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CANBERRA, WEDNESDAY, 26TH APRIL.

[1933

Navigation Act 1912-1926.

ORDER UNDER SECTION 422A.

EXEMPTION FROM COASTING TRADE PROVISIONS OF THE ACT OF SHIPS CARRYING PASSENGERS OR CARGO UNDER CERTAIN CIRCUMSTANCES.

Commonwealth of Australia to wit.
ISAAC A. ISAACS.
Governor-General.

By His Excellency the Governor-General in and over the Commonwealth of Australia.

WHEREAS by the *Navigation Act 1912-1926* it is provided that ships not licensed under the said Act to engage in the coasting trade shall, if engaging or proposing to engage in that trade, comply with the following requirements (hereinafter referred to as "the aforesaid requirements") namely:—

- (a) the requirement to become licensed under the said Act to engage in that trade; and
- (b) the requirements specified in the sections and schedules set out in the first Schedule to this Order

And whereas by Section 422A of the said Act it is among other things enacted that where the Governor-General is satisfied, as regards any ship or class of ships, that such circumstances exist as render compliance with any specified requirement of that Act impracticable, or make insistence upon compliance with that requirement undesirable in the public interest, he may by order direct that that ship or class of ships shall not be required to comply with that requirement:

And whereas it is by the said Section further enacted that any direction under that section may be unconditional or subject to such conditions, limitations and restrictions as are expressed in the order:

And whereas I am satisfied that as regard ships not licensed under the said Act to engage in the coastal trade, such circumstances exist as make it undesirable in the public interest to insist upon compliance by those ships with the aforesaid requirements in respect of the carriage by them of the passengers or cargo specified in the first column of the second schedule to this order, where the carriage is subject to the conditions, limitations and restrictions (if any) respectively set out in the second column of the lastmentioned schedule:

Now therefore I, Sir Isaac Alfred Isaacs, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, do hereby direct that ships not licensed under the said Act to engage in the coasting trade shall not be required to comply with the aforesaid requirements in respect of the carriage by those ships of the passengers or cargo specified in the first column of the second schedule to this order, where the carriage is subject to the conditions, limitations and restrictions (if any) respectively set out in the second column of such lastmentioned schedule.

Given under my Hand and the Seal of the Commonwealth this twenty-fourth day of April in the year of Our Lord One thousand nine hundred and thirty-three, and in the twenty-third year of His Majesty's reign.

By His Excellency's Command,

FRED. H. STEWART,
Minister of State for Commerce.

FIRST SCHEDULE.

SECTIONS AND SCHEDULES OF THE NAVIGATION ACT APPLICABLE TO SHIPS ENGAGED IN THE COASTING TRADE.

Section 14, sub-section (1), sections 43, 117, 135, 136, 171, 173, 174, 175, 235, 289 and 290.

Schedules I., II. and III.

SECOND SCHEDULE.

Description of passengers and/or cargo that may be carried.	Conditions, Limitations and Restrictions governing carriage of passengers and/or cargo.
(a) Any person or goods ..	<p>(i) <i>In cases where there is a regular service by licensed ship or ships between the ports—</i> Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy-Director of Navigation for the State first certifies that he is satisfied that the transport of the persons or goods to the proposed port of disembarkation or landing is a matter of urgency and that a ship licensed to engage in the coasting trade, or holding, or eligible to obtain and hold, a permit to engage in the coasting trade, is not available for the service required.</p> <p>(ii) <i>In cases where there is no regular service by licensed ship or ships between the ports—</i> Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy-Director of Navigation for the State first certifies that he is satisfied that a ship licensed to engage in the coasting trade, or holding, or eligible to obtain and hold, a permit to engage in the coasting trade, is not available for the service required.</p>
(b) A duly qualified medical practitioner or qualified professional nurse	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied that the medical practitioner or nurse is travelling for the purpose of giving medical attention to persons on board or at a place where no medical practitioner or qualified nurse is resident or available, or returning from such place after giving such attention.
(c) A member of the family or other near relative of an invalid or recently bereaved person travelling on the ship on a through ticket to or from a port beyond the Commonwealth	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied such member of the family or other near relative is travelling solely in order to give necessary care to the invalid or bereaved passenger.
(d) A sick or injured person urgently in need of medical attention	For the conveyance, from any port or place where medical attention is not available, to the nearest port or to the first port of call on the vessel's route where such attention may be obtained.

SECOND SCHEDULE—continued.

Description of passengers and/or cargo that may be carried.	Conditions, Limitations and Restrictions governing carriage of passengers and/or cargo.
(e) A young child, aged person or invalid	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied that the young child, aged person or invalid, as the case may be, is unfit to travel alone, and is travelling in the care of a relative who holds a through ticket to or from a port beyond the Commonwealth.
(f) The wife, or child under adult age, of the master of the ship (being a ship engaged in the foreign-going trade) accompanying him while the ship is proceeding between ports in Australia	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy-Director of Navigation for the State first certifies that he is satisfied as to the identity of the passenger and that no fare has been or will be charged in respect of the carriage of the passenger between Australian ports.
(g) An Agent for the ship, or a person exclusively employed by that Agent	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied that such agent or employee of the agent is travelling on the business of the owner.
(h) Any person who satisfies the Deputy Director of Navigation for the State that he is a representative of any bona fide Tourist Association or Tourist Agency	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied that such representative is travelling solely on business relating to the promotion or conduct of tourist traffic to or in Australia.
(i) Any person who satisfies the Deputy Director of Navigation for the State that he is a Consul or Consular Agent duly accredited to represent in Australia the foreign country to which the ship belongs, or is a member of the family of any such Consul or Consular Agent.	
(j) A lightkeeper on transfer to or from his station and/or a member of a lightkeeper's family	Where the Deputy Director of Navigation for the State certifies that transport by Government steamer is not available and makes request to the master, owner or agent of a ship that a lightkeeper or a member of a lightkeeper's family be conveyed to or from a light station.
(k) Goods of Australian production or manufacture, the property of the owner of the ship	Where, on the application of the master, owner or agent of a ship for which exemption under this Order is desired, the Deputy Director of Navigation for the State first certifies that he is satisfied that such goods are intended for use solely in the repair, maintenance, fitting or provisioning of the carrying ship, or of other ships belonging to the same owner.