

Serial 259  
Marine Amendment Bill 2000  
Mr Palmer

**A BILL  
for  
AN ACT**

to amend the *Marine Act*



NORTHERN TERRITORY OF AUSTRALIA

MARINE AMENDMENT BILL 2000

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No. of 2000

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

## AN ACT

to amend the *Marine Act*

[Assented to 2000]  
[Second reading 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:

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"(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 in 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."



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**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".

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**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"

