

EXPLANATORY STATEMENT

STATUTORY RULES 1986 NO 335

Issued by the Authority of the Minister for Transport

Subject: Navigation Act 1912 - Navigation (Orders)
Regulations (Amendment)

Sub-section 425(1) of the Navigation Act 1912 ('the Act') provides that the Governor-General may make regulations, not inconsistent with the Act, empowering the Minister to make orders for and in relation to the loading and unloading of ships and the stowing and carriage of cargo on ships.

Sub-section 425(1) of the Act also provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters for and in relation to the imposition of penalties for a contravention of a provision of any of the orders made (by the Minister) in pursuance of the regulations, or an order made under, or in force by virtue of, the regulations.

The Navigation (Orders) Regulations ('the Regulations') are made pursuant to that sub-section.

The Regulations are amended to facilitate the presentation of evidence to the court where an offence prescribed by the Minister's orders relating to the loading or unloading of ships or the stowing or carriage of cargo on ships has occurred; such offences being principally:

- (1) the lifting or loading of cargo of a greater than permitted weight;
- (2) the packing or stowing of dangerous goods in contravention of the orders.

Prosecution for these offences is frequently frustrated by the inability of the Prosecutor to produce tangible evidence in court.



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The amending Statutory Rules insert a new regulation 6 into the Regulations.

Sub-regulation 6(1) defines the terms 'container' and 'prescribed unit' for the purposes of the regulation.

Sub-regulation 6(2) attributes:

- (1) to an article, package or aggregation, the weight indicated by a marking on, or a label attached to, such article, package or aggregation or the weight determined by certificate of a person operating a weighing machine;
- (2) to a container, article, package or aggregation, the contents indicated by a marking on, or a label attached to, such container, article, package or aggregation.



S/R 1986 NO.