

Serial 23
Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation)
Bill 2013
Mr Giles

A Bill for an Act to apply as a law of the Territory a national law regulating
marine safety relating to domestic commercial vessels, and for related
purposes

NORTHERN TERRITORY OF AUSTRALIA

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) (NATIONAL
UNIFORM LEGISLATION) ACT 2013

Act No. [] of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2013

An Act to apply as a law of the Territory a national law regulating marine safety relating to domestic commercial vessels, and for related purposes

[Assented to [] 2013]
[Second reading [] 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation) Act 2013*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Purpose of Act

- (1) The purpose of this Act is to adopt in the Territory a national approach to the regulation of marine safety in relation to domestic commercial vessels (the domestic commercial vessel national law).
- (2) Accordingly, this Act:
 - (a) applies the Commonwealth domestic commercial vessel national law as a law of the Territory; and

- (b) makes provision to enable the Commonwealth domestic commercial vessel national law and the applied law of the Territory to be administered on a uniform basis by the Commonwealth (and by Territory officials as delegates of the Commonwealth) as if they constituted a single law of the Commonwealth.

4 Definitions

- (1) In this Act:

applied provisions means the Commonwealth domestic commercial vessel national law that applies as a law of the Territory because of section 5.

Commonwealth administrative laws means the following Commonwealth Acts, regulations or other legislative instruments:

- (a) the *Administrative Appeals Tribunal Act 1975* (excluding Part IVA);
- (b) the *Freedom of Information Act 1982*;
- (c) the *Ombudsman Act 1976*;
- (d) the *Privacy Act 1988*;
- (e) the regulations and other legislative instruments in force under any of those Acts.

Commonwealth domestic commercial vessel national law means the provisions of the following Acts, regulations or other legislative instruments:

- (a) the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth (being provisions applying as a law of the Commonwealth because of section 4 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth));
- (b) the regulations and other legislative instruments in force under that Law;
- (c) any other provision of a Commonwealth Act (or of a regulation or other legislative instrument in force under a Commonwealth Act) that is of a savings or transitional nature consequent on the enactment or amendment of that Law.

function includes a duty.

- (2) Terms used in this Act and also in the Commonwealth domestic commercial vessel national law have the same meanings in this Act as they have in that law.
- (3) In this Act, a reference to a Commonwealth Act includes a reference to:
 - (a) that Commonwealth Act, as amended and in force for the time being; and
 - (b) an Act enacted in substitution for that Act and, if it is amended, as amended and in force for the time being.

Part 2 Applied provisions

5 Application of Commonwealth laws as laws of Territory

- (1) The Commonwealth domestic commercial vessel national law, as in force from time to time, applies as a law of the Territory.
- (2) The Commonwealth domestic commercial vessel national law so applies as if it extended to matters in relation to which the Territory may make laws:
 - (a) whether or not the Commonwealth may make laws in relation to those matters; and
 - (b) even though the Commonwealth domestic commercial vessel national law provides that it applies only to specified matters with respect to which the Commonwealth may make laws.
- (3) Subsection (2) does not operate to exclude a law of the Territory relating to marine safety that would not otherwise be excluded by the Commonwealth domestic commercial vessel national law.
- (4) The regulations made under this Act may provide that the Commonwealth domestic commercial vessel national law applies under this section as if an amendment to that law:
 - (a) made by a law of the Commonwealth; and
 - (b) specified in the regulations made under this Act;had not taken effect.

6 Interpretation of Commonwealth domestic commercial vessel national law

- (1) The *Acts Interpretation Act 1901* (Cth) applies as a law of the Territory in relation to the interpretation of the applied provisions, and so applies as if the applied provisions were a Commonwealth Act or were regulations or other legislative instruments under a Commonwealth Act, as the case requires.
- (2) The *Interpretation Act* does not apply to the applied provisions.

Note for subsection (2)

Even though the Interpretation Act does not apply to the applied provisions, it applies to this Act and to instruments made under this Act.

Part 3 Functions and powers under applied provisions

7 Functions and powers of National Regulator and other authorities and officers

The National Regulator and other authorities and officers referred to in the applied provisions have the same functions and powers under the applied provisions as they have under the Commonwealth domestic commercial vessel national law, as that law applies to the Commonwealth.

8 Delegations by National Regulator

Any delegation by the National Regulator under the Commonwealth domestic commercial vessel national law, as that law applies to the Commonwealth, is taken to extend to, and have effect for the purposes of, the corresponding provision of the applied provisions.

Part 4 Offences

9 Object of Part

- (1) The object of this Part is to further the purpose of this Act by providing for an offence against the applied provisions to be treated as if it were an offence against a law of the Commonwealth.
- (2) The purposes for which an offence is to be treated as mentioned in subsection (1) include, for example (but are not limited to):
 - (a) the investigation and prosecution of offences; and

- (b) the arrest, custody, bail, trial and conviction of offenders or persons charged with offences; and
 - (c) proceedings relating to a matter referred to in paragraph (a) or (b); and
 - (d) appeals and reviews relating to criminal proceedings and to proceedings of the kind referred to in paragraph (c); and
 - (e) the sentencing, punishment and release of persons convicted of offences; and
 - (f) fines, penalties and forfeitures; and
 - (g) infringement notices in connection with offences; and
 - (h) liability to make reparation in connection with offences; and
 - (i) proceeds of crime; and
 - (j) spent convictions.
- (3) For the purposes of this Part, offences include contraventions for which a civil penalty may be imposed.

10 Application of Commonwealth criminal laws to offences against applied provisions

- (1) The relevant Commonwealth laws apply as laws of the Territory in relation to an offence against the applied provisions as if those provisions were a law of the Commonwealth and not a law of the Territory.
- (2) For the purposes of a law of the Territory, an offence against the applied provisions:
- (a) is taken to be an offence against the laws of the Commonwealth, in the same way as if those provisions were a law of the Commonwealth; and
 - (b) is taken not to be an offence against the laws of the Territory.
- (3) Subsection (2) has effect for the purposes of a law of the Territory except as provided by the regulations made under this Act.

11 Functions and powers conferred on Commonwealth officers and authorities relating to offences

- (1) A Commonwealth law applying because of section 10 that confers on a Commonwealth officer or authority a function or power in relation to an offence against the Commonwealth domestic

commercial vessel national law also confers on the officer or authority the same function or power in relation to an offence against the corresponding provision of the applied provisions.

- (2) In performing a function or exercising a power conferred by this section, the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in performing or exercising the same function or power in relation to an offence against the corresponding provision of the Commonwealth domestic commercial vessel national law.

12 No double jeopardy for offences against applied provisions

If:

- (a) an act or omission is an offence against both the applied provisions and an offence against the Commonwealth domestic commercial vessel national law; and
- (b) the offender has been punished for that offence under the Commonwealth domestic commercial vessel national law;

the offender is not liable to be punished for the offence under the applied provisions.

Part 5 Administrative laws

13 Application of Commonwealth administrative laws to applied provisions

- (1) The Commonwealth administrative laws apply as laws of the Territory to any matter arising in relation to the applied provisions as if those provisions were a law of the Commonwealth and not a law of the Territory.
- (2) For the purposes of a law of the Territory, a matter arising in relation to the applied provisions:
 - (a) is taken to be a matter arising in relation to laws of the Commonwealth in the same way as if those provisions were a law of the Commonwealth; and
 - (b) is taken not to be a matter arising in relation to laws of the Territory.
- (3) Subsection (2) has effect for the purposes of a law of the Territory except as provided by the regulations made under this Act.

- (4) Any provision of a Commonwealth administrative law applying because of this section that purports to confer jurisdiction on a federal court is taken not to have that effect.
- (5) For the purposes of this section, a reference in a provision of the *Administrative Appeals Tribunal Act 1975* (Cth) (as that provision applies as a law of this jurisdiction) to the whole or any part of Part IVA of that Act is taken to be a reference to the whole or any part of that Part as it has effect as a law of the Commonwealth.

14 Functions and powers conferred on Commonwealth officers and authorities

- (1) A Commonwealth administrative law applying because of section 13 that confers on a Commonwealth officer or authority a function or power also confers on the officer or authority the same function or power in relation to a matter arising in relation to the applied provisions.
- (2) In performing a function or exercising a power conferred by this section, the Commonwealth officer or authority must act as nearly as practicable as the officer or authority would act in performing or exercising the same function or power under the Commonwealth administrative law.

Part 6 Fees and fines

15 Fees payable to officers or employees of Territory acting as delegates

The Minister may, by *Gazette* notice, set fees payable to the Territory in relation to anything done under the Commonwealth domestic commercial vessel national law (as that law applies as a law of the Commonwealth), or under the applied provisions, by a delegate of the National Regulator, or an accredited person, who is an officer or employee of the Territory or an agency of the Territory.

16 Infringement notice penalties

Any amount paid to the Territory by the National Regulator under section 10 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth) in relation to an infringement notice is (subject to any refund payment under section 10(2) of that Act) payable into the Central Holding Authority.

17 Fines, fees etc. not otherwise payable to Territory

- (1) All fees, penalties, fines and other money that, under the applied provisions, are authorised or directed to be payable by or imposed on any person (but not including an amount ordered to be refunded to another person) must be paid to the National Regulator.
- (2) Subsection (1) does not apply to any fees referred to in section 15.

Part 7 Miscellaneous matters**18 Things done for multiple purposes**

The validity of a licence, certificate or other thing issued, given or done for the purposes of the applied provisions is not affected only because it was issued, given or done also for the purposes of the Commonwealth domestic commercial vessel national law.

19 Reference in Commonwealth law to a provision of another law

For the purposes of sections 10 and 13, a reference in a Commonwealth law to a provision of that or another Commonwealth law is taken to be a reference to that provision as applying because of those sections.

20 Regulations of Territory

- (1) The Administrator may make regulations under this Act.
- (2) The regulations may not be inconsistent with this Act or the applied provisions.

Part 8 Repeal and transitional provisions**21 Regulations repealed**

The Regulations specified in Schedule 1 are repealed.

22 Transitional regulations

- (1) The Administrator may make regulations for this Part.
- (2) A regulation may provide for a matter of a transitional nature:
 - (a) because of the enactment of this Act; or
 - (b) to otherwise allow or facilitate the transition from the operation of the former Act to the Marine Safety National Law.

- (3) The regulation may have retrospective operation to a day not earlier than the commencement day.
- (4) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (5) The regulation must declare it is made under this section.
- (6) This section, and each regulation made under it, expire 1 year after the commencement day.
- (7) In this section:

commencement means the commencement of section 21.

former Act means the *Marine Act* as in force immediately before commencement.

Part 9 Consequential amendments

Division 1 Amendment of Marine Act

23 Act amended

This Division amends the *Marine Act*.

24 Section 7 amended

- (1) Section 7(1), definitions *casualty*, *certificate*, *certificate of survey*, *certified person*, *commercial vessel*, *crew accommodation*, *employee*, *fishing support vessel*, *fishing vessel*, *Government vessel*, *interstate voyage*, *load line*, *load line certificate* or *load line exemption certificate*, *mother vessel*, *Navigation Act*, *Official Log Book*, *overseas voyage*, *part of a vessel*, *proper return port*, *serious injury*, *shipping officer*, *surveyor*, *suspended person*, *Uniform Code*, *vessel* and *Vessel Record Book*

omit

(2) Section 7(1)

insert (in alphabetical order)

certificate means any of the following:

- (a) a certificate of operation issued under section 48 of the Marine Safety National Law;
- (b) a certificate of survey;
- (c) a certificate of competency;
- (d) a certificate recognised under section 73 of the Marine Safety National Law.

certificate of competency means a certificate of competency issued under section 60 of the Marine Safety National Law.

certificate of survey means a certificate of survey issued under section 38 of the Marine Safety National Law and, in the case of a vessel that is being towed, includes a towage permit issued under the Regulations.

domestic commercial vessel, see section 7 of the Marine Safety National Law.

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

- (a) a vessel that is used:
 - (i) to provide food, fuel and other supplies to persons who are engaged in fishing operations; or
 - (ii) to transport crew and other persons who are engaged in fishing operations; and
- (b) a vessel that is in the course of construction and is intended to be used wholly or principally for fishing operations.

marine incident, see section 6 of the Marine Safety National Law.

Marine Safety National Law means the *Marine Safety (Domestic Commercial Vessel) National Law* (Cth) (being provisions applying as a law of the Commonwealth because of section 4 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cth)).

recreational vessel means:

- (a) a pleasure craft; or
- (b) a hire-and-drive vessel used solely for pleasure.

regulated Australian vessel, see section 6 of the *Navigation Act 2012* (Cth).

Uniform Shipping Laws Code, see section 6 of the Marine Safety National Law.

unsafe ship, for Part 4, Division 4, see section 96.

vessel, see section 8 of the Marine Safety National Law.

- (3) Section 7(5), after "Uniform"

insert

Shipping Laws

25 Section 9 repealed

Section 9

repeal

26 Section 17 amended

Section 17(2)(a), after "Uniform"

insert

Shipping Laws

27 Parts 3 and 4, Divisions 1, 2 and 3 repealed

Parts 3 and 4, Divisions 1, 2 and 3

repeal

28 Section 95 replaced

Section 95

repeal, insert

95 Application of Division

This Division applies in relation to every recreational vessel in Northern Territory waters.

29 Section 96 amended

(1) Section 96

omit

the purposes of

(2) Section 96

omit

unsafe ship.

insert

unsafe ship.

30 Sections 98 to 101 replaced

Sections 98 to 101

repeal, insert

98 Application of Division

This Division applies in relation to every domestic commercial vessel in Northern Territory waters.

31 Section 103 repealed

Section 103

repeal

32 Section 106 amended

Section 106, heading

omit

to be notified

33 Sections 108 and 109 replaced

Sections 108 and 109

repeal, insert

108 Application of Division

This Division applies to every recreational vessel in Northern Territory waters.

109 Collisions

If a vessel (*vessel A*) is involved in a collision with another vessel (*vessel B*), the master of vessel A must, to the extent he or she can without danger to vessel A, its passengers or its crew, do all of the following:

- (a) render to vessel B all practicable assistance to save vessel B, its passengers and its crew from any danger caused by the collision;
- (b) stay by vessel B until the master has ascertained that there is no need for further assistance;
- (c) if vessel A is a recreational vessel, give to the master of Vessel B the name and address of master or owner of vessel A;
- (d) if vessel A is not a recreational vessel, give all of the following information to the master of vessel B:
 - (i) the name of vessel A;
 - (ii) vessel A's port of registry or home port;
 - (iii) the port from which vessel A has come and to which it is bound.

Maximum penalty: 1250 penalty units.

34 Sections 111, 113 and 114 repealed

Sections 111, 113 and 114

repeal

35 Part 4, Division 7 heading replaced

Part 4, Division 7, heading

omit, insert

Division 7 Marine incidents

36 Section 116 amended

Section 116

omit

Section 75 notwithstanding, this Division applies to and

insert

This Division applies

37 Section 117 repealed

Section 117

repeal

38 Section 118 amended

(1) Section 118, heading

omit

casualties

insert

marine incidents

(2) Section 118(1) and (2)

omit (all references)

casualty

insert

marine incident

(3) Section 118(3)

omit

39 Section 119 amended

Section 119(1)

omit

casualty

insert

marine incident

40 Section 120 amended

Section 120(1) and (5)

omit (all references)

casualty

insert

marine incident

41 Section 122 amended

(1) Section 122(1)

omit

casualty

insert

marine incident

(2) Section 122(1)

omit

certificated person:

insert

person holding a certificate of competency for the vessel:

(3) Section 122(1)(c)

omit

Act,;

insert

Act;

(4) Section 122(1)

omit

all words after "investigation:"

insert

must advise the National Regulator that a person holding a certificate of competency for a vessel involved in the marine incident is not fit and proper to hold that certificate.

(5) Section 122(2)

omit

all words from "A person" to "on it"

insert

The person must not give the advice to the National Regulator

(6) Section 122(3)

omit, insert

(3) In this section:

National Regulator, see section 9 of the Marine Safety National Law.

42 Section 123 repealed

Section 123

repeal

43 Section 124 amended

Section 124(4)

omit

44 Section 125 amended

(1) Section 125(1)

omit

casualty

insert

marine incident

(2) Section 125(1)

omit

censured or whose certificate has been ordered to be suspended or cancelled,

insert

censured,

45 Section 126 replaced

Section 126

repeal, insert

126 Application of Division

This Division applies in relation to every vessel in Northern Territory waters navigable by sea-going vessels.

46 Section 135 amended

Section 135(2), penalty provision

omit

\$5,000

insert

50 penalty units

47 Section 139 amended

(1) Section 139(1)

omit

or a shipping officer authorised by the Director under subsection (2)

(2) Section 139(2)

omit

(3) Section 139(3)

omit

or a person authorised to exercise the powers of a shipping inspector under subsection (2)

(4) Section 139(4), penalty provision

omit

\$10,000

insert

100 penalty units

48 Section 140 amended

(1) Section 140(1) and (2), penalty provision

omit

\$50,000

insert

500 penalty units

(2) Section 140(3) and (4), penalty provision

omit

\$5,000

insert

50 penalty units

49 Section 142A amended

Section 142A(2)

omit

601X

insert

601CX

50 Section 144 amended

(1) Section 144

omit

to and

(2) Section 144(a)

omit, insert

(a) not the property of or under the control of:

(i) the Commonwealth by virtue of the *Lighthouses Act 1911* (Cth); or

(ii) AMSA (the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* (Cth)) under the *Navigation Act 2012* (Cth); and

51 Section 157 amended

Section 157(2)

omit, insert

(2) In this section:

Territory includes the Minister and a public sector employee.

52 Section 177 amended

After section 177(2)

insert

(3) In this section:

serious injury means an injury as the result of which permanent incapacity to or the death of the person injured may occur.

53 Section 186 amended

(1) Section 186, heading

omit

Parts 3 and

insert

Part

(2) Section 186(1)(a)(i)

omit

3 or

(3) Section 186(1)(b)

omit

92 or

54 Section 189 amended

(1) Section 189(b), after "Uniform"

insert

Shipping Laws

(2) Section 189(d)

omit

shipping officer, a surveyor or a

55 Section 191A amended

Section 191A(a)

omit

32, 33, 34(2), 70, 71, 78(2), 80(3), 83(2), 89(3), 99, 100, 101,

56 Section 194 amended

(1) Section 194(1)(b), after "Uniform"

insert

Shipping Laws

(2) Section 194(2)(f)

omit

(3) Section 194(3)

omit (all references)

surveyor, shipping inspector or shipping officer

insert

shipping inspector

57 Section 195 amended

Section 195

omit

196 to 211 inclusive

insert

196, 199, 202 to 204, 206 and 208 to 211

58 Section 196 amended

(1) Section 196, heading, after "Uniform"

insert

Shipping Laws

(2) Section 196(1), (2), (3), (5), (6) after "Uniform" (*all references*)

insert

Shipping Laws

(3) Section 196(3)

omit

Australian Transport Council

insert

Standing Council on Transport and Infrastructure

(4) Section 196(6)(a) and (c)

omit (all references)

Authority or a surveyor

insert

Authority

(5) Section 196(6)(a), (b) and (c)

omit (all references)

surveyor, shipping inspector or shipping officer

insert

shipping inspector

(6) Section 196(6)(b)

omit

Authority or surveyor

insert

Authority

59 Sections 197, 198 and 200 repealed

Sections 197, 198 and 200

repeal

60 Section 203 amended

(1) Section 203

omit

regulations:

insert

regulations in relation to:

(2) Section 203(e)

omit

relating to

(3) Section 203(g)

omit

(4) Section 203(m)

omit

vessels; and

insert

vessels;

(5) Section 203(n)

omit

61 Section 205 repealed

Section 205

repeal

62 Section 206 amended

Section 206

omit

Convention on the International Regulations for Preventing Collisions at Sea 1972, set out in Schedule 3 of the *Navigation Act*

insert

Prevention of Collisions Convention as defined in section 14(1) of the *Navigation Act 2012* (Cth)

63 Section 210 amended

(1) Section 210, heading

omit, insert

210 Recreational vessels

(2) Section 210(1), before "The"

omit

(1)

(3) Section 210

omit (all references)

small craft;

insert

recreational vessels;

(4) Section 210(2)

omit

64 Section 211 amended

Section 211

omit

small craft

insert

recreational vessels

65 Schedule 2 amended

(1) Schedule 2

omit (all references)

"\$1,000"

insert

"10 penalty units"

- (2) Schedule 2

omit (all references)

"\$2,000"

insert

"20 penalty units"

- (3) Schedule 2

omit (all references)

"\$100"

insert

"1 penalty unit"

- (4) Schedule 2

omit (all references)

"\$6,000"

insert

"60 penalty units"

- (5) Schedule 2

omit

"\$200"

insert

"2 penalty units"

- (6) Schedule 2

omit (all references)

"\$20,000"

insert

"200 penalty units"

Division 2 Amendment of other laws

66 Other laws amended

Schedule 2 amends the laws mentioned in it.

Division 3 Expiry

67 Expiry of Part

This Part expires on the day after it commences.

Schedule 1 Repealed Regulations

section 21

<i>Marine Amendment Regulations 2007</i>	<i>Subordinate Legislation No. 38 of 2007</i>
<i>Marine (Crew Accommodation) Regulations</i>	<i>Subordinate Legislation No. 17 of 1982</i>
<i>Amendment of Marine (Crew Accommodation) Regulations</i>	<i>Subordinate Legislation No. 5 of 2001</i>
<i>Marine (Examinations and Certificates) Regulations</i>	<i>Subordinate Legislation No. 16 of 1982</i>
<i>Amendment of the Marine (Examinations and Certificates) Regulations</i>	<i>Subordinate Legislation No. 9 of 1984</i>
<i>Amendments of the Marine (Examinations and Certificates) Regulations</i>	<i>Subordinate Legislation No. 34 of 1991</i>
<i>Amendments of the Marine (Examinations and Certificates) Regulations</i>	<i>Subordinate Legislation No. 48 of 1994</i>
<i>Amendment of the Marine (Examinations and Certificates) Regulations</i>	<i>Subordinate Legislation No. 6 of 2001</i>
<i>Marine (Hire-and-Drive Vessel) Regulations</i>	<i>Subordinate Legislation No. 36 of 1994</i>
<i>Amendments of Marine (Hire-and-Drive Vessel) Regulations</i>	<i>Subordinate Legislation No. 7 of 2001</i>
<i>Marine (Load Line) Regulations</i>	<i>Subordinate Legislation No. 15 of 1982</i>
<i>Amendments of Marine (Load Line) Regulations</i>	<i>Subordinate Legislation No. 8 of 2001</i>
<i>Marine (Pleasure Craft) Regulations</i>	<i>Subordinate Legislation No. 10 of 1985</i>
<i>Amendments of Marine (Pleasure Craft) Regulations</i>	<i>Subordinate Legislation No. 12 of 1993</i>
<i>Amendments of Marine (Pleasure Craft) Regulations</i>	<i>Subordinate Legislation No. 12 of 2001</i>

<i>Amendments of Marine (Pleasure Craft) Regulations</i>	<i>Subordinate Legislation No. 24 of 2002</i>
<i>Marine (Safety) Regulations</i>	<i>Subordinate Legislation No. 12 of 1982</i>
<i>Amendments of Marine (Safety) Regulations</i>	<i>Subordinate Legislation No. 11 of 1993</i>
<i>Amendments of Marine (Safety) Regulations</i>	<i>Subordinate Legislation No. 14 of 2001</i>
<i>Marine (Safety Manning) Regulations</i>	<i>Subordinate Legislation No. 14 of 1982</i>
<i>Amendments of the Marine (Safety Manning) Regulations</i>	<i>Subordinate Legislation No. 35 of 1991</i>
<i>Amendment of Marine (Safety Manning) Regulations</i>	<i>Subordinate Legislation No. 9 of 2001</i>
<i>Marine (Small Craft) Regulations</i>	<i>Subordinate Legislation No. 28 of 1985</i>
<i>Amendment of Marine (Small Craft) Regulations</i>	<i>Subordinate Legislation No. 16 of 2001</i>
<i>Amendments of Marine (Small Craft) Regulations</i>	<i>Subordinate Legislation No. 23 of 2002</i>
<i>Marine (Survey) Regulations</i>	<i>Subordinate Legislation No. 20 of 1982</i>
<i>Amendments of the Marine (Survey) Regulations</i>	<i>Subordinate Legislation No. 28 of 1984</i>
<i>Amendments of Marine (Survey) Regulations</i>	<i>Subordinate Legislation No. 17 of 2001</i>

Schedule 2 Other laws amended

section 66

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Marine (Air-Cushioned Vehicles) Regulations</i>		
regulation 4, heading	Parts III and IV	Part 4
regulation 4(1)	Parts III and IV of the Act apply	Part 4 of the Act applies
Part 2	whole Part	
regulation 12(2), after "Uniform"		Shipping Laws
regulation 21	the <i>Marine (Survey) Regulations</i>	a Marine order made under section 163 of the Marine Safety National Law
Schedule, items 1 and 2	whole item	
Schedule, items 8, 13, 14, 15 and 18 to 21, after "Uniform"	Uniform Code	Shipping Laws
<i>Marine (Passenger) Regulations</i>		
regulation 3, definitions <i>Code, section and clause</i> and <i>vessel</i>	whole definition	
regulation 3		<i>(in alphabetical order)</i> <i>overseas voyage</i> , in relation to a vessel, means a voyage in the course of which the vessel travels between any of the following: (a) a port in the Territory and a port

outside Australia;

- (b) a port in the Territory and a place in the waters above the continental shelf of a country other than Australia;
- (c) a port outside Australia and a place in the waters above the continental shelf of Australia adjacent to the Territory;
- (d) a place in the waters above the continental shelf of Australia adjacent to the Territory and a place in the waters above the continental shelf of a country other than Australia;
- (e) ports or places outside Australia;
- (f) places beyond the continental shelf of Australia.

vessel means a vessel other than any of the following:

- (a) an air-cushioned vehicle;
- (b) a pleasure craft;
- (c) a domestic commercial vessel that is proceeding on an overseas

		voyage;
		(d) a fishing vessel that is proceeding on an overseas voyage;
		(e) an off-shore industry mobile unit;
		(f) an off-shore industry vessel that is a regulated Australian vessel as defined in section 6 of the <i>Navigation Act 2012</i> (Cth).
regulations 4, 5 and 6	whole regulation	
regulation 7(1)	Notwithstanding regulation 6, the	The
regulation 7(1)(b), at the end		or
regulation 7(1)(c)	vessel; or	vessel;
regulation 7(1)(d)	whole paragraph	
regulation 9(d)	shipping officer or	
regulation 9(f)	or by a surveyor or shipping officer	
regulation 10	6,	
<i>Port By-laws</i>		
by-law 3(1), definitions <i>master</i> and <i>owner</i>	, lighter or small craft (<i>all references</i>)	
by-law 3(1), definition <i>small craft</i>	whole definition	
by-law 4H	or small craft	

by-laws 5, 6(4), (5) and (6), 9(3), 18, 19, 21(1), 22, 23(1), 24(1), (2) and (3), 25, 26, 59(2) and (3)(b), 60(7), 66(1), (2)(b) and (c) and (3)(a), 69(2), 73(1) and (2) and 79(1) and (2)

, lighter or small craft
(all references)

by-law 6(1)

, vessels, lighters and small craft

and vessels

Workers Rehabilitation and Compensation Act

section 53AA(8)(a)

whole paragraph

(a) a ship is taken to be registered in the Territory if the ship is required to be surveyed under the Marine Safety National Law as defined in section 7(1) of the *Marine Act*, and
