

Hon. Mr. Hackett

SHIPPING AND SEAMEN AMENDMENT

ANALYSIS

1. Short Title.	6. Amending provisions as to preliminary inquiries on occurrence of shipping casualty.
2. Amending provisions as to carriage of certificated officers.	7. Amending provisions as to ships propelled by mechanical power other than steam. Repeal.
3. Amending provisions as to certificates.	8. Amending provisions as to carriage of deck cargo.
4. Recovery by seamen of difference between wages paid and wages fixed by award.	9. Amending provisions as to payments to seamen discharged on account of illness.
5. Amending provisions as to general business of Superintendents.	10. Exemption of small fishing-boats from certain provisions. Repeal.
	11. Authorizing imposition of fines for breach of regulations.

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).

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".

Short Title.  
See Reprint  
of Statutes,  
Vol. VIII,  
p. 249

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 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 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 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 “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:—  
“(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.”

New

35 8A. Section two hundred and seventy-two of the principal Act is hereby amended by omitting from paragraph (b) of subsection one, and also from subsection two, the words “three hundred pounds”, and substituting in each case the words “five hundred pounds”.

Amending provisions as to determination of disputes as to salvage.

Amending provisions as to payments to seamen discharged on account of illness.

Ibid., p. 449

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

- (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 the seaman is left on shore as aforesaid, then to wages for one month ”: 5
- (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 ”: 10
- (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 of such seaman shall be deemed to have determined ”. 15 20

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 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. 25

(2) This section is in substitution for section twenty-seven of the Shipping and Seamen Amendment Act, 1909, and that section is accordingly repealed. 30

Repeal.

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

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:—

- “(d) Prescribing fines for the breach of any rule made under this section not exceeding one hundred pounds in any case.” 35