

NAVIGATION ORDINANCE, 1889-1938. ^{(1) (2)}

An Act to consolidate and amend the Laws relating to the Marine Board Navigation Pilotage Harbors Lights and the keeping and carriage of Gunpowder.

* * * * *

Preamble repealed by No. 3 of 1914.

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

1. This Act is divided into eight parts—

Division of Act.

The first part relating to the Marine Board its powers and functions

The second part to the Examination and Certificates of Masters Mates and Engineers

The third part to Steam Navigation and Regulation of Passenger Vessels

(1) Whenever amendments made by Ordinances of the Territory of Papua consist either of the addition of sections or words, or the substitution of sections or words for other sections or words, such amendments have been enclosed in brackets and printed in italics.

(2) The *Navigation Ordinance, 1889-1938*, comprises *The Navigation Act of 1876* of Queensland, as amended by the other Queensland Act referred to in Part I of the following Table, and as amended by the Ordinance of British New Guinea referred to in Part II of the following Table and by the Ordinance of the Territory of Papua referred to in Part III of the following Table:—

TABLE.

PART I.—ACTS OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Navigation Act of 1876</i> (41 Vic. No. 3) ^(a)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)
<i>The Port Dues Revision Act of 1882</i> (46 Vic. No 12) ^(a)		

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL OF BRITISH NEW GUINEA.

Short title, number and year.	Date of assent by Administrator.	Date on which published in British N.G. Govt. Gaz.	Date on which took effect.
<i>The Criminal Code Ordinance of 1902</i> (No. 7 of 1902) ^(a)	15.12.1902	20.12.1902	20.12.1902 (British N.G. Govt. Gaz. of 20.12.1902)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

SHIPPING—

The fourth part to Safety and Prevention of Accidents

The fifth part to Pilotage and Harbors

The sixth part to Light Dues

The seventh part to Gunpowder and other Explosive Substances

The eighth part to Legal procedure.

Interpretation.

2. In the construction and for the purposes of this Act and in all instruments purporting to be issued thereunder the following words and expressions shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say—

(footnote (2) continued)

PART III.—ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council notified in Papua Govt. Gaz.	Date on which came into operation.
<i>The Port Dues Revision Ordinance of 1907</i> (No. 3 of 1908) ^(b)	—	6.12.1907	26.5.1908	26.5.1908 (Papua Govt. Gaz. of 26.5.1908)
<i>The Marine Board Ordinance of 1908</i> (No. 13 of 1908)	9.12.1908 ^(c)	—	—	9.12.1908 (<i>Statute Law of Papua, 1888 to 1916, Vol. III, p. 1013</i>)
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (Papua Govt. Gaz. of 4.2.1914)
<i>Navigation Ordinance, 1923</i> (No. 9 of 1923)	24.7.1923 ^(d)	—	—	24.7.1923 (<i>Ordinances etc. of Papua, 1923, p. 29</i>)
<i>Navigation Ordinance, 1924</i> (No. 11 of 1924)	28.7.1924 ^(e)	—	—	28.7.1924 (<i>Ordinances etc. of Papua, 1924, p. 35</i>)
<i>Navigation Ordinance, 1931</i> (No. 4 of 1931)	13.7.1931 ^(f)	—	—	13.7.1931 (<i>Ordinances etc. of Papua, 1931, p. 7</i>)
<i>Navigation Ordinance, 1937</i> (No. 14 of 1937)	—	10.8.1937	1.12.1937	1.12.1937 (Papua Govt. Gaz. of 1.12.1937)
<i>Navigation Ordinance, 1938</i> (No. 15 of 1938)	—	29.7.1938	7.12.1938	7.12.1938 (Papua Govt. Gaz. of 7.12.1938)

(b) Repealed by the *Port Dues Revision Ordinance, 1921*.

(c) Notice of non-disallowance by Gov.-Gen. in Council was published in Papua Govt. Gaz. of 7.7.1909.

(d) Notice of non-disallowance by Gov.-Gen. in Council was published in Papua Govt. Gaz. of 5.12.1923.

(e) Notice of non-disallowance by Gov.-Gen. in Council was published in Papua Govt. Gaz. of 7.1.1925.

(f) Notice of non-disallowance by Gov.-Gen. in Council was published in Papua Govt. Gaz. of 4.11.1931.

Navigation Ordinance, 1889-1938.

“The Board of Trade” the lords of the committee of Privy Council of Her Majesty appointed for the consideration of matters relating to trade &c.

“The board” the Marine Board of Queensland⁽³⁾

“The portmaster” the person for the time being lawfully charged with the duties of portmaster of Queensland

“Harbor master” any person appointed at any port in Queensland to perform the duties of harbor master at such port or any person acting for him

“Pilot” any person not belonging to a vessel who being duly authorized has the conduct thereof

[“Vessel” means any ship boat or other description of vessel used for any purpose on the sea or in navigation.]⁽¹⁾

Substituted by
No. 9 of 1923,
s. 2.

“Master” every person (other than a pilot) having command or charge of any vessel

“Passenger” any person carried in any vessel other than the master and crew

“Foreign going vessel” any vessel trading beyond the limits of a “home trade vessel” and arriving at or clearing from any port or place in Queensland

“Home trade vessel” any coasting passenger vessel and also any vessel trading between any port in Queensland and any port or place in the Colony of New South Wales or between any port in Queensland and any other port or place that may be notified from time to time by the Governor in Council by proclamation⁽⁴⁾ in the *Gazette*

“Coaster” every vessel trading under a transire only between any two or more ports or places in Queensland

“Coasting passenger vessel” any coaster carrying four passengers or a greater number of passengers than in the proportion of two statute adults to every fifty tons register

“Intercolonial trade vessel” any vessel engaged in the whale fishery or trading between any port or place in Queensland and any port or ports in any Australian colony New Zealand Tasmania or such other ports or places as may from time to time be notified by the Governor in Council by proclamation⁽⁵⁾ in the *Gazette*

(1) See footnote (1) printed on p. 4061.

(3) See Section 4 of *The Marine Board Ordinance of 1908.*

(4) No proclamation has been published in *British N.G. Govt. Gaz.* or *Papua Govt. Gaz.*

(5) No proclamation has been published in *British N.G. Govt. Gaz.* or *Papua Govt. Gaz.*

SHIPPING—

- “Port” any port harbor haven roadstead channel navigable creek or river in Queensland
- “Wharf” any wharf quay jetty pier or landing place
- “Raft” any log series of logs or timber either lying below high-water mark or afloat
- “Ton” ton registered
- “Horse power” nominal horse power
- “Treasurer” the Colonial Treasurer of Queensland
- “Justice” a justice of the peace for Queensland
- “Explosive substance” any substance used or manufactured with a view of producing an explosive effect.

What vessels exempt from charges.

3. The following vessels shall be exempt from the provisions of this Act or any regulations issued in pursuance thereof except the payment of pilotage rates when the services of a pilot are actually employed—

Vessels belonging to Her Majesty.

- Vessels in the service of or belonging to Her Majesty
- All vessels of war belonging to sovereign powers in alliance with Her Majesty
- All vessels belonging to the Government of any of Her Majesty's colonies
- All private yachts and all vessels belonging to any recognised yacht club in any part of Her Majesty's possessions

Provided that such last-mentioned yachts and vessels shall be subject to any regulations made under the fourth part of this Act.

Treasurer may remit dues &c. in certain cases.

4. The Treasurer if he deem it just so to do may remit the payment of all or any part of any dues or charges payable under this Act.

PART I.—MARINE BOARD.

Sections 5-9 repealed by No. 13 of 1908 s. 5.

PART I.—MARINE BOARD ITS POWERS AND FUNCTIONS.

* * * * *

Jurisdiction of the board.

10. The powers authorities and jurisdiction of the board shall extend and may be exercised by them in and over any tidal waters in Queensland and from high-water mark to the distance of one nautical league to seaward from low-water mark along the coast line of Queensland and the islands thereof respectively.

Powers and authority of board.

11. Subject to the control of the Treasurer the board shall after the commencement of this Act have full authority and power within

the limits of its jurisdiction to carry out the provisions of the second third and fourth parts and also of any other portion of this Act in which any power or authority is expressly or impliedly conferred upon such board and shall when so directed by the Treasurer or when the circumstances of the case may to them seem to render such a course necessary inquire or cause any inspector appointed under this Act or any other person to inquire into any matter connected with seamen cargoes shipping the conveyance of passengers navigation wrecks and casualties pilots and pilotage the preservation and improvement of any port and any works carried on or about to be carried on in any port for the use convenience or safety of vessels all matters connected with lights and lighthouses the dues levied or to be levied in any port and all questions which may arise as to whether the provisions of this Act or of any regulations made thereunder have been complied with and generally upon any matter whatsoever in relation to which jurisdiction authority or power is by this Act conferred upon the board and the board shall when so directed or when it shall appear to them necessary report the result of such inquiry to the Treasurer.

12. The Governor in Council may appoint such secretaries inspectors and other officers clerks and servants as he may deem necessary to carry into execution the provisions of this Act.

Appointment of officers.

13. The board shall continue to be the department wherein the business of the shipping offices shall be conducted and the office of the board shall be deemed a shipping office.

Marine board to be shipping office.

14. The board may from time to time with the consent of the Treasurer in writing under his hand select and employ such number of fit and proper persons as surveyors for the purposes of the third and fourth Parts of this Act and at such ports or places as they may think proper.

Board may appoint surveyors.

15. The board may from time to time instruct any inspector or any surveyor appointed by them as aforesaid or any other person to go on board any vessel to report to them whether the provisions of the third and fourth Parts of this Act or the regulations made under this Act have been complied with and also whether the hull and equipments and in the case of a steam vessel whether the machinery also of the same be sufficient and in good condition or to report to them upon the nature and causes of any accident or damage which such vessel has sustained or caused or is said to have sustained or caused

Board may send inspectors on board vessels whenever necessary.

And the board may require the master to produce the certificate of registry or other national papers of the vessel and may inspect and take copies thereof or of any parts thereof

Board may require production of papers &c.

And the board may require the owner or master or any mem-

and official log-books

SHIPPING—

PART I.—
MARINE
BOARD.

and list of
persons on
board

and may
summon
witnesses and
examine master
&c.

Powers of
inspectors and
surveyors.

ber of the crew of any British vessel to produce any official log-books agreements or documents relating to such crew or to any member thereof and may inspect such official log-books or documents and may take copies thereof or of any part thereof and may require any such master to produce a list of all persons on board his vessel

They may summon the master or any other person to appear and give any explanation concerning the vessel or her crew or concerning the aforesaid documents or any matter or thing relating to such vessel crew or documents And may also examine any such master or other person and may require answers and returns to such inquiries as they may think fit to make.

16. Every inspector and every surveyor appointed under this Act shall have and may exercise the following powers that is to say—

- (1) He may at all necessary or reasonable times go on board and inspect any vessel to which this Act applies and may without unnecessarily detaining or delaying such vessel examine the hull machinery boats equipments or materials on board or belonging to such vessel for the purpose of ascertaining whether the provisions of the third fourth and seventh parts of this Act or of any regulations made thereunder have been complied with or for enquiring into or ascertaining the nature or causes of any accident or damage which such vessel has sustained or caused or is alleged to have caused or sustained or for making any report required by the board
- (2) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the proper execution of his duty
- (3) He may require the attendance of all such persons as he may consider necessary to call before him and may require answers or returns to any question or questions he may think necessary to put and may enforce the production of all books papers logs or other documents that he may consider necessary.

And any such inspector may in addition to the above powers when he considers necessary for the purposes of this Act by summons under his hand require the attendance of all such persons as he may think necessary to call before him and examine such persons and may require any person so examined by himself or by any surveyor to make and subscribe a statutory declaration of the truth of the statements made by him in his examination and may require the master of any vessel to produce a list of all persons on board

his vessel and to muster the crew of such vessel when such inspector shall deem it necessary.

17. Every person summoned as hereinbefore mentioned shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before the Supreme Court and in case of any dispute as to the amount of such expenses the same shall be referred by the board or such inspector to the taxing officer of the said Court and such officer shall on a request made to him for that purpose by the board or such inspector ascertain and certify the proper amount of such expenses.

Proviso for expenses of witnesses.

18. If any person without reasonable excuse (proof whereof shall lie on him) does any of the following things namely—

Penalties to witnesses &c.

- (1) Having been summoned and having had the expenses (if any) to which he is entitled tendered to him fails to attend as a witness before the board or any inspector or to make any answer or to give any return or to produce any document or to make or sign any declaration or
- (2) Prevents or impedes any inspector or surveyor in the execution of his duty on board ship or elsewhere or knowingly misleads or deceives the board or any inspector or surveyor

he shall for every such offence forfeit and pay a sum not exceeding fifty pounds and where the offence consists of preventing or impeding as aforesaid the inspector surveyor or any person called by him to his assistance may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction to be dealt with according to law.

Impeding inspector.

19. In the case of any wreck or of any collision or other accident caused or sustained by any vessel if both parties agree thereto in writing the board may act as arbitrator between the parties and may inquire into and decide upon all disputed matters of fact that may arise out of such wreck collision or other accident and award such damages and costs as may seem just and reasonable and any such agreement for reference to arbitration may be made a rule of the Supreme Court.

Board and inspectors may act as arbitrators.

20. The board may settle and issue forms of the several documents which are required by the second and third Parts of this Act.

Power for the board to settle issue and alter forms.

21. All documents purporting to be issued or written by or under the direction of the board and purporting either to be sealed with the seal of the board or to be signed by the secretary to the board shall be received in evidence and shall be deemed to be issued

Certificates and documents purporting to be issued by the board to be received in evidence.

SHIPPING—

PART I.—
MARINE
BOARD.

or written by or under the direction of the said board without further proof unless the contrary be shown and all documents purporting to be certificates issued by the board in pursuance of this Act and to be sealed with the seal of the board and to be signed by the chairman or vice-chairman of the board shall be received in evidence and shall be deemed to be such certificates without further proof unless the contrary be shown.

PART II.—
EXAMINATIONS
AND
CERTIFICATES.
*Certificates of
masters and
mates.*

Examinations
to be instituted
for masters
mates and
engineers.
Imp. 17 & 18
Vic. c. 104,
s. 131.

PART II.—EXAMINATIONS AND CERTIFICATES OF MASTERS MATES
AND ENGINEERS.

22. Examinations shall be instituted for persons who wish to procure certificates of competency for all or any of the following grades that is to say—

- (1) Master of a foreign-going vessel
- (2) First mate of a foreign-going vessel
- (3) Second mate of a foreign-going vessel
- (4) Master of a home trade vessel
- (5) Mate of a home trade vessel
- (6) Master of a coaster
- (7) First-class engineer
- (8) Second-class engineer
- (9) Third-class engineer

Board to appoint
examiners
and make rules
for examinations.
Imp. *ib.* s. 132.

and the board shall provide for the aforesaid examinations and may subject to the approval of the Governor in Council appoint fit and proper persons as examiners to conduct the same and may regulate the same and any members of the board may be present and assist at any such examination and the board with the approval of the Treasurer may from time to time lay down rules as to the conduct of such examinations and as to the qualifications of applicants and such rules shall be strictly adhered to by all examiners

Proviso.

Provided always that such qualifications for the respective grades aforesaid shall not be less nor inferior to those which are or may be from time to time required by the Board of Trade and every examiner shall receive such remuneration as the board shall with the approval of the Treasurer direct.

Certificates of
competency to
be granted to
those who pass.
Imp. *ib.* s. 134.

23. The board shall deliver to every applicant who is duly reported by the examiners to have passed the examinations satisfactorily and to have given satisfactory evidence of his sobriety experience ability and general good conduct a certificate of competency as the case requires

Proviso.

Provided that in every case in which the board has reason to believe such report to have been unduly made such board may remit the case either to the same or to any other examiners and may require a re-examination of the applicant or a further inquiry into his testimonials and character before granting him a certificate.

[23A. *The Board may grant a certificate of competency without examination to any person who by this Act is required to pass an examination for the purpose of obtaining a certificate of competency if satisfactory evidence is given of the sobriety experience ability and general good conduct of such person but such certificate of competency shall only entitle the holder thereof to perform the duties of an officer on any coaster or coasting passenger vessel.*]⁽¹⁾

PART II.—
EXAMINATIONS
AND
CERTIFICATES.

Certificates of competency without examination in certain cases.

Inserted by
No. 11 of 1924,
s. 2.

24. Certificates of service differing in form from certificates of competency shall be granted as follows that is to say—

Certificates of service to be delivered to persons who served as masters or mates before 1876 and to certain naval officers and certificates of service for home trade passenger ships to be delivered to persons who have served as masters or mates in such ships before first January 1876.
Imp. 17 and 18
Vic. c. 104,
s. 135.

- (1) Every person who before the first day of January one thousand eight hundred and seventy-six served as master in a foreign-going vessel or who has attained or attains a rank not lower than that of navigating sub-lieutenant in Her Majesty's navy shall be entitled to a certificate of service as master for foreign-going vessels
- (2) Every person who before the first day of January one thousand eight hundred and seventy-six served as first or second mate in a foreign-going vessel shall be entitled to a certificate of service as such mate for foreign-going vessels
- (3) Every person who before the first day of January one thousand eight hundred and seventy-six has served as master of a home trade vessel shall be entitled to a certificate of service as master of such vessel so employed
- (4) Every person who before the first day of January one thousand eight hundred and seventy-six has served as mate of a home trade vessel shall be entitled to a certificate of service as mate for home trade vessels
- (5) Every person who before the first day of January one thousand eight hundred and seventy-six has served as master of a coaster of more than fifteen tons shall be entitled to a certificate of service as master of a coaster

And each of such certificates of service shall contain particulars of the name place and time of birth and of the length and nature of the previous service of the person to whom the same is delivered and the board shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid and

(1) See footnote (1) printed on p. 4061.

SHIPPING—

PART II.— EXAMINATIONS AND CERTIFICATES.

upon their giving a full and satisfactory account of the particulars aforesaid.

Engineer's
certificate of
service to be
delivered on
proof of
certain service.
Imp. 26 Vic. c.
63, s. 9.

25. Certificates of service for engineers differing in form from certificates of competency shall be granted as follows that is to say—

- (1) Every person who before the first day of January one thousand eight hundred and seventy-six has served as first engineer in any foreign-going steam vessel of one hundred horse power or upwards or who has attained or attains the rank of engineer in the service of Her Majesty shall be entitled to a first-class engineer's certificate of service
- (2) Every person who before the first day of January one thousand eight hundred and seventy-six has served as second engineer in any foreign-going steam vessel of one hundred horse power or upwards or as first or only engineer in any other sea-going steam vessel or who has attained or attains the rank of first-class assistant engineer in the service of Her Majesty shall be entitled to a second-class engineer's certificate of service
- (3) Every person who before the first day of January one thousand eight hundred and seventy-six has served as only engineer of any steam vessel plying within the limits of any port or as second engineer in any foreign-going vessel of less than one hundred horse power or in a home trade vessel shall be entitled to a third-class engineer's certificate of service

Each of such certificates of service shall contain particulars of the name place and time of birth and the length and nature of the previous service of the person to whom the same is delivered and the board shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have attained such rank or to have served as aforesaid and upon their giving a full and satisfactory account of the particulars aforesaid.

Officers of
certain vessels
how to be
qualified.

26. Every vessel not exempted as in this Act mentioned when navigating from any port or place in Queensland shall be provided with officers holding valid certificates of competency or service under this Act or holding similar or equivalent certificates from the Board of Trade or other competent authority according to the scale required by the laws of the country in which she is registered or else according to the following scale—

- (1) If she be a foreign-going or home trade vessel of one hundred or less than three hundred tons with a master and first mate duly certificated
- (2) If she be a foreign-going or home trade vessel of three hundred tons or upwards with a master first mate and second mate duly certificated
- (3) If she be a coaster of fifteen tons and upwards or a foreign-going or home trade vessel of less than one hundred tons with a master duly certificated.

If any such vessel proceeds to sea from any port or place in Queensland without being so provided (the proof of which provision shall be on the party accused) the master or owner thereof shall forfeit and pay any sum not exceeding one hundred pounds.

27. After the commencement of this Act every steam ship trading in Queensland waters shall have an engineer or engineers holding valid certificates of competency or service as follows that is to say—

Steam ships
to carry
certificated
engineers.
Imp. 26 Vic.
c. 63, s. 5.

- (1) Engineers' certificates shall be of three grades namely "first-class engineers' certificates" "second-class engineers' certificates" and "third-class engineers' certificates"
- (2) Every foreign-going steam ship of one hundred horse power or upwards shall have as its first and second engineers two certificated engineers the first possessing a first-class engineer's certificate and the second possessing a second-class engineer's certificate or a certificate of a higher grade
- (3) Every foreign-going steam vessel of less than one hundred horse power shall have as its only or first engineer an engineer possessing a second-class engineer's certificate or a certificate of a higher grade
- (4) Every home-trade steam vessel shall have as its only or first engineer an engineer possessing a second-class engineer's certificate or a certificate of a higher grade
- (5) Every coaster propelled by steam and every steam vessel plying within the limits of any port shall have as its engineer an engineer possessing a third-class engineer's certificate or a certificate of a higher grade.

28. In each of the following cases—

- (1) If any person engages or acts as an officer in contravention of the last two preceding sections

Penalties for
acting without
having
certificates.

- (2) If any person employs or suffers any person to serve as an officer in contravention of the last preceding section without using all reasonable means (proof whereof shall lie on him) to ascertain that the person so serving is duly certificated
- (3) If any person fraudulently engages or employs or suffers to be engaged or employed any duly certificated officer to serve for the purpose only of enabling any ship to clear and not for the purpose of the whole voyage or if any officer so fraudulently engages himself

then in such case the person so offending shall for every such offence forfeit and pay any sum not exceeding fifty pounds and if any certificated officer is engaged as an officer on board any vessel and quits such vessel before or upon the commencement of her voyage he shall be deemed unless the contrary is shewn to have been fraudulently engaged or employed as aforesaid and no officer shall be deemed duly certificated unless he is the holder for the time being of a valid certificate of competency or service appropriate to his station in the vessel or of a higher grade.

Production of certificate at Custom House.

29. No vessel the master of which is required by this Act to hold a certificate of competency or service shall be cleared from the Custom House at any port unless the master shall produce to the collector or other officer of customs a certificate from the shipping master to the effect that the master or the master and officers of the vessel as the case may be hold certificates of competency or service required by this Act and any officer of customs may detain the vessel until such certificate is produced.

Board of Trade and other certificates to be of equal validity with Queensland certificates.

30. Every certificate of competency issued by the Board of Trade or any other competent British authority recognized and approved by the board shall be deemed to be equivalent to and shall confer the same rights and privileges as a certificate of a like kind and grade issued under this Act.

Certificates for foreign-going vessels available for home trade ships.

Imp. 17 & 18
Vic. c. 104, s.
137.

31. Every certificate of competency for a foreign-going vessel shall be deemed to be of a higher grade than the corresponding certificate for a home trade vessel and every certificate of competency for the master of a home trade vessel shall be deemed to be of a higher grade than the corresponding certificate for a coaster and the holder of any such certificate of a higher grade shall be eligible for employment in any lower or corresponding grade but no certificate for a home trade vessel or coaster shall entitle the holder to go to sea as a master or mate of a foreign-going ship.

PART II.—
EXAMINATIONS
AND
CERTIFICATES.

32. If any person having in his possession a certificate of competency or service of any officer fails to deliver the same up to the owner of such certificate or in the absence of the owner to the shipping master on being required so to do by such owner or shipping master he shall for each offence forfeit and pay a penalty not exceeding twenty pounds and such penalty shall be in addition to any other penalty to which he may be liable for such failure and any court of summary jurisdiction may besides inflicting such penalty by summary order direct such certificate to be forthwith delivered up as aforesaid.

Penalty on unlawfully withholding any certificate.

33. The board after examination as to his competency may grant a certificate of exemption from pilotage dues to any master of a coaster of not less than fifty tons or of an intercolonial trade vessel for such time and for such ports or channels in Queensland as they may think fit and every such certificate shall contain the name of the master and shall state that he is qualified to conduct and navigate a vessel into the ports or channels in respect of which such exemption is granted but may at their discretion limit such certificate to vessels of a certain class tonnage or draught of water

Masters of colonial trade vessels and coasters of not less than fifty tons may be exempted from pilotage dues.

Provided also that such certificate of exemption shall not be granted to any person who has not made three voyages in command or one voyage in command and five voyages as mate of a coaster of not less than fifty tons or of an intercolonial trade vessel

Proviso.

Service in a superior shall in all cases be equivalent to service in an inferior capacity.

34. All applicants for certificates of service and for examination for certificates of competency and exemption from pilotage shall pay to the board such fees as are specified in schedule A to this Act respectively.

Fees on examinations and for certificates of service. Schedule A.

35. All certificates whether of competency service or exemption shall be made in duplicate and one part shall be delivered to the person entitled to the certificate and the other shall be kept and recorded by the board and an entry shall be made in such record of certificates of the cancelling suspending altering or otherwise affecting any such certificate in pursuance of the powers herein contained and a copy purporting to be certified under the seal of the board of any certificate shall be *primâ facie* evidence of such certificate and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be *primâ facie* evidence of the truth of the matters stated in such entry.

The board to record grants cancellations &c. of certificates. Imp. 17 and 18 Vic. c. 104, s. 138.

Duplicates and entries to be evidence.

36. Whenever any master mate or engineer proves to the satisfaction of the board that he has without fault on his part lost or been deprived of any certificate already granted to him the board

In case of loss a copy to be granted. Imp. 1b. s. 139.

SHIPPING—

PART II.— EXAMINATIONS AND CERTIFICATES.

shall upon payment of a fee not exceeding ten shillings cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled to be made out and certified as aforesaid and to be delivered to him, and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

The board may investigate or cause inquiry to be made in case of casualty to vessels.

37. The board may themselves investigate or may cause an investigation to be held by justices as herein directed in any of the following cases—

- (1) When within the limits of the Colony of Queensland any vessel is or has been in distress or lost wrecked stranded abandoned or otherwise damaged or has been in collision with any other vessel or the life of any person belonging to such vessel has been lost
- (2) When without the limits of the said colony any vessel is or has been in distress or lost wrecked stranded abandoned or otherwise damaged or has been in collision with any other vessel or the life of any person belonging to such vessel has been lost and any witness is found within the said colony
- (3) When complaint has been made to the board or the board have reason to believe that any master mate or engineer is incompetent to discharge his duties or has committed any act of misconduct for which his certificate of competency or service is liable to be cancelled or suspended

As to incompetency.

Provided always that previous to any such investigation being held it shall be lawful for the inspector at or near the place where the casualty occurred or where any witness is found or for any other person appointed by the board to hold a preliminary inquiry into such casualty and such inspector or other person shall forward the evidence taken and report the result of such inquiry to the board and for the purposes of such preliminary inquiry the person so appointed by the board shall have all the powers given to inspectors by the first part of this Act.

In certain cases justices may inquire &c.

In cases where the parties and witnesses cannot conveniently attend before the board or when from other circumstances the board is unable to hold such inquiry or when it appears expedient to the board so to do the board may direct the investigation to be held before two justices and such justices may make such order with respect to the costs of such investigation as they may deem just and shall on the conclusion of the investigation make a report containing a full statement of the case and shall forward the same with the evidence to the board

And in cases where nautical or engineering skill and knowledge

are required or in which any question may arise as to the cancellation or suspension of any certificate the board shall appoint some person or persons of nautical or engineering skill and knowledge to act as assessor or assessors to such justices and such assessor or assessors shall during such inquiry form part of the court and shall upon the conclusion of the case sign the report or if they or he dissent therefrom shall signify to the board in writing such dissent and their or his reasons therefor

For the purposes of such investigation or inquiry the justices or persons holding the same shall have all the powers given to inspectors by the first part of this Act

At any such investigation or inquiry the board inspectors justices or other persons holding the same may summon before them the master mate or engineer and may also summon such witnesses as they may think necessary for the purpose of giving evidence

And when the conduct of any master mate or engineer is under investigation full opportunity shall be given him of making a defence either in person or otherwise

Provided always that if the board so directs any person bringing a charge of incompetency or misconduct to the notice of the board shall be deemed to be the party having the conduct of the case.

38. The board or such justices may suspend or cancel the certificate (whether of competency or of service) of any master mate or engineer in the following cases that is to say—

Marine Board
may cancel or
suspend
certificates in
certain cases.

- (1) If upon any investigation made in pursuance of the last preceding section he is found to be incompetent or to have been guilty of drunkenness or tyranny or any gross act of misconduct or negligence
- (2) If it is shown that the loss or abandonment of or serious damage to any vessel has been caused by his wrongful act or default
- (3) And in case of any certificate issued under the provisions of this Act if the holder of such certificate is shown to have been convicted of any offence

And the board may at any subsequent time grant to any person whose certificate has been cancelled under the authority of this Act a new certificate of the same or of any lower grade or in case of suspension may shorten the time for which such certificate has been suspended.

39. The following rules shall be observed with respect to the cancellation and suspension of certificates that is to say—

Rules as to
cancellation and
suspension of
certificates.

- (1) Any master mate or engineer whose conduct is in ques-

SHIPPING—

PART II.—
EXAMINATIONS
AND
CERTIFICATES.

tion may attend the investigation and may if he thinks fit be sworn and examined as an ordinary witness in the case

- (2) At the conclusion of the investigation or as soon afterwards as possible the board or justices shall state in open court their decision and in the case of investigations conducted by justices the justices shall also if they determine to cancel or suspend any certificate forward such certificate to the board with their report
- (3) No certificate shall be cancelled or suspended unless a copy of the report or a statement of the case upon which the investigation is to be held has been furnished to the owner of the certificate before the commencement of the investigation nor in the case of investigations conducted by justices unless one assessor at least appointed in manner directed by this Act expresses his concurrence in the report.

Power to suspend or cancel certificate of exemption.

40. The board may suspend or cancel the certificate of exemption from pilotage granted to the master of any vessel for any port or ports if after proper investigation by the board or by any inspector by direction of the board it is found that such master has been guilty of drunkenness or any gross act of negligence or misconduct or wilful violation of the provisions of this Act or of any regulation made thereunder or that he has shown himself incompetent to navigate his vessel in the waters for which his certificate has been granted or that the loss or abandonment of or serious damage to any vessel has been caused by his wrongful act or default.

Officer to deliver up certificate at or before investigation.

41. Every master mate or engineer into whose conduct an investigation may be held under this Act shall on demand of the board court inspector or tribunal by whom the case may be investigated or tried deliver up his certificate to them or if it is not demanded at or before such investigation shall on demand deliver it as the board directs and in default for every such offence shall forfeit and pay any sum not exceeding fifty pounds.

Section 42 repealed by No. 7 of 1902, s. 2 and First Schedule.

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PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

PART III.—STEAM NAVIGATION AND REGULATION OF PASSENGER VESSELS.

All steam vessels to be surveyed and owners to transmit declarations to board twice a year.

43. The owner of every steam vessel plying in Queensland waters shall cause such steam vessel to be surveyed twice at least in every year at the times hereinafter directed by a shipwright surveyor and an engineer surveyor appointed under this Act and shall obtain a declaration under the hand of such shipwright surveyor of the

sufficiency and good condition of the hull of such steamer and of the boats and other equipments thereof required by this Act and also if the said board so require of the number of passengers (whether deck or other passengers) which such vessel is constructed to carry and a declaration under the hand of such engineer surveyor of the sufficiency and good condition of the machinery of such steamer and that the engineer or engineers thereof hold valid certificates of competency or service under this Act and in every such declaration it shall be distinguished whether such vessel is in construction and equipments adapted for sea service or harbor or river service only and when any such vessel is adapted for harbor or river service only such declaration shall state the local limits within and the period during which such vessel is in the judgment of the surveyor fit to ply and such owner shall transmit such declarations to the said board within fourteen days after the dates thereof respectively.

44. In all cases where the same may be possible such surveys shall be made and such declarations shall be transmitted thirty days before the expiration of the certificate granted as hereinafter mentioned but if the owner of any such steam vessel as aforesaid be unable to have the same surveyed in the course of such thirty days as aforesaid either by reason of such vessel being absent from Queensland during that period or by reason of such vessel being under repair or the machinery thereof being renewed or under repair or of such vessel being laid up in dock or for any other reason satisfactory to the board then the owner of such steam vessel shall have the same surveyed as aforesaid as soon thereafter as possible and shall transmit such declarations to the board within fourteen days after the date thereof together with a statement of the reasons which have prevented the survey of such vessel at the time hereinbefore prescribed and the owner of every such vessel in respect of which such declarations shall not have been transmitted at the times and in the manner hereinbefore directed shall except in any case in which the survey of such vessel shall have been prevented as hereinbefore is provided forfeit and pay the sum of ten shillings for every day that the sending of such declarations is delayed and such sum shall be paid upon the issue of the certificate hereinafter mentioned together with the fee hereinafter mentioned unless the said board think fit in any case to remit such forfeiture or any part thereof.

Times appointed
for the surveys.

45. Upon the receipt of such declarations the board shall register the same and if they are satisfied that the provisions of this Act have been complied with shall cause to be transmitted to the master owner or agent of the steam vessel to which such declarations refer a certificate signed by the chairman and by the secretary to the

Board to grant
certificates and
transmit lists
to be put up at
custom houses.

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

board that the provisions of the law with respect to the transmission of declarations in respect of such vessel have been complied with and such certificates shall be of three classes and shall be severally called as follows:—

- (1) “A sea-going certificate” where according to the declaration of the surveyors such vessel is adapted for sea service
- (2) “A harbor certificate” where according to such declaration such vessel is adapted for harbor or short coasting service
- (3) “A river certificate” where according to such declaration such vessel is adapted for river service only

And every such certificate shall state according to the declaration—

- (1) The limit if any within which the vessel may ply
- (2) The number of passengers if any which the vessel may carry distinguishing the number which may be carried in each part of the vessel
- (3) The period during which the vessel may ply
- (4) The date at which the certificate will expire

And the board shall from time to time transmit to the principal officer of Customs at each port in Queensland a list of the vessels in respect of which such certificates have been issued and such officer shall cause such list to be put up in a conspicuous place in the custom house at such port.

How long
certificates to
continue in
force.

46. No such last-mentioned certificate shall continue in force for more than six months and no certificate shall be in force after notice to the owner or master of the vessel to which the same relates by the board that they have revoked suspended or cancelled the same

Provided always that if any such steam vessel shall have been absent from Queensland for the whole of the thirty days next before the expiration of the certificate last granted in respect of such vessel such last certificate (if not expressly cancelled suspended or revoked) shall continue in force till the return of such vessel to Queensland.

Fees to be
paid for
certificates.

47. The owner of every steam vessel requiring such certificate shall pay for every such certificate granted by the board the following fees—

Where the tonnage of such vessel does not exceed one hundred tons the sum of one pound;

Where such tonnage exceeds one hundred and does not exceed two hundred tons the sum of two pounds;

Where such tonnage exceeds two hundred and does not exceed three hundred tons the sum of three pounds;

Where such tonnage exceeds three hundred and does not exceed five hundred tons the sum of four pounds;

Where such tonnage exceeds five hundred tons the sum of five pounds;

And all fees and forfeitures as hereinbefore mentioned shall be paid to the board and by them paid to the Colonial Treasurer.

48. The owner or master of every steam vessel shall forthwith on receipt of any such certificate as aforesaid by him or his agent from the board cause the same or a true copy thereof to be put up in such conspicuous place or places on board the vessel as the surveyor or inspector may direct so as to be legible to all persons on board the same and shall cause it to be continued so put up without alteration or obliteration so long as such certificate remains in force and such vessel is in use and in default such owner or master shall on conviction for every offence forfeit and pay any sum not exceeding ten pounds and every person who pulls down injures alters obliterates or defaces any such certificate shall forfeit and pay a sum not exceeding five pounds.

Application of fees and forfeitures. Copy of certificate to be placed in conspicuous part of vessel.

49. The board may revoke suspend or cancel any certificate granted under the foregoing provisions of this Act to any steam vessel in any case where they have reason to believe that the declarations of the sufficiency and good condition of the hull and machinery of any vessel or either of them have been fraudulently or erroneously made or that such certificate has otherwise been issued upon false or erroneous information or where they have reason to believe that since the making of such declarations the hull or machinery of such vessel has sustained any injury or is otherwise insufficient and in every such case the board may if they think fit require the owner to have the hull or machinery of such vessel again surveyed and to transmit a further declaration of the sufficiency and good condition thereof before re-issuing any certificate or granting a fresh one in lieu thereof and the board may at any time revoke any certificate for the purpose of altering therein the number of passengers which such vessel shall in future be authorized to carry.

The board may cancel certificates and require fresh declarations.

50. The board or any inspector may require any certificate that has expired or been revoked suspended or cancelled to be delivered up at such time and to such person and in such manner as they or he may direct and if any owner or master without reasonable cause (proof whereof shall lie on him) fails to comply in any

Certificate when cancelled to be given up to board or inspector.

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

respect with such requirements he shall for every such failure forfeit and pay a sum not exceeding twenty pounds.

Vessel not to proceed on her voyage without certificate.
Penalty on owners and masters of vessels proceeding without certificate.

51. No British steam vessel shall ply or proceed to sea from any port in Queensland nor shall any steam vessel proceed upon any coasting voyage or upon any excursion unless the owner or master thereof has received from the board a certificate as hereinbefore provided or holds a certificate issued by the Board of Trade or a certificate issued by some other competent authority and recognized and approved by the board such certificate being a certificate applicable to the voyage or excursion on which such vessel is proceeding or plying and if such owner or master proceed to sea or on any excursion or ply without having such certificate as aforesaid or a true copy thereof in distinct and legible characters on board and so put up as aforesaid such certificate being a certificate then in force he shall on conviction for such offence forfeit and pay any sum not exceeding one hundred pounds.

Special powers to chairman or vice-chairman.

52. In cases of emergency where in his opinion the circumstances of the case may appear to warrant a departure from the regular course of procedure hereinbefore directed the chairman or in the absence or other disability of the chairman the vice-chairman may exercise all the powers hereinbefore conferred upon the board with respect to the suspension of certificates issued to any steam vessel and may also on or about the expiration of the term of the certificate issued to any steam vessel and pending the receipt of the declaration of survey for or issue of a fresh certificate grant or authorize the granting of a permit to enable such steam vessel to clear at the Customs or obtain a transire for the voyage therein specified and any permit so granted shall have the same force and effect as the certificate then expired or about to expire and such suspension of a certificate or issue of a permit shall be in all cases notified to the board by the chairman or in the absence of the chairman by the vice-chairman at the first meeting of the board after such suspension or grant of permit.

Penalty on carrying passengers or cargo in space deducted from tonnage.

53. No cargo or passengers shall be carried by any vessel plying in Queensland waters in any space deducted from gross registered tonnage either in respect of the accommodation of seamen or apprentices or for engine-room or coal bunkers and in case of any violation of the provisions of this section the master or owner shall for every such offence forfeit and pay a sum not exceeding twenty pounds.

Penalty on owner &c. for carrying more passengers than specified in certificate.

54. If any steamer has on board thereof or on or in any part thereof any number of passengers greater than the number allowed by the certificate to be carried in such steamer or such part thereof

the owner or master shall on conviction forfeit and pay a sum not exceeding twenty pounds and shall also forfeit and pay a sum not exceeding five pounds for every passenger over and above the number so specified in such certificate.

55. Any constable or officer of police may at any time go on board any passenger vessel and inspect the same for the purpose of seeing whether the provisions of this Act with respect to the number of passengers to be carried on board such vessel or any part thereof are complied with and any person who wilfully obstructs or hinders any constable or officer of police when engaged in such inspection shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Constable &c.
may board ship
and inspect
number of
passengers.

56. Any person who secretes himself and goes to sea or secretes himself with the intention of going to sea in any vessel without the consent of either the owner consignee master mate or person in charge of such vessel or of any other person entitled to give such consent (proof of such consent being on the person so secreting himself or going to sea) shall be liable to a penalty not exceeding twenty pounds or in the discretion of the court to imprisonment with or without hard labour for any period not exceeding four weeks.

Penalty for
obtaining passage
surreptitiously.

57. Every vessel employed to carry passengers by sea proceeding to sea from any port in Queensland shall be provided with such shelter for the protection of deck passengers (if any) as the board having regard to the nature of the passage the number of deck passengers to be carried the season of the year the safety of the ship and the circumstances of the case may require and if any such vessel shall proceed to sea not provided with such proper shelter for deck passengers as aforesaid the master or owner shall on conviction thereof forfeit and pay any sum not exceeding one hundred pounds.

Penalty for
not providing
shelter for
deck passengers.

58. No horses cattle sheep or pigs or other animals shall be carried on the upper deck of any passenger steam vessel proceeding to sea from any port in Queensland unless properly secured in stalls or pens to be erected for the purpose with the approval of the board who shall grant a general certificate for such vessel of the number of horses cattle sheep or pigs or other animals which may be safely and conveniently carried on the deck thereof and no part of the cargo or of the provisions water or stores shall be carried on the upper deck unless by permission of the inspector excepting poultry in coops or baskets and fish butter cheese eggs fruit and vegetables in baskets or wooden boxes and carts or carriages and all such articles shall in every vessel be so placed as not to impede

As to horses
cattle &c.
carried on
decks and as
to certificate
from board.

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

Penalty.

light or ventilation or interfere with the comfort of the passengers and if any articles or greater number of horses or other animals than shall be certified by the board as aforesaid shall be carried on deck contrary to the true intent and meaning of this enactment the master or owner of such vessel shall be liable to a penalty not exceeding fifty pounds.

Surveyors to make returns of the build &c. of vessels and may order them to be docked.

59. The surveyors appointed under this Act shall make such returns from time to time to the said board with respect to the build dimensions draught burden rate of sailing room for fuel and the nature and particulars of machinery of any vessel surveyed by them as shall be required by the board and if in consequence of any accident to any such vessel or for any other reason they consider it necessary the board shall require the vessel to be taken into dock or placed on a slip or on any other convenient place for the purpose of surveying the hull thereof.

Penalty on surveyors demanding or receiving fees unlawfully.

60. Every such surveyor who demands or receives directly or indirectly from the owner or master of any vessel surveyed by him under this Act any fee or remuneration whatsoever for or in respect of such survey otherwise than by the direction or with the permission of the board shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds at the suit of any person whomsoever.

Sea-going steamer to have compasses adjusted.

61. Every sea-going steam vessel plying in Queensland waters shall have her compasses properly adjusted to the satisfaction of the board from time to time or whenever it may be considered necessary by the board.

Accidents to be reported to board &c.

62. Whenever any vessel has sustained or caused any accident occasioning loss of life or any serious injury to any person or has been stranded or has received any material damage affecting her seaworthiness or efficiency either in her hull or in any part of her machinery the owner master or other person having the charge of such vessel shall within twenty-four hours after the happening of such accident or damage or as soon thereafter as possible forward to the inspector at the first port at which she may call or with which he may communicate by letter and also to the board a report of such accident or damage and the probable occasion thereof stating the name of the vessel the port to which she belongs and the place where she is and such master or if the master be dead the chief surviving officer and also every such other person belonging to the vessel as the board may direct shall as soon as possible after his first landing in Queensland after the happening of such casualty attend and submit himself to examination before the board or any inspector or where there is no inspector before the police

magistrate and if any master officer or other person without good and sufficient reason shall neglect or refuse to attend and submit himself to examination as aforesaid he shall for such offence forfeit and pay any sum not exceeding fifty pounds.

63. Any witness of a shipping casualty found at a place other than the place where the inquiry respecting such casualty is or may be held may be examined by an inspector or other person appointed by the board at the place where such witness is found.

Witness may
be examined
when found.

64. If the owner or agent of any vessel trading in Queensland waters have reason owing to the non-appearance of such vessel or to any other circumstance to apprehend that such vessel has been lost he shall forthwith send notice thereof to the board and shall if required by the board furnish to them such information as he may be able to give respecting such vessel and the loss thereof and the property and persons on board and if he neglect so to do he shall on conviction for every such offence forfeit and pay a sum not exceeding fifty pounds.

Notice of loss
of ships to be
sent to board.

65. No person shall have the principal charge of any steam vessel plying in any port unless his qualifications shall be considered sufficient and he shall have obtained a licence from the board on which licence shall be written his name and place of abode and the number of the licence and the name of the vessel and the owner or should the owner have two or more vessels the names of such vessels of which he is authorised to take charge and for such licence he shall pay the sum of one pound and if any person shall ply with any such steam vessel without being so licensed by the board to take charge of such vessel he shall forfeit and pay for every such offence a sum not exceeding twenty pounds and the board shall keep a duplicate of every such licence which shall be evidence in all cases without giving notice to produce or producing the original licence and every person having the principal charge of any steam vessel plying as aforesaid shall be deemed and taken to be unlicensed unless at the hearing of any complaint against him he shall produce his licence or give other satisfactory evidence of being duly licensed.

Persons in
charge and
engineers of
river steamers
to hold licence.

66. Before any such licence shall be granted or renewed a requisition for such licence shall be made and signed by the person applying for such licence and in every such requisition there shall be truly specified and set forth the christian name and surname and place of abode of the person applying for such licence and of every person who shall be a proprietor of the steam vessel for the principal charge of which a licence is required and in case any person shall neglect or omit to specify truly in such requisition as

How licences
are to be
applied for.

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

aforesaid the name of any person who shall be concerned as aforesaid in the keeping using or employing of such steam vessel such person shall on conviction forfeit and pay the sum of five pounds.

Person in charge may be deprived of his licence for drunkenness or misconduct.

67. The board may deprive of his licence any such person having the principal charge of any steam vessel plying as aforesaid who after due investigation has been found to be incompetent or guilty of drunkenness or any gross act of misconduct or negligence.

Duration of licence.

68. Every such licence shall except as hereinbefore provided be and continue in force so long as the person to whom the licence has been granted retains the principal charge of the vessel or vessels for which he is licensed except as hereinbefore provided and no longer.

Proprietors of unlicensed steam vessels subject to penalty.

69. If any person shall keep use or employ or shall be concerned as proprietor or part proprietor in the keeping using or employing of any steam vessel as aforesaid the principal person in charge of which is without a licence or the engineer of which is without a certificate of competency or service granted under this Act such person shall on conviction thereof forfeit and pay for every such offence any sum not exceeding twenty pounds.

Passengers not to be allowed to steer steam vessels and as to insulting language.

70. If the person having the principal charge of any steam vessel plying as aforesaid shall permit any passenger to steer such steam vessel within the limits of any port or if any such person having the principal charge of or any of the crew or any person employed on board or in connection with such steam vessel shall assault or use abusive or insulting language to any person travelling or about to travel or having travelled as a passenger in or by such steam vessel or to any person accompanying or attending upon any such passenger in coming to or going from any such steam vessel every such offender in any of the several cases aforesaid shall on conviction for every such offence forfeit and pay a sum not exceeding five pounds.

Six preceding clauses not to apply to sea-going steam vessels.

71. Nothing in the last six preceding clauses shall extend to any sea-going steam vessel.

72. The following offenders that is to say—

Penalty on drunken or disorderly persons.

- (1) Any person who being drunk or disorderly and having been on that account refused admission on board any vessel carrying passengers by the owner or any person in his employ or the master or any officer of such vessel nevertheless persists in attempting to enter such vessel—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

- (2) Any person who being drunk or disorderly on board any such vessel and having been requested by the owner master or any person in charge of such vessel to leave the same at any place within the limits of any township in the colony refuses to comply with such request—
Penalty on drunken or disorderly persons on board.
- (3) Any person other than a passenger who shall persist in attempting to enter any such vessel after having been refused admission by the owner or any person in his employment or by the master or any officer of such vessel or being on board shall refuse to leave such vessel when requested by the master or person in charge of such vessel—
Penalty on persons forcing their way on board.
- (4) Any person on board any such vessel who after being warned by the master or other officer of such vessel molests or continues to molest any passenger—
On persons molesting passengers.
- (5) Any person who after having been refused admission into any such vessel by the owner or person in charge thereof or by any person in the employ of the owner thereof on account of such vessel being full and after having had the full amount of his fare (if he has paid the same) returned or tendered to him shall nevertheless persist in attempting to enter the same—
On persons forcing their way on board ship when full.
- (6) Any person having got on board any such vessel who upon being requested on the like account by the owner or person in charge thereof to leave such vessel before the same has quitted the place at which such person got on board and who upon having the full amount of his fare (if he has paid the same) returned or tendered to him refuses to comply with such request—
On persons refusing to quit ship when full.
- (7) Any person who travels or attempts to travel in any such vessel without having previously paid his fare and with intent to avoid payment thereof—
Penalties for avoiding payment of fares.
- (8) Any person who having paid his fare for a certain distance knowingly and wilfully proceeds in any such vessel beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof—
- (9) Any person who knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such vessel and
- (10) Any person on board any such vessel who does not

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

when required by the master or other officer of such vessel either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such vessel—

shall on conviction for every such offence forfeit and pay any sum not exceeding twenty pounds but such conviction shall not prejudice the recovery of any fare payable by him.

Penalty for
obstruction or
wilful damage.

73. Any person who wilfully does or causes to be done to any vessel anything in such a manner as to obstruct or injure any part of the hull machinery rigging tackle sails or gear of such vessel or to obstruct impede or molest the crew or officers or any of them in the navigation or management of such vessel or otherwise in the execution of their duty upon or about such vessel shall on conviction for every such offence forfeit and pay any sum not exceeding fifty pounds and be also liable for the cost of repairing any injury so done and the expense caused by any demurrage or delay occasioned by such damage.

Penalty on
offenders
refusing to give
their name and
address.

74. Every person who having committed any of the offences mentioned in the last two preceding sections or either of them refuses on application of the master of the vessel or other person in the employ of the owner thereof to give his name and address or who on such application gives a false name or address shall on conviction thereof forfeit and pay a sum not exceeding ten pounds and the master or other officer of such vessel and all persons called by him to his assistance may detain any person who has committed any offence against the two sections aforesaid and whose name and address are unknown to such master or officer and may convey such offender with all convenient despatch before a justice without any warrant or other authority than this Act and such justice shall have jurisdiction to try the case and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Penalty for
carrying excess
of passengers.

75. If any vessel to which "*The Passengers Act 1855*"⁽⁶⁾ or the previous sections of this Act do not apply arrives in any port in Queensland having on any deck a greater number of passengers than in the proportion of one passenger to every fifteen superficial feet of deck space allotted to their use such space being free from cargo or stores except the personal luggage of such passengers or (unless such vessel is propelled by steam) having on board a

(6) *The Passengers Act 1855* (Queensland) was repealed in Queensland by the *Merchant Shipping Act, 1894*. It has not been expressly adopted as a law of the Territory by any Ordinance of the Territory of Papua.

greater number of persons including every individual on board than in the proportion of one statute adult to every two tons of the tonnage of such vessel the master owner or charterer shall forfeit and pay any sum not exceeding twenty pounds for each passenger carried in contravention of any of the provisions of this section.

76. Before any steam vessel owned by persons residing out of British jurisdiction shall clear out or proceed on any voyage with passengers from any port in Queensland to any other of Her Majesty's possessions carrying passengers who have embarked in Queensland the owner or charterer or in the absence of such owner or charterer one good and sufficient person on his behalf to be approved of by the principal officer of customs at the port of clearance shall with the master of the said steamer enter into a joint and several bond in the sum of five hundred pounds to Her Majesty Her heirs and Successors according to the form contained in the schedule hereunder the condition of which bond shall be that the said steamer is in all respects seaworthy and that all the requirements of this Act and of any regulations made by virtue of this Act have been complied with and shall for so long as the said vessel shall be engaged in carrying passengers from Queensland to any other of Her Majesty's possessions be in all respects well and truly fulfilled and performed and that the master of such steamer shall submit himself in like manner as a British subject being the master of a British steamer to the jurisdiction of such courts and magistrates as are by this Act empowered to adjudicate on offences and shall and will well and truly pay all penalties fines and forfeitures which he may be adjudged to pay in respect of any breach or non-performance of any of the requirements of this Act or of the said regulations.

Owner or charterer of foreign passenger steamer to enter into bond of five hundred pounds before ship cleared out.

SCHEDULE REFERRED TO.

Form of Bond to be given by Owner or Charterer or Master.

Know all men by these presents that we _____ are held and firmly bound unto Her Majesty Queen Victoria in the sum of five hundred pounds of good and lawful money of Great Britain to be paid to Her said Majesty the Queen Her Heirs and Successors to which payment well and truly to be made we bind ourselves and every of us jointly and severally for and in the whole our heirs executors and administrators and every of them firmly by these presents
Sealed with our seals Dated this _____ day of _____ 18 _____

Now the condition of this obligation is such that if the steamship whereof _____ is master is in all respects seaworthy and if all and every the requirements of "*The Navigation Act of 1876*"(7) and

(7) Now the *Navigation Ordinance, 1889-1938.*

SHIPPING—

PART III.—
STEAM
NAVIGATION
AND
REGULATION
OF PASSENGER
VESSELS.

of any regulations made thereunder have been and shall for so long as the said ship shall be engaged in the trade of carrying passengers from the Colony of Queensland to any other of Her Majesty's possessions be well and truly fulfilled and performed and if the master for the time being of the said ship shall submit and conform himself in like manner as a British subject being the master of a British passenger steamer to the jurisdiction of the courts and magistrates in Her Majesty's possessions which are by the said Act empowered to adjudicate on offences committed against the said Act and the said regulations and if moreover all penalties fines and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or non-fulfilment of any such requirements as aforesaid shall be well and truly paid then this obligation to be void otherwise to remain in full force and virtue.

Signed sealed and delivered by the above bounden
in the presence of

I hereby certify that the above bond was duly signed sealed and delivered
by the said master of the said steamship and by the said

Signature { Collector of Customs or principal officer of
Date { Customs at the port of

Section 77
repealed by
No. 7 of 1902,
s. 2 and First
Schedule.

* * * * *

Proof of issue
and transmission
of certificates.

78. All certificates purporting to be issued in pursuance of this Act by the board and to be signed as hereinbefore required shall be taken to have been so issued and signed unless the contrary is proved and every document purporting to be a certified copy of any such certificate as aforesaid and to be signed in the manner hereinbefore required for the signature of such certificate shall be received in evidence and shall be deemed to be a true copy of the original of which it purports to be a copy and in proving the transmission of any such certificate from the board to the master owner or agent of any steam vessel it shall be sufficient to prove that the same was duly received by some officer of the board or other public servant and was by him delivered to or left at the place of abode or business of such master owner or agent of the vessel to which the same relates or forwarded to him through the General Post Office.

Master of
steamer to
provide copy
of this Act and
regulations
thereunder.

79. The master of every steam vessel shall provide himself with a copy of this Act and of all regulations made thereunder with respect to the exhibition of lights and fog signals and shall at all times keep the same on board his vessel and in case he refuse or neglect to do so shall on conviction for every such offence forfeit and pay any sum not exceeding five pounds.

PART IV.—SAFETY AND PREVENTION OF ACCIDENTS.

* * * * *

PART IV.—
SAFETY, ETC.

Section 80
repealed by
No. 3 of 1908,
s. 8.

Regulations to
be published.

81. The board shall furnish a printed copy of the said regulations or a copy of the *Gazette* containing the same to every owner master or agent of a vessel who applies for the same and production of the *Gazette* in which such regulations are published or a copy of such regulations signed or purporting to be signed by the secretary or chairman of the board shall be sufficient evidence of the due making and purport of such regulations and all owners and masters of vessels shall be bound to take notice of such regulations as aforesaid and shall so long as the same continue in force be bound to obey them and to be provided with and to carry the lights and the means of making fog signals in conformity therewith and to exhibit no other lights and to use no other signals than such as are required by the said regulations

And in case of wilful default the master or the owner of the vessel if it appear that he was in fault shall on conviction for each and every breach of such regulations forfeit and pay a sum not exceeding fifty pounds

Provided that nothing in this section shall in any way affect any other proceeding against or liability incurred by the master or owner.

82. In case any damage to person or property arises from the non-observance by any vessel of any regulation made by or in pursuance of this Act such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such vessel at the time unless it is shown to the satisfaction of the board or of the court before which the case is tried that the circumstances of the case made a departure from the regulation necessary.

Breaches of
regulations to
imply wilful
default of
person in charge.
Imp. 26 Vic. c.
63, s. 28.

83. If in any case of collision it appears to the board or to the court before which the case is tried that such collision was occasioned by the infringement of any regulation made by or in pursuance of this Act the vessel by which such regulation has been infringed shall be deemed to be in fault unless it is shown to the satisfaction of the board or court that the circumstances of the case made a departure from the regulation necessary.

If collision
ensues from
breach of the
regulations
ship to be
deemed in
fault.
Imp. 1b. s. 29.

84. In every case of collision between two vessels it shall be the duty of the person in charge of each ship if and so far as he can do so without undue danger to his own ship and crew to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable and as may be necessary in order

In case of
collision
master to
render all the
assistance in
his power &c.

(8) Section 80 was repealed and a new Section 80 substituted therefor by *The Port Dues Revision Act, 1882* (Queensland, adopted). *The Port Dues Revision Act, 1882* (Queensland, adopted) was repealed in its application to the Territory of Papua by *The Port Dues Revision Ordinance of 1907* (No. 3 of 1908). *Semble*, this repeal also operated to repeal Section 80 of the *Navigation Ordinance, 1889-1938*. See now, Section 6 of *The Marine Board Ordinance of 1908*, which is similar in terms to the repealed Section 80 of the *Navigation Ordinance, 1889-1938*.

SHIPPING—

PART IV.— SAFETY, ETC.

to save them from any danger caused by the collision and also to give to the master of the other vessel the name port of registry and official number of his own vessel if she is a registered British ship and if not her name and the name of the port or place to which she belongs and also the names of the ports and places from which and to which she is bound and in case he fails so to do and no reasonable cause for such failure is shown the collision shall in the absence of proof to the contrary be deemed to have been caused by his wilful act neglect or default and such failure shall also if proved upon any investigation held under this Act be deemed to be an act of misconduct or a default for which his certificate may be cancelled or suspended.

Rules to be observed by vessels passing each other.

85. In navigating vessels in the narrow waters of Queensland in accordance with the rules set forth in schedule B⁽⁹⁾ hereto or any regulations made under this Part of this Act due regard in meeting or passing another vessel is to be had to the tide and to the position of each vessel with respect to the dangers of the channel and as regards sailing vessels to the keeping of each vessel under command and the master of any steam vessel navigating any river or narrow channel shall keep as far as is practicable to that side of the fairway or mid-channel thereof which lies on the starboard side of such vessel and if the master of any vessel neglect to observe such regulations or any of them he shall on conviction for every such offence forfeit and pay any sum not exceeding fifty pounds and be further liable for any damage that may accrue from such neglect or departure from the said regulations unless he can show that circumstances rendered such departure necessary.

Sea-going vessels to be provided with the number of boats and of the dimensions herein mentioned.

86. No decked vessel shall proceed to sea from any port or place in the said colony whatsoever unless it shall be provided with efficient boats duly supplied with all requisites for their use sufficient in number and of the size and description proper for such vessel regard being had to the number of persons carried the size of the vessel the nature and duration of the voyage and like circumstances and with a sufficient number of life-buoys and other appliances for saving life ready for use

Proviso.

Provided always that steam vessels holding a certificate from the board shall not carry boats fewer in number than specified in the following table nor less in their cubic contents and provided that the Governor in Council on the recommendation of the board may from time to time alter vary or amend⁽¹⁰⁾ the said table.

(9) Schedule B of the *Navigation Ordinance, 1889-1938*, was repealed by *The Port Dues Revision Act of 1882* (Queensland, adopted), which was itself repealed by *The Port Dues Revision Ordinance of 1907*. For the power to make regulations under Part IV, see footnote (12) printed on p. 4092. See, also, Section 6 of *The Marine Board Ordinance of 1908*.

(10) No amendment to the Table was made by the Governor in Council in Queensland before the adoption of *The Navigation Act of 1876* as a law of the Territory, and no Order in Council amending the Table has been published in *British N.G. Govt. Gaz.* or in *Papua Govt. Gaz.* since that date.

Table of Boats to be carried.

Tonnage.	Column 1. To be carried by steam vessels.				Column 2. To be carried by steam vessels unless they carry the boats in column 3.				Column 3. To be carried by steam vessels which do not carry the boats in column 2.				Total Number of Boats.																		
Steam Vessels.	Boats.				Boats, one of which is to be fitted as a life-boat.				Launches.				Boats.				Steam Vessels.														
	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.															
Tons.	ft.	ft.	in.	ft.	in.	ft.	ft.	in.	ft.	in.	ft.	ft.	in.	ft.	in.	ft.	in.	ft.	in.												
Under 30	1	14	5	0	2	0														1											
30 to 60	1	16	5	0	2	0														1											
60 to 120	1	16	5	0	2	0														2 or 3											
120 to 240	1	16	5	0	2	0														2 or 3											
240 to 400	1	18	5	6	2	3														3 or 4											
400 to 650	1	18	5	6	2	3														4 or 5											
650 to 1,000	1	20	5	6	2	4	2	22	5	6	2	5	1	22	5	6	2	6	3	6	4 or 5										
over 1,000	1	20	5	6	2	4	3	26	5	6	2	8	1	26	5	6	2	8	1	27	7	6	3	8	2	22	5	6	2	6	5 or 6

Steam vessels over 1,000 tons shall in addition to the boats to be carried by vessels between 650 and 1,000 tons carry two life-boats each twenty-eight feet in length seven feet in breadth and three feet in depth but it shall not be necessary that the boat in column 1 to be carried by such vessels should be fitted as a life-boat.

87. No vessel carrying passengers shall proceed to sea from any place in Queensland unless in addition to the boats and life-buoys hereinbefore required she is also provided with sufficient anchors chains sails warps and gear for the due safety of the vessel and if carrying more than four passengers is also provided with a life-boat furnished with all requisites for immediate use or has one of her boats hereinbefore required rendered buoyant after the manner of a life-boat and no pilot shall be compelled to conduct any such vessel to sea if he finds that she is not so provided as aforesaid and such boats and life-buoys shall be kept so as to be at all times fit and ready for use and no pilot shall be compelled to take charge of any vessel whatever when he considers her to be insufficiently equipped to enable her to be navigated out of the port in safety.

Life boats and buoys to be provided for passenger ships.

Boats and buoys to be kept ready for use.

88. In any of the following cases (that is to say) if any vessel hereinbefore required to be provided with boats life-buoys and other equipments as aforesaid proceeds to sea without being so provided therewith or if any such boats or life-buoys or other portion of her necessary equipments are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master or if in any case any of such boats or life-buoys or other portion of her necessary equipments being worn out or accidentally lost or injured in the course of the voyage the master neglects to replace or repair the same on the first opportunity or if such boats and life-buoys are not kept so as to be at all times fit and ready for use the owner or master shall on conviction

Penalties on masters and owners neglecting to provide boats and life-buoys.

SHIPPING—

PART IV.—
SAFETY, ETC.

tion forfeit and pay any sum not exceeding one hundred pounds.

Steam vessels to carry safety valves out of control of engineer and to be deemed a necessary part of machinery.

Amended by No. 7 of 1902, s. 2 and First Schedule.

89. Every steam vessel shall be provided with two safety valves upon each boiler one of which shall be out of the control and interference of the engineer except only when the steam is not up for the purpose of opening the same and keeping it free and such safety valve shall be deemed to be a necessary part of the machinery.

And such valve shall be so constructed as to have an area not less and pressure not greater than the area of and the pressure on the ordinary valve.

Equipment of steam vessels.

90. No steam vessel except a vessel used solely as a steam tug shall proceed or attempt to proceed to sea unless provided with a hose adapted for the purpose of extinguishing fire in any part of the vessel and capable of being connected with the engines of the vessel nor without such number of fire buckets as the board may think fit nor if carrying passengers without being provided with the commercial code of signals and also the following means of making signals of distress that is to say twelve blue lights or twelve port fires and one cannon with ammunition for at least twelve charges and a proper magazine for the same or with such other means of making signals as shall have been previously approved of by the board.

Penalty for exhibiting danger or distress signals unwarrantably. [Schedule D.]

91. Any person who makes or causes or permits any person under his authority to make any signals of danger or distress as specified in schedule D or established by the Governor in Council⁽¹¹⁾ except in the case of a vessel being in danger or distress shall pay all reasonable expenses which may be incurred in consequence of such signal being supposed to be a signal of danger or distress and shall also forfeit and pay for every such offence any sum not exceeding fifty pounds.

Owner or master to provide a good safe and sufficient gangway.

92. The owner or master of every vessel carrying passengers shall provide a good safe and sufficient gangway with proper hand-rails for the use of passengers or persons coming from or going on board such vessel and in default such owner or master shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds.

Power of the board to make regulations.

93. The board may make regulations⁽¹²⁾ and appoint fines for the enforcement thereof for the following purposes that is to say—

(1) For the carriage of passengers coastwise in Queensland

(11) No instrument has been published in British N.G. Govt. Gaz. or in Papua Govt. Gaz.

(12) No regulations were made in Queensland before the adoption of *The Navigation Act of 1876* as a law of the Territory, and no regulations have been made in the Territory since that date.

- (2) For the swinging of vessels to ascertain the deviation of their compasses or for such other method of adjusting the compasses as the board may deem expedient
- (3) For the safe taking on board of dangerous goods and cargo liable to combustion
- (4) For the granting and issuing of licences to watermen and to owners of ballast lighters and for the delivery by ballast lighters of the proper weight and quantity of ballast
- (5) For fixing the limits within which steamers shall proceed at a reduced speed and for limiting the speed at which steamers shall go within such limits

And such regulations and penalties after approval by the Governor in Council shall be published in the *Gazette* and shall be forthwith laid before both Houses of Parliament if then sitting and if not then within fourteen days after the commencement of the next session and such regulations shall come into force on the day specified in such notice published in the *Gazette* and be of the same force as if contained in this Act.

94. The officer appointed by the board for the purpose of carrying out the provisions of any regulation made under the last preceding section shall have for such purpose all the powers given to inspectors by this Act.

Same power to officer as to inspectors.

95. The master or owner of any vessel who upon being directed to have the compasses of such vessel adjusted whether by swinging the vessel or otherwise in accordance with the direction of the board or such officer as aforesaid shall refuse or neglect so to do shall for every such offence forfeit and pay any sum not exceeding fifty pounds.

Master &c. refusing to adjust compasses to be fined.

96. The master or owner of any vessel who shall take on board dangerous goods or cargo liable to combustion contrary to any regulation made by the board and published as aforesaid shall on conviction thereof forfeit and pay any sum not exceeding one hundred pounds.

Penalty on master improperly taking dangerous goods on board.

97. The collector or principal officer of Customs shall not grant a clearance or transire to any vessel with respect to which he has received a notice from the board or other duly authorised person that the provisions of any of the four last preceding sections or of any regulations made thereunder have been contravened and such clearance or transire shall not be granted to such vessel until such time as the requirements of this Act have been complied with.

Penalty on master.

Draught of
water to be
recorded.

98. When any inspector surveyor or harbour master or any person acting under his order records in writing the draught of water of any sea-going vessel as shown by the scale of feet on the stem and stern or the extent of clear side upon her leaving any wharf or port for the purpose of proceeding to sea such record or any copy thereof shall be admissible in evidence of the draught of water and the extent of clear side of the vessel at the time specified in the record and the master of every vessel who is by law compelled to keep an official log shall record therein at the time of his so leaving such port or wharf the draught of water and the extent of clear side aforesaid and shall produce such record to any officer of Customs or inspector whenever required by him so to do and in default of such production shall forfeit and pay a sum not exceeding ten pounds

The term clear side shall mean the height from the water to the upper side of the plank of the deck from which the hold is measured and the measurement of the clear side shall be taken at the lowest part of the side.

Section 99
repealed by
No. 7 of 1902,
s. 2 and First
Schedule.

Load-line to be
marked.

* * * * *

100. The master of every British coasting passenger vessel and of every British intercolonial trade vessel carrying passengers shall before entering his ship outwards from any port in Queensland upon any voyage for which she^(12a) is required so to enter her mark upon each of her sides amidships or as near thereto as is practicable in white or yellow on a dark ground or in black on a light ground a circular disc twelve inches in diameter with a horizontal line eighteen inches in length drawn through its centre

The centre of this disc shall indicate the maximum load-line in salt water to which the master intends to load the ship for that voyage

He shall also upon so entering her insert in the form of entry delivered to the collector or other principal officer of customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre

If default is made in delivering this statement in the case of any ship any officer of customs may refuse to enter the ship outwards

The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew and no shipping master shall proceed with the engagement of the crew until this entry is made

When a ship has been marked as by this section is required she shall be kept so marked until her arrival at her next port of discharge in the colony.

101. Any master of a British ship who neglects to cause his ship to be marked or kept marked as by the last preceding section re-

Penalty for
offences in
relation to
marks on
ships.

(12a) The word "she" appeared in the original Ordinance. *Semble*, "he" was intended.

quired and any person who conceals removes alters defaces or
obliterates or suffers any person under his control to conceal re-
move alter deface or obliterate any such mark except in the event
of the particulars thereby denoted being lawfully altered shall for
each offence incur a penalty not exceeding one hundred pounds

If any mark required by the said section is in any respect
inaccurate so as to be likely to mislead the master of the ship shall
incur a penalty not exceeding one hundred pounds.

102. The following steps may be taken in order to enforce com-
pliance with the provisions of the fourth part of this Act and any
regulations made thereunder that is to say—

Inspection for
enforcement of
regulations
and other
provisions of
this part.
Imp. 26 Vic.
c. 63, s. 30.

(1) If any inspector surveyor or other duly authorised
person finds that any vessel is not provided with boats
life buoys lights and other necessary equipments and
with the means of making fog and other signals in
pursuance of the said provisions and regulations he
shall give to the master or owner notice in writing
pointing out the deficiency and also what is in his
opinion requisite in order to remedy the same

(2) Every notice so given shall be communicated in such
manner as the board may direct to the collector or
principal officer of Customs at any port from which
such vessel may seek to clear or at which her trans-
sire is to be obtained and no such collector or prin-
cipal officer to whom such communication is made
shall clear such vessel outwards or grant her a trans-
sire or allow her to proceed to sea without a certifi-
cate from the persons duly authorised by the board
to the effect that the said vessel is properly provided
with boats life buoys and lights and with the means
of making fog or other signals in pursuance of the
said provisions and regulations and any tidewaiter or
other officer who may be detained on board in conse-
quence of the delay attendant upon the non-compli-
ance with such provisions and regulations shall be
maintained during such detention at the expense of
the master or owner until the provisions of Part IV.
of this Act or any regulations made thereunder shall
have been complied with.

* * * * *

Section 103
repealed by
No. 7 of 1902,
s. 2 and First
Schedule.

104. Any person who ships or sends or attempts to send for
shipment on board any vessel any gunpowder or other explosive
substance or liquid or any acid or other matter of a dangerous or

Dangerous
goods to be
marked.

SHIPPING—

PART IV.—
SAFETY, ETC.

destructive nature without distinctly marking the nature of its contents on the outside of every package or otherwise giving notice in writing of the nature of such goods and of the name and address of the sender thereof to the master or owner at or before the time of sending the same to be shipped shall on conviction for any such offence forfeit and pay any sum not exceeding one hundred pounds and no person shall be entitled to require the master or owner of any vessel to carry such dangerous goods as aforesaid and such master or owner may refuse to take on board any package that he suspects to contain goods of a dangerous nature and may to satisfy himself as to the contents thereof require such package to be opened in his presence.

Master not
compellable to
carry same.

Master may
throw
dangerous
goods
overboard.
Amended by
No. 7 of 1902,
s. 2 and First
Schedule.

105. When any dangerous goods have been sent on board any vessel under a false description as aforesaid the master or owner of the vessel may cause such goods to be thrown overboard together with any package or receptacle in which they are contained and neither the master nor the owner of the vessel shall in respect of such throwing overboard be subject to any liability civil or criminal.

Extinction or
screening of
false lights.

106. When any fire or light is exhibited at any place and in such a manner as to be liable to be mistaken for a light proceeding from a lighthouse or lightship or so as to throw such a glare as to affect the navigation of any port the harbour master or any inspector may cause a notice to be served upon the owner of the place from which such light is exhibited or upon the person having charge of such fire or light or who exhibits such fire or light and by such notice may direct such owner or person within a reasonable time to be therein specified to take effectual means for the extinguishing or effectually screening such existing light and for preventing any similar fire or light from being exhibited in future and any owner or person disobeying such notice shall on conviction thereof forfeit and pay a penalty not exceeding one hundred pounds and shall pay in addition thereto a penalty not exceeding five pounds for every night that such light or fire is exhibited after the expiration of the term specified in such notice.

Medical stores
to be carried.
[Schedule F.]

107. No coasting passenger vessel nor coaster of more than fifty tons shall proceed to sea from any port unless she has on board in accordance with Schedule F hereto the medicines and medical stores appropriate to her class and the voyage upon which she is about to proceed and the master or owner of any such vessel which shall proceed to sea without such medicines or medical stores on board as aforesaid shall forfeit and pay any sum not exceeding fifty pounds

Proviso.

Provided always that the Governor in Council may make any

alterations ⁽¹³⁾ in the said schedule which may be deemed necessary and all such alterations shall be published in the *Gazette* at least one calendar month before the same shall commence to have effect

Provided that the board in any case where it shall see fit may grant exemption from the provisions of this section to any such vessel.

[107A.—(1.) *The owner or master of every power driven vessel under fifteen tons shall provide an alternative means of propulsion approved by the Treasurer and one efficient chemical fire extinguisher.*

Safety
equipment—
small vessels.
Section 107A
inserted by
No. 14 of 1937,
s. 2.

(2.) *The owner or master of every vessel whatsoever under fifteen tons not including a native-owned canoe shall equip the vessel with the following equipment in good condition:—*

(a) *Such lifebelts and lifebuoys of approved design as the Treasurer may direct;*

(b) *A suitable anchor and not less than fifteen fathoms of suitable rope or chain;*

(c) *One dinghy when so directed by the Treasurer*

and in default such owner or master shall upon summary conviction for every offence under this section forfeit and pay any sum not exceeding Ten pounds.]⁽¹⁾

PART V.—PILOTAGE AND HARBOURS.

108. The Governor in Council may by proclamation⁽¹⁴⁾ published in the *Gazette* from time to time define the limits and boundaries of ports in Queensland and may on the recommendation of the board make rules⁽¹⁵⁾ and regulations for the governance and preservation of the same for the regulation safety and navigation of vessels and shipping in the same the conveyance of passengers between the ports of the colony the shipping and discharge of seamen the landing and carrying of gunpowder and other explosive substances and also for the due protection and proper management of all public wharves and may from time to time repeal alter vary or amend the same

Provided that all such rules and regulations shall be published in the *Gazette* and forthwith laid before both Houses of Parliament if then sitting and if not then within fourteen days after the commencement of the next session and all such rules and regulations

PART V.—
PILOTAGE AND
HARBOURS.
Governor in
Council may
define limits
of ports and
make rules.
Vic. 28 Vic.
No. 255, s. 40.

(1) See footnote (1) printed on p. 4061.

(13) No alterations to Schedule F were made by the Governor in Council of Queensland before the adoption of *The Navigation Act of 1876*, and no alterations have been published in *British N.G. Govt. Gaz.* or in *Papua Govt. Gaz.*

(14) A Table containing particulars of proclamations made under the *Navigation Ordinance, 1889-1938*, defining the limits and boundaries of ports, is printed on p. 4139, and the proclamations are printed immediately after the Table.

(15) See the *Port Regulations, 1923*, printed on p. 4121.

shall at the end of fourteen days after such publication have the same force as if contained in this Act.

Additional
power to make
regulations.

Section 108A
inserted by
No. 9 of 1923,
s. 3.

[108A. *In addition to and without limiting the power to make regulations contained in the last preceding section the Lieutenant-Governor in Council⁽¹⁶⁾ with or without the recommendation of the Marine Board may make regulations⁽¹⁵⁾ in relation to any port the limits and boundaries of which have been defined by proclamation under the provisions of that section for all or any of the following purposes:—*

- (1) *For regulating the use of public wharves and traffic thereon.*
- (2) *For regulating the times place order and mode of the shipping unshipping landing housing stowing and depositing of goods and live stock (with special regulations and restrictions in the case of dangerous goods) and of the taking in and delivery of ballast.*
- (3) *For fixing scales of charges to be paid for storage of goods in cargo sheds the property of the Government erected on any wharf or any approach thereto or erected elsewhere and used in connection with such wharf for the reception of goods landed from or to be carried on any vessel.*
- (4) *For regulating the use of cranes weighing and other machines weights and measures conveniences or appliances provided by the Government on in or in connection with any wharf or cargo shed and fixing charges to be paid for the use of the same.]⁽¹⁾*

Regulations.
Section 108B
inserted by
No. 4 of 1931,
s. 2.

[108B. *The Lieutenant-Governor in Council⁽¹⁶⁾ may in addition to and without limiting the power to make regulations⁽¹⁵⁾ hereinbefore contained make regulations with or without the recommendation of the Marine Board in relation to all or any of the following matters:—*

- (a) *The inspection and testing of machinery and appliances for the loading and unloading of ships;*
- (b) *The prevention of the use of defective machinery or appliances for the loading or unloading of ships;*
- (c) *The protection of the health and the security from injury of persons engaged in the loading and unloading of ships;*

(1) See footnote (1) printed on p. 4061.

(15) See the *Port Regulations*, 1923, printed on p. 4121.

(16) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

- (d) *Matters affecting the stability of ships;*
(e) *The safety of persons going on and coming from ships when alongside wharves or piers;*
(f) *The fixing of fees to be paid in respect of any matters under this Ordinance or the regulations.]*⁽¹⁾

109. If any person shall fail or neglect to observe all or any of such rules and regulations as shall or may from time to time be so promulgated as aforesaid or shall do or commit anything contrary to any of the said rules and regulations such person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding twenty pounds

Any person violating such rules to forfeit not more than twenty pounds.

Provided that no master of any vessel visiting the colony for the first time in that capacity shall be liable to any fine imposed by such rules and regulations unless a copy thereof shall have been previously delivered to the said master or left on board the vessel to which he belongs or with some officer thereof in the absence of the said master.

110. Every vessel commanded by a master possessing a certificate of exemption as hereinbefore mentioned or otherwise exempted from the payment of pilotage and not requiring the services of a pilot shall from the time of her approaching within three leagues of the port to which she may be bound until the time of her arrival at her final anchorage in port keep flying at her mainmast head a white flag not less than six feet long by four feet six inches wide

Vessels exempt from pilotage to carry exemption flag.

And the master of any vessel which is exempt from pilotage and does not require a pilot and who fails to hoist the exemption flag as herein provided shall on conviction thereof forfeit and pay any sum not exceeding twice the amount of pilotage to which such vessel would be liable if the services of a pilot were employed.

Penalty for not hoisting exemption signals.

111. The master of any vessel who is not exempt from pilotage and who shall fly such exemption flag as aforesaid or any flag which is liable to be mistaken for it shall on conviction forfeit and pay a sum not exceeding fifty pounds.

Penalty if carried improperly.

112. No vessel exempted by this Act from the payment of pilotage shall be entitled to claim such exemption unless upon the arrival of such vessel within one league of the entrance of any port the master of such vessel shall in addition to the white flag at the mainmast head hoist in some other conspicuous position a signal indicating the port or place from which such vessel shall

Vessels exempt to hoist geographical signals.

(1) See footnote (1) printed on p. 4061.

SHIPPING—

PART V.— PILOTAGE AND HARBOURS.

have arrived according to the numbers used to distinguish the different ports at the port at which such vessel shall arrive.

All vessels arriving and departing shall receive pilots.

113. The master of every vessel not exempt from pilotage arriving at or off any port whereat any pilot shall have been appointed for the purpose of entering any of the said ports or harbors shall deliver and give in charge such vessel to the duly qualified pilot who shall first board or go alongside of such vessel in order to conduct the same into port and such pilot shall if required by such master produce his authority to act as such pilot and no master of any such vessel shall proceed to sea from any of the said ports or quit his station or anchorage in any port without receiving on board the harbor master or some pilot appointed as aforesaid to move or conduct the said vessel to sea and if any such vessel shall enter any of the said ports or shall attempt to proceed to sea or shift her berth without receiving on board thereof the harbor master or some pilot as aforesaid the master thereof shall forfeit and pay a sum not exceeding fifty pounds.

On penalty equal to amount of pilotage.

Signals for pilot.
[Schedule D.]

114. If a vessel requires the services of a pilot the signals to be used and displayed shall be those specified in schedule D to this Act but the Governor in Council may nevertheless from time to time on the recommendation of the board make such additions or alterations⁽¹⁷⁾ thereto as the special requirements of any port may render advisable.

Any master of a vessel who uses or displays or causes or permits any person under his authority to use or display any of the said signals for any other purpose than that of summoning a pilot or uses or causes or permits any person under his authority to use any other signal for a pilot than those duly authorized hereby shall incur a penalty not exceeding twenty pounds.

* * * * *

Sections 115 and 116 repealed by Q. 46 Vic. No. 12, s. 2.

Governor in Council may fix pilotage at new port.

117. The pilotage rate to be paid at any port at which a pilot is or may be hereafter appointed or licensed and which is not mentioned in the schedule aforesaid⁽¹⁸⁾ may be fixed by the Governor in Council by proclamation⁽¹⁹⁾ in the *Gazette*.

Every such proclamation shall be published at least one month before such rates are levied and at the expiration of such period shall have the same power and effect as if it were contained in this Act.

(17) No additions or alterations have been published in British N.G. *Govt. Gaz.* or Papua *Govt. Gaz.*

(18) The schedule referred to in Section 117 was a schedule of pilotage rates for specified ports contained in the repealed Section 115.

(19) No proclamation has been published in British N.G. *Govt. Gaz.* or Papua *Govt. Gaz.*

Master holding
certificate of
exemption not
to pay pilotage
except &c.

118. The master of any vessel holding a certificate of exemption as hereinbefore mentioned or otherwise exempted from the payment of pilotage dues such exemption being applicable to the vessel and the voyage upon which she is engaged and who shall have complied with the provisions of this Act respecting the flags to be hoisted by such vessel shall not be required to pay pilotage dues except as hereinafter provided unless on any occasion he actually employs the service of a pilot but he shall and he is hereby required to produce his certificate of exemption (if any) when demanded on board his vessel by the harbor master officer of Customs or pilot and on every occasion when he fails so to do he shall pay the full pilotage dues.

* * * * *

Sections 119-123
repealed by
Q. 46 Vic.
No. 12, s. 2.

124. If the master of any vessel lying within three miles of the harbor office at any port having applied for a pilot shall afterwards find that he does not require the services of a pilot on the day on which such pilot shall first have been appointed to attend and shall notify the same to the pilot immediately on his arrival to take charge of the said vessel no payment shall be made in respect to such first attendance

Ship within
three miles of
harbor office
and pilot not
required.

But if after any renewed application for a pilot such master shall again find that he does not require his services the said master or the owner or agent of the said vessel shall pay or secure to be paid to the pilot who may attend in consequence of any such renewed application the sum of ten shillings for each day that such pilot shall be detained on board or for every such attendance although such pilot so attending shall quit the said vessel by reason of his services on that day being dispensed with by the master at the time of such attendance and no pilot shall be bound to take the said vessel to sea until such payment shall have been made or secured to his satisfaction.

Renewed
application.

125. The master of any vessel lying at a greater distance than three miles from the harbor office of any port who after applying for a pilot shall find that he does not require the services of such pilot shall pay ten shillings for every day or part of a day that the pilot shall be detained on board and occupied in going to or returning from such vessel.

If ship more
than three
miles from
harbor office
and pilot not
required.

126. When the pilot in charge of any vessel entering any port shall be detained on board for a period exceeding forty-eight hours on account of being under quarantine the master or owner shall pay over and above the amount of pilotage due upon such vessel the sum of ten shillings for each and every day the pilot shall so remain on board such vessel.

Pilots detained
on board ship
forty-eight
hours to
receive ten
shillings per
day.

SHIPPING—

PART V.—
PILOTAGE AND
HARBOURS.

Detention of
pilot beyond
twenty-four
hours.

127. In case any pilot shall be detained and remain on board any vessel for a period exceeding twenty-four hours after he shall have taken charge then if such detention shall have been occasioned by not employing a tug when such employment is considered by the harbor master or pilot to be necessary for the safe navigation of the vessel and the master has refused to accept or neglects to obtain the services of a suitable tug or shall have been occasioned by any other act omission or direction of the master of the said vessel or other parties concerned as owners or otherwise and not by stress of weather or other unavoidable cause the master or owner of such vessel shall pay over and above the amount of pilotage due upon such vessel the sum of twenty shillings for each and every day or part of a day during which the pilot shall be detained on board and such pilot shall not be bound to conduct such vessel to sea until payment thereof shall have been duly made or secured to the satisfaction of such pilot.

Payment of
detention
money.

Licensing of
pilots.

128. The Governor in Council may authorize⁽²⁰⁾ the board to have and to exercise the following powers—

- (1) To grant licences to persons to act as pilots for any port or any portions of the coast of the colony
- (2) To determine the qualifications to be required from persons applying for such licences
- (3) To make regulations for the proper conduct of such pilots and pilot service and for punishing any breach of such regulations by suspension or cancelling of such licences or by the infliction of penalties.

And the Governor in Council shall have power to decide how such licensed pilots are to be remunerated and what proportion of the pilotage dues are to be received by such pilots anything in this Act to the contrary notwithstanding.

Wharfage
rates.

129. At any port in which wharves have been erected at the public expense for the convenience of shipping the Governor in Council may cause such sufficient and reasonable dues or rates⁽²¹⁾ upon vessels or cargo or both to be levied to pay for the maintenance expense or extension of such wharves as may be deemed advisable and such dues shall unless demised as hereafter provided be paid to the collector or principal officer of Customs at such port or such other person as the Governor in Council may appoint to receive the same

Provided also that the scale of such dues or rates to be so levied shall be published in the *Gazette* and shall be forthwith laid before both Houses of Parliament if then sitting but if not then

(20) No instrument authorising the board to exercise any such power has been published in *British N.G. Govt. Gaz.* or in *Papua Govt. Gaz.*

(21) See *The Port Dues Revision Ordinance of 1907.*

within fourteen days after the commencement of the next session and all such dues and rates shall upon the expiration of one month after such publication in the *Gazette* be levied and paid.

130. The Governor in Council may authorize and direct the wharfage rates payable at any such wharf under the last preceding section to be demised and let to farm for any term not exceeding ten years in such manner and subject to such conditions as he may think fit.

Wharves may be leased.

131. No vessel shall be cleared at any custom house until a certificate shall have been received from the harbor master at the port of clearance stating the amount of harbor dues and wharfage rates pilot and other services upon which payment is due upon such vessel under the provisions of this Act nor until the master of such vessel shall have produced a certificate from the shipping master to the effect that due payment has been made of all fees and other shipping charges nor until all rates and charges payable in respect of such vessel shall have been duly paid.

Vessels not to be cleared till rates &c. paid.

132. At any port at which the water frontages are partly or wholly alienated from the Crown and where from the abrasion of the bank or shore it may be necessary for the common or public interests to protect the same from further abrasion the Governor in Council on sufficient evidence of the necessity of protecting such shore or bank from further abrasion may by notice⁽²²⁾ to be published in the *Gazette* call upon the owners of such frontages to execute the necessary work as directed by the Governor in Council to protect their own frontages such work to be subject to the approval of such person as the Governor in Council may appoint and in case such owners cannot be found or shall refuse or neglect to execute such work in accordance with such directions the Governor in Council may cause such works to be carried out and completed and is hereby empowered to levy such dues or rates upon vessels or cargo using the same as he may deem expedient and such dues shall be paid and demanded in the same manner as wharfage rates under the provisions hereinbefore contained Provided always

Owners of water frontages in ports to protect same from abrasion.

If owners cannot be found or on neglect Governor in Council may cause works to be carried out.

- (1) That any dues or rates leviable by virtue of this section shall not be demised to any person other than the owner or lessee of the land abutting on or fronting such works
- (2) That in every case in which works have been or are being carried out under this section the Treasurer shall have such control over any structure or material

Provisoes in sub-actions.

(22) No notice has been published in British N.G. *Govt. Gaz.* or Papua *Govt. Gaz.*

which may be brought near to or in contact with such work as may be necessary for the due preservation and protection of the work aforesaid.

Tonnage of
British vessels.

133. The amount of tonnage specified in the certificate of registry of every vessel registered at any port in the United Kingdom of Great Britain and Ireland or any British possession shall be deemed to be the tonnage of such vessel.

Provision for
disputed
tonnage.

134. In case the tonnage of any vessel entering any port shall not have been registered or any dispute shall arise as to the tonnage thereof the collector or proper officer of Customs shall measure such vessel according to the regulations in that behalf contained in the Act of the Imperial Parliament⁽²³⁾ in force for the time being regulating such measurement.

Vessel or raft
may be
removed.

135. Should any vessel or raft be anchored in any place which in the opinion of the harbor master impedes the navigation of any port or which may be occupying a berth alongside any wharf required for any other purpose such vessel or raft shall when so directed be removed to any other berth assigned to her by such harbor master or his deputy and the master or person in charge of such vessel or raft refusing or neglecting to effect such removal shall on conviction for every such offence forfeit and pay any sum not exceeding twenty pounds and should the harbor master find it necessary to incur any expense in such removal such expense shall be borne by the master or owner of such vessel or raft as aforesaid and such expense and penalty shall be recovered as hereinafter provided.

Masters to
obey
instructions of
harbor
authorities.

136. The master of every vessel in port shall obey all instructions that he may receive from the harbor master or any person acting under his authority relative to the navigation dismantling and mooring of any vessel in port the moving at and the removal to or from any wharf the security of such vessel either at anchor or alongside any wharf the quantity of ballast to be retained or placed in the hold before during and after the discharge of cargo the avoidance of injury to any other vessel wharf or other public or private property and also the general benefit or safety of the shipping or property in the port and any such master who shall neglect or refuse to obey any such instructions shall forfeit and pay any sum not exceeding twenty pounds and shall also be liable for any loss or damage that may accrue from such neglect or refusal.

(23) See Section 77 and the Second Schedule of the *Merchant Shipping Act 1894* (57 and 58 Vic. c. 60) as amended, of the United Kingdom.

137. Whenever the harbor master of any port or any person acting under his authority shall go on board any vessel for the purpose of directing the removal of such vessel from one place of moorage or anchorage to another the harbor master or such person if he shall see fit may cause such vessel to be made fast to any other vessel or to any wharf for the purpose of such removal and every person who shall refuse to allow or offer any impediment or resistance to such vessel being so made fast as aforesaid or who shall untie or cut away any such warp or fastening shall forfeit and pay for every such offence a penalty not exceeding twenty pounds and the master or owner of such vessel shall be liable for any damage that may accrue from the untying or cutting away of such warp.

Masters to allow warps to be fastened to their vessels by order of the harbor master.

Provided that if any injury be done to any vessel by reason of the fastening of any other vessel thereto or to such wharf by means of any warp or other fastening for the purpose hereinbefore mentioned the owner or master of such vessel so injured shall be entitled to recover damages from the owner or master of the vessel the fastening of which may have caused such injury.

138. At any port where the wharves or frontages are private property or belong to a corporation or public body the harbor master or any person acting under his authority shall have free access to such wharves or frontages as far as may be necessary for the berthing or removal of any vessel or for any duty connected with his office and shall have power to decide upon the berthing of any vessels where from the nearness of adjacent wharves vessels overlap such adjacent frontage or wharf.

Berthing at private wharves.

139. If any anchor kedge or mooring shall not be weighed in any port within twelve hours after it has been slipped parted or cut from and the permission in writing of the harbor master of such port has not been previously obtained to allow such anchor kedge or mooring to remain unweighed such harbor master may cause the same to be weighed at the expense and risk of the owner or master of the vessel to which such anchor kedge or mooring belongs which expenses may be recovered in a summary way as hereinafter mentioned

Mooring slipped may be weighed.

Provided that if the owner or master of such vessel cannot be found or no buoy or rope has been attached to such anchor kedge or mooring the same shall be forfeited and sold and the proceeds shall be applied in payment of such expenses and the surplus if any shall be paid to the Consolidated Revenue.

140. If any person shall remove or cause any other person to remove or wilfully negligently or otherwise injure or destroy any wharf embankment lighthouse lightship pilot or other vessel or any buoy beacon land or sea mark used for the convenience of naviga-

Penalty for persons injuring beacons.

SHIPPING—

PART V.—
PILOTAGE AND
HARBOURS.

tion or for the preservation of ships every such person shall on conviction pay all costs charges and expenses incurred in repairing such injury or in replacing that which has been so destroyed and shall also for every such offence forfeit and pay any sum not exceeding fifty pounds.

Board may prohibit discharge of refuse into ports.

141. The board may prohibit the owners lessees or occupants of manufactories slaughter-houses and other establishments from allowing refuse matter to flow into any port or from being or remaining so placed as to be liable to fall or be washed into any port and any such owner lessee or occupant who after notice having been given him in writing shall continue to allow such refuse to flow into any port or to be placed or remain contrary to any such prohibition shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds and also any sum not exceeding ten pounds for every day that such refuse is so allowed to flow or to be placed or remain after such notice shall have been given.

Ballast &c. not to be thrown into port or landed.

142. Any person who shall throw or cause to be thrown into any port any ballast rubbish ashes gravel earth stone wreck filth sawdust or refuse or shall land cause permit or suffer the same to be landed on any wharf or other part of such port except where the tide or water never flows or runs and at the places appointed for the purpose by the harbor master thereof shall on conviction thereof forfeit and pay any sum not exceeding thirty pounds and any such person who shall not when required by the harbor master remove any such ballast rubbish ashes gravel earth stone wreck filth sawdust or refuse so thrown or deposited shall on conviction for every such offence forfeit and pay any sum not exceeding ten pounds and when the harbor master may consider it necessary he may cause such ballast rubbish ashes gravel earth stone wreck filth sawdust or refuse to be removed and may recover in a summary way from the person so convicted the expense incurred in such removal.

Rubbish &c. not to be thrown or unladen from any vessel excepting on dry land.

143. If in any port when discharging from or taking on board of any vessel or transshipping from one vessel to another any ballast coals rubbish ashes gravel earth sawdust filth refuse or any solid matter whatever sufficient tarpaulins are not spread or other effectual means used to prevent any such matter as aforesaid from falling into the port the master of each and every such vessel shall on conviction forfeit and pay any sum not exceeding ten pounds.

Tarpaulins or chutes to be used in discharging ballast coals &c.

Vessels sunk or stranded to be removed.

144. If any vessel shall be sunk or stranded or run on shore in any port or having been sunk shall be permitted so to remain and the owner or master shall not clear such port of such vessel and of all wreck and parts of the same within such time as the harbor master at such port shall by notice in writing require or shall not

give security to the satisfaction of such harbor master for the removal of such vessel or wreck within such further time as the said harbor master may appoint the said harbor master may cause such vessel or wreck together with the tackle thereof and the goods if any therein to be removed in such manner as such harbor master shall direct and may cause the same to be sold and out of the money arising from such sale may pay the charges and expenses of removal paying the overplus if any to the owner of such vessel and if he cannot be found to the Treasurer on behalf of such owner and if the money arising from such sale shall not be sufficient to defray the charges and expenses aforesaid the excess thereof beyond the proceeds of such sale shall be chargeable to the owner of such vessel and if not paid within twenty days after having been demanded shall be recovered in a summary way as hereinafter mentioned.

In default to
be removed
and sold.

145. If any tree or trees fall from or on the bank of any navigable river or creek so that any part of such tree or trees shall be in or over the water or within high-water mark and the same be not removed within ten days after having so fallen the person or persons felling such tree or trees or the owner or occupier of the land from which such tree or trees shall have fallen shall forfeit and pay any sum not exceeding ten pounds for every tree so fallen and not removed and any expense incurred in removing the same may be recovered in a summary way.

Trees in or
over navigable
rivers or
creeks to be
removed.

146. If any timber or other bulky article be left on any beach or public wharf for more than two days without proper authority any two justices may at the request of the harbor master issue their warrant for seizing and removing such timber or other article and for selling the same and with or out of the money arising from such sale to pay the charges and expenses of such seizure removal and sale paying the overplus (if any) to the owner and if he cannot be found then to the Treasurer

Timber or
other bulky
articles not to
be left on any
wharf.

Provided always that twenty-four hours' notice in writing to remove such articles signed by the harbor master or wharfinger shall be given to the owner proprietor or person having charge of such timber or other article or when the owner cannot be found a like notice shall be affixed to such timber or other article before such seizure or sale shall take place.

147. No wharf pile or other structure of any kind shall be placed below high-water mark nor shall any portion of the bottom or bed of any port be disturbed or moved without the sanction of the board having been previously obtained and any person who shall construct or attempt to construct or cause to be constructed any work as aforesaid or who shall move or cause to be moved any portion of the bed or bottom of any port as aforesaid shall for

Bottom of port
not to be
disturbed or
piles driven
without
authority.

every such offence forfeit and pay any sum not exceeding one hundred pounds and also for every day that such operations are carried on after they have been prohibited by the board shall pay a further penalty of any sum not exceeding ten pounds.

Harbor master
may remove
obstructions.

148. If any artificial obstruction shall be found to interfere with the free and safe navigation of any port the harbor master shall give notice to the person who has caused such obstruction or has permitted such obstruction to remain calling upon him to remove the same within a time to be specified in such notice and if requisite to exhibit thereon such flags marks or lights as to the harbor master may seem requisite until such obstruction shall be removed and if such obstruction be not removed by such person as aforesaid within such time after service of such notice then the harbor master may remove or cause to be removed such obstruction and shall if requisite cause to be exhibited such flags marks or lights as aforesaid and the person causing such obstruction or permitting the same to remain shall forfeit and pay a sum not exceeding fifty pounds together with the cost of removing the obstruction and the cost of exhibiting such flags marks or lights if any such cost shall have been incurred and in any case where such owner cannot be found or where he shall be unable to pay such expenses the material causing or having caused such obstruction shall after advertisement in the *Gazette* and local papers be sold by public auction and the proceeds shall be applied in payment of the expenses and the surplus if any shall be paid to the owner.

Harbor master
may remove
timber floating
and sell same.

149. The harbor master may remove or cause to be removed any timber floating in any port and if the same be not claimed and all expenses of the removal paid within ten days he may advertise the same for sale by public auction in one or more of the local newspapers and may sell the same and apply the net proceeds of such sale in defraying the expenses of such removal and advertising and shall pay the balance if any to the Treasurer.

Persons
throwing or
causing timber
to be thrown
into any port
&c. to be liable
for damages
thereby
occasioned and
a penalty not
exceeding
fifty pounds.

150. Whosoever throws any timber or causes or permits any timber to be thrown into any port or casts any timber adrift or causes or permits any timber to be cast adrift in any port whereby the navigation of the port is endangered or impeded shall on conviction thereof be liable to a penalty not exceeding fifty pounds and to all expenses incurred in the removal of the said timber.

No animals to
be thrown into
any port.

151. No person shall throw or cause to be thrown into any port any living animal or carcase of any animal in such manner as to cause any nuisance or obstruction to the port and every person so offending shall on conviction for every such offence forfeit and pay any sum not exceeding five pounds.

PART V.—
PILOTAGE AND
HARBOURS.

152. Any person who shall without due authority interfere with any harbor master or pilot or other duly authorised person acting on his behalf in the execution of his duty or shall resist obstruct or impede him in the proper performance thereof shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

Penalty on persons interfering with port officer harbor master or pilots in discharge of their duty.

And all powers conferred upon or vested in the harbor master of any port by virtue of this Act shall be deemed to extend to and be vested also in the portmaster.

PART VI.—LIGHT DUES.

PART VI.—
LIGHT DUES.

* * * * *

Sections 153-162
repealed by
Q. 46 Vic.
No. 12, s. 2.

PART VII.—GUNPOWDER AND OTHER EXPLOSIVE SUBSTANCES.

PART VII.
EXPLOSIVES.

163. Every person or persons who shall import gunpowder or any other explosive substance⁽²⁴⁾ into Queensland shall immediately when it shall arrive in any port report the same to the collector or principal officer of Customs and also to the officer in charge of the Government magazines in order that the same may be deposited in one of such magazines and the said officer shall receive the same into his custody and enter in a book to be kept by him for that purpose the name of such importer or proprietor together with the particulars of the packages of the gunpowder or other explosive substance so to be deposited.

Any gunpowder and other explosive substances on arrival to be reported. Permits to be given for depositing the same in the Government magazines.

Provided always that the officer in charge of the magazine may at any time refuse to receive therein or to allow within its precincts any explosive substance the properties of which may be unknown to him and which he may have reason to apprehend to be unsafe for lodgment in the general magazine and such explosive substance shall be so dealt with as may be considered by the Treasurer to be necessary for public safety.

164. The master of every vessel arriving in any port shall be required to land at the Government or other authorised magazine all gunpowder exceeding twenty pounds in weight and all other explosive substances which may be on board such vessel whether as cargo or stores and no vessel shall proceed further up any port than the Governor in Council shall appoint until all gunpowder which may be on board whether as cargo or stores except as aforesaid shall be first discharged and the master of every vessel so proceeding and on board which any gunpowder or other explosive substance shall be found shall be liable to a fine of one pound sterling for every pound weight of such gunpowder exceeding twenty pounds so found.

Master of ship to land all gunpowder at Government magazine.

Penalty.

(24) See also the *Explosive Storage Rates Ordinance, 1914.*

PART VII.
EXPLOSIVES.

No gunpowder or other explosive substance or vitriol or other acid to be delivered without notice to Customs nor without a plain brand or superscription showing the contents of the package.
Amended by No. 7 of 1902, s. 2 and First Schedule.

Gunpowder to be landed between the hours of sunrise and sunset.

Packages of gunpowder to be properly secured.

Boats conveying gunpowder to be provided with tarpaulins.

165. No gunpowder ammunition or other explosive substance nor any vitriol or other dangerous or destructive acid shall be delivered from any vessel in any port or place in Queensland without a special notification thereof to the collector or principal officer of Customs at or nearest to such port or place nor shall the same be so delivered without a plain and durable brand or superscription on the package containing the same showing that gunpowder or some other and what explosive substance or vitriol or other acid as aforesaid is therein contained and also showing the quantity thereof.

166. No gunpowder or other explosive substance shall be discharged shipped or transhipped or otherwise removed except between the hours of sunrise and sunset and all gunpowder or other explosive substance removed from any vessel to the Government or other authorised magazine shall be brought direct to such magazine by and at the expense of the master of such vessel.

Provided that such master shall be entitled to forbid the delivery of any such gunpowder or other substance out of the magazine until the expense so incurred shall have been repaid to him by the owner or proprietor thereof.

167. All gunpowder or other explosive substance so removed as aforesaid shall be in packages or barrels closely joined or hooped without any iron about them and not containing in any one package or barrel more than one hundred pounds in weight and the said packages or barrels shall be so secured that no part of the gunpowder or other explosive substance can be scattered in the removal thereof and in case of failure thereof the officer in charge of the magazine or other person who may receive the same on his behalf shall be and he is hereby authorised and empowered to remove the contents of the said packages or barrels into secure and proper packages and to charge the expense attending the same to the importer or proprietor thereof and the said officer may refuse to deliver the gunpowder or other explosive substance so removed into fresh packages until the said expenses shall be first paid.

168. All boats used for the conveyance of gunpowder or other explosive substance shall be provided with tarpaulins and be properly housed over and shall carry at the masthead or on a staff in the bows as may be most conspicuous a red flag while gunpowder or any other explosive substance is on board and any person who shall convey or cause to be conveyed any gunpowder or other explosive substance in any boat not so provided with tarpaulins and properly housed over and not carrying such red flag as aforesaid shall for every such offence forfeit and pay any sum not exceeding ten pounds.

[168A. Every boat used for the conveyance of gunpowder or other explosive substance shall be under the immediate charge of a man of European descent unless the consent in writing of the Treasurer to the contrary is first obtained: Provided that nothing in this section shall extend to a boat conveying explosive substance of a less weight than fifty pounds.](1)

Boats with explosives to be in charge of European.
Inserted by No. 15 of 1938, s. 2.

169. Any person who shall land or cause to be landed or removed any gunpowder or other explosive substance contrary to any of the provisions of this Act shall be liable to a penalty not exceeding five pounds for each and every barrel or package that shall be so landed or removed.

Penalty for landing or removing gunpowder contrary to Act.

170. In case any importer or proprietor of gunpowder or other explosive substance shall at any time whilst it shall be deposited in a Government magazine in manner aforesaid sell or transfer the whole or any part of the same to any other person such sale or transfer shall be immediately reported in writing to the officer in charge of the magazine and a certificate of such sale or transfer from the importer or proprietor shall also be produced to the said officer in order that the same may be duly registered and in case of failure thereof the said officer may refuse to deliver up such gunpowder or explosive substance.

Sale or transfer to be reported to the officer in charge.

171. No steam vessel carrying passengers engaged in the coasting or intercolonial trade shall carry any gunpowder or other explosive substance except such reasonable quantity as may be required for the purpose of making signals or as may be allowed by an inspector and such powder or other explosive substance shall be kept in properly constructed copper magazines or otherwise protected to the satisfaction of the inspector and the master or owner of any steam vessel on board which any gunpowder or other explosive substance may be found contrary to the provisions of this Act shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

Steam vessels prohibited from carrying gunpowder.

172. Any officer of Her Majesty's Customs or any inspector may seize without warrant any gunpowder or other explosive substance which may be found on board any vessel contrary to the provisions of this Act and all gunpowder or other explosive substance so found shall be forfeited.

Officer of Customs may seize gunpowder found on board ship.

* * * * *

174. If the storage rent due upon and all other charges and expenses incurred in respect of any gunpowder or other explosive substance heretofore deposited or hereafter to be deposited in any

Section 173 repealed by Q. 46 Vic. No. 12, s. 2.

Gunpowder &c. may be sold for payment of charges. S.A. 23 & 24 Vic. No. 17, s. 55.

(1) See footnote (1) printed on p. 4061.

SHIPPING—

PART VII.—
EXPLOSIVES.

magazine subject to the provisions of this Act be not paid at the expiration of twelve months after such gunpowder or other explosive substance has been so deposited or within sixty days after demand shall be made by the officer in charge of such magazine such officer may cause such gunpowder or other explosive substance or so much thereof as may appear to be necessary to satisfy all such storage rent and other charges and expenses to be sold by public auction after having been advertised for one week in the *Gazette* and local papers and the produce thereof shall be applied first to the payment of such storage rent and duty and all other charges and expenses as aforesaid and the surplus (if any) shall be paid to the importer or proprietor or other person duly authorised to receive the same.

Delivery of
gunpowder out
of the
magazine.

175. All applications for the delivery of the whole or any part of any gunpowder or other explosive substance deposited in any Government magazine shall be made to the officer in charge of such magazine who shall cause the same to be delivered to the person properly authorised to receive the same at the magazine.

Provided always that no such delivery shall be made until all storage rent and other expenses which may have been incurred in and concerning the depositing and discharge of such gunpowder or other explosive substance shall have been paid and discharged.

Not more than
eight
hundredweight
of gunpowder
to be conveyed
at one time.

176. Not more than eight hundredweight of gunpowder shall be conveyed at one time in any cart or other carriage within the limits of any township and every cart or other carriage used in conveying gunpowder or other explosive substances shall have a complete covering of wood or of painted cloth tarpaulin or woollen cloth tilts over all the gunpowder or other explosive substances conveyed therein and any person who shall convey any greater quantity thereof on any cart or other carriage as aforesaid or who shall convey any quantity thereof in any cart or other carriage not properly provided with coverings as aforesaid shall forfeit and pay for every such offence respectively a sum not exceeding twenty pounds.

Penalty on
drunkenness
and
misbehaviour
of driver.
S.A. 23 & 24
Vic. No. 17,
s. 58.

177. If any conductor or person having charge of any cart or carriage conveying gunpowder or other explosive substance as aforesaid shall be found in a state of drunkenness or smoking or burning tobacco or any other substance while so employed or shall be guilty of any misbehaviour likely to produce accident or danger to others such person shall on conviction for every such offence forfeit and pay any sum not exceeding twenty pounds.

Dealers not to
keep more
than two
hundredweight
in their own
possession.

178. No person shall within any town in Queensland have or keep at any one time in any house storehouse warehouse shop cellar yard wharf or any other building or place occupied by the

same person a greater quantity of any explosive substance whether including or not including gunpowder than the amount following that is to say—

If such person be a dealer in gunpowder or explosive substances two hundredweight and if he be not such dealer one hundredweight

And if any person shall keep any gunpowder or other explosive substance contrary to the provisions of this section all the gunpowder or explosive substance beyond the quantity hereby allowed to be kept and the barrels or cases in which such gunpowder or explosive substance shall be contained shall be forfeited and such person shall also forfeit and pay the sum of two shillings for every pound of gunpowder or other explosive substance beyond such permitted quantity.

179. Any justice on demand made and a reasonable cause assigned upon oath by any person may issue a warrant under his hand and seal for searching in the daytime any house storehouse warehouse shop cellar yard wharf or other building or place in which gunpowder or any other explosive substance is suspected to be kept contrary to this Act and all gunpowder or other explosive substances found upon search to be kept contrary to this Act and also the barrels or cases in which the same may be contained shall be immediately seized by the searcher who shall with all convenient speed after the seizure remove the same to such proper places as they in conformity with the restrictions of this Act shall think fit and may detain such gunpowder or explosive substance and the barrels or cases containing the same until it shall be adjudged on a hearing before two or more justices whether the same shall be forfeited and such searcher or seizer shall not be liable to any suit for such detainer or for any loss or damage which may happen to such gunpowder explosive substance barrels or cases other than by the wilful act or neglect of him or the persons to whom he shall entrust the keeping thereof.

Justice on
information on
oath to issue a
search warrant.

180. Nothing in this Act contained shall prevent any importer of gunpowder or other explosive substances who shall have obtained the consent of the Governor in Council to provide a suitable store or magazine being built of brick or stone and having a lightning conductor thereto and standing separate and being at a distance of not less than two hundred yards from all other buildings whatever and from any public road and not being within any town or the suburbs thereof from obtaining a permit for the removal of gunpowder or other explosive substances imported by him from any importing vessel to such store or magazine in like manner as he may to a Government magazine subject to the terms and conditions imposed by this Act

Permits may
be obtained for
landing and
conveying
gunpowder to
private stores
under certain
conditions.
S.A. 23 & 24
Vic. No. 17,
s. 56.

SHIPPING—

PART VII.—
EXPLOSIVES.

Provided that any gunpowder or explosive substance with respect to which any such permit shall be given shall be landed and removed at such time and place and under such regulations as the Governor in Council or the person acting under his orders may from time to time prescribe.

Proviso added
by No. 15 of
1938, s. 3.

[*Provided further that the Lieutenant-Governor⁽¹⁶⁾ may by order in council⁽²⁵⁾ published in the Gazette authorize the construction of the store or magazine with materials other than those specified in this section.*]⁽¹⁾

Gunpowder
&c. not to be
exported
without a
licence.

181. During the continuance of this Act no vessel having gunpowder or warlike stores on board in greater quantity than may in the opinion of the collector or chief officer of Customs at the port of clearance be required for the ordinary use and service of such vessel shall be cleared at any port in Queensland without a licence under the hand of the Governor.

Security to be
given that
gunpowder &c.
shall be landed
at place for
which shipped.

182. Before any gunpowder or warlike stores shall be shipped under any such licence as aforesaid the shipper thereof shall be required to give security by bond for five hundred pounds or treble the amount of the value of the gunpowder or warlike stores so shipped if such treble value shall exceed that amount with two sufficient sureties being resident householders to the satisfaction of the collector or principal officer of Customs at the port of clearance that such gunpowder or warlike stores as the case may be shall be landed at the place for which it is declared to be shipped the proof of which shall lie upon the shipper thereof by the production of the certificate of the collector or principal officer of Customs at the place where landed or such other proof as shall satisfy the collector or principal officer of Customs at the place of shipment within a reasonable time to be mentioned in such bond and on failure to perform the condition of such bond the shipper shall be liable to a penalty equal to the amount secured by the bond to be recovered at the suit of such collector or principal officer of Customs or of Her Majesty's Attorney-General in the Supreme Court of Queensland and in default of payment of such penalty by the said shipper the said collector or principal officer or Attorney-General may put the bond in suit in the said court and recover the amount secured thereby.

Provisions of
Part VII. not
to apply to
gunpowder
required for
immediate use
in the defence
of the colony.

183. The provisions of the seventh part of this Act shall not be held to apply to gunpowder belonging to Her Majesty while such

(1) See footnote (1) printed on p. 4061.

(16) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(25) No Order-in-Council has been published in *Papua Govt. Gaz.*

gunpowder is under the control of an officer of Her Majesty's army navy or ordnance or of any colonial force.

PART VIII.—LEGAL PROCEDURE.

PART VIII.—
LEGAL
PROCEDURE.

184. Where the power and authority to enforce any provisions of this Act or any regulations made in pursuance of such provisions are vested in the board no indictment or information shall be preferred for any offence committed against such provisions and regulations as aforesaid unless with the sanction of or under the direction of the board and no suit or proceeding shall be commenced for the recovery of any penalty or forfeiture for any such offence except where such penalty or forfeiture is made payable to the owner of a vessel and except in any other cases in which directions to the contrary are herein contained unless with the sanction or under the direction of the board and in any indictment or information preferred or proceeding instituted under the provisions or regulations as aforesaid the averment that the board have sanctioned or directed the same to be preferred or instituted shall be sufficient proof of the fact unless the contrary is shown.

Indictment to
be by sanction
of the board.

185. All penalties and other sums of money made payable by virtue of this Act or of any regulation made thereunder may be recovered with costs in a summary way before any two or more justices of the peace in petty sessions and in default of payment the same may be enforced by distress and sale of the goods and chattels of the offender and if there be no sufficient distress found every such offender may be imprisoned for any term not exceeding three months.

Penalties may
be recovered
summarily.

186. Any justice or court imposing any penalty under this Act or any regulations made in pursuance thereof of which no specific application is herein provided may if he or they think fit direct that a part not exceeding one moiety thereof be paid to the person giving information of the violation of the provisions of this Act or of the regulations or be applied to compensate any person for any wrong or damage which he may have sustained by reason of the default in respect of which such penalty is imposed and subject to such directions or specific application as aforesaid all such penalties shall be paid into the Consolidated Revenue.

Application of
penalties.

187. No conviction or order under this Act or such regulations as aforesaid shall be quashed for want of form or be removed by *certiorari* or otherwise into the Supreme Court and no warrant of commitment or order for imprisonment shall be held void by reason of any formal defect therein.

No *certiorari*.

PART VIII.—
LEGAL
PROCEDURE.

Parties
aggrieved may
appeal to
district court
on giving
security.

188. If any person shall think himself aggrieved by any determination or adjudication of any justices with respect to any penalty or forfeiture under the provisions of this Act or the said regulations he may appeal to the nearest district court but no such appeal shall be entertained unless within one month next after the making of such determination or adjudication ten days' notice in writing of such appeal stating the nature and grounds thereof be given to the party against whom the appeal shall be brought nor unless the appellants forthwith after such notice enter into recognizances with two sufficient sureties before a justice conditioned duly to prosecute such appeal and to abide the order of the court thereon.

Court to make
such order as
they think
reasonable.

189. At the district court for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way or may if it think fit adjourn it to the next sitting of such court and upon the hearing of such appeal the court may if it think fit mitigate any penalty or forfeiture or may confirm or quash the adjudication and order any money paid by the appellant or levied by distress upon his goods to be returned to him and may also order such further satisfaction to be made to the party injured as it shall judge reasonable and may make such order concerning the costs both of the adjudication and of the appeal as it shall think reasonable.

Distress not
unlawful for
want of form.

190. No distress levied in any proceeding under this Act shall be deemed unlawful nor shall any person making the same be deemed a trespasser on account of any defect of form in the summons order conviction warrant of distress or other proceeding relating thereto nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him but all parties aggrieved by such defect or irregularity may recover satisfaction for the special damage in an action.

Service to be
good if made
personally or
at abode or on
board ship &c.

191. Service of any summons proceeding or other matter in any legal proceeding under this Act shall be deemed good service if made personally on the person to be served or if made at his last known place of abode or business or if made on board any vessel to which he belongs and accompanied with a statement of the purport thereof to the person in command or to the person in charge of such vessel.

Sums ordered
to be paid
leviable by
distress on
ship.
Imp. 17 & 18
Vic. c. 104,
s. 513.

192. In all cases where any court justice or justices have power to make an order or conviction directing payment to be made of any penalties or other sums of money then if the party so directed to pay the same is the master or owner of a vessel and the same

Navigation Ordinance, 1889-1938.

PART VIII.—
LEGAL
PROCEDURE.

is not paid at the time and in manner prescribed in the order or conviction such court justice or justices who made the order or conviction may in addition to any other powers they or he may have for the purpose of compelling payment direct the amount remaining unpaid to be levied by distress and sale of the said vessel her tackle furniture and apparel.

193. If in any legal proceeding under this Act any question arises whether any vessel is or is not within the provisions of this Act such vessel shall be taken to be within such provisions unless proof to the contrary is adduced.

Burden of proof that a ship is exempted.

194. For the purpose of giving jurisdiction under this Act every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in Queensland in which the same actually was committed or arose or in any place in which the offender or person complained against may be.

Jurisdiction to be where the offence is committed and wherever offender is.

* * * * *

Section 195 repealed by No. 3 of 1914, s. 2, and Schedule.

196. This Act shall be styled and may be cited as the [*Navigation Ordinance, 1889-1938.*]^{(1) (2)}

Short title. Amended by No. 2 of 1930, s. 2.

SCHEDULE A.

	£	s.	d.
Certificate of exemption from pilotage	5	0	0

SCHEDULE A.
[See section 34.]

CERTIFICATE OF COMPETENCY.

Master of foreign-going vessel and first-class engineer	3	0	0
Master of home trade vessel	2	10	0
First mate of foreign-going vessel			
Second-class engineer	2	0	0
Master of coaster			
Mate of home trade vessel	1	10	0
Second mate of foreign-going vessel			
Third-class engineer			
Extra examination for masters and engineers	2	0	0

CERTIFICATE OF SERVICE.

Master of foreign-going vessel and first-class engineer	1	0	0
Master of home trade vessel			
First mate foreign-going vessel	0	15	0
Second-class engineer			
Master of coaster			

(1) See footnote (1) printed on p. 4061.

(2) See footnote (2) printed on p. 4061.

SHIPPING—

Schedules B to E

	£	s.	d.
Mate of home trade vessel
Second mate of foreign-going vessel
Third-class engineer
	} 0 10 0		

Schedules B and C repealed by Q. 46 Vic. No. 12, s. 2.

* * * * *

SCHEDULE D.

SIGNALS OF DISTRESS.

[See sections 91 & 114.]

In the daytime.—The following signals numbered 1 2 and 3 when used or displayed together or separately shall be deemed to be signals of distress in the daytime—

1. A gun fired at intervals of about a minute
2. The International Code Signal of distress indicated by N C
3. The distant signal consisting of a square flag having either above or below it a ball or anything resembling a ball

At night.—The following signals numbered 1 2 and 3 when used or displayed together or separately shall be deemed to be signals of distress at night—

1. A gun fired at intervals of about a minute
2. Flames on the ship (as from a burning tar barrel oil barrel &c.)
3. Rockets or shells of any color or description fired one at a time at short intervals.

SIGNALS TO BE MADE BY SHIPS WANTING A PILOT.

In the daytime.—The following signals numbered 1 and 2 when used or displayed together or separately shall be deemed to be signals for a pilot in the daytime viz.—

1. To be hoisted at the fore the Jack or other national color usually worn by merchant ships having round it a white border one-fifth of the breadth of the flag or
2. The International Code pilotage signal indicated by P T

At night.—The following signals numbered 1 and 2 when used or displayed together or separately shall be deemed to be signals for a pilot at night viz.—

1. The pyrotechnic light commonly known as a blue light every fifteen minutes or
2. A bright white light flashed or shown at short or frequent intervals just above the bulwarks for about a minute at a time.

Schedule E repealed by Q. 46 Vic. No. 12, s. 2.

* * * * *

Navigation Ordinance, 1889-1938.

SCHEDULE F.

SCALE OF MEDICINES AND MEDICAL STORES.

SCHEDULES
F AND G.
[See section
107.]

Preparations from British Pharmacopœia, 1867. [This column is added for the use of Druggists supplying the Medicines indicated.]	Names of Medicines, Medicaments, &c.	Proportion for vessels carrying the undermentioned number of men and boys (for 3 months).	
		10 and under.	Over 10.
Cupri. Sulph.	Alum	½ oz.	1 oz.
	Blue Stone	1 oz.	2 oz.
	Carbolate of Lime	2 lbs.	6 lbs.
	Castor Oil	8 oz.	16 oz.
Potassæ Tartras Acida	Cream of Tartar	1 lb.	2 lb.
	Epsom Salts	1 lb.	2 lb.
Ess. Ment. Pip.	Essence of Peppermint	¼ oz.	½ oz.
Tr. Zingiber, Fortior.	„ Ginger	½ oz.	1 oz.
Liq. Plumb. Subacet.	Goulard's Extract	½ oz.	1 oz.
Tr. Opii	Laudanum	½ oz.	1 oz.
	Linseed Meal	1 lb.	3 lbs.
Argent. Nitras	Lunar Caustic	¼ oz.	½ oz.
Ungt. Resinæ	Ointment, Basilicon	2 oz.	4 oz.
„ Hydrargyri	„ Mercurial	1 oz.	3 oz.
„ Simplex	„ Simple	3 oz.	6 oz.
Lin. Opii	Opodeldoc	1 oz.	2 oz.
Tr. Camph. Co.	Paregoric	1 doz.	2 doz.
Pil. Hydrarg.—5 gr.	Pills Blue	1 doz.	2 doz.
„ Coloc e Hyoscyam—5 gr.	„ Purging	1 doz.	2 doz.
„ Rhei Co.—5 gr.	„ Mild	1 doz.	2 doz.
Potas. Nitr.	Nitrate of Potash	1 oz.	2 oz.
Pulv. Rhei Co.	Powder Compound Rhubarb	1 oz.	2 oz.
„ Catechu Co. } equal	„ Diarrhœa	1 oz.	2 oz.
„ Aromat. e Opio } parts			
„ Ipecac. Co.	„ Dover's	¼ oz.	½ oz.
	„ Ipecacuanha	1 oz.	2 oz.
	Quinine	½ oz.	1 oz.
Spt. Ætheria, Nitrosi	Spirits of Nitric Ether	1 oz.	2 oz.
	Sulphate of Zinc	½ oz.	1 oz.
Tr. Benzoin. Co.	Friar's Balsam	1 oz.	2 oz.
„ Rhei	Tincture of Rhubarb	2 oz.	4 oz.
„ Arnica	Tincture of Arnica	1 oz.	2 oz.
Lin. Terebinthinæ	Turpentine Liniment	1 oz.	2 oz.
	Adhesive Plaster on Calico in Tin Cases	½ yard	1 yard
	Lint	2 oz.	4 oz.
Marked in English figures	Scales and Weights	1 set	1 set
„ „ drops	Graduated Drop Measure	1	1
„ „ sp'nsfl	Graduated 2 oz. Measure	1	1
	Spatula Knife	1	1
	Scissors	1 pair	1 pair
	8 oz. Pewter Syringe	1	1
	Lancet	1	1
Leg and arm size	Bandages	2 each	4 each

Schedule G repeated by No. 3 of 1914, s. 2 and First Schedule.

SHIPPING—