

Summary of comments received on Merchant Shipping Amendment Bill, 2013 published in Government Gazette No. 574 of 3 April 2013 (General Notice No. 340 of 2013)

Commentator: BOWMAN GILFILLAN

Clause	Comment/Input	DoT response
<p>Clause 1</p>	<p>Definitions Proposed amendment for the substitution of the word “seafarer for seaman” in the definitions.</p>	<p>Input rejected and the word seaman was substituted for seafarer wherever it appears in the Act because seaman was not gender sensitive. Cabinet supported the view</p>
<p>Clause 7</p>	<p>(a) Suggested insertion of the following definitions: i. South African Ship ii. Fishing Vessel 102(3) iii. Maritime Labour Convention</p>	<p>All the definitions as suggested were taken into account and were effected in in the definitions. Input taken into account</p>

Clause 7	The typo was corrected as suggested in 102 (1)	Input taken into account
Clause 7	Suggested re-wording of section 102 (3) (f)	The section was re-worded to be reader friendly
Clause 7	Suggested a re-wording of section 102(3)(i) to read " the amount of a seafarer's entitlement to annual or, where applicable, the formula used to calculate annual and the remuneration payable during that period of leave"	Comment taken into account and effected as suggested
Clause 7	The proposed amendment of the substitution of the word " ship-owner" for the word " owner"	The input has been considered and the word " owner" was maintained and used throughout the Act
Clause 7	Suggested the substitution of the word " pay" for the word "remuneration" in section 102 (5) (a)	The input has been taken into account and effected as suggested
Clause 7	Suggested the rewording of section 102 (5)(b)	The input has been taken into account
Clause 8	The proposed amendment that the words " wholly engaged in plying between ports in the Republic" in this section be retained	The comments were taken into account and the words were retained
Clause 9	Suggested consequential amendment and substitution of the word "South Africa Ship" for the " South African Ship" in section 111	The inputs were taken into account and effected.

Clause 9	Suggested rewording of section 111A(1) and 111A(3)	Comments was taken into account but was made clearer by the State Law Advisor without losing the meaning of the comment
Clause 14	Proposed amendment in section 121 that improves the wording of the previous provision has been taken into account.	The input was taken into account
Clause 15	Proposed amendment to update repealed Acts like the National Welfare Act of 1978 (Act No. 100 of 1978) substituted with the Advisory Board on Social Development Act, 2001 (Act No. 3 of 2001) Suggested the rewording of sections 130 (2) and 130 (6)	The inputs taken into account and effected.
Clause 18	.(a) They suggested the re-wording of section 158A (1); (b) The proposed amendment in 158A(2)(a) the deletion of the word “ consolidated” was effected; (c) The proposal that Maritime Labour Convention and Work in Fishing Convention be defined; (d) Suggested that the Maritime Labour Convention and Work in Fishing Convention have force of law in the Republic has been effected in section 356bis Clause 28 ; and	The inputs were taken into account.

<p>Input taken into account and the seafarer can escalate the matter to the Authority</p>	<p>(e) Bowman and Giffillan suggested that in the event the seafarer's compliant to the master remains unresolved, it should be escalated</p>	<p>(a) Proposed amendment in section 162 (1) that we reduced the number of complaints mechanism from three to two is not correct we have only amended the three complaints procedures and they are still three; (b) Reference to "seaman" has been changed to "seafarer". (c) Reference to "apprentice-officers" was deleted; (d) words in plural were changed.</p>
<p>The inputs were taken into account</p>	<p>Clause 19</p>	

Commentator: SAMSA

The Bill was developed with Officials from SAMSA and their comments were incorporated in the Bill as we were drafting the Bill from the initial stages to the final draft Bill that was submitted to Cabinet for approval.

Commentator: NEDLAC

Clause	NEDLAC report is attached and marked as Annexure A.	
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Commentator: Cabinet

Clause	Cabinet recommended that the expression “ seaman” be deleted and be replaced with the expression “ seafarer” consistently in the Bill	The proposed amendment by Cabinet was effected wherever the word seaman occurs in the Act.
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