



Navigation (Marine Council) Regulations

Statutory Rules 1960 No. 64 as amended

made under the

Navigation Act 1912

This compilation was prepared on 15 January 2001
taking into account amendments up to SR 1990 No. 108

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1 Citation [see Note 1]

These Regulations may be cited as the Navigation (Marine Council) Regulations.

2 Repeal

The Navigation (Marine Council and Committees of Advice) Regulations (comprising Statutory Rules 1954, No. 13; and Statutory Rules 1958, No. 3) are repealed.

3 Interpretation

In these Regulations, unless the contrary intention appears:

the Act means the *Navigation Act 1912-1958*.

the Chairman means the Chairman of the Marine Council.

the Marine Council means the Marine Council constituted by subsection (1) of section 424 of the Act.

4 Meetings of the Marine Council

A meeting of the Marine Council shall be convened by the Chairman, or a person authorized by him, by notice in writing to each other member specifying the time and place of the meeting.

5 Quorum and voting

At a meeting of the Marine Council:

- (a) five members form a quorum;
- (b) all questions shall be decided by a majority of votes of the members present and voting; and
- (c) the Chairman or other member presiding does not have a deliberative vote but has, in the event of an equality of votes, a casting vote.

6 Participation in meetings by telephone etc

- (1) A member of the Marine Council may participate in a meeting of the Marine Council by means of:
 - (a) telephone; or
 - (b) closed circuit television; or
 - (c) another method of communication determined by the Marine Council.
- (2) A member who participates in a meeting as provided by subregulation (1) is taken to be present at the meeting.

9 Prescribed principles — subsection 47 (3) of the Act

- (1) The following principles are prescribed principles for the purposes of subsection 47 (3) of the Act in relation to the exercise of the powers of the Marine Council under subsection 47 (1) of the Act:
 - (a) where it is established that a person:
 - (i) has inflicted violence causing actual bodily harm on another person;
 - (ii) has used intimidation or threats of violence to another person;
 - (iii) is habitually drunk;
 - (iv) is addicted to a drug; or
 - (v) has trafficked in a drug;the person is to be taken to be unsuitable for engagement as a seaman;
 - (b) where it is established that a person:
 - (i) has been under the influence of alcohol or a drug while on duty in the service of a ship to the extent that the performance of that duty has been adversely affected;
 - (ii) has been reported as asleep on duty in the service of a ship;
 - (iii) has engaged in abusive, offensive or otherwise disorderly behaviour while in the service of a ship;
 - (iv) has made illegal use of, or has unlawfully possessed, a drug; or

- (v) has secreted a stowaway on board ship;
that finding is to be taken to indicate that the person may be unsuitable for engagement as a seaman;
 - (c) where it is established that a person has otherwise demonstrated a propensity for conduct likely to affect adversely the safety or welfare of persons at sea, that finding is to be taken to indicate that the person may be unsuitable for engagement as a seaman.
- (2) The following principle is a prescribed principle for the purposes of subsection 47 (3) of the Act in relation to the exercise of the powers of the Marine Council under subsection 47 (2) of the Act, namely, that, in respect of a period considered by the Marine Council in relation to a person, the character and conduct of the person are such that the person is suitable for engagement as a seaman.

Table of Statutory Rules

Notes to the Navigation (Marine Council) Regulations**Note 1**

The Navigation (Marine Council) Regulations (in force under the *Navigation Act 1912*) as shown in this compilation comprise Statutory Rules 1960 No. 64 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1960 No. 64	30 Aug 1960	30 Aug 1960	
1962 No. 89	27 Sept 1962	27 Sept 1962	—
1971 No. 64	20 May 1971	20 May 1971	—
1981 No. 396	31 Dec 1981	R. 1: 2 Jan 1982 Remainder: 31 Dec 1981	—
1988 No. 155	30 June 1988	1 July 1988 (<i>see Gazette</i> 1988, No. S193)	—
1990 No. 108	31 May 1990	1 June 1990	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	am. 1990 No. 108
R. 3	am. 1971 No. 64; 1981 No. 396; 1990 No. 108
R. 4	am. 1962 No. 89
R. 6	rs. 1990 No. 108
Rr. 7, 8	rep. 1990 No. 108
R. 9	ad. 1988 No. 155

