

BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION.

No. 73 of 1932.

An Act relating to the Protection of Beaches, Sea Fishing Grounds and Routes used by Vessels engaged in Trade and Commerce with other Countries and among the States.

[Assented to 5th December, 1932.]

WHEREAS by the Constitution it is provided that the Preamble.
Parliament may make laws for the peace, order and good government of the Commonwealth with respect to—

- (a) Quarantine;
- (b) Trade and commerce with other countries and among the States; and
- (c) Fisheries in Australian waters beyond territorial limits:

AND WHEREAS it is desirable—

- (a) to prevent the introduction of disease into Australia;
- (b) to prevent the routes used by ships engaged in trade and commerce with other countries and among the States being obstructed; and
- (c) to protect fisheries in Australian waters beyond territorial limits:

AND WHEREAS it is desirable and necessary for the purposes aforesaid to regulate and control—

- (a) the discharge from ships in Australian waters of materials injurious to health; and
- (b) the sinking at sea, for the purposes of their disposal, of vessels and hulks:

BE it therefore 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 *Beaches, Fishing Grounds and Sea Routes Protection Act 1932.* Short title.

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

- “At sea” means within Australian waters;
 - “Owner”, in relation to a vessel, includes the owner, whether so registered or not, immediately prior to the sending or taking of the vessel to sea for the purpose of sinking her at sea;
- Definitions.

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“Sinking”, in relation to a vessel, means the disposal of the vessel by sinking, and includes the burning, casting adrift or abandoning of the vessel with a view to her disposal;

“Sinks” or “sunk” has a meaning corresponding with “sinking”;

“Vessel” includes any hull of a vessel, hulk or floating construction of any description.

Discharge of rubbish, &c.

3.—(1.) There shall not be discharged into the sea, from any vessel in Australian waters within any prohibited area, save in accordance with the permission in writing of the Director of Quarantine or of a Chief Quarantine Officer first obtained, any garbage, rubbish, ashes or organic refuse.

Penalty (on master, owner or agent of the vessel): One hundred pounds.

(2.) This section shall commence on a date to be fixed by Proclamation.

Vessels not to be sunk without permission.

4.—(1.) Any person who, without the permission in writing of the Director first obtained, or otherwise than in accordance with such permission, sends or takes to sea, from any port or place in Australia, any vessel, for the purpose of sinking the vessel at sea, or wilfully sinks any vessel at sea or who enters any port or place in Australia after having wilfully sunk any vessel at sea without such permission, or otherwise than in accordance with such permission, shall be guilty of an offence.

Penalty: One hundred pounds.

(2.) Any person desiring to obtain permission to sink a vessel at sea may make application, in the prescribed form, to the Director.

(3.) Where an application is made under the last preceding subsection the Director may grant permission for the sinking of the vessel specified in the application in such manner and at such place within a prescribed area as the Director thinks fit.

(4.) Where the Director is satisfied that it is not practicable to effect the sinking of a vessel in a prescribed area he may grant permission for the vessel to be sunk at sea in some other area.

(5.) The Director shall not grant permission for a vessel to be sunk at sea in any area or place in or at which the sinking would in his opinion—

(a) if within territorial limits—constitute a danger to vessels engaged in trade or commerce with other countries or among the States; or

(b) if beyond territorial limits—constitute a danger to such vessels or to trawling gear used in fishing.

(6.) Any person who sinks a vessel at sea, whether in pursuance of permission given by the Director or otherwise, shall, within seven days thereof, furnish to the Director a report, in the prescribed form, and containing the prescribed particulars, of the sinking.

Penalty: Fifty pounds.

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(7.) In this section "the Director" means the Director of Navigation and includes the Deputy Director of Navigation for a State.

5. The Governor-General may make regulations, not inconsistent **Regulations.** with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular for prescribing areas at sea within which the discharge into the sea from vessels of any garbage, rubbish, ashes or organic refuse is prohibited and for prescribing areas at sea within which vessels may be sunk.
