

Hon. Mr. Hall-Jones.

SHIPPING AND SEAMEN'S ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

An Act to further amend the Laws relating to Shipping and Seamen. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Shipping and Seamen's Act Amendment Act, 1896." It shall form part of and be read with "The Shipping and Seamen's Act, 1877" (hereinafter called "the principal Act"), and the amendments thereof, and shall come into operation on the *first* day of January, one thousand eight hundred and ninety-seven.

Short Title.
Construction and commencement.

ENGINEERS.

2. On all steamships the engineers shall be rated as officers, under the designation of chief, second, third, and fourth engineer, respectively, in accordance with their relative positions on board.

Engineers to be rated as officers.

3. Subject to the *general supreme* responsibility and control of the master, the chief engineer shall be responsible for the engine department of the steamship.

Chief engineer responsible for engine department.

Report on discharge
of seaman in engine
department.

4. (1.) Upon the discharge of any seaman employed in the engine department, the report prescribed by section twelve of "The Shipping and Seamen's Act Amendment Act, 1894," as to the conduct, character, and qualifications of the person discharged shall be countersigned by the chief engineer. 5

(2.) When countersigning such report, the chief engineer, if he agrees therewith, shall add the words "I concur"; or, if he disagrees, the words "I do not concur," together with a brief statement of his reason for disagreeing *if so demanded by seaman discharged*. 10

Chief engineer to
keep an official log.

5. (1.) On every steamship having not less than two engineers, the chief engineer shall keep an official log, which he shall produce, when called upon so to do, to any Superintendent of Mercantile Marine, Collector of Customs, and other person authorised by the Minister in that behalf, and which shall be at all times open to inspection by the master. 15

(2.) Such log shall contain a faithful record of all such matters relating to the engine department and the working of the machinery as a competent and careful engineer should record, or as the Minister from time to time prescribes.

(3.) The entries required to be made in such log shall be signed 20 by the chief engineer and by either the second or the third engineer.

(4.) The provisions of sections one hundred and forty-four, one hundred and forty-five, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, and one hundred and fifty-one of the principal Act shall apply, *mutatis mutandis*, to the chief 25 engineer and his official log.

(5.) Nothing in this section contained shall in any way affect or limit the duties and liabilities by the principal Act imposed on the master in respect of his official log.

When Assessor to
have engineering
skill.

6. Section two hundred and forty-one of the principal Act is 30 hereby amended by the addition of the following proviso, that is to say:—

"Provided that in every case where such investigation relates to a steamship casualty, and it appears from the preliminary inquiry that any question may arise affecting the engine department or any 35 person employed therein, at least one of the Assessors shall be a person of engineering skill or knowledge."

Third-class engi-
neers' certificates.

7. In addition to the first- and second-class engineer's certificates of competency, provided for by the principal Act, there shall be a third-class engineer's certificate of competency. 40

Qualification for
first- or second-
class engineer's
certificate.

8. No person shall be entitled to receive or hold a first-class engineer's certificate of competency unless he is the holder of a certificate of competency of the second class, nor a second-class engineer's certificate unless he is the holder of a certificate of competency of the third class: 45

Provided that nothing in this section contained shall apply to any person who, at the date of the coming into operation of this Act, is the holder of a first- or second-class engineer's certificate of competency.

Qualification for
third-class engi-
neer's certificate.

9. Every applicant for a third-class engineer's certificate shall, 50 before being admitted to examination, satisfy the Minister that he

is at least *twenty* years of age, and has served for at least *five* years in a *millwright's shop* or in a workshop or shops where engines are manufactured or repaired.

10. In the examination prescribed by the Minister for applicants for third-class engineers' certificates of competency there shall be included as one of the subjects thereof the construction and working of marine engines and boilers :

Special subject for third-class engineers' examination.

10 Provided that the Minister may exempt from examination in that subject any applicant who, at the date of the coming into operation of this Act, has sailed and served as engineer on board a steamship for a period of not less than twelve months.

11. The second and third paragraphs of section twenty-eight of the principal Act are hereby repealed, and in lieu thereof the following is substituted :—

Repeal.

15 "Every foreign-going steamship or sea-going home-trade steamship shall have engineers according to the scale set forth in the *First* Schedule hereto, and no such ship shall go to sea from any port in the colony unless the master thereof has obtained and possesses a valid certificate appropriate to the grade of master."

Number of engineers to be carried.

20 12. (1.) In all steamships registered not sooner than ~~twelve~~ *six* months after the coming into operation of this Act, the owner thereof—

Provision to be made for adequate ventilation of engineers' rooms, &c

(a.) Shall make provision to the satisfaction of an Engineer-Surveyor for the adequate ventilation of the engineers' rooms, engine-room, and stoke-hole ; and also

25 (b.) Shall provide for ~~each~~ *at least four* engineers a separate room which does not open direct from the engine-room, but has a separate entrance to the deck otherwise than through the engine-room.

30 (2.) If default is made in compliance with this section the owner is liable to a penalty not exceeding *twenty* pounds, and to a further penalty not exceeding *twenty* pounds for every day after the first, during which such default continues.

Penalty.

35 (3.) For the purposes of prosecutions under this section service on the master or agents of the steamship shall be deemed service on the owner.

GENERAL.

13. Notwithstanding anything contained in the principal Act or in any amendment thereof, it is hereby declared that whenever the master, owner, or agent of any ship—

Seamen engaged in colony to be paid current wages.

40 (1.) Engages and employs seamen in the colony, or

45 (2.) Having engaged them abroad employs them in the colony,—such seamen, whilst so employed, shall be paid and may recover the current rate of wages for the time being ruling in the colony, and in the former case the engagement (not being a running agreement under section forty-one of the principal Act) shall be for the voyage, and may be determined in the colony at any time by twenty-four hours' previous written notice on either side :

Provided that this section shall not apply to ships arriving from abroad with passengers or cargo but not trading in the colony further

Proviso.

or otherwise than for the purpose of discharging such original passengers or cargo in the colony, and there shipping fresh passengers or cargo to be carried abroad.

Recovery of wages
up to discharge.

14. Notwithstanding anything contained in the principal Act, or in any amendment thereof, it is hereby declared that in every case where a seaman (wherever engaged) is discharged in the colony before completing the full term of his engagement, he shall be paid and may recover the full amount of wages due up to the date of such discharge, notwithstanding the fact that he has not completed such full term.

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Void contracts.

15. Every contract entered into after the passing of this Act shall be void in so far as it conflicts with any of the provisions of either of the *two last-preceding* sections hereof; but those provisions shall not prejudicially affect any lawful contract then in force.

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Modification as to
carriage of passen-
gers for public
purposes.

16. The provisions of section one hundred and ninety-six of the principal Act, and section twenty-three of "The Shipping and Seamen's Act Amendment Act, 1894," may from time to time be suspended or modified by the Minister to such extent as he thinks fit in any case where the therein mentioned passengers are being conveyed for any public purpose under the authority of any Minister.

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Accidents to sailing
ships to be reported.

17. The provisions of section two hundred and ten of the principal Act (relating to the reporting of accident or damage) are hereby extended to sailing ships, and the owners and masters thereof.

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Fees for surveying
load-line.

18. The Seventh Schedule of the principal Act is hereby amended by adding to the table of maximum fees to be paid for the measurement, survey, and inspection of merchant ships the table set forth in the *Second* Schedule hereto.

Fee for license as to
deck cargo.

19. There shall be payable by the owner of every vessel in respect whereof a permit or license is issued under section twenty-four of "The Shipping and Seamen's Act Amendment Act, 1894" (and prior to the issue thereof), such fee, not exceeding *two pounds*, as the Minister from time to time prescribes.

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SCHEDULES.

FIRST SCHEDULE.

First Schedule, sec. 11.

Indicated Horse-power.	Number and Grade of Engineers.
Not more than 150	One, holding a certificate of competency or service of the second class or higher.
More than 150 and not more than 300—	
(a.) If running less than 200 miles between terminal ports	One, holding a certificate of competency or service of the second class or higher.
(b.) In all other cases	Two, to wit,— A chief engineer, holding a certificate of competency or service of the second class or higher; and A second engineer, holding a certificate of competency of the third class, or service of the second class, or higher.
More than 300 and not more than 1,000—	
(a.) If running less than 200 miles between terminal ports	Two, to wit,— A chief engineer, holding a certificate of competency or service of the first class. A second engineer, holding a certificate of competency or service of the second class, or higher.
(b.) In all other cases	Three, to wit,— A chief engineer, holding a certificate of competency or service of the first class. A second engineer, holding a certificate of competency or service of the second class or higher. A third engineer, holding a certificate of competency of the third class, or service of the second class, or higher.
For every additional 1,000 or part of 1,000 ..	One additional engineer, holding a certificate of competency of the third class, or service of the second class, or higher. <i>This shall not apply where the steamers are employed in coastal trade only.</i>

Indicated horse-power shall be assessed on the average horse-power indicated during the previous six months as shown by the engineer's log-book.

For the purposes of this Schedule, the expression "terminal ports" means the port from which the steamship first takes her departure and the last port at which she calls before commencing her return voyage.

SECOND SCHEDULE.

Second Schedule, sec. 18.

5. FOR SURVEYING AND DEFINING THE LOAD-LINE OF SHIPS.

		£	s.	d.
For a ship under 150 tons gross	0	10	6
" from 150	" to 300 tons gross	1	1	0
" " 300	" to 1,000 "	2	2	0
" " 1,000	" to 2,000 "	3	3	0
" " 2,000	" to 3,000 "	4	0	0
" " 3,000	" to 4,000 "	5	5	0
" " 4,000	" and upwards	6	6	0