Navigation (Wrecks and Salvage) Regulations

Statutory Rules 1923 No. 33 as amended

made under the

Navigation Act 1912

This compilation was prepared on 24 January 2001
taking into account amendments up to SR 1991 No. 381

Prepared by the Office of Legislative Drafting,
Attorney-General’s Department, Canberra
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1 Short title [see Note 1]

These Regulations may be cited as the Navigation (Wrecks and Salvage) Regulations.

2 Fees and expenses for attendance of Receiver or his agent

(1) The following fees and expenses shall be charged in respect of the attendance of a Receiver of Wreck or his agent at the scene of any wreck or stranding of a vessel, or in connexion with the relief of any vessel in distress, on or near the coasts of Australia:

Fees — For the first six days’ attendance:
(a) The Receiver of Wreck — Two pounds ten shillings per day; or
(b) An Agent of the Receiver — One pound ten shillings per day; and

After the first six days — The Receiver or his agent — One pound ten shillings per day.

Expenses — The actual cost of conveyance of the Receiver or his agent to and from the scene of the wreck or stranding or in connexion with the relief of a vessel in distress.

Provided that the Authority may authorise the remission of the fees specified in this subregulation, in any case where in its opinion special circumstances warrant the remission.

Fee for custody of wreck

(2) A charge shall be made of five per centum of the value of any wreck taken into custody by a Receiver or his agent:

Provided that the total amount so charged shall not in any case exceed Twenty pounds:

Provided further that the Authority may authorise the remission of the charge specified in this subregulation in any case where in its opinion special circumstances warrant the remission.
(3) Fees, expenses and charges accruing due under this regulation shall be deemed to be expenses properly incurred by a Receiver in the execution of his duty, and may be recovered as such in the manner provided in the Act.

3 Abandonment of lien for salvage by agreement

In the statements required by subsection (2) of section three hundred and twenty-four of the Act to be made by a salvor and the master of wreck alleged to be salved there shall be specified, as far as possible, and so far as they are applicable, the following particulars:

(a) **Particulars to be stated both by the salvor and the master or other person in charge of the wreck alleged to be salved:**
   (i) The place, condition, and circumstances in which the vessel, cargo or property was at the time when the services were rendered for which salvage is claimed;
   (ii) the nature and duration of the services rendered;

(b) **Additional particulars to be stated by the salvor:**
   (i) the proportion of the value of the vessel, cargo and property and of the freight which he claims for salvage, or the values at which he estimates the vessel, freight, cargo and property respectively, and the several amounts that he claims for salvage in respect of the same;
   (ii) any other circumstances which he thinks relevant to the said claim;

(c) **Additional particulars to be stated by the master or other person in charge of the wreck alleged to be salved:**
   (i) a copy of the certificate of registry of the said vessel, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also, to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the encumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and encumbrancers;
(ii) the name and place of business or residence of the freighter (if any) of the said vessel and the freight to be paid for the voyage on which she then is;

(iii) a general account of the quantity and nature of the cargo at the time the salvage services were rendered;

(iv) the name and place of business or residence of the owner of the cargo and of the consignee thereof;

(v) the values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel’s manifest;

(vi) the amounts which the master thinks should be paid as salvage for the services rendered;

(vii) an accurate list of the property saved in cases where the vessel is not saved;

(viii) an account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made;

(ix) the number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(x) any other circumstances he thinks relevant to the matters in question.

4 Salvage bond

A security given under the provisions of section three hundred and twenty-four of the Act by the master of wreck alleged to have been salved to abide by the decision of some Federal or State Court in the matter of the salvage to be paid in respect of the wreck shall be substantially in accordance with the form set out in the Schedule to these Regulations.
Schedule  

Salvage bond

Commonwealth of Australia

Navigation Act 1912-1920

SALVAGE BOND

(N.B. Any of the particulars not known, or, by reason of the claim being only against the cargo etc. that are not required, may be omitted.)

WHEREAS certain salvage services are alleged to have been rendered by the vessel (insert names of vessel and of master) master, to the merchant vessel (insert names of vessel and master) master, belonging to (insert name of port of registry), freighted by (the name of the freighter) and to the cargo therein, consisting of (state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees):

AND WHEREAS the last-mentioned vessel and her cargo have been brought into the port of (insert name) in the State of (insert name), and a statement of the salvage claim has been sent to the Registrar or other proper officer of (insert name of Commonwealth or State Court of competent jurisdiction in which the agreement is to be adjudicated upon) and the amount to be inserted in this Bond has been fixed by mutual agreement at the sum of (state the sum).

NOW I, the said (insert name of master second abovementioned) do hereby, in pursuance of the Navigation Act 1912-1920, bind the several owners for the time being of the said (insert name of vessel to which services rendered) and of the cargo therein and of the freight payable in respect of that cargo, and their respective heirs, executors and administrators, to pay among them, as salvage for the services so alleged to have been rendered as aforesaid, such sum, not exceeding the said sum of (state the sum fixed), in such proportions and to such persons as (insert name of Court in which agreement is to be adjudicated upon) shall determine.

IN WITNESS whereof I have hereunto set my hand and seal, this day of , 19 .
Signed, sealed, and delivered by the said (insert name of master second abovementioned).

(L.S.)

(Signature)

In the presence of [signatures and addresses and occupations of two witnesses].
Notes to the Navigation (Wrecks and Salvage) Regulations

Note 1

The Navigation (Wrecks and Salvage) Regulations (in force under the *Navigation Act 1912*) as shown in this compilation comprise Statutory Rules 1923 No. 33 amended as indicated in the Tables below.

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<th>Date of notification in Gazette</th>
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<td>1923 No. 33</td>
<td>26 Mar 1923</td>
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Table of Amendments

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<td>R. 2</td>
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