

NORTHERN TERRITORY OF AUSTRALIA

MARINE (SEAMEN) REGULATIONS

As in force at 12 March 1986

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 12 March 1986

MARINE (SEAMEN) REGULATIONS

Regulations under the *Marine Act*

Part I Introductory

1 Citation

These Regulations may be cited as the *Marine (Seamen) Regulations*.

2 Commencement

These Regulations shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

3 Interpretation

In these Regulations, unless the contrary intention appears:

Code means the Uniform Code and includes appendices thereto.

prescribed medical examination means a medical examination of a nature determined by the Minister.

section, **clause** and **subclause** mean section, clause and subclause of the Code.

vessel means a vessel to which Part III of the Act applies.

young person means a person who is under the age of 18 years but is aged 16 years or over.

Part II Application of Code

4 Application of section 4

Subject to these Regulations, section 4 shall extend and apply to persons employed in, or about to be employed in, and to employment in:

- (a) Class 1A or Class 2A vessels;
- (b) Class 1B and Class 2B vessels 35 metres or more in length; and
- (c) Class 1C and Class 2C vessels 50 metres or more in length.

5 Construction of Code

In construing section 4:

- (a) the definitions contained in Section 1 and that section shall be read subject to the Act and these Regulations;
- (b) a reference to **Superintendent** shall be read as a reference to a shipping officer; and
- (c) a reference to **vessel** shall be read as a reference to a vessel to which section 4 is applied by regulation 4.

Part III Employment in vessels to which Code is not applied

6 Application of Part

This Part applies to persons employed in, or about to be employed in, or to employment in, a vessel (other than a fishing vessel) to which section 4 does not apply.

7 Employment of young persons

- (1) A young person shall not be engaged for employment as a seaman unless:
 - (a) at the time of his first entering into a seaman's agreement he has undergone; and
 - (b) at intervals of not more than 12 months there after he undergoes, the prescribed medical examination.

(2) The owner of a vessel or a person acting on his behalf shall not enter into a seaman's agreement with a young person until the owner or person acting on his behalf has produced to a shipping officer a certificate from a medical practitioner stating that the person:

- (a) has undergone the prescribed medical examination; and
- (b) is fit to be employed as a seaman.

Penalty: \$500.

(3) Where a young person is employed as a seaman in a vessel, the crew list of that vessel shall contain the full name and date of birth of the seaman and indicate the capacity in which he is employed.

8 Medical examination of seamen

(1) A person of the age of 18 years or more who:

- (a) has not previously been employed as a seaman; or
- (b) has not at any time in the preceding 2 years been employed as a seaman and who, in the opinion of a shipping officer, is a person who should be medically examined,

shall, before entering into a seaman's agreement, undergo a prescribed medical examination.

(2) The owner of a vessel or a person acting on his behalf shall not enter into a seaman's agreement with a person referred to in subregulation (1) until the owner or person acting on his behalf has produced to a shipping officer a certificate from a medical practitioner stating that the person has:

- (a) undergone the prescribed medical examination; and
- (b) is fit to be employed as a seaman.

Penalty: \$500.

9 Notice of intention to enter into an agreement

An owner of a vessel or a person acting on his behalf shall, not less than 24 hours before the time at which he intends to enter into a seaman's agreement with a seaman, give notice to a shipping officer of his intention so to do.

Penalty: \$200.

10 Prior approval of agreement

- (1) The owner or person acting on his behalf shall, when giving notice under regulation 9, lodge with a shipping officer a copy of the proposed terms of the seaman's agreement.
- (2) Where a shipping officer approves of the proposed terms of the seaman's agreement he shall endorse his approval thereon and return the document as soon as practicable to the owner or person acting on his behalf.

11 Seaman's agreement

- (1) Unless otherwise approved by a shipping officer, a seaman's agreement shall be in the form set out in Appendix A to section 4.
- (2) The parties to a seaman's agreement may, with the approval of a shipping officer, agree to vary the terms of employment included in the approved agreement.

12 Notification of execution of agreement

- (1) A seaman's agreement shall be executed in duplicate and each of the parties to the seaman's agreement shall retain a copy.
- (2) The owner or person acting on his behalf shall, within 24 hours after the execution of a seaman's agreement, notify a shipping officer of that fact.

13 Display of agreement

- (1) Where a seaman's agreement relates to employment on a single vessel, the terms of that agreement shall be exhibited at all times in a conspicuous place in that vessel.
- (2) Where a seaman's agreement relates to employment on more than one vessel, a copy of that agreement shall be kept at the offices of the owner, and the terms of the agreement shall be exhibited at all times in a conspicuous place on each vessel to which the agreement relates.

14 Notice of intention to terminate agreement

An owner or a person acting on his behalf shall, not less than 48 hours before the employment of a seaman is to be terminated, give notice, in such form as the Director may require, of the proposed termination to a shipping officer at the port at which the employment is to be terminated.

Penalty: \$200.

15 Account of wages

- (1) An account of wages shall be in the form set out in the Schedule.
- (2) The owner of a vessel shall:
 - (a) at such intervals as are agreed between him and the seaman;
 - (b) where the seaman is left behind; and
 - (c) not more than 24 hours before the termination of the seaman's seaman's agreement,

deliver or cause to be delivered to a seaman an account of wages.

16 Shipping officer to be notified of seaman left behind

- (1) The master of a vessel from which a seaman has been left behind shall, within 24 hours of that occurrence, notify a shipping officer of the name of the seaman and the circumstances in which he was left behind.
- (2) The owner or the master of a vessel shall as soon as practicable inform a shipping officer of the arrangements made or proposed to be made for the relief, maintenance and return to his proper return port of a seaman who has been left behind.
- (3) Where the shipping officer is of the opinion that the owner or the master of a vessel has failed to make adequate provision for the relief, maintenance and return to his proper return port of a seaman who has been left behind, he shall inform the Director, who may make provision accordingly, and recover the cost of so doing from the owner of the vessel.

17 Disposal of property of seaman

- (1) In this Regulation **property**:
 - (a) in relation to a seaman left behind, includes wages due to the seaman at the time he was left behind; and

- (b) in relation to a seaman who dies, includes wages due to him at the date of his death.
- (2) Where any property is left on board a vessel by a seaman belonging to the vessel who dies or is left behind, the master of the vessel shall take charge of the property and make an inventory of it.
- (3) The master of a vessel may at any time destroy or dispose of the property where, in his opinion, the property may perish or deteriorate to such an extent as to become unusable or to endanger the health or safety of persons on board the vessel.
- (4) Where property is destroyed or disposed of under subregulation (3), the master of the vessel shall make a record of each item destroyed or disposed of and the person to whom the disposal was made.
- (5) As soon as practicable after the next arrival of the vessel at a port, the master shall deliver up to a shipping officer at that port all the property of the deceased seaman or seaman left behind that is still in his charge, together with an inventory and an account of the destruction or disposal of any part of the property.
- (6) It shall be an offence for a master to contravene or fail to comply with subregulations (2) to (5) inclusive.

Penalty: \$250.

- (7) Where a shipping officer takes any property into his charge under this Regulation, he shall keep a record of the date on which and the person by whom the property was delivered to him and:
- (a) in respect of an article which has been sold, the date of sale and the sum received for the article; and
- (b) in respect of an article which has been disposed of, the date of disposal and the name of the person to whom it was disposed.
- (8) Where a shipping officer has held property under this regulation for a period of more than 12 months, the Minister may direct him to dispose of the property in such manner as the Minister thinks fit.

17A Regulatory offences

An offence of contravening or failing to comply with regulation 7(2), 8(2), 9, 14 or 17 is a regulatory offence.

Part IV Register of Seamen**18 Application of Part**

This Part applies in relation to a person who is or has been employed as a seaman in a vessel.

19 Register of Seamen

For the purposes of section 24 of the Act, the prescribed matters to be entered in the Register of Seamen are:

- (a) the name and address of the seaman;
- (b) all qualifications held by the seaman;
- (c) the age of the seaman;
- (d) qualifying service of the seaman;
- (e) any period during which the seaman was a suspended person;
- (f) any disciplinary offence committed by the seaman under clause 9 of section 4;
- (g) any promotion, reversion or disrating of a seaman under clause 6 of section 4; and
- (h) the name and address of the seaman's next of kin.

Schedule

regulation 15(1)

MARINE (SEAMEN) REGULATIONS**ACCOUNT OF WAGES****1. PARTICULARS OF SEAMAN**

- (1) Surname.....
 Given name.....
- (2) Capacity in which employed.....
- (3) Registered Number of Agreement.....
- (4) Ship(s) in which employed.....

2. STATEMENT OF EARNINGS

- (1) Wages – Date commenced
- Date ceased
- Weeks at \$..... per week \$.....
- Days at \$..... per day \$.....
- (2) Other earnings
- Total earnings

3. STATEMENT OF DEDUCTIONS

- (1) Taxation \$.....
- (2) Goods and services supplied \$.....
- (3) Advances:
 Date/...../..... PortAmount \$.....
- (4) Other deductions (specify) \$.....
- Total deductions \$.....

4. SUMMARY

Total earnings \$.....

Total deductions \$.....

Amount now due and payable \$.....

Dated the day of,

.....
(Signature of owner/agent)

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION****Marine (Seamen) Regulations (Sea (SL No. 11, 1982))**

Notified	12 March 1982
Commenced	31 March 1982 (<i>Gaz</i> G12, 26 March 1982, p 4)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Statute Law Revision Act 1985 (Act No. 49, 1985)

Assent date	1 October 1985
Commenced	1 October 1985

3**LIST OF AMENDMENTS**

r 17A	ins Act No. 68, 1983, s 82 amd Act No. 49, 1985, s 3
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