits of any naval waters for the purposes of this Act; and

(b) appoint a superintendent of naval waters to superintend and protect any specified naval waters.

Power to make Regulations.

4. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters and things which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for the purpose of carrying out or giving effect to the control of naval waters, and in particular for the following:—

(a) for regulating the mooring or anchoring of vessels within, or so as not to obstruct navigation into in or out of, naval waters;

(b) for appropriating any space as a mooring place or anchoring ground for the exclusive use of any vessels of the Commonwealth, or vessels of the Royal Navy or Royal Australian Navy;

(c) for prohibiting or restricting the entry, into any specified part of any naval waters, of any vessel having explosives, ammunition, tar, oil, or other combustible substance on board, and for regulating the loading and unloading of explosives and ammunition in naval waters;

- (d) for prohibiting or restricting the discharging of explosives and ammunition in any naval waters or part thereof ;
- (e) for restricting the use of fire and light on board any vessel in any specified part of any naval waters ;
- (f) for regulating the speed at which vessels may be navigated in any specified part of any naval waters ;
- (g) for requiring the presence of at least one person at all hours of the day and night on board every vessel above a specified size moored anchored or placed in any specified part of any naval waters ;
- (h) for prohibiting or regulating the breaming or careening and cleaning of vessels in any specified part of naval waters ;
- (i) for prescribing the lights or signals to be carried or used, and the steps for avoiding collision to be taken, by vessels of the Commonwealth and other vessels navigating naval waters ;
- (j) for conferring upon prescribed persons powers of search and inspection for the purposes of this Act ;
- (k) for prescribing penalties, not exceeding One hundred pounds or imprisonment for six months, for any contravention of the regulations ; and
- (l) generally for making such provisions as the Governor-General thinks necessary for the purpose of insuring the proper protection of the vessels, naval establishments, dockyards, and property of the Commonwealth, or the vessels of the Royal Navy or Royal Australian Navy, and the requirements of His Majesty's Naval Service and for the control of all naval waters.

5. The Minister may, subject to the regulations, prohibit the construction—

Construction of certain buildings may be prohibited.

- (a) of any jetty, wharf, building or structure in or on the foreshore of any defined naval waters ; and
- (b) of any factory or store for explosives, oil or other inflammable material within five miles of the limits of a dockyard or within two miles of the limits of any defined naval waters.

6.—(1.) The senior naval officer may give to the master of any vessel within defined naval waters directions as to the mooring, anchoring, placing, unmooring or removal of the vessel.

Power to Senior Naval Officer to unmoor vessels &c.

(2.) If there is no person on board of any such vessel to comply with directions given or proposed to be given by the senior naval officer, the senior naval officer may cause the vessel to be moored, anchored, placed, unmoored, or removed in compliance with directions given by him, and for that purpose may cast off, loose, or

unshackle, and (if need be) sever any chain or rope of the vessel, first putting on board a sufficient number of persons for the protection of the vessel in case there is not a sufficient number of persons on board to protect the same.

Power to remove
wreck, vessel,
&c.

7.—(1.) The senior naval officer may remove—

- (a) any wreck or other thing which is an obstruction to any naval waters or to the approaches thereto, and any floating timber which impedes the navigation of the naval waters ; or
- (b) any vessel laid by or neglected as unfit for sea service which is lying within any defined naval waters.

(2.) Any vessel removed in pursuance of this section may be laid on some part of the strand or seashore, or in some other place, where it may without injury to any person be placed.

Recovery of
expenses of
removal of
vessel, wreck,
&c.

8.—(1.) The expenses incurred by the senior naval officer in the execution of any power conferred upon him by the last two preceding sections shall on demand be repaid by the owner of the vessel, wreck, thing, or timber in relation to which the power has been exercised.

(2.) The senior naval officer may detain the vessel, wreck, thing or timber until payment of the expenses, and in the event of non-payment, may sell the vessel, wreck, thing or timber, and out of the proceeds of the sale pay those expenses and the expenses of the sale, rendering to the owner on demand the surplus (if any).

(3.) Any deficiency may be recovered from the owner by proceedings in any Court of competent jurisdiction.

Service of
summons, &c.

9. Any summons or other document in any proceeding under this Act may (in addition to any other mode of service) be served by being left for the person to be served on board any vessel to which he belongs, with the person being or appearing to be in command or charge of the vessel.

Offences, where
to be deemed to
have been
committed.

10. For the purpose of giving jurisdiction, every offence against this Act or any regulation under it shall be deemed to have been committed, and every cause of complaint shall be deemed to have arisen, either in the place in which it actually was committed or arose, or in any place in which the offender or person alleged to have committed it happens to be.