

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 48*

Regulations under the *Marine Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Marine Act*.

Dated 30 November 1994.

K.J.A. ASCHE
Administrator

AMENDMENTS OF THE MARINE
(EXAMINATIONS AND CERTIFICATES) REGULATIONS

1. PRINCIPAL REGULATIONS

The Marine (Examinations and Certificates) Regulations are in these Regulations referred to as the Principal Regulations.

2. NEW REGULATIONS

The Principal Regulations are amended by inserting after regulation 7 the following:

"8. SUSPENSION, &c., OF CERTIFICATE

"(1) The Director shall, before suspending or cancelling a certificate issued under Part III of the Act or withdrawing recognition of a certificate issued by another authority and recognised for the purposes of that Part -

- (a) notify the holder of the certificate of the Director's intention to cancel, suspend or withdraw recognition of the certificate; and

* Notified in the *Northern Territory Government Gazette* on 14 December 1994.

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- (b) specify a date by which the holder of the certificate may, by written submission, show cause why the cancellation, suspension or withdrawal of recognition should not take place.

"(2) The Director may, after considering any submissions made to him or her under subregulation (1), by notice in writing to the holder of the certificate, cancel or suspend, or withdraw recognition of, a certificate.

"8A. SERVICE OF NOTICES

"A notice for the purposes of regulation 8 may be given to or served on a person by -

- (a) delivering it personally to the person;
- (b) leaving it at the person's usual or last known place of residence with another person, apparently resident at the place;
- (c) leaving it at the person's usual or last known place of business with another person, apparently in a position of authority at the place; or
- (d) posting it in a prepaid letter addressed to the person at the person's usual or last known place of residence or business."

3. NEW PART

The Principal Regulations are amended by inserting after regulation 12 the following:

"PART V - APPEALS AGAINST DECISION OF DIRECTOR UNDER PART III OF ACT

"13. APPLICATION

"In this Part, 'appellant' means a person who may, under section 35 of the Act, appeal against a decision of the Director.

"14. NOTICE OF APPEAL

"(1) An appeal against a decision of the Director referred to in section 35 of the Act shall be commenced by filing, not later than 28 days after the decision is made, a notice of appeal at the proper venue of the Local Court.

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"(2) A notice of appeal shall -

(a) be in Form 1 in Schedule 1; and

(b) set out -

(i) the decision in respect of which it is brought;

(ii) the date on which the decision was made; and

(iii) concisely the grounds of appeal.

"(3) As soon as practicable after filing a notice of appeal the appellant shall serve a copy on the Director.

"(4) The parties to an appeal shall be the Director and the appellant.

"15. AMENDMENT OF GROUNDS

"The Tribunal may give leave to amend the grounds of appeal.

"16. DATE FOR HEARING

"At the time of filing a notice of appeal the Chief Magistrate within the meaning of the *Magistrates Act* shall fix a hearing date, insert it in the notice of appeal and return sufficient copies to the appellant.

"17. REPRESENTATION

"A party to an appeal may appear in person or by an agent authorised in writing by the party.

"18. HEARING OF AN APPEAL

"(1) The Tribunal may give such directions as to the hearing of an appeal as it thinks fit.

"(2) If the person to whom an appeal is addressed fails to attend, the Tribunal may hear the appeal if it is satisfied that the notice was duly served.

"(3) If an appellant fails to attend, the Tribunal may dismiss the appeal or make such other orders as it thinks fit.

"(4) If neither party attends, the Tribunal may make such orders as it thinks fit."

4. NEW SCHEDULE

The Principal Regulations are amended by inserting after regulation 12 the following:

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"SCHEDULE 1

FORM 1

NOTICE OF APPEAL

Regulation 14(2)

In the matter of an appeal
pursuant to section 35
of the Marine Act

TO: The Tribunal

APPLICANT: (Name and Address)

RESPONDENT: The Director

The appellant appeals against the Director's decision
to (set out briefly the substance of the decision of the
Director appealed against).

Date of decision:

Grounds of appeal: (set out specifically the grounds
of appeal)

Dated: (e.g. 5 September, 19)

(Signed by appellant)".
