

WESTERN AUSTRALIAN MARINE.

No. 69 of 1966.

AN ACT to amend the Western Australian Marine Act, 1948-1965.

[Assented to 12th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Western Australian Marine Act Amendment Act, 1966.*

Short title
and citation.

(2) In this Act the Western Australian Marine Act, 1948-1965 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Western Australian Marine Act, 1948-1966.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation.

(2) It shall not be necessary to proclaim that the whole of this Act shall come into operation on one day, but the several sections of this Act may be proclaimed to come into operation on such dates as are respectively fixed by proclamation.

S. 3
amended.

3. Section three of the principal Act is amended—

(a) by substituting for the passage, "*Division 4—ss. 67-72—Wireless telegraphy.*" the passage, "*Division 4—ss. 67-72—Radio-telephony.*"; and

(b) by adding after the passage, "*Division 12—ss. 179-182—The official logbook, ship's logbook and engineroom logbook.*", the passage, "*Part VIIA.—ss. 182A-182C—LIMITED COAST-TRADE VESSELS.*".

S. 8
amended.

4. Section eight of the principal Act is amended—

(a) by adding after the interpretation, "jurisdiction" in subsection (1) the following interpretation—

"limited coast-trade vessel" means—

(a) a coast-trade ship of not more than fifty tons gross registered tonnage;

(b) any other ship of not more than fifty tons gross registered tonnage employed in sea-going service from any port within the State, other than—

(i) a ship not used in trade or commerce or for reward;

(ii) a ship licensed or required to be licensed under the Pearling Act, 1919, the Whaling Act, 1937 or the Fisheries Act, 1905; ; and

(b) by adding after subsection (1) a subsection as follows—

(1a) (a) In this Act, except in Part III., “coast-trade ship” includes a ship referred to in paragraph (a) of the interpretation, “limited coast-trade vessel”.

(b) In Part III. of this Act, “coast-trade ship” does not include a limited coast-trade vessel. .

5. Section fifty-three of the principal Act is amended by substituting for the passage, “This Part (except where otherwise specially provided) applies” in lines one and two, the passage, “The provisions of this Part, other than the provisions of Division 4, apply, except where otherwise specially provided,”. S. 53 amended.

6. Section sixty-seven of the principal Act and the heading immediately preceding that section are repealed and re-enacted as follow— Heading and s. 67 repealed and re-enacted.

Division 4.—Radiotelephony.

67. In this Division—

Interpre-
tation.

“protected waters” means the waters contained in a lake, river, or estuary, or the waters contained within or protected by a breakwater;

“radiotelephony” means any system of transmitting and receiving telephonic messages by means of electricity without a continuous metallic connection between the transmitter and the receiver. .

S. 68
repealed and
re-enacted.

7. Section sixty-eight of the principal Act is repealed and re-enacted as follows—

Certain ships
to be
equipped
with radio-
telephony
equipment.

68. (1) Subject to section sixty-nine of this Act, the master, or person for the time being having the control, of a ship that is—

- (a) a coast-trade ship;
- (b) a limited coast-trade vessel; or
- (c) licensed or required to be licensed under the Pearling Act, 1919, the Whaling Act, 1937 or the Fisheries Act, 1905,

shall not cause or permit the ship to go to sea unless—

- (d) the ship is equipped with a radio-telephony installation of the prescribed type and standard and in respect of which a license issued under the Wireless Telegraphy Act 1905, as amended, of the Parliament of the Commonwealth or any Act of that Parliament enacted in substitution therefor, is in force; and
- (e) there is on board the ship a person who has the prescribed qualifications for operating that radiotelephony installation.

Penalty: Two hundred dollars or imprisonment for three months.

(2) Subject to section sixty-nine of this Act, the master, or person for the time being having the control, of a harbour and river ship shall not cause or permit that ship to be navigated beyond protected waters unless that ship is equipped and manned in the manner specified in paragraphs (d) and (e) of subsection (1) of this section.

Penalty: Two hundred dollars or imprisonment for three months. .

8. Section sixty-nine of the principal Act is repealed and re-enacted as follows—

S. 69
repealed and
re-enacted.

69. (1) The Minister may, by instrument under his hand, exempt any ship or class of ships, either generally or in a particular case, from compliance with all or any of the provisions of this Division or of the regulations made under section seventy-two of this Act if he is satisfied that it would be unreasonable or impracticable to require compliance with those provisions.

Exemptions.

(2) The Minister may at any time, by instrument in writing under his hand, revoke any exemption granted pursuant to subsection (1) of this section. .

9. Sections seventy and seventy-one of the principal Act are repealed.

Ss. 70 and 71
repealed.

10. Section seventy-two of the principal Act is repealed and re-enacted as follows—

S. 72
repealed and
re-enacted.

72. The Governor may make regulations prescribing all matters which by this Division are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Division, and in particular but without prejudice to the generality of the foregoing—

Regulations.

- (a) relating to the nature, types and standards of radiotelephony installations required to be installed for the purposes of this Division;
- (b) relating to the survey and inspection of radiotelephony installations, and imposing fees to be payable therefor;

- (c) relating to the maintenance and testing of radiotelephony installations and to the carrying of spare parts and related equipment;
- (d) relating to the keeping of radio watches and the maintaining of silence periods with respect to radiotelephony installations;
- (e) relating to the maintenance of radio logbooks;
- (f) imposing a penalty not exceeding two hundred dollars for any breach of the regulations. .

Heading and
s. 182A
added.

11. The principal Act is amended by adding after section one hundred and eighty-two a heading and section as follow—

PART VIIA.—LIMITED COAST-TRADE
VESSELS.

Manning.

182A. (1) The owner, or person for the time being having the control, of a limited coast-trade vessel shall not cause or permit the vessel to go to sea unless—

- (a) the vessel is provided with a master who is the holder of a limited coast-trade master's certificate or a certificate of a higher grade;
- (b) where the propelling power of the vessel is—
 - (i) more than two hundred brake horsepower, the vessel is provided with an engineer who is the holder of a certificate prescribed for the purpose or a certificate of a higher grade;

- (ii) does not exceed two hundred brake horsepower, the vessel is provided with a marine motor engineer who is the holder of a certificate prescribed for the purpose or a certificate of a higher grade; and
- (c) the vessel is provided with such further number of persons, if any, required to be carried thereon by endorsement on the certificate of survey of the vessel.

Penalty: Two hundred dollars or imprisonment for three months.

(2) In this section, "certificate of a higher grade" means—

- (a) in relation to a limited coast-trade master's certificate, a certificate for a master of a coast-trade ship or a foreign-going ship;
- (b) in relation to a certificate prescribed for the purpose of subparagraph (i) of paragraph (b) of subsection (1) of this section, a second or a first class engineer's certificate;
- (c) in relation to a certificate prescribed for the purpose of subparagraph (ii) of paragraph (b) of subsection (1) of this section, a third, second or first class engineer's certificate. .

12. The principal Act is amended by adding a section as follows—

S. 182B
added.

182B. The owner, or person for the time being having the control, of a limited coast-trade vessel shall not cause or permit the vessel to go to sea—

Survey

- (a) unless there is in force in relation to the vessel a certificate of survey;

- (b) if the vessel is not equipped in the prescribed manner;
- (c) during any period or during any time of the day, or in any area of waters, during or in which, as the case requires, the navigation of the vessel is prohibited by an endorsement on the certificate of survey.

Penalty: Two hundred dollars or imprisonment for three months. .

S. 182C
added.

13. The principal Act is amended by adding a section as follows—

Regulations.

182C. (1) The Governor may make regulations—

- (a) relating to the examination of, and the qualifications, including lengths of service, to be attained by, persons seeking the issue of certificates under section one hundred and eighty-two A of this Act;
- (b) relating to the survey of, and the equipment to be carried by, limited coast-trade vessels;
- (c) empowering the surveyor surveying a limited coast-trade vessel to prohibit by endorsement on the certificate of survey of that vessel, the navigation of the vessel during such periods, or during such times of the day, or within such areas of waters, as he specifies in the endorsement;
- (d) empowering the surveyor surveying a limited coast-trade vessel to prohibit, by endorsement on the certificate of survey of the vessel, the navigation of the vessel unless the vessel is manned by such number of persons, in addition to the persons required by paragraphs (a) and (b) of subsection (1) of section

- one hundred and eighty-two A of this Act, as he specifies in the endorsement;
- (e) relating to limited coast-trade vessels in respect of any of the matters or purposes for which regulations may be made under section two hundred and four of this Act in respect of vessels within the meaning of section one hundred and eighty-three of this Act;
 - (f) imposing a penalty not exceeding two hundred dollars or imprisonment not exceeding three months for a breach of any regulation;
 - (g) for any other purpose necessary or convenient for the administration of this Act as it relates to limited coast-trade vessels.
- (2) A regulation made pursuant to subsection (1) of this section may be so made—
- (a) as to apply generally or in a particular class of case or particular class of cases, at all times or at a specified time or at specified times, in all waters or in specified waters;
 - (b) as to require a matter affected by it to be in accordance with a specified standard or requirement, or as approved by or to the satisfaction of the Department. .

14. Subsection (1) of section two hundred and seven of the principal Act is amended by adding after paragraph (g) a paragraph as follows—

S. 207
amended.

- (ga) the manning of vessels, generally, and in relation to journeys of specified durations; .
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