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NAVIGATION AMENDMENT BILL 1976

Date Introduced: 18 November 1976
House: House of Representatives
Presented by: The Honourable P.J. Nixon, M.P. Minister for Transport

Short Digest of Bill

Purpose
Apart from a large number of important but subsidiary amendments designed to bring the Navigation Act up to date, the Bill makes four significant changes:

(a) It raises the limits of liability of owners of sea-going ships for loss of life or property by adopting the provisions of the International Convention relating to limitation signed at Brussels on 10 October 1957.

(b) Part II of the Act dealing with the crews for ships and their conditions of service will no longer apply to visiting British ships during the course of an international voyage.

(c) Division 14 has been added to Part IV of the Act to make it mandatory for a ship’s master to submit a plan for his voyage in Australian waters and report his movements.

(d) Following the Historic Shipwrecks Bill it is necessary that reference be made to its provisions concerning compensation when rights to a shipwreck are altered.

Limitation of Liability
Part VIII of the Navigation Act 1912 limited the liability of shipowners for loss or damage in accordance with the provisions of the Imperial Act known as the Merchant Shipping Act 1894. The Bill repeals this Part and substitutes a new Part VIII which gives the International Convention on liability the force of law in Australia except that the limitation of liability relating to salvage operations or damage to marine facilities and water ways cannot be limited. The effect is to increase substantially the liability of shipowners, i.e. from about $20 per ton to $189 per ton for personal claims and $11 to $61 for property claims.

The International Convention is included in the Bill as Schedule 1 and approval is given for its ratification.

A new section, 59B, states that an owner cannot limit his liability in respect of loss of life or personal injury sustained by crew and other people who have duties on the ship.

Visiting British ships
Until various changes occurred in British legislation relating to crews and conditions of service, the masters and seamen provisions of the Merchant Shipping Acts (U.K.)

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and the Navigation Act were virtually the same. To overcome the problems which could arise section 10 is amended by the Bill so that Part II no longer applies to visiting British ships; it still applies to ships chartered to Australian companies or based in Australia.

Reports of Movement of Ships

Following the loss of the Blythe Star off Tasmania a system for reporting ship movements was introduced on a voluntary basis. The Bill adds Division 14 which will require masters to furnish a sailing plan to a prescribed officer of the Department of Transport prior to sailing, and not earlier than 24 hours prior.

Division 14 also includes a number of sections dealing with a master’s responsibility to report the positions of his ship daily, and to report his arrival in a port.

These new safety measures are spelt out in some detail in the Bill and failure to comply is an offence punishable by a $2,000 fine.

Historic Shipwrecks

Part VII of the Act deals with all aspects of wrecks and wreckage generally including: rescue, salvage, sale, ownership, reporting, illegal removal, unauthorised boarding, and removal of obstructions to navigation. This Part is amended by the Bill to conform with the Historic Shipwrecks Bill 1976 which lays down strict control of access, exploration and salvage for historical purposes only, if a wreck is designated a “Historic Shipwreck”. The Historic Shipwrecks Bill makes provision for compensation to be claimed for loss of property rights which had been acquired prior to the wreck’s designation. A historic shipwreck may still be removed under the Navigation Act if it is an obstruction to navigation.

Miscellaneous Amendments to the Navigation Act

The many minor amendments to the Navigation Act to be made by the Bill do not constitute a complete revision of the Act. Major revision has been recommended by the Report on Australian Maritime Legislation of June 1976 prepared by the Commission of Inquiry into the Maritime Industry. This Report is very critical of the present Act and it recommends many changes to remove archaic concepts, and provide a modern basis for the development of the industry. Recommendations cover the management of seamen, safety, registration of ships and proceedings of marine inquiries.

The miscellaneous amendments proposed in the Bill cover matters which need immediate attention. They include:

(a) Appointment of superintendents.
(b) Procedures concerning production of competency certificates.
(c) Procedures concerning character reports of seamen.
(d) Administration of discharged seamen’s wages.
(e) Accommodation.
(f) Adjustments to the metric system.
and many others.

1 December, 1976.

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