



ANALYSIS

Title
1. Short Title

2. Reference to conciliator of question
concerning inter-island rail-ferry
service

1970, No. 4

An Act to amend the Shipping and Seamen Act 1952

[8 July 1970]

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

1. Short Title—This Act may be cited as the Shipping and Seamen Amendment Act 1970, and shall be read together with and deemed part of the Shipping and Seamen Act 1952 (hereinafter referred to as the principal Act).

2. Reference to conciliator of question concerning inter-island rail-ferry service—Whereas the sailing of the ships *Aramoana* and *Aranui* on the inter-island rail-ferry service has been prevented: And whereas it is expedient in the public interest that there be referred to a conciliator forthwith for decision the question as to the steps that should be taken to ensure the sailing of both ships without delay (that matter and such other matters as the conciliator considers to be incidental thereto being hereinafter together referred to as the said question): Now Therefore Be it Enacted as follows:

(1) The Secretary shall forthwith refer the said question to a conciliator to be agreed upon between the New Zealand Merchant Service Guild Industrial Union of Workers and the New Zealand Seamen's Industrial Union of Workers.

(2) The Secretary shall, by notice in writing to each of those organisations, require them to notify him of the conciliator agreed upon for the purposes of this section. If notice in writing agreeing upon a conciliator is not received by the Secretary from each organisation within 48 hours after the first-mentioned notice has been given to each of them, then, notwithstanding anything in subsection (1) of this section, the Secretary shall refer the question for decision to a conciliator appointed by the Minister.

(3) The conciliator to whom the said question is referred shall hear and decide the question, and, subject to the provisions of this section, the procedure at any such hearing shall be such as he in his sole discretion considers suitable:

Provided that at the hearing of the said question the rules of natural justice shall be complied with and the conciliator shall give to every maritime organisation and to the Union Steamship Company of New Zealand Limited (hereinafter referred to as the company) a reasonable opportunity of attending or being represented at the hearing and of giving evidence and making representations and shall hear all relevant evidence given and all relevant representations made by or on behalf of any maritime organisation or the company.

(4) For the purposes of hearing and determining the said question, the conciliator shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 2 and 4A and 13 to 15, shall apply accordingly.

(5) The conciliator may receive evidence notwithstanding that it would not be admissible in a court of law.

(6) The decision of the conciliator on the said question may specify the action to be taken by any maritime organisation or the company for the purpose of giving effect to that decision and ensuring that the sailing of the said ships is not prevented or impeded, whether or not that organisation or the company appeared at the hearing.

(7) The conciliator shall record his decision on the said question, together with his reasons therefor, in a document under his hand and that document shall be admissible in evidence without proof of his signature. The Secretary shall cause a copy of that document to be given in the manner specified in section 507 of the principal Act to every maritime organisation and to the company, whether or not that organisation or the company appeared at the hearing.

(8) The decision of the conciliator on the said question shall be final and binding on and be complied with by every maritime organisation, and the company, and the master of and every other officer and every seaman belonging to either of the said ships.

(9) Every person commits an offence who fails to comply with or does any act in contravention of or likely to prevent or hinder compliance with any decision of the conciliator under this section.

(10) Where any maritime organisation commits an offence against this section, every person holding any office in the organisation shall be deemed also to have committed the offence, unless he proves that the offence occurred without his knowledge or that he did everything in his power to prevent the commission of the offence.

(11) If the company commits an offence against this section, the manager and every director of the company shall be deemed also to have committed the offence, unless he proves that the offence was committed without his knowledge or that he did everything in his power to prevent the commission of the offence.

(12) Where any person holding any office in any maritime organisation commits an offence against this section, that organisation shall be deemed also to have committed that offence.

(13) Where the manager or any director of the company commits an offence against this section, the company shall be deemed also to have committed the offence.

(14) Every person who commits an offence against this section is liable on summary conviction—

- (a) In the case of an individual, to a fine not exceeding \$100 and, where the offence is a continuing one, to a further fine not exceeding \$20 for every day on which the offence has continued:
- (b) In the case of a body corporate, to a fine not exceeding \$2,000, and, where the offence is a continuing one, to a further fine not exceeding \$200 for every day on which the offence has continued.

(15) In this section, the term “maritime organisation” means—

- (a) The New Zealand Merchant Service Guild Industrial Union of Workers:

- (b) The New Zealand Institute of Marine and Power Engineers Incorporated:
 - (c) The New Zealand Seamen's Industrial Union of Workers:
 - (d) Federated Cooks' and Stewards' Union of New Zealand Industrial Union of Workers.
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This Act is administered in the Marine Department.
