

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 9

An Act to make provision for the maintenance of Discipline among the Crews of Coasting Vessels.

[Assented to 21st December, 1875.]

WHEREAS it is expedient to make provision for the maintenance of discipline among the crews of vessels trading from one port of the colony to another port thereof (hereinafter called coasting Preamble

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vessels): 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:—

Provisions of this Act applicable to seamen engaged under contract in writing containing certain particulars

1. The provisions of this Act shall apply to any seaman engaged by or on behalf of the master of any coasting vessel to go to sea from any port in the Colony, provided that such master has entered into an agreement in writing with such seaman, such agreement to be dated at the time of the first signature thereof, and to be signed by the master before such seaman signs the same, and to contain the following particulars as terms thereof (that is to say):—

- (1) The nature, and, as far as practicable, the duration of the intended voyage or engagement.
- (2) The number and description of the crew, specifying how many are engaged as sailors.
- (3) The time at which such seaman is to be on board or to begin work.
- (4) The capacity in which such seaman is to serve.
- (5) The amount of wages which such seaman is to receive.
- (6) A scale of the provisions which are to be furnished to such seaman.

Offences of seamen and apprentices, and their punishments

2. Whenever any seaman who has been engaged by or on behalf of the master of any coasting vessel to go to sea from any port in the Colony, under an agreement in writing pursuant to the foregoing section, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say):—

Desertion

- (1) For desertion, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; and also to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

Neglecting or refusing to join, or to proceed to sea, absence within twenty-four hours before sailing and absence without leave

- (2) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence

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either a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute.

- (3) For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay. Quitting without leave before ship is secured
- (4) For wilful disobedience of any lawful command, he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay. Act of disobedience
- (5) For continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour, and also at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute. Continued disobedience
- (6) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour. Assault on officers
- (7) For combining with any other or others to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour. Combining to disobey
- (8) For wilfully damaging the ship, or embezzling or wilfully damaging any of the stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour. Wilful damage and embezzlement
- (9) For any act of smuggling of which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy. Acts of smuggling causing loss to owner

WILLIAM C. F. ROBINSON,
GOVERNOR.