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Statutory Rules 1986 No. <sup>1</sup>/<sub>k</sub>

335/

## Navigation (Orders) Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting  
with the advice of the Federal Executive Council, hereby make the following  
Regulation under the *Navigation Act 1912*.

Dated 6 November 1986.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

Peter Morris  
Minister of State for Transport

The Navigation (Orders) Regulations are amended by adding at the end  
the following regulation:

### Evidentiary provision

"6. (1) In this regulation, unless the contrary intention appears—  
'container' has the same meaning as in Division 9 of Part IV of the Act;  
'prescribed unit' means an article, a package, or a combination of articles  
or packages into a single package.

"(2) In a prosecution for an offence referred to in regulation 4—

- (a) evidence of a marking (not being a marking referred to in paragraph  
(b)) borne at a particular time by a prescribed unit, or by a label  
attached to a prescribed unit (not being a prescribed unit to which  
a certificate referred to in paragraph (c) relates), purporting to  
specify the weight of the prescribed unit, is evidence that the weight  
of the prescribed unit at that time was the weight so specified;

- (b) evidence of a marking borne by a prescribed unit, or by a label attached to a prescribed unit, purporting to specify the weight of the prescribed unit at a specified time or in specified circumstances is evidence that the weight of the prescribed unit at that time or in those circumstances, as the case may be, is or was the weight so specified;
- (c) a certificate purporting to be issued by the keeper or person in charge of a weighing machine stating that a prescribed unit has been weighed by the person purporting to issue the certificate and found to be of the weight stated in the certificate is evidence of the facts stated in the certificate; and
- (d) evidence of a marking borne at a particular time by a container or prescribed unit, or by a label attached to a container or prescribed unit, purporting to specify the contents of the container or prescribed unit is evidence that the contents of the container or prescribed unit, as the case may be, at that time were the contents so specified.”.

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#### NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on / 1986. 14 November /
- 2. Statutory Rules 1980 No. 135 as amended by 1980 No. 345; 1981 Nos. 3, 379 and 380; 1982 Nos. 180 and 399; 1983 No. 156; 1985 No. 28.