

NAVIGATION.

No. 30 of 1935.

An Act to amend sections seven and two hundred and thirty-one of the *Navigation Act 1912-1934*.

[Reserved for His Majesty's pleasure, 13th April, 1935.]

[Royal Assent proclaimed, 11th July, 1935.]

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.—(1.) This Act may be cited as the *Navigation Act 1935*.

Short title
and citation.

(2.) The *Navigation Act 1912-1934** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Navigation Act 1912-1935*.

2. This Act shall commence on a date to be fixed by Proclamation after the King's approval thereto has been proclaimed in the Commonwealth.

Commencement.

3. Section seven of the Principal Act is amended by inserting at the end thereof the following proviso:—

Definition of
coasting trade.

“ Provided also that—

(a) subject to paragraph (b) of this proviso, a British ship of not less than ten thousand tons gross tonnage and a sea speed of not less than fourteen knots shall not be deemed to engage in the coasting trade, within the meaning of this Act, by reason of the fact that she takes on board, or carries, any passenger who is to be, or is being, conveyed without break of journey, transhipment, or second call at any intermediate port, from a port in Australia (in this proviso referred to as ‘the first port of embarkation’) to another port in Australia (in this proviso referred to as ‘the port of destination’) with which the first port of embarkation is not connected by rail;

(b) such a ship shall be deemed to engage in the coasting trade if, having carried a passenger to the port of destination specified in his passage ticket, she carries

* Act No. 4, 1913, as amended by No. 32, 1919; No. 1, 1921; No. 8, 1925; No. 8, 1926; and No. 49, 1934.

him on the same voyage to any other port in Australia beyond the first port at which the ship thereafter calls, which first port is—

- (i) the first port of embarkation ; or
- (ii) connected with that other port by rail.”

Wireless
telegraphy
apparatus.

4. Section two hundred and thirty-one of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections :—

“(1.) Except as provided by or under this Act, and subject to the next succeeding sub-section, every foreign-going or Australian-trade ship and every sea-going ship registered in Australia or engaged in the coasting trade shall be provided with such wireless telegraph installation and maintain such wireless service as is prescribed in respect of the class in which the ship is included.

Penalty, on owner or master : Five hundred pounds.

“(1A.) In the case of any cargo ship of less than seven hundred and fifty tons gross registered tonnage, the wireless telegraph installation shall include an efficient wireless telegraph transmitting apparatus, of a type approved by the Minister, capable, when put in operation at any time when the ship is in distress and requires assistance from other vessels, or from the shore, of automatically transmitting on the frequency of five hundred kilocycles (six hundred metres) the prescribed signals of distress.

Penalty, on owner or master : Five hundred pounds.

“(1B.) Every ship required by this section to be provided with a wireless telegraph installation shall carry, as part of her crew, a person or persons qualified to operate the wireless telegraph installation, as follows :—

(a) in the case of any cargo ship of less than seven hundred and fifty tons gross registered tonnage, an operator or a wireless signaller ; and

(b) in the case of any other ship, one or more persons to the number prescribed and having such qualifications as are prescribed :

Provided that, in the case of any ship referred to in paragraph (b) of this sub-section, at least one operator shall be carried.

Penalty, on owner or master : Five hundred pounds.

“(1c.) In this section—

‘ cargo ship ’ means a ship not carrying more than twelve passengers ;

‘operator’ means a person who holds—

a) a valid First Class or Second Class Commercial Operator’s Certificate of Proficiency issued by the Postmaster-General under regulations made under the *Wireless Telegraphy Act 1905–1919* ;
or

(b) in the case of a British ship, a valid certificate issued by an authority empowered in that behalf by or under the laws of the United Kingdom or a British possession, and recognized by the Postmaster-General as equivalent to either of the certificates referred to in the last preceding paragraph ; or

(c) in the case of a foreign ship, a valid certificate of proficiency in wireless telegraphy issued by an authority empowered in that behalf by or under the laws of the country in which the ship is registered, and recognized by the Postmaster-General as equivalent to either of the certificates referred to in paragraph (a) of this definition ;

‘wireless signaller’ means a person who holds a valid Third Class Operator’s Certificate of Proficiency issued by the Postmaster-General under regulations made, or to be made, under the *Wireless Telegraphy Act 1905–1919*.

“(1d.) The provisions of this Division shall not apply to British ships registered in the United Kingdom, not being ships engaged in the coasting trade.”;

(b) by inserting in sub-section (2.), after the word “from”, the words “any or all of the requirements imposed by or under” ;

(c) by inserting in sub-section (2.), after the word “Division”, the words “, either unconditionally or subject to such conditions as he thinks fit to impose,” ;

(d) by omitting from sub-section (2.) the words “the provision of a wireless telegraph apparatus” and inserting in their stead the words “compliance with any such requirement or requirements” ;

(e) by inserting after sub-section (2.) the following sub-section :—

“(2a.) Before exempting any ship from any of the requirements imposed by or under this section the Minister shall refer the matter to a Committee of three persons appointed under sub-section (3.) of section four hundred and twenty-four of this Act and consisting of the Director or Deputy Director (who shall be Chairman),

one representative of the owner of the ship, and one representative of the maritime organizations to which members of the crew belong.”;

- (f) by inserting in sub-section (3.), after paragraph (b), the following paragraph :—

“ (ba) the use and maintenance of the wireless telegraph installation ; ” ;

- (g) by omitting paragraph (c) of sub-section (3.) and inserting in its stead the following paragraph :—

“ (c) the number, grade and qualifications of the members of the crew qualified to operate the wireless telegraph installation ; ” ;

- (h) by omitting from paragraph (a) of sub-section (3B.) the word “ and ” (last occurring) ;

- (i) by omitting paragraph (b) of sub-section (3B.) and inserting in its stead the following paragraphs :—

“ (b) ships trading between ports not more than twenty-five nautical miles apart ;

(c) ships (not carrying passengers) on a voyage to a port for the purpose of undergoing at that port necessary repairs or periodical overhaul and on the return voyage from that port ;

(d) ships, while in tow of other ships provided with a wireless telegraph installation as required by or under this section ; and

(e) sailing ships.” ;

- (j) by inserting in paragraph (a) of sub-section (3G.), after the word “ certificate”, the words “ of the ship” ; and

- (k) by omitting from paragraphs (a) and (b) of sub-section (3G.), and from sub-sections (4.) and (5.), the words “ operators and watchers ” (wherever occurring), and inserting in their stead the words “ members of the crew qualified to operate the wireless telegraph installation ”.
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