

Hon. Mr. O'Brien

SHIPPING AND SEAMEN AMENDMENT

ANALYSIS

Title.	2. Hours of work for seamen.
1. Short Title and commencement.	3. Safety rules for small craft.

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. (1) This Act may be cited as the Shipping and Seamen Amendment Act, 1946, and shall be read together with and deemed part of the Shipping and Seamen Act, 1908 (hereinafter referred to as the
10 principal Act).

(2) This Act shall come into operation on the day on which His Majesty's assent thereto is notified by the Governor-General by a Proclamation published in the *Gazette*, or on such later date (being not later than
15 three months after the date of the publication of the Proclamation as aforesaid) as is specified in that behalf in the Proclamation.

Hours of work
for seamen.

2. (1) For the purposes of this section, unless the context otherwise requires, "hours of work", in relation to any seaman in any ship, means time during which the seaman is required by the orders of a superior to do any work on account of the ship or the owner, or to be at the disposal of a superior outside the seaman's quarters. 5

(2) Subject to the provisions of this section, the following provisions shall have effect with respect to every seaman employed as a member of the crew of any ship where the agreement with the crew has been made in New Zealand or where the ship is of less than twenty-five tons registered tonnage and is exclusively employed in trading between different ports on the coasts of New Zealand:— 10 15

(a) The normal hours of work of the seaman, whether at sea or in port, shall not exceed eight on any day or forty in any week:

(b) Where the master deems it necessary he may order the seaman to work during hours of work in excess of the normal hours of work hereinbefore prescribed: 20

(c) Where by reason of any such order of the master the actual hours of work of the seaman exceed the normal hours of work hereinbefore prescribed, the seaman shall be recompensed for the excess (whether by payment at a higher rate than for the normal hours of work, or by the allowance of time off on pay, or otherwise) in such manner as may be prescribed by an award or industrial agreement made under the Industrial Conciliation and Arbitration Act, 1925, or by an agreement filed pursuant to section eight of the Labour Disputes Investigation Act, 1913, or (where no provision of any such award or agreement applies) in such manner as may be prescribed by an order of the Court of Arbitration made on the application of any party concerned. Section four of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, is hereby extended so as to empower the Court to delegate under that section any of its powers and functions under this paragraph. 25 30 35 40 45

See Reprint
of Statutes,
Vol. III,
pp. 939, 1021

1937, No. 10

(3) Time spent in the following work shall not be included in computing the normal hours of work or be the subject of recompense under paragraph (c) of the last preceding subsection, namely:—

- 5 (a) Work required by the master for the safety of the ship when in immediate peril:
(b) Work required by the master for the purpose of giving assistance to other vessels or persons in immediate peril:
10 (c) Musters, fire, lifeboat, and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force:
15 (d) Normal and necessary work by officers for the determination of the position of the ship and for making meteorological observations:
(e) Work required for the normal relieving of watches.

(4) This section shall not apply with respect to any 20 of the following persons:—

- (a) Medical practitioners:
(b) Persons engaged exclusively for nursing or hospital duties.
(5) This section shall not apply with respect to:—
25 (a) Sailing-ships over one thousand tons register:
(b) Any ship for the time being exempted as herein after provided.

(6) The Governor-General may from time to time, by Order in Council, exempt any ship or class of ships 30 from the provisions of this section.

3. (1) Without limiting the general power to make rules and regulations conferred on the Minister by section seven of the principal Act, it is hereby declared that the Minister may from time to time make such 35 rules as he deems necessary or expedient for ensuring the safety of ships that are not subject to the provisions of the principal Act relating to survey, and, in particular, for all or any of the following purposes:—

- (a) Providing for the inspection from time to time 40 of any such ships:
(b) Requiring any such ships to have on board when proceeding to sea such equipment for preserving life at sea as may be prescribed by the rules:

Safety rules
for small craft.

See Reprint
of Statutes,
Vol. III, p. 344

(c) In the case of any such ships that are registered as fishing-boats under the Fisheries Act, 1908, prescribing qualifications for the master, and prohibiting the taking of any such boat to sea unless a qualified person is in charge thereof. 5

(2) Different rules may be made under this section in respect of different classes of ships, or in respect of the same class of ships in different circumstances.