

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 26 February 1981

(*Minister for Transport*)

A BILL

FOR

**An Act to amend the *Navigation Act 1912*, and
for related purposes**

5 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, &c.

1. (1) This Act may be cited as the *Navigation Amendment Act 1981*.

10 (2) The *Navigation Act 1912*¹ is in this Act referred to as the Principal Act.

Commencement

2. (1) This Part, sub-sections 6 (2) and 24 (2) and section 40 shall come
into operation on the day on which this Act receives the Royal Assent.

15 (2) Sub-section 3 (2) and section 7 shall come into operation on the
commencement of section 76 of the *Navigation Amendment Act 1980*.

(3) Except as otherwise provided in this section or in Part II, Part II shall
come into operation on the day on which the *Shipping Registration Act 1981*
comes into operation.

20 (4) Subject to sub-section (5), Part III and section 28 shall come into
operation on the twenty-eighth day after the day on which this Act receives the
Royal Assent.

(5) The amendment made by section 44 to a provision of the Principal Act specified in Column 1 of Schedule 1 shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent or, if the provision specified in Column 2 of that Schedule opposite the first-mentioned provision has not come into operation on that twenty-eighth day, on the commencement of that second-mentioned provision.

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PART II—MISCELLANEOUS AMENDMENTS

Interpretation

3. (1) Section 6 of the Principal Act is amended—

(a) by omitting from the definition of “agreement” in sub-section (1) “section 45A” and substituting “Part II”;

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(b) by omitting from sub-section (1) the definition of “British ship”.

(2) Section 6 of the Principal Act is amended by omitting paragraph (c) of the definition of “ship” in sub-section (1) and substituting the following paragraph and words:

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“(c) an off-shore industry mobile unit,

but (except in section 192B, in Division 3, 4, 5, 6, 10, 11 or 13 of Part IV, in Part VII or IX, in Division 1, 3 or 4 of Part X or in Part XI) does not include an off-shore industry mobile unit that is not self-propelled;”.

(3) Paragraph (1) (a) shall come into operation on the commencement of this sub-section or, if paragraph 5 (2) (a) of the *Navigation Amendment Act 1980* does not, or has not, come into operation on or before that commencement, on the commencement of that paragraph.

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Definition of coasting trade

4. Section 7 of the Principal Act is amended by omitting from sub-section (1) all the words after “Territory shall not be deemed engaging in the coasting trade.”.

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5 After section 7 of the Principal Act the following section is inserted:

Ships registered in Australia

“7A. A reference in this Act to a ship registered in Australia shall be read as a reference to a ship registered under the *Shipping Registration Act 1981* and as including a reference to a ship that is required to be registered under that Act but is not so registered.”.

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Delegation

6. (1) Section 9 of the Principal Act is amended—

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(a) by inserting in sub-section (2) “or performed” after “exercised” (wherever occurring); and

(b) by inserting in sub-section (3) “performance of a” after “power or”.

(2) The amendments made by sub-section (1) shall be deemed to have come into operation on the commencement of section 9 of the *Navigation Amendment Act* 1980.

5 7. After section 9 of the Principal Act the following section is inserted in Division 1 of Part II:

Interpretation

“9A. In this Part, ‘ship’ does not include a barge, lighter or other floating vessel that is not self-propelled.”.

10 8. (1) Section 10 of the Principal Act is repealed and the following section is substituted:

Application of Part

“10. Except so far as the contrary intention appears, this Part applies only to—

- 15 (a) a ship registered in Australia;
- (b) a ship (other than a ship registered in Australia) engaged in the coasting trade; or
- 20 (c) a ship (other than a ship registered in Australia or engaged in the coasting trade) of which the majority of the crew are residents of Australia and which is operated by any of the following (whether or not in association with any other person, firm or company, being a person, firm or company of any description), namely—
 - (i) a person who is a resident of, or has his principal place of business in, Australia;
 - 25 (ii) a firm that has its principal place of business in Australia; or
 - (iii) a company that is incorporated, or has its principal place of business, in Australia,

and to the owner, master and crew of such a ship.”.

(2) If sub-section 8 (1) of the *Navigation Amendment Act* 1979 does not, or has not, come into operation on or before the commencement of this section—

- 30 (a) section 10 of the Principal Act as amended by sub-section (1) shall be deemed to be amended by adding at the end thereof the following sub-sections:

35 “(2) The Minister may, by instrument in writing, exempt a ship (not being a ship registered in Australia), or ships (not being ships registered in Australia) included in a class of ships, from the application of all or any of the provisions of Divisions 3 and 7.

“(3) An exemption under sub-section (2) is subject to such conditions (if any) as are specified in the exemption.

40 “(4) If a condition that is applicable to a ship by virtue of an exemption given under sub-section (2) is contravened or not complied with, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding \$2,000.”; and

- (b) on the commencement of sub-section 8 (1) of the *Navigation Amendment Act* 1979, sub-sections 10 (2), (3) and (4) of the Principal Act as deemed to be amended by this sub-section shall be deemed to be repealed by this Act.

Minimum complement of ships

9. (1) Section 14 of the Principal Act is amended by omitting sub-section (13) and substituting the following sub-section:

“(13) In the preceding provisions of this section, a reference to a ship shall be read as including a reference to a ship that is intended to be constructed or is in the course of construction and, in either case, is intended to become a ship of a kind referred to in paragraph 10 (a), (b) or (c).”.

(2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if sub-section 8 (1) of the *Navigation Amendment Act* 1979 does, not, or has not, come into operation on or before that commencement, on the commencement of that sub-section.

(3) If section 9 of the *Navigation Amendment Act* 1979 does not, or has not come into operation on or before the commencement of this sub-section section 14 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) Subject to sub-section (9)—

(a) the owner of a ship shall not suffer the ship to go to sea unless the ship carries a duly certificated master and the prescribed complement of officers for the ship; and

(b) the master of a ship shall not take the ship to sea unless the ship carries the prescribed complement of officers for the ship.

Penalty: \$2,000.”; and

(b) by omitting from sub-section (2) “registered in Australia or engaged in the coasting trade”.

Authority to take ship to sea where ordinary complement of officers not obtained

10. If section 9 of the *Navigation Amendment Act* 1979 does not, or has not, come into operation on or before the commencement of this section, section 14A of the Principal Act is amended by omitting from paragraph (1) (a) “registered in Australia or engaged in the coasting trade”.

Application of Division

11. (1) Section 19 of the Principal Act is repealed.

(2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if sub-section 10 (1) of the *Navigation Amendment Act* 1979 does not, or has not, come into operation on or before that commencement, on the commencement of that sub-section.

Officers to be able to speak and write the English language

12. If sub-section 10 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 26 of the Principal Act is amended by omitting “registered in Australia or engaged in the coasting trade”.

Boat-hand efficiency

13. If sub-section 11 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 39D of the Principal Act is amended by omitting “registered in Australia or engaged in the coasting trade”.

Seaman to be engaged in appropriate capacity

14. If sub-section 11 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 40 of the Principal Act is amended by omitting “registered in Australia or engaged in the coasting trade”.

Notice of disrating of seaman

15. If sub-section 11 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 42 of the Principal Act is amended by omitting from sub-section (1) “registered in Australia or engaged in the coasting trade”.

Crews for ships

16. If section 13 of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 43 of the Principal Act is amended by omitting from sub-sections (1) and (2) “registered in Australia or engaged in the coasting trade”.

Authority to take ship to sea where ordinary crew not obtained

17. If section 13 of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 44 of the Principal Act is amended by omitting from paragraph (1) (a) “registered in Australia or engaged in the coasting trade”.

Employment of crew in loading and unloading

18. Section 45 of the Principal Act is amended by omitting from sub-section (1) “(whether British or foreign)” and substituting “(whether or not it is a ship to which this Part applies)”.

Application of Division to contracts of sea service

19. (1) Section 45D of the Principal Act is amended by omitting “to which section 45A applies,”.

(2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if section 15 of the *Navigation Amendment Act 1980* does not, or has not, come into operation on or before that commencement, on the commencement of that section.

Engagement of seamen in Australia

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20. Section 46 of the Principal Act is amended by omitting from sub-section (2A) “, not being a ship to which section 115 applies,”.

Account of wages on discharge

21. (1) Section 76 of the Principal Act is amended by inserting in sub-section (1) “, including a port outside Australia” after “any port”.

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(2) If paragraph 41 (a) of the *Navigation Amendment Act 1980* comes, or has come, into operation on or before the commencement of this sub-section, section 76 of the Principal Act is amended by omitting from sub-section (1) “(whether British or foreign) who discharges a seaman (being a seaman serving under articles of agreement) at a port in Australia, and the master of a ship registered in Australia”.

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(3) If paragraph 41 (a) of the *Navigation Amendment Act 1980* does not, or has not, come into operation on or before the commencement of this sub-section—

(a) section 76 of the Principal Act is amended by omitting from sub-section (1) “(whether British or foreign) who discharges a seaman at a port in Australia, and the master of a ship registered in Australia”; and

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(b) paragraph 41 (a) of the *Navigation Amendment Act 1980*² is amended by omitting “and second”.

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Punishment of breaches of discipline by master

22. (1) Section 115 of the Principal Act is amended—

(a) by omitting “to which this section applies” (wherever occurring);

(b) by omitting sub-section (13); and

(c) by omitting from sub-section (14) “sub-sections (1) and (13)” and substituting “sub-section (1)”.

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(2) Paragraph (1) (c) shall come into operation on the commencement of this sub-section or, if section 57 of the *Navigation Amendment Act 1980* does not, or has not, come into operation on or before that commencement, on the commencement of that section.

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Cooks

23. If sub-section 26 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 121 of the Principal Act is amended by omitting from paragraph (b) “registered in Australia or engaged in the coasting trade”.

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Agreement or contracts of sea service to be produced

24. (1) Section 167 of the Principal Act is amended by omitting from paragraph (1) (a) “contracts o sea service” and substituting “contracts of sea service”.

5 (2) The amendment made by sub-section (1) shall come into operation, or shall be deemed to have come into operation, as the case requires, on the commencement of sub-section 65 (2) of the *Navigation Amendment Act* 1980.

Detention of ships to which Part II does not apply

10 25. Section 192A of the Principal Act is amended by omitting from sub-section (1) “foreign ship” and substituting “ship to which Part II does not apply”.

Seaman may claim discharge from unseaworthy ship

26. (1) Section 209 of the Principal Act is amended—

15 (a) by omitting from sub-sections (1) and (2) “this section” and substituting “Part II”; and

(b) by omitting sub-section (3).

20 (2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if section 72 of the *Navigation Amendment Act* 1980 does not, or has not, come into operation on or before that commencement, on the commencement of that section.

(3) If section 72 of the *Navigation Amendment Act* 1980 does not, or has not, come into operation on or before the commencement of this sub-section, section 209 of the Principal Act is amended by omitting “British ship” and substituting “ship to which Part II applies”.

25 **Right to decline to go to sea in ship carrying dangerous goods**

27. (1) Section 251 of the Principal Act is amended—

(a) by omitting from sub-sections (1) and (2) “this section” and substituting “Part II”; and

(b) by omitting sub-section (4).

30 (2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if section 75 of the *Navigation Amendment Act* 1980 does not, or has not, come into operation on or before that commencement, on the commencement of that section.

35 (3) If section 75 of the *Navigation Amendment Act* 1980 does not, or has not, come into operation on or before the commencement of this sub-section, section 251 of the Principal Act is amended by omitting “British ship” and substituting “ship to which Part II applies”.

Obligation to render assistance

28. Section 265 of the Principal Act is amended by omitting sub-section (7) and substituting the following sub-section:

“(7) A record required to be made under sub-section (6) shall be made in the official log-book of the ship.”.

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Interpretation

29 (1) Section 269B of the Principal Act is amended by omitting the definition of “foreign ship” and substituting the following definition:

“‘foreign ship’ means a ship to which Part II does not apply;”.

(2) Sub-section (1) shall come into operation on the commencement of this sub-section or, if section 52 of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before that commencement, on the commencement of that section.

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Permits to unlicensed ships

30. Section 286 of the Principal Act is amended by omitting sub-section (1A).

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Licensing of ships to engage in coasting trade

31. Section 288 of the Principal Act is amended—

(a) by omitting paragraph (3) (b); and

(b) by omitting from sub-section (4) “or (b)”.

Ship owner not to be liable in certain cases of loss of, or damage to, goods

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32. Section 338 of the Principal Act is amended by omitting “, other than a foreign ship,” and substituting “to which Part II applies or which is registered in a prescribed country”.

Appointment of assessors

33. (1) Section 360 of the Principal Act is amended by omitting from sub-section (2) “masters of British ships” and substituting “masters of ships to which Part II applies or which are registered in a prescribed country”.

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(2) If section 67 of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 360 of the Principal Act is amended by omitting from sub-section (2) “engineers of British ships” and substituting “engineers of such ships”.

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Powers of Court of Marine Inquiry

34 Section 364 of the Principal Act is amended—

(a) by omitting from paragraph (1) (b) “registered in Australia” and substituting “to which Part II applies”;

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(b) by omitting paragraph (1) (d);

(c) by omitting from paragraph (1) (e) “registered in Australia;” and substituting “to which Part II applies; and”;

- (d) by omitting paragraph (1) (f); and
- (e) by omitting sub-section (2).

Australian flag

35. Section 406 of the Principal Act is repealed.

5 **Tonnage measurement in relation to registration of ships, &c.**

36. (1) Section 407A of the Principal Act is amended by omitting sub-section (3).

(2) If sub-section 81 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 407A of the Principal Act is amended—

- 10 (a) by omitting from sub-section (1) “in Australia under the Merchant Shipping Act” and substituting “under the *Shipping Registration Act 1981*”;
- (b) by omitting from paragraph (2) (a) “under the Merchant Shipping Act”; and
- 15 (c) by omitting from paragraph (2) (h) “(notwithstanding section 82 of the Merchant Shipping Act)”.

Tonnage of ships of certain countries

20 37. If sub-section 82 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, section 407B of the Principal Act is amended—

- (a) by omitting from sub-section (2) “sub-section (2) of this section” and substituting “sub-section (1)”;
- 25 (b) by omitting from sub-section (2) “denoted in the certificate of registry of a British ship registered in Australia is deemed to be the tonnage of that ship, and any space shown by the certificate of registry or other national papers of any such ship as deducted from the gross tonnage shall, where a similar deduction in the case of a British ship registered in Australia” and substituting “ascertained for the purposes of this Act of a ship registered in Australia, and any space shown by the certificate of registry or other national papers of a ship of that country as deducted from the gross tonnage shall, where a similar deduction in the case of a ship registered in Australia”; and
- 30 (c) by omitting from sub-section (2) “a British ship” (last occurring).

15 **Unregistered ships**

38. Section 411 of the Principal Act is repealed.

Births, deaths, &c.

39. Section 417 of the Principal Act is amended—

- (a) by omitting sub-section (2); and
- (b) by omitting from sub-section (3) “superintendent or other proper authority under this section, the superintendent or” and substituting “proper authority under this section, the”.

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40. Before section 424 of the Principal Act the following section is inserted:

Power to exempt ships from provisions of Act

“423B. (1) Where—

- (a) a ship (not being a Commonwealth ship) that is not ordinarily engaged on inter-State voyages or overseas voyages undertakes such a voyage; and
- (b) by reason only of the undertaking of that voyage, one or more provisions of this Act would, but for this sub-section, apply to that ship,

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the Minister may, by instrument in writing, exempt that ship or any person, in respect of that voyage, from compliance with any such provision specified in the exemption.

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“(2) An exemption under sub-section (1) is subject to such conditions (if any) as are specified in the exemption.

“(3) If a condition that is applicable to a ship by virtue of an exemption under sub-section (1) is contravened, the master and the owner of the ship are each guilty of an offence punishable on conviction—

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- (a) if the offender is a natural person—by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both; or
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.”.

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Amendments of Schedule IA to the Principal Act

41. If sub-section 92 (1) of the *Navigation Amendment Act 1979* does not, or has not, come into operation on or before the commencement of this section, Schedule IA to the Principal Act is amended—

- (a) by omitting “Every British ship registered in Australia or engaged in the coasting trade” and substituting “Every ship to which Part II applies”; and
- (b) by omitting “Every British steam-ship registered in Australia or engaged in the coasting trade” and substituting “Every ship to which Part II applies that is a steam-ship”.

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Repeal of Schedule 7 to the Principal Act

42. Schedule 7 to the Principal Act is repealed.

Consequential amendments

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

**PART III—AMENDMENTS RELATING TO
OFFENCES, PENALTIES, &c.**

5 **Amendments relating to offences, penalties, &c.**

44. The Principal Act is amended as set out in Schedule 3.

Transitional provision relating to sections 392, 393 and 394 of Principal Act

10 45. Where a provision of the *Navigation Amendment Act* 1979 or the *Navigation Amendment Act* 1980 that is not in operation on the twenty-eighth day after the day on which this Act receives the Royal Assent provides for the repeal or omission of a provision of the Principal Act, sections 392, 393 and 394 of the Principal Act continue to apply in relation to the last-mentioned provision as if those sections had not been repealed by this Act.

Transitional provision relating to section 66 of Principal Act

5 46. Section 109 of the *Navigation Amendment Act* 1980² is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) the following sub-section were inserted after sub-section (1) of that section of the Principal Act:

0 ‘(1A) When a contract of sea service with a seaman is terminated or otherwise ceases to be in force, the employer shall return, or cause to be returned, to the seaman any certificate belonging to the seaman in the possession, custody or control of the employer.

Penalty for a contravention of this sub-section—

(a) if the offender is a natural person—\$500; or

5 (b) if the offender is a body corporate—\$1,000.’; and”.

SCHEDULE 1

COMMENCEMENT OF CERTAIN PROVISIONS

Column 1	Column 2
Sub-section 14 (8)	Sub-section 8 (1) of the <i>Navigation Amendment Act 1979</i>
Sub-section 14 (11)	Sub-section 8 (1) of the <i>Navigation Amendment Act 1979</i>
Section 16	Sub-section 10 (1) of the <i>Navigation Amendment Act 1979</i>
Sub-section 47A (3)	Section 18 of the <i>Navigation Amendment Act 1980</i>
Sub-section 47A (4)	Section 18 of the <i>Navigation Amendment Act 1980</i>
Sub-section 47A (8)	Section 18 of the <i>Navigation Amendment Act 1980</i>
Sub-section 48A (1)	Section 14 of the <i>Navigation Amendment Act 1979</i>
Sub-section 54 (1)	Section 25 of the <i>Navigation Amendment Act 1980</i>
Sub-section 54 (3)	Section 25 of the <i>Navigation Amendment Act 1980</i>
Section 60	Section 29 of the <i>Navigation Amendment Act 1980</i>
Sub-section 61 (2)	Sub-section 30 (2) of the <i>Navigation Amendment Act 1980</i>
Sub-section 62 (3)	Section 31 of the <i>Navigation Amendment Act 1980</i>
Sub-section 62A (4A)	Section 32 of the <i>Navigation Amendment Act 1980</i>
Sub-section 62A (7)	Section 32 of the <i>Navigation Amendment Act 1980</i>
Sub-section 66 (1)	Section 19 of the <i>Navigation Amendment Act 1979</i>
Sub-section 66 (2)	Section 33 of the <i>Navigation Amendment Act 1980</i>
Sub-section 67 (1)	Section 34 of the <i>Navigation Amendment Act 1980</i>
Sub-section 67 (2)	Section 34 of the <i>Navigation Amendment Act 1980</i>
Section 68	Section 34 of the <i>Navigation Amendment Act 1980</i>
Sub-section 75 (2B)	Section 40 of the <i>Navigation Amendment Act 1980</i>
Sub-section 76 (2)	Section 41 of the <i>Navigation Amendment Act 1980</i>
Sub-section 173 (1A)	Section 67 of the <i>Navigation Amendment Act 1980</i>
Sub-section 188 (4)	Section 35 of the <i>Navigation Amendment Act 1979</i>
Sub-section 209 (2)	Section 72 of the <i>Navigation Amendment Act 1980</i>
Section 236	Section 47 of the <i>Navigation Amendment Act 1979</i>
Sub-section 251 (2)	Section 75 of the <i>Navigation Amendment Act 1980</i>
Sub-section 269N (1)	Section 52 of the <i>Navigation Amendment Act 1979</i>
Sub-section 283F (3)	Section 76 of the <i>Navigation Amendment Act 1980</i>
Sub-section 283G (4)	Section 76 of the <i>Navigation Amendment Act 1980</i>
Section 405K	Section 80 of the <i>Navigation Amendment Act 1979</i>

SCHEDULE 2

Section 43

CONSEQUENTIAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting “registered in Australia or engaged in the coasting trade” (wherever occurring):

Sections 49, 53 (1), 70 (1) and (4), 77 (1), 85 (1), 111 (1), 117, 118 (1), 125 (1), 127 (1), (3) (a), (5) and (6), 132 (1) and (2), 137, 138A, 139 (1), 148B (1), 148C (1), 235.

2. The following provisions of the Principal Act are amended by omitting “registered in Australia” (wherever occurring):

Sections 48 (1), 62A (1), (3) and (6), 148A (2), 163 (1), 163A (2) (b).

3. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Section 32	Omit “, including a foreign ship”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 45A (1), (4) and (10)	Omit “to which this section applies” (wherever occurring).
Section 45A (13)	Omit.
Section 75 (1)	Omit “a port in Australia, or at a port outside Australia from a ship registered in Australia”, substitute “any port, including a port outside Australia”.
Section 104 (1)	Omit “, including a foreign ship,”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 107	Omit “(British or foreign)”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 144	Insert “(whether or not it is a ship to which this Part applies)” after “ship” (first occurring).
Section 145 (1) (a)	Insert “(whether or not it is a ship to which this Part applies)” after “ship” (first occurring).
Section 145 (1) (b)	Omit “(including a foreign ship)”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 147	Insert “(whether or not they are ships to which this Part applies)” after “ships”.
Section 148A (1)	Omit “, including a foreign ship,”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 149 (1) (definition of “ship”)	Omit.
Section 163A (2) (c)	Omit “British”.
Section 164 (1)	Insert “(whether or not they are ships to which this Part applies)” after “ships”.
Section 164 (2)	Insert “(whether or not it is a ship to which this Part applies)” after “ship” (first occurring).
Section 165	Omit “, including a foreign ship,”, substitute “(whether or not it is a ship to which this Part applies)”.
Section 170	Repeal.
Section 177	Omit “foreign ship”, substitute “ship to which Part II does not apply”.
Section 181 (1)	Omit “any foreign ship”, substitute “a ship to which Part II does not apply”.
Section 186 (a)	Omit “foreign ship”, substitute “ship to which Part II does not apply”.
Section 187	Omit “British or foreign”, substitute “including ships to which Part II does not apply”.
Section 206B	Omit “, registered in Australia or engaged in the coasting trade”, substitute “to which Part II applies”.
Section 265 (1)	Omit “registered in Australia or engaged in the coasting trade”, substitute “to which Part II applies”.
Section 265 (2) and (6)	Omit “registered in Australia”, substitute “to which Part II applies”.

SCHEDULE 2—continued

Provision	Amendment
Section 268	Omit "Where a ship registered in Australia, or where, during a voyage to a port in Australia or within Australia, a ship not registered in Australia", substitute "Where a ship to which Part II applies, or where, within Australia or during a voyage to a port in Australia, a ship to which Part II does not apply".
Section 269 (a)	Omit "registered in Australia or engaged in the coasting trade", substitute "to which Part II applies".
Section 269A (1)	Omit "registered in Australia or engaged in the coasting trade", substitute "to which Part II applies".
Section 270	Omit "registered in Australia, ships engaged in the coasting trade or ships regularly employed in trading to and from ports in Australia and owned by a person, firm or company resident, or having his or its principal place of business, in Australia", substitute "to which Part II applies".
Section 284	Omit "(whether British or foreign)", substitute ", including ships to which Part II does not apply".
Section 290 (1)	Omit "British".
Section 305 (2)	Omit "foreign ship", substitute "ship to which Part II does not apply".
Section 327	Omit "not registered in Australia", substitute "to which Part II does not apply".
Section 383 (1) (a)	Omit "foreign ship", substitute "ship to which Part II does not apply".
Section 410 (1)	Omit, substitute the following sub-section: "(1) The master of a ship to which Part II applies shall keep a copy of this Act on board the ship."
Section 410A (1)	Omit "registered in Australia, or of a ship (British or foreign) licensed to engage in the coasting trade," substitute "to which Part II applies".
Section 417 (1)	Omit "registered in Australia or engaged in the coasting trade", substitute "to which Part II applies".

SCHEDULE 3

Section 44

AMENDMENTS RELATING TO OFFENCES, PENALTIES, &c.

Provision	Amendment
Sub-section 6 (1)	Insert before the definition of "diplomatic or consular representative of Australia" the following definition: "contravention", in relation to a provision of this Act, includes a failure to comply with that provision;"
Sub-section 8B (4)	Omit "punishable upon conviction by a fine not exceeding \$1,000", substitute: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000".
Sub-section 14 (8)	Omit "punishable upon conviction by a fine not exceeding \$1,000", substitute: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000".

SCHEDULE 3—continued

Provision	Amendment
Sub-section 114(11)	Omit "punishable upon conviction by a fine not exceeding \$5,000", substitute: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000".
Section 16	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty— (a) if the offender is a natural person—\$2,000; or (b) if the offender is a body corporate—\$5,000."
Section 29	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000."
Section 31	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000."
Section 32	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 36	Add at the foot thereof "Penalty: \$200."
Section 37	Add at the foot thereof "Penalty: \$200."
Sub-section 45(1A)	Omit "or (1A): \$200", substitute: "or (1A)— (a) if the offender is a natural person—\$2,000; or (b) if the offender is a body corporate—\$5,000."
Sub-section 45A (4)	Add at the foot thereof "Penalty: \$200."
Section 45c	Add at the foot thereof "Penalty: \$1,000."
Sub-section 46 (1)	Add at the foot thereof: "Penalty: (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000."
Sub-section 47A (3)	Add at the foot thereof: "Penalty (on owner or agent)— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000."
Sub-section 47A (4)	Add at the foot thereof: "Penalty (on owner or agent)— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000."
Sub-section 47A (8)	Add at the foot thereof "Penalty for a contravention of this sub-section: \$500."

SCHEDULE 3—continued

Provision	Amendment
Sub-section 48 (1)	Add at the foot thereof "Penalty: \$1,000."
Sub-section 48A (1)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 49	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Sub-section 52 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 53 (1)	Add at the foot thereof "Penalty: \$200."
Sub-section 53 (2)	Add at the foot thereof "Penalty: \$200."
Sub-section 54 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 54 (3)	Add at the foot thereof: "Penalty for a contravention of this sub-section— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Sub-section 56 (1)	Omit "indictable".
Section 60	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$200; or (b) if the offender is a body corporate—\$400."
Sub-section 60A (1)	Omit "\$400", substitute "\$2,000".
Sub-section 61 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 61 (2)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Sub-section 62 (3)	Omit "indictable".
Sub-section 62A (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 62A (4A)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Sub-section 62A (6)	Add at the foot thereof "Penalty: \$500."
Sub-section 62A (7)	Add at the foot thereof: "Penalty for a contravention of this sub-section— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 63	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$2,000; or (b) if the offender is a body corporate—\$5,000."
Sub-section 66 (1)	Add at the foot thereof "Penalty: \$500."

SCHEDULE 3—continued

Provision	Amendment
Sub-section 66 (2)	Add at the foot thereof: "Penalty for a contravention of this sub-section— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Sub-section 67 (1)	Add at the foot thereof: "Penalty: \$500."
Sub-section 67 (2)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 68	Insert after sub-section (1) the following sub-section: "(1A) A person who contravenes sub-section (1) is guilty of an offence."
Section 71	Omit sub-section (4).
Sub-section 75 (2)	Add at the end thereof: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$500; or (b) if the offender is a body corporate—by a fine not exceeding \$1,000"
Sub-section 75 (2B)	Add at the end thereof: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$500; or (b) if the offender is a body corporate—by a fine not exceeding \$1,000"
Sub-section 76 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 76 (2)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 80	Add at the foot thereof: "Penalty (on owner, employer, agent, master or seaman)— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000."
Section 99	Add at the end thereof "punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both".
Section 100	Omit from the table— (a) "7. Assaulting the master or another officer of his ship without lawful justification Imprisonment for 3 months or a fine of \$200"; and (b) "9. Wilfully damaging his ship or stealing or wilfully damaging the equipment of his ship Imprisonment for 9 months or a fine of \$200 "10. Stealing or wilfully damaging the cargo of his ship or the ship's stores Imprisonment for 3 months or a fine of \$200".
Section 102	Repeal the section.

SCHEDULE 3—continued

Provision	Amendment
Sub-section 104 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty: \$500.”.
Sub-section 111 (1)	Add at the foot thereof “Penalty: \$500.”.
Sub-section 115 (1)	Omit “shall impose”, substitute “may impose”.
Sub-section 115 (12)	Add at the end thereof “punishable on conviction by a fine not exceeding \$500”.
Sub-section 116 (2)	Add at the foot thereof “Penalty (on master): \$2,000.”.
Section 117	Add at the foot thereof “Penalty: \$500.”.
Section 119	Add at the foot thereof “Penalty: \$500.”.
Sub-section 120 (3)	Add at the foot thereof “Penalty: \$1,000.”.
Sub-section 120 (4)	Add at the foot thereof: “Penalty— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000.”.
Sub-section 120 (5)	Add at the foot thereof: “Penalty for a contravention of this sub-section: \$500.”.
Sub-section 125 (1)	Add at the foot thereof: “Penalty— (a) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both; or (b) if the offender is a body corporate—\$5,000.”.
Sub-section 126 (2)	Add at the foot thereof: “Penalty: \$2,000 or imprisonment for 12 months, or both.”.
Sub-section 132 (5)	Omit “against this Act punishable upon conviction by a fine not exceeding \$400”, substitute: “punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000”.
Sub-section 132A (2)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty— (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$2,000.”.
Section 133	Add at the end thereof the following sub-section: “(3) A person who contravenes this section is guilty of an offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000 or imprisonment for 12 months, or both; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000.”.
Section 138A	Add at the foot thereof: “Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000.”.

SCHEDULE 3—continued

Provision	Amendment
Section 139	Add at the foot thereof "Penalty: \$500."
Section 142	Repeal the section.
Section 143	Repeal the section.
Section 144	Repeal the section.
Sub-section 145 (1)	Omit "\$200 or imprisonment for 3 months", substitute "\$1,000".
Sub-section 148A (3)	Add at the end thereof "punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both".
Sub-section 148B (2)	Add at the end thereof "punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both".
Sub-section 148c (5)	Omit "against this Act", substitute: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$500; or (b) if the offender is a body corporate—by a fine not exceeding \$1,000".
Sub-section 152 (1)	(a) Omit "he shall be accountable", substitute "he is guilty of an offence and shall be accountable". (b) Insert "on conviction" after "liable". (c) Omit "\$200", substitute "\$1,000".
Sub-section 152 (2)	(a) Omit "he shall", substitute "he is guilty of an offence and [shall". (b) Omit all the words after "liable", substitute "on conviction, to a penalty not exceeding treble the value of the property not accounted for, or, if that value is not ascertained— (a) if the offender is a natural person—not exceeding \$1,000; or (b) if the offender is a body corporate—not exceeding \$2,000".
Section 155	Add at the foot thereof "Penalty: \$1,000".
Sub-section 156 (2)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000".
Section 160	Omit "indictable offence", substitute: "offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000".
Sub-section 164 (2)	Add at the foot thereof "Penalty: \$1,000".
Section 165	Add at the foot thereof "Penalty: \$500."
Sub-section 167 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 168 (1)	Add at the foot thereof "Penalty: \$500."
Sub-section 168 (2)	Add at the foot thereof "Penalty: \$200."
Section 169	Repeal the section.
Sub-section 171 (1)	Add at the foot thereof "Penalty: \$2,000."
Sub-section 171 (4)	Add at the foot thereof "Penalty: \$2,000."

SCHEDULE 3—continued

Provision	Amendment
Sub-section 171 (5)	Add at the foot thereof "Penalty: \$500."
Sub-section 172 (2)	Omit "indictable".
Sub-section 173 (1)	Add at the foot thereof "Penalty: \$200."
Sub-section 173 (1A)	Add at the foot thereof "Penalty: \$200."
Section 174	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty (on master or owner)— (a) if the offender is a natural person—\$200; or (b) if the offender is a body corporate—\$400."
Sub-section 175 (1)	Add at the foot thereof "Penalty: \$2,000."
Sub-section 175 (2)	Add at the foot thereof "Penalty: \$1,000."
Sub-section 175 (3)	Add at the foot thereof "Penalty: \$500."
Section 179	Omit from the table— "5. Assaulting the master or another officer of his ship without lawful justification Imprisonment for 3 months or a fine of \$200".
Section 182	Add at the foot thereof "Penalty: \$200."
Sub-section 188 (4)	Omit "punishable upon conviction by a fine not exceeding \$1,000".
Section 190AA	Omit sub-sections (4) and (5), substitute the following sub-section: "(4) A person who, without reasonable excuse, fails to comply with any requirement made by the Minister or a surveyor under this section, is guilty of an offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000."
Sub-section 190A (1)	Omit "each guilty of an offence", substitute ", in respect of each day during which the notice is not so given (including the day of a conviction under this sub-section or any subsequent day), each guilty of an offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$500; or (b) if the offender is a body corporate—by a fine not exceeding \$1,000".
Sub-section 191B (1)	Omit "each guilty of an offence against this Act punishable upon conviction by a fine not exceeding \$1,000", substitute ", in respect of each day during which the ship is not kept so marked (including the day of a conviction under this sub-section or any subsequent day), each guilty of an offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$1,000; or (b) if the offender is a body corporate—by a fine not exceeding \$2,000".
Sub-section 191B (2)	Omit "against this Act punishable upon conviction by a fine not exceeding \$1,000".
Sub-section 192c (4)	Omit "punishable upon conviction by a fine not exceeding \$2,000".
Sub-section 193 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty— (a) if the offender is a natural person—\$2,000; or (b) if the offender is a body corporate—\$5,000."

SCHEDULE 3—continued

Provision	Amendment
Section 196	Add at the foot thereof "Penalty: \$200."
Sub-section 202 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty— (a) if the offender is a natural person—\$2,000 and an amount of \$200 for each person on board in excess of the number specified in the certificate of the ship; or (b) if the offender is a body corporate—\$5,000 and an amount of \$500 for each person on board in excess of the number specified in the certificate of the ship."
Sub-section 202 (2)	Add at the foot thereof: "Penalty— (a) if the offender is a natural person—\$200; or (b) if the offender is a body corporate—\$400."
Section 205	Repeal the section.
Section 206Q	Add at the foot thereof "Penalty: \$200."
Section 206s	(a) Omit the penalty set out at the foot thereof. (b) Add at the end thereof the following sub-section: "(3) A person who contravenes this section is guilty of an offence."
Section 206T	(a) Omit the penalty set out at the foot thereof. (b) Add at the end thereof the following sub-section: "(4) A person who contravenes this section is guilty of an offence."
Section 206U	(a) Omit the penalty set out at the foot thereof. (b) Add at the end thereof the following sub-section: "(2) A person who contravenes sub-section (1) is guilty of an indictable offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$10,000 or imprisonment for 4 years, or both; or (b) if the offender is a body corporate—by a fine not exceeding \$40,000."
Section 206V	(a) Omit the penalty set out at the foot of sub-section (1). (b) Insert after sub-section (1) the following sub-section: "(1A) A person who contravenes sub-section (1) is guilty of an offence." (c) Omit from sub-section (5) "punishable upon conviction by a fine not exceeding \$1,000".
Sub-section 208 (1)	Add at the end thereof: "punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both; or (b) if the offender is a body corporate—by a fine not exceeding \$50,000."
Sub-section 208 (2)	Add at the end thereof— "punishable on conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both".
Sub-section 209 (2)	Add at the foot thereof "Penalty (on master): \$1,000."

SCHEDULE 3—continued

Provision	Amendment
Section 212	Add at the end thereof: “punishable on conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both”.
Section 217	(a) Omit the penalty set out at the foot of sub-section (1). (b) Omit sub-section (2), substitute the following sub-section: “(2) A person who contravenes sub-section (1) is guilty of an offence.”.
Section 221	(a) Omit from sub-section (4) “punishable upon conviction by a fine not exceeding \$1,000”. (b) Omit from sub-section (8) “punishable upon conviction by a fine not exceeding \$1,000”.
Sub-section 225 (1)	Add at the foot thereof “Penalty: \$200.”.
Sub-section 225 (2)	Add at the foot thereof “Penalty for a contravention of this sub-section: \$1,000.”.
Section 227A	(a) Omit the penalty set out at the foot of sub-section (1). (b) Insert after sub-section (1) the following sub-section: “(1A) A person who contravenes sub-section (1) is guilty of an offence.”.
Sub-section 227B (1)	Omit “offence against this Act”, substitute “indictable offence”.
Section 227D	(a) Omit from sub-section (1) “each guilty of an offence against this Act punishable upon conviction by a fine not exceeding \$1,000”, substitute “, in respect of each day during which the ship is not so marked (including the day of a conviction under this sub-section or any subsequent day), each guilty of an offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$1,000; or (b) if the offender is a body corporate—by a fine not exceeding \$2,000”. (b) Omit from sub-section (2) “against this Act punishable upon conviction by a fine not exceeding \$1,000”.
Section 228	Add at the end thereof the following sub-section: “(2) A person who contravenes sub-section (1) is guilty of an offence.”.
Section 231A	(a) Omit the penalty set out at the foot thereof. (b) Add at the end thereof the following sub-section: “(2) A person who contravenes sub-section (1) is guilty of an offence.”.
Section 231B	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty— (a) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both; or (b) if the offender is a body corporate—\$5,000.”.
Section 231c	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty: \$2,000 or imprisonment for 12 months, or both.”.
Section 231e	Add at the foot thereof “Penalty: \$2,000.”.

SCHEDULE 3—continued

Provision	Amendment
Section 233	(a) Omit the penalty set out at the foot thereof. (b) Add at the end thereof the following sub-section: “(2) A person who contravenes sub-section (1) is guilty of an offence.”.
Section 235	(a) Omit from sub-section (1) “\$500”, substitute “\$2,000”. (b) Omit from sub-section (2) “\$100”, substitute “\$2,000”.
Section 236	Omit “\$500”, substitute “\$2,000”.
Section 249	(a) Omit the penalty set out at the foot of sub-section (1). (b) Insert after sub-section (1) the following sub-section: “(1A) A person who contravenes sub-section (1) is guilty of an offence.”.
Sub-section 251 (2)	Add at the foot thereof “Penalty (on master): \$1,000.”.
Section 253	(a) Omit the penalties set out at the foot of sub-sections (1) and (2). (b) Insert after sub-section (1) the following sub-section: “(1A) A person who contravenes sub-section (1) is guilty of an offence.”. (c) Add at the end thereof the following sub-section: “(3) A person who contravenes sub-section (2) is guilty of an offence.”.
Section 253A	(a) Omit the penalty set out at the foot of sub-section (2). (b) Add at the end thereof the following sub-section: “(3) A person who contravenes sub-section (2) is guilty of an offence.”.
Section 254	(a) Omit the penalty set out at the foot of sub-section (1). (b) Add at the end thereof the following sub-section: “(3) A person who contravenes sub-section (1) is guilty of an indictable offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$10,000 or imprisonment for 4 years, or both; or (b) if the offender is a body corporate—by a fine not exceeding \$40,000.”.
Section 255	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty— (a) if the offender is a natural person—\$2,000; or (b) if the offender is a body corporate—\$5,000.”.
Section 256	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty— (a) if the offender is a natural person—\$5,000; or (b) if the offender is a body corporate—\$10,000.”.
Sub-section 257 (3)	Omit “punishable upon conviction by a fine not exceeding \$2,000”, substitute: “punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000.”.
Section 258	Omit sub-sections (2) and (4).
Section 258A	Add at the end thereof the following sub-section: “(2) A person who contravenes sub-section (1) is guilty of an indictable offence punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both.”.

SCHEDULE 3—continued

Provision	Amendment
Section 264	Omit sub-section (2), substitute the following sub-section: “(2) A person in charge of any ship who, without reasonable cause, fails to comply with sub-section (1) is guilty of an indictable offence punishable on conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both.”.
Section 265	(a) Omit sub-section (5), substitute the following sub-sections— “(5) A person who fails to comply with sub-section (1) is guilty of an indictable offence punishable on conviction by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years, or both. “(5A) A person who fails to comply with sub-section (2) is guilty of an indictable offence punishable on conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both.”. (b) Add at the foot of sub-section (6) “Penalty: \$1,000.”.
Sub-section 268 (1)	Add at the foot thereof “Penalty: \$2,000.”.
Section 269	Add at the foot thereof “Penalty: \$500.”.
Section 269A	Add at the foot thereof “Penalty: \$5,000.”.
Sub-section 269N (1)	Omit “punishable upon conviction by a fine not exceeding \$2,000”, substitute: “punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000”.
Section 275	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty (on master or owner)— (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$1,000.”.
Section 277	Repeal the section.
Sub-section 278 (1)	(a) Omit “or injure”. (b) Add at the foot thereof “Penalty: \$500.”.
Sub-section 278 (3)	Add at the foot thereof “Penalty for a contravention of this sub-section: \$200.”.
Sub-section 280 (1)	Add at the foot thereof “Penalty: \$500.”.
Section 281	Add at the foot thereof “Penalty: \$500.”.
Sub-section 282 (1)	Add at the foot thereof “Penalty: \$500.”.
Sub-section 283F (3)	Omit “punishable upon conviction by a fine not exceeding \$1,000”, substitute: “punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000”.
Sub-section 283G (4)	Omit “punishable upon conviction by a fine not exceeding \$1,000”, substitute: “punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$2,000; or (b) if the offender is a body corporate—by a fine not exceeding \$5,000”.

SCHEDULE 3—continued

Provision	Amendment
Sub-section 287 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty (on master, owner, or agent)— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000.”.
Section 288	(a) Omit sub-section (1), substitute the following sub-section: “(1) Subject to this Act, where a ship that is not licenced to do so engages in the coasting trade, the master, owner and agent of the ship are each guilty of an indictable offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000.”. (b) Omit from sub-section (4) all the words after “guilty of” (first occurring), substitute “an indictable offence punishable on conviction— (a) if the offender is a natural person—by a fine not exceeding \$5,000; or (b) if the offender is a body corporate—by a fine not exceeding \$10,000.”.
Sub-section 296 (2)	Add at the foot thereof “Penalty for a contravention of this sub-section: \$500.”.
Section 297	Add at the foot thereof “Penalty: \$500.”.
Section 298	Add at the foot thereof “Penalty: \$500.”.
Section 302	Add at the foot thereof “Penalty: \$1,000.”.
Sub-section 303[(1)	Add at the foot thereof “Penalty: \$1,000.”.
Section 312	Omit “indictable”.
Sub-section 313 (1)	Add at the foot thereof “Penalty: \$500.”.
Section 314	Omit “\$200”, substitute “\$2,000.”.
Sub-section 317A (2)	Add at the end thereof: “punishable on conviction by a fine not exceeding \$20,000 or imprisonment for a period not exceeding 10 years, or both”.
Section 370B	Omit “\$200 or imprisonment for 3 months”, substitute “\$1,000 or imprisonment for 6 months”
Sub-section 377A (2)	Add at the foot thereof “Penalty: \$500.”.
Section 386	Add at the foot thereof “Penalty: \$1,000.”.
Section 387	Omit “indictable”.
Section 387A	Add at the foot thereof “Penalty: \$500.”.
Section 387B	Add at the foot thereof “Penalty: \$200.”.
Sub-section 388 (1)	Add at the foot thereof “Penalty: \$500.”.
Section 389	Omit “indictable”.

SCHEDULE 3—continued

Provision	Amendment
Sub-section 389A (2)	<p>Add at the end thereof:</p> <p>“punishable on conviction—</p> <p style="padding-left: 2em;">(a) if the offender is a natural person—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both; or</p> <p style="padding-left: 2em;">(b) if the offender is a body corporate—by a fine not exceeding \$20,000”.</p>
Sub-section 389A (4)	Add at the foot thereof “Penalty: \$500.”.
Section 390	Repeal the section.
Sections 392, 393 and 394	<p>Repeal the sections, substitute the following sections:</p> <p>Penalties for certain offences</p> <p>“392. (1) An offence against sub-section 56 (1), 62 (3), 68 (1A), 172 (2), 191B (2), 227D (2), 228 (2), 231A (2), 233 (2) or 253 (3), section 312, 387 or 389 or a regulation made by virtue of section 258 is an indictable offence punishable on conviction—</p> <p style="padding-left: 2em;">(a) if the offender is a natural person—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both; or</p> <p style="padding-left: 2em;">(b) if the offender is a body corporate—by a fine not exceeding \$20,000.</p> <p>“(2) An offence against sub-section 188 (4), 192C (4), 206H (2), 206S (3), 206T (4), 206V (1A), 206V (5), 217 (2), 221 (4), 221 (8), 227A (1A), 249 (1A), 253 (1A) or 253A (3) is an indictable offence punishable on conviction—</p> <p style="padding-left: 2em;">(a) if the offender is a natural person—by a fine not exceeding \$10,000 or imprisonment for a period not exceeding 4 years; or</p> <p style="padding-left: 2em;">(b) if the offender is a body corporate—by a fine not exceeding \$40,000.</p> <p>Continuing offences</p> <p>“393. Where by a provision of this Act an act or thing is required to be done within a particular period or before a particular time, the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until that act or thing is done.</p> <p>Prosecution of offences</p> <p>“394. (1) An offence against this Act, other than an offence that is expressed to be an indictable offence, shall be prosecuted summarily.</p> <p>“(2) Notwithstanding that an offence is expressed by this Act to be an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.</p> <p>“(3) Sub-section (2) does not apply in respect of an offence against sub-section 206U (2), 208 (1) or 208 (2), section 212 or sub-section 254 (3), 264 (2), 265 (5), 265 (5A), 317A (2) or 389A (2).</p> <p>“(4) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence, the penalty that the court may impose is—</p> <p style="padding-left: 2em;">(a) in the case of an offence against section 99, sub-section 148A (3), 148B (2), 258A (2) or 414 (2)—a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both;</p>

SCHEDULE 3—continued

Provision	Amendment
	<p>(b) in the case of an offence against sub-section 56 (1), 62 (3), 68 (1A), 172 (2), 188 (4), 191B (2), 192c (4), 221 (4), 221 (8), 227D (2), 228 (2), 231A (2), 233 (2), 249 (1A), 253 (1A), 253 (3), 253A (3), section 312, 387 or 389 or a regulation made by virtue of section 258—</p> <p>(i) if the offender is a natural person—a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both; or</p> <p>(ii) if the offender is a body corporate—a fine not exceeding \$5,000;</p> <p>(c) in the case of an offence against sub-section 206H (2), 206s (3), 206r (4), 206v (1A), 206v (5), 217 (2), 227A (1A) or 227B (1)—</p> <p>(i) if the offender is a natural person—a fine not exceeding \$5,000 or imprisonment for a period not exceeding 12 months, or both; or</p> <p>(ii) if the offender is a body corporate—a fine not exceeding \$10,000; or</p> <p>(d) in the case of an offence against sub-section 288 (1) or (4)—</p> <p>(i) if the offender is a natural person—a fine not exceeding \$2,000; or</p> <p>(ii) if the offender is a body corporate—a fine not exceeding \$5,000.</p>
	<p>Joinder of charges and penalties for certain offences</p> <p>“395. (1) Charges against the same person for any number of offences against sub-section 190A (1), 191B (1) or sub-section 227D (1) may be joined in the same information or complaint if those offences relate to a failure to do the same act or thing.</p> <p>“(2) If a person is convicted of 2 or more offences referred to in sub-section (1), being offences related to a failure to do the same act or thing, the court may impose one penalty in respect of both or all of those offences, but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.”</p>
Section 397	<p>Omit sub-section (2), substitute the following sub-section:</p> <p>“(2) This section applies to offences against the following provisions of this Act:</p> <p>Sub-sections 14 (8) and (11), section 16 items 4, 6 and 8 of the table at the foot of section 100, sub-sections 125 (1), 188 (4), 190A (1), 191B (1) and (2), 192c (4), 193 (1), 202 (1), 206H (2), 206s (3), 206r (4), 206u (2), 206v (1A) and (5), 217 (2), 221 (4) and (8), 227A (1A), 227B (1), 227D (1) and (2), 228 (2), 231A (2), section 231B, sub-sections 231c (1) and (2), section 233 (2), sub-section 235 (1) and (2), section 236, sub-sections 249 (1A), 253 (1A) and (3), 253A (3), 254 (3), sections 255 and 256 and sub-sections 268 (1) and 269A (1).”</p>
Section 405k	<p>Omit sub-sections (2) and (3), substitute the following sub-section:</p> <p>“(2) A person shall not, without reasonable excuse, fail to comply with a requirement made by a surveyor under sub-section (1). Penalty: \$500.”</p>
Sub-section 410 (1)	<p>Add at the foot thereof “Penalty: \$200.”</p>
Sub-section 410A (1)	<p>Omit the penalty set out at the foot thereof, substitute the following penalty:</p> <p>“Penalty (on the master or owner)—</p> <p>(a) if the offender is a natural person—\$2,000 or imprisonment for 12 months, or both; or</p> <p>(b) if the offender is a body corporate—\$5,000.”</p>

SCHEDULE 3—continued

Provision	Amendment
Sub-section 410A (2)	Omit "\$200", substitute "\$2,000 or imprisonment for 12 months, or both".
Sub-section 413 (2)	Add at the foot thereof "Penalty: \$1,000."
Sub-section 414 (2)	Omit all the words after "guilty of", substitute "an indictable offence punishable on conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both".
Section 415	<p>Repeal the section, substitute the following section:</p> <p>Taking official to sea</p> <p>"415. If an official performing any duty under this Act is taken to sea in a ship without his consent, the master and the owner of the ship are each guilty of an offence punishable on conviction—</p> <p>(a) if the offender is a natural person—by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 3 months, or both; or</p> <p>(b) if the offender is a body corporate—by a fine not exceeding \$2,000,</p> <p>and, in addition to that penalty, are jointly and severally liable to pay all expenses incidental to the official's return to duty."</p>
Sub-section 417 (1)	Add at the foot thereof "Penalty: \$200".
Sub-section 417 (2)	Add at the foot thereof "Penalty: \$200".
Section 425	<p>Omit paragraph (1) (h), substitute the following paragraph:</p> <p>"(h) the imposition of penalties not exceeding—</p> <p>(i) where the offender is a natural person—a fine of \$2,000 or imprisonment for a period of 12 months, or both; or</p> <p>(ii) where the offender is a body corporate—a fine of \$5,000, for a contravention of, or failure to comply with, a provision of the regulations, a provision of any of the orders made in pursuance of the regulations or a notice, order, direction or instruction given, issued or made under, or in force by virtue of, the regulations;"</p>

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 (as amended by No. 20, 1974); Nos. 91 and 157, 1976; Nos. 98 and 155, 1979; and Nos. 70 and 87, 1980.
2. No. 87, 1980.

