

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

***Merchant Shipping.***

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Transport at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter, to—

“the Departmental Head” should be read as references to the Secretary for Transport;

“the Department” should be read as reference to the Department of Transport.

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<sup>1</sup>Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping Act.*

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"agreement"  
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"appropriate coasting trade licence"  
"assessor"  
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"boarding ground"  
"casualty"  
"certificate of competency"  
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"coasting trade licence"  
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"the Collisions Convention"  
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"Committee of Advice"  
"compulsory pilotage area"  
"continental shelf"  
"the Court"  
"crew"  
"crew accommodation"  
"Crew List"  
"crewman"  
"Crewman's Identity Card"  
"dangerous goods"  
"distressed crewman"  
"employer"  
"Employment Record Book"  
"equipment"  
"exempt pilot"  
"existing ship"  
"general category licence"  
"Government ship"  
"internal waters"  
"left behind"  
"length"  
"licensed pilot"  
"load line"  
"the Load Line Convention"  
"Load Line Convention ship"  
"Marine Inquiry"  
"marine navigational aid"

"master"  
"the Merchant Shipping Acts of the United Kingdom"  
"mortgage"  
"National Flag"  
"the National Investment and Development Authority"  
"new ship"  
"Official Log Book"  
"offshore ship"  
"part of a ship"  
"passenger"  
"passenger ship"  
"pilot"  
"pilotage area"  
"pilotage authority"  
"pilotage exemption certificate"  
"pilotage licence"  
"pleasure craft"  
"port of sub-registry"  
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"proper return port"  
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"qualified person"  
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping Act.*

Being an Act to provide for Merchant Shipping.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“agreement” in relation to—

- (a) a ship, means an agreement made under Section 110 between an employer and a crewman in respect of service by the crewman in the ship; and
- (b) a crewman, means an agreement made under Section 110 between the crewman and an employer; and
- (c) an employer, means an agreement made under Section 110 between the employer and a crewman;

“air cushioned vehicle” means a vehicle designed to be supported when in motion wholly or partly by air expelled from the vehicle and forming a cushion of which the boundaries include the water or other surface below the vehicle;

“appropriate coasting trade licence” means a coasting trade licence which permits, or would permit, the ship in respect of which the licence is granted to be engaged in the coasting trade for the provision of the shipping service on which the ship is, or is about to be, engaged;

“assessor” means a person appointed under Section 102(a);

“assistant to the Registrar” means a person appointed by the Registrar under Section 9 to be his assistant;

“boarding ground” means a place at which the master of a ship is required to present the ship for the purposes of embarking or disembarking a pilot;

“casualty”, in relation to a ship, means—

- (a) the loss or the presumed loss, the stranding, the grounding or the abandonment of, or damage to, the ship or boat belonging to the ship; or
- (b) damage caused by a ship or by a boat belonging to the ship; or
- (c) a loss of life caused by—
  - (i) fire on board; or
  - (ii) accident to; or
  - (iii) accident occurring on board,the ship or a boat belonging to the ship;

“certificate of competency” means a certificate issued to a crewman under Section 104 which entitles the crewman to be employed in the capacity stated in that certificate;

"the Coasting Trade Committee" means the Coasting Trade Committee established under Section 234;

"coasting trade licence" means a licence granted under Section 222;

"coasting trade permit" means a permit issued under Section 232;

"the Collisions Convention" means the Convention on the International Regulations for Preventing Collisions at Sea 1972 as affected by any amendment other than an amendment objected to by the State, made under Article 6 of that Convention;

"the commencement date" means 16 September 1975, being the date on which the *Merchant Shipping Act 1975* came into force;

"Committee of Advice" means a Committee of Advice established under Section 261;

"compulsory pilotage area" means the whole or a part of a pilotage area in respect of which a determination has been made under Section 200;

"continental shelf" has the same meaning as in the Convention on the Continental Shelf made at Geneva on 26 April 1958 as amended from time to time;

"the Court" means the National Court or the District Court;

"crew" means those persons employed—

(a) on board; and

(b) in the business of,

a ship but does not include a pilot or a person temporarily employed on board the ship while the ship is at a port;

"crew accommodation", in relation to a ship, means those parts of the ship which are set aside for the exclusive use of the crew;

"Crew List", in relation to a ship, means a list of the crew of the ship made and maintained under Section 158;

"crewman", in relation to a ship, means a person other than—

(a) a pilot; or

(b) a person temporarily employed on board a ship while the ship is at a port,

being a person who is engaged or employed in any capacity on board the ship and in the business of the ship;

"Crewman's Identity Card" means a Crewman's Identity Card issued under Section 154;

"dangerous goods" means any goods listed as dangerous goods in the International Maritime Dangerous Goods Code published by the Intergovernmental Maritime Consultative Organization, London, in 1965 as amended from time to time;

"distressed crewman" means a person who—

(a) is, or has been, a crewman on a ship; and

(b) is at a place away from his proper return port by reason of having been—

(i) left behind from a ship; or

(ii) shipwrecked in a ship; and



(c) has not elected under Section 137 to be deemed not to be a distressed crewman;

"employer", in relation to a crewman, means the person who has entered into an agreement with the crewman for the employment of the crewman on a ship;

"Employment Record Book" means an Employment Record Book issued under Section 156;

"equipment", in relation to a ship, includes every thing or article belonging to or used in connexion with, or necessary for the navigation and safety of, the ship;

"exempt pilot" means a person holding a current pilotage exemption certificate that entitles him to be in navigational command of a particular ship, or of a ship within a particular class of ship, in the pilotage area in respect of which it is issued;

"existing ship" means a ship that is not a new ship;

"general category licence" means a coasting trade licence referred to in Section 223(1)(a);

"Government ship" means a ship—

(a) that belongs to the State or to an authority or instrumentality of the State; or

(b) that is held by any person on behalf of, or for the benefit of, the State, but does not include a ship belonging to—

(c) the Defence Force; or

(d) the corporation registered as the Papua New Guinea Shipping Corporation Proprietary Limited;

"internal waters" means any waters open to, or used for, navigation on the landward side of the base line from which the limits of the territorial sea of Papua New Guinea are measured;

"left behind", in relation to a crewman—

(a) means the leaving behind of a crewman belonging to a ship at a port or place other than the proper return port of the crewman after the departure of the ship from that port or place; but

(b) does not include the leaving behind of a crewman, who without the consent of the master of the ship, has left the ship to which he belongs with the intention of not returning to that ship;

"length", in relation to a ship, means the distance measured from the fore part of the stem to the aft side of the head of the stern post in a direct line over the fore and aft centre line or, in a ship not having a stern post, to the fore side of the rudder stock at the point where the rudder stock passes out of the hull;

"licensed pilot" means a person holding a current pilotage licence that entitles him to be in pilotage charge of a ship in the pilotage area in respect of which it is issued;

"load line" means a line marked on a ship indicating the depth to which a ship may safely be loaded;

"the Load Line Convention" means the International Convention on Load Lines 1966 as affected by any amendment, other than an amendment not accepted by the State;

"Load Line Convention ship" means a ship that is—

- (a) of a kind to which the Load Line Convention applies; and
- (b) registered in a country the government of which is a party to the Load Line Convention;

"Marine Inquiry" means a Marine Inquiry caused to be held by the Minister under Section 165, and includes the person holding such Inquiry;

"marine navigational aid"—

- (a) means a lighthouse, lightship, beacon, marker, buoy or any structure, device or apparatus that is established or maintained to be used principally as an aid to marine navigation; and
- (b) includes any vessel, stores, equipment or other property the principal use of which is the servicing of an aid to marine navigation, but, in the case of a ship other than a lightship, does not include any light, structure, device or apparatus which is part of the ship;

"master", in relation to a ship, means the person having lawful command or charge of the ship but does not include a pilot;

"the Merchant Shipping Acts of the United Kingdom" means the Act of the United Kingdom Parliament entitled the Merchant Shipping Act 1894 and includes—

- (a) all other Acts of the United Kingdom Parliament that are to be construed as one with that Act; and
- (b) all Orders in Council and Proclamations under any such Act; and
- (c) all other rules, regulations or notices made or given by any United Kingdom Authority under any such Act;

"mortgage" means the instrument creating the security under Section 39;

"National Flag" means the National Flag of Papua New Guinea;

"the National Investment and Development Authority" means the body by that name established by Section 9 of the *National Investment and Development Act*;

"new ship" means a ship—

- (a) the keel of which was laid; or
- (b) that has been substantially—
  - (i) altered; or
  - (ii) reconstructed;

after 1 January 1977, being the date on which the *Merchant Shipping (Amendment) Act 1976* came into force;

"Official Log Book", in relation to a ship, means the Official Log Book kept under Section 157;

"offshore ship" means a ship that is—

- (a) engaged in the exploration or exploitation of the continental shelf of the country; and
- (b) operating to, or from, or is based at, a port or place in the country;

"part of a ship" includes the hull, machinery and equipment of a ship;

"passenger" means a person carried on board a ship with the knowledge or consent of the owner or master of the ship but does not include—

- (a) a person engaged in any capacity on board the ship in the business of the ship; or
- (b) a child under the age of one year;

"passenger ship" means a ship that is—

- (a) engaged on an international voyage; and
- (b) carrying more than 12 passengers;

"pilot", in relation to a ship, means any person not belonging to the ship who has the lawful conduct of the ship;

"pilotage area" means a port or place declared as a pilotage area under Section 196;

"pilotage authority", in relation to a pilotage area, means the pilotage authority in respect of that area;

"pilotage exemption certificate" means a pilotage exemption certificate issued under Section 206;

"pilotage licence" means a pilotage licence issued under Section 206;

"pleasure craft" means a vessel that is—

- (a) exclusively used for pleasure; and
- (b) not used for—
  - (i) hire; or
  - (ii) reward; or
  - (iii) any commercial purpose;

"port of sub-registry" means a port of sub-registry appointed by the Minister under Section 13(2);

"principal port of registry" means the principal port of registry appointed by the Minister under Section 13(1);

"proper officer" means a person appointed, or deemed to have been appointed, by the Minister under Section 10;

"proper return port", in relation to—

- (a) a crewman, means such port or place as is—
  - (i) agreed on by the employer and crewman; and
  - (ii) named in the agreement; and
- (b) a distressed crewman, means a port that is deemed under Section 135 to be the proper return port of the crewman;

"qualified crewman" means a member of the crew of a ship who holds a valid certificate of competency issued under Section 104;

"qualified person" means—

- (a) a person referred to in Section 14(2)(a); and
- (b) a corporation referred to in Section 14(2)(b);

"radio installation" means a radiotelegraphy or radiotelephony installation but does not include a radio-navigational aid;

"rate", in relation to a ship, means the charge made in respect of the provision of a shipping service by the ship;

"the Register" means the Register of Ships referred to in Section 11(1);

"Register of Crewmen" means the Register of Crewmen kept under Section 155;

"the Registrar" means the Registrar of Ships;

"safety certificate" means a certificate granted under Section 70;

"the Safety Convention" means the International Convention for the Safety of Life at Sea 1974 as affected by any amendment other than an amendment not accepted by the State which has been made and has come into force under Article VIII of the Convention and includes the Protocol of 1978 relating to the Convention;

"Safety Convention ship" means a ship that is—

(a) of a kind to which the Safety Convention applies; and

(b) registered in a country the government of which is a party to the Safety Convention;

"the Safety Officer" means the person appointed by the Minister under Section 55;

"serious injury" means an injury as a result of which permanent incapacity or death may occur;

"ship" includes—

(a) in relation to the ownership of a ship, a share in the ship and any interest in the ship or share; and

(b) an air cushioned vehicle; and

(c) every description of vessel used, or capable of being used, in navigation by water, but does not include a vessel ordinarily propelled by oars or a vessel or air cushioned vehicle belonging to the Defence Force or to any of the defence forces of any other country;

"Shipping Officer" means a person appointed by the Minister under Section 102(b);

"Shipping Officer Service Fees" means the fees referred to in Section 151;

"shipping service" in relation to a ship that is engaged in the coasting trade, includes—

(a) the transport by water of goods or passengers; and

(b) the conduct of marine operations including salvaging, towing, barging, dredging, drilling, surveying, constructing, lifting and exploring for, or exploiting, the resources of the seabed;

"special category licence" means a coasting trade licence referred to in Section 223(1)(b);

"sub-division load line" means a load line indicating the depth to which a passenger ship may be loaded having regard to—

(a) the extent to which the ship is sub-divided; and

(b) the space for the time being allotted to passengers;

"Survey Master Sheet" means the record of surveys and inspections of a ship required by the regulations to be kept on board the ship;

"surveyor" means a surveyor of ships appointed by the Minister under Section 57;

"suspended person" means a person whose name is included in the list of suspended persons kept under Section 148;

"this Act" includes any regulations made under this Act;

"troopship" means a ship that is—

- (a) in the course of being used for the transport of members of the Defence Force or the defence force of any other country; and
- (b) owned or operated by and is under the control of the State or the government of the other country;

"unsafe ship" means a ship that is deemed to be an unsafe ship under Section 94.

(2) A reference in a Part of this Act to "this Part" includes a reference to any regulation made in respect of the matters contained in that Part.

(3) Subject to Subsection (4), a ship shall, for the purposes of this Act, be deemed to have—

- (a) been taken or sent to sea; or
- (b) gone or proceeded to sea; or
- (c) proceeded on a voyage,

if the ship has been got under way for the purposes of—

- (d) going to sea; or
- (e) plying or running; or
- (f) proceeding on a voyage; or
- (g) in the case of an offshore ship—undertaking offshore operations.

(4) A ship shall not be deemed under Subsection (3) to have—

- (a) been taken or sent to sea; or
- (b) gone or proceeded to sea; or
- (c) proceeded on a voyage,

by reason only that the ship has been got under way for the purpose of moving the ship from one berth or place in a port to another berth or place in the port.

(5) Unless the contrary intention appears, a reference in this Act (other than in Parts II, III and IX) to the owner of a ship shall, where the ship is operated by a person other than the owner, be read as including a reference to that person.

(6) The Minister may, by instrument, certify that an amendment to—

- (a) the Collisions Convention; or
- (b) the Load Line Convention; or
- (c) the Safety Convention,

is an amendment that is objected to, or that is not accepted by, the State.

(7) In any proceedings under this Act a certificate given under Subsection (6) is prima facie evidence of the matters stated in the certificate.

(8) A ship is deemed to be engaged in the coasting trade where the ship—

- (a) takes on board passengers or cargo at a port or place in the country to be carried to or landed at another port or place in the country; or

(b) leaves a port or place in the country—

- (i) to undertake the provision of a shipping service within the territorial waters of the country; or
- (ii) being a ship that is an offshore ship—to undertake offshore operations.

## **PART II.—NATIONAL CHARACTER AND FLAG.**

### **2. Penalty for unduly assuming Papua New Guinea character.**

(1) If a person uses the National Flag or assumes Papua New Guinea national character on board a ship owned in whole or in part by a person who is not a qualified person for the purpose of making the ship appear to be a ship registered under this Act, the ship is liable to forfeiture unless the use or assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) In any proceeding for the enforcement of the forfeiture of a ship under Subsection (1), the burden of proving a right to use the National Flag or to assume Papua New Guinea national character lies on the person using or assuming that Flag or that character.

### **3. Penalty for concealment of Papua New Guinea character or assumption of foreign character.**

(1) A master or owner of a ship registered under this Act who—

- (a) does or permits anything to be done; or
- (b) carries or permits to be carried on a ship, any papers or documents,

with intent to—

- (c) conceal the Papua New Guinea character of the ship from a person entitled by Papua New Guinea law to inquire into the character of the ship; or
- (d) deceive a person referred to in Paragraph (c); or
- (e) assume a foreign character,

is guilty of an offence.

Penalty: A fine not exceeding K1 000.00

(2) Where the master or owner of a ship is convicted of an offence under Subsection (1), the ship is liable to forfeiture.

### **4. Penalty for acquiring ownership if unqualified.**

If a person, other than a qualified person, acquires as owner any interest, either legal or beneficial, otherwise than by such transmission as is provided for in this Act, in a ship registered under this Act, that interest is liable to forfeiture.

### **5. Liabilities of unregistered ships.**

(1) Where a ship that is required to be registered under this Act is not so registered, the ship shall not be entitled—

- (a) to any benefit, privilege, advantage or protection usually enjoyed by a ship registered under this Act; or
- (b) to use the National Flag; or
- (c) to assume Papua New Guinea national character.

(2) In the case of a ship to which Subsection (1) applies, the owner and the owner and master of the ship shall, in relation to—

- (a) the payment of dues; and
- (b) the liability to fines and forfeiture; and
- (c) the punishment of offences committed on board the ship; and
- (d) offences committed by persons belonging to the ship,

be dealt with in the same manner in all respects as if the ship were registered under this Act.

**6. National colours.**

(1) The National Flag shall be the proper national colours for a ship registered under this Act.

(2) A master of a ship registered under this Act who, except where it would be unreasonable having regard to all the circumstances to do so, fails to cause the National Flag to be hoisted at all times on the ship, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) Where, except with the consent of the Minister, any distinctive national colours other than the National Flag are hoisted on board a ship registered under this Act—

- (a) the master of the ship; and
- (b) the owner if he is on board the ship; and
- (c) any person hoisting those colours,

are each guilty of an offence.

Penalty: A fine not exceeding K100.00.

**PART III.—REGISTRATION OF SHIPS.**

*Division 1.—The Registrar and the Register of Ships.*

**7. Registrar.**

(1) There shall be a Registrar of Ships.

(2) The person for the time being holding the appointment of, or performing the duties of, the office of Secretary, Department of Transport and Civil Aviation, is the Registrar.

(3) The Registrar, an assistant to the Registrar or a delegate of the Registrar is not liable for any act or omission done or made by him bona fide and without negligence under, or for the purposes of, this Act.

**8. Delegation by Registrar.**

Subject to this Act, the Registrar may, by instrument delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

**9. Assistants to the Registrar.**

The Registrar may, in respect of the principal port of registry and each port of sub-registry, by instrument, appoint as many persons to assist him as, in his opinion, are required for the purposes of this Act.

**10. Proper officers.**

(1) The Minister may, by notice in the National Gazette, appoint a person to be a proper officer for the purposes of this Act.

(2) The Minister may, by notice in the National Gazette, determine that a specified class of persons is a class of persons for the purposes of this subsection, and a person included in the class of persons shall be deemed to have been appointed a proper officer for the purposes of this Act.

**11. Register of ships.**

(1) The Registrar shall cause to be kept at the principal port of registry a register book to be known as the Register of Ships.

(2) The Registrar shall cause to be entered in the Register particulars of all ships registered under this Act and such other entries as may be required by this Act to be entered in the Register.

(3) Any person may inspect the Register at any time during the hours of official attendance by the Registrar.

**12. Provisions relating to registration.**

The following provisions apply to, and in relation to, the registration of ships under this Act:—

- (a) the property in a ship shall be divided into 64 shares; and
- (b) subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than 64 persons shall be entitled to be registered at the same time as owners of any one ship but this provision shall not affect the beneficial title of any number of persons or of a company represented by or claiming under or through any registered owner or joint owner; and
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares in the ship; and
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose severally of any interest in a ship, in respect of which they are jointly registered; and
- (e) a corporation shall be registered as owner by its corporate name.

*Division 2.—Registration of Ships.***13. Ports of registry.**

(1) The Minister shall, by notice in the National Gazette appoint a port in the country to be the principal port of registry for the purposes of this Act.

(2) The Minister may, by notice in the National Gazette appoint ports in the country to be ports of sub-registry for the purposes of this Act.

**14. Qualification for owning registered ship.**

(1) Subject to Sections 15 and 17, the Registrar shall not register a ship under this Act unless—

- (a) the ship is owned wholly by a qualified person, or by persons each of whom is a qualified person; and



(b) the ship is not registered in any other country.

(2) For the purposes of this Act—

(a) a person who is a citizen of Papua New Guinea; and

(b) a corporation—

(i) that is established under, and is subject to, the laws of Papua New Guinea; and

(ii) that has its principal place of business in Papua New Guinea, being a corporation that is—

(iii) registered by the National Investment and Development Authority to carry on business as a shipowner in Papua New Guinea; or

(iv) a local enterprise within the meaning of Section 2 of the *National Investment and Development Act*,

is a qualified person and no other person is a qualified person.

(3) Where the Minister has reasonable cause to believe, and does believe, that any ship registered under this Act should not continue to be so registered, he may direct the Registrar to require the master and owner of the ship, or either of them, to produce evidence to the satisfaction of the Minister that the ship should continue to be so registered.

(4) If within such time as may be determined by the Minister, not being less than 30 days, the evidence referred to in Subsection (3) is not produced, the ship is liable to forfeiture.

#### 15. Registration of Government ships.

(1) The regulations shall provide for the registration of Government ships.

(2) The regulations may exempt a Government ship or class of Government ships from the whole or any of the provisions of this Part.

(3) Subject to Subsection (2), this Act applies to Government ships that are registered under this Act.

#### 16. Obligation to register ships.

(1) In this section, a reference to an exempt ship shall be read as a reference to a ship that is—

(a) an air cushioned vehicle; or

(b) less than 10 m in length; or

(c) in the opinion of the Registrar, of traditional build; or

(d) employed solely in navigation on internal waters; or

(e) a pleasure craft.

(2) The owner or owners of a ship that is—

(a) owned wholly by a qualified person or by persons each of whom is a qualified person; and

(b) not registered in any other country,

other than an exempt ship, shall apply for the registration of the ship under this Act.

(3) The owner or owners of an exempt ship that is—

(a) owned wholly by a qualified person or by persons each of whom is a qualified person; and

(b) not registered in any other country,  
may apply for the registration of the ship under this Act.

#### 17. Automatic registration of certain ships.

A ship—

- (a) that was, immediately before the commencement date, registered in accordance with the Merchant Shipping Acts of the United Kingdom at a port that becomes, after the commencement date, the principal port of registry or a port of sub-registry under this Act; and
- (b) that is wholly owned by a qualified person or by persons each of whom is a qualified person,

shall immediately on receipt by the Registrar of an application under this section by the owner or owners, accompanied by evidence to the satisfaction of the Registrar that registry under the Merchant Shipping Acts of the United Kingdom has been closed, be deemed to be registered under this Act, and the Registrar shall issue a certificate of registry accordingly.

#### 18. Survey and measurement of ship.

(1) Subject to Subsection (5), a ship shall, before registry, be surveyed by a surveyor and, subject to Subsection (4), its tonnage shall be ascertained by the surveyor in the prescribed manner and notified to the Safety Officer who shall issue a tonnage certificate in respect of the ship.

(2) A tonnage certificate shall—

- (a) be in the prescribed form; and
- (b) specify the tonnage and build of the ship and such other particulars in respect of the ship as are prescribed; and
- (c) before the ship is registered, be delivered to the Registrar or to an assistant to the Registrar.

(3) The fees to be paid by the owner or owners of the ship to a surveyor in respect of a survey under this section are as prescribed.

(4) Until regulations are made by which the tonnage of a ship may be ascertained, the tonnage of a ship may, if the Safety Officer so approves in the particular case, be taken to be the tonnage of the ship as ascertained in, and evidenced in writing in a form generally recognized in, another country, unless, in the opinion of the Safety Officer, the ship has been altered since the tonnage of the ship was so ascertained.

(5) Where an application is made to the Registrar for the registration of a ship that was, immediately before the commencement date, registered at a port in Papua New Guinea under a law other than the Merchant Shipping Acts of the United Kingdom, the Safety Officer may determine the tonnage of the ship and may issue a tonnage certificate for the ship.

#### 19. Marking of ship.

(1) A ship in respect of which an application for registration is made shall not be registered unless the ship has first been marked permanently and conspicuously in the prescribed manner.

(2) The marks required by this section to be placed on a ship shall be permanently continued and no alteration shall be made to those marks except as provided by this Act.

(3) An owner or master of a ship registered under this Act who fails to cause the ship to be marked as required by this section, or to keep the ship so marked, is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

Default penalty: A fine not exceeding K50.00.

(4) A person who conceals, removes, alters, defaces or obliterates any mark required by this Act to be placed and kept on a ship, except as provided by this Act or for the purposes of escaping from an enemy, is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(5) The Minister may, by notice in the National Gazette, exempt the owner or master of any ship or class of ships from complying, in whole or in part, with the requirements of this section.

## **20. Application for registration.**

(1) An application for the registration of a ship under this Act shall be made by the owner or owners to the Registrar, or to an assistant to the Registrar, in the prescribed form.

(2) An application under Subsection (1) shall be made—

(a) where the owner is a corporation—by the agent of the corporation; or

(b) where the owner is not a corporation—by the person or persons seeking the registration of the ship or by his or their agent.

(3) The authority of the agent referred to in Subsection (2) shall be in writing, and—

(a) in the case of an agent appointed by a corporation—under the common seal of the corporation; and

(b) in the case of a person or persons other than a corporation—under the hand of that person or those persons.

(4) The Registrar may require proof, to his satisfaction—

(a) of the ownership; and

(b) of the seaworthiness,

of a ship before proceeding with the registration of the ship.

(5) An application for the registration of a ship under this Act shall be accompanied by such evidence in respect of the ship as may be prescribed.

## **21. Declaration of ownership on registry.**

A person shall not be entitled to be registered as owner of a ship until he, or in the case of a corporation, a person authorized under the common seal of the corporation to make declarations on behalf of the corporation, has made and signed a declaration of ownership referring to the ship as described in the tonnage certificate and containing the prescribed particulars.

## **22. Registration of ships.**

(1) Where the requirements of this Act relating to a ship before registry have been complied with, the Registrar shall, on payment of the prescribed fee, register the ship by allotting to the ship a registry number and by entering in the Register the name of the ship, the registry number allotted to the ship and such other particulars in respect of the ship as are prescribed.

(2) The Registrar shall not register a ship by a name by which a ship is already registered under this Act or, except in accordance with the direction of the Minister, by a name that is, in the opinion of the Registrar, undesirable.

(3) Where a ship has been registered under Subsection (1), the Registrar shall retain the documents submitted in connexion with the application for registration as are prescribed.

### 23. Certificate of registry.

(1) As soon as practicable after the registration of a ship the Registrar shall grant to the owner or owners a certificate of registry in the prescribed form.

(2) The certificate of registry shall be kept in a safe place on the ship.

(3) The certificate of registry of a ship shall be used only for the lawful navigation of the ship and shall not be subject to detention by reason of any title, lien, charge, or interest had or claimed by any owner, mortgagee, or other person to, on or in the ship.

(4) A master or owner of a ship who uses, for the navigation of the ship, a certificate of registry not legally granted in respect of the ship is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(5) A person who—

(a) has in his possession or under his control the certificate of registry of a ship; and

(b) refuses or fails, without reasonable cause, to deliver the certificate on demand to—

(i) the person entitled to its custody for the purposes of the lawful navigation of the ship; or

(ii) the Registrar; or

(iii) any other person entitled by law to require its delivery,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(6) If the master of a ship in respect of which the owners are required by Section 16(2) to apply for registration fails on demand by the Safety Officer to produce to the Safety Officer the certificate of registry of the ship, the ship may be detained by the Safety Officer until the certificate is produced.

(7) The Registrar may, on the delivery to him of a certificate of registry granted under Subsection (1), grant a new certificate in its place.

### 24. Provisional registration.

(1) Where—

(a) a ship at a place outside the country becomes wholly owned by a qualified person, or by persons each of whom is a qualified person; and

(b) either—

(i) that person, or one or more of those persons, declares to the Registrar or to a proper officer an intention to apply to have the ship registered under this Act; or

- (ii) the master of the ship makes such a declaration and declares in that declaration that he is authorized by the owner or by one or more of the owners to make the declaration,

the Registrar or the proper officer, as the case may be, may grant a provisional certificate of registry for the ship in the prescribed form.

(2) Where a provisional certificate of registry is granted by a proper officer under Subsection (1)(b) the proper officer shall forward to the Registrar a copy of the certificate.

(3) A provisional certificate of registry granted under Subsection (1) shall be deemed to be a certificate of registry granted under Section 23(1)—

- (a) until the expiry of three months after the date on which it was granted; or
- (b) until the expiry of 10 days after the arrival of the ship at the principal port of registry or at a port of sub-registry,

whichever is the earlier.

(4) The master of a ship in respect of which a provisional certificate of registry is granted under Subsection (1) who fails, within 10 days after the first arrival of the ship at the principal port of registry or at a port of sub-registry, to deliver the certificate to the Registrar or to an assistant to the Registrar is guilty of an offence.

Penalty: A fine not exceeding K200.00.

## 25. Provision for loss of certificate of registry in Papua New Guinea.

(1) This section applies to a ship the certificate of registry of which, or the provisional certificate of registry of which, is lost, mislaid or destroyed while the ship to which the certificate applies is in the country or while the ship is proceeding on a journey with its next port of call in the country.

(2) Where a certificate of registry or a provisional certificate of registry has been lost, mislaid or destroyed, the Registrar shall, on application by the owner or owners of a ship to which this section applies, supported by a declaration made by a person having knowledge of the facts of the case setting out those facts, issue—

- (a) in the case of a certificate of registry—a certified copy of the certificate of registry; or
- (b) in the case of a provisional certificate of registry—a certified copy of the provisional certificate of registry,

in respect of the ship.

## 26. Provision for loss of certificate outside Papua New Guinea.

(1) This section applies to a ship other than a ship to which Section 25 applies.

(2) Where a certificate of registry or a provisional certificate of registry of a ship to which this section applies is lost, mislaid or destroyed, the proper officer at the port at which the ship next arrives shall, on an application made by or on behalf of the owner or owners of the ship supported by a declaration by a person having knowledge of the facts of the case setting out those facts, issue—

- (a) in the case of a certificate of registry—a certified copy of the certificate of registry; or
- (b) in the case of a provisional certificate of registry—a certified copy of the provisional certificate of registry,

in respect of the ship.

(3) Where a proper officer has issued a certified copy of a certificate of registry or a certified copy of a provisional certificate of registry under Subsection (2), he shall forward a copy of that certificate to the Registrar.

**27. Change in ownership.**

Where a change occurs in the ownership of a ship registered under this Act by reason of a transfer of the ship to a qualified person—

- (a) notification of the change shall be given to the Registrar; and
- (b) the certificate of registry shall be endorsed in the prescribed manner.

**28. Delivery of certificate where ship is lost or an owner ceases to be a qualified person.**

(1) Where—

- (a) a ship registered under this Act is either actually or constructively lost, taken by the enemy, burnt or broken up; or
- (b) a person who is the owner of a ship registered under this Act, whether alone or jointly with other persons, ceases to be a qualified person; or
- (c) a person who is the owner of a ship registered under this Act transfers the ownership of the ship to a person who is not a qualified person,

the owner of the ship or, if the ship is owned by more than one person, each of those persons, unless he has given written notice of the fact to the Registrar or to an assistant to the Registrar within 72 hours after the time when he first had knowledge of the fact, is guilty of an offence.

Penalty: A fine not exceeding K1 000.00

(2) Where—

- (a) an event referred to in Subsection (1)(a) occurs or a circumstance referred to in Subsection (1)(b) arises; and
- (b) two or more persons own the ship concerned; and
- (c) any one of those persons, within 72 hours after the time when that person first had knowledge of the fact, gives notice to the Registrar or to an assistant to the Registrar,

the notice shall be deemed to have been given not only by that person but also by such of those persons (if any) as did not have knowledge of the fact at the time when the first-mentioned person first had knowledge of the fact.

(3) Where an event referred to in Subsection (1)(a) occurs or a circumstance referred to in Subsection (1)(b) or (c) arises, the Registrar may direct the person who has the certificate of registry or the provisional certificate of registry in his possession to deliver, within 30 days after the occurrence of the event, or after the circumstance has arisen, the certificate or the provisional certificate, as the case may be, to the Registrar or to an assistant to the Registrar or to a proper officer.

(4) A person who refuses or fails to comply with a direction given under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(5) The Registrar shall, on receipt of a notice specifying that an event referred to in Subsection (1)(a) has occurred in relation to a ship, make or cause to be made an entry in

the Register of the event, and the registry of the ship in the Register shall be deemed to be closed except in so far as relates to any unsatisfied mortgage of the ship.

(6) The Registrar shall, on receipt of notice that a circumstance specified in Subsection (1)(b) or (c) has arisen, make or cause to be made an entry in the Register that notice has been received and, subject to this section, the registry of the ship shall be deemed to be closed.

(7) Where, at the time when the Registrar receives notice that a circumstance referred to in Subsection (1)(b) or (c) is applicable in relation to the owner or owners of a ship registered under this Act, the ship is subject to an undischarged mortgage entered in the Register, the Registrar shall give to the mortgagee written notice specifying the circumstances so applicable.

(8) If, within 30 days after notice is given to the mortgagee under Subsection (7), an application is not made to the National Court for an order under Subsection (9), the registry of the ship in the Register shall, subject to Subsection (11), be deemed to be closed on the expiration of that period.

(9) If, before the expiration of the period of 30 days referred to in Subsection (8) or within such further time as the National Court, on an application made before or after the expiration of that period, allows, an application is made to the National Court for an order under this subsection, the National Court may order the sale of the ship and direct that the proceeds of the sale, after deducting the expenses of the sale, be paid first to the mortgagee or, if there are two or more mortgages, to the mortgagees in order of priority and, after satisfaction of the mortgage or mortgages, to the owner or owners of the ship.

(10) Where the National Court grants an application for an extension of time within which an application for an order under Subsection (9) may be made, it may grant the extension on such terms and conditions as to costs and otherwise as it thinks just.

(11) On an application for an order under Subsection (9), the National Court may give such directions with respect to the closure of the registry of the ship as it thinks fit, and the Registrar shall give effect to any directions given by the National Court.

## **29. Registry of alterations.**

(1) Where a ship registered under this Act is so altered as not to correspond with the particulars relating to the tonnage certificate or to the description of the ship contained in the Register, the owner of the ship must, within 21 days, make, or cause to be made, to the Registrar a written application to register the alteration.

(2) An owner of a ship who refuses or fails to comply with the provisions of Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

(3) An application made under Subsection (1) shall be accompanied by a tonnage certificate issued under Section 18.

(4) The Registrar, on receipt of an application under Subsection (1) and on receipt of the prescribed fee (if any), shall cause the alteration to be registered.

(5) In causing the alteration of a ship to be registered, the Registrar shall cancel the certificate of registry and shall grant a new certificate of registry and shall make the prescribed entries in the Register.

**30. Owner to furnish particulars.**

(1) The owner of a ship registered under this Act must—

(a) within 28 days after the expiration of a period of five years from the date of grant of a certificate of registry under Section 23(1); and

(b) within 28 days after the expiration of each further period of five years,

furnish the Registrar with such particulars in respect of the ship as may be prescribed.

(2) An owner of a ship who refuses or fails to comply with the provisions of Subsection

(1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

*Division 3.—Transfers and Transmission.*

**31. Transfer to be by bill of sale.**

(1) Where a ship registered under this Act is disposed of to a qualified person, or to persons each of whom is a qualified person, the ship shall be transferred by a bill of sale.

(2) A bill of sale shall—

(a) be in the prescribed form; and

(b) be executed by the transferor and the transferee in the presence of, and be attested by, a witness or witnesses.

**32. Declaration of transfer.**

Where a ship registered under this Act is transferred, the transferee is not entitled to be registered as owner of the ship until he, or in the case of a corporation, a person authorized by this Act to make declarations on behalf of the corporation, has made and signed a declaration of transfer in the prescribed form referring to the ship and containing—

(a) statements that show that the transferee is a qualified person, or, where there is more than one transferee, that each transferee is a qualified person; and

(b) a statement that, to the best of his knowledge and belief, only a qualified person, or persons each of whom is a qualified person, is or are entitled as owner to any legal or beneficial interest in the ship or a share in the ship.

**33. Registration of transfer.**

(1) Every bill of sale for the transfer of a ship registered under this Act, when duly executed, shall be produced to the Registrar with the declaration of transfer referred to in Section 32, and the Registrar shall—

(a) enter into the Register the name of the transferee as owner of the ship; and

(b) endorse on the bill of sale the fact of the entry having been made, with the day and hour of the entry.

(2) Bills of sale of a ship registered under this Act shall be entered in the Register in the order of their production to the Registrar.

**34. Transmission of property in ship on death, insolvency, etc.**

(1) Where the property in a ship registered under this Act is transmitted to a qualified person, or to persons each of whom is a qualified person, on the death or insolvency of any registered owner, or by any lawful means other than by a transfer made under this Act, that



person shall authenticate the transmission by making and signing a declaration of transmission in the prescribed form identifying the ship, and the declaration of transmission shall contain such statements and shall be accompanied by such documents as are prescribed.

(2) The Registrar, on receipt of the declaration of transmission under Subsection (1), accompanied by the statements and documents referred to in that subsection, shall enter in the Register—

- (a) the name of the person entitled under the transmission as owner of the ship the property in which has been transmitted; and
- (b) where there is more than one such person—the names of all such persons, but those persons, however numerous, shall, for the purposes of the provisions of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

**35. Order for sale on transmission to unqualified person.**

(1) Where the property in a ship registered under this Act is transmitted on death or insolvency or otherwise to a person who is not a qualified person, or to persons one or more of whom is not a qualified person, the National Court may, on application by or on behalf of that person or one or more of those persons—

- (a) order a sale of the property so transmitted; and
- (b) direct that the proceeds of the sale, after deducting the expenses of the sale, be paid to the person or persons entitled under the transmission or otherwise as the National Court directs.

(2) The National Court may require any evidence it thinks fit in support of the application referred to in Subsection (1) and may make the order on any terms and conditions it thinks just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) An application under Subsection (1) shall be made within 30 days after the occurrence of the event on which the transmission has taken place, or within such further time, not exceeding in the whole one year from the date of the occurrence, as the National Court allows.

(4) If the application is not made within the time specified in Subsection (3) or if the National Court refuses an order for sale, the ship transmitted is liable to forfeiture.

**36. Transfer of ship or sale by order of National Court.**

(1) Where the National Court orders the sale of a ship registered under this Act, the order shall contain a declaration vesting in a person or persons specified in the order the right to transfer the ship, and that person is entitled to transfer the ship in the manner and to the same extent as if he were the registered owner of the ship.

(2) The Registrar shall obey the requisition of the person named in a declaration under Subsection (1) in respect of any such transfer to the same extent as if that person were the registered owner.

**37. National Court may prohibit transfer.**

(1) The National Court may, if it thinks fit, and without prejudice to any other of its powers, on the application of a person claiming an interest in a ship registered under this Act, make an order prohibiting for the time specified in the order any dealing with that ship.

(2) The National Court may make an order under Subsection (1) on any terms or conditions it thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires.

(3) The Registrar, after being served with a copy of an order made under this section, shall not register any dealing prohibited by the order.

### **38. Certain transfers require consent of the Minister.**

(1) A person who, without the written consent of the Minister, attempts to transfer a ship to a person other than a qualified person, or to persons one or more of whom is not a qualified person, where—

(a) the ship has a gross tonnage exceeding 500 tons; and

(b) less than 20 years have elapsed since the first registration of the ship whether under a law in force, before or after the commencement date, in Papua New Guinea or elsewhere,

is guilty of an offence.

Penalty: A fine not exceeding K 2 000.00 or imprisonment for a term not exceeding 12 months.

(2) A transaction by which a person purports to transfer a ship in contravention of Subsection (1) is void and of no effect.

### *Division 4.—Mortgages.*

### **39. Method of mortgage of ship.**

(1) A ship registered under this Act may be made a security for a loan or other valuable consideration, and the mortgage shall be in the prescribed form.

(2) The Registrar, on the production to him of a mortgage, shall register the mortgage by making an entry of the mortgage in the Register.

(3) The Registrar shall—

(a) register mortgages in the order in which they are produced to him for that purpose; and

(b) endorse and sign a memorial on each mortgage, stating the date and time that it was produced to him.

### **40. Entry of discharge of mortgage.**

(1) The Registrar, after production to him of a discharge of mortgage in the prescribed form, shall make an entry in the Register that the mortgage has been discharged.

(2) On an entry being made under Subsection (1) the estate (if any) which passed to the mortgagee vests in the person in whom, having regard to intervening acts and circumstances (if any), it would have vested if the mortgage had not been made.

### **41. Priority of mortgages.**

(1) Where there are more mortgages than one registered in respect of the same ship registered under this Act, the mortgagees are, notwithstanding any express, implied, or constructive notice, entitled in priority one over the other, according to the date and time at which each mortgage is produced to the Registrar and not according to the date of each mortgage itself.

(2) A registered mortgage—

- (a) shall not be affected by any act of insolvency committed by the mortgagor after the date of registration of the mortgage, notwithstanding that the mortgagor where he is adjudicated to be insolvent, at the commencement of his insolvency had the ship in his possession, order or disposition, or was the reputed owner of the ship; and
- (b) shall be preferred to any right, claim or interest in the ship of the other creditors of the insolvent or any trustee or assignee on their behalf.

**42. Powers of mortgagee.**

(1) Except as may be necessary for making a mortgaged ship available as a security for the mortgage debt, a mortgagee shall not by reason of the mortgage, be deemed to be the owner of the ship nor shall a mortgagor be deemed to have ceased to be the owner of the ship.

(2) Subject to Subsection (3) and to Section 38, a registered mortgagee shall have power absolutely to dispose of the ship in respect of which he is registered and to give effectual receipts for the purchase money.

(3) Where there are more persons than one registered as mortgagees of the same ship, a subsequent mortgagee shall not, except under an order of the National Court, sell the ship without the concurrence of every prior mortgagee.

**43. Transfer of mortgage.**

(1) A registered mortgage of a ship may be transferred to any person by registration of the instrument of transfer in the prescribed form.

(2) On the production to the Registrar of an instrument of transfer of a registered mortgage and of the mortgage to which the instrument of transfer relates, the Registrar shall—

- (a) register the transfer by making an entry of the transfer in the Register; and
- (b) endorse and sign on the mortgage and on the instrument of transfer a memorial stating the date and time of the production to him of the instrument of transfer and mortgage.

**44. Transmission of interest in mortgage by death, insolvency, etc.**

(1) Where the interest of a mortgagee in a ship is transmitted to any person on the death or insolvency of the mortgagee, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration referred to in Subsection (1) shall be in the prescribed form and shall contain a statement of the manner in which, and the person to whom, the interest has been transmitted, and shall be accompanied by such evidence as is prescribed.

(3) The Registrar after receipt of the declaration referred to in Subsection (1) and accompanying evidence, shall enter the name of the person entitled under the transmission in the Register as the mortgagee of the ship.

**45. Registrar may require information.**

(1) The Registrar may, where he has reason to believe that the Register does not contain accurate particulars in respect of a ship registered under this Act, direct the owner of the ship, or any other person in possession of information relating to the ship, to furnish him with information in respect of the ship.

(2) A person who, after having been given a direction under Subsection (1), fails to comply with that direction is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**46. Notice of trusts not received.**

(1) No notice of any trust, express, implied or constructive, shall be entered in the Register or shall be received by the Registrar.

(2) Subject to this Act, and to any rights and powers appearing on the face of the Register to be vested in any other person, the registered owner of a ship has absolute power to dispose of the ship and to give effectual receipts for any money paid or advanced by way of consideration.

**47. Equities not excluded by Act.**

The expression "beneficial interest" where used in this Act includes interests arising under contract and other equitable interests and the intention of this Act is that, without prejudice to—

- (a) the provisions of this Act for preventing notice of trusts from being entered in the Register or received by the Registrar; and
- (b) the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees; and
- (c) the provisions of this Act relating to the exclusion of unqualified persons from the ownership of ships registered under this Act,

interests arising under contract and other equitable interests may be enforced by or against the owner or mortgagee of any ship in respect of his interest in the ship in the same manner as in respect of any other personal property.

**48. Liability of owners.**

(1) Subject to Subsection (2), where a person has a beneficial interest in a ship registered under this Act and that ship is registered in the name of some other person as owner, the person having the interest shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this Act on the owners of ships, and proceedings may be taken for the enforcement of any such penalties against both or either of those persons, with or without joining the other of them.

(2) Subsection (1) does not apply to a person having a beneficial interest by way of mortgage, except in the case of a mortgagee in possession of a ship.

**49. Names of registered ships.**

An owner or master of a ship registered under this Act who permits the ship to be described by a name other than that by which the ship is for the time being registered is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**50. Proportion of crew to be citizens.**

The master or owner of a ship registered under this Act who permits the ship to go to sea knowing the ship to have a crew consisting of less citizens than the prescribed proportion of the crew, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

**51. Reduction of fees where majority of crew are citizens.**

(1) In this section a reference to a ship shall be read as a reference to a ship registered under this Act, being a ship of more than 500 tons gross.

(2) Where in respect of a ship, a person has paid an annual registration fee under Section 52 and, during the whole of the period to which the fee relates, a prescribed proportion of the crew of the ship consists of citizens, the person who has paid the fee shall be entitled to a refund of such part of the fee as is prescribed.

**52. Annual registration fees.**

(1) The owner of a ship registered under this Act is liable, on the expiration of a period of 12 months after the date of registration of the ship and on the expiration of similar periods afterwards to pay the prescribed annual registration fee.

(2) Where an annual registration fee is not paid within 30 days of the date on which the fee becomes due and payable, a Court may, on application by the Registrar, direct the amount remaining unpaid to be levied by distress or by the sale of the ship or the equipment of the ship.

**PART IV.—SAFETY.**

*Division 1.—Preliminary.*

**53. Application of Part IV.**

(1) This Part, unless the contrary intention appears, applies to, and in relation to, a ship that—

- (a) is registered under this Act; or
- (b) is not registered under this Act, being a ship that is at a port or place in the country; or
- (c) is an offshore ship.

(2) This Part does not apply to, or in relation to—

- (a) a ship that—
  - (i) in the ordinary course of her voyage would not have been required to comply with this Part; and
  - (ii) is compelled by stress of weather, or by *force majeure*, to take refuge in a port or place in Papua New Guinea; or
- (b) a troopship; or
- (c) a ship that, in the opinion of the Registrar is of traditional build; or
- (d) a pleasure craft; or
- (e) a ship that is less than 10m in length; or
- (f) an air cushioned vehicle.

**54. Exemption of particular ships.**

The Minister may, by notice in the National Gazette, subject to such conditions (if any) as he thinks fit, exempt a particular ship or a particular class of ship that is—

- (a) employed in navigation solely on internal waters; or
- (b) 10m or more and less than 15m in length,

from any requirement of this Part.

**55. Safety Officer.**

(1) The Minister shall, by notice in the National Gazette, appoint a person to be the Safety Officer for the purposes of this Act.

(2) The Safety Officer, or a delegate of the Safety Officer, is not liable for any act or omission done or made by him bona fide and without negligence under, or for the purposes of, this Act.

**56. Delegation by Safety Officer.**

Subject to this Act, the Safety Officer may, by instrument, delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

**57. Surveyors of ships.**

(1) The Minister may, by notice in the National Gazette, appoint as many persons, including corporations and unincorporated bodies of persons, to be surveyors of ships as, in his opinion, are necessary for the purposes of this Act.

(2) Where a corporation or an unincorporated body of persons is appointed under Subsection (1), it shall, if the Minister so directs, nominate persons to—

- (a) carry out surveys; or
- (b) issue certificates; or
- (c) do all other things necessary on its behalf.

(3) A nomination under Subsection (2) shall be notified to the Registrar and on receiving such notification, the Registrar shall cause to be published in the National Gazette notice of that nomination.

*Division 2.—International Maritime Conventions.*

**58. Conventions to have effect.**

(1) Subject to this Act and to any other law, the Collisions Convention, the Load Line Convention and the Safety Convention shall have the force of law.

(2) Where, in respect of a ship that is—

- (a) registered under this Act; and
- (b) a Load Line Convention ship or a Safety Convention ship,

there is a failure to comply with a requirement of the Load Line Convention or the Safety Convention, the master or owner of the ship is guilty of an offence.

(3) Where, in respect of—

- (a) a ship that is registered under this Act; and

(b) any ship that is within the territorial waters of Papua New Guinea, the master or the owner or any other person fails to comply with a requirement of the Collisions Convention, the master or the owner of the ship or that other person is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

Default penalty: A fine not exceeding K200.00.

#### 59. Implementation of Conventions.

(1) The regulations may make provision for, or in relation to, the implementation of, or giving effect to, the Collisions Convention, the Load Line Convention and the Safety Convention.

(2) Where, under the Load Line Convention or under the Safety Convention, the several countries that are parties to the Load Line Convention or to the Safety Convention, as the case may be, have a discretion as to whether any, and if so what, action should be taken under them, that discretion may be exercised by the Minister.

(3) Notwithstanding any requirement under this Act, for the purpose of giving effect to, or implementing any provision of the Load Line Convention or of the Safety Convention which requires a particular fitting, material, appliance or apparatus or type of fitting, material, appliance or apparatus to be fitted or carried in a ship, or any particular provision to be made in a ship, the Minister may allow any other fitting, material, appliance or apparatus or type of fitting, material, appliance or apparatus to be fitted or carried, or any other provision to be made, if he is satisfied that that other fitting, material, appliance or apparatus, or type of fitting, material, appliance or apparatus or provision, is at least as effective as that required by the Load Line Convention or by the Safety Convention, as the case may be.

(4) Where, under the Load Line Convention or under the Safety Convention, the several countries that are parties to the Load Line Convention or the Safety Convention, as the case may be, are under a duty to do any act or thing, that act or thing shall be done by the Minister.

#### 60. Application of this Part to certain Convention ships.

Where a ship is a Load Line Convention ship or a Safety Convention ship, the provisions of this Part apply only in so far as they are applicable to and relevant to such a ship.

#### *Division 3.—Requirement for Safety Certificates.*

#### 61. Ship not to go to sea without safety certificate.

(1) Subject to Section 62, a ship must not go to sea unless there are in force in respect of the ship such certificates as are required under this Part.

(2) Where a ship goes to sea in contravention of Subsection (1), the owner or master is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

#### 62. Ship may go to sea without safety certificate in certain circumstances.

(1) This section applies where—

(a) a ship is not—

(i) registered under this Act; or

- (ii) a Load Line Convention ship; or
- (iii) a Safety Convention ship; and
- (b) the Safety Officer is satisfied that the ship may proceed to sea without danger to—
  - (i) the ship; or
  - (ii) the passengers or crew of the ship; or
  - (iii) the crew of the ship.

(2) Where this section applies, the Safety Officer may—

- (a) notwithstanding any other requirement of this Part; and
- (b) subject to such conditions as he thinks fit,

allow a ship to go to sea without a safety certificate.

(3) Where, under Subsection (2), the Safety Officer allows a ship to go to sea without a safety certificate, he shall give to the master of the ship a written statement setting out—

- (a) the circumstances of the case; and
- (b) the conditions (if any) under which the ship is allowed to go to sea.

#### **63. Certificates to be produced before ship goes to sea.**

(1) The Safety Officer may, before a ship goes to sea, direct the master of the ship to produce to him—

- (a) such certificates as are required under this Part to be in force in respect of the ship; or
- (b) a written statement referred to in Section 62(3).

(2) A master of a ship who refuses, or fails without reasonable cause, to comply with a direction given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

#### *Division 4.—Surveys and Inspections.*

#### **64. Ships subject to survey.**

Subject to this Act, a ship is subject to such surveys and inspections as are prescribed.

#### **65. Powers of surveyor.**

(1) A surveyor, may at any reasonable time—

- (a) go on board a ship and survey or inspect the ship; and
- (b) require any certificate, or other document relating to the ship, to be produced to him.

(2) A surveyor shall not, in exercising his powers under this section, unnecessarily—

- (a) detain a ship; or
- (b) delay a ship from going to sea.

(3) A person who—

- (a) obstructs or hinders a surveyor in the exercise of his powers under this section; or



(b) refuses, or fails without reasonable cause, to comply with any requirement made by a surveyor under this section,  
is guilty of an offence.

Penalty: A fine not exceeding K500.00.

**66. Special examination of ships.**

(1) For the purposes of a survey or of an inspection of a ship, the Safety Officer may, if he thinks fit, direct an owner or the master of the ship to have the ship—

- (a) slipped; or
- (b) taken into dock; or
- (c) otherwise dealt with.

(2) A person who refuses, or fails without reasonable cause, to comply with a direction under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K500.00.

**67. Requirement to notify Safety Officer of change in condition of ship.**

(1) In this section "ship" means a ship that is—

- (a) registered under this Act being a ship that is not a ship referred to in Section 53(2); or
- (b) not registered under this Act being a ship in respect of which a safety certificate has been issued under this Act.

(2) Where the efficiency or safety of a ship is impaired because of—

- (a) replacement of, or damage or alteration to, a part of the ship; or
- (b) any other circumstances,

an owner or the master of the ship who fails, without reasonable cause, within seven days to notify the Safety Officer of that fact or those circumstances is guilty of an offence.

Penalty: A fine not exceeding K500.00.

**68. Regulations for surveys and inspections.**

The regulations may make provision for and in relation to—

- (a) the manner of survey or inspection of ships; and
- (b) the periods within which ships shall be inspected; and
- (c) the circumstances in which, at the request of the owner of a ship, a survey or inspection may be carried out; and
- (d) the manner in which a surveyor shall report to the Safety Officer on completion of a survey or of an inspection; and
- (e) the exemptions from survey which may be granted by the Safety Officer in respect of a particular ship or a particular class of ship; and
- (f) the manner in which a Survey Master Sheet of a ship shall be maintained and carried in the ship and made available for inspection; and
- (g) the persons or class of persons who may require a Survey Master Sheet to be made available for inspection; and
- (h) the determination by the Safety Officer of the periods within which parts of ships shall be inspected.

*Division 5.—Issue of Safety Certificates.***69. Application for survey.**

(1) Where an owner or the master of a ship other than—

- (a) a Load Line Convention ship; or
- (b) a Safety Convention ship,

seeks the issue of a safety certificate he may apply in the prescribed manner to the Safety Officer for the ship to be surveyed.

(2) Where an owner or the master of a Load Line Convention ship or a Safety Convention ship seeks the issue of a safety certificate, he may apply to a prescribed surveyor for the ship to be surveyed.

(3) On receipt of an application made under Subsection (1) the Safety Officer shall nominate a surveyor who may cause the ship to be surveyed or inspected.

**70. Issue of safety certificate.**

(1) A surveyor nominated under Section 69(3) shall, on completion of a survey or inspection under that subsection, deliver to the Safety Officer a written report of the inspection or survey.

(2) Where the surveyor nominated under Section 69(3) is satisfied that the ship complies with the requirements of this Act he shall—

- (a) complete a declaration to that effect in the prescribed form; and
- (b) deliver the declaration to the Safety Officer.

(3) Where the Safety Officer—

- (a) has received—
  - (i) the report referred to in Subsection (1); and
  - (ii) the declaration referred to in Subsection (2); and
  - (iii) the Survey Master Sheet; and
- (b) is satisfied that the ship complies with the requirements of this Act,

he shall, subject to such conditions (if any) as he thinks fit, grant a safety certificate in respect of the ship.

(4) Where the prescribed surveyor referred to in Section 69(2) is satisfied that he may do so, he shall grant a safety certificate in respect of a ship.

**71. Cancellation or suspension of safety certificate.**

(1) Where, in the opinion of the Safety Officer—

- (a) a report or declaration referred to in Section 70 has been in any particular made fraudulently or erroneously; or
- (b) a safety certificate has been issued on false or erroneous information; or
- (c) since the making of the last declaration in respect of a survey, a ship has been altered, replaced or damaged to such an extent or in such a manner as to affect adversely the efficiency or seaworthiness of the ship,

the Safety Officer shall cancel or suspend the safety certificate of the ship.

(2) Where a safety certificate is cancelled or suspended under Subsection (1), the Safety Officer may require the owner of the ship to which the certificate relates to have the ship re-surveyed before the issue of a new certificate or the removal of the suspension.

**72. Delivery up of safety certificate.**

(1) Where a safety certificate has—

- (a) expired; or
- (b) been cancelled; or
- (c) been suspended,

the Safety Officer may direct a person having the certificate in his custody or possession to deliver up the certificate.

(2) A person who refuses, or fails without reasonable cause, to obey a direction given by the Safety Officer under this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) Where a person contravenes Subsection (1), the ship to which the certificate relates may be detained until the certificate has been delivered up to the Safety Officer.

**73. Periodical or continuous surveys.**

Where an owner or the master has failed to comply with a provision of this Act relating to periodical or continuous inspections or surveys, the ship in respect of which he has so failed to comply may be detained until the Safety Officer is satisfied that she may go to sea.

**74. Alteration of ships.**

An owner or the master of a ship in respect of which a safety certificate has been issued who knowingly or negligently alters the ship or permits the ship to be altered so that the certificate becomes, or may become, inapplicable to the altered state of the ship, is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

**75. Safety certificate to be displayed.**

A master of a ship in respect of which a safety certificate has been issued who fails to cause the certificate or a certified copy of the certificate to be continuously displayed in some prominent and accessible place on the ship is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**76. Regulations for safety certificates.**

The regulations may make provision for and in relation to—

- (a) the type and form of safety certificates; and
- (b) the duration of, or extensions to the duration of, the validity of safety certificates; and
- (c) the circumstances in which safety certificates may be cancelled or suspended; and
- (d) the manner in which safety certificates may be endorsed; and
- (e) the determination by the Safety Officer of—
  - (i) the plans and documents which shall be required to accompany an application for the survey of a ship; and
  - (ii) the period by which the duration of a safety certificate may be extended.

**77. Ships required to carry certain equipment.**

(1) Where a ship goes to sea without carrying the equipment which is required by—

- (a) this Act; or
- (b) the Collisions Convention; or
- (c) the Load Line Convention; or
- (d) the Safety Convention,

to be carried on or fitted in the ship, the owner and master of the ship are each guilty of an offence.

(2) Where any equipment or fitting—

(a) is required by—

- (i) this Act; or
- (ii) the Collisions Convention; or
- (iii) the Load Line Convention; or
- (iv) the Safety Convention,

to be carried on or fitted in a ship; and

(b) is—

- (i) absent from the ship; or
- (ii) not in good order and ready for use,

the owner and master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

**78. Ship to carry qualified radio operators.**

(1) In this section "ship" means a ship that is required by this Act to carry a radio installation.

(2) Where a ship goes to sea without carrying, as part of her crew, such person or persons qualified to operate the radio installation of the ship as is prescribed, the owner or master of the ship is guilty of an offence.

Penalty: A fine not exceeding K400.00.

**79. Reports by radio.**

(1) In this section "ship" means—

(a) a ship—

- (i) that is registered under this Act; or
- (ii) in respect of which an application is required to be made under Section 16; and

(b) a ship that is—

- (i) licensed under this, or under any other Act, to engage in the coasting trade; and
- (ii) in the opinion of the Minister—engaged in the coasting trade.

(2) The master of a ship who refuses, or fails without reasonable cause, to make by radio a report in the prescribed manner of any serious danger to navigation that comes to his notice while the ship is at sea is guilty of an offence.

(3) The master of a ship who refuses, or fails without reasonable cause, when the ship is at sea within the prescribed area, to make by radio—

- (a) in the prescribed manner; and
- (b) to the prescribed officer; and
- (c) within the prescribed periods,

reports of the position of the ship and of the movements of the ship is guilty of an offence.

Penalty: A fine not exceeding K50.00.

#### **80. Collision offences.**

(1) In this section "ship" means any ship.

(2) For the purposes of the Collisions Convention, "appropriate authority" means the Safety Officer.

(3) Except in the case of a ship that is—

- (a) in distress; and
- (b) requires assistance,

a person who exhibits a signal that is prescribed in the Collisions Convention as being a signal used to designate a vessel that is in distress and that requires assistance is guilty of an offence.

Penalty: A fine not exceeding K500.00.

#### **81. Duty of vessel to assist in case of collision.**

(1) In every case of collision between two vessels it is the duty of the person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers (if any)—

- (a) to render to the other vessel, her master, crew and passengers (if any) such assistance as is practicable and necessary in order to save them from danger caused by the collision; and
- (b) to stay by the other vessel until he has ascertained that she has no need of further assistance; and
- (c) to give to the person in charge of the other vessel—
  - (i) the name of his own vessel and of the port to which she belongs; and
  - (ii) the names of the ports from which she comes and to which she is bound.

(2) Where a person in charge of any vessel fails without reasonable cause to comply with this section, he is guilty of an offence.

Penalty: A fine not exceeding K2000.00 or imprisonment for a term not exceeding 6 months.

#### **82. Hazardous goods.**

(1) This section applies to cargo or goods other than dangerous goods where the cargo or goods, if carried in a particular ship, would in the opinion of the Safety Officer—

- (a) endanger that ship; or

(b) constitute a danger to life.

(2) The Safety Officer may, by direction to the master of a ship—

(a) prohibit the loading into the ship; or

(b) prohibit the carriage in the ship; or

(c) order the removal from the ship; or

(d) direct the manner of the stowage or carriage in the ship,

of cargo or goods to which this section applies.

(3) Where a master of a ship refuses or fails to comply with a direction given by the Safety Officer under Subsection (2), he is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(4) Where the master of a ship is convicted of an offence under Subsection (3), the ship shall be detained until such time as the master has complied with the direction given by the Safety Officer under Subsection (2).

### 83. Powers of master in relation to dangerous goods.

The master or owner of a ship may—

(a) refuse to take on board any package that he suspects may contain dangerous goods; and

(b) open and inspect any package that he suspects may contain dangerous goods; and

(c) discharge, destroy, render innocuous or otherwise deal with any goods that—

(i) in his opinion are dangerous; and

(ii) have been shipped on board the ship without his knowledge and consent,

and shall not be subject to any liability of any kind for doing so.

### 84. Powers of Safety Officer in relation to dangerous goods.

(1) The Safety Officer may, where he is satisfied that dangerous goods are being loaded into, unloaded from or stowed, carried or used in a ship otherwise than in accordance with this Act or with the Safety Convention, direct the owner or master of the ship to take such action in relation to the ship or to the whole or to a part of the cargo of the ship as he thinks fit.

(2) A person who fails to comply with a direction given under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

### 85. Prohibition of dangerous goods.

(1) A person who sends by or onto, brings onto or carries or uses on a ship dangerous goods otherwise than is required or permitted by this Act or by the Safety Convention is guilty of an offence.

Penalty: A fine not exceeding K750.00.

(2) A person who, with intent to conceal the character of dangerous goods, sends by or onto, brings onto or carries or uses on a ship any dangerous goods under a false description is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**86. Forfeiture of dangerous goods.**

(1) Any dangerous goods carried or shipped or used in contravention of this Act may be ordered by the National Court to be forfeited to the State.

(2) Where any order is made under Subsection (1), the dangerous goods shall be forfeited, notwithstanding that—

- (a) no offence has been committed by the owner of the goods; or
- (b) the owner of the goods has had no notice of the proceedings; or
- (c) there is no evidence as to the ownership of the goods.

**87. Oral communication.**

(1) Where, in the opinion of the Safety Officer or of a proper officer, the crew of a ship includes a person who, in the absence of adequate arrangements for transmitting orders or communications to him in a language of which he has sufficient knowledge, may fail to understand those orders or communications and for this reason the safety of the ship may be endangered, the Safety Officer or a proper officer shall direct the master of the ship that the ship shall not go to sea.

(2) A master of a ship to whom a direction has been given under Subsection (1) who refuses, or fails without reasonable cause, to comply with that direction is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**88. Number of persons that may be carried in a ship.**

Where more persons are carried in a ship than the number stated in the safety certificate of the ship as being the maximum number of persons that may be carried in the ship, the owner and master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K400.00 and in addition a fine not exceeding K10.00 for each person carried on board the ship in excess of the number stated in the safety certificate.

**89. Regulations for safety.**

The regulations may prescribe—

- (a) the requirements with which the hull, machinery and equipment of ships shall comply; and
- (b) the appliances to be carried, and the measures to be observed, on ships for—
  - (i) the saving of life at sea; and
  - (ii) the prevention, detection and extinction of fires on ships; and
- (c) the requirements for the holding and recording of musters and drills for crew and passengers; and
- (d) the requirements with respect to—
  - (i) the equipping of ships with radio telephones and radio navigational aids; and
  - (ii) the operation, maintenance and use of radio telephones and radio-navigational aids in ships; and
  - (iii) the number and qualification of the radio telephone operators to be carried on ships; and

- (e) the measures and procedures to be followed and the equipment to be carried on ships to ensure safety of navigation; and
- (f) the requirements which must be complied with in respect of the stowage and carriage of livestock, deck cargo, grain, dangerous goods and hazardous cargoes in ships; and
- (g) the observance of safety standards and procedures on board ships; and
- (h) safety and safeworking practices on board ships; and
- (i) the measures to be observed for the prevention of collisions; and
- (j) the requirements related to the provision and use on ships of lights and signals; and
- (k) the requirements which must be complied with in respect of lights and signals from the shore to ships; and
- (l) for the determination by the Minister of the requirements for the carriage of dangerous goods on Safety Convention ships; and
- (m) for the approval by the Safety Officer of the safety standards required in respect of parts of ships; and
- (n) for the approval by the Minister, on the advice of the officer for the time being in charge of telecommunications in Papua New Guinea, of the radiotelegraphy and radiotelephony equipment required to be carried in ships other than ships to which Chapter IV. of the Safety Convention applies; and
- (o) for the determination by the Minister, on the advice of the officer for the time being in charge of telecommunications in Papua New Guinea, of the radio frequencies to be used in ships other than ships to which Chapter IV. of the Safety Convention applies; and
- (p) for the determination by the Safety Officer of—
  - (i) the requirements for the packing, stowage, marking and carriage of dangerous goods in ships other than Safety Convention ships; and
  - (ii) the requirements for the carriage of hazardous cargoes in ships other than Safety Convention ships; and
- (q) the exemptions from any safety requirement which may be granted by the Safety Officer in respect of a particular ship or a particular class of ship.

*Division 7.—Load Lines.***90. Load line marks.**

- (1) Load lines must be marked on a ship in the prescribed manner.
- (2) A person who wilfully conceals, alters or defaces the load line marks on a ship is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

- (3) The owner or master of a ship who permits the load line marks on the ship to be concealed, altered or defaced is guilty of an offence.

Penalty: A fine not exceeding K500.00.



**91. Loading of ships.**

(1) A ship other than a passenger ship must not be loaded so that—

- (a) if the ship is in still salt water of specific gravity of 1.025 and has no list—the appropriate load line on each side of the ship is submerged; or
- (b) the appropriate load line on each side of the ship would be submerged if the ship were in still salt water of specific gravity of 1.025 and had no list.

(2) A passenger ship must not be so loaded that—

- (a) if the ship is in still salt water of specific gravity of 1.025 and has no list—the appropriate subdivision load line on each side of the ship is submerged; or
- (b) the appropriate subdivision load line on each side of the ship would be submerged if the ship were in still salt water of specific gravity of 1.025 and had no list.

(3) Where a ship is loaded in contravention of Subsection (1) or (2) an owner or the master is, notwithstanding that an offence may also have been committed under Section 95, guilty of an offence.

Penalty: A fine not exceeding K2 000.00 and such additional fine not exceeding K1 000.00 for every complete centimetre and for every part of a centimetre over one or more complete centimetres by which the appropriate load line or subdivision load line was, or would have been, submerged, as the National Court thinks fit to impose having regard to the extent to which the earning capacity of the ship was increased by reason of the overloading.

(4) Where a ship is loaded in contravention of this section, the ship may be detained until it ceases to be so loaded.

(5) Where a ship is not registered under this Act, the master or owner shall not be prosecuted under Subsection (3) and the ship shall not be detained under Subsection (4) unless the ship has been inspected by a surveyor.

**92. Defence to charge of overloading.**

It is a defence to a prosecution for an offence under Section 91 to prove that the ship was overloaded as a result of an alteration in the route of the ship, or of delay to the ship caused by stress of weather, *force majeure* or other circumstances which the master or owner of the ship could not have prevented or forestalled.

**93. Regulations for load lines.**

The regulations may make provision for and in relation to—

- (a) the manner of determining freeboards to be assigned to ships; and
- (b) the manner of determining, in relation to a ship the deck which is to be the freeboard deck and for requiring the position of that deck to be indicated on each side of the ship by a mark; and
- (c) the manner of determining, by reference to a mark, the freeboards assigned to a ship and the position in which each side of a ship is to be marked with a line indicating the maximum depths to which the ship may be loaded; and
- (d) the requirements in respect of hull, superstructure, fittings and appliances which are relevant to the assignment of freeboards to ships; and

- (e) the manner of recording particulars of the requirements under Paragraph (d) and the methods of determining the extent of compliance with the conditions of assignment; and
- (f) the information relating to the stability of a ship required to be provided by the owner of the ship to the Safety Officer and to the master of the ship.

*Division 8.—Unsafe Ships.*

**94. Ships deemed to be unsafe.**

(1) A ship shall be deemed to be unsafe where the Minister is of the opinion that, by reason of—

- (a) the defective condition of the hull, machinery or equipment; or
- (b) undermanning; or
- (c) improper loading; or
- (d) any other matter,

the ship is unfit to go to sea without danger to life having regard to the voyage which is proposed.

(2) In deeming a ship to be unsafe under Subsection (1) the Minister shall, where the ship is a Load Line Convention ship or a Safety Convention ship, have regard to the provisions of the Load Line Convention or of the Safety Convention, as the case may be.

**95. Offences relating to unsafe ships.**

(1) Where an unsafe ship goes to sea—

- (a) any person who has knowingly sent; or
- (b) the master who has knowingly taken,

the unsafe ship to sea is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

(2) It is a defence to a prosecution for an offence under Subsection (1) if the person charged with the offence proves that—

- (a) he used all reasonable means to ensure that he sent or took the ship to sea in a safe state; or
- (b) having regard to the circumstances, the sending or taking of the ship to sea was reasonable and justifiable.

**96. Detention of unsafe ships.**

(1) An unsafe ship may be detained until, in the opinion of the Minister, she ceases to be an unsafe ship.

(2) Where an unsafe ship is detained, the Minister shall give written notice to the owner or to the master setting out the reasons for the detention.

(3) Where a ship that is registered in a country other than Papua New Guinea is detained under Subsection (1), the Minister shall, as soon as practicable, cause the Consul or other diplomatic representative of the country in which the ship is registered to be informed of the detention and of the reasons for the detention.

*Division 9—Passengers.*

**97. Detention.**

(1) Where in the opinion of the Safety Officer there would be a danger to the safety, comfort, health or well-being of any passenger on a ship by reason of the manner in which the ship is—

- (a) equipped; or
- (b) manned; or
- (c) carrying cargo, livestock or ballast; or
- (d) provided with—
  - (i) passenger or hospital accommodation; or
  - (ii) sanitary, health or medical services; or
  - (iii) provisions, water or stores,

the Safety Officer may notify the master of the ship.

(2) Where notification is given under Subsection (1), the carriage of passengers in the ship in respect of which the notification is given is prohibited until such time as the Safety Officer is satisfied that passengers may be carried without danger to their safety, comfort, health or well-being.

(3) The master of a ship carrying passengers who takes the ship to sea while the carriage of passengers is prohibited under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K200.00 and in addition a fine not exceeding K20.00 for each passenger carried in the ship.

**98. Regulations for carriage of passengers in ships.**

The regulations may, in relation to a ship carrying passengers, make provision for and in relation to—

- (a) the accommodation of passengers; and
- (b) the manner of notification to the Safety Officer of the carriage of unberthed passengers; and
- (c) provisions, water, medical stores and medical inspection; and
- (d) the carriage of medical staff and the provision of hospital accommodation; and
- (e) sanitary facilities; and
- (f) sale of alcohol; and
- (g) passenger lists; and
- (h) the cargo that may be carried and the method of stowing cargo; and
- (i) the maintenance of good order in respect of the passengers; and
- (j) the prevention of wilful damage and injury to the machinery or equipment of a ship by a passenger; and
- (k) the prevention of any obstruction to any crewman in the execution of his duty; and
- (l) the prevention of the molesting of or interference with any person on board the ship; and
- (m) the approval by the Safety Officer of the number of passengers to be carried on a particular ship; and

- (n) the exemption by the Safety Officer of a particular ship or a particular class of ship from any requirement relating to passengers.

*Division 10.—General.*

**99. Fees.**

The regulations may make provision for and in relation to—

- (a) the fees payable in respect of—
  - (i) annual inspections or surveys; or
  - (ii) special inspections or surveys; and
- (b) the determination by the Minister of the charges payable in respect of additional work (if any) carried out on—
  - (i) an inspection or survey; or
  - (ii) a proposed inspection or survey.

**PART V.—CREWMEN.**

*Division 1.—Preliminary.*

**100. Application of Part V.**

(1) This Part, unless the contrary intention appears, applies to and in relation to a ship,—

- (a) that is 10 m or more in length and is registered under this Act or in respect of which an application is required to be made under Section 16; and
- (b) that is more than 10 m in length and employed solely in navigation on internal waters; and
- (c) in respect of which a person holds a coasting trade licence and, in the opinion of the Minister, is engaged in the coasting trade; and
- (d) that is a Government ship of more than 10 m in length.

(2) This Part does not apply to or in relation to, a ship that is—

- (a) an air cushioned vehicle; or
- (b) a pleasure craft; or
- (c) in the opinion of the Registrar—of traditional build; or
- (d) a troopship.

**101. Exemption of particular ships.**

(1) Subject to Section 129, the Minister may, by notice in the National Gazette, subject to such conditions (if any) as he thinks fit, exempt a particular ship or a particular class or description of ship from any requirement of this Part.

(2) An exemption under Subsection (1) may be in respect of—

- (a) a particular period; or
- (b) one or more particular voyages.

**102. Appointment of assessors, etc.**

(1) The Minister may, by notice in the National Gazette, appoint a person to be—

- (a) an assessor; or

(b) a Shipping Officer,  
for the purposes of this Act.

(2) An assessor shall be paid such fees, expenses and allowances as are determined by the Minister.

*Division 2.—Manning and Certificates of Competency.*

**103. Going to sea undermanned.**

(1) Subject to Subsection (3), a ship must carry such number and grades of qualified crewmen as are prescribed.

(2) An owner or master of a ship that goes to sea without carrying the prescribed number of qualified crewmen is guilty of an offence.

Penalty: A fine not exceeding K400.00.

(3) Where a ship is at a port and does not have the prescribed number of crewmen of a particular grade, the Safety Officer, where he is satisfied that—

- (a) a qualified crewman of the prescribed grade is not available for employment at the port; and
- (b) it would be unreasonable to require the employer to obtain a qualified crewman of the prescribed grade from another port; and
- (c) the safety of the ship would not be endangered,

may allow the ship, subject to such conditions (if any) as he thinks fit, to go to sea without carrying the prescribed number of qualified crewmen.

**104. Certificate of competency.**

(1) Subject to this Act, the Safety Officer may issue a certificate of competency in the prescribed manner to a person.

(2) A certificate of competency issued under this section is evidence that the person to whom the certificate is issued is a qualified crewman of the grade stated in the certificate.

**105. Incapacity of qualified crewman.**

(1) Where a qualified crewman appears to be medically unfit to perform the duties required of him, the Safety Officer may require him to submit himself for such medical examination as the Safety Officer determines to be necessary.

(2) Where—

- (a) a person who has conducted a medical examination referred to in Subsection (1) determines that a qualified crewman is medically unfit; and
- (b) in the opinion of the Safety Officer, the crewman should not, for the duration of the medical unfitness, be a qualified crewman of the grade stated in his certificate of competency,

the crewman is deemed not to be so qualified.

(3) Where a crewman is deemed under this section not to be a qualified crewman of the grade stated in his certificate of competency, the Safety Officer shall endorse the certificate of competency of the crewman as prescribed.

(4) The Safety Officer may direct a crewman to make available to him a certificate of competency for endorsement under Subsection (3).

(5) A crewman who refuses, or fails without reasonable cause, to comply with a direction under Subsection (4) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(6) Where a crewman who is deemed under this section not to be a qualified crewman of a particular grade proves to the satisfaction of the Safety Officer that he is medically fit to perform the duties required of him—

- (a) he ceases to be deemed not to be a qualified crewman of that grade; and
- (b) the Safety Officer shall endorse his certificate of competency as prescribed.

(7) A crewman who is deemed under Subsection (2) not to be a qualified crewman of a particular grade may within 14 days of the date of being so deemed appeal to the National Court against the decision of the Safety Officer and the National Court shall make such order as the justice of the case requires.

#### 106. Unqualified person going to sea as qualified crewman.

(1) A person who—

- (a) goes to sea as a qualified crewman of a particular grade; and
- (b) is not or is deemed not to be a qualified crewman of such a grade,

is guilty of an offence.

(2) A master of a ship who knowingly permits a person to go to sea as a qualified crewman of a particular grade when that person is a person referred to in Subsection (1)(b) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

#### 107. Production of certificate of competency.

A crewman who—

- (a) holds any certificate of competency or other document that is evidence that he is a qualified crewman; and
- (b) refuses, or fails without reasonable cause, on demand, to produce the certificate or other document to—
  - (i) his employer; or
  - (ii) the master of the ship on which he is employed; or
  - (iii) a Shipping Officer,

is guilty of an offence.

Penalty: A fine not exceeding K40.00.

#### 108. Regulations for manning and certificates of competency.

The regulations may make provision for and in relation to—

- (a) the standards of competence to be attained by a crewman and other conditions to be satisfied in order for a crewman to be a qualified crewman of a particular grade;
- (b) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced; and
- (c) the manner and conduct of any examinations and the conditions for admission to examinations; and
- (d) the appointment and remuneration of examiners; and

- (e) the issue, form and recording of certificates of competency and other documents; and
- (f) the endorsement of certificates of competency and other documents; and
- (g) a determination by the Safety Officer in respect of any of the matters referred to in Paragraphs (a), (b) and (c).

*Division 3.—Agreements.*

**109. Employer to comply with agreements.**

An employer who fails, without reasonable cause, to comply with any provision of this Division is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**110. Agreements.**

- (1) Where a crewman is employed there shall be an agreement between—
  - (a) the employer, or a person on his behalf; and
  - (b) the crewman.
- (2) An agreement shall be—
  - (a) in writing; and
  - (b) executed by the parties to the agreement.
- (3) An agreement may be with respect to employment in one or more ships and may be for—
  - (a) a particular period, not exceeding two years; or
  - (b) one or more particular voyages.
- (4) In every agreement, notwithstanding any express provision in the agreement to the contrary, there is an implied term that the employer and the owner of the ship shall use all reasonable means to ensure that the ship in which the crewman is, or is to be, employed is seaworthy for, and during, any voyage which may take place during the currency of the agreement and any consent, or purported consent, by the crewman to waive the benefit of that implied term is void and of no effect.

**111. Approval of agreements.**

- (1) An employer shall, before a ship in which crewmen are, or are to be, employed, goes to sea, lodge a copy of the proposed agreement with a Shipping Officer.
  - (2) The Shipping Officer shall, if satisfied that the agreement—
    - (a) adequately protects the interests of the crewmen; and
    - (b) complies with the requirements of this Part,approve the proposed agreement.
  - (3) A master of a ship who takes the ship to sea without the approval referred to in Subsection (2) is guilty of an offence.
- Penalty: A fine not exceeding K100.00.

**112. Crewman to understand contents of agreement.**

An employer shall, before a crewman signs an agreement, ensure that—

- (a) the crewman reads the agreement; or

- (b) if the crewman is illiterate—the agreement is read to the crewman by some person employed by the employer,

and so far as is practicable, the crewman understands the nature and content of the agreement.

### 113. Termination of agreements.

- (1) Subject to Subsections (2) and (3), an agreement is terminated—

- (a) by the mutual consent of—

- (i) the employer; and
- (ii) the crewman; or

- (b) by the death of the crewman; or

- (c) where the agreement relates to employment for a particular period, at the expiry of that period, and if the period expires during a voyage, on the arrival of the ship at the next port of call after the expiry of the period; or

- (d) where the agreement relates to employment in a particular ship—

- (i) by the wreck, loss or total inability of the ship to go to sea or to proceed on a voyage; or
- (ii) where the ship is registered under this Act—by the ship ceasing to be registered under this Act; or

- (e) by the crewman becoming a suspended person; or

- (f) by the dismissal of the crewman.

(2) Where, but for this subsection, an agreement would have been terminated under Subsection (1)(d)(ii) the crewman may, with the written approval of a Shipping Officer, consent to continue employment in the ship, and in that case, the agreement is deemed not to have been terminated.

(3) An agreement is not capable of being terminated under Subsection (1)(a), (c) or (f) at a place away from the proper return port of the crewman without the consent of a Shipping Officer or of the proper officer at that place.

### 114. Unlawful agreements.

(1) A person who knowingly employs in a ship or enters into an agreement for employment as a crewman on the ship with—

- (a) a person under the age of 15 years; or
- (b) except as may be prescribed—a person under the age of 18 years; or
- (c) a suspended person,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) An agreement entered into in contravention of Subsection (1) is void and of no effect.

(3) A suspended person who offers himself for employment as a crewman in a ship or enters into an agreement for employment as a crewman on a ship is guilty of an offence.

Penalty: A fine not exceeding K100.00.



**115. Shipping officer to approve employment of citizens.**

(1) A person who, at a place in the country without the written approval of a Shipping Officer, employs a citizen as a crewman on a ship—

(a) to which this Part does not apply; and

(b) that is proceeding on a voyage to a place outside the country,  
is guilty of an offence.

(2) Where—

(a) there is a contravention of Subsection (1); and

(b) a citizen is carried to sea,

an owner or the master of the ship in which the citizen is carried to sea is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**116. Prohibition on seeking reward for employment.**

A person who demands or receives, directly or indirectly, from another person seeking employment as a crewman any remuneration or reward, whether in cash or otherwise, for providing employment to that other person is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**117. Regulations for agreements.**

The regulations may make provision for and in relation to—

(a) the conditions and particulars to be included in an agreement; and

(b) the form of an agreement and the manner in which an agreement shall be made; and

(c) the manner in which an agreement shall be—

(i) added to; or

(ii) amended; or

(iii) lodged with a Shipping Officer; and

(d) the circumstances in which an agreement, or a copy of an agreement, shall be carried in a ship; and

(e) the requirements for an agreement, or a copy of an agreement to be delivered to a Shipping Officer; and

(f) the requirement for an agreement or a copy of an agreement, to be made available for perusal by a Shipping Officer; and

(g) the conditions under which a person not under 15 years of age but less than 18 years of age may enter into an agreement; and

(h) the notice required to be given to a Shipping Officer before an agreement is entered into or terminated; and

(i) the procedures and practices to be followed on the termination of an agreement; and

(j) the circumstances under which, other than by reason of termination of an agreement, a crewman may be left behind from a ship outside the country.

**118. Agreement as to wages.**

Subject to this Act, a crewman shall be paid wages in accordance with the terms of an agreement.

**119. Account of wages.**

An employer who refuses, or fails without reasonable cause, to deliver to a crewman an exact account of—

(a) the wages due to the crewman under an agreement; and

(b) the deductions (if any) made from those wages,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**120. Payment of wages.**

(1) Subject to this Act, the wages due to a crewman under an agreement shall be paid in full on the termination of the agreement.

(2) Where an employer fails, without reasonable cause, to make payment in full to a crewman as provided in Subsection (1) he shall, in respect of each day for which payment is delayed, pay to the crewman a sum equal to double the daily rate fixed under the agreement.

(3) Where the amount required to make payment in full as provided in Subsection (1) is less than K20.00 the number of days in respect of which payment is to be made under Subsection (2) shall not exceed seven.

(4) A sum payable under Subsections (2) and (3) is deemed to be wages due to the crewman.

**121. Allotments.**

(1) A crewman may allot any part of his wages not exceeding 75% of the whole.

(2) Allotment shall be made by means of an allotment note in the prescribed form.

(3) A person to whom any part of the wages of a crewman is allotted has the right to recover such part in his own name and, for that purpose, has the same remedies as the crewman for recovery of wages.

**122. Disputes.**

(1) A dispute relating to the amount of wages payable to a crewman may, if the parties to the dispute so agree, be submitted to a Shipping Officer for his decision.

(2) A Shipping Officer to whom a dispute has been submitted under Subsection (1) may accept the submission but is not bound to accept it if he is of the opinion that the dispute, whether by reason of the amount involved or for any other reason, ought not to be decided by him.

(3) The decision of a Shipping Officer on a dispute accepted by him under Subsection (2) is final<sup>1</sup>.

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<sup>1</sup>But, see, Constitution, Section 155.

(4) Where the amount in dispute does not exceed the sum of the daily rate payable under the agreement multiplied by 14, a Shipping Officer shall, on the application of either of the parties to the dispute, adjudicate between the parties and his decision is final.<sup>1</sup>

**123. Entitlement to wages after wreck or loss of ship.**

(1) Where a ship is wrecked, lost or unable to proceed on a voyage, a crewman whose employment in the ship is thereby terminated before the date contemplated in the agreement is, subject to Subsection (2), entitled to wages at the rate payable under the agreement at the date of the wreck, loss or inability to proceed for every day on which he is unemployed in the two calendar months next after the date of the wreck, loss or inability to proceed.

(2) A crewman is not entitled to wages under Subsection (1) for a day on which he is unemployed, if it is proved that—

- (a) he did not make reasonable efforts to save the ship or persons or property carried in her; or
- (b) the unemployment was not due to the wreck, loss or inability of the ship to proceed; or
- (c) he was able to obtain suitable employment for that day but unreasonably refused or failed to accept that employment.

**124. Entitlement to wages for sick or injured crewman left behind.**

(1) Where a crewman belonging to a ship is left behind at a port other than his proper return port by reason of a circumstance referred to in Subsection (2), he is entitled to wages, at the daily rate fixed under the agreement, in respect of each day during the period—

- (a) commencing on the date on which he was so left behind; and
- (b) ending on the—
  - (i) date of his return to his proper return port; or
  - (ii) expiration of a period of two calendar months after the date referred to in Paragraph (a); or
  - (iii) death of the crewman,
 whichever first occurs.

(2) A circumstance referred to in Subsection (1) is the illness, hurt or injury of a crewman where such illness, hurt or injury is—

- (a) not due to the—
  - (i) wilful act or default; or
  - (ii) misbehaviour,
 of the crewman; and
- (b) such as to incapacitate him wholly from the performance of his duty.

**125. Right of crewman to wages.**

(1) The lien of—

- (a) a crewman for his wages; and

<sup>1</sup>But, see, Constitution, Section 155.

(b) a master of a ship for his wages and for re-imbursement of any expenditure or disbursements properly incurred or made by him on behalf of the ship, have priority over all other liens irrespective of the date of that lien or those other liens.

(2) The right of a crewman to wages does not depend on the earning of freight.

**126. Crewman cannot waive protection of Act.**

A provision in an agreement, whether express or implied, which purports to modify, vary or negative the rights of a crewman under this Division is void and of no effect.

**127. Regulations for wages.**

The regulations may make provision for and in relation to—

- (a) the deductions which may be made from the wages due to a crewman; and
- (b) the manner in which deductions may be made; and
- (c) the manner in which wages are to be paid; and
- (d) the manner in which wages are to be accounted for where a crewman leaves a ship otherwise than on termination of an agreement; and
- (e) the form and manner in which accounts of wages are to be prepared by an employer and delivered to a crewman; and
- (f) the form of allotment notes; and
- (g) the circumstances in which allotments may be made.

*Division 5.—Crew Accommodation.*

**128. Crew accommodation.**

(1) A ship must have accommodation exclusively reserved for the use of the crew.

(2) The accommodation referred to in Subsection (1) shall be known as the crew accommodation.

(3) The crew accommodation of a ship must be of the prescribed standard.

(4) An owner or master of a ship who permits the ship to go to sea without crew accommodation of the prescribed standard is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**129. Minister to obtain report from Committee of Advice.**

A regulation in respect of crew accommodation or an exemption under Section 101 in respect of crew accommodation shall not be made unless the Minister has first obtained a report from a Committee of Advice.

**130. Regulations for crew accommodation.**

The regulations may make provision for and in relation to—

- (a) the crew accommodation requirements for new and existing ships; and
- (b) the minimum space per man which must be provided by way of sleeping accommodation for crewmen and the maximum number of persons by whom a specified part of such sleeping accommodation may be used; and
- (c) the position in a ship in which the crew accommodation or any part of the crew accommodation is to be located; and

- (d) the standards to be observed in the construction, equipment, ventilation, lighting, heating and furnishing of crew accommodation; and
- (e) the provision of washing, sanitary, toilet, messing and hospital facilities for crewmen; and
- (f) the standards of maintenance of crew accommodation; and
- (g) the prohibition or restriction, of the use of crew accommodation for purposes other than those for which it is designed; and
- (h) the determination by the Safety Officer of the crew accommodation requirements for existing ships.

*Division 6.—Welfare.*

**131. Provisions and water.**

(1) An employer or master of a ship shall ensure that the provisions and water supplied for the use of crewmen are as prescribed.

(2) Where three or more crewmen are of the opinion that the provisions or water supplied for the use of crewmen are not as prescribed, they may complain to a Shipping Officer.

(3) A Shipping Officer to whom a complaint is made under this section shall immediately cause the complain to be investigated.

(4) For the purposes of an investigation under this section, a Shipping Officer may cause the provisions or water to be examined.

(5) Where, after an investigation under this section, a Shipping Officer is of the opinion that the provisions or water are not as prescribed he shall direct the employer or the master to replace them.

(6) An employer or a master shall comply with a direction given under this section.

**132. Ship to carry medical stores, etc.**

An owner or master of a ship who permits the ship to go to sea without carrying the prescribed number of qualified first aid attendants, medicines and medical and surgical stores is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**133. Complaints.**

(1) Where, in the opinion of a crewman, the crewman has cause to complain about—

- (a) the master; or
- (b) any other crewman on a ship; or
- (c) the conditions on board a ship,

he may complain to the master.

(2) Where a crewman—

- (a) has made complaint under Subsection (1); and
- (b) is dissatisfied with—
  - (i) the action taken by the master on that complaint; or

(ii) the failure of the master to take any action,  
the crewman may—

(c) state his dissatisfaction to the master; and

(d) request the master to make adequate arrangements for the crewman to complain to a Shipping Officer, or to a proper officer, as soon as the service of the ship permits.

(3) A master to whom a request has been made under Subsection (2) who refuses, or fails without reasonable cause, to make the adequate arrangements referred to in that subsection is guilty of an offence.

Penalty: A fine not exceeding K20.00.

#### 134. Return of distressed crewmen.

(1) Subject to Section 137, where a person is a distressed crewman, the person who last employed him as a crewman, must make such provision as is prescribed for his—

(a) return to his proper return port; and

(b) relief and maintenance until his return to his proper return port.

(2) A person who fails to make the provision referred to in Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

#### 135. Place deemed to be proper return port.

Where a distressed crewman refuses or fails without reasonable cause, to—

(a) agree to be employed in a ship in which he is to be returned to his proper return port; or

(b) comply with any reasonable arrangement for his return to his proper return port,

the place at which the refusal or failure occurs shall, from the time of the refusal or failure, be deemed to be the proper return port of the distressed crewman and his employer shall not be required to make provision for any expense incurred in relation to the distressed crewman after the occurrence of the refusal or failure.

#### 136. Recovery of expenses.

Where expense is incurred in respect of a matter for which a person is required to make provision under Section 134, then, unless it can be proved that a distressed crewman would not have been left behind but for his own wrongful act or neglect—

(a) if the expense is incurred by, or on behalf of, the State—the State; or

(b) if the expense is incurred by the distressed crewman—the distressed crewman,

may recover the expense from the person who is required to make that provision.

#### 137. Distressed crewman electing to remain away from proper return port.

Where a distressed crewman elects, after the expiry of a period of three calendar months from the date of his becoming a distressed crewman to remain at a place away from his proper return port—

(a) he shall be deemed, from the date on which he so elects, not to be a distressed crewman and

- (b) the person who last employed him as a crewman shall not be liable to make provision for his return to his proper return port or for any matter arising after the date on which he so elects.

**138. Recovery of burial expenses.**

Where—

- (a) a crewman dies; or
- (b) a person dies while being a distressed crewman,

and his body—

- (c) is conveyed to his proper return port; or
- (d) is buried or cremated at a place away from his proper return port,

the expense of conveying, burying or cremating his body may be recovered from the person who last employed him as a crewman.

**139. Disposal of property of deceased crewman.**

(1) The master of a ship in which there is any property of a deceased crewman who refuses, or fails without reasonable cause, to cause that property to be delivered up in the prescribed manner to the Registrar is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where any property of a deceased crewman has come into the possession of the Registrar, the Registrar shall deal with that property as prescribed.

(3) Where, after deduction of any costs or expense incurred in respect of a deceased crewman or the property of a deceased crewman, the value of the residue of the assets of the deceased crewman held by the Registrar—

- (a) exceeds K50.00, that residue shall be dealt with according to the normal rules of probate; and
- (b) is K50.00 or less, the Registrar may at any time within three months deliver it to any one or more of the persons referred to in Subsection (4) and the Registrar shall then be discharged from any liability in respect of that residue.

(4) The persons referred to in Subsection (3) are any persons appearing to the Registrar to be—

- (a) the next of kin of the crewman; or
- (b) the widow or a child of the crewman; or
- (c) persons beneficially entitled, under a will or an intestacy, to the assets of the crewman.

(5) Where, in a case to which Subsection (3)(b) applies, the Registrar has been unable to pay or deliver the whole of the value of the residue of the assets as provided by that subsection, the whole of the value of the residue of the assets, or, if part only remains, that part, shall be dealt with as prescribed.

**140. Regulations for welfare.**

The regulations may make provision for and in relation to—

- (a) the quality and quantity of the provisions and water to be supplied for the use of crewmen; and
- (b) the manner of checking and inspecting provisions and water supplied for the use of crewmen; and

- (c) the manner and conduct of medical examinations of crewmen and of persons seeking employment as crewmen; and
- (d) the medicines and medical and surgical stores (including books containing instructions and advice) to be carried in a ship and the manner in which such medicines and stores are to be carried, stored and used in a ship; and
- (e) the appointment and certification of first-aid attendants and the circumstances in which first-aid attendants are to be carried on a ship; and
- (f) the manner in which medical expenses incurred in respect of a crewman while at a place outside the country may be recovered from an employer; and
- (g) the circumstances and the manner in which a Shipping Officer or a proper officer shall make provision for the relief, maintenance and return to a proper return port of a distressed crewman; and
- (h) the manner in which any wages due to a distressed crewman and any property left on board a ship by a distressed crewman are to be dealt with; and
- (i) the manner in which any expense incurred in bringing ashore a crewman who has been shipwrecked, or in maintaining him after he has been brought ashore, may be recovered from the person who last employed him as a crewman; and
- (j) the manner in which the property of a deceased crewman is to be—
  - (i) held in custody; or
  - (ii) sold, converted into cash or otherwise disposed of.

*Division 7.—Discipline.***141. Misconduct endangering ship or persons on board.****(1) This section applies where a crewman—****(a) does any act which causes, or is likely to cause—**

- (i) the loss or destruction of, or serious damage to; or
- (ii) the death of, or serious injury to, a person on board, a ship; or

**(b) fails to do anything required to be done by him to preserve—**

- (i) a ship from loss, destruction, or serious damage; or
- (ii) any person on board the ship from death or serious injury.

**(2) Where the act, or failure to act by the crewman referred to in Subsection (1)—**

- (a) is deliberate; or
- (b) amounts to a breach or neglect of duty or disobedience to a lawful command; or
- (c) occurs when the crewman is under the influence of alcohol, or a drug,

the crewman is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding two years.



**142. Defence if drug taken for medical purposes.**

It is a defence to a charge of an offence against Section 141 if the person charged proves that—

- (a) at the time of the alleged act or failure to act, he was under the influence of a drug taken by him for medical purposes; and
- (b) either—
  - (i) he took that drug on medical advice and complied with any direction given as part of that advice; or
  - (ii) he had no reason to believe that the drug might have the influence it had.

**143. Continual or concerted disobedience.**

Where a crewman—

- (a) persistently and wilfully—
  - (i) neglects his duty; or
  - (ii) disobeys lawful commands; or
- (b) combines with other crewmen to—
  - (i) disobey a lawful command; or
  - (ii) neglect his duty; or
  - (iii) impede the navigation of the ship.

he is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**144. Absence without leave.**

Where—

- (a) a crewman is absent without leave; and
- (b) his absence is—
  - (i) due to his recklessness; or
  - (ii) deliberate and without reasonable cause; and
- (c) a ship—
  - (i) is thereby delayed; or
  - (ii) goes to sea without him,

the crewman is guilty of an offence.

Penalty: A fine not exceeding K50.00.

**145. Persons deemed to be crewmen.**

Notwithstanding any other provision of this Act, where—

- (a) a person is carried to sea in a ship without the consent of the master or of any other person authorized to give consent to his being so carried; or
- (b) a distressed crewman is carried on a ship for the purpose of being returned to his proper return port,

he is, for the purposes of this Division, deemed to be a crewman on the ship.

**146. Disciplinary offences.**

(1) The master of a ship who finds that a crewman has committed a disciplinary offence shall make a report of his findings in the prescribed form to a Shipping Officer.

(2) Where—

(a) two or more reports under Subsection (1) have been made within the prescribed time in respect of a crewman; or

(b) a crewman has committed an offence under Section 141, 143 or 144,

the Registrar may declare the crewman to be a suspended person.

**147. Appeal against suspension.**

(1) Where—

(a) the Registrar has declared a crewman to be a suspended person; and

(b) the period of suspension exceeds 12 months,

the crewman may, within 30 days of receiving the prescribed notification of his suspension, appeal to the National Court.

(2) Where an appeal is made under Subsection (1), the National Court shall make such orders as the justice of the case requires.

**148. List of suspended persons.**

(1) The Registrar shall keep a list known as the list of suspended persons.

(2) Where a crewman is suspended for a period—

(a) of 12 months or less; or

(b) exceeding 12 months and—

(i) no appeal to the National Court is made within the period of 30 days referred to in Section 147(1); or

(ii) an appeal is made under Section 147(1) and the National Court orders that the appeal be dismissed,

the Registrar shall include the name of the crewman in the list of suspended persons.

**149. Regulations for disciplinary offences.**

The regulations may make provision for and in relation to—

(a) misconduct on board a ship that is a disciplinary offence; and

(b) the procedures under which a master may find that a crewman has committed a disciplinary offence; and

(c) the manner in which a declaration of suspension shall be made and the manner in which that declaration shall be notified to—

(i) a suspended person; and

(ii) the person who last employed him as a crewman; and

(d) the manner in which the name of a suspended person shall be included in a list of suspended persons; and

(e) the manner in which a list of suspended persons is—

(i) to be kept; and

(ii) to be made available for inspection by any person appearing to the Safety Officer to be interested.

*Division 8.—General.*

**150. Stowaways.**

A person who, without the consent of—

(a) the master of a ship; or

(b) a person authorized by the master of a ship to give that consent,

goes to sea in the ship is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**151. Fees payable in respect of services of Shipping Officers.**

(1) Fees shall be payable as prescribed in respect of the services of Shipping Officers.

(2) The fees referred to in Subsection (1) shall be known as Shipping Officer Service Fees.

**152. Returns of births and deaths on Papua New Guinea ships.**

(1) In this section "ship" means a ship registered under this Act.

(2) The master of a ship who refuses, or fails without reasonable cause, to make a return in the prescribed form to a Shipping Officer of any—

(a) birth occurring in; or

(b) death occurring, or presumed to have occurred, in or from,

the ship, is guilty of an offence.

Penalty: A fine not exceeding K20.00.

**153. Returns of births and deaths on foreign ships.**

(1) In this section "ship" means a ship registered in a country other than Papua New Guinea.

(2) The master of a ship who refuses, or fails without reasonable cause, to make a return in the prescribed form to a Shipping Officer of any—

(a) birth occurring in; or

(b) death occurring, or presumed to have occurred, in or from,

the ship, on a voyage to a port or place in the country, is guilty of an offence.

Penalty: A fine not exceeding K20.00.

**154. Crewman's Identity Card.**

(1) The Registrar may issue to a person who is a citizen a card to be known as a Crewman's Identity Card.

(2) A person to whom a Crewman's Identity Card has been issued who refuses, or fails without reasonable cause—

(a) to keep the card securely; and

(b) to produce it when so required to such persons and in such circumstances as are prescribed,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

**155. Register of Crewmen.**

(1) The Registrar shall cause to be kept at the principal port of registry a book to be known as the Register of Crewmen.

(2) The Registrar shall cause to be entered into the Register of Crewmen—

- (a) particulars of an Employment Record Book issued under Section 156; and
- (b) particulars of any period during which a person is a suspended person; and
- (c) such other particulars as may be prescribed.

(3) Any person may inspect the Register of Crewmen at any time during the hours of official attendance by the Registrar.

**156. Employment Record Book.**

(1) The Registrar may issue to a person a book to be known as an Employment Record Book.

(2) An Employment Record Book shall be in the prescribed form.

**157. Official Log Book.**

(1) The master of a ship shall keep a book to be known as the Official Log Book.

(2) Subject to this Act, the master of a ship who fails without reasonable cause—

- (a) to keep the Official Log Book in the prescribed manner; and
- (b) to carry the Official Log Book in the ship,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**158. Crew List.**

(1) An employer or the master of a ship must make and, in the prescribed manner, maintain a list of the crew of the ship.

Penalty: A fine not exceeding K200.00.

(2) A list referred to in Subsection (1) is to be known as a Crew List.

**159. Inquiries into death or serious injury.**

(1) Where—

- (a) a person dies or suffers a serious injury in a ship; and
- (b) the master of the ship fails, without reasonable cause, to notify the Safety Officer of the death or serious injury,

the master of the ship is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) Subject to Subsection (4), where—

- (a) a person dies or suffers a serious injury in a ship; or
- (b) a crewman belonging to a ship dies or suffers a serious injury away from the ship,

an inquiry into the circumstances surrounding the death or serious injury shall, unless the Minister otherwise directs, be held by the Shipping Officer or by a person so authorized by the Safety Officer at the next port in Papua New Guinea at which the ship calls.

(3) For the purpose of holding an inquiry under Subsection (2), the Shipping Officer, or the person authorized by the Safety Officer, may—

- (a) go on board a ship at any time and inspect the ship or the machinery or equipment of the ship or any article on board the ship; or
- (b) summon any person before him and require that person to answer questions relating to the death or serious injury; or
- (c) require the production of any document that in his opinion is relevant to the inquiry.

(4) No inquiry shall be held under this section in a case where an inquest by a Coroner is being held, is to be held or is required to be held, under any law of Papua New Guinea.

(5) The Shipping Officer or the person authorized by the Safety Officer who has held an inquiry under Subsection (2) shall make a written report of his findings to the Safety Officer and the Safety Officer may make a copy of the report available in the case of a person who has—

- (a) died—
  - (i) to the next of kin of the deceased person; or
  - (ii) to any other person who requests such a copy and who appears to the Safety Officer to be interested; and
- (b) suffered a serious injury—
  - (i) to that person, or to a person acting on his behalf; or
  - (ii) to any other person who requests such a copy and who appears to the Safety Officer to be interested.

#### 160. Absence of crewman from duty.

(1) In this section "crewman" means a crewman who is absent from a ship at a time when, under an agreement, he is required to be on board.

(2) Where a crewman proves—

- (a) that his absence from a ship was due to—
  - (i) accident; or
  - (ii) mistake; or
  - (iii) some cause beyond his control; and
- (b) that he took all reasonable precautions to avoid being absent,

his absence is not a breach of contract.

(3) Where, in an action for breach of contract arising from the absence of a crewman from a ship, a crewman fails to prove the matters referred to in Subsection (2), if special damages are—

- (a) not claimed by his employer, his civil liability is limited to K10.00; and
- (b) claimed by his employer, his civil liability is limited to K100.00.

#### 161. Failure by crewman to join foreign ship.

(1) This section applies to any ship which is registered in a country other than Papua New Guinea.

(2) Where a crewman of a ship, being a crewman who is not a citizen, fails to join the ship while the ship is at a place in Papua New Guinea a Magistrate or Judge may, on complaint being made—

- (a) by the Consul or other diplomatic representative, of the country in which the ship is registered; or
- (b) if there is no such representative in the country—by the owner of the ship or his agent,

issue a warrant for the apprehension of the crewman.

(3) Where a crewman has been apprehended under a warrant issued under Subsection (2), a Magistrate or Judge may place the crewman at the disposal of—

- (a) the Consul or other diplomatic representative of the country in which the ship is registered; or,
- (b) if there is no such representative in the country—the owner of the ship or his agent,

so that the crewman may be put back on board the ship either in the country or in some other country.

(4) Where any costs are incurred by the Minister—

- (a) in the apprehension of a crewman under this section; or
- (b) in the returning of the crewman to his ship,

those costs may be recovered from the owner of the ship or from his agent or from the Consul or diplomatic representative on the complaint of whom the crewman was apprehended.

#### 162. Detention of a ship.

(1) Where—

- (a) a ship is at a place in Papua New Guinea or within the territorial limits of Papua New Guinea; and
- (b) the Safety Officer, or a Shipping Officer, is of the opinion that the owner or the master of the ship or an employer, has failed to comply with a requirement of this Part,

the ship may be detained.

(2) Where a ship is detained under Subsection (1), the ship may be detained until such time as the Safety Officer, or a Shipping Officer, issues a certificate showing that—

- (a) he is satisfied that the owner, the employer and the master have complied with this Part; and
- (b) the ship may go to sea without a contravention of this Part.

#### 163. General regulations.

The regulations may make provision for and in relation to—

- (a) the circumstances, manner and form in which the Registrar shall issue and record a Crewman's Identity Card; and
- (b) the circumstances and manner in which a Crewman's Identity Card is to be delivered up to a Shipping Officer; and
- (c) the issue and form of Employment Record Books; and
- (d) entries to be made in the Register of Crewmen; and

- (e) endorsements to be made in Employment Record Books; and
- (f) the particulars required to be entered in an Official Log Book; and
- (g) the persons by whom entries in an official log book are to be made, signed or witnessed; and
- (h) the procedure to be followed in the making of entries in an official log book; and
- (i) the production, or delivery of an Official Log Book to such person, in such circumstances and within such times as may be specified; and
- (j) the particulars to be entered in the Crew List; and
- (k) the time during which a Crew List may remain in force; and
- (l) the manner of notification to specified persons of changes in a Crew List; and
- (m) the place and manner in which a Crew List, or a copy of a Crew List, is to be maintained; and
- (n) the manner in which the Crew List, or a copy of a Crew List, is to be made available on demand to specified persons.

PART VI.—SHIPPING CASUALTIES, INQUIRIES AND INVESTIGATIONS.

164. Reporting of casualties and incidents.

- (1) In this section, "ship" means a ship that is—
  - (a) registered under this Act; or
  - (b) not registered under this Act and the next port of call of that ship is at a port or place in Papua New Guinea; or
  - (c) an offshore ship.
- (2) Where a ship—
  - (a) causes or is involved in an accident; or
  - (b) receives damage which renders, or is likely to render the ship unsafe; or
  - (c) has been in a position of great peril from—
    - (i) the act of some other ship; or
    - (ii) danger of wreck or collision; or
  - (d) fouls, or does damage to—
    - (i) a pipeline; or
    - (ii) a submarine cable; or
    - (iii) a marine navigational aid; or
  - (e) is involved in any incident in which the sea is polluted by oil or by any other noxious substance either by the ship or by any other ship; or
  - (f) having left a port in Papua New Guinea puts back to that port,

the master of the ship must, as soon as practicable—

  - (g) report the event to the Safety Officer; and,
  - (h) if so requested by the Safety Officer—provide to the Safety Officer or to the proper officer at a port specified by the Safety Officer, a written report.
- (3) The master of a ship who fails, without reasonable cause, to comply with the Subsection (2) is guilty of an offence.

Penalty: a fine not exceeding K200.00.

**165. Inquiry into certain casualties.**

(1) In this section, "ship" means a ship that was, at the time the casualty occurred—

- (a) registered under this Act; or
- (b) not registered under this Act, being—
  - (i) a ship to which Part V. applied; or
  - (ii) a ship that was within Papua New Guinea or the territorial sea.

(2) Where a casualty has occurred, the Minister may—

- (a) cause a preliminary investigation into the casualty to be held by a person appointed for the purpose by the Minister; and
- (b) whether or not a preliminary investigation into the casualty has been held—cause a Marine Inquiry to be held.

**166. Preliminary investigations.**

(1) Where the Minister causes a preliminary investigation to be held under Section 165 the person holding the investigation—

- (a) may—
  - (i) go on board any ship involved in the casualty; and
  - (ii) require any person to answer questions relating to the casualty; and
  - (iii) require production of any document or certificate relating to any ship involved in the casualty; and
- (b) shall, on conclusion of the investigation, send to the Minister a report containing a full statement of the case and of his opinion on it, accompanied by such report on or extracts from the evidence and such observations as he thinks fit.

(2) Where it appears to the Minister on receipt of the report referred to in Subsection (1) to be necessary and desirable to do so, he may order the suspension of any certificate issued under Section 104 to any qualified crewman pending the outcome of a Marine Inquiry held under Section 165.

**167. Marine Inquiries.**

(1) The Minister may for the purpose of holding a Marine Inquiry under Section 165 nominate a person appearing to him to be suitably qualified by the holding of or by having held judicial office, or by experience as a lawyer, to hold a Marine Inquiry.

(2) The person nominated under Subsection (1) shall conduct the Marine Inquiry with the assistance of one or more assessors, with such qualifications as are prescribed, as nominated by the Minister.

(3) In any case where a question as to the cancellation or suspension of a crewman's certificate is likely to arise the Marine Inquiry shall be assisted by at least two assessors having experience in the merchant service.

(4) A Marine Inquiry shall be conducted—

- (a) in accordance with any regulations made under Section 173, and
- (b) in such a manner that if a charge is made against any person, that person shall have an opportunity of making a defence.



(5) For the purpose of an inquiry, the Marine Inquiry and/or the assessors assisting it, may—

- (a) go on board any ship; and
- (b) require any person to answer questions relating to the subject of the inquiry; and
- (c) require the production to it or them of any document or certificate that in its or their opinion is relevant to the inquiry.

(6) The Marine Inquiry after hearing the case shall make a full report to the Minister together with such report of or extracts from the evidence and such observations as it thinks fit and each assessor shall either sign the report or state in writing to the Minister his dissent from it and his reasons for that dissent.

(7) The Marine Inquiry may make such order as it thinks just regarding the costs of the inquiry or any part of it and any such costs that a person may be ordered to pay may be recovered from that person by the Minister.

(8) The Minister may, in any case that he thinks it is in the public interest to do so, pay any or all of the costs of a Marine Inquiry.

**168. Power of a Marine Inquiry as to certificates.**

(1) Where, as a result of a Marine Inquiry, the Inquiry is satisfied that any qualified crewman—

- (a) is unfit to discharge his duties because of incompetence or misconduct or for any other reason; or
- (b) has been seriously negligent in the discharge of his duties; or
- (c) has failed to give any assistance or information required by Section 81,

and, in a case coming under Paragraph (a) or (b) is further satisfied that the unfitness or negligence caused or contributed to the casualty, the Marine Inquiry may—

- (d) order the cancellation or suspension of any certificate issued under Section 104 to the qualified crewman concerned; or
- (e) censure the crewman concerned.

(2) Where a cancellation or suspension is ordered under Subsection (1)(d) the crewman concerned shall immediately deliver the certificate to the Safety Officer for cancellation or suspension.

(3) A Marine Inquiry shall not order the cancellation or suspension of a certificate unless at least half of the number of assessors concur.

(4) A Marine Inquiry shall not order the cancellation or suspension of a certificate unless a copy of the report referred to in Section 166 or a statement of the case on which the formal inquiry has been ordered has been furnished to the crewman holding the certificate before the commencement of the inquiry.

(5) Where any case before a Marine Inquiry involves the question as to the cancelling or suspending of a certificate the Marine Inquiry shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending of the certificate.

(6) The Marine Inquiry shall in all cases send a full report of the inquiry to the Minister.

**169. Disqualification of a crewman.**

(1) Where it appears to the Safety Officer that a person who is the holder of a certificate issued under Section 104 is unfit to be the holder of such a certificate, whether by reason of incompetence or misconduct or for any other reason, he may give the holder written notice that he is considering the cancellation or suspension of the certificate.

(2) The notice referred to in Subsection (1) shall state—

- (a) the reasons why it appears to the Safety Officer that the holder is unfit to be the holder of such a certificate; and
- (b) that within a period specified in the notice, or such longer period as the Safety Officer may allow, the holder may make written representations to the Safety Officer or claim to make oral representations to the Safety Officer.

(3) After considering any representations made in accordance with Subsection (2) the Safety Officer shall decide whether or not to cancel or suspend the certificate and shall give the holder written notice of his decisions.

(4) Where the decision is to cancel or suspend the certificate the notice—

- (a) shall state the date from which the cancellation is to take effect, or the date from which and the period for which the suspension is to take effect; and
- (b) shall require the holder to deliver the certificate to the Safety Officer not later than the date so specified.

**170. Failure to deliver cancelled or suspended certificate.**

Where a certificate is ordered to be cancelled or suspended or is cancelled or suspended and the holder fails to deliver up the certificate as required under this Part, he is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**171. Rehearings and the power of the Minister to restore certificates.**

(1) Where a Marine Inquiry has been held under this Part the Minister may order the whole or part of a case to be reheard, and shall do so if—

- (a) new and important evidence which could not be produced at the inquiry has been discovered; or
- (b) there appears to the Minister to be other grounds for suspecting that a miscarriage of justice may have occurred.

(2) Where a certificate has been cancelled or suspended under this Part by a Marine Inquiry under Section 167 or by the Safety Officer under Section 169 the Minister may—

- (a) on the recommendation of the Marine Inquiry or the Safety Officer; or
- (b) if he is of the opinion that the circumstances of the case require it,

order the issue by the Safety Officer of a new certificate of a lower grade in place of the cancelled or suspended certificate.

**172. Appeals.**

(1) Subject to Subsection (2), where under this Part—

- (a) the certificate of a crewman is cancelled or suspended; or
- (b) a crewman is censured; or
- (c) the costs or part of the costs of an inquiry are awarded by a Marine Inquiry against any person; or

- (d) the Marine Inquiry has found that the casualty has been caused or contributed to by the wrongful act of any person,

the crewman in the case of Paragraph (a) or (b) and in the case of Paragraph (c) or (d) any person who has appeared at the hearing and is affected by the decision of the Marine Inquiry, may appeal to the National Court and the National Court may make such order as the justice of the case requires.

(2) Where a rehearing has been ordered under Section 171(1), no appeal may be made until the decision of the rehearing has been given.

### 173. Regulations under Part VI.

(1) The regulations may make provision for and in relation to the conduct of investigations and formal inquiries under this Part.

(2) Without prejudice to the generality of Subsection (1), the regulations may provide for—

- (a) the selection of assessors for nomination by the Minister; and
- (b) the qualifications of assessors; and
- (c) the circumstances in which assessors shall assist a Marine Inquiry; and
- (d) the manner in which any facts may be proved; and
- (e) the persons who may be allowed to appear; and
- (f) the notices to be given to persons affected.

## PART VII.—NAVIGATIONAL AIDS.

### Division 1.—Preliminary.

### 174. Interpretation of Part VII.

In this Part, unless the contrary intention appears—

“aid” means marine navigational aid;

“light” includes any fire, lamp, street light or other illuminating device;

“owner”, in relation to—

- (a) an aid—includes any person in possession or control of the aid; and
- (b) a light—includes any person in possession or control of the light.

### 175. Declaration of public purpose.

It is declared that, for the purposes of Section 53 (*protection from unjust deprivation of property*) of the Constitution, marine navigational safety is, in relation to the acquisition of aids, a public purpose.

### Division 2.—Acquisition of Aids.

### 176. Application of Division 2.

(1) This Division applies—

- (a) notwithstanding any other law in force in Papua New Guinea; and
- (b) to aids other than aids affixed to land.

(2) In relation to the acquisition of aids affixed to land, the *Land Act* applies.

**177. Mode of acquisition.**

(1) The Minister may, on behalf of the State by agreement, acquire from any person any aid held by that person.

(2) Where an aid is acquired under Subsection (1), any instrument purporting to transfer the property in the aid is valid and effectual to vest the property in the aid in the State.

**178. Compulsory acquisition.**

(1) Where—

(a) the Minister has failed to enter into an agreement under Section 177; and

(b) in his opinion, it is necessary for him to do so for the purposes of this Part,

the Minister may, by notice in the National Gazette, declare that the aid specified in the notice is acquired by compulsory process under this Act.

(2) On publication of a notice under Subsection (1)—

(a) the property in the aid is vested in the State; and

(b) the aid is freed and discharged from all interests, trusts, restrictions, declarations, reservations, obligations, contracts, licences, liens, charges and rates.

**179. Effects of compulsory acquisition.**

Where an aid is compulsorily acquired under Section 178—

(a) the interest in the aid of the person from whom the aid has been acquired is converted into a right to compensation; and

(b) in respect of any interest in the aid—the right of any person against the person from whom the aid has been acquired is preserved.

**180. Compensation.**

(1) Any person who, immediately before the date of compulsory acquisition of an aid under Section 178, had an interest in the aid may apply within the prescribed time and in the prescribed manner to the Minister for payment of compensation in respect of that interest.

(2) The Minister shall, within the prescribed time, after receiving an application under Subsection (1), determine—

(a) whether the applicant had, at the relevant time, a compensable interest in the aid; and

(b) the amount of compensation (if any) payable by the State in relation to that compensable interest.

**181. Court may adjust rights.**

Where an aid is compulsorily acquired under this Division, the Court may, on the application of the State or any interested person, make such order as it thinks proper for declaring or adjusting rights and liabilities in connexion with the aid, including any claim for compensation, or with transactions in relation to the aid, or otherwise affected by the acquisition.

*Division 3.—Control of Aids.*

**182. Establishment of aids.**

- (1) The Minister may establish an aid.
- (2) A person may, with the written approval of the Minister, establish an aid.
- (3) A person who, without the approval referred to in Subsection (2), establishes an aid is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**183. Maintenance and alteration of aids.**

The Minister, or a person authorized by the Minister for the purpose, may—

- (a) maintain; and
- (b) add to, alter or remove; and
- (c) vary the character of, or the mode of operating or exhibiting,

an aid.

**184. Control of private aids.**

- (1) A person who, without the written approval of the Minister—
  - (a) maintains; or
  - (b) adds to, alters or removes; or
  - (c) varies the character of, or the mode of operating,an aid that is his property, or under his control, is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

- (2) The Minister may, by written notice, require the owner of an aid, or the owner of, or person having under his control, any light, device, or thing being a light, device or thing that is not an aid—

- (a) to remove it; or
- (b) to alter its character or mode of operation; or
- (c) to desist from using or from interfering with it; or
- (d) to use it only at such times and in such manner as the Minister directs.

- (3) In making a requirement under Subsection (2), the Minister shall have regard to the safety and convenience of marine navigation.

- (4) Where a person fails, without reasonable cause, to comply with a requirement made under Subsection (2), or for any reason a notice under Subsection (2) cannot be served on the owner, the Minister may—

- (a) take possession or control of the aid or of the light, device or thing; and
- (b) do, at the expense of the person, anything which the person was required to do under Subsection (2) or which, in the opinion of the Minister, must be done for the safety of marine navigation.

- (5) A person who fails, without reasonable cause, to comply with a requirement made under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**185. Inspection of aids by Safety Officer.**

(1) The Safety Officer may at any reasonable time inspect—

- (a) any aid; and
- (b) any light, device, or thing that—
  - (i) is not an aid; and
  - (ii) may, in his opinion, affect the safety or convenience of marine navigation.

(2) For the purpose of an inspection under Subsection (1), the Safety Officer may enter on any property.

**186. Maintenance of aids by Safety Officer.**

Where, in the opinion of the Safety Officer, it is necessary for the maintenance of an aid to do so, he may—

- (a) enter on any property; and
- (b) transport goods, or cause goods to be transported through the property.

**187. Obstruction of Minister or Safety Officer.**

A person who obstructs the Minister or the Safety Officer in the exercise of his powers or the performance of his duties under this Division is guilty of an offence.

Penalty: A fine not exceeding K500.00.

*Division 4.—Navigational Aid Contributions.*

**188. Requirement to pay navigational aid contributions.**

The—

- (a) owner; or
- (b) master; or
- (c) agent of the owner; or
- (d) agent of the charterer,

of a ship that—

- (e) enters or leaves a place or port in Papua New Guinea; or
- (f) is engaged in offshore operations,

shall pay to the prescribed person such navigational aid contributions in respect of the ship as are prescribed.

*(Replaced by No. 38 of 1984.)*

**189. Penalty for failure to pay navigational aid contributions.**

Where, without reasonable cause, the owner or the master of a ship fails to pay such navigational aid contributions as are prescribed, the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

**190. Detention of ship where navigational aid contributions are not paid.**

Where, in respect of a ship, navigational aid contributions are—

- (a) payable under Section 188; and

(b) are unpaid,  
the ship may be detained until they are paid.

*Division 5.—Damage to Navigational Aids.*

**191. Offences relating to navigational aids.**

(1) A person who—

(a) wilfully or negligently damages, destroys or allows a ship to foul an aid; or





- (b) wilfully or negligently does anything which causes the view of an aid to be obstructed in such a manner as to lessen its efficiency; or
- (c) wilfully or negligently does anything which interferes with an aid so as to hinder the effective use of the aid; or
- (d) without lawful authority, removes, alters or interferes with an aid so as to hinder the effective use of the aid; or
- (e) trespasses on, or without lawful excuse, is found in or on—
  - (i) an aid; or
  - (ii) any land on which an aid is situated,

is guilty of an offence.

Penalty: A fine not exceeding K400.00 and in addition the cost of repairing or replacing the aid or of rendering the aid effective again.

(2) A person who—

- (a) damages, destroys or allows a ship to foul an aid; and
- (b) fails to notify the Safety Officer as soon as practicable after the aid is damaged, destroyed or fouled,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

#### 192. Detention of ship in certain circumstances.

Where a ship damages, destroys or fouls an aid, the ship may be detained until the cost of repairing or replacing the aid or rendering the aid effective again is paid.

#### *Division 6.—General.*

#### 193. Immunity from certain proceedings.

(1) In this section, "the State" includes the Minister, an employee of the State, any statutory authority or instrumentality of the State and an employee of any such statutory authority or instrumentality.

(2) No legal proceedings shall be instituted against the State in respect of any act or omission that is done or made under this Part unless that act or omission arises from wilful misconduct.

#### 194. Advisory committee on navigational aids.

(1) The Minister may nominate persons to advise him on matters related to this Part.

(2) The persons nominated under Subsection (1) shall include two or more persons who shall represent the owners of ships in respect of which current navigational aid contributions have been paid.

(3) The persons nominated under Subsection (1) shall form a committee the Chairman of which shall be an officer of the Marine Division, Department of Transport and Civil Aviation.

#### 195. Regulations for navigational aids.

The regulations may make provision for and in relation to—

- (a) the rates and scales, whether on a voyage or on a periodical basis, of the navigational aid contributions payable in respect of ships; and

- (b) the manner in which navigational aid contributions shall be paid; and
- (c) the times at which navigational aid contributions shall be paid; and
- (d) the refund of navigational aid contributions; and
- (e) the exemption of particular ships or of particular classes of ships from the requirements relating to payment of navigational aid contributions; and
- (f) a determination by the Minister that a particular fishing vessel or particular classes of fishing vessel are exempt from the requirements relating to payment of navigational aid contributions; and
- (g) the returns to be made and the information to be supplied to the Safety Officer by the owner of an aid.

PART VIII.—PILOTAGE.

*Division 1.—Pilotage Areas and Pilotage Authorities.*

196. Pilotage areas.

The Minister may, by notice in the National Gazette, declare a port or place to be a pilotage area.

197. Appointment of pilotage authorities.

The Minister may, by notice in the National Gazette, appoint a person to be a pilotage authority in respect of a particular pilotage area.

198. Pilotage authorities.

- (1) There shall be a pilotage authority in respect of each pilotage area.
- (2) The pilotage authority in respect of a particular pilotage area is—
  - (a) where a person is appointed under Section 197—that person; and
  - (b) where no person is appointed under Section 197—the Safety Officer.

*Division 2.—Compulsory Pilotage.*

199. Interpretation of Division 2.

In this Division, unless the contrary intention appears—

“exempt ship”, in relation to a particular pilotage area, means a ship that, in respect of that area, is prescribed as an exempt ship by a regulation made under this Part;

“ship”, in relation to a particular pilotage area, means a ship other than an exempt ship.

200. Compulsory pilotage areas.

A pilotage authority may, by notice in the National Gazette, declare that, in respect of the whole or a part of a particular pilotage area, pilotage is compulsory.

201. Ships required to take licensed pilots on board.

(1) Subject to Section 203, before a ship enters a compulsory pilotage area, the master of the ship must—

- (a) present the ship at the appropriate boarding ground; and

- (b) receive on board a licensed pilot and such other persons and equipment as the pilotage authority may direct; and
- (c) receive such assistance as the licensed pilot may direct; and
- (d) give the ship in pilotage charge of the licensed pilot.

(2) Where there is a contravention of this section, the owner and the master of the ship in respect of which the contravention occurs are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

**202. Ships required to have licensed pilots on board.**

Subject to Section 203, where a ship plies in, moves in (other than by warping) or leaves a compulsory pilotage area without having a licensed pilot on board, the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**203. Licensed pilots not required in certain circumstances.**

Subject to Section 204, where it is necessary, having regard to the safety of the ship or of a person on board the ship, that the ship be immediately brought into, moved within or taken out of a compulsory pilotage area, a licensed pilot is not required to be on board the ship.

**204. Special circumstances where pilots are required.**

(1) Where a pilotage authority is of the opinion that there would otherwise be some special risk or danger within a particular pilotage area, the pilotage authority may require the master of any ship, including an exempt ship, to take on board the ship a pilot acceptable to the pilotage authority.

(2) In forming an opinion under Subsection (1) a pilotage authority shall have regard to—

- (a) the condition of the ship and its equipment; and
- (b) the nature and condition of any cargo carried on the ship; and
- (c) the existence of any nuclear power source on the ship; and
- (d) the circumstances of, and the conditions within, a particular pilotage area.

(3) Where the master of a ship refuses, or fails without reasonable cause, to comply with a requirement made under Subsection (1), the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

*Division 3.—Pilotage Licences and Pilotage Exemption Certificates.*

**205. Number of pilotage licences.**

The Minister may, by notice in the National Gazette, determine the maximum number of pilotage licences that may be issued in respect of a particular pilotage area.

**206. Pilotage licences and pilotage exemption certificates.**

(1) Subject to Section 205, a pilotage authority may in the prescribed manner—

- (a) issue a pilotage licence or a pilotage exemption certificate to a person; and
- (b) renew a pilotage licence or a pilotage exemption certificate; and

(c) suspend or cancel a pilotage exemption certificate.

(2) The issue and renewal of a pilotage licence or a pilotage exemption certificate under this section shall be subject to such conditions (if any) as the pilotage authority thinks fit and endorses on the licence or certificate.

(3) A pilotage licence or a pilotage exemption certificate issued or renewed under this section is valid only within the pilotage area in respect of which it is issued.

#### **207. Suspension of pilotage licence.**

(1) Where, in the opinion of a pilotage authority, a licensed pilot—

(a) is unfit to discharge his duties because of—

- (i) incompetence; or
- (ii) misconduct; or
- (iii) any other reason; or

(b) has been seriously negligent in the discharge of his duties,

the pilotage authority may cause an inquiry to be held.

(2) Where a pilotage authority causes an inquiry to be held under Subsection (1), it may, if it thinks fit, suspend the pilotage licence of the licensed pilot in relation to whom the inquiry is to be held pending the outcome of the inquiry.

(3) Where a pilotage licence is suspended under this section, the pilotage authority may direct the licensed pilot to deliver up his pilotage licence to it.

(4) A person who refuses, or fails without reasonable cause, to comply with a direction under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

#### **208. Inquiry into incompetence, etc.**

(1) The Minister may, for the purposes of an inquiry under Section 207, nominate a person to hold the inquiry.

(2) Where a pilotage authority has caused an inquiry to be held under Section 207, the person holding the inquiry may, for the purpose of the inquiry—

- (a) go on board a ship; and
- (b) enter on any wharf or installation within a pilotage area; and
- (c) require any person to answer questions relating to the subject of the inquiry; and
- (d) require the production to him of any document or certificate that, in his opinion, is relevant to the inquiry.

(3) A person holding an inquiry shall make a report on the inquiry to the pilotage authority.

(4) Where, after receiving a report under Subsection (3), a pilotage authority is satisfied as to any of the matters referred to in Section 207(1)(a) or (b), the pilotage authority may—

- (a) for such period as it thinks fit, suspend; or
- (b) cancel,

the pilotage licence of the licensed pilot in respect of whom the inquiry was held.

(5) Where, under this section, a pilotage licence is—

- (a) suspended for a period exceeding six months; or

(b) cancelled,

the holder of the licence may, within 30 days after the date of the suspension or cancellation, appeal to the National Court and the National Court shall make such order as the justice of the case requires.

(6) A person holding an inquiry may be assisted by one or more assessors nominated by the person holding the inquiry.

*Division 4.—Licensed Pilots and Exempt Pilots.*

**209. Production of pilotage licence.**

(1) Where a licensed pilot goes on board a ship for the purpose of acting as pilot of the ship, the master of the ship may require the licensed pilot to produce his pilotage licence for inspection.

(2) A licensed pilot who refuses, or fails without reasonable cause, to comply with a requirement made under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

**210. Unqualified persons not to act as licensed pilots or exempt pilots.**

A person who is not a licensed pilot or an exempt pilot and who—

(a) holds himself out to be a licensed pilot or an exempt pilot as the case may be; or

(b) pilots a ship in respect of which a licensed pilot is required to be on board, is guilty of an offence.

Penalty: A fine not exceeding K300.00.

**211. Misconduct by licensed pilots.**

(1) This section applies where a licensed pilot—

(a) does any act which causes, or is likely to cause—

(i) the loss or destruction of or serious damage to; or

(ii) the death of, or serious injury to, a person on board, a ship; or

(b) fails to do anything required to be done by him to preserve—

(i) a ship from loss, destruction or serious damage; or

(ii) any person on board a ship from death or serious injury.

(2) Where the act, or the failure to act, referred to in Subsection (1)

(a) is deliberate; or

(b) amounts to a wilful breach or neglect of duty; or

(c) occurs when the licensed pilot is under the influence of alcohol or a drug, the licensed pilot is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**212. Defence if drug taken for medical purposes.**

It is a defence to a charge of an offence under Section 211 if the licensed pilot charged proves that—

- (a) at the time of the alleged act, or failure to act, he was under the influence of a drug taken by him for medical purposes; and
- (b) either—
  - (i) he took the drug on medical advice and complied with any direction given as part of that advice; or
  - (ii) he had no reason to believe that the drug might have the influence it did.

**213. Licensed pilot not civilly liable.**

A licensed pilot is not personally liable in any civil proceedings for any damage done by him, or for any loss suffered as a result of any act done by him, or of any failure to do anything required to be done by him, while acting as a licensed pilot.

*Division 5.—Miscellaneous.*

**214. Presence of licensed pilot does not diminish responsibility of master.**

(1) Subject to the authority of the master of a ship, the duty of a licensed pilot is to pilot the ship.

(2) The master of a ship is not relieved, by reason of the ship being in pilotage charge of a licensed pilot, of his responsibility for the conduct and navigation of the ship.

**215. Owner and master liable for damage.**

The owner and the master of a ship are jointly and severally liable for any loss or damage caused by the ship, or as a result of any fault in the navigation of the ship, notwithstanding that a licensed pilot was required to be on board the ship at the time that the loss or damage was caused.

**216. Pilotage authority not liable for loss or damage.**

A pilotage authority is not liable in any civil proceedings for—

- (a) any damage done by; or
- (b) any loss suffered as a result of—
  - (i) any act done by; or
  - (ii) any failure to do anything required to be done by,

a licensed pilot licensed by it while the licensed pilot is acting as a pilot of a ship.

**217. Pilotage services.**

A pilotage authority—

- (a) shall, where pilotage is compulsory; and
- (b) may, where pilotage is not compulsory,

provide pilotage services.

**218. Pilotage dues and charges for pilotage services.**

(1) Pilotage dues, and charges for pilotage services, in respect of a ship shall be payable by the owner or master of the ship to the pilotage authority.

(2) A pilotage authority may, by notice in the National Gazette, fix the scale of dues and charges for pilotage services payable under Subsection (1).

(3) In fixing a scale of dues and charges for pilotage services under Subsection (2), a pilotage authority shall have particular regard to—

- (a) the circumstances of; and
- (b) the cost of providing pilotage services within, the pilotage area in respect of which the scale is to be fixed.

**219. Fees for pilotage licences and pilotage exemption certificates.**

Fees payable in respect of the issue and renewal of pilotage licences and pilotage exemption certificates are as prescribed.

**220. Regulations for pilotage.**

The regulations may make provision for and in relation to—

- (a) the ships or classes of ship that are exempt for the purposes of Division 2; and
- (b) the measures necessary to facilitate the boarding of ships by pilots; and
- (c) the determination by the Minister of boarding grounds; and
- (d) the manner of application for the issue or renewal of pilotage licences or pilotage exemption certificates; and
- (e) the manner of suspension or cancellation of a pilotage exemption certificate; and
- (f) the determination by a pilotage authority of the qualifications required to be held by, and the standards required to be attained by, applicants for the issue or renewal of pilotage licences or pilotage exemption certificates; and
- (g) the issue or renewal of pilotage licences or pilotage exemption certificates; and
- (h) the form of pilotage licences or pilotage exemption certificates; and
- (i) the maintenance of efficiency of licensed pilots and of holders of pilotage exemption certificates; and
- (j) the manner of payment of pilotage dues and charges for pilotage services; and
- (k) the determination by the Minister, after consultation with a pilotage authority, of the fees payable to the pilotage authority in respect of the issue or renewal of pilotage licences or pilotage exemption certificates.

**PART IX.—COASTING TRADE.**

*Division 1.—Preliminary.*

**221. Application of Part IX.**

This Part, unless the contrary intention appears, does not apply to or in relation to a ship that is—

- (a) in the opinion of the Registrar, of traditional build; or
- (b) less than 10 m in length; or
- (c) a pleasure craft.

*Division 2.—Coasting Trade Licences.***222. Coasting trade licences.**

The Minister may, subject to such conditions (if any) as he thinks fit, grant to a person a licence to engage a ship in the coasting trade.

**223. Categories of coasting trade licences.**

(1) A licence granted under Section 222 shall be—

- (a) a general category licence; or
- (b) a special category licence.

(2) A general category licence entitles the holder of the licence to engage the ship in respect of which the licence is granted in the coasting trade.

(3) A special category licence entitles the holder of the licence to engage the ship in respect of which the licence is granted in the coasting trade in the shipping service specified in the licence.

**224. Requirement to hold coasting trade licences.**

(1) In this section, "owner", in relation to a ship, includes, where the ship is operated by a person other than the owner, that person.

(2) Subject to Section 225, where—

- (a) a ship engages in the coasting trade; and
- (b) an appropriate coasting trade licence is not held in respect of the ship,

the master and the owner of the ship are each guilty of an offence.

Penalty: A fine not exceeding K10 000.00.

Default penalty: A fine not exceeding K500.00.

**225. Exemption from requirement to hold coasting trade licence.**

The Minister may, by notice in the National Gazette, declare that Section 224 does not apply—

- (a) in relation to the provision of a particular shipping service; or
- (b) for the period specified in the notice in relation to—
  - (i) a particular ship or a particular class of ship; or
  - (ii) trading or going between a particular port or place and another particular port or place.

**226. Limitation on grant of licences.**

(1) In this section, "charterer", in relation to a ship, means any person who by virtue of a charter or other agreement has responsibility for the management, operation and navigation of the ship as if he were the owner of the ship.

(2) Subject to Subsection (4), a coasting trade licence in respect of a ship that is registered under this Act may only be granted to—

- (a) the owner of the ship; or
- (b) a qualified person who is either by himself or with other persons each of whom is a qualified person, the charterer of the ship.

(3) Subject to Subsection (4), a coasting trade licence in respect of a ship that is not registered under this Act may only be granted to a qualified person who, either by himself



or with other persons each of whom is a qualified person, is the owner or charterer of the ship.

(4) Where, in respect of a particular shipping service, the Minister is satisfied that no person referred to in Subsection (2) or (3) is able to offer an efficient and adequate service, he may grant a coasting trade licence to any person who, in his opinion, is able to do so.

**227. Duration of licences.**

(1) Subject to this section, the Minister may determine the period for which a coasting trade licence is granted to a person in respect of a ship.

(2) In making a determination under Subsection (1) the Minister shall have regard to—

- (a) the age, size and condition of the ship; and
- (b) whether or not the person seeking the grant of the licence is the owner of the ship; and
- (c) the suitability of the ship for the trade or service.

(3) Where a general category licence is granted to a person referred to in—

- (a) Section 226(2), the licence shall be granted for a period not exceeding eight years; and
- (b) Section 226(3), the licence shall be granted for a period not exceeding five years; and
- (c) Section 226(4), the licence shall be granted for a period not exceeding two years.

(4) A special category licence shall be granted for a period not exceeding 12 months.

**228. Delivery up of licences in certain circumstances.**

(1) Where—

- (a) a coasting trade licence is granted to a qualified person; and
- (b) that person ceases to be a qualified person,

he must, within seven days of ceasing to be a qualified person, deliver up his licence to the Minister.

(2) A person who refuses, or without reasonable cause fails, to deliver up a licence under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K500.00.

**229. Cancellation or variation of licences.**

(1) Where, in the opinion of the Minister, it is necessary or desirable in the public interest to do so, the Minister shall—

- (a) cancel a coasting trade licence; or
- (b) subject to Section 227, vary any condition under which a coasting trade licence is issued.

(2) Where—

- (a) a coasting trade licence is granted to a person in respect of a ship registered under this Act; and
- (b) the ship ceases to be registered under this Act,

the Minister shall give effect to Section 227 by altering the period for which the coasting trade licence is granted.

**230. Holder to observe conditions of licence.**

(1) Where a coasting trade licence has been granted, or a coasting trade permit has been issued, subject to any condition, and that condition is not observed, the holder of the licence or permit is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(2) Where—

(a) an offence is committed under Subsection (1); or

(b) in the case of a ship in respect of which a coasting trade licence has been granted to a person—an offence is committed under Section 224,

the Minister may cancel the coasting trade licence.

**231. Requirement to furnish information.**

(1) The Minister may require—

(a) the holder of a coasting trade licence or permit; or

(b) an applicant for—

(i) the grant of a coasting trade licence; or

(ii) the issue of a coasting trade permit,

to furnish him with information about the shipping service in respect of which the licence or permit is, or is about to be, granted or issued.

(2) The information referred to in Subsection (1) shall include details of—

(a) voyages made or to be made; and

(b) cargo carried or to be carried; and

(c) passengers carried or to be carried; and

(d) shipping services performed or to be performed,

by the ship in respect of which the licence or permit is, or is about to be, granted or issued and shall include—

(e) descriptions of the operations involved in; and

(f) financial matters connected with,

the provision of the shipping services in respect of which the licence or permit is, or is about to be, granted or issued.

(3) Where the Minister has reasonable cause to believe that a person has, in respect of a ship, failed to comply with a requirement of this Part, he may, for the purpose of acquiring or verifying any information required to be furnished under this section—

(a) go on board; and

(b) make a check on cargo or passengers carried on board; and

(c) examine any accounts, shipping documents, manifests or other documents relating to,

the ship.

(4) A person who refuses, or fails without reasonable cause—

(a) to comply with a requirement made under Subsection (1); or

(b) to permit the Minister to do any of the acts referred to in Subsection (3)(a),  
(b) or (c),  
is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(5) An officer of the Marine Division, Department of Transport and Civil Aviation who, other than in the performance of his official duties—

- (a) makes any record available; or
- (b) divulges; or
- (c) communicates,

to any person any information acquired by him or furnished to the Minister under this section is guilty of an offence.

Penalty: A fine not exceeding K1 000.00 or imprisonment for a term not exceeding 12 months.

*Division 3.—Coasting Trade Permit.*

**232. Coasting trade permits.**

(1) Where, in the opinion of the Minister—

- (a) no ship in respect of which an appropriate coasting trade licence has been granted is available to provide a particular shipping service; or
- (b) a particular shipping service offered by a ship in respect of which an appropriate coasting trade licence has been granted is inadequate, inefficient or unreasonably costly and it is desirable in the public interest to do so, the Minister may, subject to such conditions (if any) as he thinks fit, issue a coasting trade permit to the master of a ship.

(2) A permit issued under Subsection (1) shall be in respect of—

- (a) a particular ship; and
- (b) the provision of specified shipping services by that ship.

**233. Effect of issue of coasting trade permit.**

A ship in respect of which a permit is issued under Section 232 shall not be deemed to be engaged in the coasting trade solely by reason of the fact that the ship is engaged in the provision of those shipping services specified in the permit.

*Division 4.—Coasting Trade Committee.*

**234. Coasting Trade Committee.**

The Coasting Trade Committee is hereby established.

**235. Membership of Coasting Trade Committee.**

(1) The Coasting Trade Committee shall consist of—

- (a) an officer of the Marine Division, Department of Transport and Civil Aviation who shall be the Chairman of the Committee; and
- (b) two members to represent the interests of shippers or producers of goods customarily carried in ships engaged in the coasting trade; and

(c) one member to represent consumers of goods customarily carried in ships engaged in the coasting trade; and

(d) three members to represent the holders of coasting trade licences.

(2) The members of the Coasting Trade Committee shall be appointed by the Minister by notice in the National Gazette.

**236. Coasting Trade Committee to be Committee of Advice for certain purposes.**

The Coasting Trade Committee is deemed to be a Committee of Advice for the purposes of—

(a) the conduct of its meetings; and

(b) the payment of fees, expenses and allowances to its members.

**237. Functions of Coasting Trade Committee.**

The Coasting Trade Committee may—

(a) advise the Minister on any matter relating to the coasting trade; and

(b) report to the Minister on any proposed regulation relating to the coasting trade,

and shall within 60 days of being requested by the Minister to do so, recommend a rate that it considers to be the maximum rate that should be charged for a particular shipping service.

**238. Publication of recommended rates.**

(1) Subject to Subsection (2), where the Coasting Trade Committee makes a recommendation under Section 237, the Minister shall cause the recommendation to be published in the prescribed manner.

(2) At any time prior to publication under Subsection (1), the Coasting Trade Committee may by written notice to the Minister withdraw a recommendation made under Section 237.

*Division 5.—Maximum Rates for Shipping Services.*

**239. Investigation of rates for shipping services.**

(1) In this section “recommended” means recommended to the Minister under Section 237.

(2) Where the Minister is of the opinion that—

(a) the recommended rates for shipping services are not at as low a level as is commercially viable; or

(b) the rates being charged for shipping services provided by a particular ship, or by ships within a particular class of ship—

(i) are too high; or

(ii) consistently exceed the recommended rates; or

(c) it is in the public interest to do so,

he shall cause the recommended rates, or the rates being charged, as the case may be, to be investigated.

**240. Minister may fix maximum rates for shipping services.**

(1) The Minister may, after he has caused an investigation to be carried out under Section 239(2), by notice in the National Gazette, fix a maximum rate for a particular shipping service.

(2) In fixing a maximum rate under Subsection (1), the Minister shall have regard to any advice given to him by the Coasting Trade Committee under Section 237.

**241. Rates not to exceed maximum rates for shipping services.**

A person who, in respect of the provision of a particular shipping service, charges a rate exceeding the maximum rate fixed under Section 240(1) is guilty of an offence.

Penalty: A fine not exceeding K10 000.00.

Default penalty: A fine not exceeding K500.00.

*Division 6.—General.*

**242. Licence and permit fees.**

The holder of—

(a) a coasting trade licence shall, on the grant of the licence and on the expiry of each subsequent period of 12 months; and

(b) a coasting trade permit shall, on the issue of the permit,

pay such fees as are prescribed.

**243. Certain regulations to be referred to Coasting Trade Committee.**

A regulation under this Part shall not be made unless the Minister first obtains from the Coasting Trade Committee a report on the proposed regulation.

**244. Regulations for coasting trade.**

Subject to Section 243, the regulations may provide for and in relation to—

(a) applications for the grant of coasting trade licences; and

(b) the form of coasting trade licences; and

(c) the publication of any recommended rates for the provision of shipping services; and

(d) applications for the issue of coasting trade permits; and

(e) the form of coasting trade permits; and

(f) the submission and verification of information related to the operation of ships in respect of which coasting trade licences or coasting trade permits have been granted or issued; and

(g) the determination by the Minister of areas classed as places; and

(h) the fees payable in respect of the grant of a coasting trade licence or the issue of a coasting trade permit.

PART X.—LIABILITY OF SHIPOWNERS AND OTHERS.

*Division 1.—Preliminary.*

245. Interpretation of Part X.

(1) In this Part—

“the Court” means the National Court;

“gold franc” means a unit consisting of 65.5 mg of gold of millesimal fineness 900;

“ship” includes—

- (a) every description of lighter, barge or like vessel, however propelled; and
- (b) any structure launched and intended for use in navigation as a ship or a part of a ship; and
- (c) a vessel belonging to the Defence Force.

(2) The Minister responsible for financial matters may, from time to time, by notice in the National Gazette, specify the amounts which, for the purposes of this Part, are to be taken as equivalent to any specified number of gold francs.

(3) Where money has been paid into Court in respect of any liability to which a limit is set by this Part, the ascertainment of that limit shall not be affected by a subsequent variation of the amounts specified under Subsection (2) unless the amount so paid was less than that limit as ascertained in accordance with the order in force under that subsection.

(4) For the purposes of this Part—

(a) the tonnage—

- (i) of a ship propelled by any mechanical power—shall be her net registered tonnage with the addition of any engine-room space deducted for the purposes of ascertaining that tonnage; and
- (ii) of a sailing ship—shall be her net registered tonnage; and

(b) where a foreign ship—

- (i) has been or can be measured according to this Act, her tonnage shall be that ascertained by that measurement; and
- (ii) has not been, and cannot be, measured according to this Act, the Safety Officer shall, on receiving from or by the direction of the court hearing the case in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would, in his opinion, have been the tonnage of the ship if she had been so measured, and the tonnage so stated shall be deemed for the purposes of this Part to be the tonnage of the ship; and

(c) the tonnage of a ship that is less than 300 tons shall be deemed to be 300 tons.

*Division 2.—Exclusion and Limitation of Liability.*

**246. Loss or damage from fire or theft.**

The owner of a ship registered in Papua New Guinea, or of any share in the ship, shall not be liable to make good to any extent any loss or damage happening without his actual fault or privity in the following cases:—

- (a) where any goods, merchandise, or other things taken in or put on board his ship are lost or damaged by reason of fire on board the ship; or
- (b) where any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of robbery, embezzlement, making away with, or secreting them.

**247. Limitation of liability in certain cases.**

(1) The owners of any ship shall not, where all or any of the following occurrences take place without their actual fault or privity, that is to say:—

- (a) where any loss of life or personal injury is caused to any person being carried in the ship; or
- (b) where any damage or loss is caused to any goods, merchandise, or other things on board the ship; or
- (c) where any loss of life or personal injury is caused to any person not carried in the ship through the act or omission of any person, whether on board the ship or not—
  - (i) in the navigation or management of the ship; or
  - (ii) in the loading, carriage or discharge of its cargo; or
  - (iii) in the embarkation, carriage or disembarkation of its passengers,
 or through any other act or omission of any person on board the ship; or
- (d) where any loss or damage is caused to any property, other than any property mentioned in Paragraph (b), or any rights are infringed through the act or omission of any person, whether on board the ship or not—
  - (i) in the navigation or management of the ship; or
  - (ii) in the loading, carriage or discharge of its cargo; or
  - (iii) in the embarkation, carriage or disembarkation of its passengers,
 or through any other act or omission of any person on board the ship,

be liable to damages beyond the following amounts:—

- (e) in respect of loss of life or personal injury, alone or together with such loss, damage or infringement referred to in Paragraphs (b) and (d)—an aggregate amount not exceeding an amount equivalent to 3 100 gold francs for each ton of their ship's tonnage; and
- (f) in respect of such loss, damage or infringement referred to in Paragraphs (b) and (d), whether or not there be in addition loss of life or personal injury—an aggregate amount not exceeding an amount equivalent to 1 000 gold francs for each ton of their ship's tonnage.

(2) The limits set by this section to the liabilities mentioned in it shall apply—

- (a) to the aggregate of such liabilities which are incurred on any distinct occasion; and
- (b) in respect of each distinct occasion without regard to any liability incurred on another occasion.

(3) The application of this section to any liability shall not be excluded by reason only that the occurrence giving rise to the liability was not due to the negligence of any person.

(4) This section does not apply to any liability in respect of—

- (a) loss of life or personal injury caused to; or
- (b) loss of or damage to any property or infringement of any right of,

a person who is on board or employed in connexion with the ship under a contract of service with all or any of the persons whose liabilities are limited by this section, if that contract is governed by the law of any foreign country and that law—

- (c) does not set any limit to that liability; or
- (d) sets a limit exceeding that set by this section.

#### 248. Power of Court to consolidate claims.

Where any liability is alleged to have been incurred by the owner of a ship in respect of any occurrence in respect of which his liability is limited under Section 247, and several claims are made or apprehended in respect of that liability, the Court may, on the application of the owner—

- (a) determine the amount of his liability; and
- (b) distribute that amount rateably among the several claimants; and
- (c) stay any proceedings pending in any other court in relation to the same matter; and
- (d) proceed in such manner and subject to such regulations as the Court thinks just as to—
  - (i) making persons interested parties to the proceedings; and
  - (ii) excluding any claimants who do not come in within a certain time; and
  - (iii) requiring security from the owner; and
  - (iv) payment of any costs.

#### 249. Extension to other persons of provisions applying to shipowners.

(1) The persons whose liability in connexion with a ship is excluded or limited by this Division shall include any charterer and any person interested in or in possession of the ship, and, in particular, any manager or operator of the ship.

(2) In relation to a claim arising from the act or omission of any person in his capacity as a crewman of a ship or, otherwise than in that capacity, in the course of his employment as a servant of the owners or of any such person referred to in Subsection (1)—

- (a) the persons whose liability is excluded or limited under Subsection (1) shall also include the crewman or servant and, in a case where the crewman is the servant of a person whose liability would not be excluded or limited apart from this paragraph, the person whose servant he is; and



- (b) the liability of the crewman or servant himself shall be so excluded or limited notwithstanding his actual fault or privity in that capacity, except in the cases referred to in Section 246(b).

**250. Release of ship on giving security.**

(1) In this section—

“Convention country” means any country in respect of which the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships done at Brussels on 10 October 1957 is in force (including any country to which the Convention extends by virtue of Article 14 of the Convention;

“guarantee” means security that, in the opinion of the Court, is satisfactory;

“relevant port”—

(a) in relation to any claim, means that port where the event giving rise to the claim occurred or, if that event did not occur in a port the first port of call after the event occurred; and

(b) in relation to a claim for loss of life or personal injury or for damage to cargo, includes the port of disembarkation or discharge.

(2) Where—

(a) a ship or other property is arrested in connexion with a claim that appears to the Court to be founded on a liability to which a limit is set by Section 247; or

(b) security is given to prevent or obtain release from such an arrest,

the Court may, and in the circumstances mentioned in Subsection (4) shall, order the release of the ship, property or security, if the conditions specified in Subsection (3) are satisfied, but where the release is ordered the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim.

(3) The conditions referred to in Subsection (2) are—

(a) that a guarantee has previously been given, whether in Papua New Guinea or elsewhere, in respect of the liability or any other liability incurred on the same occasion, and the Court is satisfied that, if the claim is established, the amount for which the guarantee was given or such part of it as corresponds to the claim will be actually available to the claimant; and

(b) that either the guarantee is for an amount not less than the limit or further security is given that, together with the guarantee, is for an amount not less than that limit.

(4) The circumstances referred to in Subsection (2) are that the guarantee was given in a port that, in relation to the claim, is the relevant port (or, as the case may be, a relevant port) and that that port is in a Convention country.

(5) For the purposes of this section—

(a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given; and

(b) any question whether the amount of any security is (either by itself or together with any other amount) not less than any limit set by Section 247 shall be decided as at the time at which the security is given; and

- (c) where part only of the amount for which a guarantee was given will be available to a claimant that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set in Subsection (2).

(6) Where the Minister, by notice in the National Gazette, declares that any country specified in the notice is a Convention country within the meaning of this section, the notice shall, while in force, be conclusive evidence that the country is a Convention country.

#### **251. Restrictions on enforcement after giving of security.**

(1) No judgement or decree for a claim founded on a liability to which a limit is set by Section 247 shall be enforced, except so far as it is for costs, where—

- (a) security for an amount not less than that limit has been given, whether in Papua New Guinea or elsewhere, in respect of the liability or any other liability incurred on the same occasion; and
- (b) the Court is of the opinion that the security is satisfactory and is satisfied that the amount for which it was given or such part of it as corresponds to the claim will actually be available to the person in whose favour the judgement or decree was given or made.

(2) For the purposes of this section—

- (a) any question whether the amount of any security is not less than any limit set by Section 247 shall be decided as at the time when the security is given; and
- (b) where part only of the amount for which security has been given will be available to the person in whose favour the judgement or decree was given or made, that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set in Subsection (1).

#### **252. Distribution of limitation fund.**

(1) In making any distribution in accordance with Section 248, the Court may, if it thinks fit, postpone distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court of any country outside Papua New Guinea.

(2) No lien or other right in respect of any ship or property shall affect the proportions in which, under Section 248, any amount is distributed amongst several claimants.

#### **253. Part owners to account in respect of damages.**

All sums paid for or on account of any loss or damage, in respect of which the liability of owners is limited under this Part and all costs incurred in relation to them, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use of the ship.

#### **254. Insurance of certain risks not invalid.**

An insurance effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part shall not be invalid by reason of the nature of the risk.

#### **255. Saving for occurrences taking place before commencement.**

This Part does not apply in relation to any liability arising from an occurrence which took place before 24 January 1980.

**256. Limitation of liability of a harbour authority.**

(1) In this section, "a harbour or port authority" includes any person or authority having under the laws of Papua New Guinea control and management of any harbour or port and of ships using the same, as the case may be.

(2) Where, without the actual fault or privity of a harbour or port authority, any loss or damage is caused to any ship or to any goods, merchandise or other things on board any ship or ships, such authority shall not be liable to damages beyond an aggregate amount not exceeding an amount equivalent to 1 000 gold francs for each ton of the tonnage of the largest ship that at the time of such loss or damage occurring, is, or within the preceding five years has been, within the area over which such harbour or port authority performs any duty or exercises any power.

(3) For the purposes of this section, a ship shall not be taken to have been within the area over which a harbour or port authority performs any duty or exercises any power by reason only that it has—

- (a) been built or fitted out within such area; or
- (b) taken shelter within or passed through such area on a voyage between two places both situated outside that area; or
- (c) loaded or unloaded mails or passengers within that area.

(4) This section does not impose any liability in respect of any loss or damage on any such owners or authority in any case where no such liability exists apart from this Act.

(5) The limitation of liability under this section—

- (a) shall relate to the whole of any losses and damages which may arise on any one distinct occasion, although such loss or damages may be sustained by more than one person; and
- (b) shall apply whether the liability arises at common law or under any Act, and notwithstanding anything contained in any Act.

*Division 3.—Division of Liability.*

**257. Application of Division 3.**

Division 3 applies to any persons, other than the owners, who are responsible for the fault of the vessel, as though "owners" includes such persons and all persons responsible for the navigation and management of the vessel pursuant to a charter or demise.

**258. Rule as to division of liability.**

(1) In this section, "freight" includes passage money and hire, and reference to damage or loss caused by the fault of a vessel includes a reference to any salvage or other expenses, consequent on that fault, recoverable at law by way of damages.

(2) Subject to Subsection (3) where, by the fault of two or more vessels, damage or loss is caused to one or more of those vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault.

(3) Subsection (2) shall not apply if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, and in such a case the liability shall be apportioned equally.

(4) This section shall not—

- (a) operate so as to render any vessel liable for loss or damage to which her fault has not contributed; or
- (b) affect the liability of any person under a contract of carriage or any contract; or
- (c) be construed as imposing any liability on any person from which he is exempted by any contract or by any law; or
- (d) be construed as affecting the right of any person to limit his liability in the manner provided by law.

**259. Distribution of loss and damages for personal injuries.**

(1) Where loss of life or personal injury is suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several.

(2) Subsection (1) shall not be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in any action brought against him by the person injured or any person entitled to sue in respect of such loss of life, nor shall it affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

**260. Right of contribution.**

(1) Subject to Subsection (2), where loss of life or personal injury is suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, those owners may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault.

(2) No amount shall be recovered under Subsection (1) which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue.

(3) In addition to any other remedy provided by law, the persons entitled to any such contribution referred to in Subsection (1) shall, for the purpose of recovering the same, have, subject to this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

**PART XI.—COMMITTEES OF ADVICE.**

**261. Committees of Advice.**

(1) There may be Committees of Advice.

(2) The Minister may refer to a Committee of Advice any matter related to merchant shipping.

(3) Where a reference is made under Subsection (2), a Committee of Advice shall—

- (a) advise; and
  - (b) where applicable—make recommendations to,
- the Minister on the matter referred to it.

**262. Members of Committee of Advice.**

(1) The Minister may by instrument appoint a person to be a member of a Committee of Advice.

(2) The members of a Committee of Advice shall, as far as practicable, include—

- (a) a representative of persons interested in; and
- (b) where the Minister thinks it necessary—a person who has special knowledge of,

any matter referred to the Committee of Advice under Section 261(2).

(3) A person appointed under Subsection (1)—

- (a) subject to Subsections (4) and (5), holds office for—
  - (i) two years; or
  - (ii) such lesser period as may be specified by the Minister in the instrument of appointment; and
- (b) is eligible for re-appointment.

(4) The Minister may—

- (a) at any time; and
- (b) without giving reason; and
- (c) with or without notice,

terminate an appointment under Subsection (1).

(5) A person appointed under Subsection (1) may—

- (a) at any time; and
- (b) without giving reason; and
- (c) with or without notice; and
- (d) by writing under his own hand,

resign his appointment.

**263. Regulations for Committees of Advice.**

In relation to Committees of Advice the regulations may make provision for and in relation to—

- (a) the constitution of Committees of Advice; and
- (b) the number of members required to constitute a quorum for Committees of Advice; and
- (c) the manner in which a Committee of Advice may exercise its powers and functions; and
- (d) the manner in which the business and meetings of Committees of Advice shall be conducted; and
- (e) the payment of fees and allowances and the reimbursement of expenses of—
  - (i) members of; and
  - (ii) witnesses appearing before,
 Committees of Advice.

PART XIA.—WRECK AND SALVAGE.

*(Added by No. 12 of 1981.)*

*Division 1.—Preliminary.*

**263A. Interpretation of Part XIA.—**

In this Part, unless the contrary intention appears—

“Receiver” means the Receiver of Wreck appointed under Section 263C;

“salvage” includes all expenses properly incurred by a salvor in the performance of the salvage services;

“tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, but does not include a declared port within the meaning of the *Harbours Board Act*;

“vessel” includes a ship or boat and any other description of vessel used in navigation by water;

“wreck” includes—

- (a) jetsam, flotsam, lagan and derelict found on or near the coast or in any tidal waters; and
- (b) any articles or goods of any kind, cast ashore within the ebb and flow of the tide, that belonged to or came from any vessel wrecked, stranded or in distress or any portion of the hull, machinery or equipment of any such vessel.

**263B. Reservation of powers of Customs.**

This part does not derogate or interfere with the powers of the Comptroller of Customs conferred by or under any other Act.

**263C. Appointment of Receiver.**

The Minister may, by notice in the National Gazette, appoint a person to be the Receiver of Wreck.

**263D. Delegation by Receiver.**

Subject to this Part, the Receiver may, by instrument, delegate to a person all or any of his powers and functions under this Part (except this power of delegation).

**263E. Indemnity of Receiver.**

The Receiver or his delegate is not liable for any damage or loss suffered as a result of—

(a) an act done; or

(b) a failure to do anything required to be done,

by him in carrying out his duties for the purpose of this Part.

*Division 2.—Vessels in Distress.*

**263F. Duty of Receiver to assist vessels in distress, etc.**

(1) Where a vessel is wrecked, stranded or in distress on or near the coast or in any tidal water, the Receiver shall, subject to Subsection (2), take such action as he thinks necessary to assist in the preservation of—

- (a) the vessel; and
- (b) the life of a person belonging to the vessel; and
- (c) any wreck coming from the vessel.

(2) The receiver shall not interfere between the master and the crew in reference to the management of the vessel unless requested to do so by the master.

**263G. Powers of Receiver.**

(1) For the purposes of Section 263F(1), the Receiver may—

(a) requisition—

- (i) the services of any person; and
- (ii) the use of any vehicle, machinery or equipment that is available; and
- (iii) the services of any vessel; and

(b) enter and pass, with or without other persons and vehicles, machinery and equipment over any land; and

(c) deposit wreck on any land.

(2) A person who—

- (a) fails to comply with a requisition under Subsection (1); or
- (b) obstructs the Receiver in the exercise of any rights or powers under that subsection; or
- (c) prevents wreck from remaining on land until it can be removed to a safe place,

is guilty of an offence.

Penalty: A fine not exceeding K5 000.00.

**263H. Cost of assisting vessels in distress recoverable.**

Where the Receiver has, in relation to a vessel that is wrecked, stranded or in distress—

- (a) made a requisition under Section 263G; or
- (b) caused damage to land as a result of the exercise of his powers under that section,

the cost of the requisition or damage shall be a charge on—

- (c) the vessel including its cargo and any property on board; and
- (d) any wreck from the vessel,

as if it were salvage.

**263I. Boarding without authority.**

(1) A person, other than the Receiver or a person acting under his instructions, who, without the leave of the master, boards or attempts to board a vessel that is wrecked, stranded or in distress is guilty of an offence.

Penalty: A fine not exceeding K2 000.00.

(2) A person attempting to board a vessel in contravention of Subsection (1) may be repelled by the master, using such force as is reasonable under the circumstances.

**263J. Interfering, etc., with wreck.**

A person who, in relation to a vessel that is wrecked or stranded or in danger of becoming wrecked or stranded, or is otherwise in distress—

- (a) impedes or hinders or endeavours in any way to impede or hinder the saving of the vessel or the life of a person belonging to the vessel or any property from it; or
- (b) plunders any vessel; or
- (c) secretes any wreck or defaces or obliterates any mark on it; or
- (d) wrongfully removes or carries away any wreck,

is guilty of an offence.

Penalty: A fine not exceeding K5 000.00 or imprisonment for a term not exceeding two years.

*Division 3.—Dealing with Wreck.*

**263K. Notice of wreck to be given to Receiver.**

(1) A person, including the owner of wreck, who—

- (a) finds or takes possession of any wreck within the jurisdiction of the country; or
- (b) having found or taken possession of any wreck outside the jurisdiction brings the wreck into the jurisdiction,

must notify the Receiver in the prescribed manner of the finding or bringing it within the jurisdiction.

(2) A person who fails or refuses without reasonable cause (proof of which is on him) to give the notice required under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

**263L. Receiver may take possession of wreck.**

(1) The Receiver may—

- (a) take possession of any wreck within the jurisdiction of the country; or
- (b) by written notice require a person to deliver up to him any wreck.

(2) A person who fails or refuses without reasonable cause (proof of which is on him) to comply with a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.



**263M. Receiver to give notice of wreck.**

Where the Receiver takes possession of any wreck he shall give notice within the time and in the manner prescribed.

**263N. Dealing with wreck.**

(1) Subject to this Part, where any wreck is in the possession of the Receiver, and a person satisfies the Receiver that he is the owner of the wreck, the Receiver shall deal with the wreck in the prescribed manner.

(2) Where wreck has been in the possession of the Receiver for a period of 12 months and no claim to ownership of the wreck has been proved to the satisfaction of the Receiver, he may sell or dispose of the wreck in the prescribed manner and shall pay the proceeds (if any) into the Consolidated Revenue Fund.

(3) For the purposes of Subsection (1) or (2), in the absence of the owner or an agent appointed by him, where—

- (a) any wreck that, immediately before becoming wreck was not cargo, is from a foreign vessel—the diplomatic representative of the country to which the vessel belongs; and
- (b) any wreck from a foreign vessel that immediately before becoming wreck was cargo owned by a person who was, at the time, a citizen of another country—the diplomatic representative of the country of which the person was a citizen,

is deemed to be the agent of the owner.

**263O. Discharge from liability of Receiver.**

(1) Where, in respect of wreck that comes into his possession, the Receiver has complied with this Division, he is discharged from liability in respect of that wreck.

(2) The discharge of liability of the Receiver under Subsection (1) shall not prejudice or affect any question that may be raised by third parties concerning the right or title to any wreck.

**263P. Dispute as to title to wreck.**

Where a dispute arises as to the title to any wreck, it may be determined as if it were a dispute as to salvage under Division 5.

**263Q. Removal of wrecked vessel, etc.**

A person who, without the prior written approval of the Minister, removes from the jurisdiction of the country—

- (a) a vessel that has been wrecked, stranded or abandoned; or
- (b) any wreck that is found or has been brought,

within the jurisdiction of the country, is guilty of an offence.

Penalty: A fine not exceeding K5 000.00, or imprisonment for a term not exceeding two years.

*Division 4.—Salvage.***263R. Salvage in respect of saving life.**

## (1) Where—

- (a) within the jurisdiction of the country any services are rendered in saving life from a vessel; or
- (b) outside the jurisdiction of the country any services are rendered in saving life from a vessel that—
  - (i) is registered under this Act; or
  - (ii) belongs to the Defence Force; and

(c) the vessel, or any cargo, machinery or equipment from the vessel, is saved, the salvor is entitled to the payment of salvage by the owners of the vessel, cargo, machinery or equipment.

(2) Salvage in respect of the saving of life is payable in priority to all other claims for salvage.

## (3) Where—

- (a) salvage is payable in respect of the saving of life; and
- (b) the value of the vessel, cargo, machinery or equipment saved (if any) is insufficient to pay the amount of salvage payable; and
- (c) the Minister considers that in the circumstances it is proper to do so,

the Minister may, in his discretion, pay to the salvor from funds appropriated for the purpose such sum as he thinks fit in whole or part satisfaction of the amount of salvage.

**263S. Salvage in respect of property.**

Where a vessel is wrecked, stranded or in distress within the jurisdiction of the country and services are rendered by a person—

- (a) assisting the vessel; or
- (b) saving cargo or property from the vessel; or
- (c) saving any wreck,

salvage is payable to the salvor by the owner of the vessel, cargo, property or wreck.

**263T. Assistance to be rendered.**

(1) Subject to Subsection (3), the master of a vessel that is registered under this Act or in respect of which a license or permit has been granted under Part IX. must render assistance to any person who is found at sea in danger of being lost, whether or not that person is a subject of another country that is at war with the State.

(2) A master who, without reasonable cause (proof of which is on him) fails to comply with Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K3 000.00 or imprisonment for a term not exceeding 12 months.

(3) It is a defence to an action under Subsection (2) if the master proves that compliance with Subsection (1) would have caused serious danger to his vessel or to any person in it.

(4) Compliance by the master of a vessel with Subsection (1) shall not affect his right, or the right of any other person, to salvage.

*Division 5.—Procedure in Salvage.*

**263U. Interpretation of Division 5.**

In this Division, unless the contrary intention appears, "detained property" and "property detained" include a vessel, its cargo, machinery, equipment, bunkers, freight at risk (if any) and any wreck.

**263V. Disputes as to salvage.**

Where there is a dispute as to salvage, whether in respect of the saving of life or of property and the dispute is not settled by agreement, arbitration or otherwise, the dispute shall be determined by the National Court.

**263W. Detention of vessel, etc.**

- (1) Where salvage is due to a person under this Part, the Receiver shall—
  - (a) in the case of salvage due in respect of services rendered in—
    - (i) assisting a vessel; or
    - (ii) saving life from the vessel; or
    - (iii) saving cargo or property from the vessel, detain the vessel, the cargo or property; and
  - (b) in the case of salvage due in respect of the saving of any wreck, and the wreck is not sold as unclaimed—detain the wreck.
- (2) Where a vessel, cargo or property is detained under Subsection (1), the Receiver shall—
  - (a) notify the owner of any detained property, if the owner is known to him, of its detention; and
  - (b) retain possession of the detained property until payment is made for the salvage or until otherwise ordered by the Court.
- (3) The Receiver may release any detained property on receipt of adequate security.

**263X. Sale by Receiver of detained property.**

- (1) Where a dispute as to salvage has been referred to the National Court, the Receiver shall deal with any property detained under Section 263W as the Court orders.
- (2) Where, subject to Subsection (1), in the case of property detained under Section 263W the amount of salvage due to a salvor is not disputed, and the amount due is not paid within 20 days of the date agreed for payment, the Receiver may sell the detained property.
- (3) After payment of—
  - (a) any fees payable to, and any expenses incurred by, the Receiver in respect of the property and of its sale; and
  - (b) salvage,

the proceeds of the sale of detained property shall be paid to the person legally entitled to the proceeds.

**263Y. Apportionment of salvage by National Court.**

- (1) Where two or more persons claim payment of the salvage, the National Court may, on the application of a claimant, cause the amount of salvage to be apportioned amongst the persons entitled to it in such manner as it thinks fit.

(2) Where a dispute arises under Subsection (1) between the owner of, or the master or any other person in the service of, a foreign vessel, the National Court shall, in apportioning salvage, have regard to the laws of the country to which the vessel belonged at the time the salvage services were rendered.

**263Z. Voluntary agreement to pay salvage.**

(1) Where—

(a) services are rendered for which salvage is claimed and the salvor voluntarily agrees to abandon his lien on the vessel, cargo or property alleged to be salvaged; and

(b) the master or owner, whether principal or agent—

(i) enters into a written agreement to abide by the decision of the National Court or of a court of competent jurisdiction in another country; and

(ii) gives security to an amount agreed on by the parties to the agreement, the agreement shall bind the vessel and the cargo and property and the respective owners of the vessel and cargo and property and the owners for the time being, for the salvage that may be adjudged to be payable to the extent of the security given.

(2) Where security has been given for the performance of an agreement under this section, the person with whom the security is lodged shall deal with it as the court adjudicating on the agreement directs.

(3) Where an agreement—

(a) that corresponds to an agreement under this section is made under the corresponding provisions of the law in force in another country; and

(b) provides that the parties to it will abide by the decision of a court of competent jurisdiction in Papua New Guinea,

the National Court shall have power to adjudicate on and enforce that agreement.

(4) The National Court shall have power to enforce, and shall assist a court of competent jurisdiction in another country in enforcing, an agreement made under this section or under the corresponding provisions of the law of any other country.

**263ZA. Postal articles not subject to salvage.**

(1) In this section, "postal article" has the same meaning as in the *Post and Telegraph Act*.

(2) A claim for salvage shall not lie against the State in respect of a postal article or the contents of a postal article.

*Division 6.—Miscellaneous.*

**263ZB. Fees payable to Receiver.**

Where the Receiver has—

(a) attended at the site of a stranded vessel or wreck; or

(b) taken possession of any wreck under this Part; or

(c) acted in pursuance of his powers under this Part in relation to a vessel that is wrecked, stranded or in distress,

fees as prescribed shall be payable to the Receiver.

**263ZC. Recovery of fees and costs.**

(1) Where—

- (a) the Receiver is entitled to fees payable under Section 263ZB; or
- (b) the Receiver has incurred costs and expenses in acting in pursuance of his powers under this Part, and those costs and expenses are not otherwise recovered,

the Receiver may institute proceedings for the payment of fees or recovery of costs and expenses, as the case may be.

(2) In addition to his rights and remedies under Subsection (1), the Receiver has, in respect of costs and expenses incurred under this Part, the same rights and remedies as a salvor has in respect of salvage.

(3) In the event of a dispute concerning the nature or amount of costs and expenses incurred by the Receiver under this Part, the matter shall be determined by the Minister, whose decision is final.

**263ZD. Regulations.**

The Regulations may make provision for and in relation to—

- (a) the manner in which notice of wreck found or taken possession of shall be given to the Receiver; and
- (b) the manner in which the Receiver shall give notice that he has taken possession of wreck; and
- (c) the manner in which the Receiver may sell, deal with or otherwise dispose of any wreck in his possession; and
- (d) the fees and expenses, and their payment for services rendered by the receiver.

**PART XII.—MISCELLANEOUS.**

*Division 1.—Wrecks.*

**264. Vessels wrecked.**

(1) In this Division unless the contrary intention appears—

“owner”, in relation to a vessel wrecked, means any person or persons to whom the vessel wrecked—

- (a) belongs; or
- (b) belonged at the time at which it became a vessel wrecked; or
- (c) has belonged at any time after the time at which it became a vessel wrecked;

“vessel” includes part of a vessel and any item of tackle, equipment, cargo, stores or ballast of, or belonging to, a vessel;

“vessel wrecked” means any vessel that is wrecked, stranded, sunk or abandoned or which is lying on the sea-bed within the territorial limits of the country and includes wreck.

(2) Where, in the opinion of the Minister—

- (a) a vessel wrecked is, or is likely to be, an obstruction or danger to navigation;
- or

(b) it is in the public interest to do so,  
the Minister may—

(c) require the owner of the vessel wrecked to—

- (i) raise, remove or destroy, the whole or any part of the vessel; or
- (ii) light or buoy any such vessel or part until it is raised, removed or destroyed; or

(d) where the owner of a vessel wrecked fails to comply with the requirements made under Paragraph (c)—remove, destroy or deal with the vessel wrecked or any part of the vessel wrecked in such manner as he thinks fit; or

(e) sell, in such manner as he thinks fit—

- (i) any vessel wrecked or any part of it so raised or removed; and
- (ii) any other property recovered in the raising or removal;

and, out of the proceeds of sale, pay after deduction of any expenses incurred by him the net proceeds of such sale to the persons entitled to them; or

(f) recover from the owner any and all expenses incurred by him in the lighting, buoying, raising, removal or destruction of the vessel wrecked or any part of the vessel wrecked and not recovered from the proceeds of any sale under Paragraph (e).

(3) The powers given to the Minister under this section for the removal of vessels wrecked shall be in addition to and not in derogation of any other powers given to a harbour or port authority for a like object under any other law.

**265. Prohibition of approaching dangerous wrecks.**

(1) Where the Minister is satisfied that—

- (a) because of any thing contained within a vessel wrecked, the vessel wrecked is in a condition which makes it a potential danger to life or to property; and
- (b) the vessel wrecked ought to be protected from unauthorized interference,

he may, by notice in the National Gazette, declare an area around the vessel to be a prohibited area.

(2) A notice under Subsection (1) shall contain a description of the vessel wrecked, the place where that vessel is and the extent of the area declared to be a prohibited area.

(3) Subject to Subsection (4) a person who, without the written authority of the Minister, enters a prohibited area is guilty of an offence.

Penalty: A fine not exceeding K1 000.00.

(4) A person is not guilty of an offence under Subsection (3) if he enters a prohibited area—

- (a) in pursuance of some duty or function imposed on him by law; or
- (b) out of necessity due to stress of weather or navigational hazard.

*Division 2.—Offences.*

**266. False declaration as to ownership.**

(1) A person who, in a declaration made under or for the purposes of this Act, or in any document or other evidence produced to the Registrar, an assistant to the Registrar or a proper officer—

- (a) wilfully makes or assists in making, or procures to be made a false statement concerning the title to, ownership of, or the interest existing in, a ship registered under this Act; or
- (b) utters, produces or makes use of any declaration or document containing any false statement, knowing the same to be false,

is guilty of an offence.

Penalty: A fine not exceeding K1 000.00 or imprisonment for a term not exceeding 12 months.

(2) Where, in a declaration made under or for the purposes of this Act, a person wilfully makes a false statement in relation either to his being a qualified person or to another person being a qualified person, the ship in respect of which that false statement has been made is liable to forfeiture to the extent of the interest in the ship of the declarant or, unless it is proved that the declaration was made without authority, of a person on behalf of whom the declaration was made.

**267. False declarations and statements.**

A person who knowingly—

- (a) makes a false declaration, statement or representation; or
- (b) gives false evidence on oath; or

- (c) alters, produces or makes use of any false declaration, statement or representation,

in connexion with any application, report, record or proceeding under this Act is guilty of an offence.

Penalty: A fine not exceeding K1 000.00 or imprisonment for a term not exceeding 12 months.

**268. Obstruction of persons.**

A person who, without lawful excuse (proof of which is on him), hinders or obstructs a person in the performance, execution or carrying out of any duty conferred or imposed on that person by this Act is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding three months.

*Division 3.—Procedure.*

**269. Limitation of actions.**

(1) For the purposes of this section, the expression "freight" includes passage money and hire, and references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent on that fault, recoverable at law by way of damages.

(2) An action shall not be maintainable to enforce any claim or lien against a vessel or her owners in respect of—

(a) any—

(i) damage or loss to another vessel, her cargo or freight or any property on board her; or

(ii) damages for loss of life or personal injuries suffered by any person on board her,

caused by the fault of the former vessel, whether such vessel be wholly or partly in fault; or

(b) any salvage services,

unless proceedings are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered.

(3) An action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings are commenced within one year from the date of payment.

(4) Any court having jurisdiction to deal with an action to which this section applies—

(a) may, in accordance with the rules of court, extend any such period to such extent and on such conditions as it thinks fit; and

(b) shall, if satisfied that there has not, during such period, been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.



**270. Proceedings on forfeiture of ship.**

(1) Where a ship has become liable to forfeiture under this Act, the Minister may cause the ship to be seized and may detain the ship and may bring the ship for adjudication before the National Court.

(2) The National Court may, where a ship has been brought before it for adjudication under Subsection (1), on such terms and conditions as it thinks just, order that the ship be forfeited to the State.

**271. Mode of making declaration.**

(1) A declaration required by this Act may be made before the Registrar, an assistant to the Registrar, a Commissioner for Oaths, a Papua New Guinea consular officer or a proper officer.

(2) A declaration required by this Act may be made on behalf of a corporation by any person so authorized under the common seal of the corporation.

**272. Proof of documents.**

(1) All certificates or other documents (including endorsements on certificates or other documents) to which this section applies are admissible in evidence in the manner provided by Section 273.

(2) This section applies to—

- (a) a certificate or other document issued, granted, given or made under this Act or purporting to be issued, granted, given or made under this Act and signed, or purporting to be signed, by any person required or authorized by this Act to issue, grant, give or make any such certificate or document; and
- (b) an endorsement made, or purporting to be made, under this Act and signed, or purporting to be signed, by any person required or authorized by this Act to make any such endorsement; and
- (c) a certificate given or made by the Registrar asserting the negative of any circumstance, fact or thing.

**273. Admissibility of documents in evidence.**

(1) Where a certificate or other document is by this Act declared to be admissible in evidence it shall, on its production from proper custody, be admissible in evidence in any court, and, subject to all just exceptions, shall be conclusive evidence of the matters stated in it.

(2) A copy of any certificate or other document referred to in Subsection (1) or an extract from any such certificate or document is also admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer or person to whom custody of the certificate or other document is entrusted.

(3) Any person who is by this Act required or authorized to issue, grant, give or make any certificate or other document, shall furnish a certified copy of the certificate or document to any person applying at a reasonable time for such certified copy or certified extract.

**274. Averment.**

(1) In this section, "officer" includes a proper officer, a Shipping Officer, a surveyor, an assistant to the Registrar, the Registrar and the Safety Officer.

(2) Subject to Subsection (4), in any prosecution under this Act the averment of any officer shall be prima facie evidence of the matters averred.

(3) Any evidence given in support or rebuttal of a matter averred under Subsection (2) shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased nor diminished by reason of this section.

(4) Averment shall not be made—

- (a) as to the intent of a person; or
- (b) in a case where an offence is punishable by imprisonment.

#### 275. Recovery of fines by distress.

Where a Court adjudges a person convicted of any offence against this Act to pay any fine or other moneys and that person is the master of a ship registered under this Act or the owner of the ship, and the fine or other moneys are not paid within the time and in the manner limited by the conviction or specified in the order of the Court, the Court may, in addition to any other power it may have to compel payment, direct the amount remaining unpaid to be levied by distress or by the sale of the ship or the equipment of the ship, as the case requires.

#### 276. Delegation by Minister.

Subject to this Act, the Minister may, by instrument, delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

#### 277. Application of other laws.

Subject to this Act, all laws in force in Papua New Guinea at the commencement date relating to merchant shipping shall continue in force after the commencement date and shall have full force and effect except where they are inconsistent with any of the provisions of this Act and to the extent of any inconsistency the provisions of this Act prevail.

#### 278. State owned ships not subject to certain proceedings.

This Act does not—

- (a) authorize—
  - (i) proceedings *in rem* in respect of any claim against the State; or
  - (ii) the arrest, detention or sale of any Government ship or of any vessel belonging to the State; or
- (b) give to any person any lien on any Government ship or on any vessel belonging to the Defence Force or on any cargo or other property belonging to the State.

#### 279. Regulations.

The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed, or that are necessary or convenient to be prescribed, for the carrying out or giving effect to this Act, and in particular for prescribing—

- (a) the manner of doing, and the fees payable in respect of, any matter or thing that is required or permitted to be done under this Act; and
- (b) forms to be used for or in connexion with this Act; and

- (c) the means by which, and the conditions subject to which, a ship or a class of ship may be exempted from compliance with the regulations or any provision of the regulations; and
- (d) penalties of fines not exceeding K500.00 and default penalties of fines not exceeding K50.00 for offences against the regulations.

**280 Repeal.**

The *Wreck and Salvage Act* is repealed.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Coasting Trade) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Application for coasting trade licence.
2. Application for coasting trade permit.
3. General category licence.
4. Special category licence.
5. Coasting trade permit.
6. Publication of recommended rates for shipping services.
7. Determination of places.
8. Coasting trade licence fees.
9. Coasting trade permit fees.

SCHEDULE:—

FORM T.1.—General Category Licence to Engage in the Coasting Trade.

FORM T.2.—Special Category Licence to Engage in the Coasting Trade.

FORM T.3.—Coasting Trade Permit.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Coasting Trade) Regulation.*

MADE under the *Merchant Shipping Act*.

**1. Application for coasting trade licence.**

An application for the grant of a coasting trade licence shall—

- (a) be in writing; and
- (b) contain details of—
  - (i) the ship in respect of which application is made; and
  - (ii) the shipping service proposed to be provided; and
  - (iii) any proposals for the employment and training of persons for the sea service by the applicant; and
- (c) where the ship in respect of which the application is made is not registered under the Act—be accompanied by—
  - (i) satisfactory evidence as to the ownership of the ship; and
  - (ii) a declaration stating whether or not the applicant is a qualified person who, either by himself or with other persons each of whom is a qualified person, is the owner or charterer of the ship.

**2. Application for coasting trade permit.**

An application for the grant of a coasting trade permit shall—

- (a) be in writing; and
- (b) contain details of—
  - (i) the ship in respect of which application is made; and
  - (ii) the shipping service proposed to be provided.

**3. General category licence.**

A general category licence shall be in Form T.1.

**4. Special category licence.**

A special category licence shall be in Form T.2.

**5. Coasting trade permit.**

A coasting trade permit shall be in Form T.3.

**6. Publication of recommended rates for shipping services.**

Publication of a recommended rate under Section 238 of the Act shall be made by advertisement in a daily newspaper circulating in the country—

- (a) not less than 14 days; and
- (b) not more than 28 days,

after the date on which a recommendation under Section 237 of the Act is received by the Minister.

**7. Determination of places.**

The Minister may, by notice in the National Gazette, declare an area to be a place for the purposes of Part IX of the Act.

**8. Coasting trade licence fees.**

(1) The fee payable in respect of a coasting trade licence—

- (a) granted under Section 226(2) or (3) is K2.00; and
- (b) granted under Section 226(4) is K4.00,

for each metre, or part of a metre, of the length of the ship in respect of which the licence is granted.

(2) The fee payable under Subsection (1) shall be paid—

- (a) annually; and
- (b) in advance.

**9. Coasting trade permit fees.**

(1) Where a coasting trade permit is issued in respect of—

- (a) a ship that is registered under the Act; and
- (b) the carriage of cargo in that ship,

the person to whom the permit is issued shall pay a fee of K50.00 on the issue of the permit.

(2) Where a coasting trade permit is issued in respect of a ship that is not registered under the Act, the person to whom the permit is issued shall on the issue of the permit pay the fee appropriate to the shipping service to which the permit relates and, if more than one, the aggregate of those fees.

(3) The fees referred to in Subsection (2) are, where the permit relates to—

- (a) the carriage of cargo—a fee of K100.00; and
- (b) the carriage of—
  - (i) 10 passengers or less—a fee of K20.00; and
  - (ii) more than 10 passengers—a fee of K20.00 and additional fee of K1.00 for each passenger permitted to be carried in excess of 10; and
- (c) the provision of a shipping service for which a fee is not otherwise payable—a fee of K100.00.



*Merchant Shipping*

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SCHEDULE.

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 222.

Form T.1.

Reg., Sec. 3.

GENERAL CATEGORY LICENCE TO ENGAGE IN THE COASTING TRADE.

Person to whom licence is granted:

Ship in respect of which licence is granted:

Conditions on which licence is granted:

Valid from to

Official Licence No.:

Issued by: Date:

Annual fee K Receipt No.:

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 222.

Form T.2

Reg., Sec. 4.

SPECIAL CATEGORY LICENCE TO ENGAGE IN THE COASTING TRADE.

Person to whom licence is granted:

Ship in respect of which licence is granted:

Particular shipping service for which licence is granted:

Conditions on which licence is granted:

Valid from to

Official Licence No.:

Issued by: Date:

Annual fee K Receipt No.:

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 232.

Form T.3

Reg., Sec. 5.

COASTING TRADE PERMIT.

Ship in respect of which permit is issued:

Nature of shipping services permitted:

Voyage or occasion:

Conditions on which permit is issued:

Valid from to

Official Permit No.:

Issued by: Date:

Fee K Receipt No.:



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Committee of Advice) Regulation.*

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ARRANGEMENT OF SECTIONS.

1. Interpretation—  
"Committee".
2. Constitution of a Committee.
3. Chairman of a Committee.
4. Meetings of a Committee.
5. Conduct of meetings of a Committee.
6. Fees, expenses and allowances payable to members.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Committee of Advice) Regulation.*

MADE under the *Merchant Shipping Act*.

1. Interpretation.

In this Regulation, unless the contrary intention appears, "Committee" means a Committee of Advice under Part XI. of the Act.

2. Constitution of a Committee.

A Committee shall consist of not less than three members.

3. Chairman of a Committee.

The Minister shall appoint one of the members of the Committee to be Chairman.

4. Meetings of a Committee.

Meetings of a Committee shall be held at such times as the Committee determines or as the Chairman directs.

5. Conduct of meetings of a Committee.

At a meeting of a Committee—

(a) where a Committee consists of—

(i) three members—all members; and

(ii) more than three members—the Chairman and not less than half the number of the other members,

are a quorum; and

(b) all matters shall be decided by a majority of the votes of the members (other than the Chairman) present and voting; and

(c) in the event of an equality of votes on a matter, the Chairman has a casting vote.

6. Fees, expenses and allowances payable to members.

(1) This section does not apply to the Chairman or a member of a Committee where that person is an employee of the State or of an authority or instrumentality of the State.

(2) The Chairman of a Committee shall be paid K30.00 for each day, or part of a day, on which he attends a meeting of the Committee.

(3) A member of a Committee (other than the Chairman) shall be paid K25.00 for each day, or part of a day, on which he attends a meeting of the Committee.

(4) Where a member of a Committee (including the Chairman) attends at a meeting of the Committee held at a place other than that at which he resides, he shall be entitled to—

(a) reimbursement of any expenses necessarily or reasonably incurred by him in travelling—

(i) from his place of residence to the place at which the meeting is held; and

- (ii) on completion of the meeting—from the place at which the meeting was held to his place of residence; and
- (b) where he is necessarily absent from his normal place of residence—
  - (i) the necessary and reasonable costs of travel, accommodation and meals; and
  - (ii) an incidental daily allowance of K2.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Crewmen) Regulation.*

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
  - "an engineer"
  - "engine power"
  - "Foreign Going Voyage"
  - "Pacific Islands"
  - "Pacific Islands Voyage"
  - "Papua New Guinea Voyage"
  - "qualified first aid attendant"
  - "Seaman (Class 1)".

PART II.—SCALES OF CREWMEN.

2. Scale of qualification of crewmen.
3. Deck manning scale.
4. Engine room manning scale.

PART III.—CERTIFICATES OF COMPETENCY.

5. Issue of certificate of competency.
6. Loss of certificate of competency.
7. False statements in application for certificates.

PART IV.—AGREEMENTS.

8. Agreements.
9. Notice of intention to enter into an agreement.
10. Approval of an agreement.
11. Copies of an agreement.
12. Medical examination of crewmen.
13. Notice of intention to terminate agreement.
14. Termination of an agreement outside Papua New Guinea.
15. Crewman not to be left behind outside Papua New Guinea.
16. Employment of young persons.

PART V.—WAGES.

17. Payment of wages.
18. Deductions from wages.
19. Account of wages.
20. Allotment of wages.

PART VI.—ACCOMMODATION AND PROVISIONS.

*Division 1.—Crew Accommodation.*

21. Crew accommodation.
22. Complaints about crew accommodation.

- 23. Crew accommodation requirements.
- 24. Annual inspections of crew accommodation.
- 25. Hospital accommodation.

*Division 2.—Provisions, etc.*

- 26. Provisions and water.

*Division 3.—Medical Stores, etc.*

- 27. Medical attendants and medical stores.

**PART VII.—DISTRESSED CREWMEN.**

- 28. Relief of distressed crewmen.
- 29. Wages of distressed crewman.
- 30. Property of distressed crewman.
- 31. Shipping Officer or proper officer to be notified of distressed crewman.

**PART VIII.—DECEASED CREWMEN.**

- 32. Property of deceased crewmen.
- 33. Sale of property of deceased crewman.
- 34. Wages of deceased crewman.

**PART IX.—DISCIPLINARY OFFENCES.**

- 35. Disciplinary offences.
- 36. Master to deal with disciplinary offences.
- 37. Procedures in dealing with disciplinary offences.
- 38. Suspended persons.

**PART X.—RECORDS TO BE KEPT, ETC.**

- 39. Returns of births and deaths on Papua New Guinea ships.
- 40. Returns of births and deaths on foreign ships.
- 41. Crewman's Identity Card.
- 42. Employment Record Book.
- 43. Entries in the Official Log Book.
- 44. Requirements for Official Log Book.
- 45. Content of Crew Lists.
- 46. Requirements for Crew Lists.

**PART XI.—FEES.**

- 47. Shipping Officer Service Fee.

**SCHEDULES.**

**SCHEDULE 1.—**

- FORM C.1.—Certificate of Competency.
- FORM C.2.—Agreement.
- FORM C.3.—Account of Wages.
- FORM C.4.—Allotment Note.
- FORM C.5.—Record of Hearing of a Disciplinary Offence.
- FORM C.6.—Return of a Birth Occurring in a Ship Registered under the Merchant Shipping Act.
- FORM C.7.—Return of Death Occurring in a Ship Registered under the Merchant Shipping Act.



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FORM C.8.—Return of Birth or Death of a Citizen of Papua New Guinea Occurring in a Ship not Registered in Papua New Guinea.

FORM C.9.—Crewman's Identity Card.

FORM C.10.—Employment Record Book.

SCHEDULE 2.—Scale of Qualification.

SCHEDULE 3.—Deck Manning Scale.

SCHEDULE 4.—Engine Room Manning Scale.

SCHEDULE 5.—Crew Accommodation Requirements.

SCHEDULE 6.—Medicines and Medical and Surgical Stores.

SCHEDULE 7.—Entries in Official Log Book.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

***Merchant Shipping (Crewmen) Regulation.***

MADE under the *Merchant Shipping Act.*

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“an engineer” means a person having a grade of qualification specified in Part B of Schedule 2;

“engine power”, in relation to a ship, means the total delivered shaft power of the engines installed for the propulsion of the ship measured in kilowatts;

“Foreign Going Voyage” means a voyage between—

(a) a place or port in Papua New Guinea and a place or port outside Papua New Guinea; and

(b) a place or port outside Papua New Guinea and another place or port outside Papua New Guinea,

but does not include a Pacific Islands Voyage;

“Pacific Islands” means any place outside Papua New Guinea within the limits of latitude 5° North and 35° South and of longitude 156° West and 130° East;

“Pacific Islands Voyage” means a voyage between—

(a) a place or port in Papua New Guinea and a place or port in the Pacific Islands; and

(b) a place or port in the Pacific Islands and another place or port in the Pacific Islands;

“Papua New Guinea Voyage” means a voyage between a place or port within Papua New Guinea and another place or port within Papua New Guinea and, in relation to a ship that is an offshore ship, means the operation of the ship as an offshore ship;

“qualified first aid attendant” means a crewman who satisfies the Safety Officer that he has satisfactorily completed a course of instruction in first aid;

“Seaman (Class 1)” means a person having a grade of qualification specified as Grade 9 in Schedule 2.

PART II.—SCALES OF CREWMEN.

2. Scale of qualification of crewmen.

(1) A crewman may be qualified in one or more of the grades specified in Schedule 2.

(2) The grade of qualification specified in Column 1 of Schedule 2 is the grade of qualification of a crewman specified opposite in Column 2.

**3. Deck manning scale.**

(1) Subject to Subsection (3), the scale of qualified crewmen to be carried as deck crew is as specified in Schedule 3.

(2) Subject to Subsection (3), the numbers and grades of qualified crewmen required to be carried as deck crew in a ship of a length specified in Column 1 of Schedule 3 are, in the case of—

- (a) a Foreign Going Voyage—as specified opposite in Columns 2 and 3; and
- (b) a Pacific Islands Voyage—as specified opposite in Columns 4 and 5; and
- (c) a Papua New Guinea Voyage—as specified opposite in Columns 6 and 7.

(3) Where the length of a ship exceeds 70 m the ship shall carry as deck crew such number of Seamen (Class 1) as the Safety Officer determines.

**4. Engine room manning scale.**

(1) Subject to Subsection (4), a ship shall carry qualified crewmen as engine room crew of such grades as are specified in Schedule 4.

(2) The grade of qualification of crewmen required to be carried as engine room crew in a ship having an engine power specified in Column 1 of Schedule 4 is as specified opposite in Column 2.

(3) A ship that is—

- (a) 50 m or more in length shall carry at least two qualified crewmen; and
- (b) less than 50 m in length shall carry at least one qualified crewman,

as engine room crew.

(4) Where at least two engineers are required to be carried in a ship, the grade of the second engineer may be, in the case of—

- (a) a Foreign Going Voyage—not more than one grade; and
- (b) a Pacific Islands Voyage—or a Papua New Guinea voyage, not more than two grades,

below that of the first engineer.

**PART III.—CERTIFICATES OF COMPETENCY.****5. Issue of certificate of competency.**

(1) A certificate of competency shall be in Form C. 1.

(2) A person may apply to the Safety Officer for the issue of a certificate of competency.

(3) The Safety Officer may determine—

- (a) the age of; and
- (b) the standards of competency and experience to be attained by; and
- (c) the extent (if any) of qualifying sea service to be required of; and
- (d) any medical examinations to be undergone by,

an applicant for the issue of a certificate of competency.

(4) The Safety Officer may—

- (a) specify the examinations to be passed by; and
- (b) nominate institutions to conduct examinations of; and

- (c) make rules for the conduct of examinations of; and
  - (d) appoint persons to be examiners of,
- applicants for the issue of certificates of competency.

(5) The Safety Officer may, subject to such conditions as he thinks fit, exempt a person from examination in any subject or subjects where the person has been—

- (a) a member of a naval force; or
- (b) the holder of a certificate—
  - (i) issued under a law of Papua New Guinea or of any other country; and
  - (ii) entitling the person to be employed as a crewman.

(6) Where the Safety Officer is satisfied as to the—

- (a) age; and
- (b) medical fitness; and
- (c) conduct; and
- (d) experience; and
- (e) standard of competency; and
- (f) length of sea service,

of a person making application under Subsection (2), he shall issue to that person a certificate of competency.

**6. Loss of certificate of competency.**

(1) A qualified crewman who—

- (a) loses the certificate of competency issued to him under Section 5(6); and
- (b) fails, without reasonable cause, to notify the Safety Officer of the loss,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

(2) Where—

- (a) a qualified crewman loses the certificate of competency issued to him under Section 5(6) and the Safety Officer is satisfied that the certificate of competency cannot be found; or
- (b) a certificate of competency is defaced, damaged or rendered illegible,

the Safety Officer may issue to that crewman a certified copy of the certificate and the certified copy so issued shall be deemed to be the certificate of competency issued under Section 5(6).

**7. False statements in application for certificates.**

A person who knowingly—

- (a) makes; or
- (b) assists in making; or
- (c) procures to be made,

a false statement in an application for the issue of a certificate of competency is guilty of an offence.

Penalty: A fine not exceeding K100.00.

PART IV.—AGREEMENTS.

**8. Agreements.**

(1) Subject to Subsection (2), an agreement shall be in Form C. 2.

(2) An employer and an employee may, with the approval of a Shipping Officer, agree to vary the terms and conditions of Part B of an agreement.

**9. Notice of intention to enter into an agreement.**

(1) An employer shall give notice to a Shipping Officer of his intention to enter into an agreement.

(2) A notice given under Subsection (1) shall specify—

- (a) the name of the ship, or ships, to which the agreement relates; and
- (b) the date on, and the time and place at which it is proposed to enter into the agreement; and
- (c) the name and grade of qualification of the proposed employee; and
- (d) the capacity in which the proposed employee is to be employed.

(3) Subject to Subsection (5), an employer who refuses, or fails without reasonable cause, to give notice before the prescribed time to a Shipping Officer of his intention to enter into an agreement is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(4) Subject to Subsection (5), the prescribed time referred to in Subsection (3) is 24 hours before the time specified by the employer in a notice under Subsection (2)(b) as being the time at which he proposes to enter into an agreement with the employee.

(5) Where, in the opinion of the Shipping Officer, compliance with Subsection (1) would unreasonably delay a ship from proceeding on a voyage, he may accept a lesser period of notice than that specified in Subsection (4).

**10. Approval of an agreement.**

(1) An employer shall prepare, execute and lodge with a Shipping Officer, Part B of each proposed agreement.

(2) Where a Shipping Officer approves Part B of a proposed agreement he shall endorse his approval on it and return it as soon as practicable to the employer.

(3) Where Part B of a proposed agreement is endorsed under Subsection (2), the employer and the crewman to whom Part A of the proposed agreement relates may execute Part A of the proposed agreement.

(4) After execution of Part A of an agreement the employer shall—

- (a) retain; and
- (b) deliver to the crewman,

a certified copy of Part A of the agreement.

(5) Where an agreement is first entered into, the employer shall, within 24 hours after Part A of the agreement is executed, notify a Shipping Officer that the agreement has been executed.

(6) An employer who fails without reasonable cause to comply with Subsection (5) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

(7) Where a certified copy of Part A of an agreement is delivered to a crewman under Subsection (4), the crewman shall affix the certified copy to his Employment Record Book.

(8) Where it is proposed that Part B of an agreement be amended the employer shall deliver—

- (a) a certified copy of that Part; and
- (b) a statement—
  - (i) referring to the certified copy; and
  - (ii) setting out details of the proposed amendment, to a Shipping Officer.

(9) Where a Shipping Officer approves a proposed amendment to Part B of an agreement he shall—

- (a) endorse his approval on; and
- (b) return to the employer,

the certified copy of that Part and the statement delivered under Subsection (8).

**11. Copies of an agreement.**

(1) Where an agreement is in respect of employment on—

- (a) one ship, Part B of the agreement shall be exhibited at all times in a conspicuous place in the ship; or
- (b) more than one ship—
  - (i) Part B of the agreement shall be kept at a place ashore in Papua New Guinea; and
  - (ii) a copy of that Part shall be exhibited at all times in a conspicuous place in each ship to which the agreement relates.

(2) A copy of Part B of an agreement exhibited under Subsection (1)(b) shall—

- (a) be certified as a true copy by the master of each ship to which it relates; and
- (b) have endorsed on it—
  - (i) the place at which; and
  - (ii) the person by whom,Part B of the agreement is kept.

(3) A Shipping Officer or a proper officer may require a person to produce to him—

- (a) Part B of an agreement; or
- (b) a certified copy of Part B of an agreement.

(4) A person who refuses, or fails without reasonable cause, to comply with a requirement made under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**12. Medical examination of crewmen.**

(1) Where a person—

- (a) has not previously been employed as a crewman; or

- (b) being a person who has previously been employed as a crewman, is a person who, in the opinion of the Safety Officer, should be medically examined,

the person shall, before entering employment, or further employment, as a crewman, undergo such medical examination as the Safety Officer determines.

(2) An employer shall not enter into an agreement with a person referred to in Subsection (1) unless the employer first produces to a Shipping Officer a certificate from a qualified medical practitioner stating that the person has—

- (a) undergone the medical examination referred to in that subsection; and
- (b) been found fit to be employed as a crewman.

### 13. Notice of intention to terminate agreement.

(1) An employer who refuses, or fails without reasonable cause, not less than 48 hours before the employment of a crewman is to be terminated, to give notice of the proposed termination to—

- (a) a Shipping Officer; or
- (b) the proper officer,

at the port at which the employment is to be terminated is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) A notice under Subsection (1) shall specify—

- (a) the name and port of registry or of sub-registry of the ship; and
- (b) the place at and the date on which the agreement was made; and
- (c) the name of the crewman; and
- (d) the capacity in which the crewman is employed; and
- (e) where the employment is to be terminated outside Papua New Guinea, whether the consent of the proper officer is required; and
- (f) details of any dispute about the wages of the crewman.

### 14. Termination of an agreement outside Papua New Guinea.

Where the consent of a proper officer is required under Section 113(3) of the Act, an agreement shall not be terminated unless the proper officer endorses his consent on—

- (a) Part B of the agreement; or
- (b) the certified copy of Part B of the agreement carried on the ship.

### 15. Crewman not to be left behind outside Papua New Guinea.

(1) A crewman belonging to a ship shall not be left behind at a place outside Papua New Guinea without the consent of the proper officer at that place.

(2) The master of a ship may apply to the proper officer at a place outside Papua New Guinea for his consent to the leaving behind at that place of a crewman.

(3) A proper officer may, if he is satisfied that—

- (a) the master of a ship has taken all reasonable measures to ensure that a responsible person ashore has—
  - (i) been made aware of the rights of a crewman; and
  - (ii) accepted responsibility for the welfare, maintenance and repatriation of a crewman; or



(b) it would be unreasonable to withhold consent, give his consent to the leaving behind of the crewman.

(4) Where, under this section, a proper officer consents to the leaving behind of a crewman he shall endorse his consent on—

(a) Part B of the agreement; or

(b) the certified copy of Part B of the agreement carried on the ship, and, where practicable, on the Official Log Book of the ship.

#### 16. Employment of young persons<sup>1</sup>.

(1) A person under the age of 18 years shall not be employed or continue in employment as a crewman unless—

(a) at the time of his first entering into an agreement he has undergone; and

(b) at intervals of not more than 12 months afterwards he undergoes, such medical examinations as the Safety Officer determines.

(2) An employer shall not, where a person is under the age of 18 years, enter into an agreement in respect of that person unless the employer produces to a Shipping Officer a certificate stating that the person has—

(a) undergone such medical examinations as the Safety Officer determines; and

(b) been found fit to be employed as a crewman.

(3) The crew list of a ship shall, in respect of a crewman under the age of 18 years, contain—

(a) the full name; and

(b) the date of birth; and

(c) the capacity of employment, of the crewman.

#### PART V.—WAGES.

#### 17. Payment of wages.

(1) Subject to this Regulation, the wages due to a crewman shall be paid to him—

(a) at intervals of not more than 14 days; and

(b) in cash.

(2) Where a crewman so requests, the wages due to him may be paid in whole or in part—

(a) by cheque; or

(b) to his account at a bank.

#### 18. Deductions from wages.

(1) Deductions may be made from the wages of a crewman in respect of—

(a) allotments; and

(b) reimbursement for goods or services supplied by the employer; and

(c) cash advances made to the crewman by the employer; and

<sup>1</sup>See, also, *Minimum Age (Sea) Act*.

(d) taxation instalments.

(2) An employer shall not make a deduction in respect of—

(a) goods or services supplied; or

(b) cash advances made,

by him to a crewman unless the crewman has acknowledged in writing receipt of such goods, services or advances.

#### 19. Account of wages.

(1) An account of wages shall be in Form C. 3.

(2) An employer shall—

(a) at such intervals as are agreed between him and a crewman; and

(b) where a crewman is left behind; and

(c) in any event, not more than 24 hours before the termination of an agreement,

deliver to the crewman an account of the wages of the crewman.

#### 20. Allotment of wages.

(1) An allotment note shall be in Form C. 4.

(2) A crewman shall not, without the consent of his employer, make allotment to more than two persons.

(3) Unless the employer otherwise agrees—

(a) the first sum payable under an allotment note shall not be payable until after the expiry of a period of 30 days from the date of the allotment note; and

(b) the second, and subsequent, sums payable under an allotment note shall be payable at intervals of not less than 14 days.

### PART VI.—ACCOMMODATION AND PROVISIONS.

#### Division 1.—Crew Accommodation.

#### 21.—Crew accommodation.

(1) The crew accommodation in a ship shall be—

(a) kept clean; and

(b) maintained in good condition; and

(c) except in the case of store rooms, kept free of goods and stores not belonging to the crew.

(2) The master of a ship shall inspect every part of the crew accommodation of the ship at intervals of not more than 30 days and, on each inspection, shall be accompanied by a crewman.

#### 22. Complaints about crew accommodation.

Where—

(a) an officer of an industrial organization representing a crewman; or

(b) not less than three crewmen,  
belonging to a ship complain to the Safety Officer that the crew accommodation in the ship is not in accordance with this Regulation, the Safety Officer shall direct a surveyor to inspect the crew accommodation of the ship.

(2) A surveyor who has—

- (a) received a direction under Subsection (1); and
- (b) inspected the crew accommodation of a ship,

shall submit a written report to the Safety Officer.

### 23. Crew accommodation requirements.

(1) The crew accommodation requirements for new ships are as specified in Schedule 5.

(2) The crew accommodation requirements in the case of a new ship of—

- (a) 500 t or more are as specified in Part A of Schedule 5; and
- (b) 20 m or more in length and less than 500 t are as specified in Part B of Schedule 5; and
- (c) less than 20 m in length are as specified in Part C of Schedule 5.

(3) In the case of an existing ship the Safety Officer may, if he is not satisfied as to the standard of the crew accommodation of the ship, require such modification to be made to the crew accommodation as he determines.

(4) In making a requirement under Subsection (3), the Safety Officer shall have regard to—

- (a) the age of the ship; and
- (b) the trade in which the ship is engaged.

(5) Where a particular fitting, furnishing, appliance or standard of construction or fitting is required under this Regulation, the Safety Officer may, if he is satisfied that another fitting, furnishing, appliance or standard of construction or fitting, as the case may be, is equivalent to, or superior to, that required under this Regulation, permit that other fitting, furnishing, appliance or standard of construction or fitting to be fitted, carried or used in the ship.

(6) Where—

- (a) a ship is in the course of being built, chartered or purchased; and
- (b) the person to whose order the ship is being so built, chartered or purchased intends that the ship shall be a ship to which Part V. of the Act applies,

he shall submit to the Safety Officer a plan of the ship showing clearly the proposed—

- (c) arrangement; and
- (d) position in the ship,

of the crew accommodation.

(7) Before—

- (a) construction of crew accommodation in a new ship; or
  - (b) any substantial alteration or reconstruction is commenced in an existing ship,
- detailed plans of the crew accommodation of the ship shall be submitted to the Safety Officer.

**24. Annual inspections of crew accommodation.**

(1) The Safety Officer may request a surveyor to carry out an inspection of the crew accommodation in a ship—

- (a) as soon as is practicable after the ship is first registered; and
- (b) at yearly intervals after the first registration of the ship.

(2) A surveyor who has carried out an inspection under this section shall make a written report to the Safety Officer.

**25. Hospital accommodation.**

The hospital accommodation in a ship designated as hospital accommodation for the crew of the ship shall not be used for other than a medical or surgical purpose.

*Division 2.—Provisions, etc.***26. Provisions and water.**

(1) Subject to this section, a ship shall carry provisions and water in accordance with a scale—

- (a) to which a Shipping Officer makes no objection; and
- (b) agreed between the employer and the crewmen employed in the ship.

(2) A Shipping Officer shall, in making an objection to a scale referred to in Subsection (1), have regard to—

- (a) the number of crewmen employed in the ship; and
- (b) the duration and nature of the voyage to be undertaken; and
- (c) the quantity, quality, nutritive value and variety of the provisions; and
- (d) the quantity and quality of the water.

(3) The provisions and water carried in a ship shall—

- (a) be of good quality; and
- (b) not contain any matter—
  - (i) likely to cause sickness or injury to health; or
  - (ii) which may render the provisions or water unpalatable or unfit for human consumption.

(4) The provisions and water carried in a ship shall be provided to the crew in approximately equal amounts and—

- (a) in the case of water or fresh provisions—daily; and
- (b) in any other case—weekly.

(5) A ship shall carry such weighing and measuring apparatus as is necessary for the purpose of weighing and measuring accurately the provisions and water carried in the ship.

(6) A Shipping Officer may—

- (a) go on board a ship at any time; and
- (b) inspect—
  - (i) the provisions and water provided for the use of the crew; and
  - (ii) the weighing and measuring apparatus referred to in Subsection (5).

(7) Where a Shipping Officer is of the opinion that the—

- (a) provisions or water; or
- (b) weighing and measuring apparatus,

carried in a ship are not in accordance with this Regulation he may require the owner or the master of the ship to take such action as is necessary to comply with this Regulation.

*Division 3.—Medical Stores, etc.*

**27. Medical attendants and medical stores.**

(1) The—

- (a) medicines; and
- (b) medical and surgical stores and appliances; and
- (c) instructions for the use of such medicines, stores and appliances,

to be carried in a ship are as specified in Schedule 6.

(2) A ship that is—

- (a) carrying more than 100 persons on board; and
- (b) proceeding on a voyage other than a Papua New Guinea Voyage—
  - (i) of a distance of more than 750 nautical miles; or
  - (ii) where more than three days are likely to elapse between consecutive ports,

shall carry—

- (c) a qualified medical practitioner; and
- (d) such—
  - (i) medicines; and
  - (ii) medical and surgical stores and appliances; and
  - (iii) instructions for the use of such medicines, stores and appliances to be carried in a ship,

as are specified in Part A of Schedule 6.

(3) A ship that is proceeding on—

- (a) a voyage other than a Papua New Guinea Voyage, being a ship to which Subsection (2) does not apply; or
- (b) a Papua New Guinea Voyage where more than two days are likely to elapse between consecutive ports,

shall carry—

- (c) a qualified first aid attendant; and
- (d) such—
  - (i) medicines; and
  - (ii) medical and surgical stores and appliances; and
  - (iii) instructions for the use of such medicines, stores and appliances to be carried in a ship,

as are specified in Part B of Schedule 6.

(4) A ship that is a ship to which Subsections (2) and (3) do not apply shall carry such—

- (a) medicines; and
- (b) medical and surgical stores and appliances; and
- (c) instructions for the use of such medicines, stores and appliances to be carried in a ship,

as are specified in Part C of Schedule 6.

(5) A ship shall carry storage facilities of a size, design and construction suitable for the safe custody and storage of the medicines, medical and surgical stores and appliances required to be carried in the ship.

#### PART VII.—DISTRESSED CREWMEN.

##### 28. Relief of distressed crewmen.

(1) Subject to this Regulation, the employer of a distressed crewman shall—

- (a) as soon as is practicable after the occurrence of the event which caused the crewman to be a distressed crewman, make provision for the return of the distressed crewman to his proper return port by means appropriate to the circumstances of the distressed crewman; and
- (b) for the period between—
  - (i) the occurrence of the event which caused the crewman to be a distressed crewman; and
  - (ii) the arrival of the distressed crewman at his proper return port,make such provision for the food, lodging, relief and maintenance of the distressed crewman as is appropriate having regard to all the circumstances of the case.

(2) Without limiting the generality of Subsection (1)(b), the employer of a distressed crewman shall provide for the distressed crewman sufficient—

- (a) clothing; and
- (b) toilet and other personal necessities; and
- (c) surgical or medical treatment, including the repair or replacement of dental, optical or surgical appliances; and
- (d) money to pay such minor expenses as are likely to be incurred by the distressed crewman.

(3) The employer of a distressed crewman shall pay any expense incurred in—

- (a) bringing a distressed crewman ashore; and
- (b) maintaining a distressed crewman until he is brought ashore; and
- (c) the burial or cremation of a distressed crewman.

##### 29. Wages of distressed crewman.

The wages due to a distressed crewman shall be paid to him in full at the time of his arrival at his proper return port.

**30. Property of distressed crewman.**

(1) Where any property is left on board a ship by a crewman who becomes a distressed crewman, the master of the ship must—

- (a) take charge of the property; and
- (b) make an inventory of the property; and
- (c) where any property is—
  - (i) destroyed—record a description of each item destroyed; or
  - (ii) disposed of—record a description of each item disposed of and the person to whom disposal was made; and
- (d) immediately after the next arrival of the ship at a port in Papua New Guinea, deliver up to a Shipping Officer at that port—
  - (i) all the property still in his charge; and
  - (ii) the inventory made under Paragraph (b); and
  - (iii) an account of the destruction or disposal of any part of the property.

(2) The master of a ship who fails to comply with the requirements of Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) The master of a ship may at any time destroy or dispose of the property of a distressed crewman where, in his opinion, the property—

- (a) may perish or deteriorate to such an extent as to become unusable; or
- (b) is likely to endanger—
  - (i) the health or safety of a person on board the ship; or
  - (ii) the safety or efficiency of the ship or of any equipment in the ship.

(4) Where a Shipping Officer takes any property into his charge under this section he shall keep a record of—

- (a) the date on which, and the person by whom, the property was delivered; and
- (b) in respect of an article which has been—
  - (i) sold—the date of sale and the sum received for the article; or
  - (ii) disposed of—the date of disposal and the name of the person to whom it was disposed.

(5) Where a Shipping Officer has held property under this section for a period of more than 12 months, the Minister may direct the Shipping Officer to dispose of the property in such manner as the Minister thinks fit.

**31. Shipping officer or proper officer to be notified of distressed crewman.**

(1) Where a crewman becomes a distressed crewman his employer, or the master of the ship in which the crewman was employed immediately before his becoming a distressed crewman, shall—

- (a) within 48 hours of the occurrence of the event which has caused the crewman to become a distressed crewman, notify a Shipping Officer, or a proper officer, of—
  - (i) the name and number of the distressed crewman; and

- (ii) the circumstances in which the crewman has become a distressed crewman; and
  - (b) keep the Shipping Officer, or the proper officer, informed of the arrangements made in respect of the distressed crewman.
- (2) Where, in the opinion of a Shipping Officer, or of a proper officer, an employer, or the master of a ship, has failed to make proper provision for the relief, maintenance and return to his proper return port of a distressed crewman, the Shipping Officer, or the proper officer, may—
- (a) make such provision; and
  - (b) recover the cost of making such provision from the employer of the distressed crewman.

PART VIII.—DECEASED CREWMEN.

32. Property of deceased crewmen.

- (1) Where a crewman dies leaving any property on board a ship, the master of the ship shall—
- (a) take charge of the property; and
  - (b) make an inventory of the property; and
  - (c) where any property is—
    - (i) destroyed—record a description of each item destroyed; or
    - (ii) disposed of—record a description of each item disposed of and the person to whom disposal was made; and
  - (d) immediately after the next arrival of the ship at a port in Papua New Guinea, deliver up to the Registrar—
    - (i) all the property still in his charge; and
    - (ii) the inventory made under Paragraph (b); and
    - (iii) an account of the destruction or disposal of any part of the property.
- (2) The master of a ship may at any time destroy or dispose of the property of a deceased crewman where, in his opinion, the property—
- (a) may perish or deteriorate to such an extent as to become unusable; or
  - (b) is likely to endanger—
    - (i) the health or safety of a person on board the ship; or
    - (ii) the safety or efficiency of the ship or of any equipment in the ship.
- (3) Where the Registrar takes any property of a deceased crewman into his charge he shall keep a record of—
- (a) the date on which, or the person by whom, the property was delivered; and
  - (b) in respect of an article which has been—
    - (i) sold—the date of sale and the sum received for the article; or
    - (ii) disposed of—the date of disposal and the name of the person to whom it was disposed.
- (4) Unless the Minister otherwise directs, the Registrar shall hold the property of a deceased crewman for a period of 12 months after he takes the property into his charge.



(5) Immediately after the expiry of the period referred to in Subsection (4), the Registrar shall pay any residue remaining into the Consolidated Revenue Fund.

**33. Sale of property of deceased crewman.**

The Minister may direct the Registrar to sell, in such manner as the Minister thinks fit, the whole or any part of the property of a deceased crewman.

**34. Wages of deceased crewman.**

(1) Where any wages are due to a crewman at the date of the death of the crewman, the wages shall be—

- (a) paid to the Registrar; and
- (b) deemed to be part of the property of the deceased crewman.

(2) For the purposes of recovery of wages due to a crewman at the date of his death, the Registrar shall be deemed to have the same rights of recovery as the crewman would have had if the crewman had not died.

**PART IX.—DISCIPLINARY OFFENCES.**

**35. Disciplinary offences.**

A crewman, other than the master, on board a ship, who—

- (a) wilfully strikes any person; or
- (b) wilfully disobeys a lawful command; or
- (c) fails without reasonable cause to—
  - (i) be available for duty at a time when required by the master, or by any person authorized by the master, to be so available; or
  - (ii) report to, or remain at, his place of duty at a time when required by the master to so report or so remain; or
- (d) whilst on duty, is asleep at his place of duty; or
- (e) is so under the influence of drink, or a drug, that he—
  - (i) behaves in a disorderly manner; or
  - (ii) is unfit to be entrusted to carry out his duties; or
- (f) without the consent of the master of the ship—
  - (i) brings; or
  - (ii) has in his possession, on board the ship any offensive weapon; or
- (g) wilfully, or without reasonable cause, damages—
  - (i) the ship; or
  - (ii) any property on board the ship; or
- (h) without reasonable cause—
  - (i) takes; or
  - (ii) has in his possession, any property that—
    - (iii) belongs to; or

(iv) is in the lawful custody of,  
any person on board the ship; or

- (i) causes or permits any person to be on board the ship without the consent of the master or of any other person authorized by the master to so consent; or  
(j) in any part of the ship in which such action is prohibited by the master, smokes, or uses—

(i) a naked light; or

(ii) a mechanical lighter; or

(iii) an electric torch which is not of an approved type,

is guilty of a disciplinary offence.

### 36. Master to deal with disciplinary offences.

A disciplinary offence shall be dealt with—

- (a) by the master of the ship on board which the offence is committed; and  
(b) within 24 hours of the time at which the master first had knowledge of the offence unless, having regard to the circumstances, it would be unreasonable for the offence to be dealt with within that period.

### 37. Procedures in dealing with disciplinary offences.

- (1) A crewman may be charged with a disciplinary offence by any other crewman.  
(2) The master of a ship on which a crewman is charged with a disciplinary offence shall require the crewman to attend a hearing of the charge.  
(3) At the hearing of a charge against him a crewman may, if he so requests, be accompanied by a friend for the purpose of advising him.  
(4) Where a crewman is accompanied by a friend, the friend may speak on behalf of the crewman.  
(5) The charge shall be read over and, where necessary, explained to the crewman by the master.  
(6) After a charge has been read over—  
(a) the master shall ask the crewman whether he admits or denies the charge; and  
(b) the crewman shall admit, or deny the charge.  
(7) Where the crewman denies the charge the master shall call the evidence of any person having knowledge of the facts of the case.  
(8) Where evidence is given by any person it shall be given in the presence of the crewman.  
(9) The crewman shall—  
(a) have reasonable opportunity to question any witness on his evidence; and  
(b) be permitted to call the evidence of any person having knowledge of the facts of the case; and  
(c) have opportunity to—  
(i) make a statement in reply to the charge against him; and  
(ii) comment on evidence produced against him.  
(10) The master shall have reasonable opportunity to question any witness on his evidence.

(11) The master, after he has considered all the evidence given and statements made, shall—

- (a) decide whether or not the crewman has committed the disciplinary offence with which he is charged; and
- (b) in the presence of the crewman, give his decision.

(12) Where the master finds that a crewman has committed the disciplinary offence with which he is charged, he shall record his decision in Form C5.

**38. Suspended persons.**

(1) Where the master of a ship has made an entry on Form C.5. he shall furnish to a Shipping Officer, or to a proper officer, at the port at which the ship next calls after the making of that entry, a copy of Form C.5.

(2) Where—

- (a) a crewman has been found to have committed a disciplinary offence; and
- (b) the disciplinary offence is the first which the crewman has been found to have committed,

the Registrar shall warn the crewman that a similar finding in respect of any subsequent offence may result in the crewman being declared to be a suspended person.

(3) Where, within a period of two years, a crewman is found to have committed two or more disciplinary offences, the Registrar may declare the crewman to be a suspended person for such period as the Registrar thinks fit.

(4) The Registrar in making a declaration under Subsection (3) shall have regard to—

- (a) the nature of the disciplinary offences committed by the crewman; and
- (b) the circumstances in which the disciplinary offences were committed; and
- (c) the report of any Shipping Officer, or proper officer, to whom a Form C.5. has been furnished in respect of the disciplinary offence; and
- (d) the character and conduct of the crewman.

(5) Where a declaration has been made under Subsection (3), the Registrar shall give to the crewman who has been suspended a written notice specifying the period during which the crewman is suspended.

(6) Where—

- (a) the period of suspension is 12 months or less; or
- (b) no appeal to the Court is made within the period referred to in Section 147 of the Act; or
- (c) an appeal is made to the Court and the Court orders that the appeal be dismissed,

the Registrar shall include the name of the crewman in the list of suspended persons.

(7) A copy of the list of suspended persons shall be—

- (a) kept in the office of each Shipping Officer; and
- (b) made available at all reasonable times for inspection by any interested person.

PART X.—RECORDS TO BE KEPT, ETC..

**39. Returns of births and deaths on Papua New Guinea ships.**

- (1) In this section "ship" means a ship that is registered under the Act.
- (2) Where a birth occurs in a ship, a return of birth shall be in Form C.6.
- (3) Where a death occurs, or is presumed to have occurred, in a ship, a return of death shall be in Form C.7.
- (4) Where a person dies on board a ship, the master of the ship shall, as soon as practicable, and, in any event, not later than seven days after the date of the death, notify any person believed by him to be the next of kin of the deceased.
- (5) A return under this section shall be made within seven days after the arrival at a port or place in Papua New Guinea of the ship in which the birth or death has occurred and, in any event, within three months of the occurrence of the birth or death.

**40. Returns of births and deaths on foreign ships.**

- (1) In this section "ship" means a ship that is not registered under the Act.
- (2) Where—
  - (a) a birth or death occurs; or
  - (b) a death is presumed to have occurred,in a ship that is on a voyage to a port or place in Papua New Guinea and the birth or death is of a citizen, a return of birth or death shall be in Form C.8.

**41. Crewman's Identity Card.**

- (1) A Crewman's Identity Card shall be in Form C.9.
- (2) A person who is a citizen and employed, or ordinarily employed, as a crewman, shall apply to the Registrar for the issue of a Crewman's Identity Card.
- (3) Where the Registrar is satisfied that an applicant under Subsection (2) is entitled to be the holder of a Crewman's Identity Card, he shall—
  - (a) issue a Crewman's Identity Card to the applicant; and
  - (b) enter into the Register of Crewmen the particulars appearing on the Crewman's Identity Card.
- (4) A person who—
  - (a) is a citizen and employed, or ordinarily employed as a crewman; and
  - (b) does not hold a Crewman's Identity Card; and
  - (c) refuses, or fails without reasonable cause, to apply, within seven days of becoming employed as a crewman, to the Registrar for the issue to him of a Crewman's Identity Card,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

- (5) The holder of a Crewman's Identity Card who refuses or fails without reasonable cause, to produce the card when so required to—
  - (a) a Shipping Officer; or
  - (b) a proper officer; or
  - (c) his employer; or

(d) the master of the ship in which he is employed,  
is guilty of an offence.

Penalty: A fine not exceeding K30.00.

(6) Where—

(a) the holder of a Crewman's Identity Card—

- (i) ceases to be a citizen; or
- (ii) becomes a suspended person; or
- (iii) ceases to be a crewman and does not intend, within 12 months, to seek employment as a crewman; or

(b) a Crewman's Identity Card is defaced,

a Shipping Officer may require the holder of the Crewman's Identity Card to surrender that card to him.

(7) A person who refuses, or fails without reasonable cause, to comply with a requirement under Subsection (6) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(8) A person who has in his possession a Crewman's Identity Card which has not been issued to him is guilty of an offence.

Penalty: A fine not exceeding K100.00.

#### 42. Employment Record Book.

(1) An Employment Record Book shall be in Form C.10.

(2) An Employment Record Book shall have a durable cover with provision for holding and retaining within the cover a copy of Part A of Form C.2.

(3) A person shall, within seven days after becoming employed as a crewman, apply to the Registrar for the issue to him of an Employment Record Book.

(4) Where an application is made under Subsection (3), the Registrar shall—

- (a) allocate a number; and
- (b) issue an Employment Record Book,

to the person making the application.

(5) A crewman who refuses, or fails without reasonable cause, when required to do so, to produce his Employment Record Book to—

- (a) a Shipping Officer; or
- (b) a proper officer; or
- (c) the Safety Officer; or
- (d) his employer; or
- (e) the master of a ship in which he is employed; or
- (f) any person authorized to endorse the Employment Record Book,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

(6) Where the employment of a crewman is terminated, the employer shall record in the Employment Record Book held by the crewman particulars of service at sea by the crewman.

(7) Where a certificate of competency is issued to a crewman, the Safety Officer or a Shipping Officer shall endorse the Employment Record Book of the crewman with the details of the certificate of competency.

(8) The—

- (a) record referred to in Subsection (6); and
- (b) endorsement referred to in Subsection (7),

shall be signed by the person making that record or endorsement.

(9) Where the master of a ship has in his possession an Employment Record Book belonging to a crewman who is—

- (a) dead; or
- (b) left behind,

he shall deliver it as soon as practicable to a Shipping Officer or to a proper officer.

(10) Where an Employment Record Book—

- (a) is lost, destroyed or defaced; or
- (b) has insufficient space for any further endorsement,

the crewman to whom the Employment Record Book has been issued shall, as soon as practicable, apply to the Registrar for the issue of a new Employment Record Book.

#### **43. Entries in the Official Log Book.**

(1) The Official Log Book shall be as specified in Schedule 7.

(2) The entries to be made in the Official Log Book shall be—

- (a) in the case of a ship that is proceeding on a Foreign Going Voyage or on a Pacific Islands Voyage—as specified in Part A of Schedule 7; and
- (b) in the case of a ship that is proceeding on a Papua New Guinea Voyage—as specified in Part B of that Schedule.

(3) An entry specified in Column 1 of Schedule 7 shall be—

- (a) signed by a person specified opposite in Column 2; and
- (b) witnessed, where necessary, by a person specified opposite in Column 3.

(4) Where a person makes an entry in the Official Log Book he shall record in the Official Log Book the date on which the entry is made.

#### **44. Requirements for Official Log Book.**

(1) In this section “specified time” means 48 hours after the first arrival of the ship at a port or place in Papua New Guinea after a period of six months has elapsed from the date of the first entry in the Official Log Book.

(2) The Safety Officer, a Shipping Officer or a proper officer may require the master of a ship to produce the Official Log Book of the ship to him.

(3) A master who refuses, or fails without reasonable cause, to—

- (a) comply with a requirement under Subsection (2); or
- (b) deliver, within the specified time, the Official Log Book of the ship to a Shipping Officer,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**45. Content of Crew Lists.**

The Crew List of a ship shall contain a statement of—

- (a) the—
  - (i) name; and
  - (ii) port of sub-registry or registry; and
  - (iii) registry or other number,  
of the ship to which the Crew List relates; and
- (b) the name and address of the—
  - (i) owner of the ship; and
  - (ii) employer; and
- (c) in respect of each crewman belonging to the ship—
  - (i) his name; and
  - (ii) his address; and
  - (iii) the date and place of his birth; and
  - (iv) the capacity in which he is employed in the ship; and
  - (v) the details of any certificate of competency held by him; and
  - (vi) the date on which he commenced and terminated his employment in the ship; and
  - (vii) the name, address and relationship, of his next of kin; and
  - (viii) the registered number of approved Part B of the agreement under which he is employed.

**46. Requirements for Crew Lists.**

- (1) The Crew List of a ship shall be kept on board the ship.
- (2) A copy of the Crew List shall be kept at the ordinary place of business in Papua New Guinea of the employer.
- (3) Where—
  - (a) a Crew List is made; or
  - (b) any change is made to a Crew List,the employer or his agent shall, within 48 hours after the occurrence of that event, deliver to a Shipping Officer—
  - (c) a copy of the Crew List; or
  - (d) a list of the changes made,as the case may be.
- (4) Notwithstanding the obligation of an employer or his agent under Subsection (3), the employer or his agent shall, at successive intervals of not less than three months after a Crew List is made, deliver to a Shipping Officer a copy of the Crew List as applicable at the date on which it is delivered.
- (5) Where a person has in his possession or control a Crew List, or a copy of a Crew List, which relates to a ship which he has reasonable cause to believe has been lost or abandoned he shall promptly deliver the Crew List, or the copy of the Crew List, to a Shipping Officer.

(6) A Shipping Officer or a proper officer may require the master of a ship to produce to him the Crew List of the ship.

(7) A master of a ship who refuses, or fails without reasonable cause, to comply with a requirement under Subsection (6) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

PART XI.—FEES.

47. Shipping Officer Service Fees.

(1) Shipping Officer Service Fees are payable by the owner of the ship—

(a) where the ship is registered under the Act—

(i) on the first registration of the ship; and

(ii) on the expiration of each subsequent period of 12 months after the date of registration of the ship; and

(b) where the ship—

(i) is not registered under the Act; and

(ii) is a ship in respect of which a coasting trade licence has been granted, on the grant of the coasting trade licence and on the expiration of each subsequent period of 12 months after the date of grant of that licence.

(2) Shipping Officer Service Fees are K4.00 for each metre or part of a metre of the length of the ship.



SCHEDULE 1.

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 104.  
Reg., Sec. 5(1).

Form C.1.

CERTIFICATE OF COMPETENCY.

No.

I certify that \_\_\_\_\_ possesses the required qualifications and experience to serve in a ship to which Part V. of the *Merchant Shipping Act* applies as

Dated \_\_\_\_\_ 19 \_\_\_\_\_

Safety Officer.

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 117(b).  
Reg., Sec. 8(1).

Form C.2.

AGREEMENT.  
PART A.

1. Particulars of agreement (Part B).

- (1) Date of lodgement with Shipping Officer
- (2) Place of lodgement with Shipping Officer
- (3) Registered number of approved Part B

2. Particulars of employer.

- (1) Name
- (2) Address

3. Particulars of crewman.

(1) *Crewman:*

- (a) Name
- (b) Number
- (c) Address
- (d) Number(s) of Certificate(s) of Competency
- (e) Capacity in which employed
- (f) Proper return port
- (g) Country of citizenship

(2) *Next of Kin:*

- (a) Name
- (b) Address
- (c) Relationship

WE, the above described Employer and the above described Crewman, HEREBY AGREE to be bound by contract of employment on the terms and conditions set out in the Agreement (Part B) referred to above AND notwithstanding the date of this Agreement, WE AGREE that the contract of employment shall be deemed to commence on

Dated \_\_\_\_\_, 19 \_\_\_\_\_

(Signature of Crewman.)

(Signature of Employer.)

**4. Release on termination of agreement.**

WE, the above described Employer and the above described Crewman, HEREBY AGREE to release each other from any or all claim or claims under this Agreement except as follows:—

Dated \_\_\_\_\_, 19\_\_.

(Signature of Crewman.)

(Signature of Employer.)

**PART B.**

**Registered No.:**

1. This Agreement is for—  
 (a) a single voyage or                      voyages to                      not exceeding  
    months; or  
 (b) for an indefinite period not exceeding two years, in the                      trade.
2. This Agreement applies to employment in one or more of the following ships:—

NAME OF SHIP	REGISTRY OR OTHER NUMBER	PORT OF SUB- REGISTRY OR REGISTRY	TRADE IN WHICH ENGAGED
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3. The daily rate of wages payable in a ship to which this Agreement relates is as follows:—
4. After each (*insert period*) continuous service under this Agreement, the employee shall be entitled to not less than \_\_\_\_\_ weeks leave at the rate of pay fixed by this Agreement.
5. The employee shall join the ship not later than the time specified by the master, and, on any subsequent occasion within the period of his employment when he is away from the ship, he shall rejoin the ship not later than the time specified by the master.
6. The employee shall work such hours, whether ordinary or overtime and whether at sea or in port, as shall be required by the master.
7. The employee shall at all times—
  - (a) conduct himself in an orderly, faithful, honest and sober manner; and
  - (b) be diligent in the performance of his duties; and
  - (c) obey the lawful commands of the master.
8. Where the employee considers himself aggrieved, he shall make complaint to the master in a quiet and orderly manner.
9. The employer shall provide the employee with bed and bedding, provisions and eating utensils in accordance with standard requirements. All equipment and unconsumed provisions shall be returned to the employer by the employee when the employee leaves the ship. Where equipment and unconsumed provisions are not so returned to the employer a deduction shall be made against the wages of the employee at a rate of not more than 75% of the cost of the equipment and unconsumed provisions.
10. The employee shall not secrete or assist in secreting a stowaway on board the ship.
11. The employer shall duly perform his statutory obligations affecting the employee.
12. This agreement may be terminated—
  - (a) subject to Clause 13 of this Agreement, except where this Agreement is for an indefinite period not exceeding two years, by giving not less than 24 hours written notice in a port or place where, and at a time when, replacements may reasonably be expected to be obtained, after such notice is given; and
  - (b) by mutual agreement between the employee and the master on behalf of the employer; and

(c) by the master, acting on behalf of the employer, where the employee—

- (i) is incompetent or negligent in the performance of his duties; or
- (ii) fails to join, or fails to rejoin his ship later than the time specified by the master;  
or
- (iii) by his conduct shows that his continued presence on board is likely to be prejudicial to the safety of the ship or those on board or to the maintenance of good order.

13. Where an employer gives notice to an employee under Clause 12(a) of this Agreement at a port other than the proper return port of the employee, the employee is entitled to receive from the employer, except for any period of delay due to the wilful act or default of the employee, a free passage to his proper return port with wages and maintenance until his arrival at his proper return port.

14. Where the employment of an employee is terminated under Clause 12 of this Agreement the employee shall be paid the wages due to him within 24 hours of the time his employment is terminated.

15. This Agreement is subject to—

(a) the provisions of—

- (i) the *Merchant Shipping Act*; and
- (ii) such Awards as are applicable to a ship to which this Agreement applies.

16. In this Agreement unless the contrary intention appears—

"employee" means the crewman specified in Part A of this Agreement.

"employer" means the employer specified in Part A of this Agreement.

"master" means the master of a ship to which this Agreement relates.

17. (Insert special conditions (if any)).

I CERTIFY that the above Agreement (Part B) has been signed in my presence for and on behalf of the employer and is approved for the purposes of Section 111 of the *Merchant Shipping Act*.

Dated                      , 19   .

Shipping Officer.

Place:

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 127(e).

Form C.3.

Reg., Sec. 19(1).

ACCOUNT OF WAGES.

1. Particulars of crewman.

- (1) Name
- (2) Number
- (3) Capacity in which employed
- (4) Registered number of Agreement (Part B)
- (5) Ship(s) in which employed

2. Statement of earnings.

- (1) Wages—Date commenced

Date ceased

Weeks at K

per week

K

Days at K

per week

K

- (2) Other earnings

K

Total earnings

K

3. Statement of deductions.

- (1) Allotments
- (2) Taxation
- (3) Goods and services supplied
- (4) Advances:—

K

K

K

Date

Port

Amount

Total deductions

K

4. Summary

Total earnings

K

Total deductions

K

Amount now due and  
payable

K

Dated ,19

(Signature of Employer.)

Prepared for inclusion as at 24/1/1980.

PAPUA NEW GUINEA.  
*Merchant Shipping Act*

Act, Sec. 127(f).  
Reg., Sec. 20(1).  
To:

Form C.4.

ALLOTMENT NOTE.

1. Particulars of crewman.

- (1) Name
- (2) Number
- (3) Address
- (4) Registered No. of Agreement (Part B)

2. Particulars of payee.

- (1) Name
- (2) Address

3. Particulars of allotment.

Amount

Date of first payment

Interval between subsequent payments

I authorize and direct allotment from my wages as set out in the above summary.

(Signature of Crewman.)

Dated , 19

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 146(1).  
Reg, Sec. 37(12).

Form C. 5.

RECORD OF HEARING OF A DISCIPLINARY OFFENCE.

1. Particulars of disciplinary offence.

- (1) Name of ship
- (2) Name of master
- (3) Name of crewman
- (4) Number of crewman
- (5) Particulars of offence
- (6) Date on which—
  - (a) offence came to notice of master
  - (b) hearing held by master

2. Record of proceedings.

- |   |        |
|---|--------|
| (1) Was charge read over and explained to crewman?                      | Yes/No |
| (2) Did crewman admit the charge?                                       | Yes/No |
| (3) Was every witness heard in the presence of crewman?                 | Yes/No |
| (4) Was crewman permitted to make a statement in answer to—             |        |
| (a) the charge  | Yes/No |
| (b) the evidence produced against him?                                  | Yes/No |
| (5) Was crewman permitted to call witnesses on his own behalf?          | Yes/No |
| (6) Was the finding of the master given in the presence of the crewman? | Yes/No |

3. Reasons for finding.

Brief statement of reason for finding the disciplinary offence proved:

4. Report to shipping officer or proper officer.

Record of hearing forwarded to \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_

Dated \_\_\_\_\_, 19\_\_\_\_ Master. \_\_\_\_\_

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 152(2)(a).

Form C.6.

Reg., Sec. 39(2).

RETURN OF A BIRTH OCCURRING IN A SHIP REGISTERED UNDER THE MERCHANT  
SHIPPING ACT.

1. Particulars of ship.

- (1) Name of ship
- (2) Registry No.
- (3) Port of sub-registry
- (4) Name of master of ship

2. Particulars of child.

- (1) Date of birth
- (2) Place of birth
- (3) Surname of child
- (4) Given name (if any)
- (5) Sex

3. Particulars of parents.

- (1) Full name of—
  - (a) Father
  - (b) Mother
- (2) Usual place of residence of—
  - (a) Father
  - (b) Mother
- (3) Country of citizenship of—
  - (a) Father
  - (b) Mother

Dated \_\_\_\_\_, 19\_\_\_\_ Master. \_\_\_\_\_

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Act, Sec. 152(2)(b).

Form C.7.

Reg., Sec. 39(3).

RETURN OF DEATH OCCURRING IN A SHIP REGISTERED UNDER THE MERCHANT  
SHIPPING ACT.

1. Particulars of ship.

- (1) Name of ship
- (2) Registry No.
- (3) Port of sub-registry
- (4) Name of master of ship

Prepared for inclusion as at 24/1/1980.

2. Particulars of deceased.

- (1) Date of death or presumed death
- (2) Place of death or presumed death
- (3) Full name of deceased
- (4) Sex of deceased
- (5) Age (if known)
- (6) Usual place of residence
- (7) Country of citizenship
- (8) Cause of death or presumed death

Dated \_\_\_\_\_, 19\_\_\_\_ Master. \_\_\_\_\_

PAPUA NEW GUINEA  
*Merchant Shipping Act.*

Act, Sec. 153(2).

Form C.8.

Reg. Sec. 40(2).

RETURN OF BIRTH OR DEATH OF A CITIZEN OF PAPUA NEW GUINEA OCCURRING IN  
A SHIP NOT REGISTERED IN PAPUA NEW GUINEA.

1. Particulars of ship.

- (1) Name of ship
- (2) Port of registry
- (3) Official number (if any)
- (4) Name of master of ship

2. Particulars of birth.

- (1) Date
- (2) Place
- (3) Father—
  - (a) Name
  - (b) Usual place of residence
  - (c) Country of citizenship
- (4) Mother—
  - (a) Name
  - (b) Usual place of residence
  - (c) Country of citizenship
- (5) Surname
- (6) Given names (if any)
- (7) Sex

3. Particulars of death.

- (1) Date of death or presumed death
- (2) Place of death or presumed death
- (3) Full name of deceased
- (4) Sex of deceased
- (5) Age (if known)
- (6) Usual place of residence
- (7) Cause of death or presumed death

Dated \_\_\_\_\_, 19\_\_\_\_ Master. \_\_\_\_\_

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act Sec. 163(a).

Form C. 9.

Reg. Sec. 41(1).

CREWMAN'S IDENTITY CARD.

PAPUA NEW GUINEA CREWMAN'S CARD

No

(A SEAFARER'S IDENTITY DOCUMENT FOR THE PURPOSE OF I.L.O. CONVENTION  
NO. 108)

FULL NAME

SIGNATURE OR MARK OF HOLDER

SIGNATURE OF OFFICER OF ISSUING  
AUTHORITY

DATE OF ISSUE , 19 .

VALID UNTIL , 19 .

PHYSICAL CHARACTERISTICS.

HEIGHT

COLOUR OF EYES

COMPLEXION

COLOUR OF HAIR

DISTINGUISHING MARKS

DATE/PLACE OF BIRTH

NATIONALITY

Prepared for inclusion as at 24/1/1980.



PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 163(c).

Form C. 10.

Reg., Sec. 42(1).

EMPLOYMENT RECORD BOOK.

1. PARTICULARS OF CREWMAN.

- (1) Name
- (2) Number
- (3) Date of birth
- (4) Evidence of identity
- (5) Next of kin—
  - (a) Name
  - (b) Address

2. PARTICULARS OF SERVICE AT SEA.

Ship.		Employment.		Capacity in which employed.	Agreement No. Part (B).	Signature of employer.
Name.	Trade.	Date commenced.	Date ceased.			

3. PARTICULARS OF COURSE OR EMPLOYMENT IN SCHOOLS OR WORKSHOPS.

Name of school or workshop	Course of employment.		Type of course or employment.	Signature of Principal or Employer.
	Date commenced.	Date ceased.		

4. PARTICULARS OF QUALIFICATIONS.

Description of certificate.	Grade.	Date of issue.	Issuing Officer.
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## SCHEDULE 2.

Sec. 2.

### SCALE OF QUALIFICATION.

Column 1.

Column 2.

#### A. DECK

<i>Grade</i>	<i>Crewman</i>
1	Master (Foreign Going)
2A	Mate (Foreign Going)
2B	Master (Pacific Islands)
3A	Second Mate (Foreign Going)
3B	Mate (Pacific Islands)
4	Master (Papua New Guinea)
5	Mate (Papua New Guinea)
6	Coxswain (Class 1)
7	Coxswain (Class 2)
8	Coxswain (Class 3)
9	Seaman (Class 1)

#### B. ENGINE ROOM

<i>Grade</i>	<i>Crewman</i>
1	Engineer (Class 1)
2	Engineer (Class 2)
3	Engineer (Class 3)
4	Engineer (Class 4)
5	Mechanic (Class 1)
6	Mechanic (Class 2)
7	Mechanic (Class 3)

### SCHEDULE 3.

Sec. 3.

#### DECK MANNING SCALE.

Length of Ship in Metres Column 1.	Foreign Going Voyage.		Pacific Islands Voyage.		Papua New Guinea Voyage.	
	Number. Column 2.	Grade. Column 3.	Number. Column 4.	Grade. Column 5.	Number. Column 6.	Grade. Column 7.
100 or more	1	1	1	1	1	1
	1	2A	1	2A	1	3B
	1	3A	1	3B	1	5
	*	9	*	9	*	9
70 or more and under 100	1	1	1	1	1	2B
	1	2A	1	3B	1	5
	1	3B	1	5	1	6
	*	9	*	9	*	9
50 or more and under 70	1	1	1	2B	1	4
	1	2A	1	3B	1	5
	1	5	1	6	1	7
	6	9	6	9	6	9
40 or more and under 50	1	1	1	2B	1	4
	1	3B	1	5	1	6
	5	9	5	9	5	9
30 or more and under 40	1	1	1	2B	1	5
	1	3B	1	5	1	7
	5	9	5	9	5	9
20 or more and under 30	1	2B	1	2B	1	6
	1	5	1	6	1	8
	4	9	4	9	4	9
10 or more and under 20	1	3B	1	3B	1	7
	1	6	1	7	2	9
	3	9	3	9		

\* As determined by the Safety Officer.

### SCHEDULE 4.

Sec. 4.

#### ENGINE ROOM MANNING SCALE.

Column 1. Engine power of ship (Kilowatts).	Column 2. Grade.
750 or more	1
375 and under 750	2
225 and under 375	3
150 and under 225	4
75 and under 150	5
37.5 and under 75	6
Under 37.5	7

## SCHEDULE 5.

Sec. 23.

### CREW ACCOMMODATION REQUIREMENTS.

#### PART A.—NEW SHIPS OF 500 TONS OR MORE.

##### Sch. 5.1. General requirements.

(1) The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

(2) There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms, or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

(3) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot-water service pipes.

(4) Internal bulkheads shall be of approved material which is not likely to harbour vermin.

(5) Sleeping rooms, mess rooms, recreation rooms and alley-ways in the crew accommodation space shall be adequately insulated to prevent condensation or over-heating.

(6) Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation or, whenever technically possible, through alley-ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

(7) Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

(8) The Safety Officer shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

(9) The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour; lime wash must not be used.

(10) The wall surfaces shall be renewed or restored as necessary.

(11) The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

(12) Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

(13) Sufficient drainage shall be provided.

##### Sch. 5.2. Ventilation.

(1) Sleeping rooms and mess rooms shall be adequately ventilated.

(2) The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(3) Ships regularly engaged on voyages in the tropics shall be equipped with both mechanical means of ventilation and electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

(4) Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The Safety Officer may exempt ships normally employed in the cold waters of the northern or southern hemispheres from this requirement.

(5) Power for the operation of the aids to ventilation required by Subsections (3) and (4) shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

Schedule 5.—*continued.*

**Sch. 5.3. Heating.** (Applicable to ships making periodic voyages outside the tropics).

- (1) An adequate system of heating the crew accommodation shall be provided.
- (2) The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.
- (3) In all ships in which a heating system is required, the heating shall be by means of steam, hot water, warm air or electricity.
- (4) In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.
- (5) The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service; the Safety Officer shall prescribe the standard to be provided.
- (6) Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

**Sch. 5.4. Lighting.**

- (1) Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.
- (2) All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.
- (3) In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.
- (4) Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.
- (5) In sleeping rooms an electric reading lamp shall be installed at the head of each berth.

**Sch. 5.5. Sleeping accommodation.**

- (1) Sleeping rooms shall be situated above the load line amidships or aft.
- (2) The Safety Officer may, if the size, type or intended service of the ship render any other location unreasonable or impracticable, permit the location of sleeping rooms in the fore part of the ship, but in no case forward of the collision bulkhead.
- (3) In passenger ships the Safety Officer may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case immediately beneath working alley-ways.
- (4) The floor area per person of sleeping rooms intended for ratings shall be not less than—
  - (a) 1.85 m<sup>2</sup> in vessels under 800 t; and
  - (b) 2.35 m<sup>2</sup> in vessels of 800 t or over, but under 3 000 t; and
  - (c) 2.78 m<sup>2</sup> in vessels of 3 000 t or over.

Provided that, in the case of passenger ships in which more than four ratings are berthed in one room, the minimum per person may be 2.22 m<sup>2</sup>.

- (5) In the case of ships in which are employed such groups of ratings as necessitate the employment of a substantially larger number of ratings than would otherwise be employed, the Safety Officer may, in respect of such groups, reduce the minimum floor area of sleeping rooms per person, subject to the conditions that—

- (a) the total sleeping space allotted to the group or groups is not less than would have been allotted had the numbers not been increased; and
- (b) the minimum floor area of sleeping rooms is not less than—
  - (i) 1.67 m<sup>2</sup> per person in ships under 3 000 t; and
  - (ii) 1.85 m<sup>2</sup> per person in ships of 3 000 t or over.

Schedule 5.—*continued.*

(6) Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

(7) The clear head room in crew sleeping rooms shall not be less than 190 cm.

(8) There shall be a sufficient number of sleeping rooms to provide a separate room or rooms for each department: Provided that the Safety Officer may relax this requirement in the case of small ships.

(9) The number of persons allowed to occupy sleeping rooms shall not exceed the following maxima :—

(a) officers in charge of a department, navigating and engineer officers in charge of a watch and senior radio officers or operators: one person per room;

(b) other officers: one person per room wherever possible, and in no case more than two;

(c) petty officers: one or two persons per room, and in no case more than two;

(d) other ratings: two or three persons per room wherever possible and in no case more than four.

(10) With a view to ensuring adequate and more comfortable accommodation the Safety Officer, after consultation with the Committee of Advice, may grant permission to accommodate up to 10 ratings per sleeping room in the case of certain passenger ships.

(11) The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

(12) Members of the crew shall be provided with individual berths.

(13) Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

(14) Berths shall not be arranged in tiers of more than two: In the case of berths placed along the ship's side, there shall be only a single tier where a sidelight is situated above a berth.

(15) The lower berth in a double tier shall be not less than 30 cm above the floor; the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

(16) The minimum inside dimensions of a berth shall be 190 cm by 68 cm.

(17) The framework and the lee-board (if any), of a berth shall be of approved material, hard, smooth, and not likely to corrode or to harbour vermin.

(18) If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

(19) Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other material likely to harbour vermin shall not be used.

(20) When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

(21) Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

(22) The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 152 cm in height and of a cross-section area of 19.30 dm<sup>2</sup> and shall be fitted with a shelf and a hasp for a padlock. The padlock shall be provided by the occupant.

(23) Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type, and with comfortable seating accommodation as necessary.

(24) The furniture shall be of smooth, hard material not liable to warp or corrode.

(25) The drawer or equivalent space for each occupant shall be not less than .056 m<sup>3</sup>.

(26) Sleeping rooms shall be fitted with curtains for the sidelights.

(27) Sleeping rooms shall be fitted with a mirror, small cabinets for toilet requisites, a book rack and a sufficient number of coat hooks.

(28) As far as practicable berthing of crew members shall be so arranged that watches are separated and that no daymen share a room with watch-keepers.

**Sch. 5.6. Mess rooms.**

- (1) Sufficient mess room accommodation shall be provided in all ships.
- (2) In ships of less than 1 000 t separate mess room accommodation shall be provided for—
  - (a) master and officers; and
  - (b) petty officers and other ratings.
- (3) In ships of 1 000 t and over, separate mess room accommodation shall be provided for—
  - (a) master and officers; and
  - (b) deck department petty officers and other ratings; and
  - (c) engine department petty officers and other ratings:

Provided that—

- (i) one of the two mess rooms for the petty officers and other ratings may be allotted to the petty officers and the other to the other ratings;
  - (ii) a single mess room may be provided for deck and engine department petty officers and other ratings in cases in which the organizations of shipowners and/or shipowners and the recognized bona fide trade unions of seafarers concerned have expressed a preference for such an arrangement.
- (4) Adequate mess room accommodation shall be provided for the catering department, either by the provision of separate mess rooms or by giving them the right to the use of the mess rooms assigned to other groups; in the case of ships 5 000 t or over with more than five persons in the catering department consideration shall be given to the provision of a separate mess room.
- (5) The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.
- (6) Mess rooms shall be equipped with tables and approved seats sufficient for the number of persons likely to use them at any one time.
- (7) The Safety Officer may permit such exceptions to the foregoing rules concerning mess room accommodation as may be necessary to meet the special conditions in Passenger Ships.
- (8) Mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.
- (9) Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.
- (10) The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

**Sch. 5.7. Recreation spaces.**

- (1) In all ships a space or spaces to which the crew can have access when off duty shall be provided on an open deck; the space or spaces shall be of adequate area, having regard to the size of the ship and the crew.
- (2) Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished, and equipped to give recreational facilities.

**Sch. 5.8. Sanitary accommodation.**

- (1) Sufficient sanitary accommodation, including wash basins and tub and/or shower baths, shall be provided in all ships.
- (2) The following minimum number of separate water closets shall be provided—
  - (a) in ships of under 800 t—three; and
  - (b) in ships of 800 t or over, but under 3 000 t—four; and
  - (c) in ships of 3 000 t or over—six; and
  - (d) in ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.
- (3) Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for each group of the crew on the following scale:—
  - (a) one tub and/or shower bath for every eight persons or less; and

Schedule 5.—*continued.*

(b) one water closet for every eight persons or less; and

(c) one wash basin for every six persons or less:

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than 50% of the specified number this surplus may be ignored for the purpose of this subsection.

(4) When the total number of the crew exceeds 100 and in passenger vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the Safety Officer to special arrangements or a reduction in the number of facilities required.

(5) Cold fresh water and hot fresh water or means of heating water shall be available in all communal wash places. The Safety Officer, in consultation with the Committee of Advice, may fix the maximum amount of fresh water which the shipowner may be required to supply per man per day.

(6) Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

(7) All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

(8) All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

(9) Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

(10) Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:—

(a) floors shall be of approved durable material, easily cleaned and impervious to damp, and shall be properly drained; and

(b) bulkheads shall be of steel or other approved material and shall be water-tight up to at least 23 cm above the level of the deck; and

(c) the accommodation shall be sufficiently lighted, heated and ventilated; and

(d) water closets shall be situated convenient to, but separate from, sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons; and

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

(11) In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

(12) The facilities for washing clothes shall include suitable sinks, which may be installed in wash rooms, if separate laundry accommodation is not reasonably practicable, with an adequate supply of cold fresh water and hot fresh water or means of heating water.

(13) The facilities for drying clothes shall be provided in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fittings for hanging clothes.

**Sch. 5.9. Hospital accommodation.**

(1) In any ship carrying a crew of 15 or more and engaged in an overseas voyage of more than three days' duration, separate hospital accommodation shall be provided.

(2) The hospital accommodation shall be suitably situated, so that it is easy of access and so that the occupants may be comfortably housed and may receive proper attention in all weather.

(3) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

(4) The number of hospital berths required shall be prescribed by the Safety Officer.

(5) Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity to it.

(6) Hospital accommodation shall not be used for other than medical purposes.



Schedule 5.—*continued.*

(7) An approved medicine chest with readily understandable instructions shall be carried in every ship which does not carry a doctor.

**Sch. 5.10 Special requirements.**

(1) Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

(2) In ships of over 3 000 t one room for the deck department and one room for the engine department shall be provided and equipped for use as an office.

(3) In ships regularly trading to mosquito-infested ports provision shall be made to protect the crew's quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

(4) All ships trading regularly to or in the tropics shall be equipped with awnings for use over exposed decks above crew accommodation and over recreation deck space or spaces.

**Sch. 5.11 Modifications.**

(1) In the case of the ships mentioned in Section Sch. 5.5(5) the Safety Officer may, in respect of the members of the crew there referred to, modify the requirements laid down in the foregoing articles as far as may be necessary to take account of their distinctive national habits and customs and in particular may make special arrangements concerning the number of persons occupying sleeping rooms and concerning mess room and sanitary facilities.

(2) In modifying such requirements the Safety Officer shall be bound by the specifications set forth in Section Sch. 5.5(1) and (2) and by the minimum sleeping space requirements prescribed for such groups of ratings in Section Sch. 5.5(5).

(3) In ships in which the crew in any department are persons of widely different national habits and customs, separate and appropriate sleeping and living accommodation shall be provided as may be necessary to meet the requirements of the different groups.

(4) In the case of the ships mentioned in Section Sch. 5.5(5) the hospital, dining, bathing and sanitary facilities shall be provided and maintained on a standard, in regard to their quantity and practical usefulness equal or comparable to that which obtains aboard all other ships of similar type and belonging to the same registry.

**PART B.—NEW SHIPS OF 20 OR MORE METRES IN LENGTH AND LESS THAN 500 TONS.**

**Sch. 5.12 General requirements.**

(1) The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

(2) There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and point rooms or from engine, deck and other bulk storerooms, drying rooms, communal wash places or water closets. That part of the bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and shall be watertight and gastight.

(3) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways. Care shall also be taken to provide protection from heat effects of steam and/or hot water service pipes.

(4) Internal bulkheads shall be of approved material which is not likely to harbour vermin.

(5) Sleeping rooms, mess rooms, recreation rooms and alley-ways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

(6) Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

(7) Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

(8) The Safety Officer shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

Schedule 5.—*continued.*

(9) The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour; lime wash must not be used.

(10) The wall surfaces shall be renewed or restored as necessary.

(11) The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

(12) Where the floorings are of composition the joinings with the sides shall be rounded to avoid crevices.

(13) Sufficient drainage shall be provided.

**Sch. 5.13 Ventilation.**

(1) Sleeping rooms and mess rooms shall be adequately ventilated.

(2) The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(3) Ships regularly engaged on voyages in the tropics shall be equipped with either mechanical means of ventilation or electric fans.

(4) Power for the operation of the aid to ventilation required by Subsection (3) shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

**Sch. 5.14. Heating.** (Applicable to ships making periodic voyages outside the tropics).

(1) An adequate system of heating for the crew accommodation shall be provided.

(2) The heating system shall, when practicable, be in operation at all times when the crew is living or working on board and conditions require its use.

(3) In all ships in which a heating system is required the heating shall be by means approved by the Safety Officer.

(4) In any ships in which heating is provided by a stove, measures shall be taken to ensure that the stove is of sufficient size and is properly installed and guarded and that the air is not fouled.

(5) The heating system shall be capable of maintaining the temperature in crew accommodation at a satisfactory level under normal conditions of weather and climate likely to be met with on service.

(6) Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid risk of fire or danger or discomfort to the occupants.

**Sch. 5.15. Lighting.**

(1) Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.

(2) All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

(3) In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by lamps or torches for emergency use.

(4) Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

**Sch. 5.16. Sleeping accommodation.**

(1) Sleeping rooms shall be situated above the load line amidships or aft.

(2) In exceptional cases, if the size, type or intended service of the ship render any other location unreasonable or impracticable, sleeping rooms in the fore part of the ship may be permitted but in no case forward of the collision bulkhead.

(3) In passenger ships on condition that satisfactory arrangements are made for lighting and ventilation, location of sleeping rooms below the load line may be permitted but in no case immediately beneath working alley-ways.

Schedule 5.—continued.

(4) The floor area per person of sleeping rooms intended for ratings shall be not less than 1.58 m<sup>2</sup>. This area may be reduced to 1.39 m<sup>2</sup> in vessels under 30 m long with the approval of the Safety Officer.

(5) Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

(6) The clear head room in crew sleeping rooms shall not be less than 190 cm.

(7) Where possible, the number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:—

(a) officers: two person per room;

(b) petty officers: four persons per room;

(c) other ratings: six persons per room:

*Note:* In vessels under 30 m long petty officers and ratings may be accommodated together and up to eight persons per room may be permitted.

(8) The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.

(9) Members of the crew shall be provided with individual berths.

(10) Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

(11) Berths shall not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there shall be only a single tier where a sidelight is situated above a berth.

(12) The lower berth in a double tier shall be not less than 30 cm above the floor, the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.

(13) The minimum inside dimensions of a berth shall be 190 cm by 68 cm.

(14) The framework and the lee-board (if any) of a berth shall be of approved material, hard, smooth and not likely to corrode or to harbour vermin.

(15) If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.

(16) Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other materials likely to harbour vermin shall not be used.

(17) When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.

(18) Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.

(19) The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 91 cm in height and of a cross-section area of 19.30 dm<sup>2</sup> and shall be fitted with a shelf and a hasp for a padlock.

(20) Each sleeping room shall be provided with a table or desk, which may be of the fixed, dropleaf or slide-out type.

(21) The furniture shall be of smooth, hard material not liable to warp or corrode.

(22) The drawer or equivalent space for each occupant shall be not less than .056 m<sup>3</sup>.

(23) Sleeping rooms shall be fitted with curtains for the sidelights.

(24) Sleeping rooms shall be fitted with a mirror and cabinet for toilet requisites.

**Sch. 5.17. Mess rooms.**

(1) Sufficient mess room accommodation shall be provided in all ships.

(2) The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.

(3) Mess rooms shall be equipped with tables and seats sufficient for the number of persons likely to use them at any one time.

(4) Where possible mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.

Schedule 5.—*continued.*

(5) Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.

(6) The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

**Sch. 5.18. Sanitary accommodation.**

(1) Sufficient sanitary accommodation including wash basins and tub and/or shower baths, shall be provided in all ships.

(2) A minimum number of two separate water closets shall be provided.

(3) Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for the crew on the following scale:—

(a) one tub and/or shower bath for every eight persons or less; and

(b) one water closet for every eight persons or less; and

(c) one wash basin for every six persons or less:

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than 50% of the specified number this surplus may be ignored for the purpose of this subsection.

(4) In vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the Safety Officer to special arrangements or a reduction in the number of facilities required.

(5) Adequate cold fresh water shall be available in all communal wash places. Hot fresh water or means of heating water should also be available when required by the particular nature of the intended trade of the vessel.

(6) Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

(7) All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

(8) All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

(9) Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

(10) Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:—

(a) floors shall be of approved durable material easily cleaned and impervious to damp, and shall be properly drained; and

(b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 23 cm above the level of the deck; and

(c) the accommodation shall be sufficiently lighted, heated and ventilated; and

(d) water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access:

Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons; and

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

(11) In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

**Sch. 5.19. Special requirements.**

(1) In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

Schedule 5.—*continued.*

(2) All ships trading regularly to or in the tropics shall be equipped with awnings for use over exposed decks above crew accommodation and over deck spaces used by the crew for recreation.

**PART C.—NEW SHIPS OF LESS THAN 20 METRES IN LENGTH.**

**Sch. 5.20. General requirements.**

(1) The location, means of access, structure and arrangement in relation to other spaces of crew accommodation shall be such as to ensure adequate security, protection against weather and sea, and insulation from heat or cold, undue noise or effluvia from other spaces.

(2) There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from engine and deck storerooms, washplaces or water closets.

(3) External bulkheads of sleeping rooms and mess rooms shall be adequately insulated. All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced shall be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passage-ways. Care shall also be taken to provide protection from heat effects of steam and/or hot water service pipes.

(4) Internal bulkheads shall be of approved material which is not likely to harbour vermin.

(5) Sleeping rooms, mess rooms and alley-ways in the crew accommodation space shall be adequately insulated to prevent condensation or overheating.

(6) Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

(7) Inside panelling or sheeting shall be of material with a surface easily kept clean. Tongued and grooved boarding or any other form of construction likely to harbour vermin shall not be used.

(8) The Safety Officer shall decide to what extent fire-prevention or fire-retarding measures shall be required to be taken in the construction of the accommodation.

(9) The wall surface and deckheads in sleeping rooms and mess rooms shall be capable of being easily kept clean and, if painted, shall be light in colour; lime wash must not be used.

(10) The wall surfaces shall be renewed or restored as necessary.

(11) The decks in all crew accommodation shall be of approved material and construction and shall provide a surface impervious to damp and easily kept clean.

(12) Where the floorings are of composition the joinings with sides shall be rounded to avoid crevices.

(13) Sufficient drainage shall be provided.

**Sch. 5.21. Ventilation.**

(1) Sleeping rooms and mess rooms shall be adequately ventilated.

(2) The system of ventilation shall be such as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

(3) Ships regularly engaged on voyages in the tropics shall be equipped with either mechanical means of ventilation or electric fans in cases where natural ventilation is insufficient.

(4) Power for the operation of any aid to ventilation required by Subsection (3) shall, when practicable, be available at all times when the crew is living or working on board.

**Sch. 5.22. Lighting.**

(1) Sleeping rooms and mess rooms shall be properly lighted by natural light and shall be provided with adequate artificial light.

(2) All crew spaces shall be adequately lighted. The minimum standard for natural lighting in living rooms shall be such as to permit a person with a normal vision to read on a clear day an ordinary newspaper in any part of the space available for free movement. When it is not possible to provide adequate natural lighting, artificial lighting of the above minimum standard shall be provided.

(3) In all ships electric lights shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, additional lighting shall be provided by lamps or torches for emergency use.

(4) Artificial lighting shall be so disposed as to give the maximum benefit to the occupants of the room.

Schedule 5.—*continued.*

**Sch. 5.23. Sleeping Accommodation.**

- (1) Sleeping rooms shall be situated above the load line amidships or aft.
- (2) In exceptional cases, if the size, type or intended service of the ship render any other location unreasonable or impracticable, sleeping rooms in the fore part of the ship may be permitted but in no case forward of the collision bulkhead.
- (3) The floor area per person of sleeping rooms intended for ratings shall be not less than 1.39 m<sup>2</sup>.
- (4) Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.
- (5) The clear head room in crew sleeping rooms shall not be less than 190 cm.
- (6) Where possible the number of persons allowed to occupy sleeping rooms shall not exceed the following maxima:—
  - (a) Officers: two persons per room;
  - (b) Petty Officers and other Ratings: eight persons per room.
- (7) The maximum number of persons to be accommodated in any sleeping room shall be indelibly and legibly marked in some place in the room where it can conveniently be seen.
- (8) Members of the crew shall be provided with individual berths.
- (9) Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.
- (10) Berths shall not be arranged in tiers of more than two.
- (11) The lower berth in a double tier shall be not less than 30 cm above the floor, the upper berth shall be placed approximately midway between the bottom of the lower berth and the lower side of the deckhead beams.
- (12) The minimum inside dimensions of a berth shall be 190 cm by 68 cm.
- (13) The framework and the lee-board, if any, of a berth shall be of approved material, hard, smooth and not likely to corrode or to harbour vermin.
- (14) If tubular frames are used for the construction of berths, they shall be completely sealed and without perforations which would give access to vermin.
- (15) Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress of approved material. Stuffing of straw or other materials likely to harbour vermin shall not be used.
- (16) When one berth is placed over another a dust-proof bottom of wood, canvas or other suitable material shall be fitted beneath the spring bottom of the upper berth.
- (17) Sleeping rooms shall be so planned and equipped as to ensure reasonable comfort for the occupants and to facilitate tidiness.
- (18) The furniture shall include a clothes locker for each occupant. The clothes lockers shall be not less than 91 cm in height and of a cross-section area of 19.30 dm<sup>2</sup> and shall be fitted with a shelf and a hasp for a padlock.
- (19) The furniture shall be of smooth, hard material not liable to warp or corrode.
- (20) Sleeping rooms shall be fitted with curtains for the sidelights.

**Sch. 5.24. Mess rooms.**

- (1) Sufficient mess room accommodation shall be provided in all ships.
- (2) The dimensions and equipment of each mess room shall be sufficient for the number of persons likely to use it at any one time.
- (3) Mess rooms shall be equipped with tables and seats sufficient for the number of persons likely to use them at any one time.
- (4) Where possible mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley.
- (5) Where available pantries are not accessible to mess rooms, adequate lockers for mess utensils and proper facilities for washing utensils shall be provided.
- (6) The tops of tables and seats shall be of damp-resisting material, without cracks and capable of being easily cleaned.

**Sch. 5.25. Sanitary accommodation.**

(1) Sufficient sanitary accommodation including wash basins and tub and/or shower baths, shall be provided in all ships.

(2) Each ship shall be provided with a minimum of one water closet.

(3) Sanitary facilities for all members of the crew who do not occupy rooms to which private facilities are attached shall be provided for the crew on the following scale:—

(a) one tub and/or shower bath for every eight persons or less; and

(b) one water closet for every eight persons or less; and

(c) one wash basin for every six persons or less:

Provided that when the number of persons in a group exceeds an even multiple of the specified number by less than 50% of the specified number this surplus may be ignored for the purpose of this subsection.

(4) In vessels normally engaged on voyages of not more than four hours' duration, consideration may be given by the Safety Officer to special arrangements or a reduction in the number of facilities required.

(5) Adequate cold fresh water shall be available in all communal wash places.

(6) Wash basins and tub baths shall be of adequate size and constructed of approved material with a smooth surface not liable to crack, flake or corrode.

(7) All water closets shall have ventilation to the open air, independently of any other part of the accommodation.

(8) All water closets shall be of an approved pattern and provided with an ample flush of water, available at all times and independently controllable.

(9) Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

(10) Sanitary accommodation intended for the use of more than one person shall comply with the following requirements:—

(a) floors shall be of approved durable material easily cleaned and impervious to damp, and shall be properly drained; and

(b) bulkheads shall be of steel or other approved material and shall be watertight up to at least 23 cm above the level of the deck; and

(c) the accommodation shall be sufficiently lighted and ventilated; and

(d) water closets shall be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and water closets to which there is no other access: Provided that this requirement shall not apply where a water closet is located in a compartment between two sleeping rooms having a total of not more than four persons; and

(e) where there is more than one water closet in a compartment, they shall be sufficiently screened to ensure privacy.

(11) In all ships facilities for washing and drying clothes shall be provided on a scale appropriate to the size of the crew and the normal duration of the voyage.

**Sch. 5.26. Special requirements.**

(1) In ships regularly trading to mosquito-infested ports provision shall be made to protect the crews' quarters against the admission of mosquitoes by the fitting of suitable screens to side scuttles, ventilators and doors to the open deck.

(2) All ships trading regularly to or in the tropics shall be equipped with awnings for use over exposed decks above crew accommodation and over deck space used by the crew for recreation.

## SCHEDULE 6.

Sec. 27.

### MEDICINES AND MEDICAL AND SURGICAL STORES.

#### PART A.

<i>Description</i>	<i>Quantity</i>
Ship Captain's Medical Guide	1 copy
Antimalarial tablets (Chloroquine) Adult	300
(Camoquin) Infant	100
Asprin tablets (300 mg)	500
Papaveretum (20 mg ampoule or syrette)	6
Injectable Benzyl Penicillin G (1 Mega-unit per vial 600 mg)	50
Water for injection—(10 ml ampoules)	5
Antacid tablets	100
Kaolin mixture	500 ml
Bactrim or Septrim tablets	100
Chloramphenicol capsules (250 mg)	100
Splinting Wire-Cramer (380 mm x 75 mm)	10 pieces
Weak Iodine solution	100 ml
Dettol	500 ml
Lint (450 g)	2
Cotton wool (450 g)	2
Gauze Bandages (75 mm x 360 mm)	24
Sterile tubes containing catgut (size O plain on needles 26 mm half circle cutting edge)	12
Scissors—fine edge—blunt (sharp surgical) (40 mm)	1 pair
non surgical (190 mm)	1 pair
Dissecting forceps (toothed)	1 pair
Spencer Wells forceps	2 pairs
Scalpel handle	1
Scalpel blades (No. 23)	12 (1 pkt)
Thermometers	2
Stomach tube	1
Tulle Gras (tins of 36 pieces 180 mm x 180 mm)	1
Syringe with needle (20 G. 40 mm prepacked sterile disposable)	50
Serum Needles (for penicillin)	6
Lignocaine 1% (2 ml ampoules)	10
Antibiotic Ointment (tube 15 g)	1
Surgical tape (25 mm)	2 rolls

#### PART B.

<i>Description</i>	<i>Quantity</i>
Antimalarial tablets (Chloroquine) Adult	100
(Camoquin) Infant	25
Asprin tablets (300 mg)	100
Kaolin mixture	500 ml
Bactrim or Septrim tablets	100
Weak solution of Iodine	100 ml
Dettol	500 ml



Schedule 6.—*continued.*

<i>Description</i>	<i>Quantity</i>
Lint (450 g)	1
Gauze Bandages—(75 mm x 360 mm)	12
Scissors—fine edge—blunt (sharp surgical) (40 mm)	1 pair
non surgical (190 mm)	1 pair
Splinting Wire-Cramer (380 mm x 75 mm)	5 pieces
Antibiotic Ointment (tube 15 g)	1
Dissecting forceps - (non-toothed)	1 pair
Surgical tape (25 mm)	2 rolls
Printed instruction sheet	1 copy
Spencer Wells forceps	1 pair
Antibiotic Powder (15 g)	2
Penicillin tablets (250 mg)	50

PART C.

<i>Description</i>	<i>Quantity</i>
Antimalarial tablets (Chloroquine) adult	100
(Camoquin) infant	25
Asprin tablets (300 mg)	25
Kaolin mixture	250 ml
Dettol	100 ml
Gauze Bandages (75 mm)	6
Antibiotic Ointment (tube 15 g)	1
Lint (white) (56 g)	1
Weak solution of Iodine	100 ml
Surgical tape—(25 mm)	2 rolls
Printed instruction sheet	1 copy
Antibiotic Powder (15 g)	2

SCHEDULE 7.

Sec. 43.

ENTRIES IN OFFICIAL LOG BOOK.  
PART A. FOREIGN GOING OR PACIFIC ISLANDS VOYAGES.

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3.
1. The name, port of sub-registry or registry, registry or other number and tonnage of the ship.	Owner, master or agent of the ship	None
2. The name and address of the owner.		None
3. The name and address of the employer of the crew.		None
4. The name of the master and details of his certificate of competency.		None

Schedule 7.—*continued*:

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3
5. The date on, and the place at, which the official log book is opened.	Owner, master or agent of the ship	None
6. The date on, and the place at, which the official log book is closed.		None
7. A record of the date and hour of each departure for sea from, and each arrival from sea at, any wharf, port or harbour.	Master	Any officer
8. Where any of the following casualties occur—  (a) a loss of life caused by— (i) fire on board; or (ii) accident to; or (iii) accident on board, the ship; or  (b) the— (i) loss or presumed loss; or (ii) stranding; or (iii) grounding; or (iv) abandonment, of the ship; or  (c) any damage caused to, or by, the ship, a description of the casualty and the place at which, or the position of the ship when, it occurred.	Master	Any member of the crew
9. A record of every signal of distress, or message that a vessel, aircraft or person is in distress at sea, observed or received.	Master	Any member of the crew
10. Where the master, on receiving at sea a signal of distress, or information from any source that a vessel, aircraft or person is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of that vessel, aircraft or person, a statement of his reasons for not going to the assistance of that vessel, aircraft or person.	Master	Any member of the crew
11. Where a proper officer consents to the termination of an agreement outside of Papua New Guinea, a record of the consent.	Proper officer (if practicable) or master	If the proper officer is signatory—none: If the master is signatory—any member of the crew
12. Where a crewman is left behind in any country outside Papua New Guinea, or is taken to such a country on being ship-wrecked, a record of—  (a) the name and number of the crewman; and  (b) the date on which, and the place at which, the crewman was left behind; and  (c) the reason, if known, for the crewman being left behind; and	Master	Any member of the crew

Schedule 7.—*continued.*

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3.
<p>(d) any provision made by the master on behalf of the employer, to ensure that a proper officer is informed that the crewman has been left behind; and</p> <p>(e) any provision made to inform the employer that the crewman has been left behind.</p> <p>13. Where a crewman is left behind in any country outside Papua New Guinea, or is taken to such a country on being ship-wrecked, a record, in relation to the property of the crewman of any—</p> <p>(a) property (including money) left on board the ship; and</p> <p>(b) property of which the master has taken charge; and</p> <p>(c) article sold and the price received for it; and</p> <p>(d) article destroyed or disposed of, and the name of the person to whom disposal was made; and</p> <p>(e) article delivered to any person specifying the person to whom the delivery was made and the date, place and manner of delivery.</p> <p>14. Where a person dies on board a ship, or is lost from the ship, or a person being a crewman belonging to a ship dies while temporarily absent from the ship, a record of—</p> <p>(a) the date of the death or loss; and</p> <p>(b) where the death takes place in the ship, or if the person is lost from the ship, the place at which, or the position of the ship, when, the death or loss occurred; and</p> <p>(c) where the death takes place away from the ship, the place of death; and</p> <p>(d) the full name of the person and, where the person is a crewman, his number; and</p> <p>(e) the sex of the person; and</p> <p>(f) the age of the person (if known); and</p> <p>(g) the country of citizenship of the person; and</p> <p>(h) the cause of death and, if the death is not due to natural causes, details of the circumstances of the death; and</p> <p>(i) the cause of the loss (if known) and the steps taken to rescue the person lost.</p> <p>15. Where a crewman belonging to a ship dies leaving property in a ship a record, in relation to that property of—</p> <p>(a) any property of which the master has taken charge; and</p> <p>(b) any item sold and the price received for it; and</p>	<p>Master</p> <p>Master or the ship's doctor</p> <p>Master</p>	<p>Any member of the crew</p> <p>Any member of the crew</p> <p>Any member of the crew</p>

Schedule 7.—*continued.*

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3.
(c) any article destroyed or disposed of and the name of the person to whom disposal was made; and		
(d) the delivery of any article to any person.		
16. Where a crewman belonging to a ship falls seriously ill, or suffers a serious injury, a record of the—	Master or the ship's doctor	Any member of the crew
(a) name and number of the crewman; and		
(b) circumstances of the illness or injury; and		
(c) nature and symptoms of the illness or injury; and		
(d) treatment adopted; and		
(e) progress of the illness or injury.		

## PART B. PAPUA NEW GUINEA VOYAGES.

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3.
1. The name, port of sub-registry or registry, registry or other number and tonnage of the ship.	Owner, master or agent of the ship.	None
2. The name and address of the owner.		None
3. The name and address of the employer of the crew.		None
4. The name of the master and details of his certificate of competency.		None
5. The date on, and the place at, which the official log book is opened.		None
6. The date on, and the place at, which the official log book is closed.		None
7. A record of the date and hour of each departure for sea from, and each arrival from sea at, any wharf, port or harbour.	Master	Any officer
8. Where any of the following casualties occur—	Master	Any member of the crew
(a) a loss of life caused by—		
(i) fire on board; or		
(ii) accident to; or		
(iii) accident on board, the ship; or		
(b) the—		
(i) loss or presumed loss; or		
(ii) stranding; or		
(iii) grounding; or		
(iv) abandonment, of the ship; or		
(c) any damage caused to, or by, the ship, a description of the casualty and the place at which, or the position of the ship when, it occurred.		

Schedule 7.—*continued.*

Particulars of Entry. Column 1.	Signatory. Column 2.	Witness required. Column 3
9. A record of every signal of distress, or message that a vessel, aircraft or person is in distress at sea, observed or received.	Master	Any member of the crew
10. Where a crewman belonging to a ship dies leaving property in a ship a record, in relation to that property, of— (a) any property of which the master has taken charge; and (b) any item sold and the price received for it; and (c) any article destroyed or disposed of and the name of the person to whom disposal was made; and (d) the delivery of any article to any person.	Master	Any member of the crew
11. Where a crewman belonging to a ship falls ill, or is injured, a record of the— (a) name and number of the crewman; and (b) circumstances of the illness or injury; and (c) nature and symptoms of the illness or injury; and (d) treatment adopted; and (e) progress of the illness or injury.	Master or the ship's doctor	Any member of the crew



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 242.

*Merchant Shipping (Navigational Aids) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—
  - "contribution"
  - "exempt ship"
  - "length"
  - "place"
  - "ship"
  - "voyage".
2. Compensation for acquisition of aids.
3. Annual contribution rate.
4. Payment of contributions.
5. Refund of annual contribution in certain cases.
6. Contribution rate where ship is trading overseas.
7. Minister may specify an area to be a place.
8. Certain ships to be exempt.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Navigational Aids) Regulation.*

MADE under the *Merchant Shipping Act*.

1. Interpretation.

(1) In this Regulation, unless the contrary intention appears—

“contribution”, in relation to a ship, means a marine navigational aid contribution payable under Section 188 of the Act;

“exempt ship” means a ship referred to in Section 8;

“length”, in relation to a ship that is—

(a) registered under the Act or under the law of another country, means the length of the ship as recorded on the certificate of registry of the ship; and

(b) not registered under the Act or under the law of another country, has the same meaning as in Section 1 of the Act;

“place” means an area specified as a place under Section 7;

“ship” means a ship that is not an exempt ship;

“voyage”, in relation to a ship that is engaged in overseas trading, means a voyage that—

(a) commences at the time the ship enters a port or place in the country; and

(b) terminates—

(i) at the time the ship leaves a port or place in the country for a port or place outside the country; or

(ii) on the expiration of three months from the time of commencement of the voyage,

whichever is the earlier.

(2) Where, in the opinion of the Minister, a ship is normally employed in trading, or in going between a port or place in the country and another port or place in the country, the ship is, for the purposes of this Regulation, deemed to be engaged in coastal trading.

(3) Where, in the opinion of the Minister, a ship is normally employed in trading, or in going between a port or place outside the country, the ship is, for the purposes of this Regulation, deemed to be engaged in overseas trading.

(4) Where, in the opinion of the Minister, a ship is normally—

(a) engaged in the exploration or exploitation of the continental shelf of the country; and

(b) operating to, or from, or is based at, a port or place in the country,

the ship is, for the purposes of this Regulation, deemed to be engaged in offshore operations.

**2. Compensation for acquisition of aids.**

(1) The prescribed time within which an application for compensation may be made under Section 180(1) of the Act is two months after the date of compulsory acquisition.

(2) An application for compensation under Section 180(1) of the Act shall—

(a) be in writing; and

(b) contain particulars of—

(i) the name and address of the applicant; and

(ii) identification of the aid acquired; and

(iii) a statement of the alleged interest of the applicant in the aid; and

(iv) the amount of compensation claimed; and

(v) the name and address of any person known by the applicant to have a compensable interest in the aid.

(3) The prescribed time within which the Minister shall make a determination under Section 180(2) of the Act is 30 days after receipt by him of an application under Section 180(1) of the Act.

**3. Annual contribution rate.**

Subject to Sections 5 and 6, the annual contribution payable in respect of a ship is K35.00 for each metre, or part of a metre, of the length of the ship.

(Amended by No. 25 of 1984 s. 1.)

**4. Payment of contributions.**

(1) Where a contribution is payable in respect of a ship, the contribution shall be paid within 48 hours of the time at which liability to pay the contribution commenced.

(2) Where a contribution in respect of a ship becomes payable because the ship has entered a port or place in the country, the contribution shall be paid before the ship next leaves the port or place.

(3) A contribution payable in respect of a ship shall be paid—

(a) where the ship has entered a port declared under Section 2 of the *Harbours Board Act* – to the Port Manager; and

(b) where the ship has entered any other place – to the Collector of Customs.

(Amended by No. 25 of 1984, s. 2.)

**5. Refund of annual contribution in certain cases.**

(1) Where—

(a) a ship is deemed to be engaged in coastal trading or in offshore operations; and

(b) an annual contribution in respect of the ship has been paid; and

(c) during a period commencing before the end of the first six months of the period in respect of which the annual contribution has been paid, the ship has, for 30 or more consecutive days, been prevented from engaging in coastal trading or in offshore operations; and

(d) the Minister, having regard to the circumstances in which the ship has been so prevented, thinks it reasonable to do so,

the Minister shall approve a refund to the owner of the ship of part of the annual contribution paid in respect of the ship.

(2) A refund under Subsection (1) shall be paid pro rata for the period during which a ship is prevented from engaging in coastal trading or in offshore operations as the case may be.

6. Contribution rate where ship is trading overseas.

(1) Subject to Subsection (2), where—

- (a) a ship is deemed to be engaged in overseas trading; and
- (b) the owner of the ship elects not to pay an annual contribution under Subsection (2),

contributions in respect of the ship shall be paid at the rate of K14.00 for each metre, or part of a metre, of the length of the ship for each voyage made by the ship.

(Amended by No. 25 of 1984, s. 3.)

(2) Where, in any period of 12 months, three contributions in respect of a ship have been paid under Subsection (1), no further contribution is payable in respect of the ship until the expiry of that period.

7. Minister may specify an area to be a place.

The Minister may, by notice in the National Gazette, specify an area to be a place for the purposes of this Regulation.

8. Certain ships to be exempt.

Where a ship—

- (a) is less than 15 m in length; or
- (b) belongs to the Defence Force or to any of the Defence Forces of any other country and is not engaged in trade; or
- (c) is, in the opinion of the Registrar, of traditional build; or
- (d) is—
  - (i) registered under the Act; and
  - (ii) engaged wholly in fishing; and
  - (iii) of a class specified by the Minister; or
- (e) having entered and left a port or place in the country to—
  - (i) disembark a person for urgent medical treatment; or
  - (ii) obtain urgently required medical treatment for a person on board; or
  - (iii) seek shelter due to stress of weather or *force majeure*; or
- (f) is engaged principally in the establishment or maintenance of aids,

the ship, for the purposes of this Regulation, is an exempt ship.

the  $\beta$  phase of the polymer. The  $\beta$  phase is the more ordered phase and is characterized by a higher density than the  $\alpha$  phase. The  $\beta$  phase is also the more stable phase and is the one that is observed in the crystalline state of the polymer. The  $\beta$  phase is the one that is observed in the crystalline state of the polymer.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Pilotage) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—  
    "exempt ship"  
    "International Code Signal"  
    "ship".
2. Notice of requirement for licensed pilot.
3. Readiness to take licensed pilot on board.
4. Pilot signals.
5. Application for pilotage licence.
6. Requirements for applicants for pilotage licences.
7. Issue of pilotage licences.
8. Renewal of pilotage licences.
9. Medical fitness of licensed pilots.
10. Application for pilotage exemption certificates.
11. Issue of pilotage exemption certificate.
12. Extension of validity of pilotage exemption certificate.
13. Application for renewal of pilotage exemption certificate.
14. Renewal of pilotage exemption certificate.
15. Suspension and cancellation of pilotage exemption certificates.
16. Record of usage of pilotage exemption certificate.
17. Exempt ships.
18. Specification of boarding grounds.
19. Fees for pilotage licences and pilotage exemption certificates.

SCHEDULE.—

FORM P.1.—Pilotage Licence.

FORM P.2.—Pilotage Exemption Certificate.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Pilotage) Regulation.*

MADE under The *Merchant Shipping Act*.

**1. Interpretation.**

(1) In this Regulation, unless the contrary intention appears "International Code Signal" means a signal referred to in the International Code of Signals adopted by the Fourth Session of the Assembly of the Inter-governmental Maritime Consultation Organization as amended from time to time.

(2) In Sections 2, 3 and 4, unless the contrary intention appears—

"exempt ship", in relation to a particular pilotage area, means a ship referred to in Section 17; and

"ship" in relation to a particular pilotage area, means a ship other than an exempt ship.

**2. Notice of requirement for licensed pilot.**

(1) Where a licensed pilot is, or will be, required to be on board a ship within a particular compulsory pilotage area, the owner or the master of the ship shall give reasonable notice to the pilotage authority that the services of a licensed pilot are required.

(2) Where—

(a) a pilotage authority has made the services of a licensed pilot available; and

(b) for reasons beyond the control of the licensed pilot, the ship in respect of which the services have been made available is not ready to proceed,

the person giving the notice referred to in Subsection (1) shall pay for every hour or part of an hour during which the ship is not ready to proceed such charges as are fixed by the pilotage authority by notice in the National Gazette.

**3. Readiness to take licensed pilot on board.**

(1) For the purposes of this section, a ship is made ready to take a licensed pilot on board when—

(a) the ship, by heaving to in a seamanlike manner, has created a lee; and

(b) a pilot ladder, mechanical hoist, or other safe means of access has been placed so as to facilitate the boarding of the ship by the licensed pilot.

(2) Where—

(a) the master of a ship that is within three nautical miles of a compulsory pilotage area intends that the ship shall enter that area; or

(b) a ship is at a boarding ground,

and a licensed pilot—

(c) is within hail of the ship; or

(d) approaches the ship,

the master of the ship must cause the ship to be made ready to take the licensed pilot on board.

(3) Where the master of a ship refuses, or fails without reasonable cause, to cause the ship to be made ready to take a licensed pilot on board, the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

#### **4. Pilot signals.**

(1) Where a licensed pilot is required for a ship, the master of the ship shall cause signals to be made to denote that a licensed pilot is required.

(2) The signals referred to in Subsection (1) are—

(a) by day—International Code Signal "G"; and

(b) by night—International Code Flash "G".

(3) Where, by day, a licensed pilot is on board a ship, the master of the ship shall cause International Code Signal "H" to be made.

(4) Where a ship that is an exempt ship under Section 17(b)(ii) is about to enter, or is moving within, a compulsory pilotage area by day the master of the ship shall cause International Code Signal Numeral Pennant "O" to be made.

#### **5. Application for pilotage licence.**

(1) A person may apply to a pilotage authority for the issue of a pilotage licence in respect of a particular compulsory pilotage area.

(2) An application for a pilotage licence shall—

(a) contain—

(i) the name and address of the applicant; and

(ii) particulars of any certificate of competency held by the applicant; and

(iii) particulars of any relevant qualifications held by the applicant; and

(iv) details of the sea-going service of the applicant; and

(b) be accompanied by evidence as to the—

(i) age; and

(ii) competence; and

(iii) experience; and

(iv) skill; and

(v) service; and

(vi) character; and

(vii) medical fitness,

of the applicant.

#### **6. Requirements for applicants for pilotage licences.**

(1) A pilotage authority may determine—

(a) the minimum and maximum age of; and

(b) the standards of competence, experience, fitness and skill to be attained by; and

(c) the extent of sea service to be required of,

an applicant for the issue of a pilotage licence.



(2) In making a determination under Subsection (1) a pilotage authority shall have regard to the safety requirements for shipping within a particular pilotage area.

(3) A pilotage authority may require a medical examination to be undergone by an applicant for the issue of a pilotage licence.

**7. Issue of pilotage licences.**

(1) Where a pilotage authority is satisfied as to the matters specified in Section 5(2)(b) in relation to a person making application for a pilotage licence it may issue a pilotage licence to that person.

(2) A pilotage licence shall be in Form P.1.

**8. Renewal of pilotage licences.**

After the expiry of each successive period of two years from the date of issue of a pilotage licence, a pilotage authority may, if it is satisfied as to the matters referred to in Section 7(1), on written application by the holder of a pilotage licence, renew the licence for a further period of two years.

**9. Medical fitness of licensed pilots.**

(1) A pilotage authority may at any time require a licensed pilot to undergo medical examination so that his continued fitness as a licensed pilot may be determined.

(2) Where—

- (a) in the course of the navigation of a ship any damage is caused to, or by, the ship; and
- (b) the ship is in pilotage charge of a licensed pilot; and
- (c) in the opinion of the pilotage authority, the medical fitness of the licensed pilot may have been a contributory cause,

the pilotage authority shall require the licensed pilot to undergo medical examination so that his continued fitness as a licensed pilot may be determined.

**10. Application for pilotage exemption certificates.**

(1) A crewman belonging to a ship may apply to a pilotage authority for the issue of a pilotage exemption certificate in respect of his employment in that ship or in a ship of a length and draught similar to the length and draught of that ship.

(2) An application for a pilotage exemption certificate shall contain—

- (a) the name, address and age of the applicant; and
- (b) particulars of any certificate of competency held by the applicant; and
- (c) particulars of any relevant qualification held by the applicant; and
- (d) details of the sea-going service of the applicant; and
- (e) the name and a description of the ship in respect of which the application is made; and
- (f) evidence as to the applicants ability to speak and understand the English language.

(3) An application for a pilotage exemption certificate shall be accompanied by—

- (a) the certificate of competency or other evidence of the qualifications of the applicant; and

## (b) testimonials as to the—

- (i) sobriety; and
- (ii) experience; and
- (iii) ability; and
- (iv) good conduct,

of the applicant for a period of not less than 12 months immediately preceding the date on which the application is made; and

## (c) evidence that, within the period of 12 months immediately preceding the date on which the application is made, the applicant has—

- (i) served actively in commanding a ship in pilotage charge of a licensed pilot for not less than three entries into and for not less than three exits from; or
- (ii) while acting as a bridge watchkeeper of a ship that was in pilotage charge of a licensed pilot or an exempt pilot—served either actively, or as an observer on the navigation bridge of the ship for not less than six entries into and for not less than six exits from,

the compulsory pilotage area in respect of which the issue of the pilotage exemption certificate is sought.

(4) A pilotage authority may require a medical examination to be undergone by an applicant for the issue of a pilotage exemption certificate.

**11. Issue of pilotage exemption certificate.**

## (1) Where—

- (a) there has been compliance with the requirements of Section 10(2) and (3); and
- (b) a pilotage authority is satisfied as to the general sobriety, experience, ability, conduct and medical fitness of a person making application for the issue of a pilotage exemption certificate,

the pilotage authority may issue a pilotage exemption certificate to that person.

(2) A pilotage exemption certificate issued under Subsection (1) shall be in Form P.2.

(3) A pilotage exemption certificate issued under this section shall, subject to the Act and to this Regulation, be valid—

## (a) in respect of—

- (i) the ship; and
- (ii) the pilotage area,

in respect of which it is issued; and

## (b) for an initial period of 12 months.

**12. Extension of validity of pilotage exemption certificate.**

(1) A person who holds a pilotage exemption certificate the validity of which is restricted to a particular pilotage area or to his employment on a particular ship may apply to the pilotage authority which issued that certificate for extension of the validity of that certificate to—

- (a) another pilotage area; or

(b) another ship,

or both.

(2) Where a pilotage authority is satisfied that the validity of a pilotage exemption certificate should be extended, it shall endorse on the certificate details of the extension.

**13. Application for renewal of pilotage exemption certificate.**

(1) The holder of a pilotage exemption certificate may apply to a pilotage authority for the renewal of the certificate.

(2) An application under Subsection (1) shall be accompanied by the record of usage referred to in Section 16.

(3) A pilotage authority may require a medical examination to be undergone by an applicant for the renewal of a pilotage exemption certificate.

**14. Renewal of pilotage exemption certificate.**

Where a pilotage authority is satisfied as to the matters referred to at Section 11(1)(b), it may renew a pilotage exemption certificate for a period of 12 months from the date of expiry of the previous certificate.

**15. Suspension and cancellation of pilotage exemption certificates.**

(1) Where, in the opinion of a pilotage authority, an exempt pilot is unfit to continue as an exempt pilot, the pilotage authority shall—

(a) for such period as it thinks fit, suspend; or

(b) cancel,

the pilotage exemption certificate of that exempt pilot.

(2) Where a pilotage authority suspends or cancels a pilotage exemption certificate under Subsection (1) it shall notify in writing the holder of the pilotage exemption certificate of the suspension or cancellation.

**16. Record of usage of pilotage exemption certificate.**

(1) An exempt pilot who refuses, or fails without reasonable cause, to keep and maintain a record of usage of his pilotage exemption certificate is guilty of an offence.

Penalty: A fine not exceeding K250.00.

(2) The record of usage referred to in Subsection (1) shall—

(a) contain full particulars of each usage of the pilotage exemption certificate to which it relates; and

(b) be signed by the holder of the pilotage exemption certificate.

(3) Where an exempt pilot has been convicted of an offence under Subsection (1), the pilotage authority may cancel his licence.

**17. Exempt ships.**

In relation to a particular compulsory pilotage area—

(a) a ship (other than a tug with a ship or barge in tow) that is less than 30 m in length; and

(b) a ship that is—

(i) owned by, under charter to or hired by, the pilotage authority; or

(ii) under the navigational command of an exempt pilot,  
is an exempt ship.

#### 18. Specification of boarding grounds.

The Minister may, by notice in the National Gazette, specify an area to be a boarding ground in relation to a particular compulsory pilotage area.

#### 19. Fees for pilotage licences and pilotage exemption certificates.

The Head of State, acting on advice, may, after obtaining a recommendation from a pilotage authority, by notice in the National Gazette, fix the fees payable in respect of the issue and renewal of pilotage licences and pilotage exemption certificates.

### SCHEDULE.

#### PAPUA NEW GUINEA.

#### *Merchant Shipping Act.*

Act, Sec. 220.

Form P.1.

Reg., Sec. 7.

#### PILOTAGE LICENCE.

No.:

The holder of this licence whose signature appears below is authorized to take pilotage charge of ships of \_\_\_\_\_ within the pilotage areas listed on the reverse side of this licence.

This licence is valid until \_\_\_\_\_, 19 \_\_\_\_.

Dated \_\_\_\_\_, 19 \_\_\_\_.

(Signature of Holder.)

Pilotage Authority.

(Reverse side.)

This licence is valid within the pilotage areas of:—

- 1.
- 2.
- 3.
- 4.
- 5.

Full name of holder:

Colour of eyes:

Complexion:

Colour of hair:

*Merchant Shipping*

Ch. No. 242

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 220.

Form P. 2.

Reg., Sec. 11.

PILOTAGE EXEMPTION CERTIFICATE.

No.:

I certify that \_\_\_\_\_ is entitled to be in navigational command  
of \_\_\_\_\_ within the pilotage areas listed on the reverse side of this certificate.

This certificate is valid until \_\_\_\_\_, 19 \_\_\_\_.

Dated \_\_\_\_\_, 19 \_\_\_\_.

Pilotage Authority.

(Reverse side.)

This licence is valid within the pilotage areas of:—

- 1.
- 2.
- 3.
- 4.
- 5.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 242.

*Merchant Shipping (Registration) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Registration of Government ships.
2. Tonnage certificates.
3. Marking of ship.
4. Marking of an air cushioned vehicle.
5. Application for registration.
6. Declaration of ownership.
7. Registration of ships.
8. Certificate of registry.
9. Provisional certificate of registry.
10. Change in ownership.
11. Registry of alterations.
12. Owner to furnish particulars.
13. Bill of sale.
14. Declaration of transfer.
15. Transmission of property in ship on death, insolvency, etc.
16. Mortgage of a ship.
17. Discharge of mortgage.
18. Transfer of mortgage.
19. Transmission of interest in mortgage by death, insolvency, etc.
20. Names of registered ships.
21. Annual registration fees.
22. Exemptions.
23. Application to alter port of sub-registry.
24. Fees.

SCHEDULE.—

- FORM R.1.—Tonnage Certificate.
- FORM R.2.—Application for Registration.
- FORM R.3.—Declaration of Ownership.
- FORM R.4.—Certificate of Registry.
- FORM R.5.—Provisional Certificate of Registry.
- FORM R.6.—Bill of Sale.
- FORM R.7.—Declaration of Transfer.
- FORM R.8.—Declaration of Transmission.
- FORM R.9.—Mortgage.
- FORM R.10.—Discharge of Mortgage.
- FORM R.11.—Transfer of Mortgage.
- FORM R.12.—Declaration of Transmission of Mortgage.
- FORM R.13.—Application to Change Name of Ship.
- FORM R.14.—Application to Change Port of Sub-registry of Ship.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Registration) Regulation.*

MADE under the *Merchant Shipping Act*.

**1. Registration of Government ships.**

(1) An application for registration of a Government ship shall be made to the Registrar in writing and shall be signed—

(a) where the ship belongs to the Government—

(i) by the permanent head of the Department; or

(ii) by the head of the authority,

which has responsibility for the ship; and

(b) in any other case, by the person who holds the ship on behalf of, or for the benefit of, the Government.

(2) An application for registration of a Government ship shall contain—

(a) the name of the ship, and

(b) a description of the ship; and

(c) where the date and place of construction of the ship—

(i) are known—a statement of that date and of that place; or

(ii) are not known—a statement to that effect, giving such particulars relating to the construction of the ship as are known, and

(d) particulars of title to the ship; and

(e) a statement that the ship—

(i) belongs to the Government; or

(ii) is held on behalf of, or for the benefit of, the Government.

(3) An application for registration of a Government ship shall have annexed to it—

(a) such certificates or other evidence of title as are referred to in the particulars of title; and

(b) the tonnage certificate of the ship.

(4) The Registrar, if satisfied that a Government ship may be registered, shall register the ship by entering into the Register—

(a) her name; and

(b) the registry number allotted to her; and

(c) the name of her owner; and

(d) her port of sub-registry; and

(e) the particulars contained in—

(i) the application for registration; and

(ii) her tonnage certificate.

(5) On registration of a Government ship the Registrar shall retain—

- (a) the application for registry; and
- (b) the certificates or other evidence of title referred to in Subsection (3)(a).

## 2. Tonnage certificates.

A tonnage certificate shall be in Form R.1.

## 3. Marking of ship.

(1) In this section, "ship" means a ship that is not an air cushioned vehicle.

(2) A ship shall be marked on—

- (a) each side of her stem, by her name; and
- (b) her stern, by—
  - (i) her name; and
  - (ii) her port of sub-registry followed by the letters and marks "P.N.G."; and
- (c) each side of her stem and of her stern post by a scale of decimetres or of metres and decimetres denoting her draught of water.

(3) The marking referred to in Subsection (2)(a) and (b) shall be in—

- (a) white or yellow letters on a dark ground; or
- (b) black letters on a light ground,

being letters of a length of not less than 1 dm and of proportionate breadth.

(4) The marking referred to in Subsection (2)(c) shall be—

- (a) in white or yellow figures on a dark ground; or
- (b) in black figures on a light ground,

being figures that are—

- (c) welded on or cut into the ship; and
- (d) of a length of not less than 1 dm and of proportionate breadth; and
- (e) where the scale is in decimetres—at each interval of 2 dm; and
- (f) where the scale is in metres and decimetres—at each metre interval and at each intervening 2 dm interval.

(5) In the case of figures denoting the scale of draught of a ship—

- (a) the capital letter "M" shall be placed after each metre figure in the manner and style of each metre figure; and
- (b) the topmost figure of the scale shall show—
  - (i) the metre; and
  - (ii) except where that figure marks a full metre interval—the decimetre, denoted by the figure; and
- (c) the lower line of each figure shall coincide with the draught line denoted by each figure.

**4. Marking of an air cushioned vehicle.**

(1) An air cushioned vehicle shall be marked in a conspicuous place on her superstructure—

- (a) at the forward end above the centre line, by her name; and
- (b) above the after end of the centre line, by—
  - (i) her name; and
  - (ii) her port of sub-registry followed by the letters and marks "P.N.G."

(2) The marks on an air cushioned vehicle shall be in—

- (a) white or yellow letters on a dark ground; or
- (b) black letters on a light ground,

being letters of a length of not less than 1 dm and of proportionate breadth.

**5. Application for registration.**

(1) In this section, "ship" means a ship that is not a Government ship.

(2) An application for registration of a ship shall be in Form R. 2.

(3) Subject to Subsection (4), an application under Subsection (2) shall be accompanied by—

- (a) a certificate signed by the builder of the ship and containing—
  - (i) a description of the ship; and
  - (ii) the estimated tonnage of the ship; and
  - (iii) the date and place of construction of the ship; and
  - (iv) the name of the person (if any) on whose account the ship was built; and
- (b) where the ship has been registered under a law of a country other than Papua New Guinea—evidence that registration in that country has ceased; and
- (c) evidence that the ship is in a seaworthy condition; and
- (d) evidence that the applicant is the owner of the ship; and
- (e) a list of not less than three alternative names, numbered in order of preference, under which the ship is proposed to be registered; and
- (f) a declaration of ownership.

(4) Where a certificate referred to in Subsection (3)(a) cannot be obtained the applicant shall—

- (a) make a declaration to that effect; and
- (b) annex the declaration to the application under Subsection (2).

**6. Declaration of ownership.**

A declaration of ownership shall be in Form R.3.

**7. Registration of ships.**

(1) In this section, "ship" means a ship that is not a Government ship.

(2) Where the Registrar is satisfied that a ship may be registered, he shall—

- (a) allot a registry number to the ship; and

(b) enter into the Register—

- (i) the registry number so allotted; and
- (ii) the name of the ship; and
- (iii) the port of sub-registry of the ship; and
- (iv) such particulars of the construction or origin of the ship as appear to him to be relevant; and
- (v) the name and description of each owner of the ship; and
- (vi) the proportions in which the owners, if more than one, own the ship; and

(c) grant a certificate of registry in respect of the ship.

(3) On registration of a ship the Registrar shall retain—

- (a) the certificate of the builder; and
- (b) any evidence as to title to the ship which was annexed to the application for registration; and
- (c) the declaration of ownership; and
- (d) any other document or certificate which he considers should be so retained.

**8. Certificate of registry.**

A certificate of registry of a ship shall be in Form R.4.

**9. Provisional certificate of registry.**

A provisional certificate of registry of a ship shall be in Form R.5.

**10. Change in ownership.**

Where a change occurs in the registered ownership of a ship, the Registrar shall—

- (a) enter into the Register the details of the change; and
- (b) endorse, or cause to be endorsed, on the certificate of registry of the ship the details so entered.

**11. Registry of alterations.**

Where the Registrar causes the alteration of a ship to be registered, he shall enter into the Register—

- (a) reference to the new tonnage certificate of the altered ship; and
- (b) the number of the new certificate of registry granted under Section 29(5) of the Act.

**12. Owner to furnish particulars.**

The particulars to be furnished by the owner of a ship under Section 30 of the Act are—

- (a) the name, address and qualification to own a ship registered under the Act of each owner of the ship; and
- (b) the trade (if any) in which the ship is engaged or, if the ship is out of commission, the place at which the ship is located; and
- (c) details of any current safety certificate in respect of the ship; and
- (d) the name and address of the master of the ship.

**13. Bill of sale.**

A bill of sale shall be in Form R.6.

**14. Declaration of transfer.**

A declaration of transfer shall be in Form R.7.

**15. Transmission of property in ship on death, insolvency, etc.**

A declaration of transmission shall be in Form R.8.

**16. Mortgage of a ship.**

A mortgage shall be in Form R.9.

**17. Discharge of mortgage.**

A discharge of mortgage shall be in Form R.10.

**18. Transfer of mortgage.**

A transfer of mortgage shall be in Form R.11.

**19. Transmission of interest in mortgage by death, insolvency, etc.**

A declaration of transmission of interest in a mortgage shall be in Form R.12.

**20. Names of registered ships.**

(1) Where the owner of a ship that is registered under the Act seeks to change the name of the ship, he may apply to the Registrar.

(2) An application under Subsection (1) shall be in Form R.13.

(3) Where the Registrar approves an application under this section, he shall—

(a) notify the applicant; and

(b) enter the new name of the ship into the Register; and

(c) cause the new name of the ship to be endorsed on the certificate of registry of the ship.

**21. Annual registration fees.**

(1) In this section, "the length of a ship" means the length of the ship as recorded in the Register.

(2) Subject to Subsection (3), the annual registration fee under Section 52 of the Act is K 1.00 for every metre, or part of a metre, in the length of a ship.

(3) The minimum annual registration fee under Section 52 of the Act is K10.00.

**22. Exemptions.**

(1) The Registrar, by instrument, subject to such conditions (if any) as he thinks fit, may exempt—

(a) a fishing vessel that is lettered or numbered in accordance with a law in force in Papua New Guinea; and

(b) a pleasure craft; and

(c) a ship of less than 20 m in length; and

(d) a ship which, in his opinion, is of traditional build,

from any requirement of Section 3.

(2) The Registrar, by instrument, subject to such conditions (if any) as he thinks fit, may exempt an air cushioned vehicle from any requirement of Section 4.

### 23. Application to alter port of sub-registry.

(1) The owner of a ship may apply to the Registrar for the port of sub-registry of a ship to be altered.

(2) An application under Subsection (1) shall be in Form R.14.

### 24. Fees.

(1) In this section, "the length of a ship" means the length of the ship as recorded in the Tonnage Certificate.

(2) The fee payable on registration of a ship is K1.25 for every metre, or part of a metre, in the length of the ship.

(3) The minimum fee payable on registration of a ship is K12.50.

## SCHEDULE.

### PAPUA NEW GUINEA. *Merchant Shipping Act.*

Act, Sec. 18.

Form R.1.

Reg., Sec. 2.

### TONNAGE CERTIFICATE.

Name of ship:

Port of sub-registry:

Registry No.:

Registry dimensions: Length

metres

Breadth

metres

Number of decks:

Number of bulkheads:

Framework and description of ship:

The tonnages of the above described ship measured in accordance with are as follows:—

*Cubic metres*

*Tons*

Gross:

Net:

I certify that the tonnages of the above described ship have been determined in accordance with the provisions of the *Merchant Shipping Act* and that the name and port of sub-registry of the ship are permanently and conspicuously marked on the ship in the prescribed manner.

Dated

19

Safety Officer.

*Merchant Shipping*

Ch. No. 242

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 20.

Form R.2.

Reg., Sec. 5(2).

APPLICATION FOR REGISTRATION.

To: The Registrar of Ships.

1. I/We  
am/are owner(s) of share(s) in
2. I/We apply for registration of the above described ship.
3. In support of this application I/we attach the following:
4. The proposed registry name of the ship is:
5. The proposed port of sub-registry is:

Dated 19 .

(Signature(s) of Applicant(s).)

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 21.

Form R.3.

Reg., Sec. 6.

DECLARATION OF OWNERSHIP.

I, make this declaration in respect of the ownership of

I declare as follows:—

1. \*I am a person authorised under the Common Seal of (hereinafter called the "corporation") to make declarations on behalf of the corporation.
2. \*I am a citizen of Papua New Guinea  
(or)  
\*The corporation is—
  - (a) established under, and is subject to, the laws of Papua New Guinea; and
  - (b) has its principal place of business in Papua New Guinea,  
and is a corporation that is—
    - (c) \*registered by the National Investment and Development Authority to carry on business as a ship owner in Papua New Guinea; (or)
    - (d) \*a local enterprise as defined in Section 2 of the *National Investment and Development Act*.
3. The above general description of the ship is correct and I/the corporation am/is entitled to be registered—
  - (a) \*as owner of share(s) in the ship; (and/or)
  - (b) \*as joint owner(s) with the several other persons whose names are written below,  
of share(s) in the ship.

Name(s) of joint owner(s):

Address(es) of joint owner(s):

No. of share(s):

4. Other than the share(s) described in Clause 3 above the shares in the ship are owned as follows:—

Name of owner:

Address of owner:

Number of shares:

5. To the best of my knowledge and belief no person or corporation other than a person or corporation that is a qualified person as defined in the Act is entitled as owner to any legal or beneficial interest in the ship.

6. \*The ship was constructed at \_\_\_\_\_ on \_\_\_\_\_ (or)

\*I have no knowledge of the place or date of construction of the ship.

7. The ship is not registered in any other country.

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declaration Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at \_\_\_\_\_, 19 \_\_\_\_\_

(Signature of Declarant.)

Before me:

\* Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Merchant Shipping Act.

Act, Sec.23.

Form R.4.

Reg., Sec.8.

CERTIFICATE OF REGISTRY.

No. \_\_\_\_\_

Name of ship:

Port of sub-registry:

Registry No:

Registry dimensions: Length \_\_\_\_\_ metres

Breadth \_\_\_\_\_ metres

Number of decks:

Number of bulkheads:

Framework and description of ship:

Tonnages of ship: \_\_\_\_\_ Cubic metres \_\_\_\_\_ Tons

Gross:

Net:

Tonnage Certificate No:

I certify that the above description of \_\_\_\_\_ Registry No \_\_\_\_\_  
registry \_\_\_\_\_ is in accordance with the Register Book held at \_\_\_\_\_  
person(s) registered as owner(s) is/are as follows:—

Port of sub-  
and that the

Name(s) and address(es) of owner(s):

Number of shares:

Dated \_\_\_\_\_, 19 \_\_\_\_\_

Registrar of Ships.



*Merchant Shipping*

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PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec.24.

Form R.5.

Reg., Sec.9.

PROVISIONAL CERTIFICATE OF REGISTRY.

PARTICULARS OF SHIP.

Name of ship:

Previous port of registry:

Previous registry (or equivalent) number:

Tonnages:           Cubic metres   Tons

Gross:

Net:

Name of builder:

Place of construction:

DESCRIPTION OF SHIP.

Registry dimensions: Length                   metres

Breadth                   metres

Number of decks:

Number of bulkheads:

Framework and description of ship:

Name(s) and address(es) of owner(s):

Number of shares:

Name of master:

I hereby grant this provisional certificate of registry in respect of the above described ship.

Dated                   , 19

Registrar/Proper Officer at

\* Strike out whichever is inapplicable.

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**Merchant Shipping**

**PAPUA NEW GUINEA.  
Merchant Shipping Act.**

Act, Sec.31.  
Reg., Sec.13.

Form R.6.

**BILL OF SALE.**

I/we being registered as owner(s) of share(s) in Registry  
No: Port of sub-registry: , in consideration of: (K )  
paid to me/us by the receipt of which is hereby acknowledged, do hereby transfer to  
all my/our estate or interest in share(s) in that ship.

IN WITNESS WHEREOF I/we have hereunto subscribed my/our name(s) at  
, 19 .

SIGNED in my presence by  
who is/are personally  
known to me:

Transferor(s)

**ACCEPTED**

SIGNED in my presence by  
who is/are personally  
known to me:

Transferee(s)

**PAPUA NEW GUINEA.  
Merchant Shipping Act.**

Act, Sec.32.  
Reg., Sec.14.

Form R.7.

**DECLARATION OF TRANSFER.**

I, make this declaration in respect of the ownership of  
Registry No: Port of sub-registry )

1. \*I am a person authorised under the Common Seal of (hereinafter called the  
"corporation") to make declarations on behalf of the corporation.
2. \*I am a citizen of Papua New Guinea (or)

\*The corporation is—

- (a) established under, and is subject to, the laws of Papua New Guinea; and
- (b) has its principal place of business in Papua New Guinea,

and is a corporation that is—

- \*(c) registered by the National Investment and Development Authority to carry on business  
as a ship owner in Papua New Guinea; (or)
- \*(d) a local enterprise as defined in Section 2 of the *National Investment and Development Act*.

3. I/the corporation am/is entitled to be registered—

- \*(a) as owner of share(s) in the above described ship; (and/or)
- \*(b) as joint owner, with the several other persons whose names are written below,  
of share(s) in the ship.

Name(s) of joint owner(s):

Address(es) of joint owner(s):

No. of share(s):

4. To the best of my knowledge and belief no person or corporation other than a person or  
corporation that is a qualified person as defined in the Act is entitled as owner to any legal or  
beneficial interest in the ship.

I, of do solemnly and sincerely declare that all information  
and particulars given in the above are true and correct, AND I MAKE this solemn declaration by virtue  
of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements  
contained to be true and correct in every particular.

Declared at , 19 .

(Signature of Declarant.)

Before me:

\* Strike out whichever is inapplicable.

*Merchant Shipping*

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PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 34.

Form R.8.

Reg., Sec. 15.

DECLARATION OF TRANSMISSION.

I, \_\_\_\_\_, make this declaration in respect of the ownership of,  
Register No: \_\_\_\_\_ Port of sub-registry

I declare that:

1. \*I am a person authorised under the Common Seal of \_\_\_\_\_ (hereinafter called the  
"corporation") to make declarations on behalf of the corporation.

2. \*I am a citizen of Papua New Guinea (or)

\*The corporation is—

(a) established under, and is subject to, the laws of Papua New Guinea; and

(b) has its principal place of business in Papua New Guinea,

and is a corporation that is—

\*(c) registered by the National Investment and Development Authority to carry on business  
as a ship owner in Papua New Guinea; (or)

\*(d) local enterprise as defined in Section 2 of the *National Investment and Development Act*.

3. By transmission from \_\_\_\_\_ I/the corporation 'am/is' entitled to be registered—

\*(a) as owner of \_\_\_\_\_ share(s) in the above described ship; (and/or)

\*(b) as joint owner, with the several other persons whose names are written below,  
of \_\_\_\_\_ share(s) in the ship.

Name(s) of joint owner(s):

Address(es) of joint owner(s):

Number of share(s):

4. The circumstances of the transmission are:

5. I annex the following:

I \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare that all information  
and particulars given in the above are true and correct, AND I MAKE this solemn declaration by  
virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the  
statements contained to be true and correct in every particular.

Declared at \_\_\_\_\_, 19 \_\_\_\_\_

(Signature of Declarant.)

Before me:

\*Strike out whichever is inapplicable.

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*Merchant Shipping*

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 39.

Form R.9.

Reg., Sec. 16.

**MORTGAGE.**

I/We \_\_\_\_\_ being the registered owner(s) of \_\_\_\_\_ share(s) in  
Registry No \_\_\_\_\_ Port of sub-registry \_\_\_\_\_ in considera-  
tion of \_\_\_\_\_ (K \_\_\_\_\_) lent to me/us by \_\_\_\_\_ the receipt of which is hereby  
acknowledged, do for the purpose of securing the payment in the names mentioned below of the  
principal sum and interest on it, hereby mortgage to \_\_\_\_\_ all my/our estate or interest in  
share(s) in the ship and for the above consideration I/we do hereby  
covenant with \_\_\_\_\_ as follows:

IN WITNESS WHEREOF I/we have hereunto subscribed my/our name(s) at  
, 19 \_\_\_\_\_

SIGNED in my presence by  
who is/are personally  
known to me: \_\_\_\_\_

Mortgagor.

**ACCEPTED**

SIGNED in my presence by  
who is/are personally  
known to me: \_\_\_\_\_

Mortgagee.

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 40.

Form R.10.

Reg., Sec. 17.

**DISCHARGE OF MORTGAGE.**

Registered No. of mortgage:

Date of mortgage:

Name, Registry No. and Port of sub-registry of ship:

In consideration of the mortgagor having performed all the conditions required by him to be  
performed I/we hereby discharge mortgage registered No \_\_\_\_\_

IN WITNESS WHEREOF I/we have hereunto subscribed my/our name(s) at  
, 19 \_\_\_\_\_

SIGNED in my presence by  
who is/are personally  
known to me: \_\_\_\_\_

Mortgagee.

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**Merchant Shipping Act.**

Form R.11.

Reg., Sec. 18.

### TRANSFER OF MORTGAGE.

Registered No. of mortgage:

Date of mortgage:

Name, Registry No. and Port of sub-registry of ship:

I/We \_\_\_\_\_ in consideration of \_\_\_\_\_ (K \_\_\_\_\_) paid to me/us by \_\_\_\_\_  
the receipt of which I/we hereby acknowledge, do hereby transfer to \_\_\_\_\_  
the whole of my/our interest in mortgage registered No.: \_\_\_\_\_

IN WITNESS WHEREOF I/We have hereunto subscribed my/our name(s) at  
19

SIGNED in my presence by  
who is/are personally  
known to me:

Transferor.

ACCEPTED

SIGNED in my presence by  
who is/are personally  
known to me:

Transferee.

**Merchant Shipping Act.**

Form R.12.

Reg., Sec. 19.

## DECLARATION OF TRANSMISSION OF MORTGAGE.

I/We make this declaration in respect of the interest of \_\_\_\_\_ in  
mortgage registered No \_\_\_\_\_ over the security of \_\_\_\_\_ share(s) in  
Registry No \_\_\_\_\_ Port of sub-registry \_\_\_\_\_

I declare that:

1. I am a person authorised under the Common Seal of \_\_\_\_\_ (hereinafter called the "corporation") to make declarations on behalf of the corporation.
2. The circumstances in which the interest of the \_\_\_\_\_ is transmitted to me/us/the corporation are as follows:

3. I/We attach the following:—

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained to be true and correct in every particular.

Declared at

, 19 .

(Signature of Declarant.)

Before me:

\*Strike out whichever is inapplicable

Ch. No. 242

**Merchant Shipping**

PAPUA NEW GUINEA.

**Merchant Shipping Act.**

Reg., Sec. 20(2).

Form R.13.

**APPLICATION TO CHANGE NAME OF SHIP.**

To: The Registrar of Ships.

1. I/We                      am/are owner(s) of                      share(s) in
2. I/We apply to change the name of the above described ship.
3. In order of preference the name by which I/we wish the above described ship to be known is:—

Dated                      19   .

(Signature of Applicant(s).)

PAPUA NEW GUINEA.

**Merchant Shipping Act.**

Act, Sec. 280.

Form R.14.

Reg., Sec. 23(2).

**APPLICATION TO CHANGE PORT OF SUB-REGISTRY OF SHIP.**

To: The Registrar of Ships.

1. I/We                      am/are owner(s) of                      share(s) in                      Registry  
No.                      Port of Sub-Registry
2. I/We apply to change the port of sub-registry of the above described ship to

Dated                      19   .

(Signature of Applicant(s).)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

*Merchant Shipping (Safety) Regulation.*

ARRANGEMENT OF SECTIONS.

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  - "adequate"
  - "approved"
  - "berthed passenger"
  - "Deck Log Book"
  - "equipment"
  - "hull"
  - "international voyage"
  - "load line"
  - "machinery"
  - "Papua New Guinea Survey Certificate"
  - "radio"
  - "satisfactory"
  - "ship"
  - "specified surveyor"
  - "Survey Section"
  - "unberthed passenger".

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2. Interpretation of Part II.—
  - "Nuclear Passenger Ship"
  - "Passenger Ship".
3. Safety certificates for Passenger Ships.
4. Safety certificates for Cargo Ships of 500 tons or more.
5. Safety certificates for Cargo Ships of less than 500 tons.

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6. Interpretation of Part III.—
  - "ship".
7. Requirements for ships to be surveyed.
8. Periodic surveys.
9. Application for survey.
10. Report by surveyor.
11. Declaration of partial survey.
12. Declaration by surveyor.
13. Survey Master Sheet.
14. Exemption from survey.

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“ship”.

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17. Duration of Papua New Guinea Survey Certificate.

18. Periodic survey endorsements.

19. Suspension or cancellation of Papua New Guinea Survey Certificate.

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20. Interpretation of Division 1.—

“ship”.

21. Survey of Safety Convention ships.

22. Issue of Safety Convention Certificates.

23. Duly authorized officer.

24. Deck Log Book.

25. Instructions for carriage of dangerous goods.

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26. Interpretation of Division 2.—

“ship”.

27. Survey of Load Line Convention ships.

28. Issue of Load Line Certificates.

29. Duly authorized officer.

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*Division 1.—Hulls.*

30. Interpretation of Division 1.—

“ship”.

31. Design of ships.

32. Hull construction.

33. Anchors and cables.

34. Sounding pipes.

35. Ventilators and air pipes.

36. Ship side fittings.

37. Rudder and steering gear.

38. Cathodic protection.

39. Hull requirements for existing ships.

*Division 2.—Machinery.*

40. Interpretation of Division 2.—

“ship”.

41. Main and auxiliary machinery.

42. First starting arrangements.

43. Pressure vessels.

44. Electrical equipment.

45. Pumps and piping systems.

46. Boiler feed systems.

47. Spare gear and tools.



- 48. Unmanned machinery spaces.
- 49. Remote control systems.
- 50. Crew protection in machinery spaces.
- 51. Windlasses.
- 52. Machinery requirement for existing ships.

*Division 3.—Load Line.*

- 53. Interpretation of Division 3—
  - 'length'
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- 54. Determination of load line.
- 55. Markings.
- 56. Deck line marks.
- 57. Load line marks.
- 58. Lines to be used with load line mark.
- 59. Mark of assigning authority.
- 60. Details of marking.
- 61. Verification of marks.
- 62. Modification of requirements for new ships of less than 24 metres in length.
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- 69. Adjustment of magnetic compasses.
- 70. Gyro compasses.
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- 73. Lanterns and torches.
- 74. Code flags and books.
- 75. Communications from bridge to engine room.
- 76. Boarding of pilots.
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*Subdivision B.—Lifesaving Appliances.*

- 79. Interpretation of Subdivision B.—
  - "ship".
- 80. Approval and acceptance of appliances.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 242.

***Merchant Shipping (Safety) Regulation.***

MADE under the *Merchant Shipping Act.*

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Regulation, unless the contrary intention appears—

“acceptable” means acceptable to the Safety Officer;

“adequate” means adequate in the opinion of the Safety Officer;

“approved” means approved by the Safety Officer;

“berthed passenger” means a passenger on a ship for whose use acceptable enclosed accommodation is provided in the ship;

“Deck Log Book” means the record customarily kept, or caused to be kept, by the master of a ship as a record of the navigation and working of the ship;

“equipment”, in relation to a Survey Section, includes lifesaving appliances, fire fighting appliances, navigational equipment, lights, sound signals, gangways, pilot ladders and mooring lines;

“hull”, in relation to a Survey Section, includes all structural members of a ship, steering gear, hull plating, hull planking, frames, beams, girders, deck plating, deck planking, bulkheads, tanks, super-structures, deck houses, masts, rigging, rudders, anchors and cables;

“international voyage” means a voyage between—

(a) a place or port in Papua New Guinea and a place or port outside Papua New Guinea; and

(b) a place or port outside Papua New Guinea and another place or port outside Papua New Guinea;

“load line”, in relation to a Survey Section, includes all closing devices, watertight doors, scuttles, hatch covers, shipside doors, shipside openings, shipside fittings, skylights, freeing ports, air pipes, sounding pipes, ventilators, marking of load lines, means of crew protection on exposed decks and provision of stability data;

“machinery”, in relation to a Survey Section, includes all main propulsion machinery of a ship, generators, prime movers, fire pumps, bilge pumps, ballast pumps, circulating pumps, shafting, piping systems, propellers, switchboards, electrical equipment, boilers, pressure vessels, windlasses and means of crew protection in machinery spaces;

“Papua New Guinea Survey Certificate” means a safety certificate granted by the Safety Officer under Section 70(3) of the Act;

“radio”, in relation to a Survey Section, includes radio installations, survival craft radio equipment and means of radio operation;

“satisfactory” means satisfactory in the opinion of the Safety Officer;

"ship" means a ship that is—

- (a) registered under the Act; or
- (b) not registered under the Act, being a ship that is at a port or place in Papua New Guinea; or
- (c) an offshore ship,

being a ship that is not—

- (d) a ship that—
  - (i) in the ordinary course of her voyage would not have been required to comply with the provisions of this Regulation; and
  - (ii) is compelled by stress of weather, or by *force majeure*, to take refuge in a port or place in Papua New Guinea; or
- (e) a troopship; or
- (f) a ship that, in the opinion of the Registrar, is of traditional build; or
- (g) a pleasure craft; or
- (h) a ship that is less than 10 m in length; or
- (i) an air cushioned vehicle;

"specified surveyor" means a surveyor designated as a specified surveyor by the Minister under Section 21(2).

"Survey Section" means a matter in respect of which a ship is subject to survey;

"unberthed passenger" means a passenger on a ship other than a passenger who is a berthed passenger.

(2) A reference in Parts II. or V. to a ship of a particular class or to a certificate of a particular type shall, unless the contrary intention appears—

- (a) in the case of a Load Line Convention Ship—be read as a reference to that class or type as defined for the purposes of the Load Line Convention; and
- (b) in the case of a Safety Convention Ship—be read as a reference to that class or type as defined for the purposes of the Safety Convention.

(3) A reference in Part VI. to an expression of a technical nature shall, unless the contrary intention appears, be read as a reference to that expression as defined for the purpose of the Collisions Convention, the Load Line Convention and the Safety Convention, and where the expression is not so defined it has its ordinary meaning.

## PART II.—REQUIRED SAFETY CERTIFICATES.

### 2. Interpretation of Part II.

In this Part—

"Nuclear Passenger Ship" includes a Nuclear Cargo Ship in respect of which there are in force the certificates referred to in Section 3(2);

"Passenger Ship" includes a Cargo Ship of 500 t or more in respect of which there are in force the certificates referred to in Section 3(1).

**3. Safety certificates for Passenger Ships.**

(1) A Passenger Ship, being a ship that is not a Nuclear Passenger Ship, shall not go to sea unless there are in force in respect of the ship—

- (a) a Passenger Ship Safety Certificate; and
- (b) either—
  - (i) any Exemption Certificate required by the Safety Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged; or
  - (ii) in the case of a short international voyage—a Passenger Ship Short Voyage Safety Certificate; and
- (c) an International Load Line Certificate; and
- (d) any International Load Line Exemption Certificate required by the Load Line Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

(2) A Nuclear Passenger Ship shall not go to sea unless there are in force in respect of the ship—

- (a) a Nuclear Passenger Ship Safety Certificate; and
- (b) an International Load Line Certificate; and
- (c) any International Load Line Exemption Certificate required by the Load Line Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

**4. Safety certificates for Cargo Ships of 500 tons or more.**

(1) Subject to Subsection (3), a Cargo Ship of 500 t or more, being a ship that is not a Nuclear Cargo Ship, shall not go to sea unless there are in force in respect of the ship the certificates referred to in Section 3(1) or—

- (a) a Cargo Ship Safety Construction Certificate; and
- (b) a Cargo Ship Safety Equipment Certificate; and
- (c) either—
  - (i) a Cargo Ship Safety Radiotelegraphy Certificate; or
  - (ii) a Cargo Ship Safety Radiotelephony Certificate; and
- (d) any Exemption Certificate required by the Safety Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged; and
- (e) an International Load Line Certificate; and
- (f) any International Load Line Exemption Certificate required by the Load Line Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

(2) A Nuclear Cargo Ship shall not go to sea unless there are in force in respect of the ship the certificates referred to in Section 3(2) or—

- (a) a Nuclear Cargo Ship Certificate; and
- (b) an International Load Line Certificate; and
- (c) any International Load Line Exemption Certificate required by the Load Line Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

(3) Notwithstanding any other provision of this Part, a Cargo Ship of 500 t or more, being a ship that is not a Nuclear Cargo Ship, may go to sea on a voyage that is not an international voyage if there is in force in respect of the ship a Papua New Guinea Survey Certificate that, in the opinion of the Safety Officer, is appropriate having regard to—

- (a) the ship; and
- (b) the voyage in which the ship is, or is about to be, engaged.

**5. Safety certificates for Cargo Ships of less than 500 tons.**

(1) Subject to Subsections (2) and (3), a Cargo Ship of less than 500 t shall not go to sea unless there is in force in respect of the ship a Papua New Guinea Survey Certificate that, in the opinion of the Safety Officer, is appropriate having regard to—

- (a) the ship; and
- (b) the voyage in which the ship is, or is about to be, engaged.

(2) A Cargo Ship of 300 t or more and of less than 500 t shall not go to sea on an international voyage unless there are in force in respect of the ship—

- (a) a Cargo Ship Safety Radiotelephony Certificate; and
- (b) any Exemption Certificate required by the Safety Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

(3) A Cargo Ship of less than 500 t, being a ship to which the Load Line Convention applies, shall not go to sea unless there are in force in respect of the ship—

- (a) an International Load Line Certificate; and
- (b) any International Load Line Exemption Certificate required by the Load Line Convention to be issued in relation to the voyage in which the ship is, or is about to be, engaged.

**PART III.—SURVEYS AND INSPECTIONS.**

**6. Interpretation of Part III.**

In this Part, "ship" does not include a Safety Convention Ship.

**7. Requirements for ships to be surveyed.**

(1) A ship is subject to survey in respect of—

- (a) equipment; and
- (b) hull; and
- (c) load line; and
- (d) machinery; and
- (e) radio.

(2) Each of the matters referred to in Subsection (1) shall be known as a Survey Section.

(3) A ship shall be surveyed—

- (a) before the issue; and
- (b) periodically during the currency,

of a Papua New Guinea Survey Certificate, in respect of the ship.



(4) The Safety Officer may direct that a ship be surveyed where—

- (a) any material alteration is made to the ship; or
- (b) the ship sustains damage or accident which affects, or may affect, the safety of the ship.

(5) A survey referred to in Subsection (3)(b) shall be known as a periodic survey.

**8. Periodic surveys.**

(1) On the issue of a Papua New Guinea Survey Certificate in respect of a ship, the Safety Officer shall, in respect of each Survey Section, nominate the date on which that Survey Section shall, subject to this section, be surveyed in each subsequent year.

(2) Subject to Subsections (3), (4) and (5), an annual periodic survey of a Survey Section of a ship shall be carried out not more than three months before or after the date nominated under Subsection (1).

(3) Subject to Subsections (4) and (5), not more than 15 months shall elapse between successive annual periodic surveys of a Survey Section.

(4) Where, in respect of the hull of a ship—

- (a) an annual survey is made of those parts of the hull of the ship that can be surveyed while the ship is afloat; and
- (b) the Safety Officer, having regard to—
  - (i) the construction, standard of maintenance and age of the ship; and
  - (ii) the trade in which the ship has been, or is about to be, engaged,

so approves,

the Safety Officer may permit the survey of the parts of the hull that have not been surveyed under Paragraph (a) to be made once in every period of two years.

(5) Where, in respect of the machinery of a ship—

- (a) an annual survey of machinery operation and of pressure vessels is carried out; and
- (b) the Safety Officer, having regard to the records kept in the ship relating to the maintenance and running hours of the machinery, so approves,

periodic surveys may be made once in every two years.

(6) Where, in respect of the machinery of a ship—

- (a) an annual survey of machinery operation and of pressure vessels is carried out; and
- (b) the Safety Officer, having regard to the type and suitability of the machinery and to the records kept in the ship relating to the maintenance and running hours of the machinery, so approves,

a periodic survey may be made once in every period of four years.

**9. Application for survey.**

(1) An application for survey of a ship shall be in Form S.1.

(2) The Safety Officer may require an application for survey to be accompanied by such plans and other documents as are, in his opinion, necessary or desirable.

**10. Report by surveyor.**

The report referred to in Section 70(1) of the Act shall be in Form S.2.

**11. Declaration of partial survey.**

Where, in respect of the whole or of any item of a Survey Section, a survey is carried out by a person other than the person completing the declaration referred to in Section 70(2) of the Act, the person who has carried out the survey shall complete a report and a declaration in Form S.3.

**12. Declaration by surveyor.**

The declaration referred to in Section 70(2) of the Act shall be in Form S.4.

**13. Survey Master Sheet.**

(1) A Survey Master Sheet shall be in Form S.5.

(2) The owner or master of a ship in respect of which a Papua New Guinea Survey Certificate has been granted who refuses, or fails without reasonable cause to—

(a) maintain in the ship; and

(b) keep on board the ship and make available, on request, for inspection or endorsement—

(i) by the Safety Officer; or

(ii) by a surveyor; or

(iii) by a person authorized by the Safety Officer,

the Survey Master Sheet to which the certificate relates,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(3) A surveyor who has carried out a survey or inspection shall endorse on the Survey Master Sheet the results of that survey or inspection.

(4) On the expiration of the period for which the Papua New Guinea Survey Certificate of a ship has been granted or extended, the owner or master of the ship shall deliver the Survey Master Sheet in respect of the ship to the Safety Officer.

**14. Exemption from survey.**

The Safety Officer may, subject to such conditions (if any) as he thinks fit, exempt a ship, or a particular class of ship, from compliance with any requirement of this Part.

**PART IV.—PAPUA NEW GUINEA SURVEY CERTIFICATES.****15. Interpretation of Part IV.**

In this Part "ship" does not include a Safety Convention Ship.

**16. Papua New Guinea Survey Certificate.**

A Papua New Guinea Survey Certificate shall be in Form S.6.

**17. Duration of Papua New Guinea Survey Certificate.**

(1) Subject to endorsement under Section 18, a Papua New Guinea Survey Certificate shall remain in force for a period not exceeding four years from the date on which it is granted.

(2) Notwithstanding Subsection (1), where, in the opinion of the Safety Officer, it would be reasonable to do so, he may, by endorsement on a Papua New Guinea Survey Certificate in respect of a ship, grant an extension of the duration of the Certificate for a

period not exceeding three months after the date on which the Certificate would otherwise expire.

**18. Periodic survey endorsements.**

The Safety Officer shall, where a periodic survey of a ship has been carried out and he is satisfied that, in respect of the ship, there has been compliance with the requirements of the Act and of this Regulation, endorse the Papua New Guinea Survey Certificate of the ship accordingly.

**19. Suspension or cancellation of Papua New Guinea Survey Certificate.**

Where, in respect of a ship, the Safety Officer is not satisfied that there has been compliance with the requirements of the Act or of this Regulation, he may—

- (a) suspend the Papua New Guinea Survey Certificate of the ship until he is so satisfied; or
- (b) cancel the Papua New Guinea Survey Certificate of the ship.

**PART V.—IMPLEMENTATION OF CONVENTIONS.**

*Division 1.—Safety Convention.*

**20. Interpretation of Division 1.**

In this Division "ship" means a Safety Convention ship.

**21. Survey of Safety Convention ships.**

(1) For the purposes of the Safety Convention, the survey and inspection of a ship shall be carried out by a specified surveyor.

(2) The Minister may, by instrument, designate a surveyor as a specified surveyor for the purposes of this Part.

**22. Issue of Safety Convention certificates.**

Where a specified surveyor is satisfied in the particular case that he may do so, he shall, in respect of a ship that has been surveyed by him under Section 21, issue—

- (a) a Passenger Ship Safety Certificate; and
- (b) a Cargo Ship Safety Construction Certificate; and
- (c) a Cargo Ship Safety Equipment Certificate; and
- (d) a Cargo Ship Radiotelegraphy Certificate; and
- (e) a Cargo Ship Radiotelephony Certificate; and
- (f) in any case where the Safety Officer has so approved, an Exemption Certificate under the Safety Convention.

**23. Duly authorized officer.**

For the purposes of Regulation 19 of Chapter 1 of the Safety Convention, "officer duly authorized" means an officer of the Office of Transport who—

- (a) is a surveyor; and
- (b) has been appointed by the Safety Officer, by instrument, to exercise the powers specified in that Regulation.

**24. Deck Log Book.**

For the purposes of Regulations 14(f) and 22(b) of Chapter II and of Regulation 26 of Chapter III of the Safety Convention "the prescribed log book" means the Deck Log Book.

**25. Instructions for carriage of dangerous goods.**

For the purposes of Regulation 1(d) of Chapter VII of the Safety Convention—

- (a) the safe packing and stowage of specific dangerous goods or categories of dangerous goods; and
- (b) the precautions required to be taken in the relation of such goods to other cargo,

shall be as determined by the Minister by notice in the National Gazette.

*Division 2.—Load Line Convention.*

**26. Interpretation of Division 2.**

In this Division "ship" means a Load Line Convention ship.

**27. Survey of Load Line Convention ships.**

For the purposes of the Load Line Convention, the survey, inspection and marking of a ship shall be carried out by a specified surveyor.

**28. Issue of Load Line certificates.**

Where a specified surveyor is satisfied that he may do so, he shall, in respect of a ship that has been surveyed by him under Section 27, issue—

- (a) an International Load Line Certificate; and
- (b) in any case where the Safety Officer has so approved—an International Load Line Exemption Certificate.

**29. Duly authorized officer.**

For the purposes of Article 21 of the Load Line Convention, "officer duly authorized" means an officer of the Office of Transport who—

- (a) is a surveyor; and
- (b) has been appointed by the Safety Officer by instrument, to exercise the powers specified in that Article.

**PART VI.—SAFETY.**

*Division 1.—Hulls.*

**30. Interpretation of Division 1.**

In this Division, "ship"—

- (a) does not include a Safety Convention ship; and
- (b) except where the contrary intention appears, means a ship that is a new ship.

31. Design of ships.

The—

- (a) design of a ship, including the design of the hull, superstructure, bulkheads, decks, deck houses, masts, rigging and funnel; and
- (b) materials with which the parts of a ship referred to in Paragraph (a) are to be constructed,

shall be adequate having regard to the intended service of the ship.

32. Hull construction.

A ship shall be so built that—

- (a) the structural strength, number and disposition of the bulkheads of the ship shall be adequate having regard to the intended service of the ship; and
- (b) there shall be provided a collision bulkhead in the fore part of the ship; and
- (c) the main and auxiliary machinery essential for the propulsion and safety of the ship shall be provided with bulkheads fore and aft of the machinery space; and
- (d) a bulkhead shall be located at the forward end of the stern tube; and
- (e) the bulkheads shall be—
  - (i) substantially constructed; and
  - (ii) watertight; and
  - (iii) fire resistant; and
- (f) penetrations of the bulkheads by pipes or electric cables shall be so designed as to maintain the watertight and fire-resistant integrity of the bulkheads; and
- (g) access openings in bulkheads shall be provided with permanently attached watertight closing devices so designed as to maintain the watertight integrity of the bulkhead; and
- (h) the location and construction of the collision bulkhead shall be such as to—
  - (i) maintain the watertight integrity of the fore part of the ship; and
  - (ii) allow the ship to proceed at manoeuvring speed in the event of a collision; and
- (i) where the machinery is not located immediately forward of the stern tube, there shall be provided a watertight tunnel enclosing the shafting between—
  - (i) the forward end of the stern tube; and
  - (ii) the bulkhead of the machinery space; and
- (j) adequate arrangements shall be provided to allow access to the stern gland; and
- (k) in the case of a ship of 20 m or more in length, there shall be provided fire-resistant sub-divisions so that a fire in any one space will not destroy all the fire pumps or life saving apparatus carried in the ship; and
- (l) there shall be provided such additional fire-resistant or fire-retarding subdivisions as, in the opinion of the Safety Officer, may be necessary having regard to—
  - (i) the voyage in which the ship is, or is likely, to be engaged; and
  - (ii) the number of persons and the type of cargo carried in the ship; and

- (m) the bulkheads and decks enclosing any space that is used—
  - (i) for the storage of any fireman's outfit; or
  - (ii) for the control of watertight doors and fixed fire-smothering apparatus; or
  - (iii) as a fire control position,shall be constructed of fire-resistant material; and
- (n) where the bulkheads or decks of any space referred to in Paragraph (m) are common with the machinery space they shall be adequately insulated; and
- (o) the bulkheads and decks enclosing the machinery space shall be of fire-resistant material; and
- (p) all openings in fire-resistant or fire-retarding subdivisions shall be fitted with a permanently attached means of closing, operable from both sides of such openings, which will give no less resistance to fire than the bulkhead itself; and
- (q) machinery space skylights shall be constructed of steel or equivalent material; and
- (r) permanently attached portable steel closing devices shall be provided for—
  - (i) glass panels fitted in machinery space skylights; and
  - (ii) gratings fitted in the bulkheads or decks enclosing the machinery spaces; and
- (s) all enclosed spaces shall be provided with a means of escape to the open deck; and
- (t) the means of escape from enclosed spaces shall—
  - (i) be as short and direct as possible; and
  - (ii) provide adequate protection from fire and smoke; and
- (u) in the case of a ship of 20 m or more in length—not less than two means of escape, located as far apart as possible, shall be provided from the machinery space; and
- (v) in the case of a ship fitted with shaft tunnels—a means of escape shall be provided from the shaft tunnel to above the bulkhead deck.

### 33. Anchors and cables.

- (1) A ship shall be equipped with—

- (a) anchoring arrangements; and
- (b) anchors; and
- (c) subject to Subsection (2)—chain cables,

sufficient in number, weight and strength having regard to the size of the ship and the intended service of the ship.

- (2) Rope constructed of wire, or of other material, may be substituted for chain cable where—

- (a) the Safety Officer is satisfied as to its strength; and
- (b) an acceptable length of chain cable of adequate size is attached between the rope and the anchor.

- (3) Acceptable means shall be provided for the safe stowing of—
- (a) anchors; and
  - (b) the chain cables or ropes,
- of the ship.

**34. Sounding pipes.**

- (1) A ship shall have provision for sounding the depth of water which may be present in tanks and bilges of compartments of the ship which are not at all times readily accessible.
- (2) The size, construction, location and materials used in the construction of the sounding pipes of a ship shall be adequate having regard to—
- (a) ready accessibility; and
  - (b) accuracy of indication of the contents of the bilge or tank; and
  - (c) the safety of the ship.
- (3) The upper end of each sounding pipe shall be fitted with an acceptable permanently attached closing device.
- (4) Striking plates, or their equivalent, of acceptable thickness shall be fitted under each sounding pipe.
- (5) Sounding pipes shall be adequately protected against accidental damage.

**35. Ventilators and air pipes.**

- (1) The ventilation provided for each tank and compartment of a ship shall be adequate, having regard to the size and location of the tank and the compartment and the purpose for which that tank or compartment is, or is intended to be, used.
- (2) The height and location of each ventilator and of each air pipe in a ship shall be adequate having regard to the safety of the ship.
- (3) The size and scantlings of each air pipe and of each ventilator shall be adequate having regard to—
- (a) the location of each air pipe and of each ventilator; and
  - (b) the use to which the tank or compartment served by each air pipe and by each ventilator is put.
- (4) Each opening of an air pipe and of a ventilator shall be provided with an adequate closing device having regard to—
- (a) the prevention of ingress of water; and
  - (b) the fire hazard,
- in the compartment or tank served by that air pipe and ventilator.

**36. Ship side fittings.**

- (1) Each sea inlet and each overboard discharge pipe in a ship shall be fitted with an acceptable valve or cock secured direct to—
- (a) the side of the ship; or
  - (b) an acceptable connexion fitted between the shell plating and the valve or cock.
- (2) The material, design and construction of each valve, cock or connexion referred to in Subsection (1) and the method of its attachment to the side of the ship shall be such as to maintain the integrity of the hull structure of the ship against flooding.

(3) Each valve or cock shall be—

- (a) capable of being operated from a readily accessible position; and
- (b) fitted with a means of indicating, at the position from which it is operated, whether it is open or closed.

(4) A grating of an acceptable design shall be fitted at each opening in the side of the ship for sea inlet valves and inlet water boxes.

### 37. Rudder and steering gear.

(1) A ship shall have—

- (a) a rudder; and
- (b) steering gear; and
- (c) associated fittings,

adequate to steer the ship at maximum speed ahead and astern without danger of damage to the steering gear.

(2) Adequate provision shall be made to steer a ship in the event of failure of the main steering system of the ship.

(3) The adequate provision referred to in Subsection (2) shall—

- (a) be capable of being brought rapidly into action; and
- (b) enable the ship to be steered at a navigable speed.

(4) The Safety Officer may, if he thinks fit, permit a device other than a rudder for the steering of a ship.

### 38. Cathodic protection.

(1) Where it is intended to fit anodes in tanks designed for the carriage of oil or other hazardous substances—

- (a) the anodes shall be of material compatible with the substances carried; and
- (b) the construction, location and means of attachment of the anodes shall be such as to minimize the risk of accidental ignition of inflammable vapours or gases.

(2) Where cathodic protection for the purposes of Subsection (1), other than by anodes, is fitted, impressed current methods of cathodic protection shall not be permitted.

### 39. Hull requirements for existing ships.

(1) Subject to Subsection (2), the hull requirements for a ship that is an existing ship are the same as the hull requirements for a ship that is a new ship.

(2) The Safety Officer may, in the case of a ship that is an existing ship, permit such modification of the hull requirements as he thinks fit having regard to—

- (a) the age of the ship; and
- (b) the trade in which the ship is, or is about to be, engaged.

### *Division 2.—Machinery.*

### 40. Interpretation of Division 2.

In this Division, "ship"—

- (a) does not include a Safety Convention ship; and
- (b) except where the contrary intention appears, means a ship that is a new ship.



**41. Main and auxiliary machinery.**

(1) The machinery of a ship shall be so—

- (a) designed; and
- (b) constructed; and
- (c) fitted with safety devices,

that there will be the maximum availability of power to—

- (d) drive the ship; and
- (e) supply all the systems essential to the safety of the ship.

(2) The main engines, gearing, shafting and propeller of a ship shall be capable of moving the ship ahead and astern.

**42. First starting arrangements.**

A ship shall be provided with equipment for starting the main and auxiliary engines from dead ship conditions without external assistance.

**43. Pressure vessels.**

Where a ship is fitted with—

- (a) fired pressure vessels with design pressure 3.5 kg/cm<sup>2</sup> or more; or
- (b) unfired pressure vessels with design pressure of 7.0 kg/cm<sup>2</sup> or more,

the design, material and construction of the pressure vessels and their associated valves and fittings shall be approved by the Safety Officer.

**44. Electrical equipment.**

The electrical equipment of a ship shall be designed, constructed and fitted with regard to the safety of the ship and of persons on board the ship.

**45. Pumps and piping systems.**

(1) The piping systems of a ship shall be designed to prevent the progressive flooding of the vessel in the event of a casualty.

(2) A ship shall be provided with an efficient pumping plant having the suctions and means for drainage so arranged that any water within any compartment can be pumped out through not less than one suction when the ship—

- (a) is upright; or
- (b) has a list of no more than 5°.

(3) The pumping and piping systems of a ship shall be—

- (a) designed with regard to the safety of the ship; and
- (b) constructed and fitted so as to be suitable for service in the system in which they are incorporated; and
- (c) such as to ensure the availability of all essential services on the ship.

(4) Where the Safety Officer thinks it necessary, relief devices shall be incorporated in pumps and piping systems so as to ensure that the hull, machinery, pumps, piping systems and tanks of the ship will not be subject to excess pressures.

(5) The pumps and piping systems for the transfer of oil shall be separate from any other pump and piping system in the ship.

**46. Boiler feed systems.**

Any boiler generating steam for the main propulsion system or other essential system of a ship shall be provided with two feed systems capable of being used independently of each other.

**47. Spare gear and tools.**

Such tools and spare gear shall be provided in a ship as are necessary for the routine maintenance and repair of minor damage to—

- (a) the main and auxiliary engines; and
- (b) the pressure vessels; and
- (c) the windlass; and
- (d) the steering gear; and
- (e) the pumps; and
- (f) the electrical equipment,

required for the safe operation of the ship.

**48. Unmanned machinery spaces.**

In the case of a ship which is, or is intended to be, operated with a machinery space where a continuous watch is not maintained, the design, construction and installation of the machinery, pumping systems, control systems and alarm systems, shall be acceptable.

**49. Remote control systems.**

Systems in a ship for the remote control of auxiliary and main machinery, including the propeller, shall be acceptable.

**50. Crew protection in machinery spaces.**

(1) The moving parts of machinery in a ship shall have adequate guards provided to ensure safety of persons on board the ship.

(2) Where a pipe in a ship has a normal working temperature of 100°C or more, the pipe shall be adequately lagged.

**51. Windlasses.**

A ship that is required to carry an anchor weighing 50 kg or more shall be provided with a suitable winch or windlass to lower and raise the anchor and its associated chain cables or ropes.

**52. Machinery requirements for existing ships.**

(1) Subject to Subsection (2), the machinery requirements for a ship that is an existing ship are the same as the machinery requirements for a ship that is a new ship.

(2) The Safety Officer may, in the case of a ship that is an existing ship, permit such modification of the machinery requirements as he thinks fit having regard to—

- (a) the age of the ship; and
- (b) the trade in which the ship is, or is likely to be, engaged.

*Division 3.—Load Line.*

**53. Interpretation of Division 3.**

In this Division, unless the contrary intention appears—

“length” has the same meaning as in the Annexes to the Load Line Convention;

“ship” does not include a Load Line Convention ship but does include a ship that is a fishing vessel.

**54. Determination of load line.**

Subject to Sections 62 to 65, the load line of a ship shall be determined in accordance with the Regulations, other than Regulations 4 to 9, made under the Load Line Convention.

**55. Markings.**

(1) A ship shall be marked with—

- (a) a deck line mark; and
- (b) a load line mark; and
- (c) lines to be used with the load line mark; and
- (d) the mark of the assigning authority,

in accordance with the provisions of Sections 56 to 60.

(2) The marks referred to in Subsection (1) are as specified in Schedule 2.

**56. Deck line marks.**

(1) The deck line of a ship shall—

- (a) consist of a horizontal line 250 mm in length and 25 mm in breadth; and
- (b) be marked amidships on each side of the ship,

and, subject to Subsection (2), its upper edge shall normally pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell.

(2) Where the freeboard is correspondingly corrected, the deck line may be placed with reference to another fixed point on the ship.

(3) The location of the fixed point referred to in Subsection (2) and the identification of the freeboard deck shall be indicated on the Survey Master Sheet of the ship.

**57. Load line marks.**

(1) The load line mark of a ship shall consist of a ring that is—

- (a) 250 mm in outside diameter; and
- (b) 25 mm in breadth; and
- (c) intersected by a horizontal line—
  - (i) 375 mm in length; and
  - (ii) 25 mm in breadth; and
  - (iii) the upper edge of which passes through the centre of the ring.

(2) The centre of the ring referred to in Subsection (1) shall be placed—

- (a) amidships; and

- (b) at a distance equal to the assigned freeboard measured vertically below the upper edge of the deck line.

**58. Lines to be used with load line mark.**

- (1) In this section, "lines" means the lines referred to in Section 55(1)(c).
- (2) A ship shall be marked with lines the upper edges of which indicate—
  - (a) the Fresh Water Load Line; and
  - (b) the Summer Load Line; and
  - (c) the Tropical Fresh Water Load Line; and
  - (d) the Tropical Load Line,

of the ship.

- (3) The lines shall—
  - (a) be horizontal lines of 200 mm in length and 25 mm in breadth; and
  - (b) extend at right angles to a vertical line.
- (4) The vertical line referred to in Subsection (3) shall be—
  - (a) 25 mm in breadth; and
  - (b) 500 mm forward of the centre of the ring referred to in Section 57(1).
- (5) The lines that indicate—
  - (a) the Fresh Water Load Line of a ship shall—
    - (i) extend abaft the vertical line referred to in Subsection (4); and
    - (ii) be marked with the letter "F"; and
  - (b) the Summer Load Line of a ship shall—
    - (i) be level with the horizontal line referred to in Section 57(1)(c); and
    - (ii) extend forward of the vertical line referred to in Subsection (4); and
    - (iii) be marked with the letter "S"; and
  - (c) the Tropical Fresh Water Load Line of a ship shall—
    - (i) extend abaft the vertical line referred to in Subsection (4); and
    - (ii) be marked with the letters "TF"; and
  - (d) the Tropical Load Line of a ship shall—
    - (i) extend forward of the vertical line referred to in Subsection (4); and
    - (ii) be marked with the letter "T".

**59. Mark of assigning authority.**

- (1) Subject to Subsection (3), the letters "P N G" shall be marked on a ship on the aft side of the load line disc, the base of such letters being in line with the horizontal line referred to in Section 57(1)(c).
- (2) The letters referred to in Subsection (1) shall be 100 mm in height and of proportionate breadth.
- (3) The Safety Officer, where he is satisfied that the letters used to mark a ship adequately identify the assigning authority, may permit letters other than the letters "P N G" to be used.

**60. Details of marking.**

The ring and lines referred to in Section 57(1) and the letters referred to in Section 59(1) shall be painted in—

- (a) white or yellow on a dark ground; or
- (b) black on a light ground,

and shall be—

- (c) permanently marked on the side of the ship to the satisfaction of the Safety Officer; and
- (d) plainly visible.

**61. Verification of marks.**

A Papua New Guinea Survey Certificate shall not be—

- (a) issued in respect of a ship; or
- (b) subsequently endorsed,

unless the Safety Officer is satisfied that the required marks are correctly and permanently indicated on the sides of the ship.

**62. Modification of requirements for new ships of less than 24 metres in length.**

The Safety Officer may in the case of a ship that is a new ship of less than 24 m in length, permit, subject to such conditions (if any) as he thinks fit, modifications of the load line requirements having regard to the strength and stability of the vessel.

**63. Freeboard for new ships of less than 24 metres in length.**

(1) The tabular freeboard for new ships of less than 24 m in length is as specified in Schedule 3.

(2) Subject to Subsection (3) the tabular freeboard for a ship of a length specified in Column 1 of Schedule 3 is as specified opposite in Column 2 of that Schedule.

(3) The tabular freeboard of a ship at an intermediate length from that set out in Column 1 of Schedule 3 shall be obtained by linear interpolation.

**64. Modification of requirements for existing ships.**

(1) In the case of a ship that is an existing ship, the requirements relating to the conditions of assignment shall be complied with as far as is, in the opinion of the Safety Officer, reasonable and practical.

(2) In forming an opinion for the purposes of Subsection (1), the Safety Officer shall have regard to the efficiency of—

- (a) the protection of openings; and
- (b) the guard rails; and
- (c) the freeing ports; and
- (d) the means of access to the crew accommodation,

provided by the existing arrangements of the fittings and appliances on the ship.

(3) Subject to Subsection (1), where any renewal, or substantial alteration, is made to an existing ship and that renewal or that alteration may affect the freeboard or the conditions of assignment of the ship, that renewal or that alteration shall be carried out as if the existing ship were a new ship.

**65. Freeboards in existing ships.**

(1) Subject to Subsection (2), where freeboards have been assigned to a ship that is an existing ship by an authority approved by the Safety Officer, the ship may retain those freeboards after 1 January 1977 provided that the conditions of assignment maintained in the ship are maintained in a condition as effective as when the original assignment was made.

(2) Where freeboards cannot be retained under Subsection (1), the Safety Officer shall assign such freeboards as he thinks necessary.

*Division 4.—Equipment.**Subdivision A.—Navigational and Miscellaneous Equipment.***66. Navigational lights.**

(1) The navigation lights of a ship—

(a) shall be—

(i) windproof; and

(ii) weatherproof; and

(b) shall have oil or electricity as their main source of power.

(2) A ship shall—

(a) be provided with an alternative source of power for its navigation lights; and

(b) where the alternative source of power differs from the main source of power—be capable of operation for a period of not less than three hours.

(3) The alternative source of power shall, in the event of a failure of the main source of power, be capable of operation for a period of not less than three hours.

(4) A ship that is—

(a) a tanker; or

(b) a vessel carrying flammable liquids in bulk with a flash point of less than 23°C.,

shall be provided with lights and sources of power to the satisfaction of the Safety Officer.

**67. Charts, publications and instruments.**

(1) A ship shall carry parallel rulers and dividers and shall also carry—

(a) such charts as are necessary; and

(b) tide tables and sailing directions,

for the trade area in which the ship is, or is about to be, proceeding on a voyage.

(2) A ship that is 30 m or more in length shall carry—

(a) the items referred to in Subsection (1); and

(b) a set of navigational tables; and

(c) a copy of the current—

(i) Nautical Almanac; and

(ii) List of Lights or relevant extract from List of Lights.

**68. Compasses.**

- (1) In this section "compass" means magnetic compass.
- (2) Subject to Section 70, a ship that is 30 m or more in length shall carry—
  - (a) a steering compass that is—
    - (i) so placed in the ship as to be easily visible to the helmsman; and
    - (ii) fitted with means of lighting; and
  - (b) either—
    - (i) a standard compass that is—
      - (A) so situated in the ship as to allow the maximum possible view of the horizon; and
      - (B) fitted with a means of lighting; and
      - (C) equipped with means for taking bearings; or
    - (ii) a periscopic combined standard and steering compass that is suitably—
      - (A) placed in the ship; and
      - (B) fitted with means of lighting; and
      - (C) equipped with means for taking bearings; and
  - (c) a spare compass bowl and card.
- (3) Subject to Section 70, a ship that is less than 30 m in length shall carry the equipment required to be carried in a ship that is 30 m or more in length, or—
  - (a) a steering compass as specified in Subsection (2)(a); and
  - (b) an efficient means, including a hand bearing compass or pelorus, for taking bearings; and
  - (c) a spare compass bowl and card.
- (4) The compasses and arrangements for positioning of the compasses and the arrangements for the positioning of the corrector magnets shall be to the satisfaction of the Safety Officer.

**69. Adjustment of magnetic compasses.**

- (1) Where so required by a surveyor, a ship shall be swung by a person approved by the Safety Officer to ascertain and, where necessary, reduce the deviation of the compasses carried on the ship.
- (2) Where a ship has been swung under Subsection (1), the person carrying out the adjustment to the compasses shall make a statement setting out in tabular form the deviations found and the size and position of any correctors used.
- (3) A copy of the statement referred to in Subsection (2) shall be kept in a prominent place in the Chart Room or Wheel House of the ship to which the statement relates.

**70. Gyro compasses.**

Where a gyro compass is carried in a ship as part of the normal navigational equipment of the ship, all of the compasses carried in the ship and the compass arrangements shall be to the satisfaction of the Safety Officer.

**71. Leadlines and sounding appliances.**

(1) Subject to Subsection (2), a ship shall carry two hand leadlines each consisting of a lead of at least 3 kg and a line of at least 45 m in length marked in accordance with the normal practice of seamen.

(2) A ship that is equipped with an electric or mechanical depth finding apparatus shall be required to carry one hand leadline.

**72. Miscellaneous navigation equipment.**

(1) A ship shall carry an efficient pair of binoculars fitted with a neck strap and carry case.

(2) A ship that is 30 m or more in length shall carry an efficient barometer.

**73. Lanterns and torches.**

(1) A ship that is 20 m or more in length shall carry a signalling lantern of the daylight type that shall—

(a) have as its source of power a battery, or a set of batteries, that is—

- (i) portable; and
- (ii) capable of providing power to the signalling lantern for three hours without requiring to be recharged; and
- (iii) capable of being recharged from the main source of power of the ship; and

(b) be approved by the Safety Officer; and

(c) be, with its battery or set of batteries, contained in a container or box that is—

- (i) suitably constructed; and
- (ii) fitted with carrying straps or handles; and
- (iii) readily accessible at all times; and

(d) be provided with a spare bulb.

(2) A ship that is less than 20 m in length shall carry the equipment referred to in Subsection (1) or—

- (a) a waterproof electric torch suitable for morse signalling; and
- (b) a spare set of batteries; and
- (c) a spare bulb.

**74. Code flags and books.**

(1) A ship shall be provided with such International Code Flags and Books as the Safety Officer, having regard to the service in which the ship is, or is about to be, engaged, thinks fit.

(2) A ship shall carry such equipment or fittings as is necessary for the display of International Code Flags.

**75. Communications from bridge to engine room.**

(1) A ship shall be equipped with an effective means of communication, other than the telegraph, between the bridge and the engine room.



(2) The means of communication referred to in Subsection (1) may be—

- (a) a voice pipe; or
- (b) a telephone that is independent of the main source of power of the ship.

**76. Boarding of pilots.**

A ship that is engaged, or about to be engaged, on a voyage in the course of which a pilot is likely to be employed shall comply with the requirements of the Safety Convention with regard to pilot ladders as if the ship were a Safety Convention ship.

**77. Gangways and safety nets.**

(1) A ship shall carry an acceptable gangway or accommodation ladder to provide safe access to, and egress from, the ship when the ship is—

- (a) laying at anchor; or
- (b) alongside a wharf or another ship.

(2) When the gangway or accommodation ladder is in use, an acceptable net shall be rigged so as to prevent accidents.

(3) At night the gangway or accommodation ladder shall be illuminated.

**78. Lifesaving signals.**

(1) A ship shall carry a list of lifesaving signals as specified in Regulation 16 of Chapter V of the Safety Convention.

(2) The signals referred to in Subsection (1) shall be used for communication between—

- (a) ships; and
- (b) a ship and—
  - (i) a person in distress; and
  - (ii) a shore based rescue organization; and
  - (iii) an aircraft engaged in search and rescue operations.

**Subdivision B.—Lifesaving Appliances.**

**79. Interpretation of Subdivision B.**

In this Subdivision, "ship" does not include a ship that is a Safety Convention ship.

**80. Approval and acceptance of appliances.**

(1) In relation to a ship—

- (a) the design and construction of—
  - (i) lifeboats and associated equipment; and
  - (ii) liferafts and associated equipment; and
  - (iii) rescue boats and associated equipment; and
  - (iv) lifebuoys; and
- (b) the type and installation of alarm systems; and
- (c) the design and material of distress sheets; and
- (d) the type of—
  - (i) torches; and

(ii) hand lamps; and

(iii) buoyant lines,

of, or carried in, the ship shall be acceptable.

(2) The type of—

(a) lifejackets; and

(b) parachute distress rockets; and

(c) smoke floats; and

(d) hand flares; and

(e) self igniting light floats; and

(f) line throwing apparatus,

carried in a ship shall be approved by the Safety Officer.

### 81. Lifeboats, liferafts and rescue boats.

(1) In this section "persons on board" means the number of persons that is stated on the safety certificate of the ship to be the maximum number of persons that shall be carried on the ship.

(2) Subject to Subsection (3), a ship shall carry—

(a) lifeboats on each of her sides so that the capacity of the lifeboats on each side is sufficient to accommodate all of the persons on board; or

(b) lifeboats capable of being launched on either side of the ship with a capacity to accommodate all of the persons on board; or

(c) both—

(i) liferafts with a capacity to accommodate all of the persons on board;  
and

(ii) a rescue boat; or

(d) a combination of—

(i) lifeboats; and

(ii) liferafts,

capable of being launched on either side of the ship with a capacity to accommodate all of the persons on board.

(3) Every lifeboat carried on a ship shall carry, or be fitted with, acceptable means and equipment for its propulsion.

### 82. Lifejackets.

(1) A ship shall carry at least one lifejacket for every person carried on board the ship.

(2) Each lifejacket required to be carried on a ship shall be of a type suitable for the voyage in which the ship is, or is about to be, engaged.

### 83. Hand flares.

(1) A ship shall carry—

(a) not less than six hand flares; and

(b) in the case of a ship required to carry more than one lifeboat or liferaft—not less than three hand flares for each lifeboat or liferaft.

(2) The hand flares required to be carried on a ship shall be stowed—

- (a) in watertight containers; and
- (b) in such a position that, in the event of an emergency, they can readily be placed in each lifeboat or liferaft carried on the ship.

**84. Alarms.**

Where mustering of all persons on board a ship cannot efficiently be carried out by voice alone, the ship shall have—

- (a) a General Alarm; and
- (b) an Engine Room Alarm.

**85. Fresh water.**

(1) For the purposes of survival of the persons on board a ship, the ship shall carry fresh water.

(2) The fresh water carried on a ship under Subsection (1) shall be stowed in suitable containers each of which shall not exceed a capacity of 18 l.

(3) The containers referred to in Subsection (2) shall be stowed on the ship in such a position that, in the event of an emergency, they can readily be placed in each lifeboat or liferaft required to be carried in the ship so that each lifeboat or liferaft carries a quantity of not less than a litre of fresh water for each person carried in the lifeboat or liferaft.

**86. Smoke floats and distress sheet.**

A ship shall carry not less than—

- (a) two smoke floats; and
- (b) one distress sheet.

**87. General lifesaving appliances.**

(1) A ship shall carry the general lifesaving appliances specified in Schedule 4.

(2) A ship of a length specified in Column 1 of Schedule 4 shall carry the general lifesaving appliances specified opposite in Columns 2,3,4 and 5 of that Schedule.

**88. Marking of lifesaving appliances.**

(1) The lifesaving appliances required to be carried on a ship shall be marked as specified in Schedule 5.

(2) In the case of a lifesaving appliance specified in Column 1 of Schedule 5, the marks shall be as specified opposite in Column 2 of that Schedule.

**89. Stowage of lifeboats.**

(1) A lifeboat shall be stowed in a ship in such a manner that—

- (a) with a launching crew on board the ship, it can be put in the water safely in not more than 15 minutes when the trim of the ship is 10° and the list of the ship is 15°; and
- (b) as far as practicable, it shall be capable of being launched down the straight side of the ship; and
- (c) it shall not impede—
  - (i) the rapid handling of other lifesaving appliances; or

- (ii) the marshalling of passengers to their muster stations and their embarkation into lifesaving appliances.

(2) Subject to Subsection (3), a lifeboat shall not be carried—

- (a) in the bows of a ship; or
- (b) near the propeller of a ship; or
- (c) near the steeply overhanging portions of the hull aft.

(3) In the case of an existing ship, where it is not practicable to comply with the requirements of Subsection (2), the Safety Officer may permit the carriage of a lifeboat—

- (a) near the propeller of a ship; or
- (b) near the steeply overhanging portions of the hull aft.

(4) Each lifeboat carried in a ship shall be attached to a separate set of davits or davit the design, construction and installation of which shall be suitable for the purpose of launching the lifeboat.

#### 90. Stowage of liferafts.

A liferaft shall be stowed in a ship in such a manner that—

- (a) it can be put in the water safely in not more than 15 minutes when the trim of the ship is 10° and the list of the ship is 15°; and
- (b) when it is attached to a launching device, it shall be able to float free in the event of the ship sinking; and
- (c) it will not impede—
  - (i) the rapid handling of other lifesaving appliances; or
  - (ii) the marshalling of passengers to their muster stations and their embarkation into lifesaving appliances.

#### 91. Rescue boats.

A rescue boat shall be carried on a ship in such a manner that—

- (a) it can be put into the water safely when the trim of the ship is 10° and the list of the ship is 15°; and
- (b) it will not impede the rapid handling of other lifesaving appliances.

#### 92. Lifebuoys.

(1) Lifebuoys shall be stowed in a ship in such a manner that they—

- (a) are not permanently secured in any way; and
- (b) are readily accessible to all persons on board the ship; and
- (c) can be rapidly cast loose.

(2) Where practicable, not less than two lifebuoys with self igniting lights attached shall be stowed on a ship in such a manner that they are capable of quick release from the navigating bridge.

#### 93. Lifejackets.

Lifejackets shall be stowed in a ship in such a manner that they—

- (a) can be easily located in a clearly marked position; and
- (b) are readily accessible in an emergency for the use of persons for whom they are intended.

**94. Embarkation into lifeboats and liferafts.**

- (1) Subject to Subsection (3), a ship shall—
  - (a) at the launching point of her lifeboats, carry a ladder of sufficient length to reach her lifeboats when—
    - (i) they are afloat; and
    - (ii) the ship is at her lightest sea-going draught; and
  - (b) be provided with permanent means of preventing discharge of water into her lifeboats when her lifeboats are being launched.
- (2) A ship that is 30 m or more in length shall carry ladders to facilitate embarkation into her liferafts when her liferafts are afloat.
- (3) The Safety Officer may exempt a ship from the requirements of Subsection (1) where, having regard to—
  - (a) the freeboard of the ship; or
  - (b) the stowage position of the lifeboats,he is satisfied that it would be reasonable to do so.

*Subdivision C.—Fire-fighting Appliances.*

**95. Interpretation of Subdivision C.**

In this Subdivision, "ship" does not include a Safety Convention ship.

**96. Fire service, pipes, hydrants, valves, hoses and nozzles.**

- (1) A ship shall have a fire main, hydrants, fire hoses and nozzles so that, in the case of a ship of—
  - (a) less than 20 m in length, at least one jet of water from a single length; and
  - (b) 20 m or more in length, at least two jets of water from single lengths,of fire hose can reach any part of the ship normally accessible while the ship is being navigated and any store room, or cargo space, when empty.
- (2) The material, location, number and sizes of—
  - (a) the fire main; and
  - (b) the branch pipes; and
  - (c) the hydrants; and
  - (d) the fire hoses; and
  - (e) the nozzles; and
  - (f) the pump connexions,of a ship shall be acceptable.
- (3) The fire main, valves and hydrants of a ship shall be constructed of materials that are not readily rendered ineffective by heat.
- (4) The fire main of a ship shall be situated outside the machinery space of the ship.
- (5) Discharge lines from the fire pumps of a ship shall be fitted with isolating valves at the places at which they are connected to the fire main of the ship.
- (6) The hydrants of a ship shall be—
  - (a) constructed so that fire hoses may be easily coupled to them; and

(b) so placed in the ship as to be readily accessible.

(7) Valves or cocks shall be fitted in such positions on the pipes that any fire hose may be removed while the fire pumps are in operation.

(8) Not less than one spare length of fire hose, complete with couplings and nozzle, shall be carried on a ship.

#### 97. Fire pumps.

(1) A ship that is—

(a) less than 20 m in length shall carry a hand-operated fixed fire pump located outside the machinery space; and

(b) 20 m or more in length but less than 30 m in length shall carry not less than two fire pumps of which one shall be an independently driven fire pump and one shall be—

(i) a hand operated fixed fire pump; or

(ii) an independently driven fire pump; and

(c) 30 m or more in length shall carry not less than two independently driven fire pumps.

(2) The design, capacity and discharge pressure of the fire pumps of a ship shall be acceptable.

#### 98. Emergency fire pumps.

(1) Where, in a ship of 20 m or more in length, a fire in any compartment of the ship could render all of the fire pumps of the ship inoperative there shall be provided, in a position outside the machinery space, an emergency fire pump and a sea connexion for that pump.

(2) The emergency fire pump referred to in Subsection (1) may be—

(a) a hand operated fixed fire pump; or

(b) an independently driven fire pump.

#### 99. Pressure relief devices.

Where in the opinion of the Safety Officer the fire main in a ship may be subject to excessive pressures, relief valves shall be so placed and adjusted as to prevent those excessive pressures.

#### 100. Sea suction valves.

Sea suction valves of all fire pumps in a ship shall be—

(a) capable of being operated from a position that is readily accessible at all times; and

(b) fitted with indicators to show whether the valves are open or closed.

#### 101. Fixed fire extinguishing installations in machinery, boiler, accommodation and service spaces.

(1) A ship that is—

(a) 20 m or more in length; and

(b) fitted with oil-fired boilers or internal combustion type propulsion machinery; and

(c) decked in the way of machinery or boiler spaces, shall be provided with a fixed fire extinguishing installation for the machinery and boiler spaces.

(2) A ship that—

(a) is 20 m or more in length; and

(b) has provision for the carriage of more than 50 persons in enclosed accommodation,

shall be provided with a fixed fire extinguishing installation designed to protect the accommodation and service spaces.

(3) The fixed fire extinguishing installations referred to in Subsections (1) and (2) shall be approved by the Safety Officer.

#### 102. Portable fire extinguishers in accommodation and service spaces.

(1) A ship shall carry sufficient number of portable fire extinguishers to ensure that at least one portable fire extinguisher is readily available for use in any part of the accommodation and service spaces of the ship.

(2) The extinguishing medium of a portable fire extinguisher placed in an area of fire risk shall be suitable having regard to the type of fire risk likely to be involved.

#### 103. Portable fire extinguishers in machinery and boiler spaces.

(1) Not less than two portable fire extinguishers with an extinguishing medium suitable for fighting oil fires shall be located at the entrance to the machinery space of a ship.

(2) Where oil-fired boilers are installed in a ship to provide auxiliary steam, one portable fire extinguisher with an extinguishing medium suitable for fighting oil fires shall be provided for each oil-fired boiler.

(3) Where oil-fired boilers are installed in a ship to provide steam for—

(a) the main propulsion machinery; or

(b) the cargo oil pumps; or

(c) the factory services,

of the ship, not less than two portable fire extinguishers with an extinguishing medium suitable for fighting oil fires shall be provided for each oil-fired boiler.

(4) Where the electrical installation voltage in a ship is greater than 50 volts, a portable fire extinguisher with an extinguishing medium suitable for fighting electrical fires shall be provided and shall be positioned adjacent to the main switchboard of the ship.

(5) A ship shall carry such additional fire extinguishers as, in the opinion of the Safety Officer, are desirable having regard to the potential fire hazard of the machinery installed in the ship.

#### 104. General requirement for portable fire extinguishers.

(1) A portable fire extinguisher carried on a ship shall be of a type approved by the Safety Officer.

(2) A ship shall carry—

(a) one refill of appropriate type; or

(b) one additional portable fire extinguisher,

for each portable fire extinguisher required to be carried on the ship under Sections 102 and 103.

#### 105. Ventilators and ventilation fans.

(1) A ventilator leading to an enclosed space on a ship shall be fitted with a closing device capable of being operated from outside the enclosed space served by the ventilator.

(2) A ventilation fan shall be capable of being stopped from outside the space served by that fan.

(3) Where—

(a) a pipe or ventilator serves a space or tank; and

(b) the space or tank by reason of—

(i) its location; or

(ii) the nature of its use,

is liable to contain concentrations of flammable vapour,

the pipe or ventilator shall be provided with an acceptable means of preventing the ingress of flame.

#### 106. Oil pumps.

(1) Where a pump on a ship is used for pumping oil for—

(a) cargo; or

(b) fuel; or

(c) lubricating; or

(d) cooling; or

(e) hydraulic systems,

the pump shall be capable of being stopped from both inside and outside the space in which it is located.

(2) The position outside a space referred to in Subsection (1) shall be—

(a) accessible; and

(b) not likely to be cut off in the event of the occurrence of fire in the space.

#### 107. Oil tanks.

(1) Where—

(a) an oil tank in a ship is of a capacity of more than 225 l; and

(b) the contents of the oil tank would, in the event of the suction or levelling pipe of the tank being damaged, be likely to be discharged,

the suction or levelling pipe from the oil tank shall be fitted with a valve or cock secured as near as practicable to the tank.

(2) The valve or cock referred to in Subsection (1) shall be capable of being closed from both inside and outside the space in which the valve or cock is located.

(3) The position outside a space referred to in Subsection (2) shall be—

(a) accessible; and

(b) not likely to be cut off in the event of the occurrence of fire in the space.



- (4) A filling pipe to an oil tank in a ship shall be—
  - (a) led to the top of the tank; or
  - (b) fitted with a non-return valve.
- (5) A contents level gauge fitted to an oil tank in a ship shall be of an acceptable type.
- (6) The open end of an air pipe to an oil, fuel or cargo tank shall be—
  - (a) located on the open deck of a ship in a position where no danger is likely to arise from issuing oil or vapour; and
  - (b) fitted with—
    - (i) a wire gauze diaphragm; or
    - (ii) a flame trap,
 of a type approved by the Safety Officer.

**108. Miscellaneous fire fighting equipment.**

- (1) In this section, "fireman outfit" means breathing apparatus, harness, safety lamp, safety line and hatchet.
- (2) A ship that is—
  - (a) less than 20 m in length shall carry—
    - (i) one fire axe; and
    - (ii) four fire buckets; and
  - (b) 20 m or more in length but under 50 m in length shall carry—
    - (i) one fire axe; and
    - (ii) six fire buckets; and
    - (iii) one fireman outfit; and
  - (c) 50 m or more in length shall carry—
    - (i) two fire axes; and
    - (ii) eight fire buckets; and
    - (iii) two fireman outfits; and
    - (iv) in each galley, one asbestos blanket.
- (3) The equipment required to be carried under Subsection (2) shall be acceptable.

**109. Fire detection systems.**

- (1) A ship that—
  - (a) is 20 m or more in length; and
  - (b) has provision for carrying more than 50 persons in enclosed accommodation,
 shall be fitted with a fire detection system approved by the Safety Officer in the accommodation and service spaces.
- (2) A ship that is—
  - (a) 50 m or more in length; and
  - (b) intended to be operated with a machinery space where a continuous watch is not maintained,
 shall be fitted in the machinery space, with a fire detection system approved by the Safety Officer.

**110. Fire control plans.**

A ship that is 50 m or more in length shall carry a permanently exhibited general arrangement plan showing clearly in respect of each deck of the ship—

- (a) the position of the control stations; and
- (b) the section of the ship enclosed in fire-resisting and fire-retarding bulkheads; and
- (c) the particulars of the fire detection and fixed fire extinguishing systems; and
- (d) the location of fireman outfits; and
- (e) the location of fire extinguishing appliances; and
- (f) the means of access to the various compartments and decks in the ship; and
- (g) the ventilating systems, including the positions of dampers and master fan controls; and
- (h) the location of all means of control of valves, cocks and pumps required by Sections 106 and 107.

**111. Marking and location.**

(1) The fire fighting equipment required to be carried in a ship shall be—

- (a) readily accessible; and
- (b) clearly and distinctively marked as required by the Safety Officer.

(2) Where the Safety Officer thinks fit, instructions for the use of the fire fighting equipment shall be clearly marked on that equipment.

**112. Carriage of hazardous cargoes.**

A ship that is designed to carry or is carrying a cargo of a flammable or explosive nature, whether in bulk or as general cargo, shall carry or be fitted with such additional fire fighting apparatus as the Safety Officer thinks fit having regard to—

- (a) the trade in which the ship is engaged; and
- (b) the nature of the hazard involved.

*Division 5.—Radio.***113. Interpretation of Division 5.**

In this Division, unless the contrary intention appears—

“approved” means approved by the Secretary;

“internationally declared safety frequencies” means frequencies—

- (a) before 1 January 1978, of—
  - (i) 2182 KHz; and
  - (ii) 4136.3 KHz or 6204 KHz; and
- (b) on and after 1 January 1978, of
  - (i) 2182 KHz; and
  - (ii) 4125 KHz or 6215.5 KHz;

“satisfactory” means found to be satisfactory by the Secretary;

“the Secretary” means the Secretary for Public Utilities;

"ship" does not include a ship to which Chapter IV of the Safety Convention applies.

**114. Radiotelephone installation.**

A ship shall be equipped with an approved radio-telephone installation.

**115. Frequencies.**

A ship shall have radio facilities capable of transmitting and receiving—

- (a) internationally declared safety frequencies; and
- (b) frequencies determined by the Secretary.

**116. Antenna.**

A ship shall—

- (a) be fitted with a properly erected antenna; and
- (b) carry a spare complete antenna capable of rapid erection while the ship is at sea; and
- (c) carry erecting instructions for a spare antenna.

**117. Capacity of supply of electrical energy.**

(1) A ship shall, when at sea and at all reasonable times when in port, have a source of supply of electrical energy sufficient for—

- (a) the operation of; and
- (b) testing purposes in connexion with; and
- (c) charging,

any batteries which are a source of electrical energy for the radiotelephone installation in the ship.

(2) A ship shall have a reserve source of electrical energy of such capacity as to be capable of supplying continuously for a period of six hours a total current equal to the sum of—

- (a) 50% of the current required for the operation of the radiotelephone transmitter of the ship for the transmission of speech; and
- (b) the current required for the operation of the radiotelephone receiver of the ship.

**118. Supply of electrical energy.**

(1) Subject to Section 119, the electrical energy for the radio installation of a ship shall be supplied by—

- (a) two batteries, of which—
  - (i) one shall be the main source; and
  - (ii) one shall be the reserve source,
 of electrical energy; or
- (b) both—
  - (i) the main source of electrical energy for the ship, as the main source; and
  - (ii) a battery as the reserve source,

of electrical energy; or

(c) a single battery capable of acting as—

(i) the main source; and

(ii) the reserve source,

of electrical energy.

(2) The reserve source of electrical energy provided in accordance with this section shall not be used other than for the operation of the radiotelephone installation.

(3) Where a battery is used as the main source of electrical energy for the radiotelephone installation of a ship, it shall be situated in the upper part of the ship.

#### 119. Safeguards for supply of electrical energy.

Where the source of electrical energy for the radio installation of a ship is as referred to in—

(a) Section 118(1)(a), there shall be a satisfactory method of rapid transfer of the supply of electrical energy from the main source to the reserve source; and

(b) Section 118(1)(b), the main source shall—

(i) be so designed as not to require earthing of the main source of electrical energy of the ship; and

(ii) have adequate filtering where necessary to prevent mainsborne interference from entering the radiotelephone installation; and

(c) Section 118(1)(b), there shall be—

(i) adequate protection against voltage rise; and

(ii) a satisfactory method of rapid transfer of the supply of electrical energy from the main source to the reserve source; and

(d) Section 118(1)(c)—

(i) there shall be means of float charging the battery while it is in use for the purpose of radiotelephonic transmission or receiving; and

(ii) there shall be adequate protection against voltage rise; and

(iii) the source shall be so designed as not to require earthing of the main source of electrical energy for the ship; and

(iv) adequate filtering shall be provided where necessary to prevent mainsborne interference from entering the radiotelephone installation.

#### 120. Radiotelephone operators.

A ship shall carry a radiotelephone operator with a grade of qualification not less than that of the holder of a Restricted Radiotelephone Operators Certificate of Proficiency granted under the *Radiocommunications Act*.

#### 121. Radiotelephone records.

(1) In this section "ship" includes a ship to which Chapter IV of the Safety Convention applies.

(2) There shall be maintained on a ship a record of all messages concerned with the safety of life at sea which are—

(a) received; or

(b) transmitted; or

(c) intercepted,  
by the ship.

**122. Listening watch.**

(1) Subject to Subsection (2), a listening watch shall be continuously maintained on a ship that is at sea.

(2) A listening watch may be discontinued—

(a) when—

(i) at any time, other than during silence periods, the receiver forming part of the radiotelephony installation is being used on another frequency for communication in connexion with the business of the ship; and

(ii) a second receiver is not available; or

(b) if, in the opinion of the master of the ship, maintenance of a listening watch would interfere with the safe navigation of the ship.

**123. Operator's duties.**

A radiotelephony operator in a ship shall—

(a) be familiar with the radiotelephony distress, urgency and safety procedures, as set out in the card of instructions referred to in Section 129; and

(b) immediately prior to the departure of the ship from a port and while the ship is at sea—

(i) carry out daily tests of the batteries that are a source of power for the radiotelephony installation; and

(ii) ensure where necessary that the batteries are recharged fully as soon as possible.

**124. Compulsory reporting to coast radio stations.**

(1) In this section "ship" has the same meaning as in Section 79 of the Act.

(2) For the purposes of Section 79(3) of the Act, the prescribed area is as specified in Schedule 6.

(3) A ship that is at sea within the prescribed area shall make reports by radiotelephone as required by this section.

(4) A report shall—

(a) be made to the officer-in-charge of the Coast Radio Station at—

(i) Port Moresby; or

(ii) Rabaul,

as the circumstances require; and

(b) be made at least twice in each period of 24 hours—

(i) as soon as practicable after leaving a port; and

(ii) before closing down prior to arriving at a port; and

(c) include information as to—

(i) the position and speed; and

(ii) the next port of destination; and

(iii) the estimated time of arrival at the next port of destination, of the ship.

(5) Where a ship encounters any serious danger to navigation on or near her course, a report giving details of that serious danger shall be made as soon as possible by radiotelephone to—

- (a) any ship in the vicinity of that serious danger; and
- (b) the nearest Coast Radio Station with which the ship can communicate.

(6) A report under Subsection (5) shall consist of—

- (a) the safety signal as detailed in the Instruction Card referred to in Section 129; and
- (b) information as to the position and nature of the serious danger.

(7) The times at which reports are to be made under Subsection (4) shall be fixed by mutual arrangement between the master of the ship and the officer-in-charge of the Coast Radio Station with which the ship intends to communicate.

#### 125. Installation siting.

A radiotelephone installation shall be positioned in a ship—

- (a) as high as practicable in the ship; and
- (b) in a position where there is the least disturbance of the operator by extraneous noise; and
- (c) so that the compasses of the ship are not affected.

#### 126. High voltage parts.

Where any part or wiring of a radiotelephone installation in a ship is, at any time, at any instantaneous voltage of more than 50 volts, that part or wiring shall be adequately protected.

#### 127. Communication system.

Where efficient communication cannot be carried out by voice alone, a ship shall have an efficient two-way means of communication that is independent of the main source of power between the—

- (a) operating position; and
- (b) navigating bridge.

#### 128. Clock.

A ship shall have a reliable clock that is securely mounted within the view of a person at the operating position of the radiotelephone installation.

#### 129. Instruction Card.

(1) A ship shall carry a card of instructions giving a clear summary of the radiotelephone distress, urgency and safety, procedures of the ship.

(2) The card referred to in Subsection (1) shall be known as the Instruction Card.

(3) The Instruction Card shall be displayed within the view of a person at the operating position of the radiotelephone installation.

**130. Remote listening system.**

Where the radiotelephone installation of a ship is installed in a place other than that from which the ship is normally navigated, there shall be in the place from which the ship is normally navigated a loud-speaker that is connected to the radiotelephone installation so that a listening watch may be maintained from the navigating position.

**131. Remote gain control.**

Where a loud-speaker is connected to the radiotelephone installation of a ship under Section 130, there shall be a manual gain control at the loud-speaker so that, when adjusted to the minimum position, there will be an output from the loud-speaker of sufficient volume for an effective listening watch to be maintained.

**132. Maintenance of radio installation.**

A radiotelephone installation with which a ship is equipped in accordance with this Regulation shall be maintained so that, when the ship is at sea, it is capable of effectively transmitting and receiving radio signals.

**133. Tools.**

A ship that is required by this Regulation to be equipped with a radiotelephone installation shall carry such tools and instruments as the Secretary determines.

**134. Documents and books.**

A ship that is required by this Regulation to be equipped with a radiotelephone installation shall carry a copy of—

- (a) the latest edition of the Handbook for Radiotelephone Shipstation Operators; and
- (b) where the ship is proceeding, or about to proceed, on an international voyage—
  - (i) the latest edition of the Manual for Use by the Maritime Mobile Services; and
  - (ii) a current List of Coast Stations; and
  - (iii) a current List of Ship Stations.

**135. Additional radio equipment.**

Any additional radio equipment that is—

- (a) carried in a ship; and
- (b) normally used in the business of the ship,

shall comply with the requirements of the Secretary.

**136. Survival craft radio equipment.**

(1) A ship that is proceeding, or about to proceed, on an international voyage shall be equipped with a satisfactory—

- (a) portable radio equipment for survival craft; or
- (b) radio beacon.

(2) The equipment referred to in Subsection (1) shall be stowed on the ship in such a position that it can be readily placed in a lifeboat or liferaft in the event of an emergency.

*Division 6.—Carriage of Dangerous Goods.***137. Requirements for packing, stowage and carriage of dangerous goods.**

(1) The Safety Officer may determine the requirements for—

- (a) the packing; and
- (b) the stowage; and
- (c) the marking; and
- (d) the carriage,

of dangerous goods in a ship other than a Safety Convention Ship.

(2) A determination under Subsection (1) may include special requirements applicable to a ship in which passengers are carried.

**138. Notification of shipment of dangerous goods.**

(1) Before dangerous goods are shipped in any ship, the shipper of those goods shall give notice to an officer of the Office of Transport at the port nearest to the port or place from which he intends that those goods shall be shipped.

(2) The notice referred to in Subsection (1) shall be in Form S.7.

(3) The notice given under this section shall—

- (a) not refer to the dangerous goods by any trade name; and
- (b) be given not less than 24 hours before the goods are shipped.

(4) A person who gives a notice under this section that is false or misleading is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**139. Surveyors' inspection of dangerous goods.**

(1) Where dangerous goods are being packed for shipment in a ship a surveyor may inspect the ship or the place at which the dangerous goods are being packed.

(2) In making an inspection under Subsection (1), a surveyor shall have regard to the safe packing, stowage, marking or carriage of dangerous goods.

*Division 7.—Musters and Drills.***140. Interpretation of Division 7.**

In this Division, "ship" does not include a Safety Convention ship.

**141. Musters.**

(1) At least once in every calendar month, the master of the ship must—

- (a) cause the crew to be mustered; and
- (b) inspect the lifesaving and fire appliances of the ship.

(2) When a ship leaves a port carrying passengers, the master of the ship must cause each passenger—

- (a) to be mustered; and
- (b) to be informed of the—
  - (i) emergency signal referred to in Section 144; and
  - (ii) method of use of lifejackets; and



(iii) positions for embarkation into lifeboats and liferafts; and

(c) to be made aware of the instruction cards referred to in Section 143.

(3) A passenger on a ship who, when ordered by the master of the ship, or by a person acting with the authority of the master, to attend a muster, refuses, or fails without reasonable cause, to attend the muster, is guilty of an offence.

Penalty: A fine not exceeding K20.00.

(4) A muster under this section shall be carried out in the manner required by the Safety Officer.

(5) The master of a ship must cause a record of all musters and inspections required by this section to be carried out to be entered in the Deck Log Book of the ship.

(6) A master of a ship who fails to comply with a requirement of this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

#### 142. Drills.

(1) The master of a ship must cause a boat drill and a fire drill to be carried out on the ship concurrently with the muster required to be held under Section 141(1).

(2) At least once in every period of four months the master of a ship must cause each lifeboat of the ship to be—

(a) swung out to its full extent; and

(b) lowered to the water with a launching complement.

(3) The master of a ship must cause a fire drill under Subsection (1) to be so held that at least once in every period of four months each item of fire fighting equipment is examined or tested as specified by the Safety Officer.

(4) A drill under this section must be—

(a) so arranged that the crew fully understand and are practised in the duties they have to perform in the event of an emergency; and

(b) carried out in the manner required by the Safety Officer.

(5) The master of a ship must cause all drills carried out under this section to be entered in the Deck Log Book of the ship.

(6) A master of a ship who fails to comply with a requirement of this section is guilty of an offence.

Penalty: A fine not exceeding K100.00.

#### 143. Instruction cards.

(1) Where a ship carries an inflatable liferaft, there shall be displayed in a prominent position on the ship an instruction card giving clear and simple directions for launching the liferaft.

(2) There shall be displayed in a prominent position on a ship an instruction card giving clear and simple directions for the use of lifejackets.

#### 144. Emergency signal.

(1) A ship that is required by this Regulation to be fitted with a General Alarm Bell shall have an emergency signal.

(2) The emergency signal referred to in Subsection (1) shall consist of a succession of not less than seven short rings followed by one long ring.

*Division 8.—Safety on Board and Safe Working Practices.*

**145. Code of Safe Working Practices.**

(1) The Safety Officer may issue a Code of Safe Working Practices for use on board ships.

(2) The—

(a) owner and master of; and

(b) employer of any person working on,

the ship shall ensure that, as far as is practicable and reasonable, the provisions of the Code of Safe Working Practices are complied with in respect of operations and activities on board, or associated with, the ship.

**146. Marking of weights on heavy packages.<sup>1</sup>**

(1) Subject to Subsection (2), where a package or object of 1 000 kg or more gross weight is carried on a ship, the package or object must, before being loaded onto the ship, be plainly and durably marked with marks denoting the gross weight of the package or object.

(2) Where the exact gross weight of the package or object referred to in Subsection (1) cannot be determined without exceptional difficulty, the package or object must be plainly and durably marked with marks denoting the approximate gross weight of the package.

(3) Where—

(a) a package or object is carried on a ship; and

(b) there has been a failure to comply with the requirements of Subsection (1) or (2),

the owner and master of the ship and the person shipping the object or package are each guilty of an offence.

Penalty: A fine not exceeding K100.00.

*Division 9.—Deck Cargo and Other Hazardous Cargoes.*

**147. Determination by Safety Officer.**

(1) The Safety Officer may determine the requirements for the carriage of deck cargo, and other hazardous cargoes, in a ship.

(2) In making a determination under Subsection (1), the Safety Officer shall have regard to—

(a) the stability of the ship; and

(b) the stowage of cargo in relation to—

(i) safety equipment; and

(ii) sounding pipes; and

(iii) freeing ports; and

(c) crew access for the working of the ship; and

<sup>1</sup>See, also, *Marking of Weight on Heavy Packages Act*.

- (d) stowage in relation to the safe navigation of the ship; and
- (e) the securing of the cargo; and
- (f) stowage on hatches in the ship; and
- (g) loading in relation to the structural strength of the deck; and
- (h) the carriage of unberthed passengers; and
- (i) condition of the cargo; and
- (j) any other matter appearing to him to be relevant to the safety of the ship.

*Division 10.—Exemptions.*

**148. Interpretation of Division 10.**

In this Division, "ship" does not include a Load Line Convention Ship or a Safety Convention Ship.

**149. Exemptions by Safety Officer.**

Where the Safety Officer is satisfied that it would be unreasonable or impracticable to apply a requirement of this Part to a ship, or to a class of ship, he may, subject to such conditions (if any) as he thinks fit, exempt the ship, or the class of ship, from compliance with that requirement.

**PART VII.—PASSENGERS.**

**150. Interpretation of Part VII.**

In this Part, "ship" means a ship to which Part V. of the Act is expressed to apply by Section 100 of the Act.

**151. Number of berthed passengers to be carried.**

The number of berthed passengers carried on board a ship shall not exceed the number approved by the Safety Officer.

**152. Number of unberthed passengers to be carried.**

(1) In this section—

"clear deck space" means a space on, or above, the weather deck of a ship being a space—

- (a) which is not an enclosed space; and
- (b) on which cargo, stores or equipment are not permitted to be carried; and
- (c) that, subject to Section 153(4)(a), does not include hatchways; and
- (d) that is not used in the navigation of the ship; and
- (e) the use of which would not obscure the vision of the crewmen navigating the ship; and
- (f) that does not include the area required to provide a fore and aft gangway having a width of 1 m;

"weather deck" means the lowest deck in the ship, all or part of which is exposed to weather and sea.

(2) Subject to Subsection (3), the maximum number of unberthed passengers permitted to be carried on board a ship shall equal the whole number of square metres of clear deck space on the ship.

(3) Where, in the opinion of the Safety Officer, any person carried on board a ship would because of—

- (a) the construction of the ship; or
- (b) the trade in which the ship is, or is intended to be, engaged; or
- (c) any other reason,

be endangered, he may require that a lesser number of unberthed passengers be carried on the ship than would otherwise have been permitted under Subsection (2).

(4) The Safety Officer shall endorse on the safety certificate of a ship the maximum number of unberthed passengers permitted under Subsections (2) and (3) to be carried on the ship.

(5) Notwithstanding any endorsement under Subsection (4) on the safety certificate of a ship the Safety Officer may, having regard to—

- (a) the nature of a particular voyage; or
- (b) particular weather conditions; or
- (c) the particular cargo carried on the ship; or
- (d) any other circumstance,

require in writing that, in respect of a particular voyage, a lesser number of passengers than the maximum number endorsed on the safety certificate be carried on the ship.

(6) Where a ship carries a greater number of unberthed passengers than is permitted under this section the owner and the master of the ship are each guilty of an offence.

Penalty: A fine not exceeding K300.00 and in addition a fine not exceeding K10.00 for each unberthed passenger in excess of the number permitted to be carried.

### **153. Carriage of unberthed passengers.**

(1) Where—

- (a) an unberthed passenger is carried on or above the weather deck of a ship; and
  - (b) the deck on which the unberthed passenger is carried is of metal construction,
- the deck on which the unberthed passenger is carried shall be sheathed.

(2) Where deck space on or above the weather deck is allotted for the carriage of an unberthed passenger—

- (a) the deck space so allotted shall be covered with an awning of a height of not less than 2 m; and
- (b) side screens shall be provided where necessary so as to give adequate protection from sun and weather.

(3) An unberthed passenger shall not, without the written consent of the Safety Officer, be carried in a ship—

- (a) on a space over a hatchway; or
- (b) in an enclosed space.

(4) Where the Safety Officer gives his consent under—

- (a) Subsection (3)(a), the hatchway shall be deemed to be part of the clear deck space of the ship; and

(b) Subsection (3)(b), he shall specify the maximum number of persons to be carried in the space.

(5) Deck cargo carried on a ship shall be so secured and stowed that there is—

(a) no danger to any unberthed passenger; and

(b) continued free access to the sanitary facilities on the ship.

154. Passenger hospital accommodation.

(1) A ship that is—

(a) carrying 30 or more passengers; and

(b) engaged in a voyage, other than a Papua New Guinea Voyage—

(i) of a duration of more than 750 nautical miles; or

(ii) where more than three days are likely to elapse between consecutive ports,

shall have passenger hospital accommodation.

(2) The passenger hospital accommodation of a ship shall be situated so that—

(a) it is readily accessible; and

(b) the passengers may receive proper attention when required.

(3) The arrangement of—

(a) the entrance; and

(b) the berths; and

(c) the lighting; and

(d) the ventilation; and

(e) the heating; and

(f) the water supply,

of the passenger hospital accommodation of a ship shall be designed so as to ensure the comfort and to facilitate the medical treatment of passengers.

(4) The number of berths required in the passenger hospital accommodation of a ship shall be determined by the Safety Officer.

(5) The passenger hospital accommodation on a ship shall—

(a) be reserved for the exclusive use of passengers on the ship; and

(b) not be used for other than medical or surgical purposes.

155. Sale and consumption of alcoholic liquor.

(1) Subject to Subsection (3) the owner or master of a ship on which alcoholic liquor is made available to a person is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) Subject to Subsection (3), a person who, while a passenger on a ship—

(a) acquires; or

(b) consumes,

alcoholic liquor on board the ship, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(3) The Safety Officer may, subject to such conditions (if any) as he thinks fit, exempt a ship, or a class of ship, from the requirements of Subsections (1) and (2).

**156. Obstruction of crew by passengers.**

A passenger on a ship who wilfully does, or causes to be done, anything in such a manner as to—

- (a) obstruct or injure any part of the ship or of the equipment of the ship; or
- (b) obstruct, impede or molest a crewman in the performance of his duty on or about the ship,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

**157. Miscellaneous offences by passengers.**

(1) A passenger on a ship who—

- (a) by reason of being drunk, under the influence of drugs or disorderly, has lawfully been refused admission to the ship and, having been refused admission to the ship, attempts to board the ship; or
- (b) being drunk, under the influence of drugs, or disorderly, is lawfully requested to leave the ship at any port or place at which he can conveniently do so and does not so leave the ship; or
- (c) after having been warned by the master of the ship, or by a person authorized by the master, molests any other person on the ship; or
- (d) after having been refused admission into the ship by the owner, or by the master or by a person authorized by the master by reason of there being insufficient room on the ship, attempts to enter the ship; or
- (e) having gone on board a ship at any place and, having been requested by the owner or by the master or by a person authorized by the master or by an officer of the Office of Transport to leave the ship because there is insufficient room on the ship, does not so leave the ship,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**158. Exemptions.**

The Safety Officer may, subject to such conditions (if any) as he thinks fit, exempt a ship or a class of ship from compliance with any requirement of this Part.

**PART VIII.—FEES.**

**159. Survey fees.**

(1) The owner of a ship shall on the first grant of a safety certificate under Section 70 of the Act, and, where the safety certificate remains in force, on the expiration of each subsequent period of 12 months after the date of grant of the safety certificate, pay the survey fees specified in Schedule 7.

(2) The survey fees payable under Subsection (1) are, in the case of the part of the ship specified in Column 1 of Schedule 7 as specified in Column 2 of that Schedule.

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SCHEDULE 1.

PAPUA NEW GUINEA.

*Merchant Shipping Act.*

Act, Sec. 69(1).

Form S.1.

Reg., Sec. 9(1).

APPLICATION FOR SURVEY OR INSPECTION.

1. Name of ship:
2. Port of sub-registry or registry:
3. Registry No. or official No.:
4. Registered length:
5. Tonnages: Gross                      Net
6. Name and address of owners or agents:
7. Number of crew (including Master):
8. Number of passengers:
9. Type of ship:
10. Build of ship:
11. Trade in which ship is engaged:
12. Address for delivery of Certificate and Survey Master Sheet:
13. Nature of survey or inspection required—
  - (a) *For Papua New Guinea Survey Certificate*
    - (1) Equipment (*insert items*):
    - (2) Hull (*insert items*):
    - (3) Loadline (*insert items*):
    - (4) Machinery (*insert items*):
    - (5) Radio (*insert items*):
  - (b) *Special* (In event of damage, accident or alteration to ship).
14. Name of Classification Society:
15. Name of Loadline Assigning Authority:
16. Proposed arrangements for survey or inspection:

(State place and time of proposed survey and name of survey authority).

Dated

19

Owner/Master.

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*Merchant Shipping Act.*

Act, Sec. 70(1).  
Reg., Sec. 10.

Form S.2.

REPORT BY SURVEYOR ON COMPLETION OF SURVEY OR INSPECTION.

1. Name of ship:
2. Port of sub-registry or registry:
3. Registry No. or official No.:
4. Name and address of owners or agents:
5. Number of crew (including Master):
6. Number of passengers:

I, \_\_\_\_\_ report that all survey sections in respect of the abovenamed ship have been completed.

Surveyor.

Dated

19

Port:

Notes: Details of endorsement made on Papua New Guinea Survey Certificate.

Date of endorsement.  
(Officer signing endorsement.)



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*Merchant Shipping Act.*

Act, Sec. 70(1).

Form S.3.

Reg., Sec. 11.

REPORT AND DECLARATION BY SURVEYOR ON COMPLETION OF PARTIAL SURVEY  
OR INSPECTION.

1. Name of ship:
2. Port of sub-registry or registry:
3. Registry No. or official No.:
4. Name and address of owners or agents:
5. Number of crew (including Master):
6. Number of passengers:
7. Items of survey or inspection carried out:

8. On                      19                      I completed the partial survey inspection of the items referred to  
above and report as follows:

(a) General Report of Survey or Inspection:

(b) Recommendations of Surveyor concerning exemptions:

(c) Details of endorsements made on Survey Master Sheet:

Surveyor.

Date:                      19                      .

Port of Survey:

9. In respect of the items referred to above, the above declared ship—

(a) complies with the requirements of the *Merchant Shipping Act*; and

(b) is fit to ply on the following voyages or classes of voyage:—

until                      19                      ; and

(c) is fit to carry                      persons.

Surveyor.

Date:                      19                      .

Port of Survey:

I,                      of                      do solemnly and sincerely declare that all information and  
particulars given in the above are true and correct, AND I MAKE this solemn declaration by virtue of  
the *Oaths, Affirmations and Statutory Declaration Act* conscientiously believing the statements contained  
to be true and correct in every particular.

Declared at                      , 19                      .

(Signature of Declarant.)

Before me:

(Signature of Witness.)

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**Merchant Shipping Act.**

Act, Sec. 70(2)

Form S.4.

Reg., Sec. 12.

**DECLARATION BY SURVEYOR ON COMPLETION OF SURVEY OR INSPECTION.**

I, \_\_\_\_\_ a surveyor appointed under the *Merchant Shipping Act*, declare that:

- (1) surveyors' reports and/or entries in the Survey Master Sheet relating to \_\_\_\_\_ Registry No. \_\_\_\_\_ have been completed or sighted by me; and
- (2) to the best of my knowledge and belief, the ship complies with the safety requirements of the *Merchant Shipping Act*; and
- (3) in my opinion, having regard to the equipment, hull, loadline, machinery and radio, so far as surveyed, the ship is fit to—
  - (a) ply on the following voyages or classes of voyage:—  
until \_\_\_\_\_ 19 \_\_\_\_; and
  - (b) carry \_\_\_\_\_ persons.

Dated \_\_\_\_\_, 19 \_\_\_\_

Surveyor.

Date: \_\_\_\_\_ 19 \_\_\_\_

Port of Survey: \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare that all information and particulars given in the above are true and correct, AND I MAKE this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained therein to be true and correct in every particular.

Declared at \_\_\_\_\_, 19 \_\_\_\_

(Signature of Declarant.)

Before me:

(Signature of Witness)

PAPUA NEW GUINEA.

**Merchant Shipping Act**

Act, Sec. 68.

Form S.5.

Reg., Sec. 13(1).

**SURVEY MASTER SHEET.**

**PART A:**

1. Name of ship:
2. Port of sub-registry or registry:
3. Registry No. or official No.:
4. Registered length:
5. Tonnages: Gross \_\_\_\_\_ Net \_\_\_\_\_
6. Name and address of owners or agents:
7. Number of crew (including Master):
8. Number of passengers:
9. Type of ship:
10. Trade in which ship is engaged:
11. Name of Classification Society:

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12. Name of Load Line Assigning Authority:

13. Completion of initial survey :—

Port:

Date: 19 .

Surveyor:

14. Grant of Papua New Guinea Survey Certificate:—

Number:

Date:

Safety Officer

PART B:

SURVEY SECTION EQUIPMENT.

1. Name of ship:
2. General Information Sheet:
3. Survey Record Sheet:—

Item No.:

Description:

Initial survey date:

Periodic Survey Record—

1st Year 19

Signature

Date 19 .

Port

2nd Year 19

Signature

Date 19 .

Port

3rd Year 19

Signature

Date 19 .

Port

4th Year 19

Signature

Date 19 .

Port

SURVEY SECTION HULL

1. Name of ship:
2. General Information Sheet:
3. Survey Record Sheet:—

Item No.:

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Description:

Initial survey date:

Periodic Survey Record—

1st Year 19

Signature

Date 19

Port

2nd Year 19

Signature

Date 19

Port

3rd Year 19

Signature

Date 19

Port

4th Year 19

Signature

Date 19

Port

SURVEY SECTION LOADLINE.

1. Name of ship:

2. General Information Sheet:

3. Survey Record Sheet—

Item No.:

Description:

Initial survey date:

Periodic Survey Record—

1st Year 19

Signature

Date 19

Port

2nd Year 19

Signature

Date 19

Port

3rd Year 19

Signature

Date 19

Port

Prepared for inclusion as at 24/1/1980.

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4th Year 19

Signature

Date 19 .

Port

**SURVEY SECTION MACHINERY.**

1. Name of ship:
2. General Information Sheet:
3. Survey Record Sheet—

Item No.:

Description:

Initial survey date:

**Periodic Survey Record—**

1st Year 19

Signature

Date 19 .

Port

2nd Year 19

Signature

Date 19 .

Port

3rd Year 19

Signature

Date 19 .

Port

4th Year 19

Signature

Date 19 .

Port

**SURVEY SECTION RADIO.**

1. Name of ship:
2. General Information Sheet:
3. Survey Record Sheet—

Item No.:

Description:

Initial survey date:

**Periodic Survey Record—**

1st Year 19

Signature

Date 19 .

Port

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2nd Year 19

Signature

Date 19

Port

3rd Year 19

Signature

Date 19

Port

4th Year 19

Signature

Date 19

Port

PART C:

RECORD OF SPECIAL SURVEYS AND INSPECTIONS.

Survey Section and Item No.	Details of damage, accident or alteration.	Signature.	Date.	Port.

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PART D:

RECORD OF EXEMPTIONS ISSUED.

*Note:* Each entry to include port of issue, date of issue and signature of exempting authority.

Section and Item Number.	Details of exemption.	Conditions of exemption.	Exemption Authority.

PART E:

SURVEYORS' ENDORSEMENTS.

1. Section and item No.:
2. Surveyors' endorsements:
3. Signature:  
Date:  
Port:
4. Surveyors' endorsements complied with  
Signature:  
Date:  
Port:

PAPUA NEW GUINEA.  
*Merchant Shipping Act.*

Reg. Sec. 16.

Form S.6.

PAPUA NEW GUINEA SURVEY CERTIFICATE.  
Certificate No.

PART A: CERTIFICATE

1. Name of ship:
2. Port of sub-registry or registry:
3. Registry No. or official No.:
4. Registered length:
5. Tonnages:      Gross.                      Net
6. Name and address of owners or agents:

I certify that the above-described ship—

(a) complies with the *Merchant Shipping Act*; and

(b) is fit to carry not more than                      persons, including                      un-  
berthed passengers; and

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**Merchant Shipping**

(c) is fit to ply on the following voyages or class of voyages :—

This certificate is valid until , 19 , subject to—

(a) compliance with the following conditions :—

; and

(b) periodical surveys and inspections being carried out and recorded in accordance with the requirements of the *Merchant Shipping Act*; and

(c) endorsement by the Safety Officer in respect of periodic surveys.

Safety Officer.

Date , 19

**PART B:**

**PERIODIC SURVEY ENDORSEMENTS.**

First Periodic  
Survey Date.

Second Periodic  
Survey Date.

Third Periodic  
Survey Date.

Safety Officer.

Safety Officer.

Safety Officer.

Date of  
endorsement.

Date of  
endorsement.

Date of  
endorsement.

**PART C:**

**EXTENSION OF VALIDITY OF CERTIFICATE.**

In pursuance of the powers conferred on me by Section 17(2) of the *Merchant Shipping (Safety) Regulation I grant an extension of the duration of this certificate until 19*

Safety Officer.

Date , 19

**PAPUA NEW GUINEA.**

***Merchant Shipping Act.***

Act, Sec. 89.

Form S.7.

Reg., Sec. 138(2).

**NOTICE OF INTENTION TO SHIP DANGEROUS GOODS.**

To Port

I, , give notice that , 19 proposes to ship in at  
on , 19 the following dangerous goods :—

(1) Number of packages:

(2) Size of packages:

(3) Gross weight:

(4) Correct technical name:

(5) How packed:

I certify that the dangerous goods to which this notice relates have been packed and marked in accordance with the determination of the Safety Officer applicable to them.

Shipper.

Dated 19



SCHEDULE 2.

DECK LINE MARKS, LOAD LINE MARKS AND MARKS OF ASSIGNING AUTHORITY.

Act, Sec. 90.

Reg., Sec. 55(2).

## SCHEDULE 3.

## TABULAR FREEBOARD FOR SHIPS OF LESS THAN 24 METRES IN LENGTH.

Act, Sec. 93.

Reg., Sec. 63(1).

Length of ship in metres:

Tabular freeboard  
in millimetres:

10 to 15	125
16	133
17	142
18	150
19	158
20	167
21	175
22	183
23	192
24	200

## SCHEDULE 4.

## GENERAL LIFESAVING APPLIANCES.

Act, Sec. 89.

Reg., Sec. 87(1).

General lifesaving appliances.	Length of ship in metres.			
	10 or more and less than 20.	20 or more and less than 30.	30 or more and less than 50.	50 or more.
Lifebuoys (with self igniting light)	1	2	2	4
Lifebuoys (with buoyant line)	1	2	2	2
Lifebuoys (other)	-	-	2	2
Parachute distress rockets	2	2	4	6
Line throwing apparatus	-	-	-	1 set 2 rockets 2 lines
Torches/handlamps	2	4	6	8

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SCHEDULE 5.

MARKING OF LIFE SAVING APPLIANCES.

Act, Sec. 89.

Reg., Sec. 88(1).

*Appliance.*

*Required markings.*

Lifeboats

Dimensions, cubic capacity and carrying capacity to be clearly and permanently marked. Name and port of sub-registry of ship to be clearly painted on each side of stem of each lifeboat.

Rigid Liferrafts

Carrying capacity to be clearly and permanently marked.

Inflatable Liferrafts

Name and serial number of manufacturer to be clearly and permanently marked. Carrying capacity to be clearly and permanently marked on each inflatable liferaft and on the valise or other container in which each inflatable liferaft is contained.

Lifebuoy

Name and port of sub-registry of ship to be clearly painted on each lifebuoy.

Lifejackets

Name or identification of manufacturer to be clearly and indelibly marked on one side of each lifejacket. Each lifejacket to be marked with clear instructions—

(a) for donning; and

(b) whether suitable for wear by adults and/or children.

Rescue Boats

Name and port of sub-registry of ship to be clearly painted on each rescue boat.

SCHEDULE 6.

COMPULSORY RADIO REPORTS—PRESCRIBED REPORTING AREA.

Act, Sec. 79(3).

Reg., Sec. 124(2).

	<i>Latitude.</i>	<i>Longitude.</i>
From:	3°40'N	141°00'E
to:	10°35'S	141°00'E
to:	10°00'S	145°00'E
to:	12°00'S	145°00'E
to:	12°00'S	155°00'E
to:	14°00'S	155°00'E
to:	14°00'S	163°00'E
to:	10°00'S	170°00'E
to:	3°40'N	170°00'E
to:	3°40'N	141°00'E

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SCHEDULE 7.

(Amended by No. 9 of 1983.)

Act, Sec. 99.

Reg., Sec. 159.

FEES.

*Column 1.*

Part of the Ship

*Column 2.*

Fee for each metre, or part of a metre, of the  
length of the ship.

Hull	K4.00
Machinery	K4.00
Load Line	K3.50
Equipment	K3.50
Radio	K2.50.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

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*Merchant Shipping.*

SUBSIDIARY LEGISLATION.

1. Appointment of duly authorized officer.

Safety Regulation, Sections 23, 29—Executive Officer Surveys (as at 20.1.1977.).

2. Appointment of member and Chairman of the Coasting Trade Committee.

Act, Section 235—The Director, Division of Marine, Department of Transport and Civil Aviation (as at 8.11.1979).

3. Appointment of pilotage authority.

Act, Section 197—Papua New Guinea Harbours Board (as at 1.1.1977).

4. Appointment of principal port of registry and sub-registry.

Act, Section 13—Port of Registry — Port Moresby

Port of Sub-registry — Alotau

Kavieng

Kieta

Lae

Lorengau

Madang

Rabaul

Vanimo

Wewak

(as at 11.3.1976).

5. Appointment of Assistant Registrar of Ships.

Act, Section 9—(a) Executive Officer Shipping Administration,

(b) Controllers Marine Services stationed at:—

Alotau

Lae

Daru

Madang

Kieta

Port Moresby

Rabaul

(as at 20.1.1977).

**6. Appointment of Safety Officer.**

Act, Section 55—Assistant Director (Maritime Division)  
(as at 20.1.1977).

**7. Appointment of surveyors of ships.**

Act, Section 57—American Bureau of Shipping

Bureau Veritas

De Norske Veritas

Germanischer Lloyd

Lloyds Register of Shipping

Nippon Kaiji Kyokai

(as at 20.1.1977).

**8. Authorization.**

Act, Section 183—Assistant Director (Maritime Division), Department of Transport, Works and Supply to carry out the functions contained in that section.  
(as at 10.3.1977).

**9. Delegations.**

Section.	Delegate.	Gazetted.
Assistant Director (Maritime Division).		
Act Sec. 8	Part III, Sections 146 and 148 of the <i>Merchant Shipping Act</i> .	20.1.1977.
	All powers and functions under the <i>Merchant Shipping (Registration) Regulation</i> .	
	Section 38 of the <i>Merchant Shipping (Crewmen) Regulation</i> .	
Act Sec. 276	Sections 19(5), 59, 96, 101 of the <i>Merchant Shipping Act</i> .	20.1.1977.
	Section 25 of the <i>Merchant Shipping (Safety) Regulation</i> .	
	Section 5(1) of the <i>Merchant Shipping (Navigational Aids) Regulation</i> .	10.3.1977.
Controllers Marine Services.		
Act Sec. 56	Sections 23(6), 63, 66, 67, 69, 72, 73, 82, 84, 87, 97, 103(3), 105, 159 of the <i>Merchant Shipping Act</i> .	20.1.1977.
	Section 22 of the <i>Merchant Shipping (Crewmen) Regulation</i> .	
Act Sec. 56	Section 7, 13, 17, 18, 61, 68, 70, 74, 152(5) of the <i>Merchant Shipping (Safety) Regulation</i> .	20.1.1977.
	Section 70 of the <i>Merchant Shipping Act</i> .	16.6.1977.
Director, Office of Transport.		
Act Sec. 276	Section 10, 19(5), 58, 94, 96, of the <i>Merchant Shipping Act</i> .	20.1.1977.
	Section 25 of the <i>Merchant Shipping (Safety) Regulation</i> .	
Executive Officer Shipping Administration.		
Act Sec. 8	Section 33, 39, 40, 43, 154, 155, 156 of the <i>Merchant Shipping Act</i> .	20.1.1977.
	Section 41, 42 of <i>Merchant Shipping (Crewmen) Regulation</i> .	

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Section.	Delegate.	Gazetted.
Executive Officer Shipping Administration (continued).		
	Section 32, 33, 34 of <i>Merchant Shipping (Crewmen) Regulation.</i>	30.6.1977.
Act Sec. 56	Section 103(3), 105, 159(1), 104 of the <i>Merchant Shipping Act.</i> Section 5(2), 5(6), 6 of the <i>Merchant Shipping (Crewmen) Regulation.</i>	20.1.1977.
Executive Officer Surveys.		
Act Sec. 56	Section 18, 62, 63, 66, 67, 69, 70, 71, 72, 73, 80, 82, 84, 87, 97 of the <i>Merchant Shipping Act.</i> Section 1, 7, 8, 9, 13, 14, 17, 18, 19, 22, 28, 29, Part VI. Division 1 and 2, 59, 61, 62, 64, 65, 66, 68, 69, 70, 73, 74, 80, 89, 94, 101, 103, 104, 107, 109, 111, 112, 137, 141, 142, 145, 147, 149, 151, 152, 153, 154, 158 of the <i>Merchant Shipping (Safety) Regulation.</i> Section 23, 24 of the <i>Merchant Shipping (Crewmen) Regulation.</i>	20.1.1977.
Act Sec. 276	Sections 185, 186 of the <i>Merchant Shipping Act</i> to the following positions:— Executive Officer (Navigation Services) Marine Officer (Navigation Aids) Managers (Marine Aids to Navigation) stationed at Port Moresby and Madang. Supervisors (Marine Aids) stationed at Port Moresby and Madang.	10.3.1977.
Designate to be specified surveyors of ships.		
Safety Reg., Sec. 21	American Bureau of Shipping Bureau Veritas De Norske Veritas Germanischer Lloyd Lloyds Register of Shipping Nippon Kaiji Kyokai	20.1.1977.

## 10. Declaration of compulsory boarding grounds.

Pilotage Regulation, Section 18—Areas as gazetted at—

Kieta  
Lae  
Madang  
Port Moresby  
Rabaul

(as at 22.3.1979):

## 11. Declaration of compulsory pilotage areas.

Act, Section 200—(a) whole of the Lae, Madang and Rabaul pilotage area,

(b) that part of the Kieta and Port Moresby pilotage areas specified in the Schedule.

(as at 1.1.1977).

**12. Declaration of pilotage areas.**

Act, Section 196—

Aitape	Madang
Alotau	Oro
Daru	Port Moresby
Kavieng	Rabaul
Kieta	Samarai
Kimbe	Vanimo
Lae	Wewak
Lorengau	

(as at 1.1.1977).

**13. Declaration of pilot boarding grounds.**

Pilotage Reg., Section 18—

Kieta pilot boarding ground  
 Lae pilot boarding ground  
 Madang pilot boarding ground  
 Port Moresby pilot boarding ground  
 Rabaul pilot boarding ground.

(as at 7.4.1977).

**14. Determination of number of pilotage licences.**

Act, Section 205—

Pilotage Area	Number of Licences.
Aitape	2
Alotau	3
Daru	2
Kavieng	4
Kieta	4
Kimbe	4
Lae	6
Lorengau	2
Madang	6
Oro	4
Port Moresby	6
Rabaul	6
Samarai	2
Vanimo	4
Wewak	4

(as at 1.1.1977).

**15. Fixing of scale of charges for pilot boat services.**

Act, Section 218(2)—1. Ships other than ships licensed to engage in the coastal trade.

2. Ships licensed to engage in the coastal trade.

(as at 31.3.1977).



16. Notice of exemption.

Act, Section 19(5)—exempt as per notice:—

Section 4(2)(c) of the *Merchant Shipping (Registration) Regulation* (as at 12.8.1976).

Section 4(2)(b)(ii) of the *Merchant Shipping (Registration) Regulation* (as at 2.9.1976).

Compliance with Schedule 3 and 4 of the *Merchant Shipping (Crewmen) Regulation* (as at 20.1.1977).

17. Scale of dues and charges for pilotage services.

Act, Section 218(1)—

1. Pilotage Dues—Ships, other than ships licensed to engage in the coasting trade.

2. Pilotage Dues—Ships licensed to engage in the coasting trade.

3. Payment of Dues.

4. Waiting time. (*Amended 17.5.1979.*)

5. Dues for use of Pilotage Exemption Certificate.

(As at 30.6.1977).

Act, Section 218(2)—Specified in Schedule 1 for pilotage services in respect of the pilotage areas specified in Schedule 2.

(As at 30.11.1978).



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*Merchant Shipping.*

APPENDIX 1.

SOURCE OF THE MERCHANT SHIPPING ACT.

Part A.—Previous Legislation.

*Merchant Shipping Act 1975* (No. 61 of 1975)

as amended by—

*Merchant Shipping (Amendment) Act 1976* (No. 30 of 1976)

*Merchant Shipping (Navigational Aids) Act 1976* (No. 45 of 1976)

*Merchant Shipping (Pilotage) Act 1976* (No. 60 of 1976)

*Merchant Shipping (Coasting Trade) Act 1977* (No. 33 of 1977)

*Merchant Shipping (Amendment) Act 1979* (No. 53 of 1979)

*Merchant Shipping (Wreck and Salvage) Act 1981* (No. 12 of 1981)

*Merchant Shipping (Amendment) Act 1984* (No. 38 of 1984).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	20	20
2	2	21	21
3	3	22	22
4	4	23	23
5	5	24	24
6	6	25	25
7	7	26	26
8	8	27	27
9	9	28	28
10	10	29	29
11	11	30	30
12	12	31	31
13	13	32	32
14	14	33	33
15	15	34	34
16	16	35	35
17	17	36	36
18	18	37	37
19	19	38	38

<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

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Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
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43	43	99	101
44	44	100	102
45	45	101	103
46	46	102	104
47	47	103	105
48	48	104	106
49	49	105	107
50	50	106	108
51	51	107	109
52	52	108	112
53	53	109	113
54	53A	110	114
55	54	111	115
56	55	112	116
57	56	113	117
58	57	114	118
59	58	115	119
60	59	116	120
61	60	117	121
62	61	118	122
63	62	119	123
64	63	120	124
65	64	121	125
66	65	122	126
67	66	123	127
68	67	124	128
69	68	125	129
70	69	126	130
71	70	127	131
72	71	128	132
73	72	129	133
74	73	130	134
75	74	131	135
76	75	132	136
77	76	133	137
78	77	134	138
79	78	135	139
80	79	136	140
81	79A	137	141
82	80	138	142
83	81	139	143
84	82	140	144
85	83	141	145
86	84	142	149
87	85	143	146
88	86	144	147
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91	89	147	151
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154	158	210	204
155	159	211	205
156	160	212	206
157	161	213	207
158	162	214	208
159	163	215	209
160	164	216	210
161	165	217	211
162	166	218	212
163	167	219	213
164	167A	220	215
165	167B	221	215A
166	167C	222	215B
167	167D	223	215C
168	167E	224	215D
169	167F	225	215K
170	167G	226	215E
171	167H	227	215F
172	167I	228	215G
173	167J	229	215H
174	168	230	215I
175	169	231	215J
176	170	232	215L
177	171	233	215M
178	172	234	215N
179	173	235	215O
180	174	236	215P
181	175	237	215Q
182	176	238	215R
183	177	239	215S
184	178	240	215T
185	179	241	215U
186	180	242	215W
187	181	243	215V
188	182	244	215X
189	183	245	215Y
190	184	246	215Z
191	185	247	215ZA
192	186	248	215ZB
193	187	249	215ZC
194	188	250	215ZD
195	189	251	215ZE
196	190	252	215ZF
197	191	253	215ZG
198	192	254	215ZH
199	193	255	215ZI
200	194	256	215ZJ
201	195	257	215ZN
202	196	258	215ZK
203	197	259	215ZL
204	198	260	215ZM
205	199	261	216
206	200	262	217

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263A	235	263Y	259
263B	236	263Z	260
263C	237	263ZA	261
263D	238	263ZB	262
263E	239	263ZC	263
263F	240	263ZD	264
263G	241	264	233
263H	242	265	234
263I	243	266	221
263J	244	267	222
263K	245	268	223
263L	246	269	232
263M	247	270	219
263N	248	271	220
263O	249	272	224
263P	250	273	225
263Q	251	274	226
263R	252	275	227
263S	253	276	228
263T	254	277	229
263U	255	278	231
263V	256	279	230
263W	257	280	265

APPENDIX 2.

SOURCE OF THE MERCHANT SHIPPING (COASTING TRADE) REGULATION.

Part A.—Previous Legislation.

Merchant Shipping (Coasting Trade) Regulation 1978 (No. 19 of 1978).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	2	6	7
2	3	7	8
3	4	8	9
4	5	9	10
5	6	Schedule	Schedule

APPENDIX 3.

SOURCE OF MERCHANT SHIPPING (COMMITTEE OF ADVICE) REGULATION.

Part A.—Legislation.

Merchant Shipping (Committee of Advice) Regulation 1977 (No. 24 of 1977).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	4	5
2	2	5	4,6
3	3	6	7

<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

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## APPENDIX 4.

## SOURCE OF MERCHANT SHIPPING (CREWMEN) REGULATION.

## Part A.—Previous Legislation.

Merchant Shipping (Crewmen) Regulation 1976 (No. 22 of 1977).

as amended by—

Merchant Shipping (Crewmen) (Amendment) Regulation 1977 (No. 18 of 1977).

## Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	28	28
2	2	29	29
3	3	30	30
4	4	31	31
5	5	32	32
6	6	33	33
7	7	34	34
8	9	35	36
9	10	36	37
10	11	37	38
11	12	38	39
12	35	39	40
13	13	40	41
14	14	41	42
15	15	42	43
16	16	43	44
17	17	44	45
18	18	45	46
19	19	46	47
20	20	47	48
21	21	Schedule 1	Schedule 1
22	22	Schedule 2	Schedule 2
23	23	Schedule 3	Schedule 3
24	24	Schedule 4	Schedule 4
25	27	Schedule 5	Schedule 5
26	25	Schedule 6	Schedule 6
27	26	Schedule 7	Schedule 7

<sup>1</sup>Unless otherwise indicated, references are to the regulation set out in Part A.



## APPENDIX 5.

## SOURCE OF MERCHANT SHIPPING (NAVIGATIONAL AIDS) REGULATION.

## Part A.—Previous Legislation.

*Merchant Shipping (Navigational Aids) Regulation 1976* (Statutory Instrument No. 29 of 1976)

as amended by

*Merchant Shipping (Navigational Aids) (Amendment) Regulation 1984* (Statutory Instrument No. 25 of 1984).

## Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	5	5
2	2	6	6
3	3	7	7
4	4	8	8

## APPENDIX 6.

## SOURCE OF MERCHANT SHIPPING (PILOTAGE) REGULATION.

## Part A.—Previous Legislation.

*Merchant Shipping (Pilotage) Regulation 1976* (Statutory Instrument No. 51 of 1976).

## Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	11	11
2	2	12	12
3	3	13	13
4	4	14	14
5	5	15	15
6	6	16	18
7	7	17	16
8	8	18	17
9	9	19	19
10	10	Schedule	Schedule

<sup>1</sup>Unless otherwise indicated, references are to the regulation set out in Part A.

## APPENDIX 7.

## SOURCE OF MERCHANT SHIPPING (REGISTRATION) REGULATION.

## Part A.—Previous Legislation.

*Merchant Shipping (Registration) Regulation 1975* (Statutory Instrument No. 46 of 1975).

## Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	2	13	14
2	3	14	15
3	4	15	16
4	5	16	17
5	6	17	18
6	7	18	19
7	8	19	20
8	9	20	21
9	10	21	22
10	11	22	23
11	12	23	24
12	13	24	25
		Schedule	Schedule

## APPENDIX 8.

## SOURCE OF MERCHANT SHIPPING (SAFETY) REGULATION.

## Part A.—Previous Legislation.

*Merchant Shipping (Safety) Regulation 1976* (Statutory Instrument No. 21 of 1976)  
as amended by—

*Merchant Shipping (Safety)(Amendment) Regulation 1977* (Statutory Instrument No. 17 of 1977)

*Merchant Shipping (Safety) (Amendment) Regulation 1983* (Statutory Instrument No. 9 of 1983).

## Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>	Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1	5	5
2	2	6	6
3	3	7	7
4	4	8	8

<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

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16	16	72	72
17	17	73	73
18	18	74	74
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28	28	84	84
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36	36	92	92
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58	58	114	114
59	59	115	115
60	60	116	116
61	61	117	117
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126	126	149	151
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128	128	151	153
129	129	152	154
130	130	153	155
131	131	154	156
132	132	155	157
133	133	156	158
134	134	157	159
135	135	158	160
136	136	159	161
137	139	Schedule 1	Schedule 1
138	140	Schedule 2	Schedule 2
139	141	Schedule 3	Schedule 3
140	142	Schedule 4	Schedule 4
141	143	Schedule 5	Schedule 5
142	144	Schedule 6	Schedule 6
143	145	Schedule 7	Schedule 7