

Hon. Mr. Hackett

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

5 of the same, as follows:—

1. This Act may be cited as the Shipping and Seamen Amendment Act, 1948, and shall be read together with and deemed part of the Shipping and Seamen Act, 1908 (hereinafter referred to as the principal Act). Short Title. See Reprint of Statutes, Vol. VIII, p. 249

10 2. Section twenty-one of the principal Act is hereby amended by inserting in paragraph (r) of subsection one, after the words "If the ship", the words "exceeds six tons register and". Amending provisions as to carriage of certificated officers.

Amending provisions as to certificates.

3. Section twenty-two of the principal Act is hereby amended by inserting in subsection one, after the words "Master of fishing-boat or of a cargo-vessel under twenty-five tons register:", the words "Master of a ship not exceeding six tons register propelled by mechanical power other than steam and plying in a harbour or within other restricted limits:".

Recovery by seamen of difference between wages paid and wages fixed by award.

4. Where any payment of wages has been made to and accepted by a seaman at a lower rate than that which is fixed by any award or industrial agreement, he may, within two years after the day on which the wages claimed became due and payable, bring an action against his employer to recover the difference between the wages so actually paid and the wages legally payable, notwithstanding that he may have signed a release under section sixty-four of the principal Act without excepting from that release any claim or demand in respect of the wages claimed in the action.

Amending provisions as to general business of Superintendents

5. Section one hundred and fifty-seven of the principal Act is hereby amended by inserting in subsection two, after the words "To facilitate the making of apprenticeships to the sea service;", the words "To hold a preliminary inquiry where a shipping casualty has occurred;".

Amending provisions as to preliminary inquiries on occurrence of shipping casualty.

6. Section two hundred and thirty-four of the principal Act is hereby amended by inserting in subsection one, after the words "Collector of Customs", the words "or by any Superintendent,".

Amending provisions as to ships propelled by mechanical power other than steam.

7. (1) Section one hundred and eighty-eight of the principal Act, as amended by section thirty of the Shipping and Seamen Amendment Act, 1909, and by section three of the Shipping and Seamen Amendment Act, 1925, is hereby further amended as follows:—

See Reprint of Statutes, Vol. VIII, p. 438

Ibid., p. 465

(a) By repealing paragraph (a), and substituting the following new paragraph:—

"(a) If the ship does not exceed six tons register, and carries passengers or freight for hire or engages in towing for hire, she shall carry a duly certificated master; and where more than fifty passengers are carried for hire within extended river limits, she shall carry in addition one or more seamen":

(b) By inserting, after paragraph (ab), the following new paragraph:—

5 “(ac) If a ship to which a restricted-limit certificate is issued does not exceed six tons register and engages solely in towing for hire, the Secretary may in his discretion extend the certificate of the master thereof by adding an endorsement authorizing him to navigate that ship within the restricted
10 limits set out in the certificate issued to the ship:”.

(2) Nothing contained in this section shall in any way affect the authority held by any person immediately before the commencement of this Act to navigate
15 any ship to which paragraph (a) of section one hundred and eighty-eight of the principal Act, as amended by section thirty of the Shipping and Seamen Amendment Act, 1909, then applied.

See Reprint of Statutes, Vol. VIII, p. 438

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

8. Section two hundred and twenty-three of the principal Act is hereby amended as follows:—

Amending provisions as to carriage of deck cargo.

(a) By omitting from subsection one the words
25 “Minister may from time to time”, and substituting the words “Governor-General may from time to time by Order in Council”:

(b) By adding the following new subsection:—

30 “(4) Every master who proceeds to sea carrying any cargo or live-stock on the deck without first obtaining a permit in accordance with the provisions of subsection one of this section commits an offence against this Act.”.

9. Section six of the Shipping and Seamen Amendment Act, 1911, is hereby amended as follows:—

Amending provisions as to payments to seamen discharged on account of illness. Ibid., p. 449

35 (a) By omitting from subsection one the words “unless the term of his engagement expires sooner, in which case he shall be entitled to wages to the end of his engagement, or if the engagement expires within one month after
40 the seaman is left on shore as aforesaid, then to wages for one month”:

(b) By omitting from subsection four the words
 “instead of complying with the foregoing
 provisions of this section”, and substituting
 the words “in addition to complying with the
 foregoing provisions of this section”: 5

(c) By omitting from subsection four the words
 “and if such passage is so provided, and
 upon payment of all wages payable up to
 the arrival of that seaman at such port, the
 liability of the owner or master in respect 10
 of such seaman shall be deemed to have
 determined”.

Exemption of
 small fishing-
 boats from
 certain
 provisions.
 1946, No. 46

10. (1) Except as may be provided in rules or
 regulations made by the Minister under section seven
 of the principal Act or under section three of the 15
 Shipping and Seamen Amendment Act, 1946, a fishing-
 boat which does not exceed ten tons register shall not
 be subject to the provisions of the principal Act
 relating to survey and to carrying certificated officers.

Repeal.

See Reprint
 of Statutes,
 Vol. VIII,
 p. 438

(2) This section is in substitution for section twenty- 20
 seven of the Shipping and Seamen Amendment Act,
 1909, and that section is accordingly repealed.

Authorizing
 imposition of
 fines for
 breach of
 regulations.
 1946, No. 46

11. Section three of the Shipping and Seamen
 Amendment Act, 1946, is hereby amended by adding to
 subsection one the following new paragraph:— 25

“(d) Prescribing fines for the breach of any rule
 made under this section not exceeding one
 hundred pounds in any case.”