

**NORTHERN TERRITORY OF AUSTRALIA**

**MARINE (SAFETY) REGULATIONS**

As in force at 2 April 2001

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 2 April 2001

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## MARINE (SAFETY) REGULATIONS

### Regulations under the *Marine Act*

#### Part I                    Introductory

##### 1                    Citation

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

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

**vessel** means a vessel other than a vessel that is:

- (a) an air-cushioned vehicle;
- (b) a pleasure craft;
- (c) a commercial vessel that is proceeding on an interstate or overseas voyage;
- (d) a fishing vessel that is proceeding on an overseas voyage;
- (da) a fishing vessel that is less than 6.2 metres in length that is operating in conjunction with a mother vessel and is within 5 nautical miles of the mother vessel;

- (db) a fishing vessel that is less than 6.2 metres in length that is operating within 5 nautical miles of the coast;
- (e) an off-shore industry mobile unit;
- (f) an off-shore industry vessel in respect of which a declaration under section 8A(5) of the Navigation Act is in force; or
- (g) a hire and drive vessel that is less than 7 metres in length.

### **3A Application of Regulations**

These Regulations apply to a vessel within the meaning of the definition in regulation 3 notwithstanding that the vessel may be a vessel to which Part IV of the Act does not apply.

## **Part II Safety requirements**

### **4 Construction of Code**

In construing sections 10, 11, 12, 13 and 15:

- (a) the definitions contained in section 1 and those sections shall be read subject to the Act and these Regulations; and
- (b) references to ***an Authority, the Authority*** or ***that Authority*** shall, in relation to the Territory, be read in the manner set out in Schedule 1.

### **5 Prescribed equipment**

- (1) Subject to this regulation, for the purposes of section 99 of the Act:
  - (a) the scales of live-saving appliances set out in Part 3 of section 10;
  - (b) the scales of fire-fighting equipment set out in Part 2 of section 11;
  - (c) the radio equipment required by subclauses 7.1, 9.1 and 11.1 of section 12; and
  - (d) the miscellaneous equipment required by subclause 5.7 and Parts 3 and 4 of section 13,in so far as those scales and requirements apply to a vessel, constitute the prescribed equipment for that vessel.
- (2) Class 1E, 2E, 3E, 2D and 3D vessels are not required to carry radio equipment.

- (3) Subject to subregulation (4), Class 1B, 1C, 2B, 2C, 3B and 3C vessels shall carry, in addition to the equipment specified in subregulation (1), an approved Emergency Position Indicating Radio Beacon having an operation frequency of:
- (a) 121.5 MHz and 243 MHz; or
  - (b) 406 MHz,
- and, for the purposes of section 99 of the Act, the beacon constitutes prescribed equipment for those vessels.
- (4) With effect on and from 1 February 1995, subregulation (3) shall cease to apply to and in relation to Class 1B, 2B and 3B vessels and those vessels shall carry, on and from that date, in addition to the equipment specified in subregulation (1), an approved Emergency Position Indicating Radio Beacon having an operation frequency of 406 MHz and, for the purposes of section 99 of the Act, the beacon constitutes prescribed equipment for those vessels.
- (5) or the purposes of this regulation, **approved** means approved by:
- (a) the Director; or
  - (b) the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* of the Commonwealth.

## **6 Prescribed medicines and medical stores**

For the purposes of section 100 of the Act, the prescribed medicines and medical stores to be carried by a vessel are those contained in the applicable scales in Parts 3 and 4 of section 13.

## **7 Official Log Book and Vessel Record Book**

Where a vessel is required to carry an Official Log Book or Vessel Record Book, that Book shall be kept and maintained in accordance with Appendices M and N to Part 4 of section 13.

## **8 Emergency procedures and crew lists**

Section 15 extends and applies:

- (a) in respect of clauses 2 to 12.1 inclusive – to all vessels;
- (b) in respect of subclause 12.2 – to all vessels other than Class 1D, 1E, 1F or Class 2D, 2E or Class 3 vessels; and

- (c) in respect of subclause 12.3 – to Class 3A, 3B and 3C vessels only.

## **9 Qualifications of radio operators**

For the purposes of section 101 of the Act, the prescribed qualifications of a radio station operator and the prescribed number of operators are those set out in subclauses 7.1, 9.1 and 21.1 of section 12.

## **10 Safety of navigation**

Part III of section 15 extends and applies to all vessels subject to the Act, whilst in Northern Territory waters.

## **11 Reporting of navigation hazards**

For the purposes of section 115(2) of the Act, the prescribed person is the officer-in-charge of the Australian Coast Radio Station at Darwin, known as Darwin Radio and operated by the Overseas Telecommunications Commission.

## **12 Packing, &c., of dangerous goods**

The Minister may, by notice in the *Gazette*, make determinations in relation to:

- (a) the methods of packing and stowing;
- (b) the marking; and
- (c) the carriage,

of dangerous goods in a vessel, and such a determination may include additional requirements where the vessel is a vessel in which passengers are or are to be carried.

## **13 Notice of intention to ship dangerous goods**

- (1) A person who intends to ship dangerous goods in a vessel shall, not less than 36 hours before those goods are loaded on the vessel, give notice in the form in Schedule 2 to a shipping officer at the port nearest the port or place at which he intends to load those goods on the vessel.
- (2) A notice under subregulation (1) shall not refer to dangerous goods by a trade name.
- (3) A person shall not:
  - (a) fail to give a notice as required by this regulation; or

(b) give a notice that is false or misleading in any particular.

Penalty: 50 penalty units.

#### **14 Inspection of dangerous goods**

(1) Where:

- (a) dangerous goods are being packed for carriage in a vessel; or
- (b) a notice of intention to ship dangerous goods has been given in relation to a vessel,

a surveyor or shipping inspector may inspect the place at which the goods are being packed and may make such visits to the vessel as he considers necessary in relation to the packing, stowage, marking and carriage of the goods.

(2) There shall be payable by the owner, master or agent of the vessel such fees as the Minister determines for an inspection.

#### **15 Stowage plan for dangerous goods**

The owner or master of a vessel carrying dangerous goods shall ensure that there is prepared and kept on board that vessel a special list or stowage plans setting out:

- (a) the classes and descriptions of dangerous goods carried on the vessel;
- (b) the correct technical name of the dangerous goods comprised in each class of dangerous goods so carried; and
- (c) the location in the vessel of each class of dangerous goods carried on the vessel.

Penalty: 50 penalty units.

#### **16 Marking of weight on heavy packages**

- (1) Where a package or object of more than 1,000 kg in gross weight is carried on a vessel, the package or object shall, before being loaded onto the vessel, be clearly and durably marked with marks denoting the gross weight of the package or object.
- (2) Where the exact gross weight of the package or object cannot be determined without exceptional difficulty, the package or object shall be clearly and durably marked with marks denoting the approximate gross weight of the package.

- (3) Where a package or object is carried on a vessel and there has been a failure to comply with this regulation, the owner and master of the vessel and the person shipping the object or package are each guilty of an offence.

Penalty: 50 penalty units.

## **17 Deck cargoes, livestock etc.**

- (1) The Minister may by notice determine the requirements for the carriage of deck cargo, livestock and hazardous cargoes on a vessel.
- (2) Before making a determination the Minister shall have regard to:
- (a) the stability of the vessel;
  - (b) the stowage of the cargo in relation to safety, equipment, sounding pipes and freeing ports;
  - (c) through access for the working of the vessel;
  - (d) stowage in relation to the safe navigation of the vessel;
  - (e) the securing of the cargo;
  - (f) stowage on hatches in the vessel;
  - (g) loading in relation to the structural strength of the vessel;
  - (h) the carriage of unberthed passengers;
  - (j) condition of the cargo; and
  - (k) any other matter appearing to him to be likely to affect the safety of the vessel or the condition of any livestock carried in the vessel.
- (3) The owner or the master of a vessel who allows to be carried or carries in or on a vessel deck cargo, livestock and hazardous cargoes in contravention of, or otherwise than in compliance with, a determination made by the Minister is guilty of an offence.

Penalty: 100 penalty units.

## **18 Regulatory offences**

An offence of contravening or failing to comply with regulation 15 or 16 is a regulatory offence.

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**Schedule 1 Construction of "Authority" in sections 10, 11, 12, 13 and 15**

regulation 4(b)

| Section                                  | Words                                | Construction    |
|--|--------------------------------------|-----------------|
| section 10.5.1                           | "the Authority concerned"            | "the Director"  |
| section 10.6, 8.2, and 10.1              | "the Authority"                      | "the Director"  |
| Tables and Appendices to section 10      | "the Authority" (wherever occurring) | "the Director"  |
| section 11 Part 2 (Scales of equipment)  | "the Authority" (wherever occurring) | "the Director"  |
| section 11 Part 3 Appendices A and G     | "the Authority" (wherever occurring) | "the Director"  |
| section 12.3                             | "each Authority"                     | "the Territory" |
|  | "the Authority"                      | "the Minister"  |
| section 12.10.1                          | "the Authority"                      | "the Minister"  |
| section 12.12.3                          | "the Authority"                      | "the Director"  |
| section 12.1.3.1, 13.2, 16.2, 17.1, 17.2 | "the Authority"                      | "the Director"  |
| Appendices A, B and Z to section 12      | "the Authority" (wherever occurring) | "the Director"  |
| section 13.5.6                           | "the Authority"                      | "the Director"  |
| Appendices B, C, D and F to section 13   | "the Authority" (wherever occurring) | "the Director"  |
| Appendix H to section 13                 | "an Authority"                       | "the Director"  |
| – paragraph 1.4.1                        | "the Authority"                      | "the Director"  |
| – paragraph 1.4.2                        | "an Authority"                       | "the Director"  |

| Section  | Words                                | Construction           |
|--|--------------------------------------|------------------------|
| – paragraph 2.3  | "Authorities"                        | "the Director"         |
| – paragraphs 4.2 and 4.4   | "an Authority"                       | "the Director"         |
| Notes to Table 1   | "the Authority" (twice occurring)    | "the Director"         |
| Appendices J, K and L to section 13  | "the Authority" (wherever occurring) | "the Director"         |
| Appendix M to section 13 – paragraph 1   | "the Authority"                      | "the Director"         |
| – paragraph 3  | "the Authority"                      | "a shipping officer"   |
| – paragraphs 5 and 6   | "a Superintendent/ Authority"        | "a shipping officer"   |
| Appendix N to section 13 – paragraphs 1 and 4  | "the Authority"                      | "the Director"         |
| – paragraph 6  | "the Superintendent/ Authority"      | "the shipping officer" |
| section 15.1.3   | "The Authority"                      | "The Director"         |
| section 15.2.3   | "An Authority"                       | "The Director"         |
| section 15.3.6, 6.2, 6.7, 7.2, 6.2, 6.7, 7.2, 8.1, 12.2.1, 12.2.2, 12.2.4, and Schedule IV in Appendix B | "the Authority"                      | "the Director"         |
| section 15.16.6  | "The Authority"                      | "The Director"         |
| section 15.16.7  | "The Authority"                      | "the Director"         |
| section 15.17.2  | "The Authority"                      | "The Director"         |

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**Schedule 2**

FORM S. 8

regulation 13

NORTHERN TERRITORY OF AUSTRALIA

*MARINE (SAFETY) REGULATIONS*

NOTICE OF INTENTION TO SHIP DANGEROUS GOODS

To: (Shipping Officer)

NOTICE is hereby given that it is proposed to ship in ..... at ..... on ....., 19.....(name of vessel) the following dangerous goods:

Number of packages ..... Correct technical name .....  
Size of packages .....  
Gross weight ..... How packed .....

Name and address of shipper

Name.....  
Address.....  
.....

CERTIFICATE

I hereby certify that the dangerous goods to which this notice relates have been packed and marked in accordance with the determination made under regulation 12 applicable to them.

.....  
Shipper  
...../...../.....  
Date

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**ENDNOTES**
**1 KEY**

Key to abbreviations

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

**2 LIST OF LEGISLATION*****Marine (Safety) Regulations (SL No. 12, 1982)***

|           |  |
|-----------|--|
| Notified  | 12 March 1982  |
| Commenced | 31 March 1982 ( <i>Gaz G12</i> , 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 G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5) |

***Amendments of Marine (Safety) Regulations (SL No. 11, 1993)***

|           |                        |
|-----------|------------------------|
| Notified  | 9 June 1993            |
| Commenced | 1 September 1993 (r 1) |

***Amendments of Marine (Safety) Regulations (SL No. 14, 2001)***

|           |              |
|-----------|--------------|
| Notified  | 2 April 2001 |
| Commenced | 2 April 2001 |

**3 LIST OF AMENDMENTS**

|      |  |
|------|--|
| r 3  | amd No. 14, 2001, r 1                    |
| r 3A | ins No. 11, 1993, r 2                    |
| r 5  | amd No. 11, 1993, r 3; No. 14, 2001, r 2 |
| r 13 | amd No. 14, 2001, r 3                    |
| r 15 | amd No. 14, 2001, r 4                    |
| r 16 | amd No. 14, 2001, r 5                    |
| r 17 | amd No. 14, 2001, r 6                    |
| r 18 | ins Act No. 68, 1983, s 81               |