

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Thursday, the 9th Day of September 1971

HOVERCRAFT BILL

Proposed Amendments

Hon. Mr McCREADY, in Committee, to move the following amendment:

Clause 7: To omit this clause, and substitute the following clause:

7. Appeal Authority—(1) For the purposes of hearing and determining appeals from the suspension or cancellation of any certificate of survey or certificate of competency, the Minister may from time to time, after consultation with the Minister of Justice, appoint a suitable person as Appeal Authority.

(2) The person appointed as Appeal Authority shall be a barrister or solicitor of not less than 7 years' practice of the Supreme Court, whether or not he holds or has held any judicial office.

(3) Every appeal shall be considered by the Appeal Authority with the assistance of 1 or more assessors. Each assessor shall be appointed by the Minister, and shall possess such nautical, engineering, or other knowledge or experience as shall best assist the Appeal Authority, but no assessor shall be an officer or other employee of the Marine Department.

(4) Any person appointed as Appeal Authority or as an assessor may hold that office concurrently with any other office held by him, but shall not by virtue of his having been appointed as Appeal Authority or an assessor be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962, or of the Superannuation Act 1956.

(5) The Appeal Authority together with every assessor shall be deemed to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951, and there shall be paid to the Appeal Authority and each assessor, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with that Act, and the provisions of that Act shall apply accordingly.

(6) The Appeal Authority may receive as evidence any statement, document, information, or matter, which may in his opinion assist him to deal effectually with the appeal being considered, whether or not the evidence would be otherwise admissible in a Court of law.

(7) Subject to subsection (6) of this section, the Evidence Act 1908 shall apply to the Authority, and to all appeals before the Authority, in the same manner as if the Authority were a Court within the meaning of that Act.

(8) The Appeal Authority shall, within the scope of his jurisdiction, be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of this Act, all the provisions of that Act, except sections 2 and 4A, shall apply accordingly.

(9) Every appeal to the Appeal Authority shall be considered at such place and at such time as he deems convenient having regard to the nature of the matters to be decided, and may be adjourned from time to time and place to place.

(10) Except as otherwise provided by this section, the Appeal Authority shall determine his own procedure.

(11) On any appeal the Appeal Authority may confirm, modify, or reverse the decision appealed against.

(12) Every appeal heard by the Appeal Authority shall be determined by the decision of the Appeal Authority alone, and shall be final.

EXPLANATORY NOTE

Clause 7: The substituted clause makes more explicit provision than the present clause for the appointment by the Minister of Marine of an Appeal Authority to hear and determine appeals from the suspension or cancellation of any certificate of survey or certificate of competency to be issued under the new Act. The substituted clause enables the appointment of 1 or more assessors possessing such nautical, engineering, or other knowledge or experience as shall best assist the Authority, but no officer or other employee of the Marine Department may be appointed as an assessor.
