

AUSTRALIAN COASTAL SHIPPING COMMISSION.

No. 41 of 1956.

An Act to establish an Australian Coastal Shipping Commission to operate certain Shipping Services, and for other purposes.

[Assented to 30th June, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

- Short title.** 1. This Act may be cited as the *Australian Coastal Shipping Commission Act* 1956.
- Commencement.** 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Parts.** 3. This Act is divided into Parts, as follows :—
Part I.—Preliminary (Sections 1–6).
Part II.—The Australian Coastal Shipping Commission.
Division 1.—Establishment and Constitution of the Commission (Sections 7–14).
Division 2.—Functions, Powers and Duties of the Commission (Sections 15–20).
Division 3.—Staff (Sections 21–27).
Division 4.—Finances of the Commission (Sections 28–36).
Division 5.—Reports (Sections 37–39).

Part III.—Winding-up of the Australian Shipping Board
(Sections 40–43).

Part IV.—Miscellaneous (Sections 44–50).

4. The *Shipping Act* 1949 is repealed.

Repeal of
Shipping Act
1949.

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

Definitions.

“Commissioner” includes an Acting Commissioner;

“the Board” means the Australian Shipping Board constituted by the National Security (Shipping Co-ordination) Regulations;

“the Commission” means the Australian Coastal Shipping Commission constituted by this Act.

6. This Act extends to every Territory of the Commonwealth.

Extension to
Territories.

PART II.—THE AUSTRALIAN COASTAL SHIPPING COMMISSION.

Division 1.—Establishment and Constitution of the Commission.

7.—(1.) For the purposes of this Act there shall be a Commission by the name of the Australian Coastal Shipping Commission.

Establishment
of Commission.

(2.) The Commission—

(a) is a body corporate with perpetual succession and a common seal; and

(b) is capable, in its corporate name and in Australia or elsewhere, of acquiring, holding and disposing of real and personal property and of suing and being sued.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to a document and shall presume that it was duly affixed.

(4.) The exercise or performance of the powers or functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a Commissioner.

8.—(1.) The Commission shall consist of five Commissioners, who shall be appointed by the Governor-General.

Constitution of
Commission.

(2.) The Governor-General shall appoint one of the Commissioners to be Chairman, and another to be Vice-Chairman, of the Commission.

(3.) The Commissioners first appointed under this Act shall be appointed to hold office—

(a) in the case of the Chairman—for five years;

(b) in the case of the Vice-Chairman—for four years; and

(c) in the case of the remaining Commissioners—for three years, two years and one year, respectively.

(4.) After the appointment of the five Commissioners first appointed under this Act, each further appointment shall, subject to this section, be for a period of five years.

(5.) In the event of a Commissioner ceasing to hold office before the termination of the period of his appointment, another Commissioner may be appointed in his place for the remainder of that period.

(6.) A Commissioner is eligible for re-appointment.

Acting
members.

9.—(1.) In the event of the absence from duty (whether on account of illness or otherwise) of a Commissioner, the Minister may appoint a person to be an Acting Commissioner during that absence, and a person so appointed has all the powers and functions of a Commissioner.

(2.) The appointment of an Acting Commissioner may be terminated at any time by the Minister.

Leave of
absence.

10. The Minister may grant leave of absence to a Commissioner upon such terms and conditions as to remuneration or otherwise as the Minister determines.

Remuneration
of members.

11. A Commissioner shall be paid such remuneration and allowances as the Governor-General determines.

Dismissal of
members of
Commission.

12. The Governor-General may terminate the appointment of a Commissioner for inability, inefficiency or misbehaviour.

Vacation of
office.

13.—(1.) If a Commissioner—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (b) resigns his office by writing under his hand addressed to the Governor-General ;
- (c) is absent, except on leave granted by the Minister, from three consecutive meetings of the Commission ; or
- (d) fails to comply with his obligations under the next succeeding sub-section,

the Governor-General shall, by notice in the *Gazette*, declare that the office of the Commissioner is vacant, and thereupon the office shall be deemed to be vacant.

(2.) A Commissioner who is directly or indirectly interested in a contract made or proposed to be made by the Commission, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

(3.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Commission, and the Commissioner—

- (a) shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract ; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Commission for any such deliberation or decision.

(4.) Sub-section (2.) of this section does not apply in relation to a contract for the carriage of a Commissioner or of any of his goods.

14.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs. Meetings of Commission.

(2.) The Minister may at any time convene a meeting of the Commission.

(3.) The Chairman shall, on receipt of a written request signed by not less than two Commissioners, call a meeting of the Commission.

(4.) The Chairman of the Commission shall preside at all meetings of the Commission at which he is present.

(5.) In the event of the absence of the Chairman of the Commission from a meeting of the Commission, the Vice-Chairman shall preside at that meeting.

(6.) In the event of the absence of both the Chairman and the Vice-Chairman from a meeting of the Commission, the Commissioners present shall appoint one of their number to preside at that meeting.

(7.) At a meeting of the Commission, three Commissioners constitute a quorum.

(8.) The person presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Division 2.—Functions, Powers and Duties of the Commission.

15. The functions of the Commission are—

- (a) to establish, maintain and operate, or to provide for the establishment, maintenance and operation of, shipping services for the carriage of passengers, goods and mails—
 - (i) between a place in a State and a place in another State ;
 - (ii) between a place in the Commonwealth and a place in a Territory of the Commonwealth ;
 - (iii) between a place in a Territory of the Commonwealth and a place in the same or another Territory of the Commonwealth ;
 - (iv) between a place in the Commonwealth and a place in another country ; and
 - (v) between a place in a Territory of the Commonwealth and a place in another country ; and

Functions of Commission.

- (b) to establish, maintain and operate any shipping service incidental to a shipping service operated by the Commission under the last preceding paragraph.

**Powers of
Commission.**

16.—(1.) Subject to this section, the Commission has power to do all things necessary or convenient to be done for or in connexion with the performance of its functions.

(2.) Without limiting the generality of the last preceding sub-section, the powers of the Commission referred to in that sub-section include power—

- (a) to carry on the general business of a shipowner in relation to any shipping service operated by the Commission ;
- (b) to purchase, or to take on lease or charter, ships required for carrying on the business of the Commission ;
- (c) to dispose of, or to lease or charter, any ship owned by the Commission and to sub-lease or sub-charter any ship on lease or charter to the Commission ;
- (d) to purchase or take on lease land, buildings or wharves necessary for carrying on the business of the Commission ;
- (e) to dispose of, or grant leases of, land, buildings or wharves acquired by, or vested in, the Commission ;
- (f) to purchase, or take on hire, plant, equipment, stocks or other goods necessary for carrying on the business of the Commission ;
- (g) to dispose of plant, equipment, stocks or other goods acquired by, or vested in, the Commission ;
- (h) subject to the approval of the Minister, to engage in stevedoring operations ;
- (i) to appoint agents for the purposes of the business of the Commission ;
- (j) to act as agent for other persons ;
- (k) to train, or arrange for the training of, persons to fit them for employment as officers or seamen in merchant ships ;
- (l) to compound, release or settle claims by or against the Commission, whether in contract or in tort ; and
- (m) to do anything incidental to any of its powers.

(3.) The Commission shall not, except with the approval of the Minister, purchase or dispose of assets for a consideration exceeding Fifty thousand pounds.

**Powers of
Minister in
relation to
shipping
services.**

17.—(1.) Where, in the opinion of the Minister, a shipping service of the Commission is necessary to meet the requirements of a particular area and it is desirable in the public interest that the shipping service should be provided, the Minister may, by writing under his hand, direct the Commission to establish, maintain and operate, or to continue to maintain and operate, a shipping service for the purpose of meeting those requirements.

(2.) So long as such a direction remains in force, the Commission shall comply with the direction.

(3.) Nothing in either of the last two preceding sub-sections authorizes the Minister to give a direction for the establishment, maintenance or operation of, or requires the Commission to establish, maintain or operate, a shipping service which it is not within the functions of the Commission to establish, maintain or operate.

(4.) Where—

- (a) the Commission establishes, maintains and operates, or continues to maintain and operate, a shipping service in accordance with a direction given under sub-section (1.) of this section ;
- (b) the Commission satisfies the Minister that that shipping service has, while being operated in accordance with the direction, operated at a loss in any financial year ; and
- (c) a loss results in that financial year from the whole of the operations of the Commission,

the Commission is entitled to be reimbursed by the Commonwealth to the extent of the first-mentioned loss or to the extent of the second-mentioned loss, whichever is the less.

18.—(1.) Subject to its obligations under the last preceding section, the Commission shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable to revenue, and to permit the payment to the Commonwealth of a reasonable return on the capital of the Commission.

Duties of
Commission.

(2.) The Commission shall conduct its shipping services as efficiently as possible and shall, subject to the last preceding sub-section, make its shipping services available at the lowest possible rates of charges.

19.—(1.) The rates of the charges of the Commission for the carriage of persons or goods or for any other service are subject to approval by the Minister.

Charges to be
approved by
Minister.

(2.) In exercising his powers under this section, the Minister shall have regard to the duties of the Commission under the last preceding section.

20. The Commission shall establish its head office at such place as the Minister, after receiving a recommendation from the Commission, determines.

Head office.

Division 3.—Staff.

21.—(1.) The Commission may appoint such officers as it thinks necessary for the purposes of this Act.

Appointment
of officers.

(2.) Subject to the next succeeding sub-section, a person shall not be appointed as an officer of the Commission unless—

- (a) he is a British subject ;

(b) the Commission is satisfied as to his health and physical fitness ; and

(c) he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Schedule to the Constitution.

(3.) The Commission may appoint, to such positions or to positions of such classes as are approved by the Minister, persons who do not comply with all the provisions of the last preceding sub-section.

Terms and conditions of employment.

22.—(1.) Subject to this section, the terms and conditions of employment of officers appointed by the Commission shall be such as are determined by the Commission.

(2.) The Commission shall not, except with the approval of the Minister, determine the salary of a position in the service of the Commission at a rate exceeding Two thousand five hundred pounds per annum.

(3.) Where a Commissioner or an officer appointed in pursuance of this section was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

(a) he retains his existing and accruing rights ;

(b) for the purpose of determining those rights, his service as a Commissioner or as an officer of the Commission shall be taken into account as if it were service in the Public Service of the Commonwealth ; and

(c) the *Officers' Rights Declaration Act 1928-1953* applies as if this Act and this section had been specified in the Schedule to that Act.

General Manager.

23.—(1.) The Commission shall appoint a person to be the General Manager of the Commission.

(2.) The General Manager shall be the chief executive officer of the Commission.

Temporary and casual employees.

24. The Commission may employ such temporary or casual employees as it thinks fit, on such terms and conditions as the Commission determines.

Public Service Arbitration Act not to apply.

25. The *Public Service Arbitration Act 1920-1955* does not apply in relation to the employment of officers or employees of the Commission.

Preservation of certain awards, &c.

26. Nothing in this Act shall be deemed to prevent the making of an industrial award, order, determination or agreement under any Act (other than the *Public Service Arbitration Act 1920-1955*) in relation to persons appointed or employed under this Act or affect the operation of any such award, order, determination or agreement in relation to persons so appointed or employed.

27.—(1.) The *Commonwealth Employees' Compensation Act 1930–1954* applies to officers and employees of the Commission (not being casual employees and not being masters, mates, radio officers or engineers of a ship, or seamen referred to in the next succeeding sub-section) as if they were employees within the meaning of that Act.

Application of
certain Acts.

(2.) The *Seamen's Compensation Act 1911–1954* applies in relation to seamen (within the meaning of that Act) who are officers or employees of the Commission.

(3.) Any liability to pay compensation under the *Commonwealth Employees' Compensation Act 1930–1954* as applied by this section shall be borne by the Commission.

Division 4.—Finances of the Commission.

28. The capital of the Commission at any time is an amount equal to the sum of—

Capital of
the Commission.

- (a) the value, as determined by the Treasurer and notified by him to the Commission, of the ships and assets (other than money) that become vested in the Commission under section forty of this Act ;
- (b) the amounts deemed to be added to the capital of the Commission under section forty-one of this Act ;
- (c) the amount paid to the Commission by the Board under section forty-two of this Act ; and
- (d) such amounts as have been paid to the Commission by the Treasurer out of moneys appropriated by the Parliament for the purposes of the Commission,

less any amounts of capital that have been repaid to the Commonwealth by the Commission.

29.—(1.) Interest is not payable to the Commonwealth on the capital of the Commission but the Commission shall pay to the Commonwealth, out of the profits of the Commission for a financial year, such amount as the Minister, with the concurrence of the Treasurer, determines.

Payments to
Commonwealth
by Commission.

(2.) The capital of the Commission is repayable to the Commonwealth at such times and in such amounts as the Minister, with the concurrence of the Treasurer, determines.

(3.) In the making of a determination under either of the last two preceding sub-sections, regard shall be had to any advice which the Commission has furnished to the Minister in relation to the financial affairs of the Commission.

30.—(1.) The Commission may borrow money for temporary purposes on overdraft from the Commonwealth Bank of Australia, or from such other bank as the Treasurer approves, but the aggregate of the amounts borrowed by the Commission under this sub-section and not re-paid shall not exceed One million pounds.

Borrowings by
the Commission.

(2.) The repayment of amounts borrowed under the last preceding sub-section, and the payment of interest on amounts so borrowed, may be secured against the whole or any part of the assets of the Commission.

(3.) The Commission shall not borrow moneys except in accordance with this section.

Bank accounts.

31.—(1.) The Commission shall open and maintain an account or accounts with the Commonwealth Bank of Australia, and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves.

(2.) The Commission shall pay all moneys received by it into an account referred to in this section.

Application of moneys.

32.—(1.) Subject to the next succeeding sub-section, the moneys of the Commission shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Commission in the exercise of its powers under this Act;
- (b) in payment of the remuneration and allowances of the Commissioners and any Acting Commissioners; and
- (c) in making payments to the Commonwealth as provided by this Act.

(2.) Moneys of the Commission not immediately required for the purposes of the Commission may be invested on fixed deposit with the Commonwealth Bank of Australia or with any other bank approved by the Treasurer, or in securities of the Commonwealth.

Profits of the Commission.

33.—(1.) For the purposes of this Act, the profits of the Commission for a financial year are the amount (if any) remaining after deducting from the revenue received or receivable in respect of that financial year the expenditure properly chargeable against that revenue.

(2.) For the purposes of the last preceding sub-section, the expenditure of the Commission properly chargeable against the revenue received or receivable in respect of a financial year includes—

- (a) charges and expenses accrued in that year but not paid;
- (b) provision made in that year for obsolescence and depreciation of assets;
- (c) provision made in that year for repairs and surveys of ships;
- (d) provision made in that year in lieu of insurance;
- (e) provision made in that year for staff superannuation; and
- (f) provision made in that year for income tax,

but does not include expenditure charged against amounts provided out of the revenue of a previous year or expenditure in payment of charges and expenses accrued in a previous year.

(3.) The profits of the Commission for a financial year shall be applied in the first place in payment of such sums as have been determined by the Minister under sub-section (1.) of section twenty-nine of this Act; the balance (if any) shall be applied in such manner as the Minister, with the concurrence of the Treasurer, determines.

(4.) In the making of a determination under the last preceding sub-section, regard shall be had to any advice which the Commission has furnished to the Minister in relation to the financial affairs of the Commission.

34. The Commission shall keep proper accounts and records in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over its assets and the incurring by it of liabilities.

Proper accounts
to be kept.

35.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission, and shall forthwith draw the Minister's attention to any irregularity disclosed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

Audit.

(2.) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under the last preceding sub-section.

(3.) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets of the Commission.

(4.) The Auditor-General or an officer authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(5.) The Auditor-General or an officer authorized by him may require a Commissioner or an officer of the Commission to furnish him with such information in the possession of the Commissioner or officer or to which the Commissioner or officer has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and the Commissioner or officer of the Commission shall comply with the requirement.

36.—(1.) Subject to this section, the Commission is subject to taxation under the laws of the Commonwealth, but is not subject to taxation under a law of a State or Territory of the Commonwealth to which the Commonwealth is not subject.

Liability to
taxation.

(2.) The Commission is not a public authority for the purposes of paragraph (d) of section twenty-three of the *Income Tax and Social Services Contribution Assessment Act 1936-1956*.

(3.) The Commission is not a public transport authority for the purposes of item 77 in the First Schedule to the *Sales Tax (Exemptions and Classifications) Act 1935-1956*.

(4.) For the purposes of the *Income Tax and Social Services Contribution Assessment Act 1936-1956*, the cost to the Commission of any ship or other asset becoming vested in the Commission under section forty of this Act shall be deemed to be the value of that asset as determined by the Treasurer under section twenty-eight of this Act.

Division 5.—Reports.

Commission to keep Minister informed.

37. The Commission shall from time to time inform the Minister concerning the general conduct of its business.

Minister may require information.

38. The Commission shall furnish to the Minister such information relating to its operations as the Minister requires.

Annual report of Commission.

39.—(1.) The Commission shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2.) The report shall deal specifically with the operations of the Commission in relation to any service in respect of which a direction of the Minister under section seventeen of this Act was in force during the year and the financial statement shall show separately the financial results of any such operations.

(3.) Before furnishing the financial statements to the Minister, the Commission shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records ;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Commission ;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act ;
- (d) as to the adequacy of provision in the nature of reserves made in the accounts of the Commission ; and
- (e) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(4.) The Minister shall lay the report and financial statements of the Commission, together with the report of the Auditor-General, before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.

PART III.—WINDING-UP OF THE AUSTRALIAN SHIPPING BOARD.

40.—(1.) The ships to which this section applies are the ships specified in the First Schedule to this Act.

Transfer of
certain ships
and property,
Commission.

(2.) As soon as it becomes practicable for the control of a ship to which this section applies to be transferred to the Commission, the Board shall notify the Commission that, as from a date specified in the notice, control of the ship will be surrendered to the Commission, and upon the date so specified the ship, together with all its tackle, apparel, gear, spare gear, furniture, stores and equipment (being the property of the Commonwealth or of the Board) shall, by force of this Act, become vested in the Commission.

(3.) The Board shall, as soon as practicable, transfer to the Commission, free of charge, all property of the Board (other than property referred to in the last preceding sub-section or money) required by the Commission for the purposes of this Act.

(4.) The Minister may, on behalf of the Commonwealth, transfer to the Commission, free of charge, any property of the Commonwealth that was used for the purposes of the Board and is required by the Commission for the purposes of this Act.

41.—(1.) Upon the completion of the construction of each of the ships specified in the Second Schedule to this Act, the Commission shall purchase that ship at a price determined by the Treasurer, and the Commission shall, pending the completion of the construction of each of those ships, make such progress payments on account of the purchase money as the Treasurer determines.

Purchase by
the Commission
of certain ships
under
construction.

(2.) In relation to the purchase of a ship by the Commission in pursuance of the last preceding sub-section, the Treasurer may determine that a part specified by him of the amounts expended by the Commonwealth, or an authority of the Commonwealth other than the Commission, in respect of the construction of that ship, shall be deemed to have been paid by the Commission on account of the price payable for the ship by the Commission, and the amount so determined shall be deemed to be added to the capital of the Commission.

42.—(1.) The Board shall, as soon as practicable after the commencement of this Act—

Winding-up of
affairs of
Board.

- (a) discontinue its business and operations ;
- (b) dispose of any property of the Board (other than money) that has not been disposed of under section forty of this Act ; and
- (c) discharge all its accrued liabilities.

(2.) The Board shall, at such time as the Treasurer directs, pay to the Commission such part of the moneys of the Board as the Treasurer determines to be necessary for the purposes of the Commission.

(3.) The Board shall pay to the Treasurer, as directed by the Treasurer, such part of its moneys (including the proceeds of the disposal of its property) as has not been used, and is not required, for the purposes of the last two preceding sub-sections and the Treasurer shall pay all amounts received by him under this sub-section to the Consolidated Revenue Fund.

Repeal of
National
Security
(Shipping Co-
ordination)
Regulations.

43.—(1.) As soon as practicable after the affairs of the Board have been wound up, the Minister shall, by notice in the *Gazette*, declare that those affairs have been wound up, and thereupon the National Security (Shipping Co-ordination) Regulations shall be deemed to be repealed.

(2.) On and after the date upon which the notice is published in the *Gazette* under the last preceding sub-section, the Commonwealth shall be deemed to be substituted for the Board for the purposes of all claims and actions by or against the Board.

PART IV.—MISCELLANEOUS.

Application of
Merchant
Shipping Acts.

44. Ships belonging to the Commission shall not be deemed—

- (a) to be ships belonging to Her Majesty for the purposes of section seven hundred and forty-one of the Imperial Act known as the Merchant Shipping Act, 1894 ; or
- (b) to be Government ships for the purposes of section eighty of the Imperial Act known as the Merchant Shipping Act, 1906.

Application of
certain Acts
to Commission.

45.—(1.) The Acts specified in the Third Schedule to this Act apply to and in relation to the Commission in the same manner as they apply to and in relation to other persons.

(2.) Nothing in the last preceding sub-section affects the operation of any other Act or law that is applicable to or in relation to the Commission.

Recovery of
fares or
charges.

46. If on demand a person fails to pay the fares or charges due to the Commission in respect of a service rendered by the Commission, the Commission may, without prejudice to its right to sue for and recover any part of the fares or charges not recovered under this section, detain and sell all or any of the goods of the person which are in its possession, and out of the moneys arising from the sale retain the fares or charges so payable, and all charges and expenses of the detention and sale, and shall render the surplus, if any, of the

moneys arising by the sale, and such of the goods as remain unsold, to the person entitled to the surplus or to the goods, as the case may be.

47. The Minister, with the concurrence of the Treasurer, may, on behalf of the Commonwealth and for the purposes of the Commonwealth, purchase ships and dispose of ships so purchased to the Commission or to any other person.

Purchase of ships by ^{§ 4} Minister for disposal.

48.—(1.) A person shall not, except with the consent of the Minister (proof whereof shall lie upon that person)—

Restrictions on transfer or ^{§ 3} mortgage of ships.

- (a) transfer a ship to which this section applies and which is registered in Australia or is owned, managed or controlled by a person resident in Australia or by a body corporate whose principal place of business is in Australia, or a share in any such ship, to a person not resident in Australia or to a body corporate whose principal place of business is not in Australia ;
- (b) mortgage any such ship or share, or transfer a mortgage of any such ship or share, to a person not resident in Australia or to a body corporate whose principal place of business is not in Australia ; or
- (c) make application for the transfer of the registration of any such ship from a port of registry in Australia to a port of registry outside Australia.

(2.) A transfer or mortgage effected in breach of this section is void.

(3.) The consent of the Minister under this section may be given either generally or in relation to a particular case, and may be given subject to such terms and conditions (if any) as the Minister thinks fit.

(4.) Where, in pursuance of this section, the Minister has consented to a transfer, mortgage or other transaction subject to terms and conditions—

- (a) a person shall comply with such of those terms and conditions as are applicable to him ; and
- (b) in the event of a failure to comply with any such term or condition, the transfer, mortgage or other transaction shall be deemed to have been effected without the consent of the Minister and the provisions of this section shall be applicable accordingly.

Penalty : One thousand pounds.

(5.) The Minister shall exercise his powers and discretions under this section only for the purpose of ensuring that adequate shipping is available for the purposes of trade and commerce among the States and for the purposes of the trade and commerce of the Territories of the Commonwealth.

(6.) This section applies to ships having a gross tonnage exceeding two hundred tons and being not more than twenty-five years old.

(7.) For the purposes of this section, the age of a ship shall be reckoned as from the first day of January next following the year shown in the certificate of registry of that ship as the year in which that ship was built.

By-laws.

49.—(1.) The Commission may make by-laws, not inconsistent with this Act, prescribing matters providing for or in relation to—

- (a) the operation of the shipping services, and the conditions governing the performance of any service which the Commission may under this Act carry out or authorize ;
- (b) the protection and preservation of property of, or property in the custody or under the control of, the Commission ;
- (c) the maintenance of order in connexion with the operation of the shipping services ;
- (d) the sale or other disposal of unclaimed goods in the possession of the Commission and the disposal of the proceeds of any such sale ;
- (e) the prohibition of interference with the shipping services or with property of the Commission or of interference with or obstruction of any officer or employee of the Commission ;
- (f) the limitation of the liability of, and the conditions governing the making of claims upon, the Commission in respect of damage to or loss of goods ; and
- (g) the provision of penalties not exceeding a fine of Fifty pounds or imprisonment for a period not exceeding three months for the breach of a by-law.

(2.) A by-law has no force or effect until it has been—

- (a) approved by the Governor-General ; and
- (b) published in the *Gazette*.

(3.) By-laws shall be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903–1939.

(4.) Sections forty-eight and forty-nine of the *Acts Interpretation Act* 1901–1950 apply to by-laws in like manner as they apply to regulations.

50. The Governor-General may make regulations, not inconsistent 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 penalties not exceeding a fine of Fifty pounds or imprisonment for a period not exceeding three months, or both, for offences against the regulations.

Regulations.

THE SCHEDULES.

FIRST SCHEDULE.

Section 40.

SHIPS TO BE VESTED IN THE COMMISSION.

<i>Baralga</i>	<i>Noongah</i>
<i>Bilkurra</i>	<i>Ransdorp</i>
<i>Binburra</i>	<i>River Burdekin</i>
<i>Boonaroo</i>	<i>River Burnett</i>
<i>Bulwarra</i>	<i>River Clarence</i>
<i>Carcoola</i>	<i>River Derwent</i>
<i>Coolabah</i>	<i>River Fitzroy</i>
<i>Dalby</i>	<i>River Glenelg</i>
<i>Dandenong</i>	<i>River Hunter</i>
<i>Daylesford</i>	<i>River Loddon</i>
<i>Delamere</i>	<i>River Mitta</i>
<i>Delungra</i>	<i>River Murchison</i>
<i>Denman</i>	<i>River Murray</i>
<i>Dubbo</i>	<i>River Murrumbidgee</i>
<i>Edenhope</i>	<i>River Norman</i>
<i>Elmore</i>	<i>Talinga</i>
<i>Enfield</i>	<i>Timbarra</i>
<i>Eugowra</i>	<i>Tyalla</i>
<i>Euroa</i>	<i>Wangara</i>
<i>Inyula</i>	<i>Windarra</i>
<i>Lake Eyre</i>	<i>Yanderra</i>
<i>Nilpena</i>	<i>Yarrunga</i>

SECOND SCHEDULE.

Section 41.

SHIPS UNDER CONSTRUCTION TO BE PURCHASED BY THE COMMISSION.

<i>Illowra</i>	<i>Lake Macquarie</i>
<i>Iranda</i>	<i>Lake Sorell</i>
<i>Lake Barrine</i>	<i>Lake Torrens</i>
<i>Lake Boga</i>	<i>North Esk</i>
<i>Lake Colac</i>	<i>South Esk</i>
<i>Lake Illawarra</i>	

THE SCHEDULES—*continued.*

THIRD SCHEDULE.

Section 45.

ACTS APPLICABLE TO THE COMMISSION.

Beaches, Fishing Grounds and Sea Routes Protection Act 1932.
Control of Naval Waters Act 1918.
Customs Act 1901-1954.
Immigration Act 1901-1949.
Lighthouses Act 1911-1955.
Navigation Act 1912-1953.
Quarantine Act 1908-1950.
Sea-Carriage of Goods Act 1924.
Stevedoring Industry Act 1949-1954.
Stevedoring Industry Act 1956.
Stevedoring Industry Charge Act 1947-1954.
Stevedoring Industry Charge Assessment Act 1947-1953.
Wireless Telegraphy Act 1905-1950.
