

WESTERN AUSTRALIA

ANNO TRIGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 14

An Ordinance to amend the 'Colonial Passengers Ordinance 1861.' [Assented to 11th August, 1868.]

WHEREAS by the Ordinance of the Legislative Council, No. 9, of 1861, regulating the carriage of passengers by vessels engaged in the coasting trade, it is among other things enacted that every colonial ship or vessel shall be commanded by a competent master for her intended coasting voyage; but no provisions are made for securing or testing the competency of the masters of such vessels; and whereas for the protection of life it is necessary to prevent the command of such vessels being committed to incompetent persons: 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:—

Preamble  
25 Vic., No. 9, s. 9.

1. This Ordinance may be cited as 'The Colonial Passengers Amendment Ordinance, 1868,' and shall be construed with and as part of 'The Colonial Passengers Ordinance, 1861.'

Short title

2. Every vessel or ship in and by the ninth section of the said Ordinance, No. 9, of 1861, required to be commanded by a competent master, shall be commanded by a master possessing a certificate from the Board of Trade, or in the absence of such, a certificate from the Local Board hereinafter named; and every person engaged to serve as master on board any such ship or vessel, and going to sea in such capacity, without being at the time entitled to and possessed of such certificate as is required by this section, and every person employing such person in the above capacity in such ship or vessel without ascertaining that he is at the time entitled to and possessed of such certificate shall, for each offence, incur a penalty not exceeding fifty pounds.

Coasting vessels to be commanded by certificated masters

3. The Governor shall from time to time cause examinations to be held of persons who may be desirous of obtaining certificates of competency as masters; and, for the purpose of such examinations, the Governor shall from time to time appoint and remove examiners, and

Examination for master's certificates of competency

*Coasting Vessels*

award the remuneration to be paid to them; lay down rules as to the qualifications and as to the times and places of examination; and generally do all such acts as he thinks expedient in order to carry into effect the examination of the masters as aforesaid.

Certificates of competency to be granted to those who pass

4. The examiners shall deliver to every applicant who passes the examination satisfactorily, and has given satisfactory evidence of his sobriety, experience and ability, a certificate of competency as master.

Power to investigate cases of alleged incompetency and misconduct

5. Should the Governor have cause to believe that any master holding a certificate from such examiners as aforesaid is from incompetency or misconduct unfit to discharge his duties, the Governor may either institute an investigation or may direct a Local Board, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, to institute the same, and thereupon the Governor or such persons as he may appoint for the purpose shall conduct the investigation, and may summon the master to appear, and shall give him full opportunity of making a defence either in person or otherwise; and thereupon such investigation shall be conducted and the like powers of cancelling and suspending the certificate exercised, and the result thereof reported, in the same manner and with the same powers in and with which formal investigations into wrecks and casualties are directed to be conducted, certificates cancelled and suspended, and the results thereof reported under the provisions contained in 'The Inquiries into Wrecks Ordinance 1864;' save only that, if the Governor so directs, the person bringing the charge of incompetency or misconduct to the notice of the Governor shall be deemed to be the party having the conduct of the case.

Date of operation

6. This Ordinance shall come into operation on the first day of January next.

J. S. HAMPTON,  
GOVERNOR AND COMMANDER-IN-CHIEF.