

WESTERN AUSTRALIAN MARINE.

No. 25 of 1965.

AN ACT to amend the Western Australian Marine Act, 1948-1962.

[Assented to 1st October, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Western Australian Marine Act Amendment Act, 1965.*

(2) In this Act the Western Australian Marine Act, 1948-1962, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Western Australian Marine Act, 1948-1965.

2. The principal Act is amended by adding, after section one hundred and ninety-five, the following section—

S. 195A
added.

195A. (1) An authorised person may, where he considers it necessary for the due enforcement of this Act, with the assistance of such persons as he may require, board any vessel being navigated in the jurisdiction and may—

Power
to order
vessels
to return
to port.
"This Act"
includes
regulations.
See Act No.
30 of 1918.

- (a) inspect the vessel and any machinery, equipment or article in or on board the vessel; and
- (b) require the production of, and inspect, any licence, permit, certificate or other document issued, or required to be issued, in connection with the ownership, use or navigation of the vessel.

(2) Where, after boarding a vessel, an authorised person is satisfied—

- (a) that by reason of the condition of the vessel or any part of the vessel or of any machinery, equipment or article in or on board the vessel, or by reason of the overloading of the vessel, the vessel is unseaworthy;
- (b) that there is not in force in relation to the vessel a boat licence or permit required by this Division; or
- (c) if the vessel is a vessel licensed or required to be licensed under the Fisheries Act, 1905, that the provisions of this Act relating to the manning of vessels have not been complied with,

he may order the person in, or apparently in, command of the vessel to take it to the nearest port or to any nearer place that the authorised person thinks fit and the person so ordered shall forthwith comply with the order.

Penalty: Fifty pounds.

(3) Where a person fails to comply with an order given him in pursuance of subsection (2) of this section, the authorised person may take such action as he considers necessary to remove the vessel to the place designated by his order.

(4) In this section "authorised person" means a member of the Police Force or any person authorised for the purpose by the Department in writing either generally or in a particular case. .

S. 196A
added.

3. The principal Act is amended by adding, after section one hundred and ninety-six, the following section—

Duty of
owner to
identify
person using
vessel.

196A. (1) Every owner of a vessel licensed or required to be licensed under the Fisheries Act, 1905 and every person to whom for the time being the possession or control of such a vessel is, or is apparently, entrusted shall, if required by an authorised person, give to that authorised person any information that it is in his power to give which may lead to the identification of the person or persons by whom the vessel was at any time manned and the capacity in which any person then manned the vessel.

Penalty: Twenty-five pounds.

(2) In this section "authorised person" means a member of the Police Force or person employed by the Department. .

S. 197A
added.

4. The principal Act is amended by adding, after section one hundred and ninety-seven, the following section—

Procedural.
"This Act"
includes
regulations.
See Act
No. 30
of 1918.

197A. In any prosecution for an offence against this Act relating to the manning of any vessel licensed or required to be licensed under the Fisheries Act, 1905, an averment in the complaint that any person is, or was, or is not or was not, the holder of any particular certificate or any particular class of certificate shall be deemed to be proved in the absence of proof to the contrary. .