



# Transport Legislation Amendment Act 1988

No. 57 of 1988

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**AMENDMENTS OF NAVIGATION ACT 1912 IN RELATION TO SEAMEN,  
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**AMENDMENTS OF NAVIGATION ACT 1912 IN RELATION TO OFFENCES AND  
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# Transport Legislation Amendment Act 1988

No. 57 of 1988

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**An Act to amend the *Navigation Act 1912* and various other Acts relating to transport, and for related purposes**

*[Assented to 15 June 1988]*

BE IT ENACTED by the Queen, and 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 *Transport Legislation Amendment Act 1988*.

### Commencement

2. (1) Sections 1 and 2, subsections 3 (3), (4), (5) and (6) and sections 4, 8, 9, 13, 16 and 19 to 27 (inclusive) commence on the day on which this Act receives the Royal Assent.

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(2) Sections 10, 11, 12, 14 and 15 shall be taken to have commenced at the commencement of the *Federal Airports Corporation Act 1986*.

(3) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

**Transitional and application provisions**

3. (1) In spite of the amendments of Part II of the *Navigation Act 1912* made by Schedule 1 to this Act, that Part, as in force immediately before the commencement of this subsection, continues to apply in relation to articles of agreement in force immediately before that commencement.

(2) Where, immediately before the commencement of this subsection, the period specified in an advice of the Marine Council, or a majority of the members of the Marine Council, given to the Minister under subsection 45A (9) of the *Navigation Act 1912* before the commencement of this subsection had not ended:

- (a) the advice shall be taken, for the purposes of subsection 47 (8) of that Act (as amended by Schedule 1 to this Act), to be a determination of the Council made under subsection 47 (1) of that Act (as so amended); and
- (b) the advice may be revoked by the Marine Council under subsection 47 (2) of that Act (as so amended) before the end of the period specified in the advice.

(3) If:

- (a) section 6 of this Act commences before the commencement of section 11 of the *Crimes Legislation Amendment Act 1987*; and
- (b) a body corporate is convicted of an offence, committed before the commencement of section 11 of the *Crimes Legislation Amendment Act 1987*, against section 16 or subsection 47 (8), 68 (1) or 75 (1) of the *Navigation Act 1912* (as amended by Schedule 1 to this Act);

the court may impose a pecuniary penalty not exceeding an amount equal to 5 times the amount of the maximum pecuniary penalty specified in the *Navigation Act 1912* (as so amended) in relation to the offence concerned.

(4) In relation to a proposed determination under section 56 of the *Federal Airports Corporation Act 1986* that:

- (a) is notified to the Minister within 30 days after the commencement of this subsection; and
- (b) contains only provisions varying an earlier determination so as to specify the persons by whom aeronautical charges (within the meaning of that section) are payable and the times when such charges are due and payable;

subsections 56 (5) and (7) of that Act have effect as if the references to 60 days were references to 7 days.

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(5) The amendment of the *Air Navigation (Charges) Act 1952* made by this Act applies only in relation to decisions made after the commencement of the amendment.

(6) The amendments of the *Shipping Registration Act 1981* made by this Act apply only in relation to a transfer or transmission of a ship or a share in a ship occurring after the commencement of the amendments.

**PART II—AMENDMENTS OF THE NAVIGATION ACT 1912**

**Principal Act**

4. In this Part, “Principal Act” means the *Navigation Act 1912*.

5. Section 8A of the Principal Act is repealed and the following section is substituted:

**Off-shore industry vessels to which Act applies**

“8A. (1) The owner of an off-shore industry vessel may apply to the Minister for a declaration under subsection (2) in relation to the off-shore industry vessel.

“(2) The Minister may, in writing, declare the off-shore industry vessel to be an off-shore industry vessel to which this Act applies.

“(3) A reference in this Act to an off-shore industry vessel to which this Act applies is a reference to an off-shore industry vessel in relation to which a declaration under subsection (2) is in force.”.

**Amendments in relation to seamen, apprentices and mercantile marine offices**

6. The Principal Act is amended as set out in Schedule 1.

**Amendments in relation to offences and penalties**

7. The Principal Act is amended as set out in Schedule 2.

**PART III—AMENDMENT OF THE AIR NAVIGATION (CHARGES) ACT 1952**

**Principal Act**

8. In this Part, “Principal Act” means the *Air Navigation (Charges) Act 1952*.

**Review of decisions**

9. Section 5J of the Principal Act is amended by inserting in the definition of “reviewable decision” in subsection (1) “section 5A or” after “under”.

**PART IV—AMENDMENTS OF THE FEDERAL AIRPORTS CORPORATION ACT 1986**

**Principal Act**

**10.** In this Part, “Principal Act” means the *Federal Airports Corporation Act 1986*<sup>3</sup>.

**Capital structure of Corporation**

**11.** Section 43 of the Principal Act is amended:

(a) by inserting after paragraph (2) (c) the following paragraph:

“(ca) shall, as soon as practicable after the day of commencement of this Act, determine the amount of the liabilities in relation to accrued staff entitlements (including long service leave and annual leave) transferred by the Commonwealth to the Corporation on or before 1 January 1988;”;

(b) by omitting from subparagraph (2) (d) (i) “and” (last occurring);

(c) by inserting after subparagraph (2) (d) (ii) the following word and subparagraph:

“and (iii) the amount of the liabilities in relation to accrued staff entitlements (including long service leave and annual leave) transferred by the Commonwealth to the Corporation in relation to the place or places;”.

**Capital of Corporation**

**12.** Section 44 of the Principal Act is amended by omitting from paragraph (1) (d) “, (c) (i), (d) (ii)” and substituting “and (c) (i), paragraph (ca) and subparagraphs (d) (ii) and (iii)”.

**Aeronautical charges**

**13.** Section 56 of the Principal Act is amended:

(a) by adding at the end of subsection (2) “and specifying the persons by whom the charges are payable and the times when the charges are due and payable”;

(b) by inserting after subsection (7) the following subsection:

“(7A) The making of a determination shall be made public in such manner as the Corporation considers appropriate.”;

(c) by adding at the end the following subsection:

“(10) An aeronautical charge shall not be fixed at an amount that exceeds the amount that is reasonably related to the expenses incurred or to be incurred by the Authority in relation to the matters in respect of which the charge is payable and shall not be such as to amount to taxation.”.

**Superannuation benefits**

**14.** Section 65 of the Principal Act is amended by inserting in subsection (1) “or schemes” after “scheme”.

**By-laws**

15. Section 72 of the Principal Act is amended by omitting from paragraph (1) (m) "offices" and substituting "officers".

**PART V—AMENDMENTS OF THE SHIPPING REGISTRATION ACT 1981**

**Principal Act**

16. In this Part, "Principal Act" means the *Shipping Registration Act 1981*.

17. Section 37A of the Principal Act is repealed and the following section is substituted:

**Delivery of registration certificate on transfer etc.**

"37A. (1) Where a ship or a share in a ship is transferred to a person by a bill of sale or transmitted to a person by other lawful means, the person who has possession or control of the ship's registration certificate shall deliver the certificate to the person to whom the ship or share is transferred or transmitted:

- (a) if the ship is at an Australian port at the time of the transfer or transmission—at the time of the transfer or transmission; or
- (b) in any other case—as soon as practicable after the transfer or transmission.

"(2) Where a registration certificate is delivered to a person under subsection (1), the person shall immediately deliver the certificate to the Registrar.

"(3) Where a registration certificate is delivered to the Registrar under subsection (2), the Registrar shall, if the documents and evidence required by subsection 36 (2) or 37 (1) have been lodged with the Registrar:

- (a) endorse the registration certificate with the particulars of change of ownership of the ship or share; and
- (b) cause the endorsed certificate to be returned to the registered agent of the ship or to such other person as the registered agent directs."

**Offences—general**

18. Section 74 of the Principal Act is amended:

- (a) by omitting from subsection (1) "37A (2) or (4),";
- (b) by inserting in subsection (1A) "37A (1) or (2)," before "64 (2)";
- (c) by omitting from subsection (2) "37A (2) or (4)" and substituting "37A (1)";
- (d) by inserting in subsection (4B) "37A (1) or (2)," after "subsection".

**PART VI—AMENDMENTS OF THE PROTECTION OF THE SEA  
(PREVENTION OF POLLUTION FROM SHIPS) ACT 1983**

**Principal Act**

19. In this Part, “Principal Act” means the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

**Duty to report certain incidents involving oil or oily mixture**

20. Section 11 of the Principal Act is amended by omitting from the paragraphs following “exceeding” in subsection (3) “(c)” and “(d)” and substituting respectively “(e)” and “(f)”.

**Duty to report certain incidents involving certain substances**

21. Section 22 of the Principal Act is amended by omitting from the paragraphs following “exceeding” in subsection (3) “(c)” and “(d)” and substituting respectively “(e)” and “(f)”.

**PART VII—REPEAL OF PROVISION OF THE NAVIGATION  
AMENDMENT ACT 1979**

**Principal Act**

22. In this Part, “Principal Act” means the *Navigation Amendment Act 1979*.

**Repeal of section 109**

23. Section 109 of the Principal Act is repealed.

**PART VIII—REPEAL OF PROVISIONS OF THE NAVIGATION  
AMENDMENT ACT 1980**

**Principal Act**

24. In this Part, “Principal Act” means the *Navigation Amendment Act 1980*.

**Repeals**

25. The following provisions of the Principal Act are repealed:  
subsection 5 (2), sections 6, 10, 11 and 12, subsection 13 (2), sections 15 and 16, subsection 17 (2), sections 18 to 22 (inclusive), subsection 23 (2), sections 24 to 29 (inclusive), subsection 30 (2), sections 31 to 34 (inclusive), 36 to 38 (inclusive), 40 to 45 (inclusive), 47 and 48, subsection 49 (2), sections 50 and 51, subsection 53 (2), sections 54, 55, 57 to 59 (inclusive) and 61 to 63 (inclusive), subsection 65 (2), sections 67, 72, 74, 75, 99 and 109.



**PART IX—REPEAL OF PROVISIONS OF THE NAVIGATION  
AMENDMENT ACT 1981**

**Principal Act**

26. In this Part, “Principal Act” means the *Navigation Amendment Act 1981*<sup>1</sup>.

**Repeals**

27. The following provisions of the Principal Act are repealed:

paragraph 3 (1) (a), subsection 3 (3), section 19, paragraph 22 (1) (c), subsection 22 (2), section 24, subsections 26 (1) and (2), 27 (1) and (2), section 46 and, in Schedule 1 and Schedule 3, the items relating to subsections 47A (3), (4) and (8), 54 (1) and (3), section 60, subsections 61 (2), 62 (3), 62A (4A) and (7), 66 (2) and 67 (1) and (2), section 68, subsections 75 (2B), 76 (2), 173 (1A), 209 (2) and 251 (2) of the *Navigation Act 1912*.

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**SCHEDULE 1**

Section 6

**AMENDMENTS OF NAVIGATION ACT 1912 IN RELATION TO SEAMEN, APPRENTICES AND MERCANTILE MARINE OFFICES**

**Subsection 6 (1) (definition of “seaman”):**

Omit paragraphs (b), (c) and (d), substitute:

“(b) a pilot; or

(c) a person temporarily employed on the ship in port;”.

**Subsection 6 (1) (definition of “proper authority”):**

Omit the definition, substitute the following definition:

“‘proper authority’ means:

(a) a superintendent;

(b) in relation to a prescribed country:

(i) a person who, under the law of that country, has powers, duties and functions similar to the powers, duties and functions of a superintendent under this Act; or

(ii) a diplomatic or consular representative of Australia or a consul of a prescribed country; or

(c) in relation to a foreign country other than a prescribed country—a diplomatic or consular representative of Australia or a consul of a prescribed country;”.

**Subsection 6 (1) (definition of “superintendent”):**

Omit the definition, substitute the following definition:

“‘superintendent’ means a superintendent appointed under section 13;”.

**Subsection 6 (1) (definition of “apprentice”):**

Omit the definition.

**Subsection 6 (3):**

Omit the subsection.

**Section 6B:**

Omit “or apprentice”.

**Paragraph 6E (1) (a):**

Add at the end “and”.

**Paragraph 6E (1) (b):**

Omit “and” (last occurring).

**SCHEDULE 1—continued**

**Paragraph 6E (1) (c):**

Omit the paragraph.

**Subsection 6E (2):**

Omit “, seaman or apprentice” (wherever occurring), substitute “or seaman”.

**Section 12:**

Repeal the section.

**Heading to Division 2 of Part II:**

Omit “*Mercantile Marine Offices and*”.

**Sections 13 and 13A:**

Repeal the sections, substitute the following section:

**Superintendents**

“13. The Minister may, in writing, appoint a person to be a superintendent.”.

**Section 16:**

Repeal the section, substitute the following section:

**Unqualified person performing duties of master, officer or seaman**

“16. A person shall not:

- (a) falsely represent himself or herself to be a qualified master, officer or seaman of any designation;
- (b) perform duties that, under the regulations and orders, are the duties of a master, officer or seaman of a particular designation if the person is not a qualified master, officer or seaman of that designation; or
- (c) take another person into employment to perform duties that, under the regulations and orders, are the duties of a master, officer or seaman of a particular designation if the other person is not a qualified master, officer or seaman of that designation.

Penalty: \$2,000.”.

**Section 18:**

Repeal the section.

**Sections 28 to 31 (inclusive):**

Repeal the sections.

**Section 32:**

Add at the end the following subsection:

**SCHEDULE 1—continued**

“(2) In this section:  
‘seaman’ includes a person who is seeking employment as a seaman.”.

**Division 5 of Part II:**

Repeal the Division.

**Division 7A of Part II:**

Repeal the Division.

**Heading to Division 8 of Part II:**

Omit the heading, substitute the following heading:

**“Engagement of seamen”.**

**Subsection 46 (1):**

- (a) Omit “Subject to section 47, where”, substitute “Where”.
- (b) Omit “at a port in Australia”.

**Subsection 46 (2):**

Omit the subsection, substitute the following subsection:

“(2) The agreement:

- (a) shall, subject to subsection (2A), be in the prescribed form or, if an agreement in another form is already in force between the master and other members of the crew, in the other form;
- (b) shall be prepared in duplicate and signed first by the master and then by the seaman; and
- (c) shall be dated:
  - (i) if the agreement is entered into when the crew is first engaged—as at the time the master signs; or
  - (ii) in any other case—as at the time the seaman signs.”.

**Subsection 46 (3):**

Omit the subsection.

**Subsection 46 (4):**

Omit “superintendent”, substitute “proper authority”.

**Subsection 46 (5):**

Omit the subsection.

**Sections 47 and 48:**

Repeal the sections, substitute the following sections:

**Persons unsuitable for engagement**

“47. (1) The Marine Council may determine that the character of a person is such, or the conduct of a person has been such, that the person is unsuitable for engagement as a seaman.

**SCHEDULE 1—continued**

“(2) The Marine Council shall revoke the determination if it is satisfied that the person is no longer unsuitable for engagement as a seaman.

“(3) The Marine Council shall exercise its powers under subsections (1) and (2) in accordance with prescribed principles.

“(4) If an application is made to the Administrative Appeals Tribunal under paragraph 424AA (1) (a) for review of the determination, the determination ceases to be in force during the period beginning with the making of the application and, unless the determination is varied, set aside or revoked, ending with the withdrawal, dismissal or other determination of the application.

“(5) The Marine Council shall:

(a) immediately give written notice of:

- (i) the making of a determination under subsection (1);
- (ii) the determination ceasing to be in force or again coming into force under subsection (4); or
- (iii) the revocation of the determination;

to the person to whom the determination relates; and

(b) take such steps as the Marine Council considers appropriate to bring the event referred to in subparagraph (a) (i), (ii) or (iii) to the attention of persons concerned with the engagement of seamen.

“(6) Where the Marine Council makes a decision refusing to revoke a determination, the Marine Council shall give notice in writing of the decision to the person to whom the determination relates.

“(7) A person who knows that a determination under subsection (1) is in force in relation to him or her shall not engage as a master or seaman or join or re-join the crew of a ship.

Penalty: \$2,000.

“(8) A master, owner or agent who knows that a determination under subsection (1) is in force in relation to a person shall not take the person into employment as a master or seaman or permit the person to join or re-join the crew of a ship.

Penalty: \$2,000.

**Report of circumstances rendering person unsuitable for engagement**

“48. Where the character of a seaman is such, or the conduct of a seaman has been such, that the seaman is, in the opinion of a master, unsuitable for engagement as a seaman, the master shall report the circumstances to a superintendent and, if practicable, immediately inform the seaman of the report.”.

**Subsection 48A (2):**

Omit the subsection.

**SCHEDULE 1—continued**

**Sections 48B and 49:**

Repeal the sections.

**Subsection 52 (1):**

Omit the subsection, substitute the following subsection:

“(1) The owner or master of a ship to which this Part applies shall, at such times as are required by the Minister, furnish to a prescribed person such details of, and such details of changes in, the crew of the ship as are prescribed.”.

**Subsection 52 (2):**

After “applies,” insert “then, unless there is a reasonable excuse for the failure,”.

**Section 54:**

Repeal the section, substitute the following section:

**Agreements to be delivered to proper authority**

“54. The master of a ship shall, within 7 days after the discharge of the ship’s crew, deliver the agreement, or a copy of it, to a proper authority.

Penalty: \$1,000.”.

**Subsection 55 (2):**

Omit “at a port”.

**Section 59:**

Omit all the words up to the end of paragraph (b), substitute:

“In every contract of service, express or implied, between:

(a) the owner of a ship and the master; or

(b) the owner or master and a seaman;”.

**Subsection 59A (3):**

Omit “and apprentice”.

**Sections 60 and 60A:**

Repeal the sections.

**Section 61:**

Omit “at a port in Australia”.

**Paragraph 61 (a):**

(a) Omit “, through or in the presence of a superintendent,”.

(b) Omit “or in a form approved by the Minister by instrument in writing”.

**Section 62:**

Repeal the section.

**SCHEDULE 1—continued**

**Paragraphs 62A (1) (a) and (b):**

Omit the paragraphs, substitute the following paragraphs:

- “(a) the master has given the seaman such notice as is reasonable in the circumstances of the master’s intention to discharge the seaman; and
- (b) in a case where the seaman has requested the master to obtain the approval of a proper authority to the discharge—a proper authority has approved the discharge.”.

**Subsection 62A (3):**

Omit “, in the presence of a proper authority at the port,”.

**Subsections 62A (5) and (6):**

Omit the subsections.

**Sections 64, 66 and 67:**

Repeal the sections.

**Section 68:**

Repeal the section, substitute the following section:

**Offences in relation to certificates of discharge**

“68. (1) A person shall not:

- (a) knowingly sign or give a false certificate of discharge;
- (b) forge or fraudulently alter a certificate of discharge;
- (c) fraudulently use, or fraudulently produce to a proper authority, a certificate of discharge that is forged, is altered or does not relate to the person; or
- (d) allow a person to use fraudulently a certificate of discharge that does not relate to the last-mentioned person.

Penalty: \$5,000 or imprisonment for 2 years, or both.

“(2) In this section:

‘certificate of discharge’ includes a copy of such a certificate.”.

**Paragraph 71 (2) (a):**

Omit the paragraph.

**Subsections 75 (1) and (2):**

Omit the subsections, substitute the following subsection:

“(1) Where a seaman is discharged, the seaman shall, before or at the time of discharge, be paid the amount of wages due up to that time, less any deductions specified in the account required to be delivered under subsection 76 (1).

Penalty (on the owner and master): \$1,000.”.

**Subsection 75 (3):**

- (a) Omit “subsection (2)”, substitute “subsection (1)”.

**SCHEDULE 1—continued**

(b) Omit “subsection (1)”, substitute “that subsection”.

**Subsection 76 (1):**

(a) Omit “, including a port outside Australia,”.

(b) Omit “, either directly or through a proper authority,”.

**Sections 79 and 80:**

Repeal the sections.

**Subsection 81 (1):**

Omit “or apprentice”.

**Subsection 83 (1):**

Omit “or apprentice”.

**Subsection 83 (2):**

Omit “and apprentices”.

**Section 84:**

Omit “and apprentice”.

**Paragraph 91 (a):**

Omit “or apprentice”.

**Section 99:**

Omit “, seaman, or apprentice”, substitute “or seaman”.

**Section 101:**

Omit “or apprentice” (wherever occurring).

**Section 113:**

Omit “or apprentice”.

**Subsection 124 (1):**

(a) Omit “and apprentices”.

(b) Omit “or to become apprentices”.

**Subsection 124 (2):**

Omit “, or the taking of an apprentice to sea,”.

**Subsection 127 (6):**

Omit “, with the approval of a proper authority at a port,”.

**Subsection 127 (7):**

Omit “and apprentice”.

**Paragraphs 128 (1) (a) and (b):**

Omit “or apprentice”.



**SCHEDULE 1—continued**

**Paragraph 132 (3) (a):**

Omit “at a port.”

**Subsection 132 (8) (definition of “agreement”):**

Omit “, and, in relation to an apprentice, means his indentures of apprenticeship”.

**Subsection 132 (8) (definition of “seaman”):**

Omit “and apprentice”.

**Subsection 132A (1):**

Omit “at a port” and “at that port”.

**Subsection 132A (4):**

Omit “and apprentice”.

**Subsection 132B (1):**

Omit “at a port” and “at the port”.

**Subsection 132B (5):**

Omit “and apprentice”.

**Sections 139, 140, 148 and 148A:**

Omit “or apprentice” (wherever occurring).

**Section 148B:**

Repeal the section.

**Subsection 148C (1):**

Omit “or an apprentice”.

**Paragraph 148C (1) (a):**

- (a) Omit “or apprentice” (wherever occurring).
- (b) Omit “, and of the deductions to be made on any account from those wages”.
- (c) Omit “balance of”.

**Paragraphs 148C (1) (b) and (c):**

Omit “or apprentice” (wherever occurring).

**Subparagraph 148C (1) (c) (i):**

Omit “, either directly or through a proper authority at a port”.

**Subparagraph 148C (1) (c) (ii):**

Omit “at a port”.

**Paragraph 148C (1) (d):**

- (a) Omit “or apprentice” (wherever occurring).

**SCHEDULE 1—continued**

(b) Omit “, less any deductions approved by a proper authority at a port”.

**Subparagraph 148C (1) (d) (i):**

Omit “, through or in the presence of a proper authority at a port”.

**Subparagraph 148C (1) (d) (ii):**

Omit “at a port” (wherever occurring).

**Subsections 148C (2) and (4):**

Omit “or apprentice” (wherever occurring).

**Sections 148D, 149 and 150:**

Omit “or apprentice” (wherever occurring).

**Subsection 151 (1):**

Omit “or apprentice” (wherever occurring).

**Paragraph 151 (1) (a):**

Omit “at that last-mentioned port”.

**Subsection 151 (2):**

Omit “or apprentice”.

**Subsection 151 (4):**

Omit “the superintendent”, substitute “a superintendent”.

**Subsection 151 (5):**

Omit “or apprentice”.

**Paragraph 152 (1) (a):**

Omit “or apprentice”.

**Section 153:**

(a) Omit “or apprentice”.

(b) Omit “at the port at or nearest to that place”.

**Subsection 154 (1):**

Omit “or apprentice” and “or apprentices”.

**Subsection 154 (2):**

Omit “or apprentice”.

**Subsection 154 (3):**

(a) Omit “at any port beyond the Commonwealth”.

(b) Omit “and apprentices”.

(c) Omit “from that port”, substitute “from a port outside Australia”.

**SCHEDULE 1—continued**

**Section 155:**

- (a) Omit “or apprentice” (wherever occurring).
- (b) Omit “the superintendent at that port” (wherever occurring), substitute “a superintendent”.

**Section 155A and subsection 156 (1):**

Omit “or apprentice” (wherever occurring).

**Paragraph 156 (1) (c):**

Omit “or apprentices”.

**Subsection 157 (1):**

Omit “or apprentice”.

**Paragraph 157 (1) (b):**

Omit “at a port”.

**Subsection 158 (1) and sections 159 and 160:**

Omit “or apprentice” (wherever occurring).

**Subsection 163 (1) (definition of “seaman”):**

Omit “and apprentice”.

**Paragraph 163A (2) (a):**

Omit “at ports”.

**Section 165:**

Omit “the superintendent at the first-mentioned port”, substitute “a superintendent”.

**Subsection 167 (1):**

Omit “shall forthwith deliver to the superintendent at that port”, substitute “shall, if required by a superintendent, immediately deliver to the superintendent”.

**Paragraph 167 (1) (b):**

Omit the paragraph, substitute the following paragraph:  
“(b) the official log-book of the ship.”.

**Subsection 173 (1):**

Omit the subsection, substitute the following subsection:

“(1) The master of a ship who is required by section 171 to keep an official log-book shall, on the termination of the articles of agreement of the ship, deliver the official log-book to a proper authority.

Penalty: \$1,000.”.

**SCHEDULE 1—continued**

**Subsection 174 (1):**

Omit “the superintendent at the port to which the ship belonged”, substitute “a superintendent”.

**Subsection 174 (2):**

Omit “the superintendent”, substitute “a superintendent”.

**Subsection 209 (1):**

Omit “or apprentice” (wherever occurring).

**Subsection 235 (2):**

Omit “and apprentice”.

**Subsection 235 (3) and section 251:**

Omit “or apprentice” (wherever occurring).

**Paragraph 288 (3) (c):**

Omit “and apprentice”.

**Subsection 290 (1):**

- (a) Omit “, before a superintendent,”.
- (b) Omit “, when countersigned by a superintendent,”.

**Section 387A:**

Omit “, seaman or apprentice”, substitute “or seaman”.

**Paragraph 417 (1) (d):**

Omit “at a port”.

**Subsection 417 (3):**

Omit “the proper authority”, substitute “a proper authority”.

**After section 424:**

Insert the following section:

**Application for review: determinations under subsection 47 (1)**

“424AA. (1) A person in relation to whom a determination is made by the Marine Council under subsection 47 (1) may apply to the Administrative Appeals Tribunal for review of:

- (a) the determination; or
- (b) a decision of the Marine Council refusing to revoke the determination.

“(2) The notice given by the Marine Council under subparagraph 47 (5) (a) (i) or subsection 47 (6) in relation to a decision shall:

- (a) include a statement to the effect that, if the person is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and

**SCHEDULE 1—continued**

- (b) except where subsection 28 (4) of that Act applies, also include a statement to the effect that the person may request a statement under section 28 of that Act.

“(3) A contravention of subsection (2) in relation to a decision does not affect the validity of the decision.”

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**SCHEDULE 2**

Section 7

**AMENDMENTS OF NAVIGATION ACT 1912 IN RELATION TO  
OFFENCES AND PENALTIES**

**Subsection 6 (1) (definition of “contravention”):**

Omit the definition.

**Subsection 8B (4):**

- (a) Omit “or not complied with”.  
(b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 14 (8):**

- (a) Omit “or not complied with” (wherever occurring).  
(b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 14 (11):**

- (a) Omit “or not complied with”.  
(b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$5,000”.

**Section 32:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 45 (1A):**

Omit all the words from and including “or (1A)”, substitute “or (1A): \$2,000”.

**Subsection 46 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000.”.

**Section 48A:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**SCHEDULE 2—continued**

**Subsection 52 (2):**

Omit the subsection, substitute the following penalty:  
“Penalty (on owner and master): \$1,000.”.

**Subsection 53 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 53 (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$500.”.

**Section 56:**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Section 61:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 62A (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Section 63:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000.”.

**Subsection 76 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 104 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Section 117:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 120 (4):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**SCHEDULE 2—continued**

**Subsection 120 (5):**

Omit the subsection.

**Subsection 125 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000.”.

**Subsection 132 (5):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 132A (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 133 (3):**

Omit the subsection , substitute the following penalty:  
“Penalty: \$2,000 or imprisonment for 12 months, or both.”.

**Section 138A:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 139 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 148A (3):**

Omit the subsection , substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 148C (5):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$1,000”.

**Subsection 152 (1):**

Omit all the words from and including “exceeding treble”, substitute “exceeding \$1,000”.

**Subsection 152 (2):**

Omit all the words from and including “exceeding treble”, substitute “exceeding \$1,000”.

**Subsection 156 (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**SCHEDULE 2—continued**

**Section 160:**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both”.

**Subsection 164 (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 167 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 168 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 168 (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 172 (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Section 174:**

Omit the penalty, substitute the following penalty:  
“Penalty (on master or owner): \$1,000.”.

**Section 182:**

Repeal the section.

**Subsection 188 (4):**

- (a) Omit “or not complied with”.
- (b) Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 190AA (4):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 190A (1):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$1,000”.



**SCHEDULE 2—continued**

**Subsection 191B (1):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 191B (2):**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Subsection 192C (4):**

Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 193 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000.”

**Section 196:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$500.”

**Subsection 202 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000 and an amount of \$200 for each person on board in excess of the number specified in the certificate of the ship.”

**Subsection 202 (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”

**Subsection 206H (2):**

Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Section 206Q:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$500.”

**Subsection 206S (3):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”

**Subsection 206T (4):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”

**Subsection 206U (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”

**SCHEDULE 2—continued**

**Subsection 206V (1A):**

Omit the subsection, substitute the following penalty:

“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 206V (5):**

(a) Omit “or not complied with”.

(b) Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 208 (1):**

(a) Omit “indictable”.

(b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both”.

**Subsection 208 (2):**

Omit “indictable”.

**Section 212:**

Omit “indictable”.

**Subsections 217 (1), (2) and (3):**

Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 221 (4):**

Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 221 (8):**

Add at the end “punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both”.

**Subsection 225 (1):**

Omit the penalty, substitute the following penalty:

“Penalty: \$500.”.

**Subsection 227A (1A):**

Omit the subsection, substitute the following penalty:

“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 227D (1):**

Omit all the words from and including “conviction” (last occurring), substitute “conviction by a fine not exceeding \$1,000”.

**SCHEDULE 2—continued**

**Subsection 227D (2):**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Subsection 228 (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 231A (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Section 231B:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000 or imprisonment for 12 months, or both.”.

**Section 231C:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 233 (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 249 (1A):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 253 (1A):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 253 (3):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$5,000 or imprisonment for 2 years, or both.”.

**Subsection 253A (3):**

Omit the subsection, substitute the following penalty:  
“Penalty for contravention of subsection (2): \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 254 (1):**

Add at the foot:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 254 (3):**

Omit the subsection.

**SCHEDULE 2—continued**

**Section 255:**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000.”.

**Subsection 257 (3):**

Omit all the words from and including “conviction”, substitute  
“conviction by a fine not exceeding \$5,000”.

**Subsection 258A (2):**

Omit the subsection, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 264 (2):**

Omit “indictable”.

**Subsection 265 (1):**

Add at the foot:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 265 (2):**

Add at the foot:  
“Penalty: \$20,000 or imprisonment for 10 years, or both.”.

**Subsections 265 (5) and (5A):**

Omit the subsections.

**Subsection 265 (6):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$2,000”.

**Subsection 267D (1):**

Omit all the words from and including “exceeding”, substitute “exceeding  
\$1,000”.

**Paragraph 267D (2) (c):**

Omit all the words from and including “exceeding”, substitute “exceeding  
\$1,000”.

**Subsection 267E (2):**

Omit all the words from and including “exceeding”, substitute “exceeding  
\$2,000”.

**Subsection 267G (3):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Section 267J:**

Omit “Penalty:”.

**SCHEDULE 2—continued**

**Subsection 267K (4):**

Omit all the words from and including “exceeding”, substitute “exceeding \$10,000”.

**Section 267L:**

Repeal the section.

**Subsection 267S (1):**

Omit all the words from and including “exceeding”, substitute “exceeding \$1,000”.

**Paragraph 267S (2) (c):**

Omit all the words from and including “exceeding”, substitute “exceeding \$1,000”.

**Subsection 267T (2):**

Omit all the words from and including “exceeding”, substitute “exceeding \$2,000”.

**Subsection 267V (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Section 267X:**

Omit “Penalty:”.

**Subsection 267Y (4):**

Omit all the words from and including “exceeding”, substitute “exceeding \$10,000”.

**Section 267Z:**

Repeal the section.

**Subsection 267ZJ (1):**

Omit all the words from and including “exceeding”, substitute “exceeding \$1,000”.

**Paragraph 267ZJ (2) (c):**

Omit all the words from and including “exceeding”, substitute “exceeding \$1,000”.

**Subsection 267ZK (2):**

Omit all the words from and including “exceeding”, substitute “exceeding \$2,000”.

**Subsection 267ZM (1):**

Add at the foot:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**SCHEDULE 2—continued**

**Subsection 267ZM (2):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$10,000 or imprisonment for 4 years, or both.”.

**Subsection 267ZQ (4):**

Omit all the words from and including “exceeding”, substitute “exceeding \$10,000”.

**Section 267ZR:**

Repeal the section.

**Subsection 269N (1):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$5,000”.

**Section 275:**

Omit the penalty, substitute the following penalty:  
“Penalty (on master or owner): \$1,000.”.

**Subsection 278 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$1,000.”.

**Subsection 278 (3):**

Omit “\$200”, substitute “\$500”.

**Subsection 283F (3):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 283G (4):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000”.

**Subsection 287 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty (on master, owner or agent): \$5,000.”.

**Subsection 288 (1):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$5,000”.

**Subsection 288 (4):**

- (a) Omit “indictable”.
- (b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$5,000”.

**SCHEDULE 2—continued**

**Section 312:**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Subsection 317A (2):**

Omit “indictable”.

**Section 387:**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Section 389:**

Add at the end “punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Subsection 389A (2):**

- (a) Omit “indictable”.
- (b) Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both”.

**Sections 392, 393, 394 and 395:**

Repeal the sections.

**Subsection 397 (2):**

Omit the subsection, substitute the following subsection:

“(2) This section applies to offences against the following provisions of this Act:

subsections 14 (8) and (11), section 16, subsections 125 (1), 188 (4) and 190A (1), section 191B, subsections 192C (4), 193 (1), 202 (1) and 206H (2), sections 206S, 206T and 206U, subsections 206V (1) and (5), section 217, subsections 221 (4) and (8), 227A (1) and 227B (1), sections 227D, 228, 231A, 231B, 231C and 233, subsections 235 (1) and (2), section 236, subsection 249 (1), section 253, subsections 253A (2) and 254 (1), section 255 and subsections 268 (1) and 269A (1).”.

**Subsection 410 (1):**

Omit the penalty, substitute the following penalty:

“Penalty: \$500.”.

**Subsection 410A (1):**

Omit the penalty, substitute the following penalty:

“Penalty (on master or owner): \$2,000 or imprisonment for 12 months, or both.”.

**Subsection 414 (2):**

Omit “indictable”.

**SCHEDULE 2—continued**

**Section 415:**

Omit the words from and including “conviction” to the end of paragraph (b), substitute “conviction by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both,”.

**Subsection 417 (1):**

Omit the penalty, substitute the following penalty:  
“Penalty: \$500.”.

**Subsection 423B (3):**

Omit all the words from and including “conviction”, substitute “conviction by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both”.

**Subparagraph 425 (1) (h) (ii):**

Omit “\$5,000”, substitute “\$10,000”.

**Paragraph 425 (1) (h):**

Omit “, or failure to comply with,”.

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**NOTES**

1. No. 4, 1913, as amended. For previous amendments, see No. 32, 1919; No. 1 1921; No. 8, 1925; No. 8, 1926; No. 49, 1934; No. 30, 1935; No. 1, 1943; No. 80, 1950; No. 109, 1952; No. 96, 1953; No. 46, 1956; No. 36, 1958; No. 96, 1961; No. 1, 1965; No. 93, 1966; No. 60, 1967; No. 62, 1968; Nos. 1 and 117, 1970; No. 28, 1972; No. 216, 1973; Nos. 91 and 157, 1976; Nos. 98 and 155, 1979; Nos. 70 and 87, 1980; Nos. 10, 36, 61 and 74, 1981; No. 80, 1982; Nos. 39, 40, 84 and 136, 1983; Nos. 72 and 165, 1984; No. 65 and 193, 1985; Nos. 76, 132, 163 and 167, 1986; and No. 141, 1987.
2. No. 101, 1952, as amended. For previous amendments, see No. 87, 1957; No. 49, 1960; No. 78, 1962; No. 97, 1963; No. 95, 1964; Nos. 107 and 125, 1965; No. 48, 1966; No. 79, 1967; No. 84, 1968; No. 75, 1969; No. 105, 1970; No. 100, 1972; No. 179, 1973; No. 114, 1974; Nos. 5 and 124, 1976; No. 176, 1978; No. 142, 1979; No. 138, 1980; No. 123, 1981; Nos. 77 and 80, 1982; No. 107, 1984; and Nos. 76 and 168, 1986.
3. No. 4, 1986.
4. No. 8, 1981, as amended. For previous amendments, see No. 39, 1983; Nos. 16 and 63, 1984; No. 193, 1985; and No. 76, 1986.
5. No. 41, 1983, as amended. For previous amendments, see No. 72, 1984; No. 65, 1985; and Nos. 81 and 167, 1986.
6. No. 98, 1979.
7. No. 87, 1980.
8. No. 10, 1981.



*Transport Legislation Amendment No. 57, 1988*

NOTES—continued

ADDITIONAL NOTES

1. On the day on which section 46 of the *Navigation Act 1912* is amended by Schedule 1 to this Act, the heading to that section is altered by omitting “in Australia”.
2. On the day on which section 61 of the *Navigation Act 1912* is amended by Schedule 1 to this Act, the heading to that section is omitted and the following heading is substituted:  
“Provision of discharges to seamen”.
3. On the day on which section 124 of the *Navigation Act 1912* is amended by this Act, the heading to that section is altered by omitting “, seamen and apprentices” and substituting “and seamen”.

[*Minister's second reading speech made in—  
House of Representatives on 20 April 1988  
Senate on 19 May 1988*]