

MUSEUM.

13^o Elizabeth II., No. LVIII.

No. 58 of 1964.

AN ACT to amend the Museum Act, 1959.

[Assented to 30th November, 1964.]

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 *Museum Act Amendment Act, 1964*.

(2) In this Act the Museum Act, 1959, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the *Museum Act, 1959-1964*.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

3. The principal Act is amended by adding after section two, a section as follows—

S. 2A
added..

2A. This Act shall be read and construed subject to the limits of the legislative powers of the State and so as not to exceed those powers, to the intent that, where any enactment hereof, but for this provision would be construed as being in excess of those powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of those powers. .

Act to be
construed
subject to
legislative
powers
of State.

4. Section three of the principal Act is amended—

S. 3
amended.

(a) by adding after the interpretation, "chairman" the following interpretation—

"historic wreck" means—

(a) any ship referred to in the Schedule to this Act; and

(b) any other ship that was or appears likely to have been abandoned, wrecked or stranded before the year nineteen hundred and which is lying below low water mark in the territorial waters of the State,

and any equipment, machinery or other article of whatsoever class or kind belonging to or separated from, or which came from, any such ship and which is so lying and includes any part of the hull of any such ship which is so lying. ; and

(b) by adding after the interpretation, "Museum" the following interpretation—

"the Director" means the person appointed under section fifteen of this Act to be Director of the Museum and includes the person for the time being duly acting in the place of the Director. .

**S. 17
amended.**

5. Subsection (2) of section seventeen of the principal Act is amended—

- (a) by adding after the word, “determines” being the last word in paragraph (d) a semi-colon; and
- (b) by adding after paragraph (d) the following paragraphs—
 - (e) with the approval of the Minister, pay to any person who first notifies the Board pursuant to section twenty A of this Act, of the finding of any historic wreck the existence of which was not previously known to the Board, any sum not exceeding one thousand pounds;
 - (f) with the approval of the Minister, pay to any person who at the request of the Board delivers to it any historic wreck, any expenses properly incurred by that person in recovering and obtaining possession of the historic wreck;
 - (g) take possession of any historic wreck that is vested in the Board pursuant to this Act, enter into any agreement for the recovery thereof and expend, with the approval of the Minister, such sum of money in connection therewith as is properly incurred in recovering the historic wreck;
 - (h) take such steps as may be necessary or desirable to recover, preserve and display any historic wreck vested in the Board;
 - (i) promote or supervise activities intended for the discovery, recovery, preservation and display of historic wrecks. .

6. The principal Act is amended by adding after section twenty a section as follows—

S. 20A
added.

20A. (1) When a person finds an historic wreck, other than any historic wreck referred to in the Schedule to this Act, he—

Report of
finding of
historic
wreck.

(a) shall not remove, damage or destroy the historic wreck or any part thereof; and

(b) shall as soon as practicable thereafter give notice in writing to the Board.

(2) The notice referred to in subsection (1) of this section shall—

(a) state that he has found the historic wreck and the date of the finding;

(b) give a concise description of the historic wreck; and

(c) give the location where the historic wreck may be found.

Penalty: One hundred pounds.

(3) (a) If a person is in doubt as to whether any property which he finds is an historic wreck, he may by notice in writing refer the matter for decision of the Director and the decision of the Director on the matter is conclusive.

(b) For the purposes of this Act, where a person so refers a matter to the Director and gives the Director the information required under subsection (2) of this section to be given to the Board, he shall, if the Director decides that the property is an historic wreck, be deemed to have complied with subsection (1) of this section.

(4) A person who wilfully makes any false statement in any notice given to the Board or the Director pursuant to this section is guilty of an offence against this Act.

Penalty: One hundred pounds.

S. 20B
added.

7. The principal Act is amended by adding the following section—

Power
to vest
historic
wreck
in Board.

20B. (1) (a) Where after inspecting any historic wreck to which any notice referred to in section twenty A of this Act relates or any other historic wreck, the Director is of opinion that the historic wreck is of national or local historical interest or of scientific, archaeological, educational or other special national or local interest, he shall advise the Board accordingly and the Board may recommend to the Minister that the historic wreck be vested in the Board on behalf of the Crown for the purposes of this Act.

(b) If the Minister approves the recommendation of the Board, the Governor may by proclamation so vest the historic wreck in the Board.

(2) The historic wrecks referred to in the Schedule to this Act are by force of this subsection vested in the Board on behalf of the Crown for the purposes of this Act.

(3) No compensation shall be paid to any person by reason that any historic wreck is vested in the Board pursuant to this Act.

(4) Subject to the Banking Act, 1959, of the Parliament of the Commonwealth, where an historic wreck to which subsection (2) or (3) of section twenty A of this Act refers, is vested in the Board pursuant to this Act and there is recovered therefrom any gold or silver in coin or bullion, the Board shall after the receipt thereof by it—

(a) pay, notwithstanding the provisions of subsection (3) of this section, by way of compensation to the person who first notified the Board of the finding of the historic wreck pursuant to either of the first mentioned subsections, the current market value of the metal content of the gold or silver in coin or bullion, which value shall be assessed in manner prescribed; or

(b) transfer, without any consideration being given in respect thereof, the property in the gold or silver in coin or bullion to that person.

(5) A person who—

(a) without the consent of the Board in any way alters, removes, destroys or in any way deals with or assumes the custody or control of any historic wreck vested in the Board pursuant to this Act; or

(b) impedes or hinders or endeavours in any way to impede or hinder any member, officer of the Board or any person acting with the authority of Board from inspecting, recovering or otherwise dealing with any historic wreck whether vested in the Board or not,

is guilty of an offence against this Act.

Penalty: One hundred pounds or imprisonment for three months. .

8. The principal Act is amended by adding a section as follows—

s. 20C
added.

20C. (1) Where a person has in his custody or under his control any property that belonged to or was taken or recovered from any historic wreck that is referred to in the Schedule to this Act and which was taken or recovered from the territorial waters of the State below low water mark, before the coming into operation of the Museum Act Amendment Act, 1964, he shall as soon as practicable notify in writing the Director of the fact, and if the Director is of opinion that the property is likely to be of national or local historical interest or of scientific, archaeological, educational or other special national or local interest, the Director may in writing notify the person accordingly.

Certain
property
not to be
disposed of
without
reference
to Board.

(2) A person to whom a notice is given under subsection (1) of this section—

- (a) shall not sell or purport to sell, destroy or otherwise dispose of the property until he has notified the Director as required by subsection (1) of this section and obtained the written permission of the Board to do so; and
- (b) shall if required by the Board make the property available to the Board for inspection and transfer to the Board the possession of the property for the purposes of subsection (3) of this section.

(3) (a) Where after inspecting the property the Director is of opinion that it is of national or local interest or of scientific, archaeological, educational or other special national or local interest the Board may take possession of the property for a period of thirty days or such longer time as the person and Board may agree upon for the purpose of photographing, copying or otherwise dealing with the property in such manner as is necessary for the purpose of keeping a record thereof and investigating the extent of any such interest that the property may have.

(b) The Board shall at the expiration of the period referred to in paragraph (a) of this subsection return the property to the person, unless otherwise agreed upon between the Board and the person.

(4) Where the Board has made a record of the property in accordance with subsection (3) of this section or does not desire to make a record of the property it shall by authority in writing permit the property to be sold, destroyed or otherwise disposed of by the person referred to in subsection (1) of this section. .

9. The principal Act is amended by adding after section twenty-two a section as follows—

S. 22A
added.

22A. A person who acts in contravention of or fails to comply with any of the provisions of this Act is guilty of an offence against this Act and is liable on conviction, if no penalty or punishment is expressly provided for the offence, to a penalty not exceeding fifty pounds. .

Penalty
for offences
generally.

10. Section twenty-seven of the principal Act is amended by adding after paragraph (g) of subsection (2), a paragraph as follows—

S. 27
amended.

(ga) for the preservation, maintenance, recovery, custody, display, making and keeping permanent records of such historic wrecks as are of national or local historic interest or of scientific, archaeological, educational or other special national or local interest; .

11. The principal Act is amended by adding after section twenty-seven a schedule as follows—

Schedule
added.

The Schedule.

<i>Name of Ship.</i>	<i>Year of Wreck.</i>	<i>Location of Wreck.</i>
Trial	1622	Vicinity of Barrow Island. Latitude 20° 45' S. Longitude 115° 22' E.
Known as the Batavia	1629	Morning Reef off Beacon Island in the Wallabi Group, Hout- mans Abrolhos. 28° 28½' S. Latitude.
Known as the Gilt Dragon	1656	Latitude 31° 13' 15.9" S. Longitude 115° 21' 19.5" E.
Known as the Zuytdorp	1712	Approximately 40 miles north of the Mouth of the Murchison River in Latitude 27° 11' 10" S. Longitude 113° 36' E.
Known as the Zeewyk	1727	Half Moon Reef, off Gun Island in the Pelsart Group, Houtmans Abrolhos. Latitude 29° S. 113° 56' E.
Known as the Cottesloe Wreck	Approximately 1600	Approximately one hundred and 50 yards off shore in Latitude 32° 2' S. Longitude 115° 45' E.