

WESTERN AUSTRALIA

ANNO QUADRAGESIMO

VICTORIÆ REGINÆ

No. 4

An Act to extend the application of 'The Inquiries into
Wrecks Ordinance, 1864.'

[Assented to 28th August, 1876.]

Preamble

WHEREAS by 'The Inquiries into Wrecks Ordinance, 1864,'
certain power was given to certain persons in the said Ordinance
mentioned, to make certain inquiries, and to draw up and investigate

Inquiries into Wrecks—Extension

certain charges of incompetency or misconduct drawn up as therein mentioned against certain persons owning certificates of master, mate, or engineer of any vessel, and it is expedient to extend the application of the said Ordinance so as to provide for the proper investigation of any charge that may from time to time be made of incompetency or misconduct on the part of any master, mate, or engineer of any British ship, in cases that do not fall within the scope of the said Ordinance: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Principal Officer of Customs residing at or near any port or place in which any British vessel may arrive or be, assisted by a Justice of the Peace, to make inquiry into any charge of incompetency or misconduct whereby it is alleged that the master, mate, or engineer of such vessel is by reason of such incompetency or misconduct unfit to discharge his duties; and when any such charge has been made as aforesaid, the said officer and the said Justice shall proceed in all respects as if they were formally investigating, hearing, and determining charges contained in a formal case setting forth the same, as provided by the said recited Ordinance, and for that purpose shall have all the powers given by the said recited Ordinance for the purpose.

Inquiries to be held into charges of incompetency or misconduct against masters, mates, or engineers

2. The said Principal Officer of Customs, together with the said Justice, are hereby declared to constitute a court for the purpose of investigating and trying the cases by this Act and the said recited Ordinance referred to them, within the meaning of the Imperial Act *twenty-five and twenty-six Victoria, chapter sixty-three, section twenty-three.*

Officer of Customs and Justice to constitute a court within meaning of 25 & 26 Vic., c. 63, s. 23

3. The said court shall have power to suspend or cancel the certificate of any master, mate, or engineer, subject to the provisions of the said recited Ordinance and of this Act, whom, on such investigation as is hereby and thereby provided, they may find to have been guilty of any gross act of misconduct, drunkenness, or tyranny as aforesaid, or by whose wrongful act or default the loss or abandonment of or serious damage to any ship or loss of life has been caused.

Court to have power under circumstances to suspend or cancel certificates

4. In any inquiry to be held in pursuance of this or the said recited Act into any charge of incompetency or misconduct against the master, mate, or engineer of any vessel, the court hereinbefore mentioned shall, in all cases in which such master, mate, or engineer requires it, appoint one or more person or persons of nautical or engineering skill, as the case may require, to act as assessor or assessors to such court; and such assessor or assessors shall upon the conclusion of the case either signify his or their concurrence in the decision, or if he or they dissent therefrom shall signify such dissent, and the reasons thereof, in writing to such court.

Court to appoint assessors in certain cases

5. The said recited Ordinance and this Act shall be read and taken together as one Act.

Act incorporated with 28 Vic., No. 2

6. This Act may be cited as 'The Inquiries into Wrecks Ordinance, 1864, Extension Act, 1876.'

Short title

WILLIAM C. F. ROBINSON,
GOVERNOR.