

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
3rd September, 1896.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Hall-Jones.

SHIPPING AND SEAMEN'S ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Construction and commencement.</p> <p style="text-align: center;">ENGINEERS.</p> <p>2. Engineers to be rated as officers.</p> <p>3. Report on discharge of seaman in engine department.</p> <p>4. Chief engineer to keep an official log.</p> <p>5. When Assessor to have engineering skill.</p> <p>6. Third-class engineers' certificates.</p> <p>7. Qualification for first- or second-class engineer's certificate.</p> <p>8. Qualification for third-class engineer's certificate.</p> <p>9. Special subject for third-class engineer's examination.</p> <p>10. Repeal. Number of engineers to be carried.</p>	<p>11. Provision to be made for adequate ventilation of engineers' rooms, &c. Penalty.</p> <p>12. Sections 41 and 43 of the principal Act amended.</p> <p style="text-align: center;">GENERAL.</p> <p>13. Seamen engaged in colony to be paid current wages. Provisoos.</p> <p>14. Recovery of wages up to discharge.</p> <p>15. Void contracts.</p> <p>16. Modification as to carriage of passengers for public purposes.</p> <p>17. Accidents to sailing ships to be reported.</p> <p>18. Fees for surveying load-line.</p> <p>19. Fee for license as to deck cargo.</p> <p>20. Imprisonment of seamen.</p> <p>21. Section 7 of "The Shipping and Seamen's Act, 1894," amended. Schedules.</p>
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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.

No. 78—8.

Struck out.

Report on discharge
of seaman in engine
department.

3. (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 the seaman desires such reason to be stated. 10

Chief engineer to
keep an official log.

4. (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. 20

(3.) The entries required to be made in such log shall be signed 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 engineer and his official log. 25

(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. 30

When Assessor to
have engineering
skill.

5. Section two hundred and forty-one of the principal Act is 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 person employed therein, at least one of the Assessors shall be a person of engineering skill or knowledge holding a first-class engineer's certificate. 35 40

Third-class engi-
neers' certificates.

6. 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.

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

7. 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. 50

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

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

is at least *twenty* years of age, and has worked *as apprentice* for at least *five* years in a workshop or shops where engines are manufactured or repaired, or where other work of a similar class is performed.

New proviso.

5 Provided that the Minister may exempt from examination any applicant,—

- (1.) 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; or
- 10 (2.) Who is the holder of the degree of Bachelor of Science in Engineering, granted by the New Zealand University or by any university which is recognised by the New Zealand University as entitling the holder to admission *ad eundem gradum*; or
- 15 (3.) Who has worked for at least three years in a workshop as hereinbefore prescribed, and has also attended the engineering class for at least two years in any college affiliated to the New Zealand University or in any university recognised by the New Zealand University as aforesaid.

20 *Struck out.*

9. 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.

25 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.

30 10. 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.

35 "Every foreign-going steamship or sea-going home-trade steamship shall have engineers according to the scale set forth in Schedule A 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.

40 11. (1.) In all steamships registered not sooner than 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

45 (b.) Shall provide for each engineer, up to at least ~~four~~ *three*, 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.

(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~~ *twenty five* pounds for every day after the first, during which such default continues.

Penalty.

50 (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.

New clause.

Sections 10 and 11
not to apply in
certain cases.

11A. Nothing contained in sections ten or eleven of this Act shall apply to any foreign-going steamship trading beyond the limits prescribed in the case of intercolonial trading ships; and with respect to every such foreign-going steamship, the provisions of the second and third paragraphs of section twenty-eight of the principal Act shall continue in force as if they were not repealed. 5

Struck out.

Sections 41 and 43
of the principal Act
amended.

12. Sections forty-one and forty-three of the principal Act (relating to running agreements) are hereby amended by inserting the words "or home trade" next after the compound word "foreign-going," wherever that word occurs in those sections. 10

GENERAL.

Seamen engaged in
colony to be paid
current wages.

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— 15

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

(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 *after the ship's arrival at her final port of discharge in the colony, consequent on the completion of a round voyage*, by twenty-four hours' previous notice on either side: 20 25

Provisoos.

Provided that this section shall not apply to ships arriving from abroad with passengers or cargo but not trading in the colony further 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. 30

Provided further that a Collector of Customs may, upon the application of an officer of a charitable institution, grant a permit in any special case to the master of a ship to engage a seaman at less than the current rate of wages for a particular voyage to be specified in the permit. 35

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. 40

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. 45

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 sus- 50

pended 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.

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.

Accidents to sailing ships to be reported.

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 Schedule B hereto.

Fees for surveying load-line.

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.

Fee for license as to deck cargo.

20. In any case where a seaman engaged in a foreign-going ship is, on summary conviction, committed to prison for any term not exceeding *one month*, and the ship is about to leave the colony before the expiration of such term, the following provisions shall apply:—

Imprisonment of seamen.

(1.) The Chief Commissioner of Police shall cause such seaman to be taken (under custody) on board such ship, and there delivered to the master within *forty-eight* hours before she sails, and the master shall keep such seaman on board, under custody, until the ship has sailed;

(2.) The travelling and other expenses actually incurred in giving effect to the provisions of the last-preceding subsection hereof shall, in each instance, be paid by the master or owner of the ship, and the ship shall not be cleared at the Customs until the same is paid;

(3.) A certificate, signed by the principal officer of police at the port of the ship's departure, shall be sufficient evidence of the amount of such expenses, and it shall be lawful for the master paying the same to deduct the same from wages due, or to accrue due, to such seaman.

Provided that no ship shall be detained after the appointed sailing date if such men have not been placed on board.

21. "The Shipping and Seamen's Act Amendment Act, 1894," is hereby amended as follows: As to section seven, by adding the following words to the section: "Any vessel engaged in the coastal or intercolonial trade, and carrying at least four certificated able seamen, ~~may substitute two apprentices for one seaman as required by the~~ First Schedule: ~~Provided that not more than two apprentices shall be carried on any one vessel shall in addition carry apprentices or boys as follows: namely, one apprentice or boy to a vessel of one hundred tons and less than five hundred tons register; two apprentices or boys to a vessel of five hundred tons and less than one thousand tons register; three apprentices or boys to a vessel of one thousand tons register and upwards: Provided that this section shall only apply to sailing-vessels, but shall not apply to any such vessel to the extent exempted from time to time by a Collector of Customs."~~

Section 7 of "The Shipping and Seamen's Act, 1894," amended.

SCHEDULES.

SCHEDULE A.

[Being the Schedule referred to in section ten hereof.]

Schedule A, sec. 10

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 200 300 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 1,250—	
(a.) If running less than 200 300 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 1,250 or part of 1,000 1,250	One additional engineer.

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.

Struck out.

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.

Schedule B, sec. 18.

SCHEDULE B.

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