

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,
10th November, 1913.

Hon. Mr. Fisher.

SHIPPING AND SEAMEN AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Shipping and Seamen Act, 1908.

Title.

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

1. (1.) This Act may be cited as the Shipping and Seamen Amendment Act, 1913, and shall form part of and be read together with the Shipping and Seamen Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

(2.) This Act shall commence on the day on which His Majesty's assent thereto is notified by the Governor by Proclamation published in the *Gazette*.

Commencement.

2. (1.) Subsection one of section twenty-one of the principal Act is hereby amended as follows :—

Section 21 of principal Act amended.

(a.) By repealing paragraph (g), and substituting the following in lieu thereof :—

“(g.) If the ship is a sailing-ship, or a ship propelled by any mechanical power other than steam, plying on a river or in a harbour or within other restricted limits, then with a duly certificated master whose certificate shall be of a grade prescribed by the Minister.”

(b.) By adding at the end of paragraph (m) the words “or with a duly certificated third-class engineer.”

(c.) By adding at the end of paragraph (n) the words “or with a duly certificated third-class engineer.”

(d.) By adding at the end of paragraph (o) the words “or with a duly certificated third-class engineer.”

(2.) So much of the Second Schedule to the Shipping and Seamen Amendment Act, 1909, as relates to paragraphs (ff) and (g) of subsection one of the said section twenty-one is hereby repealed.

Section 22 of principal Act amended.

3. (1.) Section twenty-two of the principal Act is hereby amended by inserting in subsection one, after the words "fishing-boat or," the words "of a."

(2.) Attendance at the engineering classes mentioned in paragraph (c) of subsection five of the said section twenty-two means attendance at day or evening classes, as may be prescribed by the Minister. 5

Engagement of seamen at outports.

4. (1.) The Superintendent at Auckland, Wellington, Lyttelton, or Dunedin may engage seamen for any ship lying at a port which in his opinion is an outport if requested so to do by the master or agent of that ship. 10

(2.) When men are so engaged and the master or agent provides the Superintendent with the necessary funds, the Superintendent shall defray out of such funds the cost of sending the men to the ship, and he shall forward to the master the men's certificates of discharge. 15

(3.) If a man so engaged fails to join the ship, the Superintendent shall report the matter to the Minister, who may direct either that any of the seaman's certificates of discharge shall be withheld for such period as the Minister thinks fit or that proceedings shall be taken by the Superintendent against the defaulter, who, upon conviction, shall be liable to a fine not exceeding *five* pounds. 20

Section 41 of principal Act amended.

5. Subsection one of section forty-one of the principal Act is hereby amended by adding at the end thereof the words "and the chief steward may engage the persons employed in the commissariat." 25

Agreement as to final port of discharge.

6. (1.) In any agreement mentioned in section forty-two or section forty-three of the principal Act the master and the crew may agree as to what port shall be the final port of discharge in New Zealand, and in such case the provisions of paragraph (g) of the said section forty-two, paragraph (c) of the said section forty-three, and subsection one of section seventy-five of the said Act shall be read and construed accordingly. 30

(2.) Section forty-two of the principal Act is hereby amended by inserting, before the words "the discharge of cargo" in paragraph (g), the words "at the option of the master, the completion of." 35

(3.) Section forty-three of the principal Act is hereby amended by inserting, before the words "the discharge of cargo," the words "at the option of the master, the completion of."

Seamen's inspector may be appointed.

7. (1.) A seamen's inspector may be appointed by the Minister for any port. 40

(2.) The seamen's inspector for a port shall—

(a.) Keep a register of persons desiring to be entered as seamen or apprentices on board ships at the port; and

(b.) Supply seamen and apprentices to be entered on board ships at the port. 45

Section 15 of Amendment Act, 1909, amended.

8. Subsection one of section fifteen of the Shipping and Seamen Amendment Act, 1909, is hereby amended by inserting, after the words "foreign-going ship," the words "other than an intercolonial-trading ship."

Section 189 of principal Act amended.

9. Section one hundred and eighty-nine of the principal Act is hereby amended by inserting, after the word "steamships," the words "restricted-limit sailing-ships." 50

10. Section thirty-six of the Shipping and Seamen Amendment Act, 1909, shall extend and apply to scows employed in river and extended-river limits, and at sea, irrespective of the nature of the cargo they carry, and the Governor in Council may make regulations as to the equipments with which such vessels are to be provided, and also as to the equipment required on all sailing-vessels.

Section 36 of Amendment Act, 1909, extended.

11. In regulations as to the issue of licenses to carry cargo or live-stock on deck made under section two hundred and twenty-three of the principal Act vessels may be classified according to their construction and stability.

Regulations as to deck cargo.

12. (1.) Section two hundred and eighty-seven of the principal Act is hereby amended by omitting the proviso, and substituting the following:—

Section 287 of principal Act amended.

“ Provided that ships engaged solely in fishing or whaling, pleasure-yachts under twenty-five tons register, missionary ships, ships in distress, and ships putting in to refit or for water and provisions, or steamships calling at any port for coal for consumption on board only, shall not be liable to pay light dues :

“ Provided further that the exemption of steamships calling at any port for coal for consumption on board shall not apply if the quantity of coal taken on board exceeds the quantity that is stowed in the permanent bunkers in which cargo is never carried, unless the Collector of Customs is satisfied that the quantity in excess is required for consumption on board.”

(2.) So much of the Second Schedule to the Shipping and Seamen Amendment Act, 1909, as relates to the said section two hundred and eighty-seven is hereby repealed.

13. (1.) Where the agreement with the crew of a ship registered in New Zealand has been entered into in New Zealand and a seaman bound by the agreement fails to join the ship before she sails from a port in New Zealand, a Superintendent in his discretion may accept from the master, or may require the master to leave with him for delivery to the seaman, the man's wages then due and his certificate of discharge and effects; and on such delivery or acceptance the seaman shall be deemed to be discharged from the ship, and the master shall make in the official log an entry of the matter.

Seaman's wages and discharge may be delivered to Superintendent in certain cases.

(2.) Any master who fails to comply with the requirements of this section is liable to a fine not exceeding *five* pounds.

14. Section fifty-two of the principal Act is hereby amended by inserting, after the words “to sign articles,” the words “and may enter on such permit particulars as to the seaman's conduct, character, and qualifications whilst on his last ship, as shown by the entry in the official log.”

Section 52 of principal Act amended.

15. (1.) In the case of any ship of not less than three hundred tons register which has been approved by the Minister as a training-ship, the provisions of section fifty-four of the principal Act are modified to the extent, in the case of a sailing-ship, that four second-year apprentices, or three third-year apprentices, or two fourth-year apprentices; and in the case of a steamship, that three second-year apprentices, or two third-year apprentices, or one fourth-year apprentice shall be deemed to be equivalent to one able seaman, and may be carried in his stead :

Training-ships.

Provided that the number of able seamen shall not in the case of a sailing-vessel be less than two-thirds, and in the case of a steamship not less than one-third, of the number required by the Fourth Schedule to the principal Act.

(2.) The Minister may from time to time exempt any such training-ship from payment of any light dues prescribed pursuant to section two hundred and eighty-seven of the principal Act. 5

Repeal.

(3.) Section ten of the Shipping and Seamen Amendment Act, 1909, is hereby repealed.

Medical treatment of seamen.

16. (1.) Where a seaman belonging to a ship sustains any injury on board such ship, or in connection therewith, necessitating medical treatment, the master, or, in his absence, the officer in charge of the ship, shall as soon as possible procure for such seaman the services of a registered medical practitioner, and shall, if the said practitioner so advises, forthwith send the seaman to a hospital. 10 15

(2.) Any person who fails to comply with the provisions of this section is liable to a fine not exceeding *five* pounds.

Governor may make regulations regarding surf-boats.

17. The Governor may from time to time, by Order in Council, make regulations as to the build, equipment, manning, inspection, licensing, and working of surf-boats used in landing and shipping passengers or cargo on or from beaches, and also as to the build, equipment, manning, inspection, licensing, and working of vessels or launches used for towing such boats. In such regulations a fine not exceeding *ten* pounds for a breach of or failure to comply with any such regulations may be prescribed. 20 25

Section 6 of Amendment Act, 1911, amended.

18. Section six of the Shipping and Seamen Amendment Act, 1911, is hereby amended by adding to subsection three the following proviso :—

“ Provided that if the Superintendent declines to sue for such amount the seaman may do so.” 30

Section 15 of Amendment Act, 1912, amended.

19. Section fifteen of the Shipping and Seamen Amendment Act, 1912, is hereby amended by omitting from paragraph (b) all words after the word “ termination,” and substituting therefor the following words : “ and also of the fact that the equipments and the receptacles containing the provisions in the boats were then examined by him and were found to be in good order or otherwise, and that such receptacles were (or were not, as the case may be) properly closed in accordance with regulations which may be made by the Minister for the purpose.” 35

Provision regarding cargo on launches.

20. Any open launch plying for hire whether propelled by steam or any other motive power shall not carry cargo in the space allotted to passengers while such passengers are on board : 40

Provided that if less than the licensed number of passengers are on board the space not required may be used for cargo. Any person committing a breach of this section is liable to a fine not exceeding *twenty* pounds. 45

Repeal.

21. Section two hundred and ninety-three of the principal Act is hereby repealed.

Provision regarding loss made where incurred in saving life.

22. If the owner of any ship transporting merchandise or property to or from any port in New Zealand exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped, and supplied, neither the ship, her owners, charterers, nor agent shall become or be held responsible for damage or loss resulting from saving or attempting to save life or property at sea or from any deviation in rendering such service. 50 55