

NORTHERN TERRITORY OF AUSTRALIA

MARINE AMENDMENT ACT 2000

No. 52 of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. 52 of 2000

AN ACT

to amend the *Marine Act*

[Assented to 14 November 2000]

[Second reading 15 August 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Marine Amendment Act 2000*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Marine Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 7 of the Principal Act is amended —

- (a) by omitting from the definition of "dangerous goods" in subsection (1) "Inter-Governmental Maritime Consultative Organization, London in 1965" and substituting "International Maritime Organisation";
- (b) by omitting the definition of "fishing vessel" in subsection (1) and substituting the following:

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" 'fish' includes turtles, dugong, crustacea, molluscs and any other living resources of the sea or the seabed;

'fishing operations' means –

- (a) taking, catching or capturing fish for trading or manufacturing purposes; or
- (b) processing (including on land) or carrying fish that are taken, caught or captured;

'fishing support vessel' means a vessel that is used –

- (a) to provide food, fuel and other supplies to persons who are engaged in fishing operations; or
- (b) to transport crew and other persons who are engaged in fishing operations;

'fishing vessel' means a vessel that is used wholly or principally for fishing operations and includes –

- (a) a fishing support vessel; and
- (b) a vessel that is in the course of construction and is intended to be used wholly or principally for fishing operations;"

- (c) by omitting the definition of "leave behind" in subsection (1);
- (d) by inserting after the definition of "medical practitioner" in subsection (1) the following:

" 'mother vessel' has the same meaning as mother boat has in the Fisheries Regulations;"

- (e) by omitting paragraph (a) from the definition of "Northern Territory waters" in subsection (1) and substituting the following:

"(a) the coastal waters of the Territory, within the meaning of the *Coastal Waters (Northern Territory Powers) Act 1980* of the Commonwealth; and";

- (f) by omitting the definition of "seaman's agreement" in subsection (1);
- (g) by omitting from the definition of "Uniform Code" in subsection (1) "Advisory"; and
- (h) by adding at the end the following:

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"(7) For the purposes of this Act, the gross tonnage of a vessel is to be determined in accordance with the Tonnage Measurement Convention as defined in the *Navigation Act*."

5. Application of Part III

Section 23 of the Principal Act is amended by inserting after paragraph (d) the following:

"(da) a fishing vessel less than 6.2 m long that is operating in conjunction with a mother vessel and is within 5 nautical miles of the mother vessel;

(db) a fishing vessel less than 6.2 m long that is operating within 5 nautical miles of the coast;

(dc) a hire-and-drive vessel;"

6. Repeal

Section 24 of the Principal Act is repealed.

7. Vessels to be properly manned

Section 25 of the Principal Act is amended by inserting in subsections (2) and (3) "or surveyor" after "shipping officer".

8. Application for certificate

Section 28 of the Principal Act is amended by omitting from subsection (1) "to him".

9. Production of certificate

Section 32 of the Principal Act is amended by inserting ", shipping inspector" after "shipping officer".

10. Repeal

Divisions 4, 6, 7 and 8 of Part III of the Principal Act are repealed.

11. Report of accidents

Section 72 of the Principal Act is amended –

(a) by omitting "The master" and substituting "(1) The master"; and

(b) by adding at the end the following:

"(2) The master must notify the shipping officer under subsection (1) within 72 hours of the death or serious injury occurring.

Penalty: 50 penalty units."

12. Inquiries into accidents

Section 73 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Subject to this section, where a person dies or suffers serious injury –

- (a) on board a vessel; or
- (b) while engaged in duties relating to the operation of a vessel,

a shipping officer or a person authorised by the Minister must hold an inquiry into the manner and cause of the death or injury."

13. Application of Part IV

Section 75 of the Principal Act is amended –

(a) by inserting after subsection (2)(d) the following:

"(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;"

(b) by inserting in subsection (2)(fb) "or anchored" after "moored";

(c) by adding at the end of subsection (2)(fc) "that is less than 7 metres in length";

(d) by adding at the end of subsection (3) "or a fishing vessel less than 8 metres in length.";

(e) by omitting from subsection (4) "paragraph" and substituting "subsection (2)"; and

(f) by adding at the end the following:

"(5) A fishing vessel to which subsection (2)(da) or (db) applies that is not surveyed pursuant to subsection (3) must carry safety equipment as determined by the Director."

14. Exemption

Section 80 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following:

"(1A) The Director may, by notice in writing served on the master of a vessel, permit a vessel in respect of which a certificate of survey is not in force to go to sea if the Director is satisfied that the vessel has been surveyed and that a certificate of survey will be issued."; and

- (b) by omitting from subsection (3) "sub-section (1)" and substituting "this section".

15. Application for survey

Section 85 of the Principal Act is amended by omitting ", in the prescribed form,".

16. Issue of certificate of survey

Section 86 of the Principal Act is amended by omitting ", in the prescribed form,".

17. Suspension of certificate of survey

Section 88 of the Principal Act is amended—

- (a) by omitting from paragraph (b) "erroneously; or" and substituting "erroneously;";
- (b) by omitting from paragraph (c) "seaworthiness." and substituting "seaworthiness; or"; and
- (c) by inserting after paragraph (c) the following:

"(d) the safety equipment required to be carried on the vessel to which the certificate relates is not being carried on the vessel."

18. Application of Division

Section 90 of the Principal Act is amended by omitting from subsection (1) "16 metres" and substituting "24 metres".

19. Application

Section 98 of the Principal Act is amended by omitting "and 101" and substituting ", 101 and 102".

20. Collision regulations

Section 110 of the Principal Act is amended by omitting from subsections (1) and (2) "collisions" and substituting "the prevention of collisions".

21. False distress signals

Section 112 of the Principal Act is amended by adding at the end the following:

"Penalty: 50 penalty units."

22. Application of Part

Section 129 of the Principal Act is amended by omitting "a Government vessel,".

23. Issue of pilotage licence or exemption certificate

Section 171 of the Principal Act is amended by omitting "may" and substituting "must".

24. Uniform Code

Section 196 of the Principal Act is amended by omitting from subsection (3) "Advisory".

25. Repeal

Section 201 of the Principal Act is repealed.

26. Repeal and substitution

Section 211 of the Principal Act is repealed and the following substituted:

"211. Air-cushioned vehicles

"The power of the Administrator under section 194 includes the power to make regulations prescribing, in relation to air-cushioned vehicles, those matters that may be prescribed in relation to small craft under section 210 and those regulations apply accordingly."

27. Further amendments

The Principal Act is further amended as specified in the Schedule.

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SCHEDULE

Section 27

Provision	Amendment	
	omit	substitute
Section 8(7)	"\$1,000"	"50 penalty units"
Section 25(1)	"\$2,500"	"100 penalty units"
Section 26	"\$500"	"50 penalty units"
Section 27	"\$500"	"50 penalty units"
Section 32	"\$250"	"50 penalty units"
Section 33	"\$250"	"50 penalty units"
Section 34	"\$250"	"50 penalty units"
Section 51	"\$1,500"	"50 penalty units"
Section 69	"\$250"	"50 penalty units"
Section 70(1)	"\$250"	"50 penalty units"
Section 71	"\$250"	"50 penalty units"
Section 72	"\$250"	"50 penalty units"
Section 76	"\$500"	"50 penalty units"
Section 78(1) and (2)	"\$1,000"	"50 penalty units"
Section 79	"\$5,000"	"100 penalty units"
	"\$500"	"15 penalty units"
Section 80(3)	"\$1,000"	"50 penalty units"
Section 81(2)	"\$1,000"	"50 penalty units"
Section 82(2)	"\$5,000"	"100 penalty units"
Section 83(2)	"\$2,000"	"50 penalty units"

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Section 87(1) and (2)	"\$5,000"	"100 penalty units"
Section 89(3)	"\$250"	"50 penalty units"
Section 92(1)	"\$2,000"	"50 penalty units"
Section 93(2)	"\$5,000"	"100 penalty units"
Section 94(1)	"\$5,000"	"100 penalty units"
	"\$200"	"5 penalty units"
Section 97(1) and (2)	"\$5,000"	"1250 penalty units"
Section 99	"\$2,500"	"100 penalty units"
Section 100	"\$500"	"50 penalty units"
Section 101	"\$1,000"	"50 penalty units"
Section 102(3)	"\$5,000"	"500 penalty units"
Section 103(2)	"\$2,000"	"50 penalty units"
Section 105(2)	"\$5,000"	"100 penalty units"
Section 106(2)	"\$1,000"	"50 penalty units"
Section 109	"\$2,500"	"1250 penalty units"
Section 110(1) and (2)	"\$10,000"	"200 penalty units"
Section 111	"\$2,500"	"1250 penalty units"
Section 113(2)	"\$2,500"	"1250 penalty units"
Section 114	"\$500"	"50 penalty units"
Section 115(2)	"\$500"	"50 penalty units"
Section 115A	"\$5,000"	"100 penalty units"
Section 115B	"\$2,000"	"100 penalty units"
Section 117	"\$500"	"50 penalty units"
Section 120(2)	"\$250"	"50 penalty units"
Section 122(3)	"\$250"	"50 penalty units"

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Section 126(1)	"\$500"	"100 penalty units"
	"\$20"	"5 penalty units"
Section 127(1)	"\$2,500"	"100 penalty units"
Section 128(2)	"\$500"	"100 penalty units"
Section 148	"\$2,000"	"50 penalty units"
Section 149(3)	"\$2,000"	"50 penalty units"
Section 152	"\$250"	"50 penalty units"
Section 153	"\$500"	"50 penalty units"
Section 154	"\$1,000"	"100 penalty units"
Section 155	"\$500"	"50 penalty units"
Section 163(3)	"\$2,500"	"100 penalty units"
Section 165(1)	"\$1,500"	"50 penalty units"
Section 166	"\$600"	"50 penalty units"
Section 174(3)	"\$250"	"50 penalty units"
Section 175	"\$100"	"50 penalty units"
Section 176	"\$500"	"50 penalty units"
Section 177(1)	"\$1,000"	"250 penalty units"
Section 180(2)	"\$300"	"50 penalty units"
Section 186(3)	"\$5,000"	"1250 penalty units"
Section 188A(1)	"\$2,000"	"100 penalty units"
Section 188B(3)	"\$500"	"50 penalty units"
Section 191AA	"\$2,000"	"50 penalty units"
Section 194(4)	"\$2,000"	"100 penalty units"
	"6 months"	"2 years"