

1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented and read a first time, 11 November 1992)

(MINISTER FOR INDUSTRIAL RELATIONS, SENATOR COOK)

A BILL

FOR

**An Act to amend the *Migration Act 1958* and the
Navigation Act 1912 so as to enable Australia to
ratify certain international conventions**

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *International Labour Organisation (Compliance with Conventions) Act 1992*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

PART 2—AMENDMENTS OF THE MIGRATION ACT 1958

Principal Act

3. In this Part, “Principal Act” means the *Migration Act 1958*¹.

4. Sections 71, 72 and 73 of the Principal Act are repealed and the following sections are substituted: 5

Production of identity documents and mustering of crew

“71.(1) This section applies to a vessel, other than a vessel of the regular armed forces of a government recognised by the Commonwealth, which has entered Australia from overseas.

“(2) On the arrival of a vessel at a port, an officer may require the master of the vessel to muster the vessel’s crew in the presence of the officer. 10

“(3) An officer may require the master of a vessel to muster the vessel’s crew in the presence of the officer before the vessel departs from a port. 15

“(4) An officer may require a member of the crew of a vessel to produce his or her identity documents to the officer for inspection.

“(5) A person must not, without reasonable excuse, fail to comply with a requirement made under this section.

Penalty: \$4,000. 20

Production of identity documents by persons on board resources installation

“72.(1) This section applies to a resources installation that has been brought into Australian waters from a place outside the outer limits of Australian waters for the purpose of being attached to the Australian seabed. 25

“(2) On the arrival of a resources installation at the place where it is to be attached to the Australian seabed, an officer may require the person in charge of the installation to muster, in the presence of the officer, all of the people on board the installation. 30

“(3) An officer may require the person in charge of a resources installation to muster, in the presence of the officer, all of the people on board the installation before the installation is detached from the Australian seabed for the purpose of being taken to a place outside the outer limits of Australian waters. 35

“(4) An officer may require a person on board a resources installation that is attached to the Australian seabed or to another resources installation that is so attached to produce to the officer for inspection the person’s identity documents.

“(5) A person must not, without reasonable excuse, fail to comply with a requirement made under this section.

Penalty: \$4,000.

Production of identity documents by persons on board sea installation

5 “73.(1) This section applies to a sea installation that has been brought into Australian waters from a place outside the outer limits of Australian waters for the purpose of being installed in an adjacent area or in a coastal area.

10 “(2) On the arrival of a sea installation at its proposed location, an officer may require the person in charge of the installation to muster, in the presence of the officer, all of the people on board the installation.

15 “(3) An officer may require the person in charge of a sea installation to muster, in the presence of the officer, all of the people on board the installation before the installation is detached from its location for the purpose of being taken to a place outside the outer limits of Australian waters.

“(4) An officer may require a person on board a sea installation that is installed in an adjacent area or in a coastal area to produce to the officer for inspection the person’s identity documents.

20 “(5) A person must not, without reasonable excuse, fail to comply with a requirement made under this section.

Penalty: \$4,000.”.

Master to report absences

25 5. Section 74 of the Principal Act is amended by omitting all words from and including “at that departure” to the end of paragraph (b) and substituting:

“at that departure, deliver to an officer a written report:

(a) specifying the name of the member; and

(b) stating:

30 (i) that the member was a member of the crew of the vessel on board the vessel at the time of its arrival at that port; and

(ii) that the member is absent from the vessel at the time of its departure from that port; and

35 (c) stating whether the member left the vessel at that port with leave or without leave.”.

Repeal

6. Section 75 of the Principal Act is repealed.

Proof of certain matters

7. Section 111 of the Principal Act is amended by omitting paragraph (1)(b).

PART 3—AMENDMENTS OF THE NAVIGATION ACT 1912

Principal Act

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8. In this Part, “Principal Act” means the *Navigation Act 1912*.

9. Sections 117 and 118 of the Principal Act are repealed and the following sections are substituted:

Provisions adequate for voyage

“117. The master of a ship must not undertake a voyage unless the ship is carrying: 10

(a) water of suitable quality and quantity; and

(b) food of suitable quality, quantity, nutritive value and variety; 15
having regard to the nature and duration of the voyage and the size of the crew.

Adequate food catering facilities to be provided

“117A. The owner of a ship must not allow the ship to undertake a voyage unless the ship has catering facilities that are so arranged and equipped as to enable proper meals to be served to the crew.”.

10. After section 133 of the Principal Act the following section is inserted in Division 14 of Part II: 20

Regulations to give effect to the Medical Examination (Seafarers) Convention 1946

“134.(1) The regulations may make provision for, or in relation to, giving effect to the Medical Examination (Seafarers) Convention 1946 adopted by the General Conference of the International Labour Organisation on 29 June 1946. 25

“(2) If a provision of the Convention applies only to a particular class of ships or to ships engaged on a particular class of voyages, a regulation that gives effect to that provision may be applied to ships of any other class or to ships engaged in any other class of voyages. 30

“(3) Section 2 does not apply to a regulation made for the purposes of this section.

“(4) Regulations and orders giving effect to the Convention do not apply to a ship referred to in paragraph 2(1)(a), (b), (c) or (d) to the extent that a law of a State or of the Northern Territory gives effect to the Convention in relation to that ship.”. 35

NOTES

1. No. 62, 1958, as amended. For previous amendments, see No. 87, 1964; No. 10, 1966; Nos. 16 and 216, 1973; Nos. 37 and 91, 1976; Nos. 117 and 118, 1979; Nos. 89 and 175, 1980; No. 61, 1981; No. 51, 1982; Nos. 73 and 112, 1983; Nos. 22, 72 and 123, 1984; Nos. 71, 102 and 168, 1986; Nos. 86, 104, 133 and 141, 1987; Nos. 5, 38, 49 and 151, 1988; Nos. 59 and 61, 1989; No. 37, 1990; Nos. 70, 86, 196 and 198, 1991; and No.24, 1992.

2. No. 4, 1913, as amended. For previous amendments, see No. 32, 1919; No. 1, 1921; No. 8, 1925; No. 8, 1926; No. 49, 1934; No. 30, 1935; No. 1, 1943; No. 80, 1950; No. 109, 1952; No. 96, 1953; No. 46, 1956; No. 36, 1958 (as amended by No. 96, 1961; No. 1, 1965 and No. 98, 1979); No. 96, 1961; No. 1 1965; No. 93, 1966; No. 60, 1967; No. 62, 1968; Nos. 1 and 117, 1970; No. 28, 1972; No. 216, 1973 (as amended by No. 20, 1974; and No. 91, 1976); No. 157, 1976; Nos. 98 (as amended by No. 20, 1974; and No. 91, 1976); No. 157, 1976; Nos. 98 (as amended by No. 39, 1983) and 155, 1979; No. 70, 1980; No. 87, 1980 (as amended by Nos. 10 and 74, 1981; No. 84, 1983; No. 57, 1988; and No. 23, 1990); No. 10, 1981 (as amended by No. 74, 1981; and No. 57, 1988); No. 36, 1981 (as amended by No. 40, 1983); Nos. 61 and 74, 1981; No. 80, 1982 (as amended by No. 39, 1983); No. 40, 1984 (as amended by Nos. 84 and 91, 1983); No. 72, 1984 (as amended by No. 165, 1984); Nos. 65 and 193, 1985; Nos. 76, 132, 163 and 167, 1986; Nos. 141, 1987; Nos. 34, 57, 87, 99 and 127, 1988; Nos. 6, 63, 129 and 151, 1989; Nos. 23 and 78, 1990; No. 11, 1991; and No. 7, 1992.



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