

SHIPPING AND SEAMEN AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Shipping and Seamen Act 1952.

Clause 1 relates to the Short Title.

PART I

SAFETY

The provisions of this Part are intended to give effect to the 1960 Convention for the Safety of Life at Sea, which replaces the 1948 Convention on which the provisions of Part IV of the principal Act were based.

Clause 2 provides that this Part is to come into force on a date to be fixed by Order in Council.

Construction, Equipment, and Survey

Clause 3 replaces the definition of the term "Safety Convention" in section 2 (1) of the principal Act, and substitutes a reference to the 1960 Convention in place of the 1948 Convention.

Clause 4 re-enacts in an amended form section 195 of the principal Act relating to construction rules, and extends that provision to require rules to be made in order to implement the provisions of the 1960 Convention relating to the hull, equipments, and machinery of cargo ships. The rules applying to passenger ships will be known as passenger ship construction and survey rules, and those applying to cargo ships will be known as cargo ship construction and survey rules.

The cargo ship construction and survey rules will apply to cargo ships of 500 tons gross tonnage or more that are New Zealand ships or are engaged in the home trade.

The section contains new provisions in *subsection (3)* that the passenger ship construction and survey rules may require the provision in passenger ships of information as to the boundaries of watertight compartments, the openings therein and means of closing such openings, and the arrangements for correcting any list due to flooding, and information necessary for damage control.

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Clause 5 amends section 202 of the principal Act relating to the recognition of certificates of survey granted and surveyors reports made in other countries so as to apply its provisions to both passenger ships and cargo ships without distinction.

Clause 6 amends section 203 of the principal Act relating to the rules for lifesaving appliances. The effect of the amendments is that—

- (a) The rules may prescribe the buoyant apparatus to be carried on ships (whether passenger ships or cargo ships) either in addition to or in substitution for boats, life rafts, life jackets, and lifebuoys. The present provision applies only to passenger ships.
- (b) The rules may require the provision in ships of plans or other information relating to the means of preventing, detecting, controlling, and extinguishing outbreaks of fire.
- (c) The rules may make provision for the maintenance at prescribed intervals of any appliances or equipment required to be carried.

Clause 7 amends section 209 of the principal Act relating to radio rules. The effect of the amendments is that—

- (a) The rules may require portable radio apparatus to be carried in boats and life rafts.
- (b) A Radio Surveyor will have the same powers in relation to portable radio apparatus carried in boats and life rafts as he has in relation to the radio installation of a ship.

Clause 8 provides for the issue in respect of New Zealand cargo ships engaged on international voyages of cargo ship safety construction certificates and the corresponding qualified certificates and exemption certificates. The clause also makes consequential amendments of other provisions of the principal Act relating to Safety Convention certificates by including appropriate references to the new certificates for cargo ships.

Clause 9 provides that where under section 228 (1) of the principal Act the Minister requests the Government of a country to which the 1960 Safety Convention applies to issue in respect of a New Zealand ship a qualified safety certificate, a qualified short voyage safety certificate, a qualified cargo ship safety construction certificate, a qualified safety equipment certificate, or a qualified radio certificate, and the Government of that country is willing to issue such a qualified certificate but is not willing to issue the corresponding exemption certificate, the Minister may issue that exemption certificate.

Clause 10 provides for the exemption from the cargo ship construction and survey rules of Safety Convention cargo ships that are not New Zealand ships if they carry the appropriate Safety Convention certificates.

Clause 11 amends section 235 of the principal Act requiring such information to be carried on board New Zealand ships about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship.

The new provisions require that information to be replaced by fresh information whenever its accuracy is materially affected by alterations made to the ship, and provide that in any such case the Minister may require a fresh inclining test. The clause contains special provisions relating to ships specially designed for the carriage of liquids or ore in bulk.

Miscellaneous Provisions

Clause 12 extends the duty of the master of a ship to report dangers to navigation and requires a master to report air temperatures below freezing point associated with gale force winds causing severe icing, and also to report winds of force 10 or above on the Beaufort Scale for which no storm warning has been received.

Clause 13 contains transitional provisions. *Subclause (1)* gives a period of two years' grace before cargo ships will be required to have cargo ship safety construction certificates or the corresponding qualified certificates and exemption certificates.

Subclause (2) enables regulations to be made providing for the continued recognition of Safety Convention certificates issued under the existing provisions of Part IV of the principal Act, which are based on the 1948 Safety Convention.

PART II

MISCELLANEOUS AMENDMENTS

Clause 14 enables the Minister of Marine to prescribe manning scales for New Zealand oil tankers or for other oil tankers engaged in the home trade, after consultation with organisations representing owners, officers, and seamen, instead of those prescribed by the First Schedule to the principal Act (as substituted by section 6 (2) of the Shipping and Seamen Amendment Act 1959). That Schedule applies to ships generally, and contains no special provisions applying to oil tankers.

This provision is to come into force on a date to be fixed by Order in Council.

Clause 15: Subclause (1) authorises the making of regulations providing for the granting of service certificates having the like effect as certificates of competency as first-class diesel trawler engineer or second-class diesel trawler engineer to persons who have served as engineer of a fishing boat for the period specified in the regulations.

Subclause (2): Section 19 (1A) of the principal Act (inserted by section 4 (1) of the Shipping and Seamen Amendment Act 1964) includes provisions authorising the making of regulations providing for the granting of endorsements to authorise holders of certificates of competency as skipper of coastal fishing boat to serve as mate of a deep-sea fishing boat. *Paragraph (a)* of this subclause extends this provision, and enables certificates of a higher grade to be endorsed for such purposes.

Section 19 (1A) also includes provisions authorising the making of regulations providing for the granting of certificates of service having the like effect as certificates of competency as skipper of coastal fishing boat to persons who at the commencement of those provisions had served for at least 2 years as master of a coastal fishing boat. *Paragraph (b)* of this subclause amends this provision, and requires at least 5 years' service at sea as well as 2 years as master of a coastal fishing boat.

Clause 16: Section 50A of the principal Act (inserted by section 5 of the Shipping and Seamen Amendment Act 1964) authorises the making of regulations providing for the certification of qualified fishing deck-hands.

Subclause (1) of this clause provides for the granting of certificates to persons who are serving on a fishing boat on a date specified in the regulations in a capacity equivalent to that of qualified fishing deck-hand, or in an equivalent or superior deck rating, or had so served before that date.

Subclause (2) provides for the appointment of Examiners for the purposes of the grant of such certificates.

Clause 17: Section 67B of the principal Act (from section 8 of the Shipping and Seamen Amendment Act 1963) makes provision for the discharge in New Zealand for the purpose of joining another ship of seamen belonging to a foreign-going Commonwealth ship where the agreement with the crew is first made outside New Zealand.

This clause provides that if such a seaman joins that other ship and deserts or absents himself without leave from that ship, the provisions of section 158 of the principal Act (relating to the offences of desertion and absence without leave and deportation of seamen) shall apply to him as if he has been engaged on that ship outside New Zealand.

Clause 18 provides that the Minister may exempt from all or any of the provisions of Part II of the principal Act (relating to masters, officers, and seamen) applying to home-trade ships any Safety Convention oil tanker (other than a New Zealand ship) when engaged in the home trade solely in carrying oil cargo in bulk or in proceeding in ballast from a port in New Zealand to another port in New Zealand.

Before granting any such exemption for the first time, the Minister must consult with organisations representative of owners of ships engaged in the home trade and of seamen employed in the home trade as to the general principles to be observed in granting such exemptions.

No exemption may be granted for a period longer than six months, but the Minister may grant an extension of the exemption for up to three months. No exemption may be granted in respect of the same ship more than once in any period of 12 months. Any exemption may be modified or revoked by the Minister at any time.

Clause 19: Section 226 (1) of the principal Act authorises the Secretary for Marine to extend a certificate of survey for a period not exceeding three months and a Safety Convention certificate issued in respect of a New Zealand ship for a period not exceeding one month, if he is satisfied that survey facilities are not available or for other sufficient cause and that the condition of the hull, machinery and equipments, of the ship is such as to justify him doing so.

This clause empowers the Secretary to authorise specified Surveyors of Ships to grant such exemptions.

Clause 20: By section 246 (2) (a) of the principal Act (from section 18 of the Shipping and Seamen Amendment Act 1963) fishing boats not exceeding 60 ft register length are exempt from survey, but the Governor-General may, by Order in Council, withdraw that exemption in respect of fishing boats of such length as is specified in the order.

This clause provides that if such an order is made and application is made for a first certificate of survey for a fishing boat which has ceased by virtue of the order to be exempt from survey, a Surveyor of Ships may grant an exemption from survey for a further period of up to 12 months if he considers

that survey facilities are not available to enable the survey to be made immediately, or for other sufficient cause. If such an extension is granted, the owner must make the fishing boat available for survey on such date during the period of extension as a Surveyor of Ships requires. If he fails to do so, a Surveyor of Ships may revoke the exemption unless he is satisfied that the owner had reasonable cause for the failure.

The purpose of this clause is to enable the survey of fishing boats to be spread over a period of up to 12 months owing to the practical difficulties that could arise if a large number of fishing boats became subject to survey at the same time on the making of an Order in Council under section 246 (2) (a) of the principal Act.

Clause 21: The effect of this clause will be that no provision of Part IX of the principal Act conferring any powers or duties on a Receiver of Wreck in relation to aircraft will derogate from any provision of the Civil Aviation Act 1964 or any regulations under that Act relating to rescue operations involving aircraft.

1. Short Title—This Act may be cited as the Shipping and Seamen Amendment Act 1965, and shall be read together with and deemed part of the Shipping and Seamen Act 1952* (hereinafter referred to as the principal Act).

PART I

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SAFETY

2. Commencement of this Part—This Part of this Act shall come into force on a date to be fixed for the commencement thereof by the Governor-General by Order in Council.

Construction, Equipment, and Survey

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3. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Safety Convention” in subsection (1), and substituting the following definition:

“‘Safety Convention’ means the International Convention for the Safety of Life at Sea, signed in London on the seventeenth day of June, nineteen hundred and sixty; and includes the Regulations annexed thereto:”.

4. Construction and survey rules—(1) The principal Act is hereby further amended by repealing section 195, and substituting the following section:

“195. (1) Without limiting the general power to make rules conferred by section 504 of this Act, rules (in this Act referred to, in the case of rules applying to passenger ships, as passenger ship construction and survey rules and, in the case of rules applying to cargo ships, as cargo ship construction and survey rules) may be made under that section prescribing the requirements that the hull, equipments, and machinery of ships to which section 197 of this Act applies, or of any class of such ships, shall comply with.

“(2) The rules shall include such requirements as appear to the Governor-General to implement the provisions of the Safety Convention prescribing the requirements that the hull, equipments, and machinery of ships shall comply with, so far as those provisions are implemented by any other rules or regulations made under this Act,

“(3) Passenger ship construction and survey rules may require the provision in passenger ships of—

5 “(a) Plans exhibited as provided by or under the rules, and other information, relating to the boundaries of watertight compartments, the openings therein, the means of closing such openings, and the arrangements for correcting any list due to flooding; and

10 “(b) Information necessary for the guidance of the master in maintaining sufficient stability to enable the ship to withstand damage.

“(4) The powers conferred on the Governor-General by this section shall be in addition to the powers conferred by any other provision of this Act enabling him to prescribe the requirements that ships shall comply with.

15 “(5) If the passenger ship construction and survey rules or, as the case may be, the cargo ship construction and survey rules are contravened in any respect in relation to a ship, the owner (if in fault) and the master (if in fault) each commits an offence against this Act, and is liable on conviction on indictment to a fine not exceeding five hundred pounds.

20 “(6) A Surveyor of Ships may inspect any ship for the purpose of seeing that she complies with the provisions of the passenger ship construction and survey rules or, as the case may be, the cargo ship construction and survey rules, and for the purpose of that inspection shall have all the powers of a Marine Inspector under this Act.

30 “(7) If the Surveyor finds that the ship fails to comply with those provisions, he shall give to the owner or master notice in writing stating in what respect there has been failure to comply and what, in his opinion, is requisite to remedy the failure.

35 “(8) Every notice so given shall be communicated to the Collector of Customs at any port at which the ship may seek a clearance, and a clearance shall not be granted to the ship, which shall be detained until a certificate under the hand of a Surveyor is produced to the effect that the failure has been remedied.”

40 (2) Section 2 of the principal Act is hereby further amended by inserting in subsection (1), in their appropriate alphabetical order, the following definitions:

“ ‘Cargo ship construction and survey rules’ means rules made pursuant to section 195 of this Act and applying to cargo ships:

“ ‘Passenger ship construction and survey rules’ means rules made pursuant to section 195 of this Act and applying to passenger ships.” 5

(3) The principal Act is hereby further amended—

(a) By repealing the definition of the term “construction rules” in subsection (1) of section 2:

(b) By omitting from subsection (1) of section 214 and also from subsection (2) the words “construction rules”, and substituting in each case the words “passenger ship construction and survey rules”: 10

(c) By omitting from section 217 the words “construction rules”, and substituting the words “passenger ship construction and survey rules or, as the case may be, cargo ship construction and survey rules”: 15

(d) By omitting from subsection (1) of section 227 the words “construction rules”, and substituting the words “passenger ship construction and survey rules, the cargo ship construction and survey rules”. 20

(4) The First Schedule to the Summary Proceedings Act 1957 is hereby amended by inserting in the appropriate columns of Part II, after the provisions relating to section 181 (10) of the principal Act, the following words: 25

“	195	Contravention of passenger ship construction and survey rules or cargo ship construction and survey rules”.	30
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5. Recognition of certificates of survey granted in other countries—Section 202 of the principal Act is hereby amended—

(a) By omitting from paragraph (a) of subsection (1) (as substituted by section 11 (1) of the Shipping and Seamen Amendment Act 1957) and also from paragraph (b) the word “passenger”: 35

(b) By inserting in paragraph (c) of the said subsection (1), after the words “New Zealand ship”, the words “or a Safety Convention ship”. 40

6. Rules for lifesaving appliances—(1) Section 203 of the principal Act is hereby amended—

- (a) By omitting from paragraph (e) of subsection (1) the words “carrying passengers”;
- 5 (b) By inserting in paragraph (p) of subsection (1), after the word “rules”, the words “and the maintenance”.

(2) Section 203 of the principal Act is hereby further amended by inserting in subsection (1), after paragraph (1),
10 the following paragraph:

“(11) The provision in ships of plans or other information relating to the means of preventing, detecting, controlling, and extinguishing outbreaks of fire:”.

7. Radio rules—(1) Section 209 of the principal Act is
15 hereby amended by adding to subsection (5) the following paragraph:

“(d) Prescribe the requirements for such portable radio apparatus as boats or life rafts may be required to carry by the rules for lifesaving appliances.”

(2) Section 209 of the principal Act is hereby further
20 amended by adding the following subsection:

“(9) Subsections (7) and (8) of this section shall apply in relation to the portable radio apparatus required to be carried by the boats or life rafts on any ship as they apply in relation
25 to the radio installation of the ship.”

8. Issue for cargo ships of safety construction certificates and exemption certificates—(1) The principal Act is hereby further amended by inserting, after section 214, the following section:

- 30 “214A. (1) If the Minister, on receipt of a declaration of survey in respect of a cargo ship registered in New Zealand, is satisfied that the ship complies with the cargo ship construction and survey rules applicable to the ship and to such international voyages as she is to be engaged on, he shall,
35 the application of the owner, issue in respect of the ship a certificate showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid. Any certificate issued under this subsection is in this Act referred to as a cargo ship
40 safety construction certificate.

“(2) If the Minister, on receipt of a declaration of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the cargo ship construction and survey rules, from any of the requirements of those rules applicable to the ship and to such voyages as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of the ship—

“(a) An exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship’s plying only on the voyages and complying with the other conditions (if any) specified in the certificate; and

“(b) A certificate showing that the ship complies with the rest of those requirements.

“(3) Any certificate issued under paragraph (b) of subsection (2) of this section is in this Act referred to as a qualified cargo ship safety construction certificate.”

(2) Section 2 of the principal Act is hereby further amended by inserting in subsection (1), after the definition of the term “cargo ship construction and survey rules” (as inserted by section 4 (2) of this Act), the following definition:

“‘Cargo ship safety construction certificate’ and ‘qualified cargo ship safety construction certificate’ have the respective meanings assigned thereto by section 214A of this Act:”.

(3) Section 222 of the principal Act is hereby amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph:

“(b) If she is a cargo ship—

“(i) A cargo ship safety construction certificate or a qualified cargo ship safety construction certificate; and

“(ii) A safety equipment certificate or a qualified safety equipment certificate; and

“(iii) A radio certificate or a qualified radio certificate or a radio exemption certificate:”.

- (4) The principal Act is hereby further amended—
- 5 (a) By inserting in the definition of the term “Safety Convention certificate” in subsection (1) of section 2, after the words “a safety certificate”, the words “a cargo ship safety construction certificate”:
- (b) By inserting in the same definition, after the words “a radio certificate”, the words “a qualified cargo ship safety construction certificate”:
- 10 (c) By inserting in section 217, after the words “short voyage safety certificate”, the words “cargo ship safety construction certificate”:
- (d) By inserting in subsection (1) of section 224 (which subsection was substituted by section 44 of the Shipping and Seamen Amendment Act 1959), after
- 15 the words “safety certificate”, the words “a cargo ship safety construction certificate”:
- (e) By inserting in subsection (2) of section 226, after the words “safety certificate”, the words “or any cargo ship safety construction certificate”:
- 20 (f) By omitting from subsection (1) of section 227 the words “regulation fourteen”, and substituting the words “regulation 15 of Chapter I”:
- (g) By inserting in subsection (2) of section 227, after the
- 25 words “safety certificate”, the words “any cargo ship safety and construction certificate”.

9. Issue of certificates by one Government at request of another—Section 228 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

- 30 “(1A) Where the Minister under subsection (1) of this section requests the Government of a country to which the Safety Convention applies to issue in respect of a New Zealand ship such certificates as he is authorised to issue under subsection (2) of section 214, or subsection (2) of section 214A, or subsection (2) of section 215, or subsection (2) of
- 35 section 216 of this Act, and that Government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Minister may issue the exemption certificate in respect of the ship.”

40 **10. Privileges of ships holding Convention certificates**—Section 233 of the principal Act is hereby amended by adding the following subsection:

“(3) Where there is produced in respect of a Safety Convention cargo ship, not being a New Zealand ship,—

“(a) An accepted Safety Convention certificate equivalent to a cargo ship safety construction certificate; or

“(b) Accepted Safety Convention certificates equivalent respectively to a qualified cargo ship safety construction certificate and to a corresponding exemption certificate,— 5

the ship shall be exempt from the cargo ship construction and survey rules.”

11. Information about ship’s stability—Section 235 of the principal Act is hereby amended by repealing subsection (2), 10 and substituting the following subsections:

“(2) The said information shall be in such a form as may be approved by the Minister (who may approve the provision of the information in the form of a diagram or drawing only).

“(2A) Except as provided in subsection (2B) of this section, 15 the said information shall, when first supplied, be based upon the determination of the ship’s stability by means of an inclining test, and shall be replaced by fresh information whenever its accuracy is materially affected by alterations made to the ship; and in any such case the Minister may require a fresh 20 inclining test.

“(2B) The Minister may—

“(a) In the case of any ship, allow the said information to be based on the determination, by means of an inclining test, of the stability of a sister ship: 25

“(b) In the case of a ship specially designed for the carriage of liquids or ore in bulk, or of any class of such ships, dispense with an inclining test if he is satisfied, from the information available in respect of similar ships, that the ship’s proportions and 30 arrangements are such as to ensure more than sufficient stability in all probable loading conditions.”

Miscellaneous Provisions

12. Report of dangers to navigation—Section 296 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 35

“(1A) The matters of which information is to be sent by the master of a ship in accordance with rules made for the purposes of this section shall include— 40

“(a) Air temperatures below freezing point associated with gale force winds causing severe ice accretion on the superstructure of ships; and

5 “(b) Winds of force 10 or above on the Beaufort Scale for which no storm warning has been received.”

13. Transitional provisions—(1) Nothing in section 222 or section 234 of the principal Act shall prohibit a cargo ship from proceeding to sea without such a certificate as is required, or is equivalent to one required, under paragraph (b) of subsection (1) of section 222 of the principal Act (as substituted by section 8 (3) of this Act), until the expiry of two years from the commencement of this Part of this Act.

(2) Without limiting the power to make regulations conferred by section 504 of the principal Act, regulations may be made under that section providing that for such purposes, for such a period, and subject to such conditions as may be specified by or under the regulations,—

20 (a) Any country to which the International Convention for Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and forty-eight, applies shall be treated for the purposes of this Act as if it were a country to which the International Convention for the Safety of Life at Sea, signed in London on the seventeenth day of June, nineteen hundred and sixty, applies; and

25 (b) Any certificate which immediately before the commencement of this Part of this Act was an accepted Safety Convention certificate within the meaning of Part IV of the principal Act as originally enacted may be treated as if it were an accepted Safety Convention certificate within the meaning of the said Part IV as amended by this Part of this Act.

PART II

MISCELLANEOUS AMENDMENTS

35 **14. Manning of oil tankers**—(1) Section 17 of the principal Act is hereby amended by inserting, after subsection (1A) (as inserted by section 4 (1) of the Shipping and Seamen Amendment Act 1963), the following subsection:

40 “(1B) Every oil tanker (being a New Zealand ship) and every oil tanker engaged in the home trade (whether or not she is a Commonwealth ship), when plying or proceeding to

sea from any port in New Zealand or on any voyage or excursion on any river, lake, harbour, or other inland or coastal water of New Zealand, shall be provided with such duly certificated master and other duly certificated officers as the Minister, after consultation with organisations which appear to him to be representative of owners and officers concerned, prescribes from time to time by notice in the *Gazette*.” 5

(2) Section 55 of the principal Act is hereby amended by inserting, after subsection (1A) (as inserted by section 4 (2) of the Shipping and Seamen Amendment Act 1963), the following subsection: 10

“(1B) Every oil tanker (being a New Zealand ship) and every oil tanker engaged in the home trade (whether or not she is a Commonwealth ship) shall carry such numbers and categories of seamen as the Minister, after consultation with organisations which appear to him to be representative of owners and seamen concerned, prescribes from time to time by notice in the *Gazette*.” 15

(3) Section 2 of the principal Act is hereby further amended by inserting in subsection (1), in their appropriate alphabetical order, the following definitions: 20

“‘In bulk’, in relation to oil, means carried in a hold or tank of a ship into which it is loaded and out of which it is discharged by a pipeline system:

“‘Oil’ means oil of any description; and includes spirit produced from oil of any description: 25

“‘Oil tanker’ means a ship constructed or adapted for carrying a cargo of oil in bulk.”

(4) Section 17 of the principal Act (as amended by section 4 (3) of the Shipping and Seamen Amendment Act 1963) is hereby further amended— 30

(a) By inserting in subsection (1), after the words “not being a fishing boat”, the words “or an oil tanker”:

(b) By inserting in subsection (2), after the words “or subsection (1A)”, the words “or subsection (1B)”: 35

(c) By inserting in subsection (10), after the words “not being fishing boats”, the words “or oil tankers”.

(5) Section 55 of the principal Act (as amended by section 4 (3) of the Shipping and Seamen Amendment Act 1963) is hereby further amended— 40

(a) By inserting in subsection (1), after the words “not being a fishing boat”, the words “or an oil tanker”:

(b) By inserting in subsection (2), after the words “not being fishing boats”, the words “or oil tankers”:

5 (c) By inserting in subsection (4) and also in subsections (5), (7), and (8), after the words “subsection (1A)” wherever they occur, the words “or subsection (1B)”.

(6) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General, by Order in Council.

10 **15. Certificates of competency**—(1) Section 19 of the principal Act is hereby amended by inserting in subsection (1A) (as enacted by section 4 (1) of the Shipping and Seamen Amendment Act 1964), after paragraph (d), the following paragraph:

15 “(dd) Service certificates of like effect to the appropriate certificate of competency as first-class diesel trawler engineer or second-class diesel trawler engineer to persons who at the commencement of the Shipping and Seamen Amendment Act 1964
20 had served as engineer of a fishing boat for such period as is specified in the regulations:”.

(2) Section 19 of the principal Act is hereby further amended—

25 (a) By inserting in paragraph (c) of the said subsection (1A), after the words “coastal fishing boat”, the words “or certificates of a higher grade”:

(b) By omitting from paragraph (d) of the said subsection (1A) the words “two years”, and substituting the words “five years at sea of which at least two years
30 were served”.

(3) This section shall come into force on the date of the commencement of section 4 of the Shipping and Seamen Amendment Act 1964.

35 **16. Certification of fishing deck-hands**—(1) Section 50A of the principal Act (as inserted by section 5 of the Shipping and Seamen Amendment Act 1964) is hereby amended by adding to subsection (1) the following proviso:

40 “Provided that the regulations may authorise the grant of a certificate thereunder to any person, notwithstanding that he has not complied with the conditions as aforesaid, if he shows, in such manner as may be prescribed by the regulations, that he was serving on a fishing boat in a capacity

equivalent to that of a qualified fishing deck-hand, or in an equivalent or superior deck rating, on a date specified in the regulations, or had so served at any time before that date.”

(2) The said section 50A of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection: 5

“(1A) For the purpose of granting certificates of competency as qualified fishing deck-hand to persons desirous of obtaining them, examinations may be held by such Examiners as the Minister from time to time appoints; and the Examiners shall adhere strictly to the requirements of regulations made pursuant to this section.” 10

17. Seamen engaged outside New Zealand and discharged in New Zealand for purposes of joining another ship— Section 67B of the principal Act (as inserted by section 8 of the Shipping and Seamen Amendment Act 1963) is hereby amended by inserting, after subsection (5), the following subsection: 15

“(5A) Where any such seaman, having joined the ship of transfer pursuant to this section, deserts or absents himself without leave from that ship before she leaves her last port of call in New Zealand on that voyage, the provisions of section 158 of this Act shall apply as if he had been engaged on the ship of transfer elsewhere than in New Zealand.” 20

18. Safety Convention oil tankers may be exempted from certain provisions—The principal Act is hereby further amended by inserting, after section 185, the following section: 25

“185A. (1) This section applies to oil tankers, being Safety Convention ships but not being New Zealand ships, when engaged in the home trade solely in carrying oil cargo in bulk or in proceeding in ballast from a port in New Zealand to another port in New Zealand. 30

“(2) The Minister may from time to time, upon such terms and conditions as he thinks fit, exempt any specified ship to which this section applies, or the owner, master, and crew thereof, from all or any of the provisions of this Part of this Act applying to home-trade ships. 35

“(3) Before first granting any exemption under this section, the Minister shall consult with such organisations as appear to him to be representative of owners of ships engaged in the home trade and of seamen employed in the home trade as to the general principles to be observed in granting such exemptions and the terms and conditions upon which such exemptions are to be granted. 40

“(4) Every exemption granted under this section shall continue in force for such period, not exceeding six months, as the Minister specifies:

“Provided that the Minister may, if he thinks fit, grant an extension of any such exemption for such period, not exceeding three months, as he thinks fit.

“(5) An extension of any exemption granted under this section may be granted, notwithstanding that the exemption has expired, provided application for the extension is received by the Secretary before the date when the exemption would expire. On any such extension being granted, the exemption shall be deemed always to have been in force:

“Provided that nothing in this subsection shall be deemed to authorise the granting of any extension beyond the period of three months after the date on which the exemption would expire.

“(6) No exemption shall be granted under this section in respect of the same ship more than once in any period of twelve consecutive months.

“(7) The Minister may, by notice in writing to the master or owner or charterer of the ship or to the agent of the owner or charterer, modify or revoke any exemption granted under this section.

“(8) Where an exemption is granted under this section in respect of any ship, the owner or charterer of the ship shall, forthwith after the expiration of the period of exemption (including any extension of that period), notify the Secretary, in a form required by the Secretary, of the amount of oil carried by that ship in the home trade during that period; and if he fails to do so he commits an offence against this Act.”

19. Extension of certificates—Section 226 of the principal Act is hereby amended by inserting in subsection (1) (as substituted by section 45 (1) of the Shipping and Seamen Amendment Act 1959), after the words “The Secretary”, the words “or any Surveyor of Ships authorised by the Secretary, either by name or as the holder for the time being of any specified office in the Department,”.

20. Survey of fishing boats—Section 246 of the principal Act is hereby amended by adding the following subsections:

“(4) Where application is made for a first certificate of survey in respect of a fishing boat to which an Order in Council made pursuant to the first proviso to paragraph (a) of subsection (2) of this section applies, and a Surveyor of Ships is satisfied that survey facilities are not available to enable the fishing boat to be surveyed immediately, or for other sufficient cause, he may, by notice in writing to the owner, exempt the fishing boat from survey for such period, not exceeding twelve months from the date of the notice, as is specified therein. 5 10

“(5) Where any fishing boat is exempted from survey pursuant to subsection (4) of this section, the owner for the time being shall make the fishing boat available for survey on such date before the expiration of the period of exemption as is specified by notice in writing given to him by a Surveyor of Ships, and, if the owner fails to do so, a Surveyor of Ships, may, unless he is satisfied that the owner had reasonable cause for the failure, revoke the exemption by notice in writing to the owner.” 15 20

21. Authority of Receiver of Wreck—Section 342 of the principal Act is hereby amended by inserting in the proviso to subsection (5), before the words “the investigation of aircraft accidents”, the words “rescue operations involving aircraft or”. 25