

# STATUTORY RULES.

1926. No. **89**

## REGULATIONS UNDER THE NAVIGATION ACT 1912-1926.

**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Navigation Act 1912-1926*, to come into operation on the first day of August, 1926.

Dated this *7<sup>th</sup>* day of *June*, 1926.

(Sgd.) **STONEHAVEN**

Governor-General.

By His Excellency's Command,

*W. G. M. STITTEN*

Minister of State for Trade and Customs.

### NAVIGATION (DECK CARGO AND LIVE STOCK) REGULATIONS. PART I.—PRELIMINARY.

1. These Regulations may be cited as the Navigation (Deck Cargo and Live Stock) Regulations. short title.
2. These Regulations are divided into Parts, as follows:— Parts.
  - Part I.—Preliminary.
  - Part II.—General.
  - Part III.—Deck Cargo.
  - Part IV.—Live Stock.
3. In these Regulations, unless the contrary intention appears— Definitions.
  - “Passenger ship” means a ship which carries, or which is certified to carry, more than twelve passengers;
  - “Cargo ship” means a ship which does not carry, or which is not certified to carry, more than twelve passengers;
  - “Surveyor” means a person appointed under the *Navigation Act 1912-1926* to survey ships and their equipment, and includes a person appointed by the Minister to inspect ships;
  - “Principal ports” means Sydney, Newcastle, Melbourne, Brisbane, Townsville, Hobart, Port Adelaide, and Fremantle;
  - “Deck cargo” includes all kind of merchandise and material (other than live stock) and also coal for ship's use, when carried on deck;
  - “Live stock” includes horses, mules, asses, camels, cattle, sheep, goats, pigs, dogs and circus, menagerie and wild animals;
  - “Large live stock” means horses, mules, camels, cattle, and the larger circus, menagerie and wild animals.

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## PART II.—GENERAL.

4. (1.) Subject to the next succeeding sub-regulation, these Regulations shall apply to all ships, British or foreign, taking on board at any port in Australia, or carrying to sea from any such port, deck cargo or live stock. Application.

(2.) These Regulations shall not apply to—

- (a) ships engaged exclusively in the domestic trade of a single State;
- (b) ships entering a Commonwealth port from places beyond Australia carrying deck cargo or live stock for discharge at that port;
- (c) ships from places beyond Australia, carrying, on a through bill of lading, from a port beyond Australia, to be landed at a later port of call in or beyond Australia, deck cargo or live stock, if a Deputy Director is satisfied that the requirements of these Regulations are being substantially complied with;
- (d) emigrant ships carrying deck cargo or live stock in regard to which the requirements of the Merchant Shipping Acts are being complied with; or
- (e) ships trading exclusively within the limits of the River Murray and its tributaries.

5. (1.) In the case of passenger ships carrying deck cargo or live stock a clear promenade or deck airing space on the weather deck shall be reserved for the use of each class of passengers carried as follows:— Airing space for passengers.

- (a) In foreign-going and Australian-trade steamships, at least 36 square feet for each first class passenger carried, and at least 24 square feet for each second or third class passenger carried; and
- (b) In limited coast-trade steamships, at least 9 square feet for each passenger carried.

(2.) The reserved space shall, in each case, be adjacent to the deck entrance to the accommodation provided for each respective class:

Provided that space forward of the windlass or breakwater on the fore-castle head, and the tops of the hatches and unrailed deck houses, shall not be measured or allowed for as passengers' promenade or airing space.

(3.) Where deck cargo or live stock is carried so as to encroach upon the space reserved in accordance with this regulation for use as promenade or airing space for passengers, the number of passengers carried shall be reduced in proportion to the reserved space so occupied by cargo or live stock.

6. (1.) Whenever it is proposed to load, at any principal port, on any ship to which these Regulations apply, live stock or deck cargo in excess of the following numbers or quantities respectively (including any such live stock or deck cargo already on board), viz:— Notice of intention to load live stock or deck cargo

- (a) on a passenger steamer, 6 pigs, 10 head of large live stock or 100 head of other live stock;
- (b) on a cargo vessel, 50 head of large live stock or 200 head of other live stock; or

(c) on any vessel not exceeding 200 tons gross registered tonnage, deck cargo in the proportion of 10 tons (by weight) for every 100 tons of the vessel's gross registered tonnage, and in the case of a vessel over 200 tons gross registered tonnage, deck cargo of 20 tons (by weight), the master or owner of the ship shall notify the Deputy Director, by written notice or other suitable means, of the intention to do so, and no such deck cargo or live stock shall be loaded in any ship unless notification has been so given.

(2.) The notification required by this regulation to be given to the Deputy Director shall be given in sufficient time to permit a visit of inspection of the ship to be made by the surveyor, during office hours, before the ship sails, unless the Deputy Director permits, in special cases, the inspection to be made outside office hours.

(3.) The requirements of this regulation in regard to the notification of intention to load to be given at principal ports only shall not relieve masters or owners of vessels loading at other ports in the Commonwealth from the necessity of fully complying with all other requirements of the Regulations.

7. The master or owner of any ship which carries deck cargo in excess of the amount specified in sub-regulation (1) of the last preceding regulation shall also furnish to the Deputy Director, not later than the next day (not being a Sunday or a public holiday) after the departure of the vessel, a statement in writing detailing in respect of each class of goods so carried, its nature, deadweight, and position where stowed. Statement of deck cargo loaded.

8. (1.) Where deck cargo or live stock is carried in any vessel to which these Regulations apply, the requirements of these Regulations in regard thereto shall be complied with. Carriage of deck cargo or live stock and penalty.

(2.) Except where a duty or obligation is laid by a regulation upon some other person (in which case the penalty for a breach of the regulation shall be upon that person), the master, owner or agent of the ship shall be jointly and severally liable, in respect of any breach or contravention of the requirements of these Regulations, to a penalty not exceeding Fifty pounds.

9. The fees for inspection by a surveyor of a deck cargo or of live stock loaded at a principal port shall be as prescribed in Schedule II. Fees. to the Navigation (Survey and Equipment) Regulations.

10. (1.) All inspections by a surveyor shall be made in official hours, whenever possible. Overtime charges.

(2.) When it is desired, for the convenience of the master, owner or agent or for some reason satisfactory to the Deputy Director, that an inspection be made outside official hours, application shall be made to the Deputy Director in Form S&E-8 of the Navigation (Survey and Equipment) Regulations.

(3.) The charges for the services of a surveyor outside official hours shall be those prescribed in Schedule II. to the Navigation (Survey and Equipment) Regulations.

### PART III.—DECK CARGO.

11. In all cases where deck cargo is taken on board, sufficient cargo or ballast shall be carried below the water line to ensure the stability of the ship. Stability.

12. Deck cargo shall not be stowed—

- (a) in the immediate vicinity of the life-boats, boat davits, pumps or fire appliances, or in such a way as to interfere with the proper working of any such equipment or of the ship; or
- (b) in or on the fore-castle so as to interfere with the proper working of the anchors or cables; or
- (c) near the rudder head or quadrant, or so as to cover or interfere with any other parts of the steering gear, including rods, chains, fair leads, relieving tackle; or
- (d) over sounding pipe caps.

Life-saving appliances, etc., to be kept clear.

13. In all cases deck cargo shall be so stowed and secured as not to reduce or impair in any way the efficiency of any freeing port in providing for the escape of surplus water from the deck. Freeing ports.

14. In passenger ships carrying deck cargo there shall be provided a passage-way not less than 2 feet in width at any part, kept at all times free of obstruction, extending from end to end of the ship and giving ready access to all life-boats and other life-saving appliances, as follows:— Passage-way on passenger ships.

- (a) A passage-way along the deck on each side of the hatches; or
- (b) An elevated gangway, of substantial character, forming a permanent structural part of the ship, fitted on each side with proper stanchions of wood or iron not less than 3 ft. 6 in. in height and spaced not more than 5 feet apart, and with not less than two rails, chains, or guard-ropes; or
- (c) where a permanent gangway in accordance with the last preceding paragraph is not provided, and, in the opinion of the surveyor, passage-ways along the deck in accordance with paragraph (a) of this regulation are not practicable, gangways of a temporary character, one on each side of the hatches, placed on top of the deck cargo, of substantial character, strongly constructed and secured, and fitted on each side with proper stanchions and rails, chains, or guard-ropes as provided in the last preceding paragraph.

15. In cargo ships carrying deck cargo there shall be provided at least one clear passage-way conforming to the requirements of the last preceding regulation as to passage-ways on passenger ships carrying deck cargo:

Passage-ways  
on cargo ships.

Provided that where deck cargo, including timber, is carried on the deck of a sailing ship, or on any deck of a cargo steamship on which it is not necessary to keep a clear passage-way for the use of the crew in connexion with the navigation or working of the ship, it shall not be necessary to provide a passage-way on deck or by means of a gangway if the deck cargo is stowed with a flat upper surface from rail to rail, properly secured and provided with life-lines along each side to prevent any person falling overboard.

16. A deck cargo shall not, unless approved by a surveyor, be stowed to a greater height than to the level of the top of the bulwarks or rail of the weather deck.

Height of deck  
cargo.

17. Except with the approval in writing of the Deputy Director, deck cargo shall not be allowed to project beyond the side of the vessel.

Projection of  
deck cargo  
over side.

18. All deck cargo on a vessel shall be securely lashed or otherwise secured before the vessel leaves the wharf or jetty where loaded.

Deck cargo to  
be secured.

19. (1.) No person shall ship or send in any vessel any motor-driven vehicle, machine, or boat using petrol or other liquid fuel unless—

Motor-driven  
vessels and  
boats' fuel  
tanks.

(a) the tanks thereof and all engine connexions are empty and free from the liquid and inflammable vapours; and

(b) the drain and filling pipes of all tanks thereof are left open and the openings effectively screened by fine wire gauze.

(2.) No such vehicle, machine, or boat shall have stored, placed, or packed therein any petrol or other liquid fuel, whether enclosed in a separate container or otherwise.

Penalty for an offence against either of the last two sub-regulations: Fifty pounds.

(3.) No master shall knowingly receive or carry on board his vessel any motor-driven vehicle, machine, or boat in respect of which the requirements of this regulation have not been complied with.

#### PART IV.—LIVE STOCK.

20. Except as otherwise prescribed in these Regulations, live stock may be carried either on deck or in the hold.

Live stock on  
deck and below  
decks.

21. Where live stock is carried in a hold, the distance from the deck or bottom of the hold to the deck above shall not be less than 7 feet.

Head-room for  
live stock.

22. All enclosed portions of a vessel used for live stock shall be efficiently ventilated, in addition to any ventilation obtained from hatchways, by cowls attached to shafts or other means for the admission of fresh air and the removal of foul air.

Ventilation.

23. Horses and cattle shall not, unless specially permitted by the Deputy Director, be carried in pens erected over any hatch or hatchway.

Horses and  
cattle not to  
be carried on  
hatchways.

24. Live stock shall not be carried on any deck on which passengers are berthed, other than an open deck, unless the compartment in which the live stock is carried is separated from the passenger accommodation by an iron or steel watertight bulkhead.

Carriage of live stock on passenger decks.

25. Live stock shall not be carried on or in any part of a ship where it would—

Carriage not to obstruct light, ventilation, &c.

- (a) interfere with the lighting and ventilation of other parts of the ship; or
- (b) obstruct the approach to any entrance to passengers' or crew's quarters; or
- (c) obstruct the passage to any water-closet or convenience set apart for the use of passengers or crew; or
- (d) interfere with the life-saving appliances or the proper navigation of the ship; or
- (e) interfere with the provision made for sounding tanks and bilges; or
- (f) interfere with the closing and battening arrangements of the hatchways.

26. Where live stock is carried in any ship to which these Regulations apply, the following requirements shall be complied with:—

Carriage of live stock.

- (a) Suitable foodstuffs, sufficient for the voyage, shall be provided for each animal carried, and shall be so stowed as not to be unduly exposed to the weather;
- (b) Adequate provision shall be made for the protection of the animals from injury from weather, sun, or sea water;
- (c) Proper conveniences shall be provided for the feeding and watering of the animals, including the provision, in front of each row of stalls or pens, of a sufficient passage-way for that purpose;
- (d) In every case the live stock shall be in charge of some person or persons responsible to the master;
- (e) Where hay, straw, or other foodstuff or bedding of an inflammable character is used or carried, notices shall be prominently posted\* prohibiting smoking or the use of naked lights in the vicinity;
- (f) Adequate provision shall be provided for suitably draining the deck, holds, compartments, pens, stalls, and enclosures in which live stock is carried;
- (g) Proper arrangements shall be made for the regular cleaning of the deck on which, or the hold, pen, stall, or enclosure in which the live stock is carried, and sufficient space shall be left for that purpose, and no live stock shall be carried abreast of side doors used at intermediate ports for gangways or for cleaning out while at sea:

Provided that, while the vessel is in a port, the requirements of this paragraph shall be read as subject to any regulation of the local harbour authority forbidding the pollution of the waters of the port by the discharge overboard of objectionable refuse; and

\* NOTE.—Any person who smokes, or lights a match, while in any hold or on any deck of a ship in or on which inflammable cargo is stowed, is liable, under the Navigation (Cargo-Fire Prevention) Regulations, to a fine of £20 or a month's imprisonment.

(h) When live stock is carried in the hold or between decks, there shall be provided approved fire extinguishers, centrally situated for use in an emergency, on each deck on which live stock is carried, in the proportion of one extinguisher for every 60 feet or part thereof of the fore-and-aft length of space so occupied.

27. In a passenger ship—

- (a) no male goats shall be carried;
- (b) not more than six dogs shall be carried at any one time, and
- (c) pigs exceeding six in number shall be carried only on compliance with the following conditions:—
- (i) The approval in writing of the Deputy Director to their carriage shall first be obtained;
  - (ii) The pigs shall be carried in stalls or pens of such area as will enable the animals to feed and rest properly during the voyage, and be protected from sun and weather; and
  - (iii) The stalls or pens shall be so placed and constructed that they can be thoroughly cleaned out at frequent intervals during the voyage.

Restriction on carriage of dogs, male goats and pigs.

28. (1.) No live stock shall be carried in any part of the vessel unless properly secured.

Pens to be well secured.

(2.) Horses, cattle, sheep, and the like shall be carried in stalls, or in substantial pens erected for the purpose.

29. (1.) The stanchions of stalls or pens for horses and cattle shall be securely fastened to the decks by means of iron sockets or other equally secure method; and the materials used in the construction of the stalls or pens, whether of wood or iron, shall be of a substantial character, of sufficient strength, and so adjusted as to withstand the action of the weather and to support the weight of the live stock when thrown against them.

Construction of fittings.

(2.) The deck of each stall or pen occupied by horses or cattle shall be fitted, to prevent the animals slipping, as follows:—

- (a) When the deck is of wood, cement or other composition, with suitable hardwood battens or portable gratings firmly secured in position; or
- (b) When the deck is of iron or steel, with substantial and well secured portable wooden bottom-boards having a suitable number of hardwood cross battens firmly attached thereto.

30. Each camel, horse, mule, or ass carried shall be provided with a separate stall, having a deck space measuring not less than 7 ft. 6 in. by 2 ft. 4 in., and shall be securely tied by the head so as to stand athwartships:

Separate stalls for horses, &c.

Provided that fittings, erected in accordance with the specification of the Sea Transport Department of the Board of Trade, London (1925), for the conveyance of Horses and Mules, will be accepted as in compliance with the requirements of this regulation:

Provided further that, on short voyages not exceeding 600 miles, or in other cases specially approved by the Deputy Director, horses and mules may be carried in pens as prescribed for cattle in the next succeeding regulation.

31. (1.) Cattle may be carried either in separate stalls as described in the last preceding regulation, or in pens as provided in this regulation. Cattle in stalls or pens.

(2.) A pen for cattle shall measure, in its athwartship dimension, not less than 7 ft. 6 in., and shall provide not less than 20 square feet of deck area for each large beast, 15 square feet for each medium sized beast, or 10 square feet for each small beast accommodated.

(3.) Not more than ten large beasts, fifteen medium sized beasts, or twenty small beasts, shall be carried in a pen.

(4.) In every case the pen shall be of such area as to enable all the cattle to stand comfortably athwartship, in single row at breast rail for feeding and to rest at other times during the voyage.

32. (1.) There shall be provided for every horse or head of cattle carried in a ship, a halter or head-rope, so that the horses or cattle can, if necessary, be properly secured. Head-ropes and halters.

(2.) Suitable rings, or other effective contrivances, shall be provided on the breast rails or stanchions for tethering horses or cattle in their pens.

33. There shall be provided in the 'tween decks, or on the weather deck abaft the foremast, spare pens or stalls for horses or cattle which may become sick, or are injured, or whose ordinary stalls have become untenable owing to weather conditions or other causes, in the proportion of 3 per cent. of the horses or cattle above the number of 200 carried in the ship. Spare accommodation for sick, &c., horses or cattle.

34. (1.) Sheep, goats, or pigs may be carried in substantial pens containing not more than 50 sheep or goats or 16 pigs to a pen; they shall be adequately protected from the weather, sea water, and sun's rays during hot weather. Space for sheep, goats, pigs.

(2.) The pens for sheep may be arranged in two tiers, provided each tier is not less than 3 ft. 6 in. in height deck to deck.

(3.) The sides of each tier and the floor of the upper tier (if any) shall be substantially constructed.

(4.) In every case the pens shall be of such area as will enable the animals to feed and rest properly during the voyage.

35. (1.) When more than 50 horses or cattle, or more than 200 sheep, are carried in a ship below decks, the master shall cause to be instituted a patrol system in order to detect casualties or cases of distress. Patrol system.

(2.) The system shall provide, when the vessel is at sea, for a report to be made at regular intervals, during each watch, to the deck officer on duty.

(3.) When the vessel is in port a regular patrol shall be made during the night time by a night watchman or other person responsible to the master, or, during the master's absence, to the deck officer in charge.



36. (1.) In cases where, during a voyage, the death occurs of any animal carried as live stock, the dead animal shall be thrown overboard shortly after death and before the ship enters port: Mortality of live stock.

Provided that this regulation shall not apply to cases where live stock die after a ship's entry of the approaches to a port.

(2.) An entry shall be made in the ship's logbook containing particulars of the death and identification brands of any animal which dies during the voyage.

37. (1) When live stock is discharged from a ship the spaces which have been occupied by the live stock shall, at the earliest opportunity, be thoroughly cleaned and disinfected: Cleaning and disinfecting.

Provided that, if the ship is at the time in a port in respect of which a regulation of the local harbour authority forbids the pollution of the waters of the port by the discharge overboard of offensive refuse, and it is not reasonably practicable to dispose of the refuse in any other manner, the cleansing and disinfection of the spaces occupied by the live stock shall be carried out as soon as possible after the vessel leaves the port.

38. Where it appears to the Deputy Director, on the report of a surveyor, that the requirements of these Regulations are insufficient for the safety of any particular ship, or the proper stowage of deck cargo or live stock, or that they could be safely modified, he may either require the observance of additional precautions, or, upon the written application of an owner, agent, or master, may modify the requirements of the Regulations to the extent that, in his opinion, the circumstances of the particular case warrant. Deputy Director may extend or modify requirements.